



U.S. Department of Agriculture (USDA) Organic Labeling

Presented by
Shannon Nally

2009 TTB Expo Presentation

Overview

- **National Organic Program (NOP) History and Regulations – abridged versions**
- **Alcohol beverages:**
 - Labeling requirements
 - Label approval process



History

USDA Agricultural Marketing Service
National Organic Program

NOP Regulatory History

- **Organic Foods Production Act of 1990 (OFPA)** — Authorized the USDA to establish national standards governing the marketing of certain agricultural products as organically produced.
- **December 2000** — USDA published the final regulations for the National Organic Program, 7 CFR Part 205.
- **October 2002** — The NOP regulations are implemented.

TTB-NOP History

- **Federal Alcohol Administration Act (FAA Act), and the Internal Revenue Code of 1986 —** Gave TTB authority to regulate labeling and advertising of domestic and imported distilled spirits, wines, and malt beverages.
- **October 2002, ATF (TTB) amended FAA Act regulations —** To state that use of the term “organic” is optional and is treated as “additional information on labels.”

TTB-NOP Cooperation

- **Effective October 21, 2002** — Any use of the term “organic” on alcohol beverage labels or advertisements must comply with USDA National Organic Program rules at 7 CFR part 205.
- **ATF (TTB) and AMS established a Memorandum of Understanding** — To clarify responsibilities of each agency with regard to the review and approval of organic claims on alcohol beverage labels.

NOP Regulations

Major Tenets

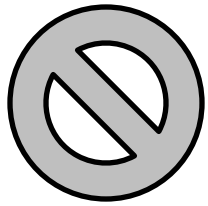
USDA Accredited Certifying Agents

- **USDA Accredited Certifying Agents (ACAs)** are qualified to certify domestic and foreign operations to USDA/NOP standards for crops, livestock, wild crops or handling.
 - 54 domestic certifying agents
 - 43 foreign certifying agents
- ACAs have responsibilities for **monitoring** the compliance of certified operations and **enforcing** the NOP regulations.

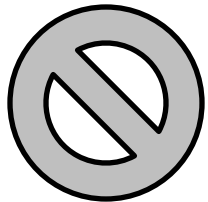
Certification

- A **“certificate of organic operation”** documents that a crop, livestock, or handling operation is in compliance with the National Organic Program standards.
- **Continuation of certification** is an **annual process** that entails review of the organic system plan and an on-site inspection.

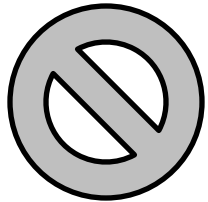
NOP Prohibitions



EXCLUDED METHODS, e.g. genetic modification



IONIZING RADIATION



SEWAGE SLUDGE

NOP Practice Standards — Land and Crops

- No prohibited substances applied to land for 3 years
- Buffer zones to prevent possibility of contact with prohibited substances
- Managed per NOP practice standards
 - Soil fertility and crop nutrients
 - Seeds and planting stock
 - Crop rotation
 - Crop, pest, weed, and disease management

