

Jeffrey Smith

Hi, I'm Jeffrey Smith with the Institute for Responsible Technology and I want to comment on the passage by the House of H.R. 1599 and the future of GMO strategy.

Congress passed a bill called 'The DARK Act' - Denying Americans the Right to Know which would eliminate the ability for states to acquire labeling of GMOs and would require only voluntary labeling of GMOs, not mandatory, and would allow things that said natural to contain GMOs, so it was basically Monsanto writing its legislation.

This was a setback but it actually has to pass the Senate and the Senate may do a floor vote, but they may also slip it in to another bill that it must pass in which case we might end up with The DARK Act as a law. Is this the end of our non-GMO strategy or not?

Well, it sort of depends on the metrics you look at to determine what we're doing and how to evaluate our progress. My background before I got into GMOs, I was a strategic consultant, communications consultant for nonprofits, for-profits, political organizations, so when I looked at this issue, I looked at it from a strategic standpoint and I thought of all the different ways that we could eliminate GMOs. I'm not so much interested in containing GMOs, I'm interested in eliminating them and when I looked at the political side, there was a number of things that worked against us. First of all, that's where Monsanto and the biotech industry have a lot of power and politics is unstable. Now, I've talked to politicians all over the world. I've travelled to 42 different countries speaking about GMOs and I can tell you from my own experience that the political solution is not always the one that lasts the longest. I was flown to Poland by the Polish government once to give a press conference with the environment minister praising their non-GMO stand. A week later, there was a new government that was pro-GMO.

So, politics is unstable and even if we pass or they pass, The DARK Act, they can un-pass a year later, depending on the political climate, etcetera. What can we do if we go outside the political arena to try and win? We can look to Europe and

see what happened there. The European market eliminated GMOs because consumers were concerned. We had a tipping point. Many of you know that I talk about a tipping point. ... When I went to South Africa, I could not convince the government to change their policy by going to them directly, but when I was featured in the biggest financial paper in South Africa as saying it was crazy for South Africa to use genetically modified animal feed for their animals that they were going to ship to the European markets because the retailers there, many of them were committing to consumers not to use GM animal feed, 3 weeks after I left, the government announced that they were going to suspend the import of GMO animal feed to evaluate its impact on trade and that lasted a long time; so it was the market that drove the government. It was not the direct appeal to the government, but the marketplace.

Now in United States, we saw the tipping point happen in the natural products industry in 2013, and we see products now lined up like starting with Cheerios and going up to Similac, the most recent one, all saying non-GMO. Now if that increases in market share, then the rest of the food companies realize they can't afford to use GMOs because they are going to be losing customers as a result and so then we have the tipping point. How close are we? Well 40% of Americans say, as of last year, that they are already avoiding or reducing GMOs, up from 15% in 2007. Now, not everyone does what they say, so a significant percentage of people who say they're doing it, aren't actually doing it, but they want to do it and a lot of these people shop in mainstream supermarkets.

Now ... I want to talk about the labeling issue because this is what has been preempted by or could be preempted by The DARK Act. We have been aware for a long time that all three branches of government, the Congressional side, the courts and the executive branch could theoretically preempt state labeling, or any local jurisdiction action on GMOs. We saw in Hawaii this year, a judge blocking a GM free zone, blocking an initiative that was voted on by the people, claiming that it was illegal; so we know that the courts can be very biased. Clarence Thomas used to be Monsanto's attorney and yet wrote the opinion on it on a Supreme Court opinion that was in favor of Monsanto who never recused himself. Monsanto is suing, among others, is suing the State of Vermont for passing a labeling law, we could lose there too, so courts are one way that they could preempt the state labeling.

The Congress is another; that's what The DARK Act is doing. I wasn't anticipating that would come from the Congress. I was anticipating they would come from the FDA. **The FDA is mandated to promote GMOs.** It's part of their instructions from this and previous administrations and they have proven how they can preempt state's rights on many things. For example, restaurant chain menu labeling. It was passed in 19 different jurisdictions from state to local and here comes the FDA preempting it all, saying we don't want a patchwork of regulations, will do something nationwide so that these restaurant chains are not at a disadvantage. So here comes the FDA. Let's say that we passed it in California or Washington whatever they could simply march in and pretend to be the good guy and say, oh, you want labeling? We're going to establish labeling and we're going to do a stakeholder consultation to see what appropriate labeling legislation or what policy is appropriate. They can delay it for years, like with the restaurant menu labeling, we never heard from them since.

