PART III

FOOD SAFETY:
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At least since the 1950s, cattle have been treated with growth promoting hormones throughout the United States and in certain parts of Europe. The types of hormones used for this purpose include three synthetic hormones (trendbolone acetate, zeranol, and melengestrol acetate) and three natural hormones (17 beta-oestradiol, progesterone, and testosterone). While the sale of meat and meat products derived from cattle treated with such hormones is permitted in the United States, the European Communities (EC) prohibited the use of hormones in the 1980s. As a result, the United States, which was a major exporter of beef to Europe, lost an important market.

The EC first prohibited the use of growth promotion cattle hormones in 1981. This prohibition was a response to the widely publicized “hormone scandals” in Italy in the late 1970s, in which Italian schoolchildren showed signs of premature development, which were suspected to be linked to illegal growth hormones in veal. Under this prohibition, the use of hormones was allowed as long as they were applied according to the regulations of member states and foreign countries. In 1985, the EC adopted a directive prohibiting the use of growth hormones in Europe as well as the import of hormone treated beef. However, the 1985 EC directive was annulled by the European Court of Justice on procedural grounds. The ban was reintroduced in 1988. The United States viewed the ban as a crisis management decision that had evolved into a non-tariff barrier to trade without any scientific justification and responded by imposing retaliatory tariffs on food products from Europe. The conflict between the EC and the United States could not be solved under the “old” General Agreement on Tariffs and Trade (GATT) procedure.

In 1996, the EC Council Directive Prohibiting the Use in Livestock Farming of Certain Substances Having a Hormonal Action was adopted, which slightly modified the 1988 Directive but continued to prohibit the use of growth hormones and the import of meat and meat products derived from cattle to which specific natural and synthetic hormones had been administered to promote growth. On April 25, 1996, the United States requested the establishment of a panel under the new World Trade Organization (WTO) Dispute Settlement Procedure. With the adoption of the Agreement on Sanitary and Phytosanitary Measures (SPS Agreement) in 1994, the United States had new legal grounds for its complaint. The SPS Agreement allows WTO members to take food safety measures.