



August 31, 2020

NOP Compliance and Enforcement Branch
Attn: Ms. Betsy Rakola
Agricultural Marketing Service
United States Department of Agriculture
1400 Independence Avenue, S.W.
Mail Stop 0268, Room 2648-S
Washington, D.C. 20250-0268

RE: Use of organic in the company name (CBD related)

Dear Ms Rakola:

OrganicEye, the investigative arm of Beyond Pesticides, is filing this formal complaint with your office requesting an investigation into the organic certification of five operations in the U.S. that appear to conflict with the statutory language of the Organic Foods Production Act (OFPA) of 1990 and current federal regulations governing organic food production.

Specifically, we are requesting that the NOP Compliance and Enforcement Branch investigate the following entities who are using organic as part of their company name. These companies are selling non-certified products.

Organic Touch

<https://organictouchrx.com/#>

930 New Hope Road (Suite 11-806)
Lawrenceville GA 30045

Organic Touch products are not all certified organic. In response to our inquiry, they replied that their CBD is “grown at hemp farms that use organic nutrients and farming practices.” Products listed on 8/11/20 include Full Spectrum and Isolate CBD Tinctures, Triple Relief CBD Pain Salve, Organic Gourmet Tea Blend, Full Spectrum CBD Gummies, CBD creams and lotions, CBD Vape Cartridge Refills, CBD Capsules, CBD Honey Sticks, and CBD Tinctures and Treats for pets.

My CBD Organics

<https://mycbdorganics.com/>

930 New Hope Road (Suite 11-806)
Lawrenceville GA 30045

My CBD Organics might be the same company as Organic Touch. The “Shop” link at their website goes to the Organic Touch product page. Please see discussion and product list above.

Kore Organic

<https://koreorganic.com/>

Summitt Labs
6375 Harney Rd #106
Tampa, FL 33610

Kore Organic does not appear to have organic certification. Their products do not carry the USDA Organic seal or list the name of a certifying agency. Products listed on 8/11/20 include CBD topicals (mineral soak, lotions, massage oil, “pain freeze” roll on, hand sanitizer), CBD edibles (capsules, gummies, dried fruits, mixed nuts), CBD oil and tinctures, CBD Vape Juice, and CBD tinctures and biscuits for pets.

We are noting two separate complaints with this operation. First, company names containing the term “organic” should not be used on the principal display panel (PDP) of products that are not certified organic. Second, the website specifically claims that the CBD is organic and includes a logo containing the words “Organic CBD.”

Ithaca Organics

www.ithacaorganics.com

Ithaca Organics, LLC
41 Fall Creek Road
ithacaorganics@gmail.com

Ithaca Organics is certified organic as a crop producer, but it is not certified as an organic handler. Ithaca Organics grows organic hemp and sells organic dried hemp plants. They also sell several non-certified CBD products on their web site. On 8/11/20, products listed include CBD Cream, CBD Oil, Pet CBD, THC-Free Oil, Whole Plant CBD Oil, CBD Gummies, and CBG Oil (cannabigerol). The web site claims “Premium organic CBD from the New York Finger Lakes.” (See screen shot posted at end.)

We are noting two separate complaints with this operation. First, company names containing the term “organic” should not be used on the principal display panel (PDP) of products that are not certified organic. Second, the website specifically claims that the CBD is organic, but Ithaca Organics is not certified as an organic handler.

Joy Organics

<https://joyorganics.com/>

(833) 569-7223
119 West Oak Street
Fort Collins, CO 80524

Joy Organics is not certified organic, however the company name, Joy Organics, is prominently placed on the front label of their products. Items currently for sale on the web site as of 8/11/20

include CBD Oil Tinctures, CBD Softgels, CBD Gummies, CBD Energy Drink, CBD Dog Chews, CBD Oil – Pet Formula, CBD Salve, CBD Salve Stick, CBD Cream, CBD Sports Cream, and CBD Bath Bombs.

The company name containing the term “organic” should not be used on the principal display panel (PDP) of products that are not certified organic.

According to NOP 4012, **Instruction: Use of Brand or Company Names Containing the Word “Organic,”**⁴

3. Policy

Certifiers should refer to the following principles, ordered by product certification category, when reviewing labels of agricultural products.

