

French Beekeepers Sue Bayer/Monsanto on Glyphosate in Honey; U.S. Court Allows Glyphosate Contamination of Honey Labeled “100% Pure”

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Some 200 members of a [French beekeeping cooperative in the northern Aisne region have sued Bayer](#) — on the same day the giant chemical company’s acquisition of Monsanto was finalized — after discovering that their honey was contaminated with toxic glyphosate, a known endocrine disruptor and probable human carcinogen ([according to the World Health Organization’s International Agency for Research on Cancer](#)). Monsanto is the long-time manufacturer of Roundup, the popular glyphosate pesticide; Bayer now owns not only the company, but also, the liabilities that come with it, [including the “Monsanto” name](#). Environmental [activists had denounced the merger](#), which creates an agrichemical leviathan that promotes use of chemical herbicides and genetically engineered/modified (GE/GMO) seeds.

The beekeepers’ suit was filed in early June after Famille Michaud, a large French honey marketer, detected glyphosate contamination in three batches from one of the coop’s members — whose hives happen to border large fields of [rapeseed, beets, and sunflowers](#). Glyphosate is commonly used in French agriculture; President Emmanuel Macron has vowed to ban its use by 2021.

Emmanuel Ludot, a lawyer for the cooperative, is looking for an outcome that includes mandated investigation of the extent of glyphosate contamination of honey, and of health consequences the pesticide represents for people. [Mr. Ludot said](#),

“It’s also a matter of knowing how widespread this might be. Famille Michaud tells me this isn’t an isolated case.”

Familles Michaud president [Vincent Michaud noted](#) that

“we regularly detect foreign substances, including glyphosate. Usually, beekeepers will say, ‘In that case I’ll sell the honey at a roadside stand or a market,’ where there’s no quality control. But this beekeeper had the courage to say, ‘I’m not going to be like everyone else, I’m going to file suit against Monsanto.’”



French beekeepers are not alone in pushing back on glyphosate contamination of honey.

Stateside, several organizations and individuals have approached the issue with a different strategy. Rather than suing the manufacturer, in November 2016, [Beyond Pesticides, along with the Organic Consumers Association \(OCA\), brought suit against Sioux Honey Association](#) (Sue Bee Honey) in Superior Court in Washington, DC for deceptive and misleading labeling of its products. The suit, which followed revelations that Sue Bee honey products labeled “100% Pure” and “Natural” tested positive for [glyphosate](#) residue, claimed that Sioux Honey’s labeling and marketing practices violated the District of Columbia Consumer Protection Procedures Act. Plaintiffs’ argument was that consumers expect a product labeled “100% Pure” and “Natural” to contain only honey, and that contamination of the product makes that labeling deceptive and misleading.

[The introduction to the filed complaint says,](#)

“Beekeepers are often the victims of, and have little recourse against, contamination of their hives caused by pesticide applications in the fields where bees forage. Given the failure of current law to protect beekeepers, retailers like Sioux Honey can and should use their market power to promote practices that protect beekeepers from contamination to ensure that consumers are provided products free of glyphosate and other pesticide residues. . . . Unless the paradigm of modern agriculture is shifted, however, synthetic chemicals will continue to contaminate everyday consumer products, and until that time, producers, distributors, and retailers of food products must be mindful of the fact that products containing such contaminants are not ‘natural’ or ‘pure,’ as a reasonable consumer would define the terms, and it is unlawful to label or advertise them as such.”

The intent of the suit was, broadly, to highlight the issue of pesticide contamination in the food supply. [OCA director Ronnie Cummins said,](#)

“Regardless of how these products came to be contaminated, Sioux Honey has an obligation to . . . prevent the contamination, disclose the contamination, or at the very least, remove these deceptive labels.”

Beyond Pesticides and OCA lost the case. In March 2017, [Associate Judge William Jackson of the DC Superior Court granted](#) Sioux Honey’s motion to dismiss, finding that there was no evidence consumers had been misled by Sioux’s labeling on the honey. He also found that the trace amounts of glyphosate in the honey “were not ingredients or additives because the chemical had been introduced into the products by bees carrying it back to the hive rather than something the company added during production.” The judge found that the court did not believe that consumers expect “pure” honey to be free from small amounts of glyphosate. Beyond Pesticides has not yet announced next steps in the case, but is determined, on all fronts, to highlight the fact that our food supply is being contaminated by glyphosate (and other pesticides).

In a similar case brought before a District Court in California — Susan Tran v. Sioux Honey Association, Cooperative — the U.S. Food and Drug Administration (FDA) responded to an order by Judge Josephine Staton, of the U.S. District Court for the Central District of California, asking FDA to determine whether and in what circumstances honey containing glyphosate may or may not be labeled “Pure” or “100% Pure.” The FDA declined to provide a determination, saying

“FDA’s role is to ensure that pesticide chemical residues on or in food are lawful because they do not exceed the limits established by EPA or, if present on or in foods without a tolerance, EPA has established an exemption from the need for a tolerance. . . . Any food that bears or contains a pesticide chemical residue that is not within the limits of a tolerance established by EPA, or is not exempted from the need for a tolerance, is adulterated. . . . EPA has established tolerances for glyphosate on such crops as corn, soybean, oil seeds, grains, and some fruits and vegetables, EPA has not established any tolerances or exemptions for glyphosate in honey. FDA understands that EPA’s review of the safety of glyphosate is ongoing. FDA intends to consider the need for any appropriate actions with regard to glyphosate findings in honey in consultation with EPA.”

Essentially, FDA declined to issue a determination based on a lack of clarity about whether or not the presence of glyphosate residues in honey is lawful. Because EPA has issued neither a tolerance level, nor an exemption from such tolerance, for glyphosate, FDA asserts that its presence is in a sort “legal limbo” until, apparently, EPA decides to take up the matter. Beyond Pesticides contends that the lack of an established tolerance means that glyphosate should not be present in honey. Oddly, one of FDA’s points in its letter — “Any food that bears or contains a pesticide chemical residue that is not within the limits of a tolerance established by EPA, or is not exempted from the need for a tolerance, is adulterated” — would appear to support the contention of the plaintiffs.

The real and lasting solution is, of course, to disallow EPA registration of pesticides that will (or can) contaminate the food supply. Beyond Pesticides executive director Jay Feldman notes, “It is our hope that beekeepers in the U.S. will, as did those in France, join the effort to push back against the registration of pesticides that invade the environment and cause indiscriminate poisoning and contamination. Until that is achieved, it is misleading to label contaminated food — especially food without a tolerance — as ‘100% pure’ or ‘natural.’”

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