

Guidance on the Use of Allowed Non-Organic Ingredients in a Product Seeking an “Organic” or “Made with Organic (Specified Food Groups or Ingredients)” Label Claim

A. General Aspects of the Use of Non-Organic Ingredients: Under the USDA NOP organic regulations, in some cases some non-organic ingredients can be used, but this is limited to the following cases and circumstances:

- i. Non-organic ingredients can only be used in products seeking an “Organic” or “Made with Organic (Specified Food Groups or Ingredients)” label claim. They cannot be used in a product seeking a “100% Organic” label claim.
- ii. Non-organic ingredients allowed for use are limited to those non-organic ingredients listed in section 205.605 and 205.606 of the USDA NOP organic regulations.
- iii. The total organic content for an “Organic” label claim must be 95% organic by weight or volume.
- iv. The total organic content for a “Made with Organic (Specified Food Groups or Ingredients)” label claim must be 70% organic by weight or volume.
- v. Any non-organic ingredient must be documented as being non-GMO, non-irradiated, and produced without the use of biosolids or sewage sludge.
- vi. Some non-organic ingredients can only be used when an organic version is not commercially available (see section B below).
- vii. A product may not include organic and non-organic versions of the same ingredient.
- viii. Many non-organic ingredients have specific annotations or restrictions on use. These can be found in section 205.605 or 205.606 of the regulations and must be complied with.

B. The Use of Organic Versions if Available: For many of the non-organic ingredients listed in section 205.605 and 205.606 of the regulations, they can only be used when an organic version is not available. The ingredients this requirement applies to include all of the ingredients listed in section 205.606, as well as flavors and yeast (as listed in section 205.605). To use a non-organic ingredient which is listed in section 205.606 or non-organic flavors or yeast, you must prove (through documentation) that an organic version is either not available or is not suitable for use.

An organic version is considered not available when you can prove that there is no organic source available for that ingredient (as documented through contacting at least three sources of such ingredients and being told that the ingredient is not available in organic form) or that there are organic versions available but they are not suitable due to the quantity of ingredient needed is not available, or the quality or form of the ingredient is not suitable. You may be required to conduct trials of available organic versions to prove that the available organic versions are not suitable.

C. Other Annotations: Many ingredients listed in section 205.605 or 205.606 also have additional requirements which must be met. These can be found in the listing for that ingredient in section 205.605 or 205.606. An example would be the annotation for flavors, which carries the additional requirement that: “All flavors must be derived from organic or nonsynthetic sources only and must not be produced using synthetic solvents and carrier systems or any artificial preservative.” You must document that any additional ingredient annotation listed in 205.605 or 205.606 is met.

D. Documentation Required: An operation must submit with its application documentation that the requirements described above for any non-organic Ingredients have been met.