

Ref: PPM/NZ-MIN/Briefings

**Brief No: 03/23**

**Minister for Biosecurity**  
**Minister of Agriculture**

Minister for the Environment  
Associate Minister for Biosecurity

Cc: Prime Minister  
Minister for Food Safety  
Associate Minister of Agriculture

## **INVESTIGATION INTO GENETICALLY MODIFIED SWEET CORN**

- 1. The Ministry of Agriculture and Forestry (MAF) is continuing an investigation into the occurrence of genetically modified (GM) sweet corn. The detection involved a consignment of processed corn kernels grown in New Zealand and exported to Japan. This briefing follows on from briefing 03/17 dated 4 July 2003.*

### **MAF Investigation**

2. On 5 July 2003 AgriQuality GMO Services, Melbourne, reported after qualitative tests on positive samples on 3 July 2003, that less than 0.05% of the processed corn was genetically modified. The gene specific tests for the construct showed that the genetic modification involved Bt11. Bt11 is an insect-resistant herbicide-tolerant construct which is the only commercially available GM sweet corn. The sample tested negative for Bt176, BtXtra, RR GA21, LibertyLink T25, Yieldgard Mon 810, RR NK603, StarLink, B16, MaxGuard, SeedLink MS3 Round-up Ready Soy, Yieldgard (Mon801, 802 and 805), Round-up Ready (Mon832, 831 and 809), and SeedLink MS6. The sample also tested negative for the Roundup Ready GM soy variety, which is the most widely grown variety of GM soy.
3. [REDACTED], the company that exported the suspect sweet corn seed to New Zealand, has contacted MAF to discuss this issue and will co-operate with MAF to resolve it. MAF is awaiting information on seed testing and seed exports of the sweet corn variety [REDACTED] to New Zealand.

4. Seed associated with the GM-positive product in Japan tested GM-negative on 3 July 2003, therefore a field investigation was initiated to establish if there is possible genetically modified organism (GMO) contamination by cross-pollination from other sweet corn and maize crops that were grown in close proximity to the affected crop.
5. A MAF Quarantine enforcement officer and several AgriQuality staff were deployed during the weekend (5 - 6 July 2003) to conduct field inspections in the Gisborne area. The field investigation on Saturday 5 July 2003 focussed on four fields identified by [REDACTED] as having grown the [REDACTED] variety. This is the variety that was traced to the GM-positive [REDACTED] in Japan. [REDACTED] traced one of these four fields to the sample of processed corn product that tested positive for GM by AgriQuality GMO Services, Melbourne. Field staff provided reports throughout the weekend that included details of properties, planting history, and crops in adjacent fields.
6. Field staff continued inspections of two fields on Sunday 6 July 2003. These two fields were selected from the total of four fields that had grown [REDACTED]. Although no samples tested GM-positive from the other field it is still being investigated due to the presence of sweet corn or maize in the adjacent fields.
7. Compliance orders have been placed on three fields to control the movement of stock and material. These include the field to which the GM-positive product was traced and neighbouring fields, which grew sweet corn during the same growing season. It was determined that neighbouring properties grew sweet corn varieties, [REDACTED] and [REDACTED], which are seed lines supplied by [REDACTED]. At present these fields are planted in pasture and broccoli. It is expected that animal welfare and sale of stock for slaughter concerns may arise as a result of these compliance orders on all three fields, and the compliance orders therefore allow for permission to be sought from MAF to allow movement of stock and material from fields.
8. A crop harvesting issue arose as a result of the compliance order placed on a property neighbouring the field linked with the GM-positive result. MAF consulted with New Zealand Food Safety Authority (NZFSA) and Environmental Risk Management Authority (ERMA), and the broccoli crop was allowed to be harvested and removed to cool storage prior to sale. This decision was made following receipt of expert advice from a number of sources which confirmed that the likelihood of transmission of the Bt11 gene from the sweet corn to the broccoli was exceptionally low, if not impossible.
9. MAF has made contact with [REDACTED] to obtain samples of seed and/or processed product (e.g. corn kernels, corn flour) produced from the fields adjacent to those linked with GM positive corn. [REDACTED] is an ingredients manufacturer that are targeted at industrial food manufacturers including [REDACTED].
10. An audit of [REDACTED] was conducted on Monday and Tuesday, 7-8 July 2003. It has been confirmed that information provided by [REDACTED] is correct and that their tracing of the product in Japan to the seed, corn variety and the field production site in New Zealand is accurate.

## Media management

11. Once a positive result for a GMO was confirmed, it was important to move quickly and make a public announcement, particularly in light of the imminent arrival of MAF investigators on farms in the Gisborne area. The timing of this announcement was less than ideal as the media and other observers usually view late Friday media statements with some cynicism.
12. It was decided to break down this issue into three major components:
  - Food safety matters, to be dealt with primarily by the NZFSA;
  - The investigation into what this GMO was and where it may have come from, to be dealt with primarily by MAF; and
  - Wider policy matters around the Government's approach to GM, such as the removal of the moratorium, to be left for relevant Ministers.
13. Friday evening's initial burst of publicity (several media interviews were conducted following release of the joint MAF/NZFSA media statement) was repeated on Saturday, 5 July 2003, with several media interviews conducted during the course of the day updating the situation. On Sunday afternoon, 6 July 2003, a media conference was convened involving officials from MAF, NZFSA and ERMA.
14. Over the weekend there was a noticeable shift of interest away from the issue of GM contaminated sweet corn to the issue of GM content in foods legally available for sale in New Zealand. However, as of this afternoon, Tuesday 8 July 2003, there is a continued trickle of interest in status updates on MAF's investigations.

## Further Actions

### Testing

15. The order of priority for **sampling** and **testing** is as follows:
  - The remaining 2.5 kg [REDACTED] seed retained in New Zealand has been sent to AgriQuality GMO Services in Melbourne for testing;
  - The sampling of seed and product of sweet corn from the adjoining fields ([REDACTED] varieties [REDACTED] and [REDACTED]), linked with GM-positive product, is underway. Testing of this seed and product, also at AgriQuality, GMO Services in Australia, may provide an indication of the source of contamination; and
  - It is intended that ESR, Christchurch, will validate the results of AgriQuality using aliquots of homogenised product.

## Media management

16. MAF intends to make an announcement to the media tonight, Tuesday 8 July 2003, that a press conference will be held on Wednesday morning, 9 July 2003, for a further update of available information.

**Recommendation**

17. It is recommended that you **note** the contents of this briefing paper.

**noted**

Hon Jim Sutton  
Minister for Biosecurity  
Minister of Agriculture  
/ /2003

**noted**

Veronica Herrera  
Acting Director, Plants Biosecurity  
/ /2003

Hon Marian Hobbs  
Minister for the Environment  
Associate Minister for Biosecurity  
/ /2003