



February 16, 2026

Dr. Jennifer Tucker
Deputy Administrator
National Organic Program
United States Department of Agriculture
1400 Independence Avenue SW
Mail Stop 0268, Room 2648-S
Washington DC 20250-0268

RE: Complaint Regarding Use of Certifier Seal on Package Principal Information Panel for Products Made with Organic Ingredients; Sections 205.301 Product composition and 205.304 Packaged products labeled “made with organic (specified ingredients or food group(s))

Dear Dr. Tucker,

We contend that Amy's Kitchen, LLC, certified by Quality Assurance International (QAI), is using a modified and misleading certifier seal on front of products labeled “Made with organic ingredients/food groups” that implies certification of all the ingredients used, which is in conflict with the Code of Federal Regulations for the National Organic Program (NOP) Sections 205.301 and 205.304.

Following are the pertinent portions of Sections 205.301 and 205.304 for ease of reference.

Section 205.301 Product composition.

(c) ***Products sold, labeled, or represented as “made with organic (specified ingredients or food group(s)).*** Multiingredient agricultural products sold, labeled, or represented as “made with organic (specified ingredients or food group(s))” must contain (by weight or fluid volume, excluding water and salt) at least 70 percent organically produced ingredients which are produced and handled pursuant to requirements in subpart C of this part. No ingredients may be produced using prohibited practices specified in paragraphs (f)(1), (2), and (3) of § 205.301. Nonorganic ingredients may be produced without regard to paragraphs (f)(4), (5), (6), and (7) of § 205.301. **If labeled as containing organically produced ingredients or food groups, such product must be labeled pursuant to § 205.304.**

(d) ***Products with less than 70 percent organically produced ingredients.*** The organic ingredients in multiingredient agricultural product containing less than 70 percent organically produced ingredients (by weight or fluid volume, excluding water

and salt) must be produced and handled pursuant to requirements in [subpart C of this part](#). The nonorganic ingredients may be produced and handled without regard to the requirements of this part. Multiingredient agricultural product containing less than 70 percent organically produced ingredients may represent the organic nature of the product only as provided in [§ 205.305](#).

Section 205.304 Packaged products labeled “made with organic (specified ingredients or food group(s)).”

(a) Agricultural products in packages described in [§ 205.301\(c\)](#) may display on the **principal display panel**, information panel, and any other panel and on any labeling or market information concerning the product:

(1) The statement:

- (i) “Made with organic (specified ingredients)”: *Provided*, That, the statement does not list more than three organically produced ingredients; or
- (ii) “Made with organic (specified food groups)”: *Provided*, That, the statement does not list more than three of the following food groups: beans, fish, fruits, grains, herbs, meats, nuts, oils, poultry, seeds, spices, sweeteners, and vegetables or processed milk products; and, *Provided further*, That, all ingredients of each listed food group in the product must be organically produced; and
- (iii) Which appears in letters that do not exceed one-half the size of the largest type size on the panel and which appears in its entirety in the same type size, style, and color without highlighting.

(2) The percentage of organic ingredients in the product. The size of the percentage statement must not exceed one-half the size of the largest type size on the panel on which the statement is displayed and must appear in its entirety in the same type size, style, and color without highlighting.

(3) The seal, logo, or other identifying mark of the certifying agent that certified the handler of the finished product.

(b) Agricultural products in packages described in [§ 205.301\(c\)](#) must:

- (1) In the ingredient statement, identify each organic ingredient 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. Water or salt included as ingredients cannot be identified as organic.
- (2) On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, “Certified organic by * * *,” or similar phrase, identify the name of the certifying agent that certified the handler of the finished product: *Except*, That, the business address, Internet address, or telephone number of the certifying agent may be included in such label.

(c) Agricultural products in packages described in § 205.301(c) must not display the USDA seal.



Amy's Kitchen Inc., markets a large variety of "frozen ready-to-heat" meals, burritos and wraps, pizza, and snacks, as well as canned soups.

Organic Eye contends that the products labeled in accordance with NOP regulation **Section 205.304 Packaged products labeled "made with organic (specified ingredients or food group(s))"** bear a certifier's promotional message that should not be permitted on the front of the packaging.

It is our contention that this image constitutes more than the currently permitted, seal, logo or identification of the certifier.

Recent surveys by the Organic Trade Association show that shoppers of all ages place the highest levels of trust in USDA Organic Certification and Non-GMO Project verification compared with nine other food-related certifications. Nearly half of respondents rated their trust of Organic and Non-GMO certifications the highest. Clearly there is value in being able to put these statements on the package front, especially when the product does not qualify for the USDA Organic seal.

The illustrated QAI marketing slogan is particularly confusing since it implies that the product is certified organic. What is not clear is that only *some* of the ingredients in the package labeled "made with organic ingredients or food groups" are actually certified organic. In the case of the sample box cover above, the certified organic ingredients are: flour, tomato puree, olive oil, honey, basil, garlic, and cane sugar. The mozzarella and parmesan cheeses, presumably the most expensive ingredients, are not organic, nor are the safflower/sunflower oil, yeast, and spices used.

Today's busy shopper is likely to assume that this product is simply certified organic — as stated by the phrase "Certified Organic" on the QAI seal — not consisting of as much as 30 percent nonorganic ingredients. Nowhere on the principal display panel, information panel, or any other panel is the consumer informed that to be labeled as "Made with organic ingredients" does the finished product have to contain at least 70

percent of certified organic ingredients by weight. There is no place for the shopper to even find the amount of nonorganic ingredients contained in the package they are holding.

These are the very customers who are willing to pay a premium for products that are organic and “free from” chemicals, hormones and antibiotics, toxins and pesticides, dyes and extra additives. They are unknowingly paying a higher price for a product that is as much as 30 percent NOT organic.

To eliminate intentionally misleading consumers, we request that you implement **one** of these alternatives regarding the use of the QAI certification mark:

1. **Move the QAI certification mark** from the principal display panel (front of the package) to the information panel on the back of the package, **or**
2. **Remove the words “Certified Organic” and the phrase “If it’s ORGANIC it’s NON GMO”** from the QAI certification mark on the principal display panel and replace the QAI certification mark with only the QAI logo.



In the interest of expediency, I would appreciate that you communicate with me by telephone or e-mail, rather than by the United States Postal Service, if you have questions regarding this request.

Thank you for your assistance.

Sincerely,

Mark Kastel
Executive Director
OrganicEye

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