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Brazil

Biotechnology

Brazil Creates Logo for Biotech Products

2003

Approved by:

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U.S. Embassy

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Report Highlights:

This report provides information and an informal translation of Public Consultation Number 1 of the Ministry of Justice which creates a LOGO for biotech products sold for human or animal consumption in Brazil.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report
Brasilia [BR1], BR

The Office of Economic Defense (SDE), Ministry of Justice (MJ), published PUBLIC CONSULTATION NUMBER 1 on their home page (<http://www.mj.gov.br/sde>), with the text of an unnumbered Directive, which regulates Article 2, Paragraph One, of Executive Order Number 4,680 of April 24, 2003 (as reported in GAIN BR3607 of 5/9/2003).

Article Two of Executive Order Number 4,680/03 established the limit of one percent for food and food ingredients destined for human or animal consumption containing or being produced with genetically modified organisms, and stated that consumers needed to be informed of the transgenic nature of the product.

Paragraph One of Article Two of the referred Executive Order also established that the Ministry of Justice would define the symbol (logo) by means of an Act. The minutes of this Act was published for public consultation with a deadline of October 20, 2003 and will be enforced by means of a Directive to be signed by the Minister of Justice, and will enter into force 60 days after publication in the Diário Oficial (Brazil's Federal Register).

Comments:

The Brazilian Government did not notify the World Trade Organization (WTO) about this Public Consultation. The period for public comments (15 days) is not in compliance with WTO rules.

Greenpeace launched in Brasilia, on October 16, 2003, during the World Food Day, their national campaign against biotech products, with their new logo "transgenics - do not swallow this one" Protest: greenpeace.org.br. The logo is an "X", in red colors. Activists invaded several supermarkets and glued their labels on soybean cooking oil for sale.

The Brazilian Landless Movement (MST) also made several protests in front of Brasilia supermarkets against biotech products.

Attachments:

- 1) Informal Translation of the Minutes of Directive (no numbered yet) and its Annex;
- 2) New Logo
- 3) Informal Translation of Executive Order 4,680

Attachment 1: Minutes of Directive (no number yet) and its Annex.

Informal Translation

UNNUMBERED DIRECTIVE

The Minister of Justice, in the exercising of his authority and considering the provisions of Paragraph One, of Article 2, of the Executive Order Number 4,680, of April 24 2003, resolves:

Article 1: Define the symbol (logo) referred in Article 2, Paragraph One, of Executive Order 4,680, of April 24, 2003, in the form of Annex to this Directive.

Article 2: This Directive enters into force 60 days after its publication.

Signed:

Marcio Thomaz Bastos, Minister of Justice

Daniel Krepel Goldberg, Secretary

ANNEX

Regulation for the use of the Transgenic Symbol

1) Framework of use and Objectives

The present regulation is applied as a supplement to the provisions of the Technical Regulation for Labeling of Package Foods, approved by the Board of Director's Resolution Number 259, of September 20, 2003, of the Agency for Sanitary Surveillance (ANVISA), Ministry of Health, or any other regulation that can replace such rule in the future, and has the objective of defining the form and minimum dimension of the symbol that will make the labeling of food and food ingredients destined for human or animal consumption, packaged or sold in bulk or "in natura", that contain or are produced from genetically modified organisms, in the form of the Executive Order Number 4,680, of April 24, 2003.

2. Definitions

2.1. Transgenic Symbol

It is the abbreviated denomination of the symbol object of this technical regulation

2.2. Labeling

It is all lettering, legend, image, or all descriptive or graphic material that is written, printed, stapled, engraved, lithographed, or glued to the package.

2.3. Main Panel

Visible area in normal conditions of exposition, where there is in its form the denomination of sale, brand and/or logo.

2.4. Presentation of the Symbol

3.1. The symbol will have the following graphic presentation in the printed labeling.

Figure: A "T" inside of a triangle (with yellow in the back)

3.2. The symbol will have the following graphic presentations in the labels to be printed in black and white:

Figure: A "T" inside of a triangle (with yellow in the back)

3.3. The symbol should be in the main panel, clear in contrast with colors that assure the correct visibility.

3.4. The triangle will be equilateral.

3.5. The chromatic standard of the transgenic symbol, as per item 3.1., should obey to the following proportions:

3.5.1. Borders of the triangle and letter "T": 100 percent black

3.5.2. Internal part of the triangle: 100 percent yellow

3.6 The typography used for the graphy of the letter "T" must be based on the font "Frutiger," bold, capitals letter, as presented under 3.1.

4. Minimum Dimensions:

4.1. The area to be occupied by the transgenic symbol must represent, as a minimum, 0.4%, of the area of the main panel, and it can not be inferior to 10.82531 mm² (or triangle with sides equivalent to 5mm).

