

Guideline for Handling Mislabeled Feed in the VLOG Production

This guideline describes how to handle feed in the VLOG system that was not labelled as genetically modified although it was subject to compulsory labelling pursuant to EU Regulations 1829/2003 and 1830/2003. This document also gives recommendations for assessing the situation at agricultural operations, with the business's certification body making the final decision.

Guidelines for Feed Dealers and Feed Producers

(To support the business's crisis management):

- It must be determined which batches are affected that are still in the business.
- Any feed in the affected batch that is still in the business may not be sold as goods not subject to compulsory labelling or as "VLOG geprüft" – the same applies to feed produced from the batches. Accordingly, no further use in "ohne Gentechnik" or VLOG production is permitted. The feed may only be placed on the market with an appropriate label in accordance with Regulation (EC) No. 1830/2003 (Art. 4, B). The batches subject to compulsory labelling may not be commingled with batches not subject to compulsory labelling in order to reduce the GMO content.
- The VLOG certification body must be notified immediately¹ of the incident.
- VLOG must be informed of the incident by the affected business using the VLOG Incident Sheet. | changed
- It must be determined what quantities of the affected feed were delivered to which clients.
- All clients affected by the feed subject to compulsory labelling must immediately be notified by phone and in writing:
 - a. that the goods subject to compulsory labelling were not labelled as such;
 - b. which deliveries are affected (clear identifying information, e.g. delivery slip number, order number, delivery date, etc.);
 - c. what quantity was affected;
 - d. that any feed in the affected batch that is still in the business may not be sold as goods not subject to compulsory labelling or as "VLOG geprüft" (see above);
 - e. that there is an obligation to inform clients, the VLOG certification body and VLOG (see above).

The treatment of positive test results is governed by VLOG Standard 20.01, Chapters C 4.2.3 (Feed Manufacturing) or B 5.2.3 (Logistics) as well as Annex V.

¹ See section 121 (1) sentence 1 BGB "without culpable delay". Therefore, if an immediate stop of using the feed is not justifiable for reasons of animal health, feeding can – in agreement with the certification body – be continued to the extent necessary until new feed is available.

Guidelines for Farmers and Group Organisers and Their Certification Bodies

Background: The EC Genetic Engineering Implementation Act (EGGenTDurchfG), which regulates the criteria for “ohne Gentechnik” labelling and on which the VLOG Standard is based, only allows the use of feed that is not labelled as genetically modified pursuant to Regulations (EC) No. 1829/2003 and 1830/2003. The farmer may rely on the supplier’s feed declaration for this. However, this reliable labelling requirement has its limits in cases when a product is labelled in a misleading manner.

It must therefore be decided in any given case whether feed was reliably labelled or whether consumers have been misled. The VLOG Standard and a relevant legal opinion² provide important pointers.

If a farmer learns that he has received feed subject to compulsory labelling, the following steps are to be taken:

- Immediately³ notify the VLOG certification body and the group organiser (if any), including GMO content, animals affected and quantities of feed already used.
- VLOG must be informed using the VLOG Incident Sheet.
- Immediate replacement of the affected feed batches.
- Discuss how to proceed further (e.g. regarding the minimum feeding conversion period) with the certification body and the group organiser and VLOG, if necessary.

The farmer’s/group organiser’s certification body decides if the minimum feeding conversion period has to be restarted (partially). The following are key points for the assessment:

- Farmer’s conduct: How quickly did he/she react and request the replacement of the feed? How quickly did he/she notify the certification body and the group organiser, if required?
- What percentage of the individual animal’s daily feed ration did the affected feed make up?
- How high is the GMO content of the affected feed?
- How high is the GMO content in the animal’s daily feed ration (dry matter)?
- How long is the animal’s minimum feeding conversion period (cf. VLOG Standard 20.01, E 4.6)?

If, in an individual case, the certification body decides that the minimum feeding conversion period must not be restarted, then the corresponding goods/animals can continue to be used in VLOG production – even goods that may have been blocked can be released for VLOG production.

If the business decides not to replace the feed, the relevant animals are no longer included in VLOG production – they can only be included at a later date after a minimum feeding conversion period.

If the remaining feed is used in the agricultural operation for an animal category not within VLOG certification, then no temporary risk category upgrade is necessary that would be due to the presence of swappable feed according to E 2.1, as long as only the corresponding batch is used up.

The VLOG Office will be happy to answer any questions regarding evaluation or calculation.

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² [https://www.ohnegentechnik.org/fileadmin/ohne-](https://www.ohnegentechnik.org/fileadmin/ohne-gentechnik/fuer_unternehmen/151123_GGSC_Fuetterungsfrist_bei_fehlerhafter_Futtermittelkennzeichnung.pdf)

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³ See section 121 (1) sentence 1 BGB “without culpable delay”. Therefore, if an “immediate stop of feeding is not justifiable due to animal health, the feeding can – in agreement with the certification body – be continued in the amount necessary until new feed is available.