

29 April 2008

Federal Trade Commission  
Office of the Secretary,  
Room H-135 (Annex B)  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Re: Green Guides Regulatory Review, 16 CFR Part 260,  
Comment, Project No. P954501

We are writing to point out that there is an area that we feel has not yet been adequately addressed by the FTC green guidelines, namely, organic claims.

The term “organic” has been clearly defined by the USDA National Organic Program (NOP) regulations. The NOP standard is a strict set of regulations which were created to eliminate consumer confusion.

In August of 2005, the USDA issued a policy scope statement that declared that personal care product companies were eligible to apply for organic certification under the NOP and, yet, very few companies have bothered to go this route. Regrettably, a large number of companies in the personal care arena have been making “organic” branding and labeling claims for products that in no way conform to the official standard. This widespread practice has been described as “rampant labeling fraud” by Mr. Ronnie Cummins, Executive Director of the Organic Consumers Association.

These organic labeling abuses exploit millions of consumers who trust the word “organic” and mistakenly believe that misleadingly-labeled products conform to the USDA NOP standard when they do not. This fact was made evident in a recent survey of more than 5000 consumers. Here is a link to that survey:

<http://www.organicconsumers.org/bodycare/surveysummary.htm>

These deceptive labeling and marketing practices are unfair to consumers, unfair to companies whose certified organic products legitimately conform to the NOP, and unfair to other companies producing honestly-labeled conventional products that do not make organic claims.

Following are links to articles documenting the industry's awareness of consumer confusion and consumer expectations for products labeled "organic," and illustrate the opportunities for exploitation that such confusion provides:

<http://www.organicprocessing.com/opjs06/opjs06market.htm>

<http://www.organicprocessing.com/opoctdec06/opod06covercertifiers.htm>  
<http://www.confectionerynews.com/news/ng.asp?id=79171-organic-usda-organic-seal>

We are making the request, please, that the FTC put an end to these misleading labeling practices.

Thank you for your consideration of this matter.

Sincerely,

James Hahn and Diana Kaye,  
Co-founders of TerrEssentials