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# JAPAN RESOURCES

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## **The Problem With Econa Food Oil**

In September, Kao Corp. announced [1] that it would “temporarily” stop sales of its best-selling Econa food oil products, called Enova in North America [2]. The news was a shock to everyone in Japan as the products carried the designated health food label, indicating that the oil was a food for specified health uses (such as cholesterol reduction). This is an example of the confusion that can occur because Japan does not apply the precautionary principle in its food legislation.

Under the government’s official “Tokuho” label system Kao Corp was allowed to claim that Econa products “make it difficult for fat to cling to the body.” This system is called FOSHU in English, an abbreviation of the words Foods for Specified Health Use. The Japanese Ministry of Health, Labour, and Welfare (MHLW) set up ‘Foods for Specified Health Use’ (FOSHU) in 1991 as a regulatory system to approve the statements made on food labels concerning the effect of the food on the human body [3].

Kao Corp has introduced over 50 products one after the other to cash in on its health claim, and similar food oils were also sold in South Korea and elsewhere.

However, there are two major problems with Econa [4]. First, the possibility that the diacylglycerol (DAG) in Econa is a carcinogenic component. Already in 2003 when Kao Corp was getting permission to use the health label on its Econa Mayonnaise Type products, concerns emerged about the processing, and animal studies were done. In 2005, it was suggested that this substance could cause tongue cancer, and a special committee started deliberations in the Food Safety Commission. This work took time as more animal testing was conducted, and this year the deliberation was reopened. However, the opinions have remained divided, as it became complicated for the experts to interpret the experimental results.

### **Kao Corp was reluctant to stop sales**

Furthermore, in July this year, a new impurity was detected in the oil at levels nearly 100 times higher than in normal food oils. The substance is called glycidol fatty acid ester, which was classified in 2000 as a probable carcinogen. The expert committee came to the point of starting the risk appraisal anew to investigate the new data. Because this would take time, there was an urgent request that the levels should be reduced to be as low as in normal food oil.

In other words, the approach to wait until the safety testing provided evidence of risk turned out to be a dead end. In spite of the early concerns, Kao Corp was allowed to continue sales even as the experts continued their deliberation in the Food Safety Commission committee.

It was not until September that Kao Corp made the decision to withdraw its Econa products from the market in Japan. Econa sales in North America were also suspended, and other companies followed suit elsewhere. Japan’s government did not do anything, as the company “temporarily” halted the sales. This is in stark contrast to the European approach to food safety, which is based on the precautionary principle. In Europe, a new product would not be allowed on the market if there is concern about its characteristics or its content. In case of strong concerns, the products would remain banned, not just temporarily withdrawn. While the approach in the European Union also has its critics, at least a product series like Econa cannot easily be introduced and marketed under the more consumer-friendly EU food legislation.

On September 25, consumer organizations invited representatives from Kao Corp and the relevant government officials to discuss this problem. During the study meeting, Kao Corp insisted that the Econa products are safe to eat, and claimed that they had exercised self-control by halting the sales while further investigating the products. The consumer organizations asked why the health label was not withdrawn by the Consumer Agency. This contradiction was a further result of the legislation that expects evidence of harm before the government can act to prohibit a product.

As consumer advocates including food safety expert Ueda Taketomo has noted, it is obvious that once permission is given to start the sales of a new product, the hurdle to prove that a product is harmful becomes too high. Econa has carried the official health label since 1998, and doubts about its safety emerged already in 2003.

The government finally announced on October 8, 2009 that they would start procedures to cancel the health label authorization for Kao's Econa series, according to Kyodo News [5].

Kao Corp will make every effort to lower the levels of glycidol, and is anticipating to put Econa on the market again in February 2010. The government has no legal way to stop them from doing that, as the deliberation in the expert committee of the Food Safety Commission will take several years before reaching any conclusion about the risks. Changing the food legislation to be based on the precautionary principle is the only way to make sure that this type of scandal does not happen again.

## Notes ---

[1] Kao Corp News Release, Kao to Temporarily Refrain from Selling Econa Products. September 16, 2009

[2] AOCS, Kao halts sales of DAG oil, September 16, 2009

[3] Shimizu Toshio, Health claims on functional foods: the Japanese regulations and an international comparison. *Nutrition Research Reviews* (2003), **16**, 241–252

[4] Ueda Taketomo, Food Safety Citizens Watch No 22, September 30, 2009 (in Japanese only)

[5] Kyodo News, Health food labelling to be withdrawn from Kao's Econa series. October 8, 2009

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## **Protect Biodiversity from Living Modified Organisms at MOP5 in Nagoya!**

Japan Citizens' Network for Planet Diversity (JCNP) is a nationwide network for citizens who are working on protecting our food crop diversity from living modified organisms.

