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PO Box 52
Holland Park Q 4121

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The Officer-in- Charge
Regulation of Agriculture
Productivity Commission
Locked Bag 2
Collins Street East
Melbourne Vic 8003

Dear Sir/Madam

GM Food Labelling and Government Bullying

I am a belated forayer into the Commission's GM battlefield. While I am too late for a formal submission, you may find the following of interest, given I have extensive experience in GT (Genetic Technology) food mislabelling. As a result of my complaints to the ACCC about the CSIRO development BARLEYmax, Coles Ltd withdrew the product from their shelves, and Woolworths changed its labelling.

Some of my concerns about GM and GT relevant to the Commission's draft report are contained in the enclosed copy of my letter to the editor of the *Australian Financial Review*. I have no doubt his editorial was largely written for him by what I call the pro-GM establishment, and it is obvious this same group has largely written the GM sections of Commission's draft report and recommendation that mandatory labelling of GM food be ended.

The Commission's report exhibits the characteristic fingerprints of the pro-GM establishment, that is, a glaring preponderance of biases, distortions, deceptions, cherry picking, evasions, generalisations and omissions with an underlying pervasive sneakiness. These were evident in the GM sections of earlier government food initiatives including the *Review of Food Labelling Law and Policy of 2011* and the *Australian Food Plan*.

Of the numerous biases and distortions etcetera I have identified in the draft report, I have selected four:

Example 1

Under the heading *Food safety assessments for GM food* (Box 6.5, page 230) the Commission states:

To date, gene technology has not been shown to introduce any new or altered hazards into the food supply . . .

To support this claim, the draft report cites extracts from reports of the US Food and Drug Administration (FDA), the WHO and the OECD. The FDA extract states:

. . . credible evidence has demonstrated that foods from the {genetically engineered] plant varieties marketed to date are as safe as comparable, non-GE foods. (2015a).

The Commission has ignored all information to the contrary. It is probably correct that some GM foods are "safe" (at least relative to other foods), but history shows it is untrue to claim they are *all* safe. I have referred to a few cases in my letter to the editor of the *AFR*. Of particular concern is the Showa Denko L-tryptophan disaster (dubbed the "thalidomide of GM"). This was not a "plant variety", but a food supplement made from a GM yeast, which reputedly killed about 120 people and incapacitated thousands, many permanently.

However, some mystery lingers with this case. It was never conclusively proven that the GM yeast was responsible because Showa Denko destroyed all the evidence. This was an opportunity for the FDA to demonstrate its primary responsibility of looking after the safety of the public. Instead, in order to protect the fledgling biotech industry, it ran for its life. It should have forced Showa Denko to reproduce the yeast so that a thorough investigation could identify the toxin in the contaminated L-tryptophan. But the FDA realised that if the GM yeast was responsible, that could well be the end of the biotech industry. It couldn't have abrogated its responsibility in the US without a massive outcry, but fortunately Showa Denko was a Japanese company outside US jurisdiction. The media around the world was fed an explanation that the company's filtration was responsible, but this was discounted by a Showa Denko scientist in a US court. Most citizens are unaware of the case, because it has been suppressed by the media under heavy pressure from the pro-GM establishment.

The GM section of the FDA is widely perceived in the US as the regulatory arm of Monsanto, with senior Monsanto executives appointed to run it. Next month, Monsanto will be flung before a court in the Hague charged with "pressuring regulators and governments, lying and corruption, fixing scientific results, bullying independent scientists and manipulating the news media". If any of these are proven, we can expect more media suppression. Suppression of negative GM information has allowed the "no credible evidence" line to achieve immortality.

Though a tragedy, the thalidomide drug disaster had an upside. Regulation improved and drug companies learned something. The airline industry is an even better example. With the De Havilland Comet and DC10 behind us, air safety is verging on the unbelievable. This has been due to the instant headline glare of publicity following crashes, the diligence and impartiality of safety inspectors and the willingness of governments to act as best they can in the public interest.

The history of the GM industry indicates it works in the opposite way. Of all the mountain of evidence which negates the Commission's safety contention, two works stand out:

The opening sentence of Amazon's precis of Stephen M. Drucker's recent book *Altered Genes, Twisted Truth* is:

This book uncovers the biggest scientific fraud of our age.

Testimonials from a number PhDs in molecular biology and genetics are provided.

An earlier work is Jeffry M. Smith's book *Seeds of Deception* subtitled *Exposing Industry and Government lies About the Safety of Genetically Foods You're Eating*, an international best seller reprinted numerous times. The precis on the back states:

This explosive expose reveals how industry manipulates and political collusion - not sound science - allow dangerous genetically engineered food into your daily diet. Company research is rigged, alarming evidence of health dangers is covered up, and intense political pressure is applied.