Right now, in the negotiation table, Monsanto and the biotech industry are on one side, consumers are on the other and the food companies sit with Monsanto. Now what happens if there's a tipping point? What happens if the food companies eliminate GMOs quickly because they're going to be losing money otherwise? Their resistance to mandatory labeling may similarly erode. In fact, they may be in favor of mandatory labeling because the criteria to avoid a mandatory label may be easier than the criteria to put on a non-GMO label, so they may actually be in favor moving from Monsanto's side on the negotiation table to consumers. Now, if we have a tipping point and there's no more GMOs used in the market or they're being wiped out pretty quickly, we also gain in the political sphere because the political will of candidates to support a failed industry tends to go away.

We will have even more senators and Congressmen on our side about GMOs if they're no longer being used in the food supply and that's good not only for labeling but the United States has been a bully to so many other countries trying to force them to take GMOs — that's obvious from the WikiLeaks reports — that that also may go away. The tipping point turns out to be extremely effective even in establishing mandatory labeling, because we can win over politicians more easily and certainly the food industry, but can we get a tipping point without

mandatory labeling? Yes, we can. We can do it through voluntary labeling, a non-GMO project is an example. But let's go back earlier to bovine growth hormone. There's no mandatory label. If you have milk from cows treated with bovine growth hormone.

However, there was a tipping point a few years ago: it was kicked out of Walmart, Starbucks, Yoplait, Danone - most American dairies based on voluntary labels because the competitors in that arena started declaring their products as without our rBGH and so those that had not yet declared had to follow. When Yoplait announced in February one year they would be rBGH free by August, within 2 weeks Danone announced that its yogurts would be rBGH free by the end of the year. That's how it works because they don't to want to allow their competitors to get an advantage and that can be done on the basis of voluntary non-GMO labels. So how do we drive the tipping point? We drive it through behavior change messaging. Messaging that tells people that GMOs are unsafe that pulls away the credibility of those who say that it is safe, like the FDA, which is really easy to do, like Monsanto, which is really easy to do; and we give people the real truth about GMOs and allow them to make healthier non-GMO choices in the supermarket. So now here's where we can marry the labeling effort with the tipping point effort.

I have been very disappointed in the messaging used by the ballot initiatives, the four states that had labeling ballot initiatives. I tried my best. I promise you, I tried my best to get them to incorporate behavior change messaging so that they would spend millions - the millions of dollars that were spent would be migrating customers to non-GMO choices. Imagine if that had happened. The food companies would say, my god, they figured out how to spend the millions of dollars and they are stealing our customers. It doesn't matter whether we win or lose at the ballot box, we're losing at the cash register. We have to eliminate GMOs immediately, so if that behavior change messaging had been in place, even if we lost the ballot initiatives, we might've won the war by now, because that was millions of dollars it could've driven purchasing dollars to non-GMO food. Unfortunately, they stuck primarily with your Right to Know and I talked to some of the best advertising experts in the world and they were very angry and disappointed because they said there were so many reasons why that was not the best choice from an advertising standpoint, and I look at it from a strategic

standpoint and also from an experience standpoint when we give behavior change messaging then people actually become antidoted to the lies by the biotech industry because part of the behavior change messaging is to expose those lies.

Now, to their credit, it's true that some of the messaging from the more recent ballot initiatives did talk about the pesticides built into the GM crops. I don't think they went far enough. In fact, there was still a resistance even at the very end to talk about the health dangers and I remember being on an emails thread, as I often am with many scientists around the world and physicians who are dealing with GMOs and when they realize that we had lost in Oregon and lost in Colorado and people mentioned that they were shying away from talking about the health dangers, one after the other, all these scientists said, but there are health dangers, they shouldn't be shying from it. There is documented evidence, peer reviewed published studies which we know about, but unfortunately the people who were hired for the political campaigns were not convinced to go there and I think it was sad.

Now what about in the state legislative campaigns? Is it appropriate to bring up the health dangers there? Should we just talk about Right to Know? Well when I went to Sacramento to help out with the lobbying in California recently to try and get them to introduce a bill for labeling, I had a rather eye-opening experience. They had already failed the previous year in a vote to get mandatory labeling and I interviewed the Chief of Staff of one of the senators who said the whole time he was going to vote for the labeling bill and ended up voting against it and what he did is he created a debate between both sides so we can get all the arguments and the State Chief of Staff said that the pro-GMOs labeling side was just saying right to now and wasn't giving any data on the health dangers and the other side was giving all this data so he switched his vote and we lost because of that. I spoke to another two or three staff members and they all said we need to see the health dangers. I said what about just the Right to Know? Isn't it our right to know the GMOs foods are – irrespective of the health dangers, even if there's no problem? He said, no, if you put a label on it, it implies there's a problem so we could be hurting the bottom line of companies for no reason, I need to see the health dangers.