- a. Agricultural products certified as “100 percent organic” and “organic”
 - i. Brand or company names that contain the term “organic” may appear anywhere on the labeling for these products, in compliance with applicable labeling requirements.
- b. Agricultural products certified as “made with organic (specified ingredients or food groups)”
 - i. Brand or company names containing the term “organic” should not be used on the principal display panel (PDP) of these products.
 - ii. Company names containing the term “organic” may be displayed as the name of the manufacturer, packer, or distributor and listed on the information panel as required by Food and Drug Administration (FDA) regulations. Nevertheless, the display of such company names should be reviewed in consideration of its potential to mislead consumers about the composition and organic certification of the product. Although this information is required by the FDA, it should not be displayed in a manner that falsely implies an agricultural product meets certification requirements that it does not.
 - iii. Brand or company names containing the term “organic” should not be used elsewhere on the labeling of these products.
- c. Uncertified agricultural products, even if containing organic ingredients
 - i. Same as (b) above.

Footnote 3 in the above document added: “Note that per the OFPA provision cited in this instruction, 7 U.S.C. 6505(a)(1)(B), the NOP also has authority to regulate market information, such as webpages or print advertising, that makes organic claims for agricultural products.”

OrganicEye requests that the NOP’s Compliance and Enforcement Branch make a timely, full, and good faith effort in their investigation of these allegations.

It should be noted that nothing in this formal complaint shall be interpreted as a waiver of our right to appeal under the Adverse Action Appeals Process cited above.

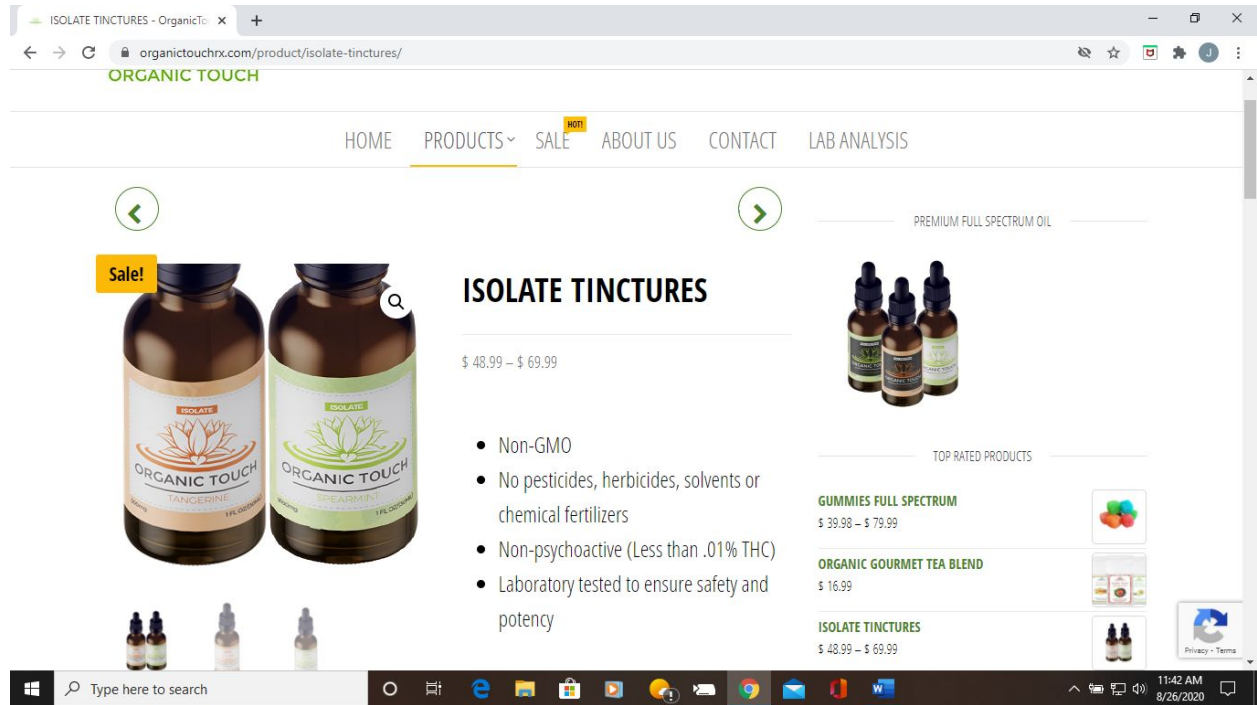
You may contact us at your convenience.

