

RESPONDING TO OPPOSITION ARGUMENTS

Don't fall into the trap of being defensive. Respond to their arguments in a sentence or two. Remember to consistently use our core messages:

- Consumers have the right to know what they're eating, just like consumers in 50 other countries. Why not us? It's a fundamental right.
- This is a David and Goliath battle. It's a People's Campaign of Moms, Dads, and Grandma's against pesticide and junk food companies who have already donated \$34 million to defeat this proposition.
- The opposition has no credibility: \$34 million can buy scientists, "experts", UC Davis professors, and ads, but it can't buy them facts. These are the same companies that brought us Agent Orange and DDT and told us they were safe. They supported labeling in UK but not here. They sue farmers for saving seeds and for contaminating their fields...**MORE TO THE POINT: THEIR MAIN MOTIVE IS SELLING SEEDS, PESTICIDES, & JUNK FOOD.** They know that if foods are labeled, consumers may steer away from genetically engineered foods. All of their arguments are designed to confuse this central point.

Argument 1. This bill will cost California families billions in extra food costs, families can expect \$400 or more extra per year in food costs if Prop 37 passes.

Background Info:

- **Disclosing the presence of genetically engineered ingredients on food labels will not force food companies to raise the cost of groceries.** In a [recent study](#) of the economic impact of Proposition 37, Joanna Shepherd Bailey, Ph.D., Professor at Emory University School of Law, concluded: "Consumers will likely see no increases in prices as a result of the relabeling required."
- In Europe, GMO labeling "did not result in increased costs, despite the horrifying (double-digit) prediction of some interests," according to [David Byrne](#), former European Commissioner for Health and Consumer Protection of the European Parliament.
- The 2 studies that show higher costs were BOTH funded by No on 37, including \$30K to UC-Davis professor who authored one of them.
- Food manufacturers change their labels every 6-12 months. With Prop 37 they have 18 months to change their labels and find non-gmo substitutes for their products if they choose.
- Many American food manufacturers already label GE ingredients in the same products on the US shelves but sold in Europe. In fact most US food companies don't use GE ingredients in the European version of their products because Europeans won't buy them.
- How easy - and how expensive - is it to source non-GMO ingredients? Anne Brown, senior manager of the food ingredients marketing group at Scoular, which claims to be the number one identity preserved non-GMO grain supplier in North America

says, "in some cases, it might even save you money." As for whether non-GMO corn, soy, sugar and other products are readily available, the answer is yes, given that many regions of the world - notably the EU - do not want to buy genetically engineered products and have strict labeling laws in place to which food manufacturers must adhere, she says.

- If farmers or manufacturers decide to shift to non-GMO crops because of consumer demand, well, isn't that the way capitalism is supposed to work? Producers are supposed to respond to consumers. On the other hand, if they think they can provide a good GMO product at a cheaper price----thanks largely to government subsidies-----then they'll do fine continuing to sell GMO products. Either way, it's their choice. Prop 37 doesn't ban GMO foods from being grown or sold.
- "Cheap" GMO food isn't really cheap. Between 1995 and 2010 American taxpayers paid \$260 billion (<http://farm.ewg.org/region.php?fips=00000>) in farm subsidies most of which went toward growing genetically engineered crops? Our hard earned tax dollars are benefiting Monsanto and other junk food companies who are spending \$34 million to defeat our right to know what is in our food.
<http://www.cbsnews.com/video/watch/?id=7392991n>

What to say:

There are no independent studies backing the opposition argument that costs of food will rise. In fact, one study concludes that Prop 37 will likely see **NO** increases in prices. 50 other countries already label and they did not experience a cost increase. Remember, this is just a label, and food manufacturers change their packaging every 6-12 months anyway. [Stacey, I recommend just ending it here. The rest is already captured above in case folks need it, & I don't think it's essential within a brief response. Shorter the better.]

Argument 2. The proposition is "deceptive", is written by trial lawyers and we should expect lawsuits like we did with Prop 65.