We started this network in order to act on the United Nations' major meeting to be held in Nagoya, October 2010, for the Protocol on Biosafety (also called Cartagena Protocol) which regulates the international trade of organisms modified by modern biotechnology (living modified organisms).

We want the meeting in Nagoya to define rules to protect consumers and the environment. The rules will be a crucial element of the global regulations regarding the integrity and continued sustainable use of living organisms under threat from certain risky applications of modern biotechnology.

### ***Make binding global rules!***

The Cartagena Protocol was adopted as a supplementary agreement to the Convention on Biological Diversity. It sets forth procedures for the transport, handling, and use of living organisms modified by modern biotechnology (LMO) that have the potential to adversely affect biodiversity. The protocol specifies regulations on cross-border transfer of modified living organisms developed with biotechnology, such as genetically modified agricultural seed, food products, and microorganisms. Such regulations are needed because of the possibility that LMOs can exert adverse effects on other living organisms. Most countries around the world has become parties to this treaty, with the notable exception of the United States of America.

By February 2009, 191 countries and regions had become contracting parties. Japan also became a party to the convention in May 1993. Japan approved the first National Strategy for the Conservation and Sustainable Use of Biological Diversity at a Cabinet meeting in October 1995 and the third National Strategy was approved at a Cabinet meeting in November 2007.

The meeting in Nagoya called MOP5 (meaning the fifth meeting of the parties of the Protocol) is an important part of the Convention on Biological Diversity, which aims to conserve, use and share biological diversity in general. Issues concerning CBD will be discussed at COP10 (meaning the tenth conference of the parties of the Convention) to be held together with MOP5.

### ***MOP5 should finalise the discussion about liability and redress!***

GMO crops are known to disturb and destroy other living organisms. Their cultivation have expanded in a few countries, and its introduction has led to increased control over seed, as smaller plant breeding companies have been bought up by a few multinational corporations. This has also led to a major shift in the control of food and agriculture. This urgently needs to be addressed at the international level.

One of the focal points of MOP5 will be to discuss liability and redress. What measures should an administration undertake if biological diversity is damaged by the introduction of a genetically modified organism? Who is going to bear the costs and expenses of the damage, and how? What backup financial system should be established for the cases where the cost for the redress is not properly covered? The rules and methods will be debated as stipulated by the Cartagena Protocol.

In Japan, this is a very real question as exemplified by the spread of imported genetically

modified rape seed, that has been found to mix with natural local varieties of related crops on a number of occasions along roads and near harbors. How should an administration (local or national) and the corporations involved approach such contamination?

### ***Our Goals and Vision***

Our goal is to take food and agriculture into our own hands, and make every effort to protect living organisms and biological diversity by establishing the Japan Citizens' Network for Planet Diversity, in cooperation with other NGOs in Japan and around the world.

Caring deeply about food and agriculture, we strongly believe that the debate and discussion during MOP5 should rapidly be brought to agreement so that the legal framework will be strengthened for truly protecting local crop varieties and all living things.

- Parties should finalise a binding international regime to ensure that both liability and redress will be forthcoming.
- The damage-scope should be as wide as possible to include human health and socio-economic effects.
- Strict liability, financial security and limited exemptions are fundamental to ensure that payment is forthcoming to consumers and farmers in all cases of damage caused by living modified organisms.
- Parties should establish a backup fund to ensure that the environment can be truly protected and victims compensated.

### **Participating organizations:**

- No! GMO Campaign
- Association of GMO Concerns, Chubu-district, Japan
  - Seikatsu Club Consumers Co-operative Union
  - Seikatsu Club Consumers Co-operative in Aichi
    - Shumei Natural Agriculture Network
    - Kiso River Ryuiki Min-min Association
  - Consumers Union of Japan/ GM Kokusai Watch
    - Consumers Union of Japan
  - Policy Research Institute for the Civil Sector
    - Japan Organic Agricultural Association
    - Co-op Shizenha Consumers Co-operative

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### **Japan Citizens' Network for Planet Diversity**

Website: <http://mop5.jp> (in Japanese)

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## **Consumer Agency and Consumer Committee: Launch amid Strong Concerns about Structure, Members and more**

By Yamaura Yasuaki  
Secretary General of of Consumers Union of Japan

Japan's LDP-led government scrambled to launch the Consumer Agency and the Consumer Committee on September 1, 2009. It was clear that the launch was rushed to happen while Taro Aso was still prime minister, but the LDP-selected Sumita Hiroko, who was expected to be chairman, refused to participate after criticism. Then Hayashi Fumiko from car company Nissan Co. refused to take the helm in order to participate in the election instead. Hiwasa Nobuko from food maker Snow Brand Milk Products Co. who has previously served as secretary-general of the National Liaison Committee of Consumers' Organizations (Shodanren) was chosen as a member while one other post is still vacant.