Sincerely,

⁴https://www.ftc.gov/system/files/documents/public_events/975753/nop_usda_instruction_use_of_brand_or_company_names_with_organic_4012.pdf

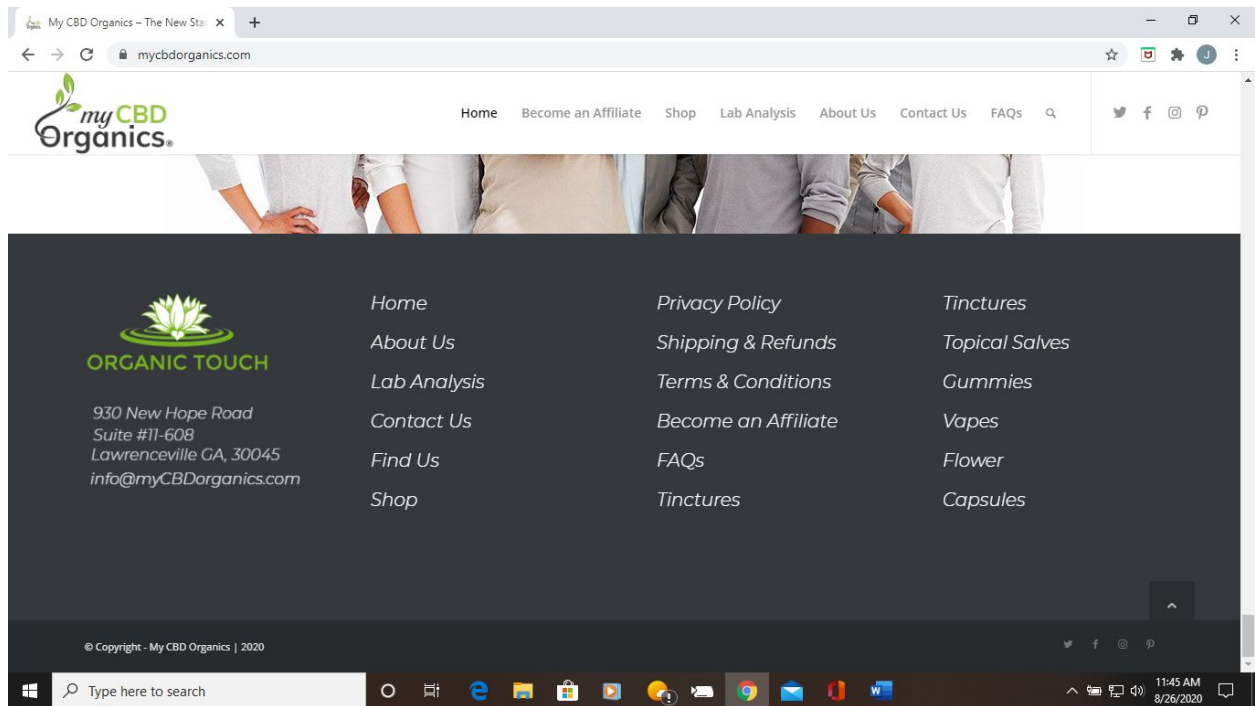
Mark A. Kastel
Director
OrganicEye
608-625-2042

Organic Touch screenshot taken August 26, 2020:



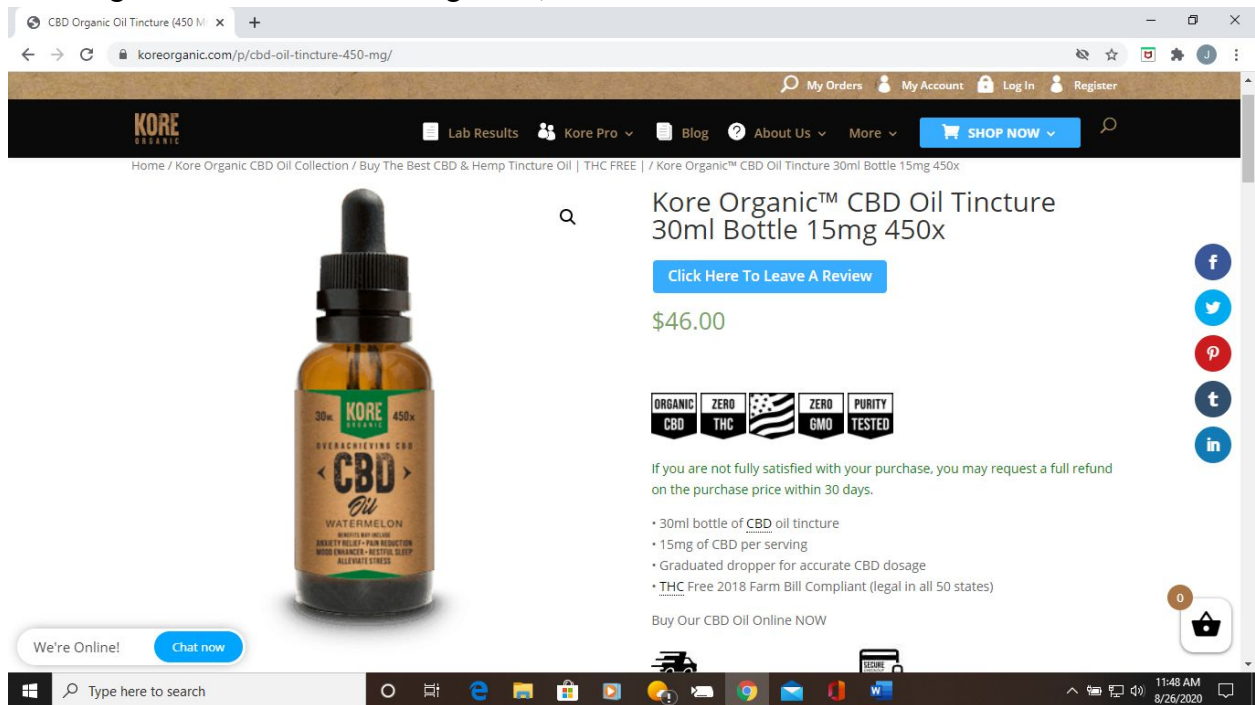
<https://organictouchrx.com/product/isolate-tinctures/>

