



August 25, 2017

The Honorable Sonny Perdue
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave, SW
Washington, DC 20250

Submitted via email: GMOLabeling@ams.usda.gov

Re: Responses to Proposed Rule GMO Questions under Consideration (PL 114-216)

Dear Secretary Perdue:

We greatly appreciate the opportunity to provide feedback to the United States Department of Agriculture's (USDA) request for additional information about proposed rules for GMO labeling disclosures.

Amazon strives to be Earth's most customer-centric company. In everything we do – every product or service we design – we start with the customer and work backwards. We are committed to providing improved convenience, better selection, and more affordable prices for everything we sell, including groceries. Currently, consumers can order shelf-stable grocery products on Amazon for delivery across every zip code in the United States. We also continue to grow the availability of perishable grocery foods through the expansion of our online grocery delivery service, Amazon Fresh. Additionally, we have developed private label food products for our customers, such as Happy Belly and Wickedly Prime.

We support customer transparency and meaningful disclosures. As such, we have several labeling and disclosure business processes already in place, and are constantly inventing new ways to meet our customers' needs through advances in technology, simplified processes, and improved customer service. For example, we recently launched a [Transparency](#) program to give our customers access to more information about a product's origin and to help prevent counterfeit goods.

As the USDA Agricultural Marketing Service (AMS) contemplates requirements for the labeling of genetically engineered foods, we strongly encourage the Department to adopt rules that provide maximum technology flexibility for how customers can obtain access to such information. Our comments will focus on questions 14, 23, 24, 25, 15, and 16. We look forward to working with the USDA as AMS explores these policy questions.

601 New Jersey Ave., NW
Washington, DC 20001

Electronic/Digital Link Disclosures & Technology Flexibility

14. If a manufacturer chooses to use an electronic or digital link to disclose a bioengineered food, what requirements should AMS implement for an electronic or digital link disclosure?

As a provider of private label products, Amazon strives to supply customers with detailed information about our products through a combination of electronic disclosures and product labeling. We also sell millions of other products, and it is important that we have transparency of and access to product information from our partners to help facilitate meaningful disclosures to our customers. While adequate manufacturer disclosures are critical to ensuring our retail business can make this information available to our customers, we would encourage AMS to be flexible in how, and through which technologies, such manufacturer disclosures are made. Costs associated with some of the currently available technology for disclosure may be a burden for the consumer, who could have these costs passed along to them. Depending on the size of packaged goods, this may add unnecessary costs if flexibility is not allowed in the technologies available for disclosure.

23. Is there other equivalent on-package language that AMS should consider to accompany an electronic or digital disclosure besides “Scan here for more food information”?

Consistent and conspicuous customer disclosures are critical to the effectiveness of providing the customer with information to make informed purchasing decisions. We would encourage AMS to focus on how genetically engineered foods should be identified (i.e. GE vs. GMO) so that there is a consistent consumer experience and understanding of the labeling. We also encourage USDA to consider global interoperability of such terminology.

We encourage AMS to approach how that information is disclosed to the customer with maximum flexibility to ensure there are no barriers to customers getting disclosures through various means, including on-package labelling, online references, and flexible technology solutions, including voice and other emerging technologies.

24. How should AMS ensure that bioengineered food information is located in a consistent and conspicuous manner when consumers use an electronic or digital disclosure?

The technology means and definitions for accessing on-package disclosures should be flexible now and in the future. We are constantly innovating with our technology, products, and retail processes, and encourage AMS to consider adopting language that allows for the flexibility of disclosure technology to ensure that industry, and companies like Amazon, can continue to innovate and provide better products, information, and experiences for our customers.

For example, if a customer wants to ask our Alexa voice service for more information about a food product, if we can get that customer the information they are seeking through voice technology, we will have fulfilled our customer’s need without providing written text. This is important because not all current and future digital environments will support written text disclosures.

25. How should AMS ensure that an electronic or digital disclosure can be easily and effectively scanned or read by a device?

Transparency and effective technology are critical to the efficacy of customer disclosures. Our website, mobile app, and voice operating system are some of the primary means we have for our customers to access product information through our retail channel. We also have a program called Transparency that utilizes 2-D barcode technology and provides customers with a means to obtain item-level detail about a specific product, including where it was manufactured. We would welcome a conversation with AMS specific to the customer experience with this program, and the customer accessibility and ease of use of the technology.

15. Should AMS specify in the regulations the type of electronic or digital disclosure manufacturers, e.g. QR code, can use to disclose bioengineered food? What steps should AMS take if an electronic or digital disclosure method becomes obsolete?

We strongly encourage AMS not to prescribe a specific type of technology that a manufacturer, provider, or retailer must use to disclose bioengineered food. While QR codes may work for some businesses, they do not fit every purchasing environment and every business model.

If AMS were to require GMO labeling disclosures through QR codes, products currently using other types of 2-D barcodes to provide other product information would likely need to add a QR code to the packaging instead of incorporating the GMO disclosure into existing technology. This would result in products having both a 2-D barcode and a QR code, which would present the customer with redundant means for accessing disclosures, potentially resulting in multiple technology scans for the customer instead of a single, simplified process. This could lead to customer confusion, rather than improving a customer's access to information through an overall better customer experience. We strongly encourage AMS to adopt regulations that are technology-neutral now, and in the future, to ensure organizations have maximum flexibility to innovate and find new and better ways to continue to serve customers while providing them with additional information about the products they are seeking to purchase.

16. What kind of text, symbol, or electronic or digital disclosure should AMS require for bioengineered food that is not purchased from a grocery store shelf, such as food for sale in bulk (such as fresh produce in a bin or fresh seafood at a fish counter), in a vending machine, or online?

There are benefits to a digital environment that can be leveraged to provide a unique interaction with the customer that isn't always possible to achieve in a brick and mortar retail experience. This is especially true in regard to finding clear, detailed information about a particular product. Through our online digital channels, we enable the customer to seek a variety of information about the product they wish to purchase. We are supportive of our customers being able to access important product information, such as whether or not the product is genetically modified; however, we encourage AMS to have those disclosures be accessible at the customer's request.

Customers review the contents and labels of food products for a variety of different reasons, such as dietary restrictions, allergies, nutritional facts, and production techniques, such as organics or genetically

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engineered foods. It is important that customers who want to limit GMO product purchases are able to do so, but it is also important that we have the flexibility to manage the customer experience in a manner that meets the needs of all of our customers. For example, there are customers who may be more interested in other features, such as the gluten content or calories of a certain product, and it is important we have the flexibility for customers to prioritize their information access in a manner that meets their individual shopping needs.

Conclusion

Thank you for the opportunity to provide feedback about the request for information on proposed rules for GMO labeling. We look forward to working with USDA AMS to ensure final rules improve the availability and accessibility of labeling disclosures to consumers, while supporting maximum technology flexibility that enables retailers, manufacturers, and technology companies to continue to innovate on behalf of our customers.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Huseman". The signature is fluid and cursive, with a large initial "B" and "H".

Brian Huseman
Vice President, Public Policy