### **Why is the president of Asahi Breweries Ltd. a member of the Consumer Committee?!**

Eventually, Matsumoto Tsuneo from the Hitotsubashi University Law School was elected as chairman of the Consumer Committee. Representing consumers, the members are Sano Mariko from Japan Housewives' Association, Shimoyachi Fujiko from Japan Association of Consumer Affairs Specialists, Sakurai Keiko from Gakushuin University, Tajima Makoto from Jissen Women's Educational University, journalist Kawada Keiko and lawyer Nakamura Masato from Japan Federation of Bar Associations. In addition, Ikeda Koichi, who is president of Asahi Breweries Ltd. was selected to represent the corporate sector.

This committee was nominated without any transparency by outgoing consumer minister Seiko Noda of the notoriously opaque LDP administration and the LDP-led Cabinet Office. The Consumer Committee is supposed to deal with matters involving consumer protection, but we cannot say from the consumer perspective that unexpectedly including representatives from the corporate sector will be seen as making the Consumer Committee independent nor will it enable the committee to give advice to the Prime Minister or the Consumer Agency.

### **Government councils transferred to the Consumer Committee**

We are concerned about the structure of the Consumer Committee, and the fact that members are only supposed to serve for two years, and many of the members will participate on a part-time basis. How can members concentrate on the committee activities if they are also getting paid by the corporate sector?

A number of important councils will now be under the jurisdiction of the Consumer Committee, including the Research Committee for Agricultural and Forestry Standard (Ministry of Agriculture, Forestry and Fisheries), as well as standardization bodies for both food and pharmaceutical products. The 15 members of the Consumer Committee secretariat will be handling all the functions of these different bodies, in addition to special task force committees. We strongly question if this will be possible.

## **The staff members at the Consumer Agency are all bureaucrats from other ministries**

We are critical of the choice of former Cabinet Office Vice Minister Uchida Shunichi as the chief of the new Consumer Affairs Agency. Almost all of the top bureaucrats that the LDP-led government selected for the Consumer Agency come from other government ministries or agencies, such as the Ministry of Agriculture and Forestry and the Ministry of Health, Labour and Welfare, and the Ministry of Economy, Trade and Industry. The only exception with experience from the non-profit sector is Sayuri Kato from the National Federation of Regional Women's Organizations.

A lot of work will now be centralized and moved to the Consumer Agency, which is supposed to operate according to a consumer-oriented policy. This will range from food labelling and Japan Agriculture Standard certification to consumer product safety, email identification issues or cases that fall under the travel agency legislation. Consumer information issues will also be managed in a more uniform way. Even unique safety problems, such as the issues related to konnyaku-jelly which have no applicable law, will be handled by the Consumer Agency.

Under the present circumstances, we cannot be certain of how the Consumer Agency is supposed to fulfill its role as a "control tower" for consumer issues, as there is no actual workforce. Also, the so-called Consumer Hotline did not start as scheduled on September 1, 2009.

When both the Consumer Agency and the Consumer Committee have such a large number of problems, would it not be best to immediately take steps to review and reconsider their functioning?

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## **7000 People Saying No To Nuclear!**

By Tomiyama Yoko, Consumers Union of Japan/Co-chair of No Nukes Festa 2009

On October 3, 2009 a big manifestation with 7000 people from all over Japan met in Meiji Park, Tokyo for the No Nukes Festa 2009. The theme of the event was to highlight the links between nuclear weapons and energy production using nuclear power.

Speakers included local activists against controversial nuclear power plants around Japan, such as the Rokkasho reprocessing plant, the Hamaoka nuclear plants, the Kashiwasaki-Kariwa nuclear plants, and the campaign against high-level radioactive waste in Gifu Prefecture. Victims from the accident at JCO in Ibaraki talked about the risks and participants heard an emotional appeal from peace activists and cyclists who noted the sense of insecurity among people living near nuclear facilities, and their concern for their health and the environment.

## **Appeal for Energy Policy**

Satoshi Kamata, writer and co-chair of the No Nukes Festa, made an appeal for a conversion of the national energy policy with full participation of the people, and from Fukui, calls were made to reopen the discussion of all the problems related to the plans for the Monju fast breeder reactor in the prefecture. A number of politicians including Kumiko Aihara, Mizuho Fukushima, and Masahiko Kondo participated, and we had an opportunity to tell Ms. Fukushima, who is Minister of State for Consumer Affairs and Food Safety, Social Affairs, and Gender Equality, about the need for strict safety guaranty and standards to protect power plants against earthquakes. Indeed, the new government will have a lot to do.

