

EUROPEAN COURT OF JUSTICE DECIDED ABOUT GMO POLLEN IN HONEY

Honey and food supplements containing pollen derived from a gene modified organism (GMO) are considered foodstuffs produced from GMOs which cannot be marketed without prior authorization. This [decision](#) was recently provided by the European Court of Justice (ECJ). The judges decided that the pollen in honey inability to reproduce had no effect on their decision. Their decision solely was based on that honey with pollen of GMO plants is considered as "Food produced from GMOs" and therefore needs approval under EU law before it may be sold. As a consequence of this legal determination honey producers need to follow new requirements when it comes to selling and labeling their products on the European Union market.

The Court concluded that a substance such as pollen collected from a variety of genetically modified crops, which has lost its ability to reproduce and is totally incapable of transferring the genetic material it contains, cannot be considered itself a GMO foodstuff. Nevertheless, it considers that products such as honey and food supplements containing such pollen constitute foodstuffs which contain ingredients produced from GMOs within the meaning of the [Regulation \(EC\) 1829/2003](#) on genetically modified food. The court also observed that the authorization scheme for foodstuffs containing ingredients produced from GMOs applies irrespective of whether the pollen is introduced intentionally or adventitiously into the honey.

The decision reverts to legal proceedings of a German hobby beekeeper against the German state of Bavaria. In 2005 traces of the DNA of MON810 maize were found in the beekeeper's honey. This maize was grown on a testing ground owned by the country at a 500 m distance from the beehives. The honey was not marketable anymore due to the traces of GMOs. The European Court of Justice now supports this interpretation of law (case C-442/09) with its judgment. By linking GM pollen produced by MON810 maize which was present in honey to Regulation (EC) 1829/2003 will require authorization prior to placement on the market.

However, MON810 pollen in honey was not included in the original scope of the authorization application for maize MON810, meaning that honey containing the GM pollen became illegal following the court ruling. Therefore, the EFSA GMO Panel was asked by the European Commission on whether data provided within application RX-MON810 on maize MON810 is sufficient to conclude on the safety of MON810



pollen as or in food and, if it is the case, to confirm MON810 pollen safety. In their [statement from November 2011](#) EFSA stated that, even if they are not in a position to conclude on the safety

of maize pollen in or as food in general, they conclude that the genetic modification in MON810 maize does not constitute an additional health risk if MON810 maize pollen were to replace maize pollen from non-GM maize in or as food.

Consequently, honey containing pollen of MON810 maize is not marketable in European Union Member states because of the missing authorization. A respective label of the product is required when the honey may contain pollen of any GMO authorized for honey¹. These consequences are of special importance for honey imported from Non-EU states where bee attracting and pollen producing GMO plants are commonly grown.

SGS provides analytical services for GMO detection in a broad range of products including honey and other food-related services through our global network of laboratories. We are also committed to keeping interested parties informed of regulatory developments and new test methodology development. Please contact us for further information.



¹ [Traceability and labelling of GMOs](#)

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