Background Info:

- The implied assumption behind the bogus argument is that companies will violate the same labeling law that they already follow in 50 other countries. Why would they?
- Food manufacturers already label for 3,000 ingredients, plus fat content, calories, etc. They already label them honestly, so we can assume they would continue to do so - and there would be no need for lawsuits.
- The proposition was co-written by manufacturers, distributors, food safety lawyers, consumer groups, farmers, and concerned citizens like you and me. It was put before grocers and independent certifying groups before filing. It is written to protect businesses by removing incentives for lawsuits.
- According to a [legal analysis](#) by James Cooper, JD, PhD, of George Mason University School of Law, Proposition 37 has been narrowly crafted in a way the provides "greater legal certainty" for businesses than other California consumer disclosure laws. It won't invite frivolous lawsuits.

- Whether the citizen lawsuit provision was included or not, anyone could sue if the food was fraudulently labeled.
- County and State attorneys are not employed to prosecute violators. In fact, Prop 37 uses citizen's action as the enforcement mechanism specifically to avoid the creation of a bureaucracy and the use of over-stretched government prosecutors.
- Proposition 37 requires advance notice of intent to sue and requires a cooling-off period of at least 30 days during which an alleged violator can correct the alleged violation. If the violation is corrected, the court will not allow a lawsuit to proceed and no punitive damages may be awarded. In fact, **Prop 37 has removed the monetary incentive to attorneys to file lawsuits in an attempt to extort large cash settlements, since corrective action is sufficient to halt the suit.** (There are no "bounty hunter" fees for lawyers like in Prop 65) LA Times: "Proposition 65 granted private attorneys a share of fines and penalties exacted from violators, making it more of a bounty system. Proposition 37 doesn't — **private attorneys can sue only to obtain injunctions, not penalties.** They can get their legal fees paid if they prevail, but a big score plainly doesn't exist.'
- Frivolous lawsuits not supported by scientific proof of GE ingredients may result in legal fees being awarded to the defendant.
- Foods only need to be labeled if growers/suppliers knowingly and deliberately included genetically engineered ingredients, so no one can get sued if their crops were inadvertently contaminated w/ GMOs from other fields.
- During the first five years, there is a clear, up to 5% allowance on GE ingredients.
- The retailer only has to have a sworn affidavit from their supplier that their product is non-GMO. As long as they have it, then they are off the hook.

What to say:

The implied assumption behind this argument is that American food manufacturers are dishonest and will choose instead to fraudulently label their products. But there's no reason to believe that. They already accurately label genetically engineered foods in 50 other countries, and they already label here in the U.S. for 3,000 other ingredients. Plus, there is no lawsuit incentive since there is a 30 day cooling off period to rectify any mislabeling problem before a lawsuit can even proceed.

Argument 3. Exemptions: They have no problem with labeling but our proposition has too many loopholes.

Background Info:

- If voters want to make this law stricter in future years, they can do so. This is a great start though. We'd be the first state to have any labels on genetically engineered foods, joining 50 other countries.
- If we had fewer exemptions---i.e. if the law were even stronger---the opposition would still not support it. In fact, they'd probably be spending more than \$34

million to oppose it. The notion that Monsanto and Coke don't like the exemptions is laughable.

- Certain exemptions were included for practical reasons to make the law easier to comply with and to ensure that it would pass and withstand legal challenges. The initiative was written to encompass the foods that people eat most frequently -- food on supermarket shelves. Exemptions include food sold in restaurants, alcohol and animals that have been fed genetically engineered feed.
- California law only allows one issue to be addressed by ballot propositions. Non GMO Livestock fed with GMOs, for example, are outside our ability to write into the prop.
- The opposition is trying to create doubt in voter's minds. This is about our right to know what is in our food.

What to say:

The exemptions are all common sense. The initiative was written to encompass the foods that people eat most frequently -- food on supermarket shelves. If we had fewer exemptions, Monsanto and Coca-Cola would be fighting even more actively against it. To imply the opposite is totally ridiculous. Also, California law only allows one issue to be addressed by ballot propositions, so livestock fed with genetically engineered feed, for example, would be considered a separate issue and therefore wasn't included. The opposition is just trying to confuse voters, because they don't want you to know what is in your food. Remember, these are pesticide and junk food corporations bankrolling our opposition..

