

Recommendations for Handling Mislabelled Feed in VLOG Production

Background:

Delivery of genetically modified feed, which was **not** labelled as genetically modified, even though it was subject to compulsory labelling under Regulation (EC) No. 1829/2003 and 1830/2003.

The following are recommendations for assessing the situation. The final decision in each specific case must be made by the feed producer's or the farmer's certification body.

Recommendations for dealers and feed producers and their certification bodies (to support the business's crisis management):

1. Any feed in the affected batch that is still with 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 labelling may not be commingled with batches not subject to labelling in order to reduce the GMO content.
2. The VLOG certification body must be promptly notified of the incident.
3. A determination must be made as to which (internal business) batches are affected and in which quantities they were delivered to which customers.
4. Notification of all feed company customers affected by the feed subject to labelling:
 - a. Which delivery/ies is/are affected? (Clear identifying information, e.g. delivery slip number, order number, delivery date, and the like)
 - b. What amount is affected?
 - c. Any feed in the affected batch that is still with 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 labelling may not be commingled with batches not subject to labelling in order to reduce the GMO content.
 - d. Notification of duty to provide information:
 - i. The feed company's customers must, in turn, inform their own affected customers (if any).
 - ii. The feed company's customers must inform their respective VLOG certification bodies and decide how to proceed together with them (and with VLOG, if necessary).

The treatment of positive test results is governed by VLOG Standard 19.01, Parts C 4.2.3 (Feed Manufacturing) or B 5.2.3 (Logistics) as well as Annex V.

Recommendations for farmers and group organisers and their certification bodies

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

1. Notify the VLOG certification body and the group organiser (if any) about the incident, including the GMO content, affected animals and the quantities of feed already used.
2. Replace the affected feed batches without undue delay¹.
3. Discuss how to proceed further (e.g. regarding the minimum feeding conversion period) with the certification body and the group organiser (if any) and VLOG, if necessary. 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 repeated minimum feeding conversion period.

If, as a measure, the GMO feed is fed to another animal category that is not part of the VLOG-production, it is not necessary to temporarily heighten the risk category (following E 2.1) because of swappable feed. This is the case, if after using up the wrong delivery no further swappable feed is used for this animal category.

Background:

The EC Genetic Engineering Implementation Act (EGGenTDurchfG), which governs the criteria for the "ohne Gentechnik" label on which the VLOG Standard is based, only permits the use of feed not subject to GMO-labelling according to Regulations (EC) No. 1829/2003 and 1830/2003. Thereby, the farmer can rely on the feed-labelling of the supplier. This so-called labelling reliability reaches its limit where the prohibition on misleading the public would be violated.

If the labelling reliability persists or if a case of consumers-misleading exists, **has to be decided in the individual case**. The VLOG Standard and a relevant legal opinion (https://www.ohnegentechnik.org/fileadmin/ohne-gentechnik/fuer_unternehmen/151123_GGSC_Fuetterungsfrist_bei_fehlerhafter_Futtermittelkennzeichnung.pdf) provide valuable pointers.

An assessment will show whether the minimum feeding conversion period must be restarted (shorter period, if appropriate). – The following points are relevant for the assessment:

1. Assessment of the farmer's conduct: How quickly and appropriately did he react? How quickly did he request replacement of the feed? How quickly did he notify the certification body and the group organiser (if any)? etc.
2. What percentage of the individual animal's daily feed ration did the affected feed make up?
3. How high is the GMO content of the affected feed?
4. How high is the GMO content in the animal's daily feed ration (calculated based on dry matter)?
5. How long is the animal's minimum feeding conversion period (cf. VLOG Standard 19.01, Part E 4.6)?

Ultimately the decision must be made by the farmer's/group organiser's certification body.

The VLOG Head Office will gladly provide specific assistance with calculation and decision-making in such cases:

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¹ see section § 121 (1) sentence 1 BGB „without culpable delay”, Therefore if an immediate stop of feeding is not justifiable because of reasons of animal health, the feeding can – in agreement with the certification body – be continued in the needed amount until new feed is available.