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Comment

Choice Versus Autonomy in the GM Food Labeling Debate

Robert Streiffer
Department of Medical History and Bioethics, Department of Philosophy, University of Wisconsin-Madison

Alan Rubel
Department of Philosophy, University of Wisconsin-Madison

In their article "Mandatory Labeling of Genetically Modified Foods: Does It Really Provide Consumer Choice?," which appeared in *AgBioForum* 6(1&2), Carter and Gruère (2003) argue against those who think that mandatory labeling of genetically modified (GM) food products is justified merely by "the desire to provide informed consumer choice" (p. 68). They argue that because of consumer aversion to GM products, mandatory labeling will result in "most (if not all) processors" avoiding GM products (p. 69). Moreover, if labeling makes those products unavailable, then it does not facilitate consumer choice. Even assuming Carter and Gruère are correct in their claim that mandatory labels will eliminate consumer choice, that claim misses the mark because of the important differences between choice, informed choice, and autonomy.

First, Carter and Gruère equivocate between "consumer choice" and "informed consumer choice." Consider the situation in the United States: Most Americans believe that they have never eaten GM products, despite the fact that some 70% of the foods on the grocery store shelves contain GM ingredients (Pew, 2003). Their choice to purchase GM products is therefore not informed. Because the loss of choice that Carter and Gruère predict is a loss of *uninformed* choice, that loss is irrelevant if the justification for mandatory labeling is that it facilitates *informed* choice. Arguably, if the GM products about which consumers are currently making uninformed choices were no longer on the market, then consumer choices would be more informed than they are now, as consumers' beliefs would better match the facts. Moreover, given industry's aversion to positive labeling and the apparent ineffectiveness of nonlabel methods of providing the information, consumers cannot make an informed choice about GM products without a mandatory labeling policy.

Second, and more importantly, Carter and Gruère's claim that mandatory labels will eliminate choice misses the mark because it ignores the difference between choice and autonomy (Dan-Cohen, 1992), and it is autonomy that underlies the value of both choice and informed choice (Streiffer & Rubel, in press). Autonomy is a complex and contested concept, but very roughly, an agent acts autonomously when he chooses an action on the basis of his values as he sees fit. Respecting autonomy requires providing sufficient information for the agent to decide whether he should endorse the action because it comports with his values (Brock, 1999; Shiffrin, 2000). However, it does not require that the agent have multiple options from which to choose. Although there are other conceptions of autonomy in the literature, on any plausible view, a situation in which market forces narrow consumer choice does not violate anyone's autonomy. To illustrate, suppose society's taste for cod liver oil was not substantial enough to warrant its continued production. Ceasing its production would clearly not violate the autonomy of cod liver oil lovers. Alternatively, consider an example from medical ethics, where the concept of autonomy has been extensively explored. Imagine a society in which the vast majority of people have deeply held beliefs about the respect owed to the dead, and that according to those beliefs, it would be morally wrong to use medical products derived from cadavers. In such a society there is clearly an obligation, grounded in the duty to respect autonomy, to disclose when a treatment option would involve such products. And yet, even if disclosing that fact results in those products being discontinued entirely, that unfortunate limitation on informed choice would not constitute a violation of anyone's autonomy. Thus, informed choice is distinct from autonomy, and a limitation on one need not be a limitation on the other.

Some predict that a labeling requirement would not lead conventional producers to abandon GM products, but would instead lead them to place a "may contain GM ingredients" label on all of their products (thereby avoiding the expense of segregation, tracking, and testing). Some argue that this implies that mandatory labels would not protect autonomy because in such a situation there would not be any real choice, as most products

would carry the label (Thompson, 1997). However, despite the lack of choice, labels would protect autonomy by providing information about the product that consumers believe to be relevant. Consider another analogy: In a no-fault divorce situation, a husband, say, may not be able to prevent his wife from leaving. Nonetheless, if the wife discusses the issues with her husband, and explains why she is leaving, this is more respectful of his autonomy than if she simply left without any explanation. Providing the information respects her husband's autonomy by giving him the opportunity to endorse the divorce, whether or not he ultimately decides to do so, and whether or not he can prevent her from leaving.

Thus, autonomy is different from choice and from informed choice. Because the best rationale for mandatory labeling is based on autonomy (Streiffer & Rubel, in press), Carter and Gruère's claim that labels will eliminate consumer choice is tangential to the main issue in the debate.

Finally, the policy implications of Carter and Gruère's claim are unclear absent a careful discussion of the appropriate policymakers and the kinds of considerations that are relevant to each of them (Streiffer & Rubel, in press). In the context of the United States, the two most relevant policymakers are the United States Food and Drug Administration (FDA) and Congress. Whether mandatory labels would eliminate consumer choice is irrelevant to the FDA; nowhere do the food labeling provisions of the Food, Drug, and Cosmetic Act direct the FDA to consider market impact when deciding whether a product is misbranded due to a failure to disclose information. Market impact is relevant to Congress, but Congress has numerous other obligations, including an obligation to act as a representative of the people on certain kinds of decisions. Given the persistent and overwhelming majority of Americans who think that there should be mandatory labeling on GM products (Program on International Policy Attitudes, 2003), a Congressional decision not to require labeling would violate that obligation, regardless of whether doing so leads to fewer GM products on the market. Although that obligation can be overridden in many cases—for example, in cases of justified paternalism or where fundamental rights are at stake—we have argued elsewhere that it is not overridden in the case of GM labels (Streiffer & Rubel, in press). The narrow economic considerations that Carter and Gruère discuss are certainly not sufficient to do so.

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