

Draft Amendment of Labeling Standard for Genetically Modified Foods

(Notification No. 517 of the Ministry of Agriculture, Forestry and Fisheries
of March 31, 2000)
(Provisional Translation)

Revisions made after the establishment:

Notification No. 1335 of September 28, 2001;

Notification No. 334 of February 22, 2002;

Notification No. 1535 of October 11, 2005;

Notification No. 1051 of August 1, 2006; and

Notification No. 1505 of November 8, 2006

※Draft amendments are underlined.

(Scope of Application)

Article 1. This standard shall apply to processed foods and to fresh foods.

(Definitions)

Article 2. In this standard, the definition of terms in the left column of the following table shall be as given in corresponding space of the right column.

Term	Definition
Designated agricultural products	Agricultural products which include crops developed by recombinant DNA techniques in their category and are listed in Attached Table 1. (Recombinant DNA techniques are technological methods of dividing DNA and recombining them using enzymes, etc., and transplanting the recombinant DNA into live cells for propagation. The same applies hereinafter.)
Genetically modified agricultural products	Designated agricultural products obtained through recombinant DNA techniques.
Non-GM agricultural products	Designated agricultural products that belong to the category of designated agricultural products but are not genetically modified themselves.
Specific genetically modified agricultural products	Designated agricultural products obtained through recombinant DNA techniques that differ significantly in composition, nutritional value, etc. from the corresponding existing agricultural products.
Non specific genetically modified	Designated agricultural products that belong to the category of designated agricultural products but are not specific genetically modified agricultural

agricultural products	products themselves.
Identity preserved handling (IP handling)	Management method in which genetically modified agricultural products and non-GM agricultural products are segregated, under the care of a good manager at each stage of production, distribution and processing. Further, it must be verified by documents clearly indicating that segregation has been made.
Specific identity preserved handling	Management method in which specific genetically modified agricultural products and non specific genetically modified agricultural products are segregated, under the care of a good manager at each stage of production, distribution and processing. Further, it must be verified by documents clearly indicating that segregation has been made.
Main ingredients	Ingredients that are ranked within the top three constituents in terms of their ratios, which account for no less than five percent of the total.

(Labeling method)

Article 3. As for the labeling of foods processed from designated agricultural products (including foods subsequently processed from such foods) provided in each of the following Items, manufacturers, processor/packers or importers (distributors if the distributors are in charge of labeling on behalf of the manufacturers or processor/packers with consents with them. Referred to as the “manufacturer, etc.” hereinafter) shall indicate the matters provided in each of the following Items on the container or package of the designated agricultural products as well as the matters required by Article 4 of the Quality Labeling Standard for Processed Foods. However, this may not be applied when the labeling space of the container or package of the product is no more than 30cm² in size.

(1) Processed foods listed in the left column of Attached Table 2 as those in which recombinant DNA or the resulting protein still exists even after processing (except those provided in the next Item)

a. If an ingredient is a genetically modified agricultural product listed in the right column of Attached Table 2 as the designated agricultural product and it is confirmed to have been treated under an identity preserved handling: Regardless of the provision of Article 3, Paragraph 6 of the Quality Labeling Standard for Processed Foods, “GM segregated from non-GM,” “genetically modified,” etc. shall be declared in a parenthesis after the name of the ingredient to show that the ingredient is genetically modified agricultural product which has been treated under an identity preserved handling.

b. If an ingredient is a designated agricultural product listed in the right column of Attached Table 2 and the product has been produced, distributed, or processed without segregating genetically modified agricultural products from non-GM agricultural products: Regardless of the provision of Article 3, Paragraph 6 of the Quality Labeling Standard for Processed Foods, “GM not segregated,” etc. shall be declared in a parenthesis after the name of the ingredient to show that such segregation has not been made for the ingredient.

c. If an ingredient is a non-GM agricultural product listed in the right column of Attached Table 2 as the designated agricultural product and it is confirmed to have been treated under an identity preserved handling:

- The name of the mentioned ingredient shall be declared;
- If it is made of only one ingredient, the name of the mentioned ingredient should be omitted with respect to the provision of Article 3, Paragraph 6 of the Quality Labeling Standard for Processed Foods; or
- “Non-GM segregated from GM,” “not genetically modified,” etc. may be declared in a parenthesis after the name of the mentioned ingredient to show that the ingredient is a non-GM agricultural product treated under an identity preserved handling.