As far as I am aware, Smith's meticulously documented facts have never been challenged by pro-GM exponents. A favourite term of the pro-GM establishment is "evidence based science", yet when the "evidence" doesn't suit their predetermined position that all GM food is safe, they immediately respond by attacking respected scientists who reveal contrary "evidence", and muzzle the media, as Smith demonstrates. The whole Australia media, comprising print, radio and TV put up a solid wall to prevent my exposure of the truth about the deceptive and untruthful advertising of BARLEYmax. But now the chickens are coming home to roost. I consider the cowardly silence of the mainstream Australian media and the impotence of the politicians I contacted to be contributing factors for the impending trashing of our basic right to choose the food we eat.

Example 2

Under the heading *Can GM and non-GM production systems co-exist?* (pages 233 - 234), the Commission showcases in highlighted box 6.7, the highly publicised bitter legal battle between organic canola farmer Steve Marsh and his GM canola neighbour, where Mr Marsh was stripped of his organic certification due to contamination from his neighbours farm. He lost his case for compensation, and an appeal to the WA supreme court was rejected.

Not mentioned was the Bayer contamination case in the US. Bayer agreed to pay USD 750 million to about 11,000 U.S. farmers because a strain of the company's GM rice tainted crops and ruined their export value.

Why didn't the draft report provide a similar highlighted box for the Bayer case directly underneath the Marsh case? Then the Commission could have demonstrated a commitment to balance, rather than parade the right of Australian GM farmers to contaminate their non-GM neighbours crops with impunity, and consequently destroy their livelihoods. Of course, the Marsh case will be the legal precedent for future cases. One wonders how Mr



Marsh's case would have fared in the US, where show trials are less common and the aggrieved are taken seriously.

Example 3

Page 239 of the draft report contains the statement:

Governments [through their agencies] are uniquely placed to provide *information* (my italics) about GM technologies.

Please find included my BARLEYmax Analysis which details an extraordinary web of trickery and deceptions which resulted in an unfair financial gain for the CSIRO. The *Gene Technology Act 2000* and independent exemptions are confusing and fooled my patent attorney. FSANZ allows its Standard 5.2.1 Division 2 - 4 to be truncated so the scope of GM labelling looks more broader than it really is, and this is employed in the draft report's opening paragraph under the heading *Mandatory labelling of genetically modified foods* (page 361) . Missing is the overriding restrictive definition of gene technology lurking in Division 1. My research indicates "information" is little more than a euphemism for deceitful and untruthful pro-GM propaganda.

Example 4

Under the heading *Community concerns about gene technology*, the Commission acknowledges on page 238 that:

Concerns within the community about the health and safety of GM foods are widespread and are not insignificant.

However, under the heading *The Commission's view*, (page 363) we are informed that:

GM labelling is a consumer value rather than a food safety issue.

Given the former statement, the latter statement is not the voice of the consumer, but the voice of the Commission speaking on behalf of the consumer. In other words, the thought police. Nor does the Commission define "value", but hides behind gobbledygook.

Rationale

On page 362 of the draft report we learn the rationale for removing the mandatory labelling of GM food:

Consumers hold varying beliefs about the health and safety of GM foods, and may prefer to not to purchase GM foods based on these beliefs. However, it is difficult to justify a mandatory labelling regime on the basis of providing information to address these concerns, given that approved GM foods have been assessed by regulators to be as safe as conventional food.

Speaking for myself, I think most GM food is probably no more harmful than other substances I ingest including alcohol and well-done steaks, but that is not the point.

I couldn't care less if cows brains are scientifically proven to be "safe"; if I don't want to eat them, that's it: full stop. And if I don't want to eat GM food because it has the same initials as General Motors and I had trouble with a General Motors car, that's my call, and my call alone. It has nothing to do with the commission, the pro-GM establishment, or anyone else. But if I *do* want to know exactly what I am eating, I don't want to be left in the dark by lack of information on a packet or wrapping at the point of sale. Transferring the labelling from what a product *is* to what it *isn't* represents a cowardly attempt to deflect responsibility, and works on the cynical, but valid assumption that if consumers don't know they're eating GM food, they're less likely to object. An analogous argument is that battery eggs should be labelled but free range eggs shouldn't. Very few consumers would accept that. Incidentally, in contrast to the Commission's GM sections, the egg-labelling components of sections 5 and are quite balanced.

