

The How and Why of MCS Product Label Review

by Kate Newkirk, Associate Director of Processing

MCS needs to review and approve all organic labels that a certified organic producer uses. We review labels according to NOP Rule Subpart D (205.300-205.311) which describes how organic products are defined and how they can be labeled.

Subpart D first describes the labels allowed based on the organic ingredient composition of the product. Organic ingredient percentage of a product must be calculated by one of the methods described in 205.302.

The first category, '**100% Organic**', means the product has had minimal processing and **contains only 100% Organic** agricultural products. No National List ingredients have been added or used during the processing of products in this category. Some subtle distinctions that remove agricultural products from the '100% Organic' category include the use of a sanitizer in your wash water when rinsing greens or the use of diatomaceous earth to filter maple syrup. Many people assume that if a product contains only organic ingredients it is 100% organic. This is incorrect.

The second category, '**Organic**', means the product **contains 95% or more** organic agricultural ingredients. In this category are products that contain or have been in contact with allowed National List products. The National List products allowed for processed products can be found in sections 205.605 and 205.606 of the NOP Rule. Any product on either of these lists can be used in a product labeled as 'Organic' as long as the total percentage of organic ingredients is greater than 95%. No rounding of the percentage is allowed.

The third category, '**Made with Organic (specified ingredients or food groups)**' means the product **contains 70% or more** organic agricultural ingredients. Again, the same National List products in 205.605 and 205.606 are allowed. There are some subtle distinctions in this category. If the product contains an agricultural ingredient that is not organic and is not listed in 205.606, even if the product composition is greater than 95%, the product must be labeled as 'Made with Organic

(specified ingredients or food groups)'. Local honey is a common agricultural ingredient that occurs in products that are greater than 95% organic but must be labeled 'Made with Organic (specified ingredients or food groups)'. Local *organic* honey is not readily available in Maine due to the required foraging area for the bees (which must be free of the use of prohibited materials).

The fourth category is products with **less than 70%** organically produced ingredients. These products may not make any organic claim and may only list the organic ingredients in the ingredient statement.

The final category is Livestock Feed. **Livestock Feed must be Organic**, as above, or be produced according to 205.237.

The labeling of the above categories is fully described in sections 205.303 for the '100% Organic' and the 'Organic' categories, 205.304 for 'Made with Organic (specified ingredients or food groups)', 205.306 for Livestock Feed and 205.305 for products with less than 70% organic ingredients.

There are three required components that **MUST** be present on the label of a product in the '100% Organic', 'Organic' and 'Made with Organic (specified ingredients or food groups)' categories.

- 1) In the Ingredient Statement, all organic ingredients must be identified as 'Organic' either by name or by a defined symbol.
- 2) Underneath the name of the producer or distributor of the product, the statement: "Certified Organic by MOFGA."
- 3) A lot number that ties the product to the producer's traceability system.

On the 'Made with Organic...' claim on your product you can list up to three ingredients or food groups. The statement itself must use a consistent color and font.

There is one required component that **MUST** be present on a Livestock Feed label.

- 1) Underneath the name of the producer or distributor of the product the statement "Certified Organic by MOFGA".

Note that Livestock Feed must also comply with all applicable Federal and State feed labeling requirements.

Use of the USDA seal or the MOFGA logo is optional on any label. However the USDA seal must not be used on products in the 'Made with Organic ...' category. If both the USDA seal and the MOFGA logo are used, the MOFGA logo must not be more prominent than the USDA seal. Products in the less than 70% organic category or products produced by exempt or excluded operations must not use the USDA seal or the MOFGA logo.

The form of the USDA seal used on an allowed product must conform to either the Black and White seal or the Green/Brown/White seal, where the green color must be PMS color 348 and the brown color must be PMS color 175. The only deviation allowed is the white portion of the Black and White seal may be transparent.

The USDA seal can be downloaded from: <https://www.ams.usda.gov/rules-regulations/organic/organic-seal>



The MOFGA logo may be downloaded from: http://www.mofgacertification.org/?page_id=754