My CBD Organics screenshot (site links to Organic Touch, shown above):



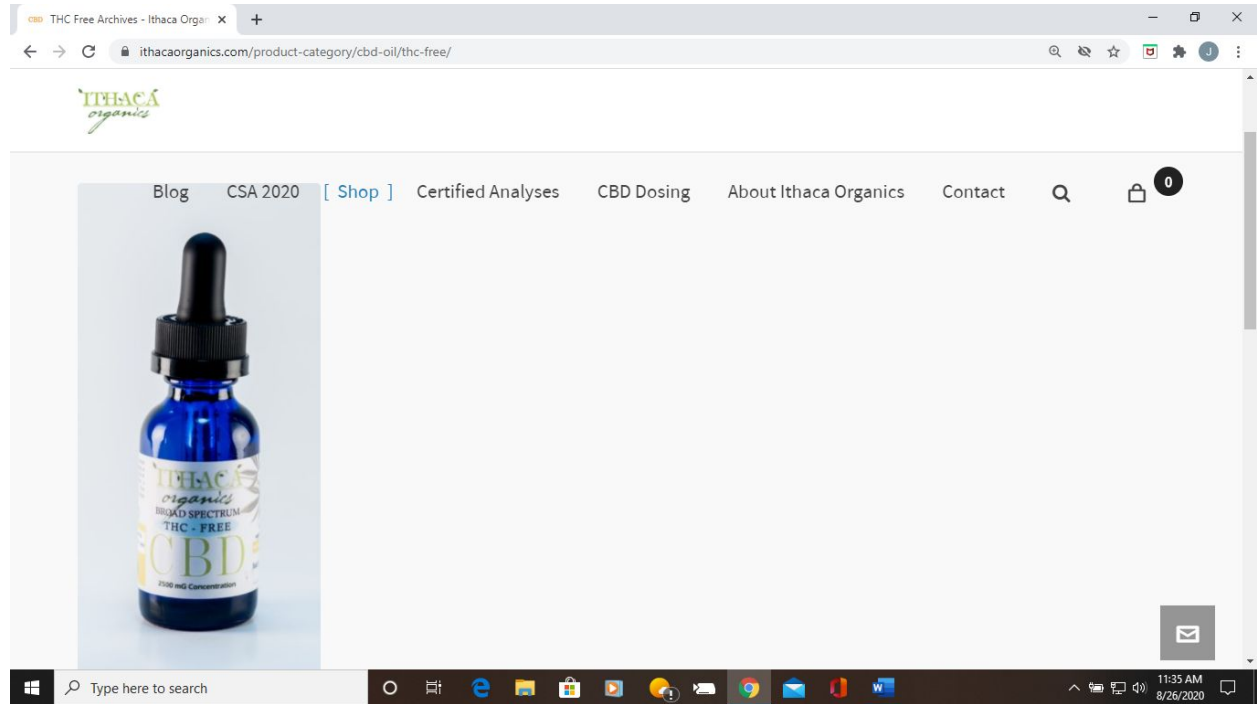
<https://mycbdorganics.com/>

Kore Organic screenshot taken August 26, 2020:



