



# Organic Food Federation

## Explanatory Note 321

*These notes are intended to help applicants comply with the USDA National Organic Program standards. They are not exhaustive and are for explanation only. In cases of doubt the current version of the NOP Regulatory Text must be consulted.*

### EXPORTING TO THE USA?

To export organic products to the United States your production facilities, the products that you export and the products that you purchase for the purpose of exporting must be certified as compliant with the United States Department of Agriculture National Organic Program (NOP) Standard.

#### NOP Labelling requirements §205.301#

1. The NOP Standard has very specific labelling requirements which apply to retail containers, livestock feed and non-retail containers.
2. There are different levels of organic emphasis which depend on the percentage of organic materials in any particular commodity that is sold. For the purposes of all calculations for NOP compliance, water and salt are disregarded.
3. The compositional requirements are as follows:
  - a) 100% Organic - products sold, labelled or represented at 100% organic
  - b) 95-100% Organic - products sold, labelled or represented as "Organic"
  - c) 70-95% Organic - products sold, labelled or represented "Made with Organic" (specified ingredients or food groups)
  - d) Less than 70% - **cannot be sold as organic**, cannot be certified, can show organic ingredient in ingredient list.
  - e) Livestock Feed - must be either 100% or 95-100%
4. There are a number of features which apply to all organic labels:
  - a) The NOP is not a certifying agent and its seal must not be referred to as one
  - b) The use of the OFF logo is permitted but it must be less prominent than the NOP seal. Whether or not the logo is used the identity of the certifier must be shown.
  - c) Percentage claims, when permitted, must not be more than half the size of the largest typeface on the label.
  - d) Percentage claims, when permitted, must be the same typeface as the product description, size, colour and without highlighting.
  - e) Organic ingredients must be identified on the ingredient list.
  - f) Claims about the superiority of a product's "organic ness" are not permitted.

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- g) Other label claims are permitted providing they are truthful and not misleading and do not violate any US Federal or State regulations.
  - h) Additional label information (nutritional, food intolerance data, health warnings etc) must comply with US Federal or State regulations.
5. The NOP Seal may be used on all qualifying organic exports to the US. It may only be used on raw or processed agricultural products. The words USDA & ORGANIC may not be changed or added to. The seal may be used on any product requiring certification to the NOP Standard.
  6. The use of the NOP Seal, certification agent's logo are not mandatory although the identity of the certification agent must always be indicated on the labels of qualifying products and organic description on product title are summarised thus:-

% ORGANIC	NOP seal	Certifiers Logo	Organic Description
100	Yes	Yes	Yes, and can also claim "100% organic"
95 – 100	Yes	Yes	Yes
70-95	Yes	Yes	"Made with organic XXX" (see note below)
<70	No	No	Ingredient list only " (see note below)

*NOTE: Where a product is made with organic ingredients or product groups (e.g. cereals, pulses, fruit, vegetables, meat, fish, ) not more than three ingredients or product groups may be indicated, however all organic ingredients must be shown in the product's ingredient list.*

*Products with less than 70% organic ingredients are not organic and do not qualify for certification.*

7. Non-retail products must show:-
  - a) lot or batch identification numbers which must be traceable to documentation supporting organic status.
  - b) detailed instructions to maintain organic integrity