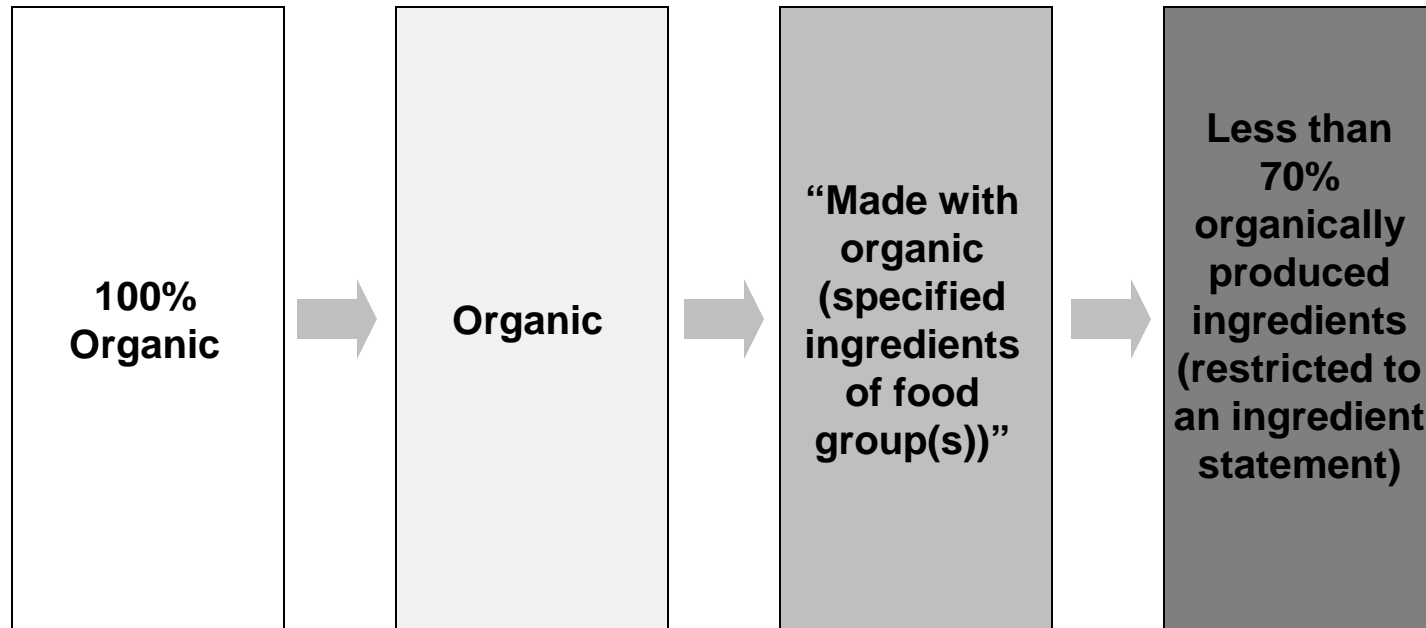
NOP Practice Standards — Handling

- Handling includes mechanical or biological processing methods (i.e. heating, distilling, extracting, separating).
- Prevent contact with prohibited substances and commingling between organic and non-organic products.
- Prevent pests using approved pest management practices.

