

Ref: PPM/NZ-MIN/Briefings

Brief No: 03/17

Prime Minister

Cc: Minister for Biosecurity
Acting Minister of Agriculture
Minister for the Environment
Minister for Food Safety
Associate Minister for Biosecurity

DETECTION OF SUSPECT GENETICALLY MODIFIED SWEET CORN

1. *MAF is investigating a suspected occurrence of genetically modified (GM) sweet corn. The possible detection involves a consignment of processed corn kernels grown in New Zealand and exported to Japan.*
2. On 26 June 2003 the Food Safety Assurance Manager of [REDACTED], Gisborne contacted MAF Biosecurity Authority after receiving notification from their Japanese importers that [REDACTED] containing [REDACTED] corn kernels grown in Gisborne had tested positive for the presence of genetic modification.
3. At 10.30pm on 3 July 2003, AgriQuality GM Services, Melbourne phoned through results of qualitative testing on two sweet corn seed samples and three packets of processed kernels. The seed samples and two bags of the processed corn kernel samples provided negative test results, and the remaining processed sample has yielded a positive. Further testing to determine an identification of the gene involved and the exact proportion of specific modified DNA is underway. Results are expected by midnight tonight, Friday 4 July 2003.

Background

Industry Background

4. [REDACTED] is an international fruit and produce marketing company. The headquarters are in Gisborne where the Company was established in [REDACTED]. [REDACTED] is a specialist food

processing company producing [REDACTED] vegetables for the retail and institutional sectors. MAF understands that they are currently processing sweet corn only.

5. [REDACTED] exports processed cooked corn kernels in [REDACTED] to Japan. [REDACTED].
6. The corn industry exported approximately \$60.5 million of frozen/dried sweet corn in 2001.

Japan

7. A privately operated food quality assurance laboratory ([REDACTED]) in Japan performed the tests on a mixture containing the product exported by [REDACTED], to test for the presence of genetic modification. [REDACTED] forwarded a copy of this report to MAF.
8. The report was translated on 1 July 2003 and it indicated that a mixed product including [REDACTED] bagged corn kernels and other ingredients had been tested. Bags of corn kernels are on-sold by the Japanese importer to another company that uses the corn for a pre-mixed and pre-packaged product. The tested corn was therefore part of a 300g product mix called [REDACTED], used as a pre-prepared pizza topping.
9. The laboratory report showed negative tests for GM soy and positive for GM corn. A PCR screening method was used but no further test details were provided. There is a possibility that the laboratory has returned a false positive test, and it is not known what precautions were taken to identify such results or to guard against their occurrence.
10. MAF requested MFAT to pursue further information on 1 July 2003. MFAT reported that the laboratory is industry owned and operated and is accredited by the Japanese Ministry of Health, Labour and Welfare.
11. [REDACTED] has advised MAF that Japanese companies do not divulge details of their recipes. Therefore there is a possibility (significant) that the positive tests were obtained from another ingredient (eg corn flour).
12. MFAT were able to obtain a list of ingredients for the [REDACTED] mixture tested. Ingredients included flour (not Japanese origin, imported from either US or Canada), corn oil (derived from "non-segregated corn") and non-genetically modified sweet corn.
13. MAF has been advised by [REDACTED] that the Japanese importer is conducting their own tests on the New Zealand sweet corn product rather than the "mixture", in the belief that the test results may be incorrect, and to enable them to pursue further discussions to resolve this matter with the end user. Results of these tests have been received and were negative.

Product lines involved

14. By a process of elimination and using product quality assurance data on product lines, [REDACTED] has traced the consignment in question and reported this information to MAF.

15. [REDACTED] has provided details of the variety planted, which is [REDACTED], a non-GM variety produced by [REDACTED]. [REDACTED] have verified that [REDACTED] has been developed by conventional plant breeding. The seed was tested by a MAF accredited laboratory in USA to meet the requirements of New Zealand's Import Health Standard. The testing protocol that was used exceeded MAF's import requirements.
16. [REDACTED] imported a 200kg lot (August/September 2002) of [REDACTED] seed from which the Japanese consignment was grown. [REDACTED] advised MAF that it still had a 4.5 kg residual quantity of the seed in storage left over from planting.
17. MAF seized and secured this seed under Section 28A of the Biosecurity Act 1993 on 30 June 2003 as well as three bags of processed corn kernels from the same processing date. Seed samples were sent for testing by AgriQuality GMO Services on 1 July 2003 (formerly Genescan) in their accredited laboratory in Melbourne.

MAF investigation test results to date

18. At 10.30pm on 3 July 2003, AgriQuality GM Services, Melbourne phoned through results of qualitative testing on two sweet corn seed samples and three packets of processed kernels. The seed samples and two bags of the processed corn kernel samples provided negative test results, and the remaining processed sample has yielded a positive. Further testing to determine an identification of the gene involved and the exact proportion of specific modified DNA is underway.
19. Two meetings have now been held with all government departments involved including NZFSA and MFAT and representatives from the Department of the Prime Minister and Cabinet and the Office of the Minister for the Environment. At these meetings update on MAF actions have been provided and discussed and follow-up actions have been agreed.
20. NZFSA is awaiting the outcomes of the further tests. These tests will establish the exact proportion of the GM corn and whether it can be legally sold as a food in New Zealand. If the corn is found to be GM of a variety approved for human consumption in New Zealand, and it is below the 1 percent threshold for unintended presence, no further action would be required by NZFSA. Based on the information available, this appears to be the most likely outcome. If however the corn is found to be GM of a variety not approved for human consumption or is above the 1 percent level, then further action will be taken by NZFSA, which may include requiring labelling of the product and/or recalling product.

Further Immediate Action

21. MAF is preparing for an audit of [REDACTED] Quality Assurance systems to be conducted on Sunday 6 July 2003.
22. MAF has begun investigations on the fields growing corn to determine their current status. Adjacent fields will also be included.
23. A media release is being developed along with background information and will be released this evening Friday 4 July 2003.

Recommendations

24. It is recommended that you:

a) note the contents of this paper. **noted**

b) note that MAF will brief you on Monday 7 July 2003 when further information is available from this weekends activities.

noted

Veronica Herrera
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Rt Hon Helen Clark
Prime Minister

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