

Client Alert

June 2, 2014

GMO Bill Fails in California Senate

By Michael Steel and Alejandro Bras

Despite the recent passage of a genetically engineered (GE) food-labeling law in Vermont, and similar bills appearing in legislatures in other states, proponents of labeling have again failed to pass such a law in California. On Thursday, the most recent GE food-labeling initiative, SB 1381 (Evans), failed on the Senate floor. The defeat follows on the heels of the failure of Proposition 37 in 2012.

As noted in a previous [alert](#), SB 1381 was advertised as a cleaner and simpler version of Proposition 37. However, the proposed language would have created a compliance framework that would be anything but simple for the food industry. Changes made to the bill in committee only exacerbated the problems, making private-enforcer litigation easier, and defenses for food manufacturers more difficult [\[http://media.mofo.com/files/Uploads/Images/140430-GMO-Labeling.pdf\]](http://media.mofo.com/files/Uploads/Images/140430-GMO-Labeling.pdf).

On May 29, despite last-ditch efforts to generate support, proponents of GE food labeling failed to generate enough support to move SB 1381 past the Senate. SB 1381 fell short of the 21-vote threshold necessary to pass out of the upper chamber by three votes (19 for and 16 against).

While the call for GE food labeling has quieted again for now, it would not be a surprise if the language of Proposition 37 / SB 1381 rose from the dead yet again in the coming year. The proponents of GE food labeling are spreading their message through legislatures in more than half the states, and California remains their prime target.

Morrison & Foerster LLP has been advising businesses and trade groups on GE, food-labeling, and Proposition 65 issues, as well as defending companies that have been targeted in associated class actions and enforcement lawsuits, for many years. For more information on these issues, please refer to our website at [\[http://www.mofo.com/\]](http://www.mofo.com/). We have also created a specific website on GE labeling issues at [\[http://www.mofo.com/generalcontent/resources/ge-food\]](http://www.mofo.com/generalcontent/resources/ge-food).

Contact:

Michael Jacob Steel
(415) 268-7350
MSteel@mofo.com

Client Alert

About Morrison & Foerster:

We are Morrison & Foerster—a global firm of exceptional credentials. Our clients include some of the largest financial institutions, investment banks, Fortune 100, technology and life science companies. We've been included on *The American Lawyer's* A-List for 10 straight years, and *Fortune* named us one of the “100 Best Companies to Work For.” Our lawyers are committed to achieving innovative and business-minded results for our clients, while preserving the differences that make us stronger. This is MoFo. Visit us at www.mofo.com.

Because of the generality of this update, the information provided herein may not be applicable in all situations and should not be acted upon without specific legal advice based on particular situations. Prior results do not guarantee a similar outcome.