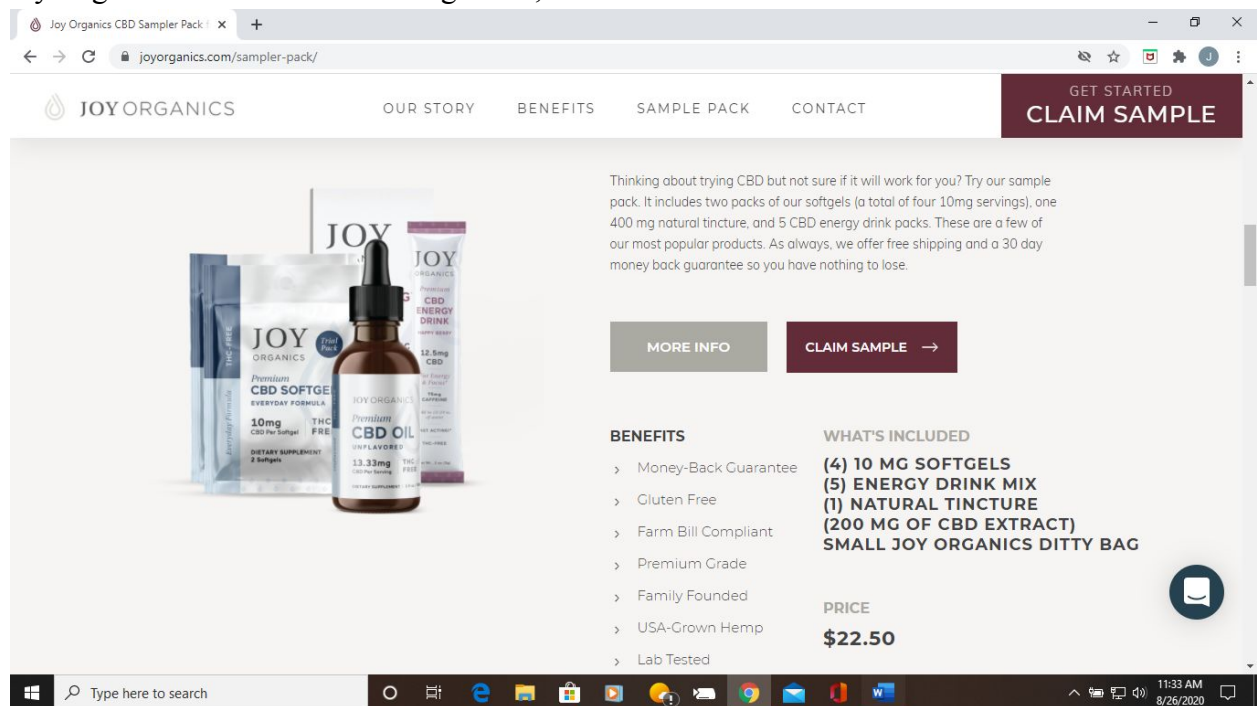
<https://koreorganic.com/p/cbd-oil-tincture-450-mg/>

Ithaca Organics screenshot taken August 26, 2020:



<https://ithacaorganics.com/product-category/cbd-oil/thc-free/>

Joy Organics screenshot taken August 26, 2020:



<https://joyorganics.com/sampler-pack/>

August 31, 2020

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Agricultural Marketing Service
United States Department of Agriculture
1400 Independence Avenue, S.W.
Mail Stop 0268, Room 2648-S
Washington, D.C. 20250-0268

RE: Organic claims made by non-certified operations

Dear Ms. Rakola:

OrganicEye, the investigative arm of Beyond Pesticides, is filing this formal complaint with your office requesting an investigation into the organic certification of the following operations in the U.S. that appear to conflict with current federal regulations governing organic food production.

Specifically, we are requesting that the NOP Compliance and Enforcement Branch investigate the organic certification status of the following entities.

CBD Mendo™ (formerly CBD Solutions)

<https://cbdmendo.com/splash/>

(No additional information available)

The label for a tincture on CBD Mendo's website viewed on 12/31/19 stated "100% organic ingredients" on the front panel. The CBD Mendo website viewed on 4/28/20 showed a slightly different label. Instead of "100% organic ingredients," the front panel contained the statement "Certified organic grape alcohol infusion."

CBD Mendo did not respond to our email requests for their organic certificates, and they are not listed on the Organic Integrity Database as certified. Our conclusion is that CBD Mendo did not provide sufficient verification that they are certified organic (including the obligation to supply their certificate). If this operation is not certified organic, it is prohibited from making organic claims on the front panel and is prohibited from making any claims of "certified organic" ingredients.

NuLeaf Naturals

<https://nuleafnaturals.com/>

1550 Larimer St., Suite 964
Denver, CO 80202 USA
(720) 372-4842

When first viewed earlier this year, the website for **NuLeaf Naturals** stated, “Our cannabis oil is 100% organic and non-GMO.” They were not listed on the Organic Integrity Database as certified.

NuLeaf Naturals responded to our inquiry by sending the certificate for a different company – Organic Infusions. We requested a product list from NuLeaf Naturals, and they sent a full addendum, listing all products. Organic Infusions sells Certified Organic Hemp Seed Oil in various sizes, including a 5-gallon size. However, all products are listed under the Organic Infusions brand, not the NuLeaf Naturals brand.

