



CENTER FOR
FOOD SAFETY

March 16, 2016

U.S. Senate
Washington, D.C. 20510

Is the Senate about to pass a law that discriminates against over half of America?

Dear Senator:

Center for Food Safety urges you to vote no on S.764. The revised Dark Act, sponsored by Senator Roberts (R-KS), has been introduced as an amendment to S. 764, and would preempt the laws of Vermont, Connecticut, Maine and Alaska that call for the labeling of genetically engineered (GE) food and substitute an unconscionable, discriminatory alternative. Polls show that close to 90% of Americans want to know about whether the foods they purchase were produced using genetic engineering through a clear, on-package labeling disclosure. But Monsanto and the major chemical and food companies now facing the Vermont labeling law labeling deadline and are doing everything they can to undermine the American people's right to know about their food. So even though 64 countries around the world have GE labeling, and the U.S. companies have to label in those countries, they have [spent well over one hundred million dollars](#) to halt it here in the U.S, in the first six months of 2015 alone, according to federal lobbying disclosure reports. Now they have gone to the Senate and pushed a bill that rescinds the states' labeling laws, and bans any future state labeling laws, and substitutes instead only a voluntary labeling scheme that allows this labeling to be through QR codes, websites and call in numbers rather than on package labels.

We urge you to oppose S. 764 because:

1. "Labeling" through QR codes, websites, and social media is inherently discriminatory

Studies show that half of low-income people do not even have smartphones. Almost half of rural people do not own smart phones. Minorities are a disproportionate percentage of low-income and rural Americans. Two-thirds of the elderly do not own smart phones. In fact only [64 percent of Americans](#) own a smart phone. Electronic disclosure is inherently discriminatory against all of these demographics. Moreover, smart phones and data plans are expensive and nearly half of those who have smart phones have had to cancel or shut off their cell phone service for a period of time because the cost of maintaining that service was a [financial hardship](#). Even those who have the phones and service plans are not guaranteed [consistent access to the internet](#), and far fewer than that have ever used a QR code—[only 16% have ever scanned a QR code and only 3% of those people do it regularly](#). So S.764's scheme to allow a voluntary labeling based on QR codes is on its face discriminatory against the poor, the rural, minorities, the elderly and other groups less likely to own a smart phone or know how it is used. But the

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chemical and “big food” lobby is very powerful and has influenced many Senators to hide what is in our food from tens of millions of Americans because of special corporate interests.

2. Electronic labeling disclosures puts an undue burden on the shopper

Assuming your constituents have smart phones, the appropriate apps and the knowledge of how to use this technology, do they have the time to look up every single item they want to know more about? Conventional labeling is simple, quick and effective. QR codes, websites and 1-800 numbers are not. Corporations have calculated that excluding those Americans that do not have or know how to use smart phones, plus those that cannot spend the considerable extra time for the burdensome QR code, website or 800 numbers will equate to a small percentage of shoppers who are actually informed about whether their food is genetically engineered. Hopefully the Senate will realize that their duty is to allow all of the public the right to know and not to come up with pseudo-solutions that favor the biotech industry’s continuing drive to keep us in the dark.

3. QR codes raise privacy concerns

Proposals to use QR code technology in lieu of on-package labeling also raise serious questions about the privacy of consumer data. There are many questions that are concerns for constituents: What data would be exchanged and how might companies be able to use that data? For instance, would a company be able to determine which customers are viewing their products through QR codes, website, or capture their phone numbers when calling an 800 number? Could they use that data to target consumers through advertising? Would any personal data be exchanged? The government thus far has a poor track record protecting consumer data and curbing the massive marketing machines of the food industry. This system only opens consumers up to further exploitation.

4. Tech-based solutions set a dangerous precedent

Are QR codes, websites, and 800 numbers the way constituents want food labeling to be done in the future? Whether a product is GE or not is just one of many disclosures that could be moved to smart phones or other technologies and away from clear, on package labeling. Electronic disclosure for GE food information could set a dangerous and misguided precedent. This discriminatory, burdensome and privacy invasive technology should not become the norm. S.764 is therefore not a part of the solution to GE food labeling but rather part of the problem. It is an unacceptable, discriminatory bill that allows corporations to continue to prevent Americans from getting the information they need to make informed choices about the food they buy and feed their families and that is why we urge you to oppose it.

Sincerely,



Andrew Kimbrell
Executive Director
Center for Food Safety