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Media Contact: Richard Samp | 202-588-0302

## WLF Urges Vermont Attorney General to Address Liability Problems with GM Food Labeling Law Rules

*(Consumer Protection Rule 121 — Labeling Foods Produced with Genetic Engineering)*

**“Vermont’s law requiring labeling of food containing genetically modified ingredients is an unworkable ‘Frankenstatute’ that could lead to massive litigation every time food intended for shipment elsewhere finds its way into the state.”**  
—Richard Samp, WLF Chief Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) late yesterday urged Vermont’s Attorney General to substantially revise his proposed regulations designed to implement Act 120, Vermont’s new law requiring all foods containing genetically modified (GM) ingredients to include GM labeling. In formal comments filed with the Attorney General, WLF argues that, unless the implementing regulations are revised, food manufacturers could face massive—and unwarranted—tort liability.

WLF notes that the draft regulations leave the door open to class-action lawsuits on behalf of Vermont consumers who purchase improperly labeled food (with each consumer entitled to recover up to four times the purchase price), even when the manufacturer designated the food for sale in other states and local retailers (who are exempt from liability) brought the food into Vermont. WLF asks the Attorney General to issue regulations stating that Act 120 does not create a private right of action and that it is up to state officials to enforce the statute.

Vermont adopted its GM-food-labeling law in May 2014 but—anticipating First Amendment challenges to the statute—delayed its effective date until July 2016. A federal district court in Vermont is currently considering pleas, filed by food industry representatives, to enjoin enforcement of the law. The Attorney General is nonetheless going ahead with the drafting of implementing regulations. After filing its comments, WLF issued the following statement by Chief Counsel Richard Samp:

“Vermont’s law requiring labeling of food containing genetically modified ingredients is an unworkable ‘Frankenstatute’ that could lead to massive litigation every time food intended for shipment elsewhere accidentally finds its way into the state. Vermont’s Attorney General should prevent a litigation feeding frenzy by issuing regulations limiting private enforcement of the new law. The labeling requirement is highly questionable to begin with, given the absence of any material difference between food that contains GM ingredients and food that does not. There is no reason to compound Act 120’s folly by permitting the plaintiffs’ bar to pile on.”

*WLF is a national public interest law firm and policy center that regularly advocates in defense of free enterprise and against civil litigation rules that threaten to raise costs for consumers.*

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