

## DECREE ... of March 17th, 2006

Briefing: It regulates Law 14.861, of October 26th, 2005, dealing with the right of information as to food and its ingredients containing - or produced with - genetically modified organisms (GMOs).

THE GOVERNOR OF THE STATE OF PARANÁ, in the use of his official attributes pursuant to article 87, incise V, of the State Constitution and considering what is written in Law 14.861, of October 26<sup>th</sup>, 2005,

DECIDES:

**Art. 1st.** This decree regulates the right to information which is assured by the Federal Constitution through Law 8.078, of September 11th, 1990 (Consumers Defense Code), and Law 14.861, of October 26th, 2005, regarding food and its ingredients assigned for human or animal consumption, containing or being produced with genetically modified organisms (GMOs), without prejudice to the fulfillment of the other applicable rules.

**Art. 2nd.** When marketing food and its ingredients assigned for human or animal consumption, containing or being produced with GMOs, the consumer shall be informed on the transgenic nature of such product.

§ 1. In the label of packaging for food and its ingredients assigned for human and animal consumption containing or being produced with GMOs, the main panel shall bear highlighted - along with the symbol defined before an act of the Ministry of Justice - one of the following expressions, as the case may be: "transgenic (name of product)", "contains transgenic (name of ingredient or ingredients" or "product made from transgenic (name of product)".

§ 2. The expressions indicated in § 1, shall also be part of the list of ingredients or composition of packed products, as the case may be.

§ 3. The main panel shall also inform, after identification of ingredients, both the scientific and the generic name, whenever clear enough, of the donating species to which the gene responsible for the express modification in the GMO belongs.

§ 4. Whenever exhibiting food and its ingredients assigned for human and animal consumption, sold in bulk or *in natura*, containing or being produced from GMOs, there shall be present, in a permanent and visible form, characters in a size allowing easy reading and identification, along with the symbol defined before an act of the

Ministry of Justice, stating one of the following expressions, as the case may be: "transgenic (name of product), "contains transgenic (name of ingredient or ingredients)" or "product made from transgenic (name of product)".

§ 5º. There shall also be present in a permanent and visible form, characters in a size allowing easy reading and identification, both the scientific and the generic name, whenever clear enough, of the donating species to which the gene responsible for the express modification in the GMO belongs.

§ 6. The information determined in this article shall also be present in the tax document and the latter shall accompany the food or ingredient throughout all the stages of the productive chain.

**Art. 3º.** In the label on the packaging for food and ingredients assigned for human and animal consumption produced from animals fed with ration containing transgenic ingredients, there shall be present, in the main panel and highlighted, in a permanent and visible form, characters in a size allowing easy reading and identification, along with the symbol defined before an act of the Ministry of Justice, stating one of the following expressions, as the case may be: "(animal species) fed with ration containing transgenic ingredient" or "(name of ingredient) produced from (animal species) fed with ration containing transgenic ingredient".

§ 1º. The expressions indicated in the header of this article, as the case may be, shall also be present in the list of ingredients or composition of packaged products.

§ 2º. After identification of ingredients, the main panel shall also inform both the scientific and the generic name, whenever clear enough, of the species donating the gene responsible for the express modification of the GMO contained in the ration.

§ 3º. Whenever exhibiting food and its ingredients assigned for human and animal consumption, sold in bulk or *in natura*, produced from animals fed with ration containing transgenic ingredients, there shall be present, in a permanent and visible form, characters in a size allowing easy reading and identification, along with the symbol defined before an act of the Ministry of Justice, stating one of the following expressions, as the case may be: "(animal species) fed with ration containing transgenic ingredient" or "(name of ingredient) produced from (animal species) fed with ration containing transgenic ingredients".

§ 4º. When exhibiting food for sale, it shall be informed, in a permanent and visible form, with characters in a size allowing easy

reading and identification, both the scientific and the generic name, whenever clear enough, of the species donating the gene responsible for the express modification of the GMO contained in the ration.

§ 5º. The information determined in this article shall also be present in the tax document and the latter shall accompany the food or ingredient throughout all the stages of the productive chain.

§ 6º. For fiscalization purposes, the manufacturer of food or ingredient made from animals fed with ration containing transgenic ingredient shall keep all the fiscal documents related to the ration.

**Art. 4º.** It shall be facultative, for food products and ingredients proven neither to contain nor to be made from GMO, the labeling "(name of product) free of transgenics", as long as they have similar transgenics in the Brazilian market.

§ 1º. It shall be due to the supplier of the food or ingredient to prove the absence of DNA, protein or other substances resulting from genetic modification according to sampling methods and laboratory analysis acknowledged by the qualified state bodies.

**Art. 5º.** The documental comprobatation of either the presence or the absence of GMOs, by means of fiscal documents accompanying the food or ingredient throughout all the stages of the productive chain, shall comply with requirements and procedures to be established by the qualified state bodies.

**Art. 6º.** It shall be forbidden the sale of products that are object of any fundamented denouncement of containing GMO and not containing the due identification in the label.

§ 1º. The fundamented denouncement shall be verified through an administrative proceeding whose technical aspects and rites shall be established by the committee referred to in article 10.

§ 2º. In this case, besides the application of sanctions provided in Law 8.078, of September 11th, 1990 (Consumers Defense Code) and Law 14.861, of October 26th, 2005, the products shall be collected and made available again for commerce in case an idoneous analysis demonstrates that the product does not contain GMOs.

§ 3. If the analysis referred above proves the presence of GMOs, the products shall be destroyed, and any conditional use of the product for human or animal food shall be forbidden.

**Art. 7º.** In all hypotheses the onus of the proof falls on the supplier.

**Art. 8°.** Any action or omission which violates the right of information regarding food or its ingredients assigned for human or animal consumption containing or produced from OGM is considered an administrative violation and shall be punished with the sanctions provided in Law 14.861, of October 26th, 2005, allowing the enforcement of other sanctions.

**Art. 9°.** To the sanctions provided in article 9 of Law 14.861, of October 26th, 2005, the norms contained in Title 1, Chapter VII of Law 8.078, of September 11th, 1990 (Consumers Defense Code) apply, as the case may be.

**Art. 10°.** The State Secretariat for Agriculture and Provisions (SEAB), The State Health Secretariat (SESA) and the State Coordination for the Protection and Defense of the Consumer (PROCOM), in the area of their respective competencies, shall implement the norms contained in Law 14.861, of October 26th, 2005, and on this decree, therefore, with the obligation to publish the necessary administrative acts.

Sole Paragraph. In order to appropriately comply with what is contained on the header of this article, a commission formed by representatives of each of the agencies mentioned above shall be created, with the objective of unifying fiscalization procedures.

**Art. 11°.** This decree shall be enforced 60 (sixty) days after its publication.

Curitiba, March 22nd, 2006, 185° from Independence and 118° from the Republic.

Roberto Requião - State Governor

Virgílio Moreira Filho - State Secretary for Industry, Commerce and Mercosul Issues

Orlando Pessuti - State Secretary for Agriculture and Provisions

Jair Ramos Braga - State Secretary for Justice and Citizenship

Caíto Quintana - Head of the Civil House