



CONSUMER NEWS

SAN DIEGO CITY ATTORNEY'S OFFICE

Food Labels and Your Family

Organic v. Natural Food Labels

August 2015

This newsletter offers information to help consumers understand food labels.



The new school year is upon us! One California school district (Sausalito Marin) has completely converted their school district food program to organic foods.¹ Store aisles are filled with consumers searching the shelves with their student's academic performance in mind. Shoppers may wonder if there is a difference between organic and natural food labels?

ORGANIC FARMING

According to the Organic Food Production Act of 1990, organic fruits and vegetables are grown using only botanical or primarily non-synthetic pest controls. Fertilizers made with sewage sludge or synthetic ingredients *allowed* in most conventional food production cannot be used. No genetically engineered modification (GMO) or irradiation is permitted. Organic products sold in California must also comply with the California Organic Products Act of

2003. Organic Certification is handled by state, non-profit, and private agencies approved by the Department of Agriculture (USDA). To become certified organic a producer must:

- ✓ Choose an organic certifier.
- ✓ Meet national organic product standards.
- ✓ Keep records of practices and materials used for the past three years.
- ✓ Allow the certifying agent to inspect any premises where organic food is to be produced.

Organic Producers must:

- ✓ Not use any sewage sludge, ionizing radiation, and genetically modified organisms.
- ✓ Not use synthetic chemicals (fertilizer, pesticides, antibiotics, or food additives).
- ✓ Require 100% organic feed for organic livestock.²
- ✓ Use farmland that has been free from chemicals for at least 3 years.
- ✓ Maintain strict physical separation of organic products from non-certified products.
- ✓ Undergo periodic on-site inspections.
- ✓ Keep detailed written production and sales records.

ORGANIC LABELING:

Agricultural products that are sold, labeled, or represented as “organic” must be produced in accordance with the National Organic Program and applicable California law.

Labeling requirements include:

- Products labeled “organic” must consist of at least 95% organically produced ingredients.
- Product labels meeting the requirements may display the USDA organic label.
- Products labeled “made with organic ingredients” on the product’s principal display panel must contain at least 70% organic ingredients.

ADDITIONAL RESOURCES:

For more information about organic certification and labeling, see the USDA’s website on the topic: <http://www.ams.usda.gov/rules-regulations/organic/labeling>.

To bypass certification requirements, some producers use undefined terms like “artisanal” “authentic” or “natural.” These terms are not regulated, and as such have no real meaning.

“NATURAL” MEANS WHAT?

Foods labeled “natural” are governed by an ambiguous Food and Drug Administration policy which does not define or object to the term’s use if the food does not “contain added color, artificial flavors, or synthetic substances”³ Similarly, under the US Dept. of Agriculture, “natural” may be used as a term applicable to meat, poultry, and eggs to indicate that those foods have no artificial ingredients or colors added. The “natural” label implies nothing about whether hormones were used (and therefore added) or whether the product is pumped full of antibiotics.

CHECK THE LABEL NUTRITION FACTS OR



MARKETING BUZZ WORDS

Recent news reports that *natural confusion* arises when products use “natural” versus “organic” on their labels. Does the “natural” label mean the same thing as organic? Michael Jacobson, executive director of the Center for Science in the Public Interest, a food watchdog group, advises consumers to watch out for marketing lingo - “buzz words” and glossy pictures - and instead always look to a product's ingredient list to find answers.⁴ For instance, if a cereal box has *pictures* of berries on it, there is no requirement that the product contain berries— unless,

berries are also listed in the ingredients on the Nutrition Facts.

Also, there are other marketing buzz words as well – eggs labeled “cage free” mean that chickens are free to roam, but it *does not* mean they are outside grazing on pasture.⁵

In California, all eggs sold in California must comply with Cal. Health & Safety Code Div. 20, Ch. 13.5, (Prop. 2, 2008) addressing Farm Animal Cruelty, and Ch. 14 (AB1437, 2010) which together require egg farms to ensure that all chickens who produce eggs sold in California be able to extend their wings and turn around freely in their enclosures. Violation of this law is a misdemeanor, punishable by \$1000 fine or 6 months jail, or both. (Cal. Health & Safety Code §25993). This law, now in effect as of Jan. 1, 2015, is only enforceable by a public prosecutor or certain animal rights associations who meet standing requirements.

DO YOU HAVE A FOOD LABELING QUESTION OR COMPLAINT?

If you believe that a food product you have purchased does not meet the requirements applicable to that food, please contact one of the following applicable agencies:

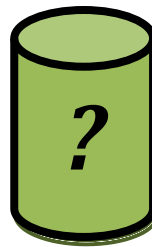
Organic Produce Questions?
Contact:

- California Organic Food Program

(http://www.cdffa.ca.gov/is/i_&c/organic.html)
download complaint form at:
<https://organic.cdffa.ca.gov/Complaints/>

Processed food questions?
Contact:

- California Department of Public Health:
<http://www.cdph.ca.gov/services/Pages/ComplaintsCaliforniaHealthCare.aspx>



Local Farmers Market, Grocery Store, or other local complaint?
Contact:

- San Diego County Department of Agriculture, Weights & Measures

download a general consumer complaint form:

<http://www.sandiegocounty.gov/content/dam/sdc/awm/docs/General%20Consumer%20Complaint%20Form%20Fillable.pdf>

**San Diego
City Attorney’s Office
Consumer and Environmental
Protection Unit
(619) 533-5600**

This newsletter was compiled by
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The information provided in this newsletter is intended to convey general information and is not intended to be relied upon as legal advice.

To report violations of consumer protection laws, call the City Attorney’s Hotline at **(619) 533-5600**.

¹ <http://www.smcsd.org/>

Additional recent news coverage of organic foods: Business Insider, August 23, 2015:

<http://www.businessinsider.com/major-difference-between-organic-and-non-organic-2015-8> citing to recent study: <https://www.coop.se/organiceffect>

² To learn more about organic livestock feed during grazing v. finishing period check out: <http://www.usda.gov/wps/portal/usda/usdahome?contentid=2010/02/0059.xml>
Also: To learn more about the label for USDA certification for grass fed livestock: <http://www.ams.usda.gov/services/auditing/grass-fed-SVS>

³ See FDA website FAQ: <http://www.fda.gov/AboutFDA/Transparency/Basics/ucm214868.htm>, last accessed 8/24/2015.

⁴ Also see the CSPI “Eating Greener” Guide <http://cspinet.org/EatingGreen/> and food safety reports at CSPI.net.org.

⁵ <http://abcnews.go.com/blogs/lifestyle/2014/02/natural-vs-organic-how-food-labels-deceive/> last accessed 8/24/15