USDA Clips Wings of Misleading Language on Organic Packaging

The Cornucopia Institute

CORNUCOPIA, WIS —The USDA, announced [1] to industry stakeholders that it would rein-in misleading language on organic packaging that all too often has been suspected of confusing consumers.

Specifically, the agency addressed companies marketing food products that have the word “organic” or “organics” in their brand-name.

“Unless a food product is certified organic it cannot display, overtly, the word ‘organic’ on the front panel of the product,” said Mark A. Kastel, Codirector at The Cornucopia Institute [2], an organic industry watchdog.

Some companies, such as Newman’s Own Organics [3], have been selling products that do not qualify for the use of the word organic on the front panel and are getting away with misleading messaging to consumers because they have used the word organic in their trade name.

In 2010 Cornucopia filed a formal legal complaint [4] against Newman’s for selling such products as ginger cookies, using a lesser labeling category regulated by the USDA: Made with Organic Ingredients. The USDA dismissed this complaint without explanation.

At that time staff from Cornucopia also briefed USDA Deputy Administrator, Miles McEvoy, who heads the National Organic Program (NOP) on the organization’s concerns, in this matter, and also briefed members of the National Organic Standards Board.

“Nothing happens too swiftly in Washington but we want to sincerely express our appreciation to the leadership and staff at the National Organic Program,” added Kastel, who said that Cornucopia would be refiling their legal complaint against Newman’s Own Organics, which appears not to be operating within the new labeling instructions issued by the USDA today.

As an example, when Cornucopia filed its original complaint Newman’s ginger cookies, and other products the company markets, had labels such as “made with organic wheat and sugar,” but many of the more expensive ingredients were not in fact organic.

“When products qualify for the made with organic label, it means they have a minimum of 70% organic content,” stated Kastel. “Newman’s Own Organics ginger cookies didn't even contain organic ginger when we did our initial investigation in 2010. That’s what I call misleading!”

A small percentage of products under the Newman's Own Organics name actually are certified organic. Most are manufactured with 70% organic ingredients and qualify for the "made with organic" labeling category.

"Other brands of organic cookies that have to compete on store shelves with Newman's, such as Country Choice, go to the effort and expense to procure organic ginger and all other available organic ingredients, and present a product of true integrity to the consuming public," said Kastel.

In an e-mail to the organic industry, the USDA's National Organic Program explained the basis of their new approach, "The policy clarification is needed to provide fairness and equity in label use throughout the organic industry and to satisfy consumer expectations for organic products."

"We applaud the USDA for making this ruling, and instructions to organic certifiers, in tightening up the labeling requirements that will protect ethical industry participants and prevent consumers from being misled when they are cruising the grocery aisles," Kastel added.

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[4] http://cp.mcafee.com/d/avndxMwrhoKZtZBwsyrKrhKO-qemkTS4jqdSnPhOOC-Y-rhKOejuud7aoUSztwQsCzBNBdwQsCOKNBQBi7N8wHk3eMDF7RvgBLbCZgcX2uAvlZ2mYKrZ2Xa7ILZvCmjhOOCDRXBQQTQuvvvhs7sJt6OaaJTCel3PWApmU6CQm3q9EVdTV5MQsL8EIFTudTdw0ZmmWAU_GJfwxO-mNd4QsLIff8UODtO-b0sq4hEG5Yd7aMo42kvgB7Xj5pRe9PCIfp41WoKfj5ODmH63tGHiTw08ZcnjKzsuCbTo7FyU07oiInB11KAUByVzpS9El8BZElEnrExFutiZEXoGngGownH0KvF3PVg8BZ8dQ-wZcndQD7ZlFY425mUm-8alYLiypsye8r_Y9_0za7EYKrpKMyMr2oM721Ew4zVbkd402OwhEq8aKCy0rBg_ZgB0yq80N4zI9md40TIiLP-d3r3NLiTN