Lawyer Koji Asaishi who represents plaintiffs from Aomori Prefecture talked about the reprocessing problems at Rokkasho. We also heard about the issues emerging in Saga prefecture, where the Genkai nuclear plant will accept MOX fuel for its pluthermal program. Activist blocking Chugoku Electric Power Co. from building a nuclear power plant in Kaminoseki in Yamaguchi Prefecture, also spoke about their bold struggle to protect the hearts and minds of the people living in this beautiful part of the Seto Inland Sea.

Ohbayashi Mika from Office Ecologist, an anti-nuclear NGO, proposed “Together with our children, we go towards the future” as the action appeal of the demonstration, as the 7000 participants started marching towards Yoyogi Park.

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## **Cloning: The Real Problem in Japan**

By Yasuaki Yamaura

In April 2008, Japan's Food Safety Commission (FSC) was asked by the Ministry of Health, Welfare and Labour to make an assessment of the safety of food from cloned animals. Somatic cell cloning has recently emerged as an issue also in Japan, and on February 29, 2009, a special assessment group on cloned animals set up in the FSC's Expert Committee announced that such food was safe.

On March 24, 2009, the Food Safety Commission once more discussed this topic. However, it became clear that there were a number of unresolved issues and serious problems related to this technology. CUJ raised several questions at this meeting. We were told that in Japan, some 1,240,000 cows are slaughtered annually, and among them approximately 720,000 have some defects or show symptoms of disease. The officials reluctantly admitted that in such cases, the lesions or sick parts are simply removed, and the rest of the carcass is used for food. Clearly, we must assume that the same practice will continue also in the case of sick cloned animals.

### **Many cases of stillbirths and birth defects connected with cloning**

In July 1998, the first two calves were born from cows cloned using somatic cell technology at a research center at Kinki University in Ishikawa Prefecture. By September 2008, some 557 calves have been produced in this way. Among them, however, more than



half have had unintended premature deaths: 78 calves were born dead (stillbirth), 91 died just after birth, and 136 died from different illnesses.

Several reports have been published outlining these problems associated with cloning in Japan. In 2000, an interim report about the status of the research was published by Dr. Susumu Kumagai at Tokyo University. He also published a report in 2003 reviewing the status of the subsidies for scientific research from the Ministry of Health, Welfare and Labour. The report notes that “although there were many cases of stillbirths etc, feeding rats with meat or milk from the animals that had grown up normally when their physiological functions were not different from other animals, did not impair the health of the rats.”

However, in our opinion, there has been insufficient investigation regarding the causes of the defects associated with cloning technology.

### **Japan’s cloning debate follows the United States**

In January 2008, the US Food and Drug Administration published its appraisal of foods from cloned animals, concluding that it is as safe as food from conventional animals. In April 2008, Japan’s Ministry of Health, Welfare and Labour then followed suit by announcing that it would also make an assessment of such food, and the Food Safety Commission started its deliberation in May. A special assessment group announced its appraisal in January 2009, concluding that such food is safe.

We found the following problems with the appraisal:

- The basis for the conclusion depends on groundless assumptions that cloned animals are healthy, because they survived to a certain age.
- There is insufficient scientific explanation on why cloned animals have so many stillbirths, deaths just after birth and from various diseases.
- Nothing is referred to the well-known problems with cloned animals: the effects on the descendant generations, shortened telomere length, abnormalities in genome imprinting, bad effects on the surrogate mother, etc.
- The evaluation of the safety of meat and milk from cloned cattle by making comparisons with ordinary foods ignores the animal welfare aspects and the environmental aspects, as well as the ethical problems.
- Only brief summaries of the actual status of the health of the cloned animals were released to the public.

### **Preparation for future imports of cloned animal products from the U.S.?**

Meanwhile, in Europe, the public opposition to cloning remains strong. In July 2008, the European Food Safety Agency (EFSA) began its safety assessment of food from cloned animals. Its mandate also includes the ethical and environmental aspects and they are still deliberating the issue.

In the United States, experts such as Michael Hansen from Consumers Union are pointing out a number of problems with cloning (inherent deficiencies due to the somatic cell cloning technology, increased need for antibiotics for offspring survival, inheritance of serious defects, etc). This shows that it is important that the consumer perspective is taken into account.

