

**FORMAL RECOMMENDATION BY THE
NATIONAL ORGANIC STANDARDS BOARD (NOSB)
TO THE NATIONAL ORGANIC PROGRAM (NOP)**

Date: March 18, 2005

Subject: Recommendation for Rule Change Concerning Made With Organic Ingredients

Chair: Jim Riddle
(sign)

Recommendation

The NOSB hereby recommends to the NOP the following:

Rulemaking Action: X

Guidance Statement:

Other:

Statement of the Recommendation (including Recount of Vote):

Recommended Rule change:

(New language is underlined, deleted language in ~~strikeout~~)

Change 205.301(c) to read:

(c) Products sold, labeled, or represented as “made with organic (specified ingredients or food group(s)).” Multiingredient agricultural product sold, labeled, or represented as “made with organic (specified ingredients or food group(s))” must contain (by weight or fluid volume, excluding water and salt) at least 70 percent organically produced ingredients which are produced and handled pursuant to requirements in subpart C of this part. No ingredients may be produced using prohibited practices specified in paragraphs (1), (2), and (3) of § 205.301(f). *No product labeled as made the “Made With Organic” may include organic and non-organic forms of the same ingredient.* Non-organic ingredients may be produced without regard to paragraphs (4), (5), and (6), ~~and (7)~~ of § 205.301(f). If labeled as containing organically produced ingredients or food groups, such product must be labeled pursuant to § 205.304.

Approved March 2, 2005 by the Board: 14 yes, 0 no, 0 abstain

Rationale Supporting Recommendation (including consistency with OFPA and NOP):

Rationale for rule change is stated in text of recommendation below.

Response by the NOP:

**Policy Development Committee
Recommendation for Rule Change Concerning
Made With Organic Ingredients
Adopted by NOSB March 2, 2005**

Background

Section 205.301(c) indicates that products containing at least 70 percent organically produced ingredients may contain non-organic ingredients produced without regard to the fact that the product may contain organic and non-organic versions of the same ingredient.

§205.301 (c) Products sold, labeled, or represented as “made with organic (specified ingredients or food group(s)).” Multiingredient agricultural product sold, labeled, or represented as “made with organic (specified ingredients or food group(s))” must contain (by weight or fluid volume, excluding water and salt) at least 70 percent organically produced ingredients which are produced and handled pursuant to requirements in subpart C of this part. No ingredients may be produced using prohibited practices specified in paragraphs (1), (2), and (3) of § 205.301(f). Nonorganic ingredients may be produced without regard to paragraphs (4), (5), (6), and (7) of § 205.301(f). If labeled as containing organically produced ingredients or food groups, such product must be labeled pursuant to § 205.304.

Section.301(f) specifies that all ingredients identified as organic in any ingredient statement of any Product must not include organic and non-organic forms of the same ingredient. .

§205.301 (f) All products labeled as “100 percent organic” or “organic” and all ingredients identified as "organic" in the ingredient statement of any product must not:

(7) Include organic and non-organic forms of the same ingredient.

This contradictory language is creating difficulty for certifiers, and is resulting in products marketed under the “Made With” category containing both organic and non-organic versions of the same ingredient.

Recommended Rule change:

(New language is underlined, deleted language in ~~strikeout~~)

Change 205.301(c) to read:

(c) Products sold, labeled, or represented as “made with organic (specified ingredients or food group(s)).” Multiingredient agricultural product sold, labeled, or represented as “made with organic (specified ingredients or food group(s))” must contain (by weight or fluid volume, excluding water and salt) at least 70 percent organically produced ingredients which are produced and handled pursuant to requirements in subpart C of this part. No ingredients may be produced using prohibited practices specified in paragraphs (1), (2), and (3) of § 205.301(f). *No product labeled as made the “Made With Organic” may include organic and non-organic forms of the same ingredient.* Non-organic ingredients may be produced without regard to paragraphs (4), (5), and (6), ~~and (7)~~ of § 205.301(f). If labeled as containing organically produced ingredients or food groups, such product must be labeled pursuant to § 205.304.

Committee Vote

4 yes, 0 no, 2 absent.

Approved March 2, 2005 by the Board: 14 yes, 0 no, 0 abstain