(2) Processed foods (including foods subsequently processed from such foods) listed in the middle column of Attached Table 3, whose ingredient is the designated agricultural product listed in the right column of the same Table including specific genetically modified agricultural products which have a characteristic listed in the left column of the same Table

a. If an ingredient is a specific genetically modified agricultural product listed in the right column of Attached Table 3 as the designated agricultural product and it is confirmed to have been treated under a specific identity preserved handling: Regardless of the provision of Article 3, Paragraph 6 of the Quality Labeling Standard for Processed Foods, “○○○ GM segregated from non-GM,” “○○○ genetically modified,” etc. shall be declared in a parenthesis after the name of the ingredient to show that the ingredient is a specific genetically modified agricultural product treated under a specific identity preserved handling. (○○○ is a characteristic listed in the left column of the same Table.)

b. If an ingredient is a designated agricultural product listed in the right column of Attached Table 3 and it is intentionally mixed specific genetically modified agricultural products with non specific genetically modified agricultural products: Regardless of the provision of Article 3, Paragraph 6 of the Quality Labeling Standard for Processed Foods, “○○○ GM mixed” etc. shall be declared in a parenthesis after the name of the ingredient to show that the ingredient is

intentionally mixed specific genetically modified agricultural products with non specific genetically modified agricultural products. (○○○ is a characteristic listed in the left column of the same Table.) In this case, the percentage by the weight of the mentioned specific genetically modified agricultural product in the designated agricultural product which belongs to the same category may be indicated in a parenthesis after the labeling such as “○○○ GM mixed,” etc.

2. As for the labeling of designated agricultural products, following declarations are required for the distributors in addition to the matters required by Articles 4 of the Quality Labeling Standard for Fresh Foods:

(1) Designated agricultural products other than those provided in the next Item

a. If a designated agricultural product is a genetically modified agricultural product and it is confirmed to have been treated under an identity preserved handling: “GM segregated,” “genetically modified,” etc. shall be declared in a parenthesis after the name of the mentioned designated agricultural product to show that the designated agricultural product is a genetically modified agricultural product treated under an identity preserved handling.

b. If a designated agricultural product has been produced or distributed without segregation between genetically modified agricultural products and non-GM agricultural products: “GM not segregated,” etc. shall be declared in a parenthesis after the name of the mentioned designated agricultural product to show that segregation has not been made.

c. If a designated agricultural product is a non-GM agricultural product and it is confirmed to have been treated under an identity preserved handling:

- The name of the mentioned designated agricultural product shall be declared; or
- “Non-GM segregated from GM”, “not genetically modified,” etc. may be declared in a parenthesis after the name of the mentioned designated agricultural product to show that the mentioned designated agricultural product is a non-GM agricultural product treated under an identity preserved handling.

(2) Designated agricultural product listed in the right column of Attached Table 3 including a specific genetically modified agricultural product which has a characteristic listed in the left column of the same Table

a. If a designated agricultural product listed in the right column of Attached Table 3 is a specific

genetically modified agricultural product and it is confirmed to have been treated under a specific identity preserved handling: “○○○ genetically modified and segregated,”“○○○ genetically modified,” etc. shall be declared in a parenthesis after the name of the mentioned designated agricultural product to show that the designated agricultural product is a specific genetically modified agricultural product treated under a specific identity preserved handling. (○○○ is a characteristic listed in the left column of the same Table.)

b. If a designated agricultural product listed in the right column of Attached Table 3 and is intentionally mixed specific genetically modified agricultural products with non specific genetically modified agricultural products: “○○○ GM mixed,” etc. shall be declared in a parenthesis after the name of the mentioned designated agricultural product to show that the ingredient is intentionally mixed specific genetically modified agricultural products with non specific genetically modified agricultural products (○○○ is a characteristic listed in the left column of the same Table.) In this case, the percentage by the weight of the mentioned specific genetically modified agricultural product in the designated agricultural product which belongs to the same category may be indicated in a parenthesis after the labeling such as “○○○ GM mixed”, etc.

