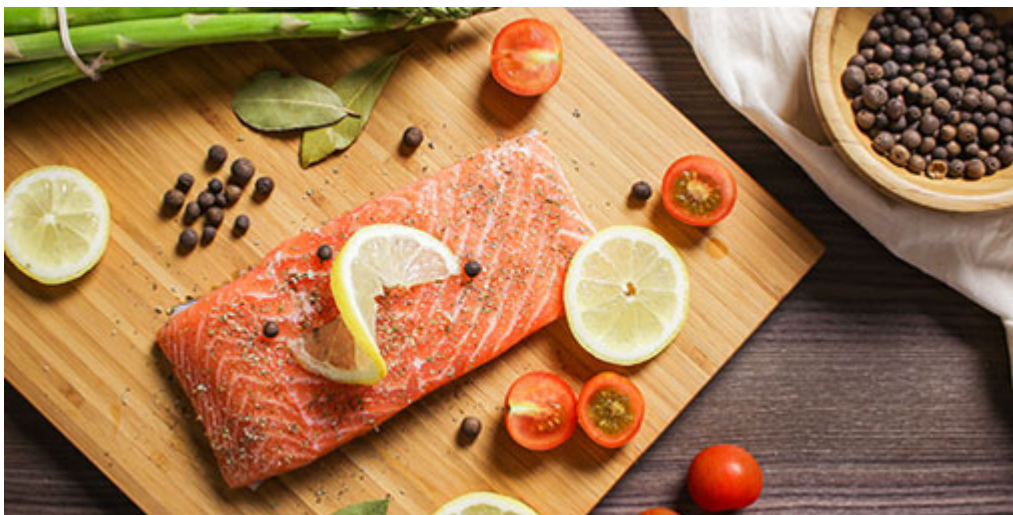


# Food for Thought: FDA Approves Genetically Engineered Salmon

November 23, 2015



On November 19, the U.S. Food and Drug Administration [approved genetically engineered \(GE\) salmon](#) for consumption as food. AquaBounty Technologies, Inc. filed an application with the FDA for the approval of AquaAdvantage Salmon, which it claims is engineered to grow faster than regular Atlantic salmon because it combines the DNA from ocean pout salmon and a growth hormone gene from Chinook Salmon. The FDA stated that it conducted an “exhaustive and rigorous review” of the extensive data and found that AquaAdvantage Salmon is “as safe to eat as non-genetically engineered (GE) Atlantic salmon, and also as nutritious.” This is the first time the FDA approved a GE animal for consumption as food. The Center for Food Safety has vowed to challenge the FDA’s findings approving the GE salmon for consumption as food. If a lawsuit is filed, it is likely that the Center for Food Safety will also challenge the FDA’s decision not to require labels indicating that the salmon is GE. For years, the advocacy group has sought labeling requirements for all GE foods and was one of the backers of the Vermont law mandating labels for genetically modified or engineered foods. The FDA recognized that, although the law does not require that foods be labeled as genetically modified, many consumers want to know whether their food or any ingredient in the food is GE or derived from GE sources. Thus, the FDA released two guidance documents to assist manufacturers who want to voluntarily make the distinction on their food labels. The FDA does not require GE food to be labeled any differently than non-genetically modified foods unless there is a “material” difference. However,

the FDA stated that the differences between regular Atlantic salmon and AquAdvantage salmon were not material differences because the products did not have different qualities including taste and nutrition. In fact, the FDA cited an example where the agency required additional labeling of food derived from a GE source where it found that there were “material” differences in the two versions of the food. The question remains whether manufacturers can label the GE salmon as “natural.” The FDA has repeatedly declined to define the term “natural.” Therefore, until the FDA defines the term “natural,” food manufacturers that chose to use the term when labeling GE salmon will likely face false labeling lawsuits no different than those that have plagued the industry for years.

## Related Practices

### [Mass Tort and Product Liability](#)

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our [Contact Us](#) form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.