



Foreign Agricultural Service

**GAIN Report**

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# **Korea, Republic of**

## **Biotechnology**

### **Indication of Presence of Biotech Component in**

### **Advertisement**

### **2002**

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**Report Highlights:** On March 5, 2002, the Fair Trade Commission issued a revision to "Notification of Principle Information on Labeling & Advertisement" to require in an advertisement indication of a biotech-enhanced component's presence when a subject food is advertised in the newspaper, magazine, cable, or TV commercial. The new requirement goes into effective on July 1, 2002.

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Includes PSD changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
Seoul [KS1], KS

On March 5, 2002, the Korean Fair Trade Commission (FTC) announced new advertisement requirements for food containing a biotech-enhanced ingredient(s) would go into effective on July 1, 2002. A gist of the new requirements follows:

**Background:** On March 5, 2002, FTC issued a revision to "Notification of Principle Information on Labeling & Advertisement" to also include biotech-enhanced foods. In this "notification," the FTC lists all goods required to provide identified information in both a product's advertisement and a product's label. As other government agencies already are implementing defined labeling requirements for biotech-enhanced commodities and food products, the FTC revision would affect only the advertisement of biotech-enhanced foods. Other government agencies requiring labeling of biotech-enhanced commodities and foods include the Ministry of Agriculture & Forestry (MAF) for unprocessed commodities (corn, soybeans, soybean sprouts, potato) and Korea Food & Drug Administration (KFDA) for processed products containing one of those four commodities as a component. FTC defines the "presence" of a biotech component as principal information to be provided in an advertisement for any food product containing an MAF or KFDA-designated ingredient.

**Legal ground:** The "Act on Fairness of Labeling & Advertisement" (Act) and "Notification of Principle Information on Labeling and Advertisement" (Notification issued by FTC), are the legal bases for the new FTC-mandated advertisement requirement. The "Act" requires accurate and useful information be provided in labels/advertisements to prevent the misleading or deception of consumers. The "Notification" identifies the relevant information that should be provided to guide consumers during the buying process.

**Who is Subject to these new requirements:** Anyone who manufactures or sells biotech-enhanced food and advertises such products in one of the identified forms below:

- 1) Newspaper or magazine
- 2) T.V. commercial (when its running time is greater than two minutes)
- 3) Cable T.V. commercial

**Products subject to new requirements:** Agricultural or food products required to be labeled by MAF or KFDA regulation.

**What should be indicated in advertisement:** When a regulated food product is advertised, the presence of a biotech-enhanced component should be indicated as follows.

- 1) "Contains biotech-enhanced food" when presence of a biotech-enhanced component is certain.
- 2) "May contain biotech-enhanced food" when presence of a biotech-enhanced component is uncertain.

**Effective date:** July 1, 2002

**Comments from Fair Trade Commission:** FTC has the overall authority over the advertisement and labeling of goods including food products. Under its given authority, FTC can establish regulations to prevent unfair, false, abusive or slanderous advertisements or labeling.

The FTC, on request from consumer groups and Prime Minister's office, developed the requirement for advertisements on biotech-enhanced foods.

The FTC views its new requirement for advertisement of foods containing a biotech-enhanced component as complimentary to current biotech labeling regulations of MAF and KFDA. Further, FTC sees the requirement as equal across media venues - T.V., newspaper, magazine, and cable.