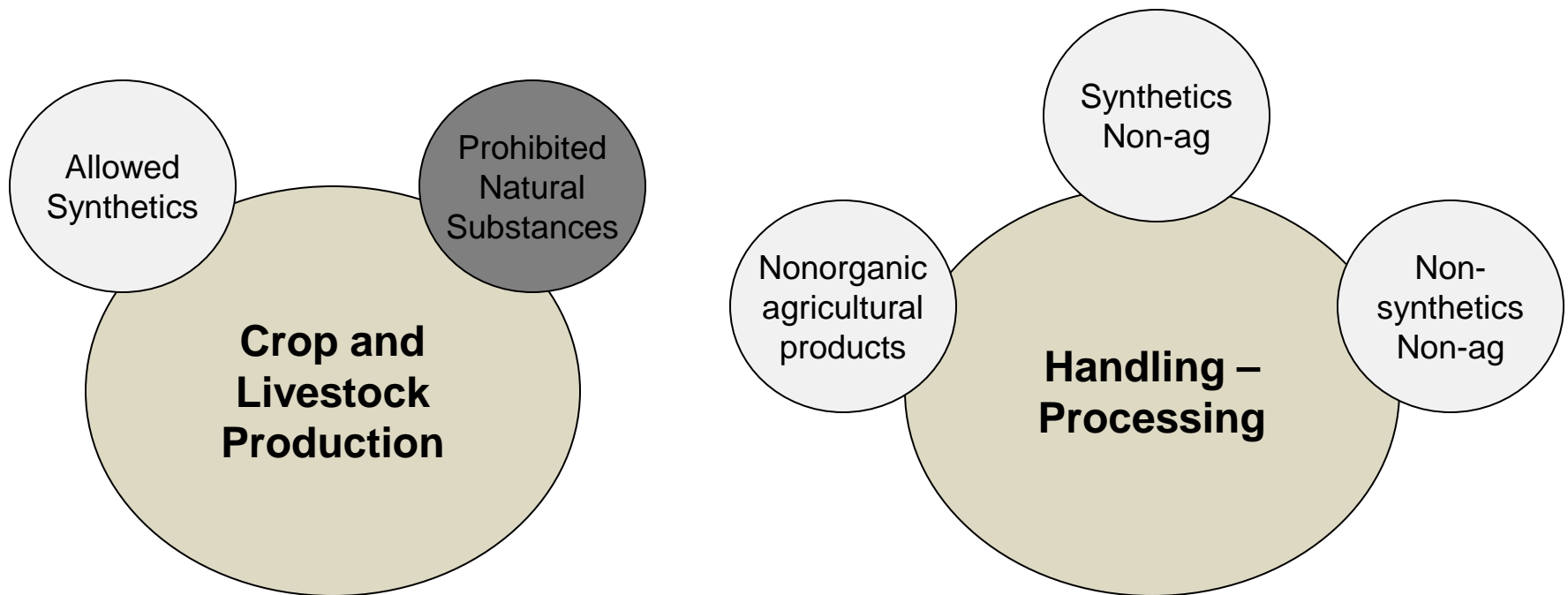
Organic System Plan

- Each certified operation must develop an **Organic System Plan (OSP)** that explains how the operation meets all parts of the NOP practice standards.
 - Crops: organic seeds, build soil fertility, preventive pest and disease management practices
 - Handling/processing: pest management, preventing commingling
- Certified operations must update the OSP annually and when there are significant changes to the operation. This information is verified by the certifying agent.

Organic Composition and Labeling Categories



NOP Regulations: The National List



- Substances may be added to or deleted from the National List by petition. The petition guidelines were published January 18, 2007, in the Federal Register, 72 FR 2167.
- National List substances are reviewed every 5 years and may be renewed or sunset (expire) at that time.

Requirements for Approval of Organic Labels: Wine, Malt Beverages, Distilled Spirits

Proof of Certification
ACA Approval of Labels
Copies of Approved Labels

1. Proof of NOP Certification

- Certificates for 2 types of organic operations:
 - Crop production (e.g., vineyard, orchard, or other site where agricultural ingredients in the finished product are grown)
 - Processor or handler (e.g., winery, brewery, or distillery where finished product is made)
- Common errors in certificates presented with labels:
 - Non-NOP Certificates
 - Addendum/Product List Missing
 - Effective Date vs. Vintage Date
 - Certificates not in English

NOP Certificate: Example

- **Certificates must specify:**
 - Name and address of the operation;
 - Category of the organic operation (i.e., crops, livestock, handling);
 - Effective date of certification; and
 - Name, address and telephone number of the ACA.

2. ACA Approval

- Written proof from the ACA that issued the certificate to the handler, stating that the product label(s) and corresponding certificates for the handling operation and all organic ingredients are in compliance with the NOP.
- ACA Approval must be obtained **prior to submission** of organic labels to TTB and contain:
 - Date
 - ACA's stamp or signature
 - **Legible photocopies** of actual images of the labels
 - ACA seal — optional

Organic Claims: Wine, Malt Beverages, Distilled Spirits

Product Composition and Labels

Organic Labels: Statements

- **Certification Statement:** “Certified Organic by (name of ACA)” or similar phrase. Must always appear below name and address of bottler or importer.
- **Ingredient Statement:** “Ingredients: organic grapes, etc. ...”
- **Organic Percentage Statement:** “X% Organic” or “X% Organic ingredients” excluding water and salt.

