

# USDA National Organic Program Instruction on Use of Brand or Company Names Containing the Word Organic

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On August 14, 2014, the National Organic Program (NOP) of the United States Department of Agriculture (USDA) issued its "instruction" to the accredited certifying agents (Certifiers) that certify operations to the USDA organic regulations (7 CFR Part 205) created pursuant to the Organic Foods Production Act of 1990 (OFPA), as amended. The instruction directed that only agricultural products certified as "100% Organic" and "Organic" may utilize labeling including brand or company names that contain the word "Organic" or its variants anywhere on the product.

In instances involving products which are certified as "Made with Organic (specified ingredients or food groups)", a company name containing the term "Organic" may be displayed as the name of the manufacturer, packer or distributor and listed on the information panel as required by the Food and Drug Administration (FDA) regulations. Brand or company names containing the term "Organic" should not be used on the principal display panel for such products. The same rule is applicable with respect to uncertified agricultural products, even if the uncertified agricultural products contain certain organic ingredients.

The instruction was provided to Certifiers in connection with their review of labeling. Certifiers are specifically directed to review the use of brand or company names to "determine the potential for consumers to be misled in regard to the composition and organic certification of agricultural products".

In footnote 3 of the instruction, the NOP also notes that in accordance with the OFPA, the NOP also has authority to regulate market information, such as web pages or print advertising that makes organic claims for agricultural products. The NOP notes that Certifiers typically do not review such market information, but instructs that if they do, the principals of the August 14, 2014 instruction should apply.

Thus, a company or brand name utilizing the term "Organic" or variants of the term may not be employed in such a fashion as to mislead consumers regarding the organic certification of the product which is being labeled and only 100% organic products are exempt from an inquiry as to whether the use of the corporate or brand name is misleading.

The instruction, NOP 4012, may be found on the USDA website at:

<http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5108680>.

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