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Media Contact: Mark Chenoweth | mchenoweth@wlf.org | 202-588-0302

Second Circuit Will Hear Oral Argument in Challenge to VT Law on Labeling Genetically-Engineered Food

(Grocery Manufacturers Assoc. v. Sorrell)

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— Richard Samp, WLF Chief Counsel

WASHINGTON, DC—The U.S. Court of Appeals for the Second Circuit will hear oral argument tomorrow, Thursday October 8, at 10 a.m., in *Grocery Manufacturers Assoc. v. Sorrell*, a case that will determine whether Vermont may require labeling of foods that contain genetically-engineered (GE) ingredients. WLF Chief Counsel Richard Samp, who drafted WLF’s amicus brief, will be available tomorrow afternoon to discuss the case and its likely outcomes.

WLF opposes the mandatory labeling law, because it serves no valid purpose and will simply stoke unnecessary fears among consumers. In addition, the law violates the First Amendment prohibition against compelling anyone to utter controversial speech he or she finds objectionable.

Although genetic engineering employs modern technology to develop new crop varieties, its effects are practically indistinguishable from age-old agricultural breeding techniques. GE ingredients are now ubiquitous, and the vast majority of certain crops (such as corn and soybeans) are genetically engineered. WLF’s brief argued that the mere fact that some citizens harbor an irrational fear of GE ingredients is not a valid reason to impose huge re-labeling, supply-chain tracking, and liability costs on the food industry. Vermont is the only State in the nation to require labeling of GE ingredients. Unless enjoined, its law will take effect next July.

In April, a federal district court denied the plaintiffs’ request for a preliminary injunction against the Vermont law. WLF’s brief asked the appeals court to overturn that decision. It argued that the district court erred in concluding that businesses are entitled to fewer First Amendment protections against compelled speech than against restrictions on their own speech.

In advance of oral argument, WLF issued a statement by Chief Counsel Richard Samp: “The First Amendment protects not only a company’s right to speak but also its right not to speak. Food manufacturers whose products contain genetically-engineered ingredients should not be compelled to display a scarlet letter on those products, in the absence of any evidence that such ingredients raise health concerns. If Vermont wishes to provide its citizens with disinformation about GE ingredients, it is free to do so on its own dime.”

WLF is a public-interest law firm and policy center that regularly advocates for sound science and the First Amendment—including the right to be free from compelled commercial speech.