Why does the Japanese government want to announce so promptly that cloned animals are safe? The real reason should lie in the fact that Japan will be faced with the import of meat and milk from cloned animals produced in the United States, should such foods be released on the market there. Will Japan be forced, again, to lower its domestic standards to allow imports of meat from cloned pigs and cows?

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## **Report From Our Visit to the National Livestock Breeding Center: NLBC Researchers Recognize “Failure of Cloning”**

By Koketsu Michiyo

Food Safety Citizens Watch visited the National Livestock Breeding Center (NLBC) in Fukushima Prefecture on September 9, 2009. This is the center that has been designated to continue the work that started in 1998 to improve the productivity of cattle breeding using somatic cell clone technology. In June, Japan’s Food Safety Commission stated that “somatic cell cloned livestock is safe for use as human food,” i. e. that meat and milk from from cloned cows, pigs and so on will be safe. However, among consumers, a strong sense of doubt and insecurity remains, as researchers have not been able to eradicate problems such as stillbirths and abnormal deaths among the cloned animals. In order to investigate the current status of the research, we visited the NLBC.

First of all, we were surprised by the low success ratio of somatic cell clones, which is not even 3% among domestic animals. At the NLBC ranch in Tokachi, Hokkaido, researchers have so far attempted to create 1,509 cloned cattle, but only 391 were conceived properly, or around 26%. Among them, we were told that only 42 heads survived feeding and achieved normal growth, or 2.8%.

During our visit, the center frankly admitted, “We have currently not achieved any rapid improvement.”

We were not able to get any clear explanation for why the production rate has been so low, but it was agreed that it is related to epigenetic mutation. Usually, immediately after fertilization, the epigenetic information of the genes is turned off once, and after that, the information is written anew. However, in the case of somatic cell clones, the animals that are born seem to have so many abnormalities and problems because the initialization never takes place.

We were able to clarify some issues arising from a detailed report by the center that was released in June, 2009 concerning ways to apply somatic cell cloning technologies to improve livestock. Among these, the center suggested that it is “difficult” to “duplicate superior individuals” which is the original purpose of cloning. Also, the report clearly stated that there has been no real improvement and no faster technology to apply cloning at cattle ranches. In addition, the researchers are admitting that there is no economic merit.

With such a sorry state of affairs, one would think that the researchers should have stopped their cloning projects, but they are still trying to get results. According to the center’s June report, there is an increase in the official approvals for using novel testing methods for cloned cattle. These approvals are for inspecting if the desired superior characteristics are inherited to the first and second generation of the offspring. If the traits

can be inherited, it is assumed that fewer animals would be needed on cattle ranches, which would save costs. However, a prerequisite for this is that the productivity rate must be raised from the current dismal 2.8% to at least 20%, and this is not happening.

Confusingly, on their homepage, NLBC published its conclusion (basically saying that cloning is a waste of time) on June 26, just one day after the Food Safety Commission published its report (basically sticking to the view that food from cloned cattle is safe). It seems the Food Safety Commission must have been aware of the contents of the detailed NLBC report regarding the failure of cloning when they concluded that food from cloned livestock is safe.

During our visit to NLBC, we understood that cloning using fertilized eggs, the forerunner of somatic cell clone technology, has largely been discontinued in reality. As we could not discover any practical merits from the continued research, perhaps somatic cell cloning will also be discontinued sooner or later. If that is the case, why was the Food Safety Commission in such a hurry to publish its verdict? Our only guess is that when meat from cloned animals in the United States will start to be imported to Japan without approval, there will be no way to call for it to be stopped, and that the government was under pressure to prevent such a situation from arising.

Taking these factors into account, as well as the many public comments collected by the Food Safety Commission, with the deep-rooted opposition to food from cloned animals and the insecurity that consumers have expressed, and the continued opposition led by our citizens group, we can only conclude that it would be better to apply the brakes and stop promoting cloning technology research at the National Livestock Breeding Center. After our visit, we were left feeling that this would be the best solution for all parties.

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**Japan Resources is published by Consumers Union of Japan (CUJ). CUJ was founded in April 1969 and was officially certified as a non-profit organization on May 1, 2006 by the new Japanese NPO legislation. We continue to be a non-political and financially independent organization (NGO). CUJ is funded by membership fees and donations. The main concern of CUJ and its members is to realize a world of liberty and equality, a world free of economic, social and legal discrimination, and to preserve a safe and healthy environment for our children's future.**

**CUJ pursues the following goals on behalf of consumers: (1) To secure for ourselves and our families safe and healthy lives, (2) to establish systems/laws to protect the rights of consumers, (3) to promote peace, social justice and economic fairness, (4) to support and empower consumers who care about the environment, and (5) to cooperate with foreign consumer groups/organizations.**

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