Organic Labels: Sulfite Statement

- **Sulfite Disclosure** in alcohol beverage products is required (27 CFR 4.32(e)).
- **Exemption from Disclosure** — Products containing any sulfiting agent detected at less than 10 ppm with analysis from a TTB recognized laboratory.
 - **“Sulfite Free”** and **“No Sulfites”** claims are prohibited.
 - **“No Added Sulfites”** claim must further be qualified with **“May contain Naturally Occurring Sulfites”** every time it appears on the label.

Organic Labels: Seals

- **ACA Seal** — The distinctive emblem or logo of the Accredited Certifying Agent. It may appear only on labels for products from certified handling operations.
- **The USDA Organic Seal** — May appear on labels of “100% Organic” and “Organic” products. The USDA Organic Seal must replicate one of the two forms below (the diagonal lines are optional):



7 CFR 205.311

“100% Organic”

100% Organic

- All ingredients 100% organically produced
- Processed using only organically produced processing aids (excluding water and salt)

“100% Organic”

PRINCIPAL DISPLAY PANEL

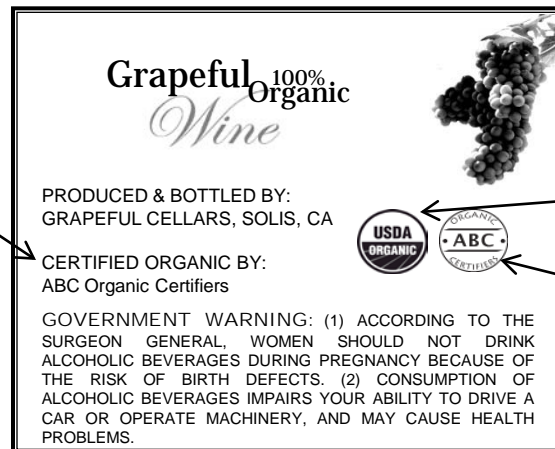


The phrase “100% Organic” may be used to modify the brand name and/or class and type statement. (OPTIONAL)

INFORMATION PANEL

CERTIFICATION STATEMENT (REQUIRED)

This statement must be on the IP and may include the agent’s business address, telephone number, or internet address.



USDA ORGANIC SEAL (OPTIONAL)

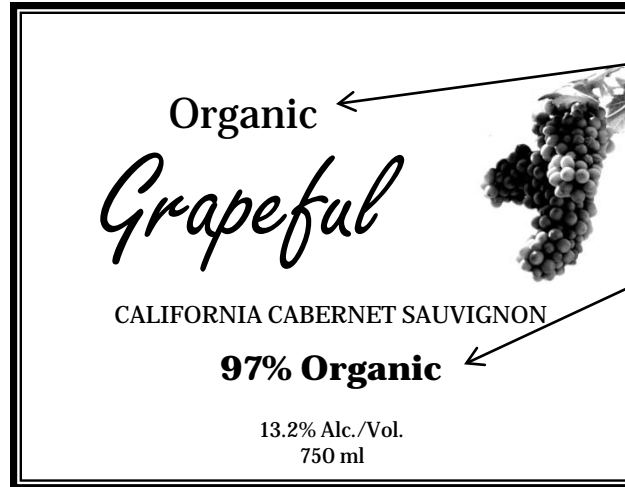
CERTIFYING AGENT SEAL (OPTIONAL)

“Organic”

- Must contain at least 95% organically produced ingredients, excluding water and salt.
- Remaining 5% may contain:
 - Nonagricultural substances on the National List § 205.605
 - non-organically produced agricultural ingredients on § 205.606, when organic form is not commercially available
- Added sulfites are prohibited.

“Organic”

PRINCIPAL DISPLAY PANEL



The term “Organic” may be used to modify the brand name and/or class and type statement. (OPTIONAL)

PERCENTAGE STATEMENT (OPTIONAL)
Must not be exceed 50% of the size of the largest type on the panel.