Upon revisiting their site in June, we discovered that the “100% Organic” claim had been changed to read “Organic Hemp.” The site also includes a logo with the words “Made with Organic Hemp.”

PureKana

<https://purekana.com/>

Purekana, LLC

6710 N Scottsdale Rd Suite 240

Scottsdale, AZ 85253

[\(855\) 553-7441](tel:(855)553-7441)

Along with website claims that their CBD oil “contains organic hemp extract” and is “sourced from USA-grown organic hemp,” PureKana also describes their CBD oil for pets as being “Organic” and their CBD capsules as being “Certified organic.” We were unable to find evidence of organic certification.

My CBD Organics®

<https://mycbdorganics.com/>

930 New Hope Road (Suite 11-806)

Lawrenceville GA 30045

Website claims, “Pure organic hemp makes pure organic products.” Links to the Organic Touch site where products do not appear to be certified. My CBD Organics was also included in a separate complaint regarding their use of the word “Organic” in company name despite selling non-certified products.

Organic Touch

<https://organictouchrx.com/#>

930 New Hope Road (Suite 11-806)

Lawrenceville GA 30045

Website lists “Organic Gourmet Tea Blend” which does not appear to be certified. (Organic claim is not made on the package, just on the website.) Organic Touch was also included in a separate complaint regarding their use of the word “Organic” in company name despite selling non-certified products.

Kore Organic™

<https://koreorganic.com/>

Summitt Labs
6375 Harney Rd #106
Tampa, FL 33610
[\(833\) 810-5673](tel:(833)810-5673)

Website makes organic claims for CBD and flavorings. The ingredients as seen listed on the label pictured in a recent recall notice, include “Pure CBD” and “Artificial flavors” and there is no certifying agency listed. Kore Organic was also included in a separate complaint regarding their use of the word “Organic” in company name despite selling non-certified products.

Trust the Earth Hemp

<https://www.trusttheearthhemp.com/hempcbdoil>

Claims organic hemp seed oil and “100% Organic” on website.

Garden of Life®

<https://www.gardenoflife.com/content/product-category/our-products/cbd/>

Claims hemp is “organically grown” on website.

Premium Jane

<https://premiumjane.com/>
6991 East Camelback Rd. Suite D-300
Scottsdale, Arizona, 85251
[\(844\) 259-5092](tel:(844)259-5092)
Info@premiumjane.com

Claims products are “Sourced from 100% organic Kentucky hemp” on website.

Sagely Naturals®

<https://www.sagelynaturals.com/>
Sagely Enterprises Inc
1811 Centinela Ave
Santa Monica, CA 90404
(424) 262-6614
info@sagelynaturals.com

Claims to use “premium US hemp that is grown to the highest organic standards and principles” on website.

Vital Leaf®

<https://vitalleaf.com/>
VITAL LEAF, INC
4207 SE Woodstock Blvd #507
Portland, OR 97206
(503) 862-3494

Claims to “source from organically grown and non-GMO hemp plants” on website.

IrieCBD

<https://iriecbd.com/>

3939 Beltline Rd, Suite 350

Addison, TX 75001

info@iriecbd.com

Claims “Organic Standards” on website.

Green Lotus

<https://greenlotushemp.com/>

3939 Belt Line Rd. Suite 350

Addison TX, 75001

[1-888-811-HEMP \(4367\)](tel:1-888-811-HEMP)

info@greenlotushemp.com

Claims hemp oil is "From organically-grown Colorado hemp" on website.

Also displays an “Organic Hemp” logo on website and products.

Endoca

<https://www.endoca.com/cbd-products>

2305 Historic Decatur Rd

San Diego USA

[\(619\) 831-0156](tel:(619)831-0156)

Claims "Organic full spectrum formula" on website.

Also displays an “Organic” logo on website

(May not be based in the US, but products available online.)

We have identified two additional concerns.

The following companies (Ancient Nutrition and Green Gorilla™) refused to provide their organic certificates and product lists upon request. After failing to find these companies listed on the Organic Integrity Database, we contacted them to request copies of their organic certificates. While we were eventually able to confirm their certification statuses, to some extent, through their certifiers, the companies declined to provide the requested information, as required.

Ancient Nutrition

<https://ancientnutrition.com/qr/>

2000 Mallory Lane, Suite 130-307

Franklin, TN 37067

[\(855\) 803-1275](tel:(855)803-1275)

Many products on the **Ancient Nutrition** website show the USDA organic seal, but the company was not found in a search of the Organic Integrity Database.