The people who were actually doing the votes and their staff needed to see information about the health dangers. Does it work? My experience is that it does. When I was in Vermont, they were passing the first state regulation on GMOs, seed [?] labeling, I found out later because a Master's student did a thesis on the impact of my book, 'Seeds of Deception' on the passage of the state regulations. As you may know, Seeds of Deception is all about the health dangers and the corruption behind GMO approval. We had read these quotes from the representatives who said basically once the book arrived, it was the basis of every conversation on GMOs and it changed votes, one after the other. People were saying when I read the book it changed my vote, when I read the book it changed my vote. Someone – one of the members of the house actually walked out to a freezing demonstration by 200 campaigners held up Seeds of Deception, said everyone has to read this book, so it worked in Vermont. In fact, when I showed up there, I gave a talk about the health dangers and the corruption in the State House. I testified twice by phone to the agriculture committee for the labeling and introduced the health dangers and from their response, I can guarantee you it made an impact.

Well, then there was Connecticut, another state that passed the labeling law, although this one had a trigger clause, and it didn't get implemented right away and we invited some members of the assembly and senators to a fundraising talk and a top senator showed up, saw me speak and then later he became one of the chief advocates for the labeling and said to a campaigner, all we have to do is get our opposition in front of Jeffrey Smith for 10 minutes and that's all we need, that worked for me. It was the 10 minutes that he spent listening and that sealed the deal with him. So I don't believe that the people who are lobbying the Congressmen for 1599 on our behalf were talking about the health dangers. Certainly in the testimonies, in the hearing, there was no real discussion about the health dangers and the corruption for the approval, so I think that was a mistake. We would like to help with that lobbying and help with that messaging and would like your help to make that happen, so we can give the truth to the senators that need to stop the passage of the of The DARK Act.

What do we do going forward? Well, we may end up facing The DARK Act passage, in which case we have no ability to do mandatory labeling which is a great shame because the platform for these ballot initiatives and these state

legislative issues is a great way to convey the messaging and so we might lose that, but we don't need it. We know exactly what to say and who to say it to. We know who are the most receptive demographic groups to switch to non-GMO eating and if you think about it, so do you: moms, especially moms with children who are suffering from chronic conditions or those who are trying to prevent those chronic conditions. That is the key group. Also another form of mom, pet owners. More and more pet owners and veterinarians are telling us that when they take their pets off of GMOs, they get better. Another group are those suffering from the chronic conditions that are linked to GMOs and when they find out the GMOs may be the cause they're more likely to switch and try it out and then those that take care of those people, the healthcare practitioners, thousands of which are now prescribing non-GMO diets. Finally, there're the religious people who believe GMO means 'god move over' - who are religiously against GMOs and are looking for an opportunity to express their religious beliefs in their actions. So we have five targeted demographic groups and we have a 5-year master plan to eliminate GMOs. We think we can get rid of indirect food within 2 to 3 years and animal feed within 5 years.

Right now, I really believe we've turned the corner in the home stretch to creating a tipping point in United States, but the other side is pulling out all the their stops and calling in all their favors, from the New York Times, from Newsweek, from National Geographic, from all sorts of folks you are hearing that, "Oh, GMOs are no problem." This is Monsanto's desperate attempt, they are absolutely against the wall because so many people are now removing GMOs, so many people are reporting getting better from all sorts of health problems when they do and that information is spreading. The biotech industry is creating a huge, massive disinformation campaign and most of the people are not the liars, they're the lied to. So have compassion when you read something from some reporter. He's under the impression that what he's saying or she's saying is true, and we know that it's not because we've done the research. We know they don't have the data to support their positions and we want to get that information out. We don't have to get out to the general public. When I read something in a mainstream magazine or newspaper, I know it reaches millions of people. We don't have to re-convince those millions that it's wrong. We can just go with our targeted demographic or we can give them the information that we know will change their

diet and drive a tipping point. So, I'm very optimistic that we are actually in a very good position.

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What Now? After the DARK Act (H.R. 1599)

<https://www.youtube.com/watch?v=f87nzsCcUM8>