INGREDIENT STATEMENT (OPTIONAL)

INFORMATION PANEL

CERTIFICATION STATEMENT (REQUIRED)

This statement must be on the IP , below the name and address of the bottler or importer. May include the agent’s business address, telephone number, or internet address.



CERTIFYING AGENT SEAL (OPTIONAL)

USDA ORGANIC SEAL (OPTIONAL)

“Made With Organic (Ingredients)”

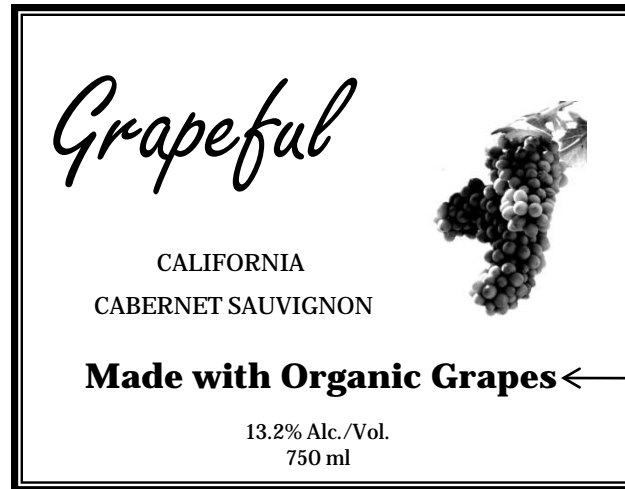
- Must contain at least 70% organically produced ingredients, excluding water and salt.
- May contain up to 30% conventional agricultural ingredients and nonagricultural ingredients on the National List, § 205.605.
- Sulfites, if added, must be from sulfur dioxide, present at less than 100 ppm, and disclosed on the label.

“Made With Organic (Ingredients)”

- Acceptable variations of the “Made with...” statement include:
 - “Made with Organically Grown Grapes,” or “Made with Organic Grapes”
 - “Made with Organic Grapes from Our Vineyard,”
or
 - “Made with Organically Produced Grapes”

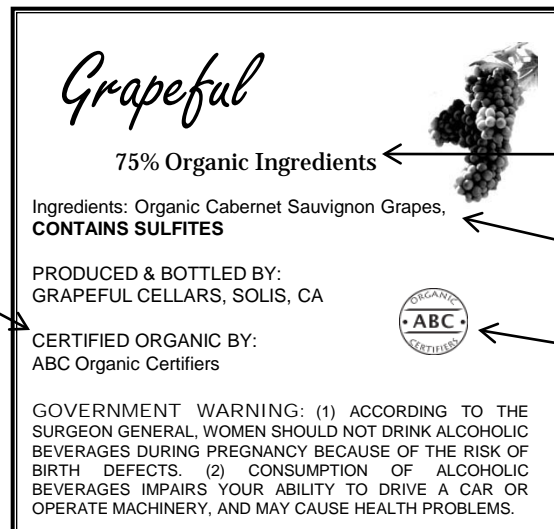
“Made With Organic (Ingredients)”

PRINCIPAL DISPLAY PANEL



“MADE WITH ORGANIC ---” STATEMENT (OPTIONAL)

INFORMATION PANEL



PERCENTAGE STATEMENT (OPTIONAL)
Size and format restrictions apply.

INGREDIENT STATEMENT (OPTIONAL)

CERTIFYING AGENT SEAL (OPTIONAL)

CERTIFICATION STATEMENT (REQUIRED)

This statement must be on the IP, below the name and address of the bottler or importer. May include the agent's business address, telephone number, or internet address.

“Made With Organic (Ingredients)”

PRINCIPAL DISPLAY PANEL

CERTIFICATION STATEMENT (REQUIRED)

This statement must be on the IP , below the name and address of the bottler or importer. May include the agent’s business address, telephone number, or internet address.



