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**STATE OF VERMONT**  
**OFFICE OF THE ATTORNEY GENERAL**  
**109 STATE STREET**  
**MONTPELIER**  
**05609-1001**

## **MEMORANDUM**

**Date: May 16, 2016**

**From: Attorney General William H. Sorrell**

**Re: Updated AGO Enforcement Priorities for Act 120 (GE Food Labeling Law)**

In May 2014, the Vermont Legislature passed Act 120, which requires labeling food produced with genetic engineering (GE), and also prohibits labeling or advertising GE foods as natural. In passing Act 120, the Legislature tasked the Attorney General with developing rules to implement the law. These rules provide clarity on the scope and reach of the law, including specific requirements for labeling food. The Attorney General's Office is also tasked with the enforcement of Act 120; the law creates a private right of action for citizens as well.

Act 120 goes into effect on July 1, 2016. This is more than two years after Act 120 was passed into law and more than a year after the rules, titled Consumer Protection Rule 121 (CP 121), were approved and publicly available. Our Office expects that most GE foods on Vermont grocery store shelves will be properly labeled by July 1, 2016.

Out of recognition that some food products have longer shelf lives, CP 121 creates a six-month "safe harbor" for foods distributed before July 1, 2016, and offered for retail sale through December 31, 2016. During this six-month period, unless there is evidence that a manufacturer distributed a mislabeled product after July 1, 2016, we will not bring an enforcement action or seek fines for those products.

Beginning January 1, 2017, all products must be properly labeled regardless of when they were distributed. In the exercise of this Office's discretion, however, our enforcement priorities will focus on willful violations of the labeling law. Thus, even after January 1, 2017, we do not expect to bring enforcement cases based solely on a company's failure to remove improperly labeled products that were distributed before July 1, 2016.

**UPDATE:** Between July 1, 2016, and June 30, 2017, upon receipt of a written complaint asserting that a food product offered for retail sale in Vermont is improperly labeled under Act 120 and CP 121, the Office will provide the manufacturer of the product with a notice of alleged violation and a copy of the complaint. Between July 1, 2016, and June 30, 2017, no enforcement action will be commenced unless the manufacturer continues to be in violation of the law 30 business days after the date of the notice.

Pursuant to legislation passed in May 2016, a consumer may not bring a private right of action to enforce Vermont's labeling law before July 1, 2017.