

## BE Standard FAQ

### What are bioengineered foods?

- According to the USDA, a bioengineered food is a food that contains genetic material that has been modified through in vitro rDNA techniques and for which the modification could not otherwise be obtained through conventional breeding or found in nature.

### What foods are covered by the BE Standard?

- The BE Standard applies to foods that are subject to the FDA's labeling requirements. It also applies to meat and poultry products regulated by the USDA if the first ingredient (disregarding broth, stock, water, or a similar solution) is not meat or poultry.
- The BE Standard requires label disclosure of the presence of modified genetic material that is detectable. It may not be detectable for several reasons, including refining or other processing that removes modified proteins from the product, such as highly refined soybean oil.
- The Standard applies only to foods on the List established by the USDA, which is subject to revision annually, and to any other foods that the manufacturer knows contain modified genetic material. These foods could be sold on their own, or as an ingredient in another food. The list currently includes:
  - Alfalfa
  - Apple (Arctic™ varieties)
  - Canola
  - Corn
  - Cotton
  - Eggplant (BARI Bt Begun varieties)
  - Papaya (ringspot virus-resistant varieties)
  - Pineapple (pink flesh varieties)
  - Potato
  - Salmon (AquAdvantage®)
  - Soybean
  - Squash (summer)
  - Sugarbeet

### Who is required to make a disclosure?

- For food that is packaged before delivery to a retailer, the food manufacturer or importer is responsible for ensuring that the food label bears a bioengineered food disclosure.
- "Food manufacturer" is defined as "an entity that manufactures, processes, or packs human food and labels the food or food product for U.S. retail sale." An importer is the importer of record of food labeled for retail sale into the United States.

### How do I submit this data to Shamrock Foods?

Shamrock Foods expects suppliers to publish their item data via GDSN. In order to accomplish this, please utilize the new GS1 approved attributes.

- **isBioengineeredDeclarationClaimRelevantDataProvided** - All Bioengineered Declaration Claim Information is populated for those values which are relevant or required to be populated on the product label or label equivalent. IF = 'YES' THEN the field bioengineeredDeclarationClaimCode will need a value.
- **bioengineeredDeclarationClaimCode** - This code indicates a product that contains detectable genetically modified material for which the modification could not otherwise be obtained through conventional breeding or found in nature. This code may also be used to indicate a product manufactured using ingredients derived through bioengineering that have undergone processes that remove modified genetic material such that it cannot be detected using common testing methods. Excludes incidental additives. *LOV: BIOENGINEERED\_PRODUCT;*

*CONTAINS\_BIOENGINEERED\_INGREDIENTS; DERIVED\_FROM\_BIOENGINEERING;  
INGREDIENTS\_DERIVED\_FROM\_A\_BIOENGINEERED\_SOURCE*

#### **What if I am not engaged in GDSN, how do I submit this information?**

- **If you are not currently using GDSN** please contact [shamrockfoods@syndigo.com](mailto:shamrockfoods@syndigo.com) to coordinate being able to submit this missing data.

#### **What exceptions apply?**

- Food that is served in a restaurant or similar retail food establishment.
- A food with no intentionally added BE ingredient, with an allowance for inadvertent or technically unavoidable BE presence of up to five percent (5%) for each ingredient.
- Incidental additives.
- Food that is certified Organic.
- Very small food manufacturers (<\$2,500,000 of annual receipts) are exempted from the Standard.

#### **How is disclosure required to be made?**

- Disclosure is made by placing text, a symbol, and/or a digital link (e.g., QR code) on the label for the food, in the form and location prescribed by the Standard.

#### **Do I need to update my packaging?**

- The USDA standards for disclosure can be found [here](#). This may result in the need for your product(s) to undergo a package update.

#### **If we update our packaging, will we need to set up a new item code?**

- No. Your existing item code will work. It is simply considered a package change. This change is expected to be updated by January 1, 2022 according to the USDA.

#### **I am not willing to disclose this information to Shamrock Foods. Will you discontinue selling my products?**

- We will continue selling your products. The BE Standard requires disclosure on the food label and any consequence of a failure to comply is imposed on the manufacturer or importer. Compliance does not require the information be shared with Shamrock Foods, however it is important for Shamrock Foods to capture all required product information so it can be shared with our customers in full transparency. Please appreciate that some of our retail customers are asking for this information.

#### **What if we supply products for your Shamrock manufactured products (e.g. Shamrock Farms dairy, Jensen Foods) but not for distribution?**

If you are a trade supplier for our manufactured products, you must disclose this information to Shamrock and there have been separate communications prior to this point regarding this issue. If you are a supplier to our Dairy, Jensen or Gold Canyon and have not communicated with our team regarding BE, please contact us ASAP at [edm\\_maintenance@shamrockfoods.com](mailto:edm_maintenance@shamrockfoods.com).

#### **Do I have to use Syndigo?**

Some of our supplier partners have internal teams who provide a wide range of data for distributors and retailers, so we are prepared to receive GDSN-formatted data through your GS1 Certified data pool provider, even if it's not Syndigo.