Anti-GMO food activists mandatory labeling efforts destined to fail

By ACSH Staff — November 28, 2012

Efforts by radical food activists to force labeling of genetically engineered foods rejected recently by California voters are also destined to fail in court, ACSH friend Dr. Henry Miller predicts in a letter [1] appearing in Tuesday's Wall Street Journal.

Federal law preempts state labeling rules that conflict with FDA policy, which requires labeling only if a food raises questions related to nutrition or safe use, Dr. Miller writes. Just last year, a federal court in Los Angeles ruled that a California requirement to label genetically engineered foods would impose a requirement that is not identical to federal law" and would therefore be preempted.

More fundamentally, the U.S. Second Circuit Court of Appeals ruled over a decade ago that labeling mandates based solely on an alleged consumers' right to know, rather than on a product's measurable characteristics, violate the U.S. Constitution's First Amendment. |

Antibiotech activists can huff and puff, but they can't blow away constitutional guarantees.