



Guidance on Organic Labeling Requirements for the USDA National Organic Program

AMERICERT INTERNATIONAL
(Formerly known as OIA North America)
2603 NW 13th St. #228, Gainesville, FL 32609*Ph: (352)336-5700 *Fax:
(866)325-8261
Americert@gmail.com
www.americertorganic.com

The USDA National Organic Program Regulations Have Very Specific Requirements for Labels and Packaging. Familiarizing oneself with these requirements can save time, money and frustration as a failure to comply results in :

-Delays in Obtaining Certification

-Sometimes Significant Expense in Revising Labels and Discarding Noncompliant Labels which Have Already Been Printed

-Notices of Noncompliance, Suspension, or Revocation Being Issued to Offending Operations

Types of Labels, Packaging and Market Materials Regulated Under the USDA National Organic Program Regulations:

- [§205.303](#) Packaged products labeled “100 percent organic” or “organic.”
- [§205.304](#) Packaged products labeled “made with organic (specified ingredients or food group(s)).”
- [§205.305](#) Multi-ingredient packaged products with less than 70 percent organically produced ingredients.
- (Highlighted blue numbers refer to the section number of the USDA National Organic Program Regulations)
- [§205.307](#) Labeling of nonretail containers used for only shipping or storage of raw or processed agricultural products labeled as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s)).”
- [§205.308](#) Agricultural products in other than packaged form at the point of retail sale that are sold, labeled, or represented as “100 percent organic” or “organic.”
- [§205.309](#) Agricultural products in other than packaged form at the point of retail sale that are sold, labeled, or represented as “made with organic (specified ingredients or food group(s)).”

Most Noncompliant Labels

- The labels which are most likely to be noncompliant due to a failure to comply with the organic regulations are:
- [§205.303](#) Packaged products labeled “100 percent organic” or “organic.”
- [§205.304](#) Packaged products labeled “made with organic (specified ingredients or food group(s)).”
- [§205.305](#) Multi-ingredient packaged products with less than 70 percent organically produced ingredients.

§205.303 Packaged products labeled “100 percent organic” or “organic” MUST:

- For products labeled “**organic**,” identify each organic ingredient in the ingredient statement with the word, “organic,” or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced. Water or salt included as ingredients cannot be identified as organic.
- On the information panel, **below the information identifying the handler or distributor of the product** and preceded by the statement, “**Certified organic by * * ***,” or similar phrase, identify the name of the certifying agent that certified the handler of the finished product and may display the business address, Internet address, or telephone number of the certifying agent in such label.
- Note: the location of the “Certified organic by” statement is very specific it must be **BELOW** the handler or distributor information.

§205.303 Packaged products labeled “100 percent organic” or “organic” MAY:

Consistent with the listed restrictions, packaged products labeled 100% organic or organic MAY but do not have to:

- Use the term, “100 percent organic” or “organic,” as applicable, to modify the name of the product;
- List (For products labeled “organic,”) the percentage of organic ingredients in the product; (The size of the percentage statement must not exceed one-half the size of the largest type size on the panel on which the statement is displayed and must appear in its entirety in the same type size, style, and color without highlighting.)
- Use the term, “organic,” to identify the organic ingredients in multiingredient products labeled “100 percent organic”;
- Use the USDA seal; and/or
- The seal, logo, or other identifying mark of the certifying agent which certified the production or handling operation producing the finished product and any other certifying agent which certified production or handling operations producing raw organic product or organic ingredients used in the finished product: *Provided*, That, the handler producing the finished product maintain records, pursuant to this part, verifying organic certification of the operations producing such ingredients, and: *Provided further*, That, such seals or marks are not individually displayed more prominently than the USDA seal.

§205.304 Packaged products labeled “made with organic (specified ingredients or food group(s))” MUST:

- In the ingredient statement, identify each organic ingredient with the word, “organic,” or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced. Water or salt included as ingredients cannot be identified as organic.
- On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, “Certified organic by * * *,” or similar phrase, identify the name of the certifying agent that certified the handler of the finished product: *Except*, That, the business address, Internet address, or telephone number of the certifying agent may be included in such label.
- Note: the location of the “Certified organic by” statement is very specific it must be BELOW the handler or distributor information

§205.304 Packaged products labeled “made with organic (specified ingredients or food group(s))” MAY:

Consistent with the restrictions indicated below, packaged products labeled “made with organic (specified ingredients or food group(s)) MAY:

- Use the the statement:
- (i) “Made with organic (specified ingredients)”: *Provided*, That, the statement does not list more than three organically produced ingredients; or
- (ii) “Made with organic (specified food groups)”: *Provided*, That, the statement does not list more than three of the following food groups: beans, fish, fruits, grains, herbs, meats, nuts, oils, poultry, seeds, spices, sweeteners, and vegetables or processed milk products; and, *Provided further*, That, all ingredients of each listed food group in the product must be organically produced; and
- (iii) Which appears in letters that do not exceed one-half the size of the largest type size on the panel and which appears in its entirety in the same type size, style, and color without highlighting.
- Identify the percentage of organic ingredients in the product. The size of the percentage statement must not exceed one-half the size of the largest type size on the panel on which the statement is displayed and must appear in its entirety in the same type size, style, and color without highlighting.
- Use the seal, logo, or other identifying mark of the certifying agent that certified the handler of the finished product.
- **Packaged products labeled “made with organic (specified ingredients or food groups(s)) SHALL NOT USE THE USDA LOGO anywhere on the packaging.**

§205.305 Multi-ingredient packaged products with less than 70 percent organically produced ingredients.