The bottom line is, I make decisions about what goes down my throat, and my decisions don't have to be "informed", or even rational. I am entitled to my personal preferences for whatever reason, and I am entitled to a label on the product at the point of sale regardless of whether I read it or not. I want that option and I'm sure most consumers do as well, but the Commission wants to deny our fundamental right of choice. The bold heading on page 362 *GM Labelling is a consumer value issue* is completely wrong. It's *exclusively* a right of choice issue. If the Commission wants to eliminate right of choice, why not do it comprehensively? For example, if "regulators" could prove various foreign foods were as "safe" as Australian equivalents, then, according to the Commission's logic, *Country of Origin Labelling* can be removed as well. Come on, commissioners! Show some consistency and see how consumers react!

Can the real reason stand up?

Given the history of the pro-GM establishment in Australia, one strongly suspects the Commission's draft report with recommendations has little, if anything to do with improvements in agricultural "productivity" through the removal of regulation. The highly probable aim is to help off-load the CSIRO's largely unsalable stockpile of GM developments onto Australian consumers by stealth, and as quickly as possible. Satisfied that GM foods have been proven to be safe (refer my Example 1), on page 230 we learn:

. . . FSANZ does not consider that long term [safety] studies are generally needed to ensure the safety of GM foods

As the Commission has implied, the label "GM" on a food is a kiss of death, or as Norman Bradsick, president of Asgrow Seed Co, a Monsanto subsidiary, succinctly put it:



If you put a label on a label on a genetically engineered food, you might as well put a skull and crossbones on it.

The only way the CSIRO and others can get around this is to destroy mandatory GM food labelling with the Commission's assistance. If the CSIRO were to market its omega-3 enhanced canola oil made by splicing the genes of a marine organism into the gene of the canola plant, and labelled it "GM" with a detailed explanation of how it was made, sales figures would be very interesting. Obviously, sales of an unlabelled product would be much higher.

Unvisited Implications

In the Commission's eagerness to appease its pro-GM mentors, it has overlooked a vital consideration - the frightening collapse of faith in elected governments and public institutions around the world, Australia not excepted. The following is from John Keane's highly acclaimed work *The Life and Death of Democracy*:

Imagine: democracy as we know it is ruined in fits and starts by contempt for parties, politicians and parliaments, anti-American sentiments, nationalism, fake democrats, perhaps also by fear and violence, unimpeachable cross-border institutions, market failures, deepening social inequality, fatalism and disgust for the hypocrisy of whatever remained of democratic ideals and institutions.

Sound familiar? Sadly, we no longer have to imagine. It appears many, if not most, citizens around the world have woken up that democratically elected governments don't represent the citizens who elect them, but pander to vested interests, pressure groups and lobbyists. The Commission's report and recommendations are a prime example.

What do you think will happen if compliant legislators rubber stamp the Commission's recommendations? (which I suspect will be the most likely outcome). Will the nearly 60% of Australians who are "uncomfortable" with GM be grateful their right of choice has been completely trashed? Or will they be further alienated, resentful and angry, or sink into "fatalism and disgust . . ." (like myself) that the government supported pro-GM juggernaut with access to ample tax payer funds has secured a monumental victory over them? Can the members of the Commission be so naive as to think it won't matter? Do they know what a pyrrhic victory is? I suggest they ponder the end result of a continuing collapse of respect for government and its institutions, accompanied by mounting public distrust, rancour and antipathy. It's anarchy.

Conclusion

To its credit, the media has identified bullying an important social issue, and the highlighting of distressing cases has touched the hearts of fair minded citizens. Government authorities have responded with laws to help minimize bullying in the workplace and schools.



It is therefore appropriate and timely for government to examine its own role in bullying citizens, or become the target for a charge of craven hypocrisy. It is said bullies are cowards. Other unattractive characteristics are arrogance, lack of honour and contempt for the feeling of others. The seminal sentence in the Commission's draft report (page 339) says it all:

The case for mandatory labelling of genetically modified (GM) food is weak.

Buttressed by Bismark's maxim "Might is Right" and Machiavelli's infamous paraphrased truism "The ends justify the means" the Commission has advocated our basic right to choose the food we eat be trampled under the jack boots of the pro-GM establishment. *Realpolitik* lives!

Whatever happened to *Advance Australia Fair*?

Yours sincerely

John Petty

PS. This letter is not confidential. Please feel free to send copies to whom ever you like, including the Commission's pro-GM mentors. They are well aware of myself.

PPS. Would you like a copy of my book I mentioned in my letter to the editor of the AFR? It is currently with my editor.