

November 21, 2006

National Organic Standards Board
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RESUBMISSION OF PETITION WITH CONFIDENTIAL BUSINESS INFORMATION (CBI) DELETED -- ORIGINALLY SUBMITTED ON SEPTEMBER 9, 2005

ADDITION OF "SPICES" TO 205.606

This revised petition is submitted by Amy's Kitchen, Inc., manufacturer of organic frozen, canned and jarred foods. Growing at an average of 20% per year since 1987, Amy's Kitchen now offers more than 130 Organic and Made with Organic Ingredient products and boasts average annual sales topping \$200 million a year. We have extensive experience with organic ingredients and their suppliers.

We received your letter dated October 16, 2006 regarding our petition to add "Spices" to 205.606. In the letter, you state that the "Notice of Guidelines and Call for National List Petitions" provide that "only single substances" or ingredients may be petitioned for evaluation. You state that "categories of ingredients can not appear on the National List" and suggested that we prepare a petition for each individual spice.

We request you to reconsider our petition for the following reasons:

- Spices are a single agricultural grouping of similar minor food components recognized in the Code of Federal Regulations.
- There are currently a number of substances on the National List that represent a wide range of components: dairy cultures, non-synthetic colors, enzymes, non-synthetic flavors, alginates, nutrient vitamins and minerals, tocopherols. We do not believe that the grouping of "spices" is broader than the other items on this list.
- If we knew which individual spices would be in short supply, we would petition them individually but we do not have that foreknowledge.
- Without "Spices" listed on 205.606, Amy's Kitchen will have to choose between reducing the quality of our Organic products from time to time and changing quite a number of our Organic products to Made with Organic [Ingredients] in order to be able to switch to a conventional spice in the event that an organic version is in short supply. We do not think either of these alternatives is advantageous to the organic industry or the consumer.

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For these reasons, we earnestly request you to reconsider our petition to add "Spices" to the National List.

This petition is a reformatted version of the September 9, 2005 submission. It has been revised to the format of the draft NOP policy entitled "Submitting Petitions for the National List".

ITEM A

This petition requests that the general category of "Spices" be added to 205.606 "Nonorganically produced agricultural products allowed as ingredient in or on processed products labeled as "Organic".... This request is made because, while small amounts of spices are required in a wide range of prepared Organic products, dependable supplies do not exist for many organic spices.

ITEM B

1. **Substance Name:** Spices are defined in 21 CFR 101.22 (a) (2) as "... any aromatic vegetable substance in the whole, broken, or ground form, except for those substances which have been traditionally regarded as foods ... whose significant function in food is seasoning rather than nutritional; that is true to name; and from which no portion of any volatile oil or other flavoring principle has been removed".

Spices are agricultural ingredients used at very low levels (generally significantly less than 2%) to impart unique flavor profiles in finished foods. There are well over 40 agricultural ingredients that are routinely used as spices in specific foods.

2. **Manufacturer's Name:** There are numerous suppliers of organic spices. When "spice" is used in an organic ingredient search of the Organic Pages On-Line, 42 companies are identified as providers of organic spices. None of these manufacturers provide all the varieties of spices as organic. In some cases, no provider can be found to provide certain organic spices.

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3. **Intended Use:** Spices are currently used in almost every product manufactured by Amy's Kitchen to add a distinct and unique flavor notes to the finished products.
4. **Mode of Action:** Spices impart flavor due to the water and fat soluble components naturally present in the plant.
5. **Source and Manufacture:** Spices are grown world wide. "A spice is a dried seed, fruit, root, bark or vegetative substance used in nutritionally insignificant quantities as a food additive for the purpose of flavoring" (from Wikipedia). A spice can be used as a whole, such as black peppercorn or cinnamon, or ground with a variance of particle size such as black pepper.

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6. **Summary of Previous Reviews:** An internet search yielded no relevant results.
7. **Regulatory Authorities:** The FDA Code of Federal Regulations (CFR 21 Part 182.10 includes numerous spices in the Generally Recognized as Safe (GRAS) list. Others may not be included in the official list but they are still considered GRAS. No citations regarding "spices" were found in internet searches using EPA or California State Department of Agriculture.
8. **Chemical Abstract Service Number:** Not applicable.
9. **Physical Properties and Mode of Action:** Spices impart flavor due to interactions on the taste bud with components in the spice.
10. **Safety Information:** The FDA Code of Federal Regulations (CFR 21 Part 182.10 includes numerous spices in the Generally Recognized as Safe (GRAS) list. Others may not be included in the official list but they are still considered GRAS.
11. **Research Concerning the Availability of Organic Spices:** In order to more clearly understand the issues related to organic spice availability, an evaluation was completed for common spices (see the attached "Organic Spice Review")¹. The table lists common (certainly not all) spices used in the food industry and the number of suppliers for each spice found in The Organic Pages Online (Internet reference site: <http://www.theorganicpages.com/topo/index.html>). A supplier was counted if they indicated they carried the specific spice. The count includes direct suppliers as well as traders/brokers.