When we contacted Ancient Nutrition, they responded to our email inquiry stating that their organic certificates are on their website. The certificates referenced were Certificates of Analysis (COAs), issued after testing the cannabinoids and other chemicals in the products, not organic certificates.

Their response to our follow-up email requesting their organic certificate stated, “We do not provide anyone with an actual certificate. The product is Certified USDA Organic on the webpage.”

The CCOF (California Certified Organic Farmers) webpage lists Ancient Nutrition as a “New Applicant” with a status date of “January 22, 2020.”

We contacted CCOF directly to inquire about Ancient Nutrition’s status on July 25 and were informed that their products are currently certified under their co-packer while they complete certification under their own name. CCOF suggested that we contact Ancient Nutrition to request a copy of their co-packer’s certificate listing the products they pack for them. A request that had previously been refused.

While Ancient Nutrition may very well be selling certified organic products (currently certified under their co-packer), they are still obligated to provide their organic certificate and product list when requested.

Green Gorilla™

info@ilovegreengorilla.com

22809 Pacific Coast Highway

Malibu, CA 90265

[\(323\) 452-5919](tel:(323)452-5919)

Green Gorilla did not respond to our initial email inquiry. After a follow-up was sent, they referred us to their certifier (Oregon Tilth Certified Organic) with instructions to request proof of certification from them.

Oregon Tilth subsequently confirmed that the Green Gorilla™ brand has a private label agreement with another company and is listed on that company’s organic certificate. They instructed us to request a copy of the certificate directly from Green Gorilla™ if we wanted a listing of specific certified organic products. Oregon Tilth also said they could provide the certificate if Green Gorilla™ would give us the name of the company who final packages their product. Green Gorilla™ did not respond to our subsequent request for either the certificate with product list or the name of their co-packer.

In addition, we discovered one company making organic claims on the front labels of products which do not appear to be certified organic.

Aspen Green™

info@aspengreen.com

3700 Quebec St., Suite 100-110

Denver, CO 80207

[\(888\) 578-5900](tel:8885785900)

All products on the Aspen Green™ website make organic claims on labels and packaging. Their Full Spectrum Hemp Oil is certified organic with the USDA Organic symbol and certifier listed on the label. Their topical products contain the certified hemp oil along with a number of other ingredients identified as organic on the ingredient panel. However, the topicals do not appear to be certified, despite indicating in a circle on the front label and package that they are between 98-100% organic. According to USDA regulations, organic ingredients can be noted on the ingredient panel, but organic claims may not be made on the front label unless the product itself is certified organic.

According to Section 7 of the US Code of Federal Regulations:

§ 205.102 Use of the term, “organic.”

Any agricultural product that is sold, labeled, or represented as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” must be:

- (a) Produced in accordance with the requirements specified in §205.101 or §§205.202 through 205.207 or §§205.236 through 205.240 and all other applicable requirements of part 205; and
- (b) Handled in accordance with the requirements specified in §205.101 or §§205.270 through 205.272 and all other applicable requirements of this part 205.

OrganicEye requests that the NOP’s Compliance and Enforcement Branch make a timely, full, and good faith effort in their investigation of these allegations.

It should be noted that nothing in this formal complaint shall be interpreted as a waiver of our right to appeal under the Adverse Action Appeals Process cited above.

You may contact us at your convenience.

Sincerely,

Mark A. Kastel
Director
OrganicEye
608-625-2042

August 31, 2020

NOP Compliance and Enforcement Division
Attn: Ms. Betsy Rakola
Agricultural Marketing Service
United States Department of Agriculture
1400 Independence Avenue, S.W.
Mail Stop 0268, Room 2648-S

Washington, D.C. 20250-0268

RE: Misleading organic logos by non-certified operations (CBD related)

Dear Ms. Rakola:

OrganicEye, the investigative arm of Beyond Pesticides, is filing this formal complaint with your office requesting an investigation into six operations in the U.S. that appear to conflict with the current federal regulations governing organic food production and marketing.

Specifically, we are requesting that the NOP Compliance and Enforcement Branch investigate the following entities who are using, or have used, their own logos to represent their products as organic.

1. HempWorx

<https://www.hempworx.com/>

8840 West Russell Road, Suite 245, Las Vegas, NV 89148

(888) 877-5436

HempWorx created their own logo with the words “Organic Methods.”

<https://www.hempworx.com/fullSpectrumCBDOil>

The logo below was found on their website on 4/23/20.

As of 8/11/20, it had been revised to read “VEGAN.”



2. Medterra

<https://medterrahemp.org/>

<https://medterracbd.com/>

9801 Research Drive, Irvine, CA 92618

(800) 971-1288

Medterra created their own non-GMO logo incorporating the words “Organically Grown Hemp.”

