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Food & Consumer Packaged Goods Litigation

## **FDA Responds to Court Referrals Regarding “Natural” and Bioengineering**

Three federal judges previously stayed "natural" cases involving bioengineered ingredients and referred those cases to the FDA for further guidance on the issue. In a response letter to the judges in those cases, the FDA wrote that private litigation was not the right forum to decide these questions. Given the competing consumer and industry interests at stake, the FDA stated that "it would be prudent and consistent with [the] FDA's commitment to the principles of openness and transparency to engage the public on this issue." The FDA also noted that it had consulted with the USDA, and the agencies determined that to define the term, they would need to consider other factors related to "natural" including scientific evidence, food production and processing technology, among others. The FDA further noted that it expected a citizen petition to be filed shortly addressing the same issue, which would provide for a more open administrative process. [Letter.](#)

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