“MADE WITH ORGANIC ---” STATEMENT (OPTIONAL)

INFORMATION PANEL



CERTIFYING AGENT SEAL (OPTIONAL)

PERCENTAGE STATEMENT (OPTIONAL)
Size and format restrictions apply.

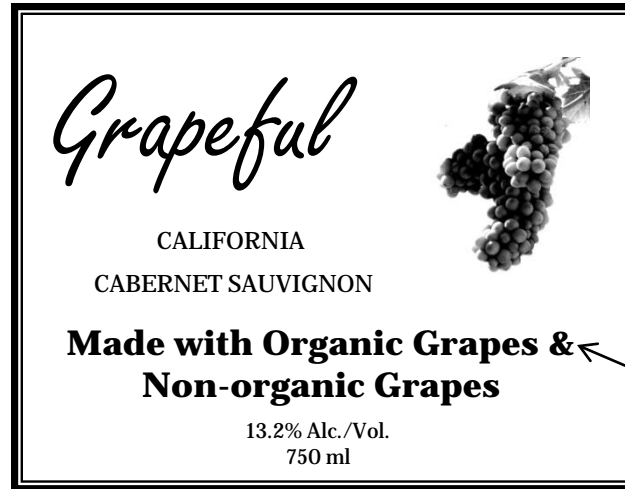
INGREDIENT STATEMENT (OPTIONAL)

“Made With Organic and Non-Organic (Ingredients)”

- Organic and non-organic grapes must be disclosed on the label. Acceptable variations include:
 - “Made with Organic and Non-organic Grapes”
 - “Made with Organic [variety] grapes and Non-organic [variety] Grapes”
 - “Made with _% Organic grapes and _% grapes”

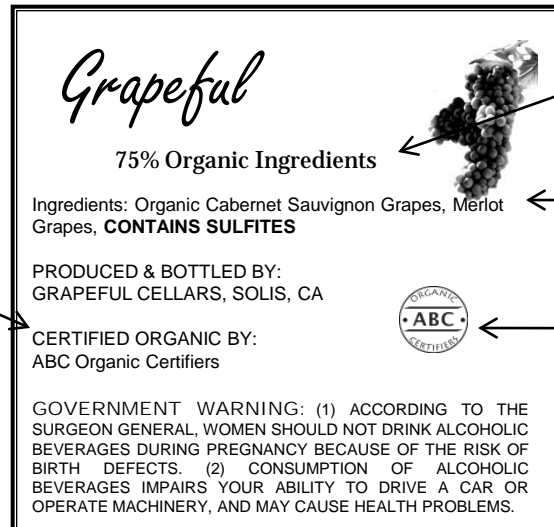
“Made With Organic and Non-Organic (Ingredients)”

PRINCIPAL DISPLAY PANEL



“MADE WITH ORGANIC ---” STATEMENT (OPTIONAL)

INFORMATION PANEL



PERCENTAGE STATEMENT (OPTIONAL)
Size and format restrictions apply.

INGREDIENT STATEMENT (OPTIONAL)

CERTIFYING AGENT SEAL (OPTIONAL)

CERTIFICATION STATEMENT (REQUIRED)

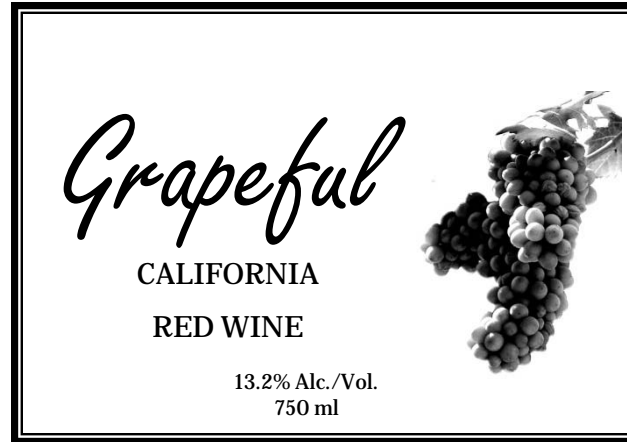
This statement must be on the IP, below the name and address of the bottler or importer. May include the agent's business address, telephone number, or internet address.