Argument 4. Safety of GMOs

Background Info:

- "The AMA and World Health Organization find there is no difference between GMOs and regular foods." **TRUTH: None of these organizations has concluded genetically engineered foods are safe.** The [American Medical Association](#) and [World Health Organization/United Nations](#) have said mandatory safety studies should be required -- a standard that the U.S. fails to meet. Numerous studies in the scientific literature suggest genetic engineering is linked to [allergies and other adverse effects](#). Despite these scientific warnings, the U.S. federal government requires no safety studies for genetically engineered foods, and no long-term human health studies have been conducted.
- A [National Academy of Sciences report](#) concludes that products of genetic engineering technology "carry the potential for introducing unintended compositional changes that may have adverse effects on human health."
- A [growing body of peer-reviewed studies](#) links GMOs to allergies, organ damage, and other health problems. Even though genetically engineered foods have been on the market for more than 15 years, the first [long-term, peer reviewed health study](#)

on GMO corn was just released – linking GMO corn to mammary tumors, kidney and liver problems and premature death. More studies are urgently needed, but the US government does not require safety studies, despite the consensus of the [World Health Organization](#) and the [American Medical Association](#) that GMOs should undergo mandatory safety testing.

- The new long-term study highlighted the fact that we know very little about the long-term health consequences of a GMO-laden diet. It also raised this critical question: **Why are GMOs allowed in our food, without our knowledge, when it's clear that they have *not been proven safe*?** These findings underscore the importance of giving California families the right to know whether our food has been genetically engineered in a laboratory. While we wait for the science, let's label genetically engineered foods so we have the right to know and to choose for ourselves whether to take these risks.
- The No on 37 campaign resorts to relying on experts with such shady reputations.
- Agribiotech companies do not allow research. For a decade user agreements have explicitly forbidden the use of the seeds for any independent research. Under the threat of litigation, scientists cannot test a seed to explore the different conditions under which it thrives or fails. They cannot compare seeds from one company against those from another company. And perhaps most important, they cannot examine whether the genetically modified crops lead to unintended environmental side effects.
- Only studies that the seed companies have approved ever see the light of a peer-reviewed journal. In a number of cases, experiments that had the implicit go-ahead from the seed company were later blocked from publication because the results were not flattering. Selective denials and permissions based on industry perceptions of how 'friendly' or 'hostile' a particular scientist may be toward [seed-enhancement] technology.”
- It is unacceptable that Monsanto and the other GMO patent holders have been allowed to control and suppress scientific research.

What to say;

Remember that the same companies who are telling you GMOs are “safe”--- Monsanto and Dow---also told us that Agent Orange and DDT were safe. In fact, a [growing body of peer-reviewed studies](#) links GMOs to allergies, organ damage, and other health problems. And even though genetically engineered foods have been on the market for more than 15 years, the first [long-term, peer reviewed health study](#) on GMO corn was just released – linking Monsanto's GMO corn to mammary tumors, kidney and liver damage, and premature death. Since we don't know them to be safe, 50 other countries already require labeling. While we wait for more independent studies, let's label genetically engineered foods so we have the right to know and to choose for ourselves whether to take these risks.

Response to opponents list of arguments:

These arguments are the same discredited talking points of the pesticide, agribusiness and junk food corporations bankrolling the opposition campaign. The opposition campaign's two largest donors - Monsanto (\$7.1 million) and DuPont (\$4.9 million) - are the same companies that told us Agent Orange and DDT were safe. And now they're telling us GMO'S are too. And while Monsanto fights our right to know what's in our food here, it supports labeling of GMOs in Europe.

The Yes on 37 campaign was placed on the ballot by a volunteer army of concerned Californians that helped gather over a million signatures in just 10 weeks. This spring, the FDA received more than a million comments demanding that genetically engineered foods be labeled, more than any petition in the agency's history. And poll after poll has shown that approximately 90% of Americans (and Californians) agreed. 50 other countries already label their GE food.

The people want the right to know what's in our food - yet powerful interests with a long history of deceiving the public, endangering human health, and polluting our environment are trying to deny us this basic right.

Who are you going to believe?