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WLF Urges Court to Strike Down Vermont Law Requiring Labeling of Genetically Engineered Food

(Grocery Manufacturers Assoc. v. Sorrell)

“The First Amendment protects not only the right to speak but also the right not to speak. Food manufacturers whose products contain genetically engineered ingredients should not be required to display a scarlet letter on their products, in the absence of evidence that those ingredients raise any health concerns.”

—Richard Samp, WLF Chief Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) last evening urged the U.S. Court of Appeals for the Second Circuit to enjoin enforcement of the Vermont law that requires labeling of foods that contain genetically engineered (GE) ingredients. In a brief filed in *Grocery Manufacturers Assoc. v. Sorrell*, WLF argued that the labeling law serves no valid purpose and will simply raise unnecessary fears among consumers.

WLF noted that although GE ingredients involve the use of modern technology to develop new crop varieties, genetic engineering is largely indistinguishable in terms of its effects from age-old agricultural breeding techniques. GE ingredients are now ubiquitous; the vast majority of certain crops (such as corn and soybeans) are now genetically engineered. The mere fact that some citizens have an irrational fear of GE ingredients is not a reason to impose huge re-labeling costs on the food industry, WLF argued.

In April, a federal district court denied the plaintiffs’ request for a preliminary injunction against the Vermont law. WLF asked the appeals court to overturn that decision. It argued that the district court erred in concluding that businesses are entitled to fewer First Amendment protections against compelled speech than against restrictions on their own speech.

WLF argued that Vermont has failed to articulate any justification for its labeling requirement, other than a desire to satisfy the curiosity of Vermont consumers. WLF argued that such a desire is not sufficient justification for trampling on the First Amendment rights of food manufacturers.

After filing its brief, WLF issued the following statement by Chief Counsel Richard Samp: “The First Amendment protects not only the right to speak but also the right not to speak. Food manufacturers whose products contain genetically engineered ingredients should not be required to display a scarlet letter on their products, in the absence of evidence that those ingredients raise any health concerns. If Vermont wishes to provide its citizen with information about GE ingredients, it is free to do so on its own nickel.

WLF is a public interest law firm and policy center that regularly litigates in support of commercial speech rights.

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