An agricultural product with less than 70 percent organically produced ingredients **MAY ONLY** identify the organic content of the product by:

- (1) Identifying each organically produced ingredient in the ingredient statement with the word, “organic,” or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced, and
- (2) If the organically produced ingredients are identified in the ingredient statement, displaying the product's percentage of organic contents on the information panel.
- Agricultural products with less than 70 percent organically produced ingredients **MUST NOT** display (1) The USDA seal; (2) Any certifying agent seal, logo, or other identifying mark which represents organic certification of a product or product ingredients.

§205.307 Labeling of nonretail containers used for only shipping or storage of raw or processed agricultural products labeled as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s)).”

- **MUST:** Nonretail containers used to ship or store raw or processed agricultural product labeled as containing organic ingredients must display the production lot number of the product if applicable.

- **MAY:** Nonretail containers used to ship or store raw or processed agricultural product labeled as containing organic ingredients may display:
 - The name and contact information of the certifying agent which certified the handler which assembled the final product;
 - Identification of the product as organic;
 - Special handling instructions needed to maintain the organic integrity of the product;
 - The USDA seal;
 - The seal, logo, or other identifying mark of the certifying agent that certified the organic production or handling operation that produced or handled the finished product.

[§205.308](#) Agricultural products in other than packaged form at the point of retail sale that are sold, labeled, or represented as “100 percent organic” or “organic.”

- (a) Agricultural products in other than packaged form may use the term, “100 percent organic” or “organic,” as applicable, to modify the name of the product in retail display, labeling, and display containers: *Provided*, That, the term, “organic,” is used to identify the organic ingredients listed in the ingredient statement.
- (b) If the product is prepared in a certified facility, the retail display, labeling, and display containers may use:
 - (1) The USDA seal; and
 - (2) The seal, logo, or other identifying mark of the certifying agent that certified the production or handling operation producing the finished product and any other certifying agent which certified operations producing raw organic product or organic ingredients used in the finished product: *Provided*, That, such seals or marks are not individually displayed more prominently than the USDA seal.

[§205.309](#) Agricultural products in other than packaged form at the point of retail sale that are sold, labeled, or represented as “made with organic (specified ingredients or food group(s)).”

- (a) Agricultural products in other than packaged form containing between 70 and 95 percent organically produced ingredients may use the phrase, “made with organic (specified ingredients or food group(s)),” to modify the name of the product in retail display, labeling, and display containers.
- (1) Such statement must not list more than three organic ingredients or food groups, and
- (2) In any such display of the product's ingredient statement, the organic ingredients are identified as “organic.”
- (b) If prepared in a certified facility, such agricultural products labeled as “made with organic (specified ingredients or food group(s))” in retail displays, display containers, and market information may display the certifying agent's seal, logo, or other identifying mark.

USE OF THE USDA SEAL

- Where qualified under the regulations to use the USDA organic seal, operations must also abide by the following requirements:
- **§205.311 USDA Seal.**
- The USDA seal must replicate the form and design of the example in figure 1 and must be printed legibly and conspicuously:
- (1) On a white background with a brown outer circle and with the term, “USDA,” in green overlaying a white upper semicircle and with the term, “organic,” in white overlaying the green lower half circle; or
- (2) On a white or transparent background with black outer circle and black “USDA” on a white or transparent upper half of the circle with a contrasting white or transparent “organic” on the black lower half circle.
- (3) The green or black lower half circle may have four light lines running from left to right and disappearing at the point on the right horizon to resemble a cultivated field.



SUMMARY OF KEY POINTS

- Labeling Requirements for 100% Organic, Organic, and Made with Organic (specified ingredients or food groups(s) each have mandatory MUSTS which must be abided by, and some MAYS which if used must fully comply with the restrictions therein.
- Made with Organic labels must not use the USDA seal.

Summary of Key Points

- Each label claim requires:
- A “Certified Organic by” statement which must appear **BELOW** the handler/distributor information.
- Organic and Made with Organic label claims require identification of each organic ingredient in the in the ingredient list.

Summary of Key Points

- Made with Organic (specified ingredients or food group(s)) MAY NOT use the USDA seal.
- Multi-ingredient packaged products with less than 70 percent organically produced ingredients MAY NOT use the USDA seal.

QUIZ

- Question 1: Which label claims require the statement “Certified organic by” followed by the name of the certifier?
- A) 100% Organic label claims
- B) Organic label claims
- C) Made with Organic (Specified Ingredients or Food Group(s))
- D) All of the Above.

Quiz:

- Question 2:

For products which are required to have a “Certified organic by . . .” statement, where must the statement appear?

- A) below the information identifying the handler or distributor of the product
- B) below the information identifying the handler or distributor of the product
- C) below the information identifying the handler or distributor of the product
- D) below the information identifying the handler or distributor of the product

Quiz:

- Question 3: For products with Organic and Made with Organic (specified ingredients or food group(s)), what must be identified in the ingredient statement?
 - A) Each organic ingredient
 - B) Each non-organic ingredient
 - C) Each GMO ingredient
 - D) Ingredients produced outside of the U.S.

Answers to Quiz

- Question 1: 100% organic, organic, and made with organic (specified ingredients or food group(s)) all must carry a “Certified organic by” statement. CORRECT ANSWER: D) All of the above.

Question 2: For products which are required to have a “Certified organic by . . .” statement, the statement must appear below the information identifying the handler or distributor of the product. CORRECT ANSWER: A, B, C, or D.

Question 3: For products with Organic and Made with Organic (specified ingredients or food group(s)), each organic ingredient must be identified as organic in the ingredient statement. CORRECT ANSWER: A.

For More Information or if You Have Questions Contact:

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