

Proposed Amendment to the Food Regulations 1985 for Public Comments (Deadline 30/11/2001)

Draft Proposed Regulation on Genetically Modified Foods (GMF)

1. Interpretation

“Genetically modified foods” means food and food ingredients composed of or containing genetically modified / engineered organisms obtained through modern biotechnology or food and food ingredients produced from modern biotechnology, but not containing genetically modified / engineered organisms obtained through modern biotechnology.

“Organism” means any biological entity capable of replication, reproduction or of transferring genetic material”.

“Genetically modified / engineered organism” means an organism in which the genetic material has been changed through modern biotechnology in a way that does not occur naturally by multiplication and / or natural recombination.”

“Modern biotechnology” means the application of:

- a. In vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles, or
- b. Fusion of cells beyond the taxonomic family

that overcome natural physiological, reproductive or recombination barriers and that are not techniques in traditional breeding and selection.

In these regulations, in vitro nucleic acid techniques include but are not limited to: recombinant DNA techniques that use vector systems and techniques involving the direct introduction into the organisms hereditary materials prepared outside the organisms such as micro-injection, macro-injection, chemoporation, electroporation, micro-encapsulation and liposome fusion.

In these regulations, fusion of cells includes protoplast fusion or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells/protoplasts do not fall within the same taxonomic family.

2. General prohibition on the sale of genetically modified food

Any genetically modified food to be imported, prepared, advertised for or sold, other than those specified in the regulation, shall be approved by the Director-General of Health Malaysia.

3. Labelling provisions

(1) A package containing genetically modified food which is no longer equivalent to the corresponding existing food and food ingredients shall be labelled with the following:

- (a) the characteristics or properties as regards to composition and/or nutritional value and/or intended use, which make it different from the corresponding existing food and food ingredients, and
- (b) clear instructions on the mode of storage, preparation or cooking if it is no longer equivalent to the corresponding existing food and food ingredients;

Provided that the total amount of genetically modified food present is more than 3 per cent of the total ingredient.

(2) A package containing genetically modified food shall be labelled with a statement on the presence of an allergen including those from the following products :

- (i) Cereals containing gluten - wheat, rye, barley, oats, spelt or their hybridized strains and products of these;
- (ii) Crustacea and products of these
- (iii) Eggs and egg products
- (iv) Fish and fish products
- (v) Peanuts, soybeans and products of these;
- (vi) Milk and milk products (lactose included)
- (vii) Tree nuts and nut products”

(3) A package containing genetically modified food shall be labelled with a statement on the presence of substances that are

- a. absent, or
- b. present in altered proportions having regard to accepted limits of natural variation in corresponding existing foods

that may have implications for the health of certain sections of the population.

(4) A package containing genetically modified food shall be labelled with the words “genetically modified / genetically engineered” to indicate the method of production when they are composed of or contain a genetically modified /genetically engineered organisms or contain protein or DNA resulting from modern biotechnology.

(5) Notwithstanding sub-regulations (1) to (4), a package containing genetically modified food shall be labelled with a statement on the presence of substances that are absent in corresponding existing food and food ingredients that could be the subject of ethical, cultural, and religious objections.

4. Manner of labelling

(1) The declaration in sub-regulations (1) to (5) shall be in the Principal Display Panel of a label and may be in the following form:

- (i) “Produced from genetically modified (naming the source)”

- (ii) If the ingredient is already listed as produced from the source, “genetically engineered (naming the food)”
- (iii) “Grown from the seeds obtained through [modern] plant biotechnology”
- (iv) If the ingredient is designed by the name of a category, “contains (name of the ingredient) produced from genetically modified (source)”
- (v) “Genetically engineered (naming the characteristics) (naming the food)”
- (vi) “Product of plant / animal biotechnology”
- (vi) “Naming the food / food ingredient (genetically modified)”
- (vii) “Naming the food / food ingredient (genetically modified food/ food ingredient) (not segregated)”
- (viii) “Product of gene technology”