3. Where there is a possibility of a certain amount of adventitious commingling of genetically modified agricultural products or non-GM agricultural products though an identity preserved handling, the product shall be regarded as treated under an identity preserved handling for the application of Paragraph 1 or 2 of this Article as far as the confirmation procedures provided in a. or c. of Paragraph 1, Item 1 or a. or c. of Paragraph 2, Item 1 of this Article have been properly followed.

4. Where there is a possibility of a certain amount of adventitious commingling of specific genetically modified agricultural products or non specific genetically modified agricultural products though a specific identity preserved handling, the product shall be regarded as treated under a specific identity preserved handling for the application of Paragraph 1 or 2 of this Article as far as the confirmation procedures provided in Paragraph 1, Item 1, a. or Paragraph 2, Item 2, a. of this Article have been properly followed.

(Processed Foods not subject to Labeling)

Article 4. Among ingredients of processed foods listed in Attached Table 2 and 3, designated agricultural products or processed foods which contain designated agricultural products but are not main ingredients, the following labelings (referred to as the “labeling concerning GM” hereinafter) are not necessary. However, the provisions of Paragraph 1, 3 and 4 of Article 3 shall be applied to

these ingredients, if the products carry the labeling concerning GM:

- labeling that it is a genetically modified agricultural product which has been treated under an identity preserved handling;
- labeling that it is a non-GM agricultural product which has been treated under an identity preserved handling;
- labeling that segregation between genetically modified agricultural products and non-GM agricultural products has not been made;
- labeling that it is a specific genetically modified agricultural product which has been treated under a specific identity preserved handling; or
- labeling that it is intentionally mixed specific genetically modified agricultural products with non specific genetically modified agricultural products.

2. For designated agricultural products that are ingredients of processed foods not listed in Attached Table 2 and 3, the labeling concerning GM is not necessary. However, the provisions of Paragraph 1 and 3 of Article 3 shall be applied to the mentioned ingredients, if the products carry the labeling concerning GM.

(Prohibited Labeling)

Article 5. Article 6 of the Quality Labeling Standard for Processed Foods and of the Quality Labeling Standard for Fresh Foods provide terms that shall not be labelled for processed foods and fresh foods, respectively. In addition, no terms representing non-GM shall appear either on agricultural products which have no agricultural products developed by recombinant DNA techniques in their categories, or on foods processed from such products.

Attached Table 1 (Related to Article 2)

1. Soybean (including green soybeans and soybean sprouts)
2. Corn
3. Potato
4. Rapeseed
5. Cottonseed
6. Alfalfa
7. Sugar beet

Attached Table 2 (Related to Article 3)

Items subject to labeling	Ingredient to be labelled
1. <i>Tofu</i> (soybean curd) and fried <i>tofu</i>	Soybean
2. Dried soybean curd, soybean refuse, <i>yuba</i>	Soybean
3. <i>Natto</i> (fermented soybean)	Soybean
4. <i>To-nyu</i> (soy milk)	Soybean
5. <i>Miso</i> (soybean paste)	Soybean
6. Cooked soybean	Soybean
7. Canned or bottled soybean	Soybean
8. <i>Kinako</i> (roasted soybean flour)	Soybean
9. Roasted soybean	Soybean
10. Item containing food of items 1 to 9 as a main ingredient	Soybean
11. Item containing soybeans (for cooking) as a main ingredient	Soybean
12. Item containing soybean flour as a main ingredient	Soybean
13. Item containing soybean protein as a main ingredient	Soybean
14. Item containing <i>edamame</i> (green soybean) as a main ingredient	<i>Edamame</i>
15. Item containing soybean sprouts as a main ingredient	Soybean sprouts
16. Corn snacks	Corn
17. Corn starch	Corn
18. Popcorn	Corn
19. Frozen corn	Corn
20. Canned or bottled corn	Corn
21. Item containing corn flour as a main ingredient	Corn
22. Item containing corn grits as a main ingredient (except corn flakes)	Corn
23. Item containing corn (for cooking) as a main ingredient	Corn