4.2. The transgenic symbol must be used with a free area around the symbol equivalent to a minimum of the perimeter of the area around the triangle.

5. The expressions provided under Paragraph One of Article 2 of the Executive Order Number 4,680/2003 must observe the provisions established by resolution number 259, of September 20, 2002, of the Board of Directors of the Agency for Sanitary Surveillance (ANVISA), Ministry of Health, or any other regulation that can replace such rule in the future.

Attachment 2.



Attachment 3. Executive Order 4,680

Informal Translation

EXECUTIVE ORDER NUMBER 4,680 of April 24, 2003

Regulates the legal of information, as per Law Number 8, 078 of September 11, 1990, regarding food and food ingredients destined for human or animal consumption containing or being produced with genetically modified organisms, without prejudice to compliance with other applicable rules.

THE PRESIDENT OF THE REPUBLIC, in the exercise of the authority conferred upon him by article 84, item IV, of the Federal Constitution.

DECREES:

Article 1. This Executive Order regulates the legal information as provided by Law 8,078 of September 18, 1990, in regard to food and food ingredients destined for human and animal consumption containing or being produced with genetically modified organisms, without prejudice to compliance with other applicable rules.

Article 2. For marketing food and food ingredients destined for human or animal consumption containing or being produced with genetically modified organisms, with the presence above the limit of one percent of the product, the consumer must be informed of the transgenic nature of this product.

Paragraph One. For package products or those sold in bulk or in natura, the label of the package or of the recipient in which are contained the product, must appear on the front panel and in conjunction with the symbol to be defined by means of an act of the Ministry of Justice, one of the following expressions, depending one each case: "(name of the product) transgenic", containing (name of the ingredient or ingredients transgenic (s)) or "product produced with (name of product) transgenic".

Paragraph Two. The consumer must be informed about the specie of the donor gene in the place reserved for the identification of the ingredients.

Paragraph Three. The information determined under the paragraph One of this article must also be in the fiscal document (invoice) so it can follow the product or the ingredient in all steps of the productive chain.

Paragraph Four. The percentage referred to in the heading of this article can be reduced by decision of the National Technical Commission on Biosafety - CTNBio.

Article 3. The food and ingredients produced from animals fed with feed containing transgenic ingredients must be printed on the front panel with the size and appearance foreseen in article 2, the following expression: "(Name of animal) fed with feed containing transgenic ingredients" or "(name of ingredient) produced from animal fed with feed containing transgenic ingredient".

Article 4. Food and food ingredients that do not contain or are not produced from genetically modified organisms will have granted the labeling "(name of product or ingredient) free of transgenic", once there are similar transgenic products in the Brazilian market.

Article 5. The provisions of paragraphs One, Two, and Three of article 2 and 3 of this Executive Order do not apply to the marketing of food destined for human consumption or animal that contain or have been produced from soybeans harvested from the 2003 crop.

Paragraph One. The expressions "can contain transgenic soybeans" and "can contain ingredient produced from transgenic soybeans" must, according to each case, be in the label as well as in the fiscal documents (invoice) of the products, as referred in the heading of this article, independently of the percentage of the presence of transgenic soybeans, except if:

I - soybean or its ingredients are originated from a region excluded by the Ministry of Agriculture, Livestock, and Food Supply based on the terms of the Provisional Measure Number 113, of March 26, 2003; or

II - soybean or its ingredients originated from producers that have the certificate foreseen in article 4 of the Provisional Measure Number 113 of March 26, 2003, will apply the terms of the provisions of article 4 of this Executive Order.

Paragraph Two. The information mentioned in Paragraph First can be inserted by means of an adhesive or any other form of printing.

Paragraph Three. The food referred in the heading of this article can be marketed after January 31, 2004, once the soybean from which it was produced is disposed of by the farmer by this date.

Article 6. The lack of compliance to the provisions in this Executive Order applies the penalties foreseen in the Code of Consumer Defense and other applicable rules.

Article 7. This Executive Order enters into force on the date of its publication.

Article 8. This Executive Order revokes Executive Order Number 3,871 of July 18, 2001.

Brasilia, April 24, 2003; 182th of Independence and 115th of the Republic.

Signed:

Luiz Inacio Lula da Silva
Marcio Thomaz Bastos
Jose Amauri Dimarzio
Humberto Sergio Costa Lima
Luiz Fernando Furlan
Roberto Atila Amaral Vieira
Marina Silva
Miguel Doldatelli Rossetto
Jose Dirceu de Oliveira e Silva
Jose Graziano da Silva

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