Organic Labeling Restricted to an “Organic Ingredients” Statement

- When a handler is exempt from certification, products may contain:
 - Less than 70% organically produced ingredients, excluding water and salt.
 - Over 30% non-organically produced agricultural ingredients and/or other substances.
- “Organic” or close variations of that word may only appear in an ingredient statement and the organic percentage statement.

Organic Labeling Restricted to an “Organic Ingredients” Statement

PRINCIPAL DISPLAY PANEL



THE LABELS MUST NOT SHOW:

- THE USDA ORGANIC SEAL
- THE CERTIFYING AGENT SEAL
- A CERTIFICATION STATEMENT
- THE TERM “ORGANIC” IN THE ABSENCE OF AN INGREDIENT STATEMENT

INFORMATION PANEL

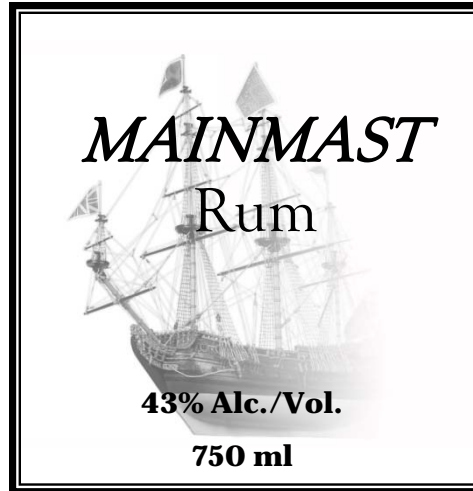


INGREDIENT STATEMENT (OPTIONAL)

- PERCENTAGE STATEMENT**
If an ingredient statement is present this statement becomes **mandatory**. The percentage statement may only appear on an IP.

Organic Labeling Restricted to an “Organic Ingredients” Statement

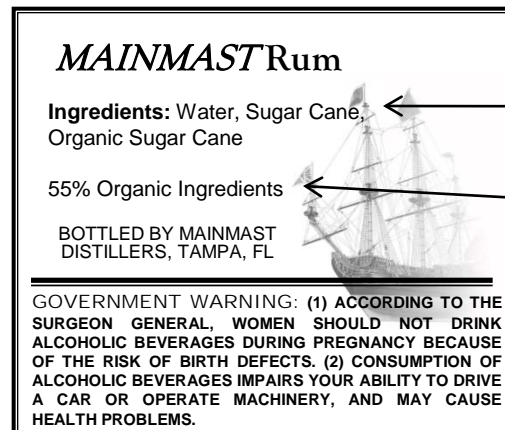
PRINCIPAL DISPLAY PANEL



THE LABELS MUST NOT SHOW:

- THE USDA ORGANIC SEAL
- THE CERTIFYING AGENT SEAL
- A CERTIFICATION STATEMENT
- THE TERM “ORGANIC” IN THE ABSENCE OF AN INGREDIENT STATEMENT

INFORMATION PANEL



INGREDIENT STATEMENT (OPTIONAL)

PERCENTAGE STATEMENT

If an ingredient statement is present on a label, this statement becomes **mandatory**. The percentage statement may only appear on an IP.

Resources

Resources

Contact the Advertising, Labeling and Formulation Division

Alcohol and Tobacco Tax and Trade Bureau
1310 G Street, NW., 4th Floor
Washington, DC 20220
(866) 927-2533

Visit the TTB Web site at www.ttb.gov, click on the LABELING tab and look for LABELING with ORGANIC CLAIMS

Resources

**Contact the
National Organic Program**

Agricultural Marketing Service
United States Department of Agriculture
(202) 720-3252

www.ams.usda.gov/nop

Questions?