



MOFGA Certification Services

Organic Certification of Hemp-Derived Products

Policy Statement

The jurisdiction of the FDA and its oversight of CBD nationally has created inconsistencies in whether a product containing CBD can be certified organic. This document is intended to clarify MCS's approach to the certification of hemp-derived products (like CBD). MCS is choosing to take a cautious approach with hemp-derived products based on several factors. Other certification agencies may take different approaches.

MCS's decision on certifying hemp-derived products is informed by existing policies and interpretations from other accredited USDA organic certifiers, the FDA's press releases and public facing statements regarding the legality of CBD in food and as dietary supplements, and a memo from the USDA National Organic Program (NOP) issued on July 8, 2020 to all accredited certifiers (excerpted below and italicized).

*The NOP is sharing updated information from the U.S. Food and Drug Administration (FDA) regarding cannabidiol (CBD). The FDA is working to answer questions about the science, safety, and quality of products containing cannabis-derived compounds, particularly CBD. FDA is aware that some companies are marketing food products and products labeled as dietary supplements that contain cannabis or cannabis-derived compounds in ways that violate the Federal Food, Drug and Cosmetic Act (FD&C Act). **Per the FD&C Act, it is currently illegal to market CBD by adding it to food or labeling it as a dietary supplement.** For more information, please see <https://www.fda.gov/media/131878/download>.*

If you certify a producer or handler who is selling CBD as a food additive or dietary supplement in the U.S., please make them aware of these requirements, to avoid having their names – and yours – on illegal products in the U.S.

(Over, please)

MCS takes the following approach to certifying hemp-derived products until further notice, or until a ruling from the FDA is issued:

- MCS **will** certify as organic the following:
 - hemp plants (including harvest and post-harvest handling consisting of drying/curing)
 - hemp seeds
 - hemp seedlings
 - bulk hemp oil intended for the wholesale market
 - bulk tinctures intended for the wholesale market
 - other bulk extractions intended for the wholesale market
 - topicals
- MCS **will not** certify as organic the following:
 - retail/finished/re-packed hemp extractions or powders that are consumables,
 - dietary supplements,
 - hemp pre-rolls (due to “paper” not currently allowed on the National List)
 - any product deemed to be in violation of the FDA ruling.
- MCS **will not** certify any bulk ingredient hemp extraction that has been processed in a non-certified lab or facility - the organic regulations do not allow this for any product marketed as certified organic. The lab or processing facility must be certified organic.

If you are an applicant seeking certification and are including requests for processed product certification for hemp or CBD extracted items (or other consumable products containing hemp derived extracts), you will not be able to carry forward any organic claim to your retail, finished product labels or related marketing materials per this policy. You may not use the USDA organic seal or the MCS organic seal. You may not use the MCS name (i.e. “Certified Organic by MOFGA”, the statement required on any retail or finished product).

Please note that the following three hemp-derived food items are considered GRAS (Generally Recognized as Safe) by the FDA, and are exempt from any exclusions listed above:

1. *hulled hemp seed (GRN765)*
2. *hemp seed protein powder (GRN771)*
3. *hemp seed oil (GRN778)*

If you have any questions about the above policy position, or would like to ask about a product not specified, please contact our office at 207-568-6030 or certification@mofga.org.