The logo below was found on their website on 4/23/20 and confirmed again on 8/11/20.



3. Winged CBD

<https://wingedcbd.com/>

Pembroke Park, FL 33009

(877) 850 3111

The back panel (ingredients panel) of a packaged product (Radiance Facial Sheet Mask) was found on 4/23/20 at the following site:

https://thelynden.com/image/cache/sellers/1/1581542239_95ab67f5f52a6b28ab7276f7edcde4dc.thelyndenWinged-Sheet-Mask-Web0000Winged-Sheet-Mask-Single-back-1000x1000.png

The package states the following: “Manufactured for Winged Nutrition LLC, Austin, TX 78748.” This address differs from the address on the website. The package also states “contains 15mg of CBD from organically grown, full spectrum hemp extract.”

Winged CBD created their own logo with the words “Organically Grown Hemp”. The logo below was found on their website on 4/23/20 but had been removed as of 8/11/20.



4. NuLeaf Naturals

<https://nuleafnaturals.com/>

1550 Larimer St., Suite 964

Denver, CO 80202 USA

(720) 372-4842

NuLeaf created their own “Made with Organic Hemp” logo. The company that supplies their organic hemp carrier oil (Organic Infusions) is certified, however NuLeaf products themselves do not appear to be certified organic. The logo below was found on their website on 8/10/20.



5. Kore Organic

<https://koreorganic.com/>

Summitt Labs

6375 Harney Rd #106

Tampa, FL 33610

[\(833\) 810-5673](tel:8338105673)

Kore Organic first came to our attention through a recall notice issued by Summit Labs due to high levels of lead found in Kore Organic Watermelon CBD Oil. The website makes organic claims for CBD and flavorings and features an “Organic CBD” logo that they have created. The recall notice includes a photo of a label with “Pure CBD” and “Artificial Flavors” as ingredients and no certifying agency listed. The logo below was found on their website on 8/11/20.



6. Trust the Earth Hemp

<https://www.trusttheearthhemp.com/hempcbdoil>

Trust the Earth Hemp created a number of logos that are displayed on their website and label, including one that says “100% Organic.” The product does not appear to be USDA Certified Organic based on photos shown on the website of their label and packaging.



7. Green Lotus

<https://greenlotushemp.com/>

3939 Belt Line Rd. Suite 350

Addison TX, 75001

[1-888-811-HEMP \(4367\)](tel:1-888-811-HEMP)

info@greenlotushemp.com

Green Lotus created their own “Organic Hemp” logo that is displayed on the website and appears to be on the product labels, as well (photo quality on the website makes that difficult to verify). They also claim "From organically-grown Colorado hemp" on the website.



8. Endoca

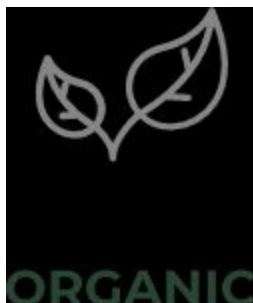
<https://www.endoca.com/cbd-products>

2305 Historic Decatur Rd

San Diego USA

[\(619\) 831-0156](tel:619-831-0156)

Endoca created their own “organic” symbol displayed on the website. They also claim “Organic full spectrum formula” on the website. (May not be based in the US but their products are available online.)



Although the above eight companies are making (or have made) organic claims on their web sites, they do not appear to be certified organic, as they are not listed on the NOP Organic Integrity Database. If that is confirmed to be the case during your investigation, organic

marketing claims by these companies would violate National Organic Program Regulations on labeling.

According to Section 7 of the US Code of Federal Regulations:

§ 205.305 Multi-ingredient packaged products with less than 70 percent organically produced ingredients.

(a) An agricultural product with less than 70 percent organically produced ingredients may only identify the organic content of the product by:

(1) Identifying each organically produced ingredient in the ingredient statement with the word, “organic,” or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced, and

(2) If the organically produced ingredients are identified in the ingredient statement, displaying the product's percentage of organic contents on the information panel.

(b) Agricultural products with less than 70 percent organically produced ingredients must **not** display:

(1) The USDA seal; and

(2) **Any certifying agent seal, logo, or other identifying mark which represents organic certification of a product or product ingredients.**

OrganicEye requests that the NOP’s Compliance and Enforcement Branch make a timely, full, and good faith effort in their investigation of these allegations.

It should be noted that nothing in this formal complaint shall be interpreted as a waiver of our right to appeal.

Please confirm receipt of this complaint and apprise us of its status when you are in a position to do so.

Sincerely yours,

Mark A. Kastel
Director
OrganicEye
608-625-2042