Some of the points elucidated by this assessment are as follows:

- Organic supplies do not exist for all spices (13% of these common spices had no organic suppliers listed in OTA's The Organic Pages Online).
- Forty percent (40%) of the common spices investigated had only one or two suppliers.

These points highlight some of the limitations in organic spice availability that can impact processors.

¹ This review was completed in September 2005 at the time of Amy's Kitchen's original petition submission.
Amy's Kitchen Submission for Addition "Spices" to 205.606

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11. Research Concerning the Availability of Organic Spices (continued):

Amy's Kitchen has purchased a wide range of organic spices for many years; we routinely purchase half of the spices on this list as organic. Because of this, we feel we are well qualified to provide information on the issues related to organic sourcing of spices. Amy's Kitchen has experienced the following problems in trying to identify organic suppliers as well as purchase and use organic spices:

- While many organic spices are commercially available most of the time, there are times when these spices are not available in an organic form for reasons such as an organic crop has failed and there isn't sufficient quantity of a specific organic spice to cover the market needs or the demand for an organic spice is higher than the current availability due to new product introductions and/or product growth within the organic industry.

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- Because of the unique flavor profile of each spice, substituting one organic spice for another will generally result in a different tasting finished product, even when the spices appear related. For example black, white and cayenne pepper are not interchangeable spices.

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11. **Research Concerning the Availability of Organic Spices (continued):**

- One batch of an organic spice could have a significantly different flavor profile than the standard for that spice. Use of the organic spice with the outlying flavor profile could significantly impact the flavor profile of the finished product in which it is used.

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- Many common spices as well as most of the unique spices are not yet available in an organic form.

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- It can appear that there are many suppliers for a certain spice when there are actually a very limited number. While there may be more than one supplier listed in Organic Pages Online, there is often only one primary supply for the organic spice with the remaining suppliers actually being traders/brokers using the same source.
- Sometimes spices are listed yet the suppliers do not carry the form required (whole seeds vs. ground, C/S (Cut/Sift) vs. ground, etc.) and the various forms are not interchangeable.

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11. **Research Concerning the Availability of Organic Spices (continued):**

- Because only a small amount of spice is needed in a formula, it is difficult to convince a supplier to develop a supply. Once the need for an organic spice is proven (continual need for the organic spice in a successful retail product) and the quantity required is not insignificant, spice suppliers are more willing to develop an organic supply.

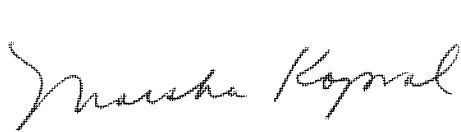
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- Because it takes time to plan for, grow, harvest and dry/freeze an organic spice, the demand often precedes the supply by at least one year.

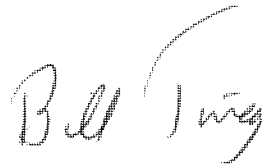
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12. **Justification Statement:** Amy's Kitchen feels that it is important to add the generic category of "Spices" to "Nonorganically produced agricultural products allowed as ingredient in or on processed products labeled as "Organic". Under these guidelines, an organic spice would be required in an Organic product unless an organic version was not commercially available. Because a continuous effort must be made by the user to locate an organic source, there will be a continued effort to develop organic sources of spices for use in formulated Organic foods.

Respectfully submitted:



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Attachments

ORGANIC SPICE REVIEW

	Suppliers Listed in The Organic Pages Online (OTA)*
Allspice	4
Anise Seed	3
Basil	2
Bay Leaves	1
Caraway Seed	3
Cardamom	5
Celery Seed	1
Chili Powder	1
Cilantro	1
Cinnamon	4
Cloves	5
Coriander	4
Cumin	2
Curry Leaves	0
Curry Powder	0
Dill Seed	2
Dill Weed	0
Fennel Seed	3
Fenugreek	2
Ginger	9
Horseradish	0
Lemongrass	3
Mace	3
Marjoram	1
Mustard Flour	3
Mustard Seeds Whole	2
Nutmeg	4
Oregano	1
Paprika	2
Parsley	2
Pepper Black	5
Pepper Cayenne	3
Pepper White	6
Rosemary	3
Saffron	0
Sage	1

ORGANIC SPICE REVIEW

	Suppliers Listed in The Organic Pages Online (OTA)*
Star Aniseed	1
Tarragon	1
Thyme	3
Turmeric	4

* Information source:

The Organic Pages Online, September 1, 2005:

<http://www.theorganicpages.com/topo/index.html>

Number of Spice Suppliers Listed in Organic Pages Online	30
Number of Spices in this Review	40

ORGANIC SUPPLIER OVERVIEW

Number of Suppliers Listed for a Spice	Spices with Specified Number of Suppliers	Percent
0	5	13%
1	9	23%
2	7	18%
3	9	23%
4	5	13%
5	3	8%
6	1	3%
7	0	0%
8	0	0%
9	1	3%
	40	100%

Example: Out of the 40 spices listed, 9 of these (or 23%) had only one supplier.