24.Item containing food of items 16 to 20 as a main ingredient	Corn
25.Frozen potato	Potato
26.Dried potato	Potato
27.Potato starch	Potato
28.Potato snacks	Potato
29. Item containing food of items 25 to 28 as a main ingredient	Potato
30. Item containing potatoes (for cooking) as a main ingredient	Potato
31. Item containing alfalfa as a main ingredient	Alfalfa
32. Item containing sugar beet as a main ingredient	Sugar beet

Attached Table 3 (Related to Article 3)

Characteristic	Items subject to labeling	Ingredient to be labelled
High oleic acid	<ol style="list-style-type: none"> 1. Foods containing soybean as a main ingredient (except those lose a characteristic listed in the left column as the result of defatting) 2. Foods containing food of Item1 as a main ingredient 	Soybean
<u>High lysine</u>	<ol style="list-style-type: none"> 1. <u>Foods containing corn as a main ingredient (except those lose a characteristic listed in the left column)</u> 2. <u>Foods containing food of Item1 as a main ingredient</u> 	<u>Corn</u>

Supplementary Provisions 1

(Notification No. 517 of the Ministry of Agriculture, Forestry and Fisheries of March 31, 2000)

1. This notification shall take effect on the date of enforcement of the Law Revising Part of the Law Concerning Standardization and Proper Labeling of Agricultural and Forestry Products (Law No.108 of 1999) and shall apply to the processed foods manufactured, processed or imported, and to the perishable foods sold after April 1, 2001.

2. The list of designated agricultural products in Attached Table 1 and 3 and the list of processed foods in Attached Table 2 and 3 shall be updated every year taking into considerations the following:

commercialization of new genetically modified agricultural products; actual situation concerning the distribution and use as raw materials of genetically modified agricultural products; actual situation concerning the removal and dissolution of the recombinant DNA and the resulting protein; new findings about progress in detection methods; and consumers concerns.

3. This notification shall be reviewed taking into considerations the following, in addition to the items mentioned above in Paragraph 2: the actual situation concerning the treatment of genetically modified agricultural products and processed foods which were made of them at their production, manufacturing, distribution and processing sites of fresh foods and processed foods; and advancements in international standard elaborations.

Supplementary Provisions 2

(Notification No. 1335 of the Ministry of Agriculture, Forestry and Fisheries of September 28, 2001)

1. This notification shall take effect on the date of its promulgation.
2. As for labeling of processed foods which are manufactured, processed or imported before December 31, 2001 and fresh foods sold before the same date, the former legislation may be followed.

Supplementary Provisions 3

(Notification No. 334 of the Ministry of Agriculture, Forestry and Fisheries of February 22, 2002)

1. This notification shall take effect on the date of its promulgation.
2. As for labeling of processed foods which are manufactured, processed or imported before December 31, 2002, the former legislation may be followed.

Supplementary Provisions 4

(Notification No.1535 of the Ministry of Agriculture, Forestry and Fisheries of October 11, 2005)

This notification shall take effect on the date of its promulgation.

Supplementary Provisions 5

(Notification No.○ of the Ministry of Agriculture, Forestry and Fisheries of Day/Month/Year)

This notification shall come into force on the date of its promulgation.

NOTE: In labeling according to this standard, all the matters shall be stated in Japanese because the purpose of the quality labeling standards is to provide general consumers in Japan with information for informed choices. (Article 19-8, Paragraph 1 of the Law)