

Section 7

Personal Care Products Council

Order of ingredients (7.7.1)

The Draft Standard's order of ingredient listing is not consistent with federal law and may be confusing or potentially misleading. In the Draft, NSF states: Ingredients at a concentration of more than 1% shall be listed on the label in descending order of predominance, in their concentration by weight. Ingredients that are present at a concentration of 1% or less shall be listed in any order after the ingredients present at a concentration of more than 1% or as required by federal regulation.

This ingredient listing conflicts with FDA regulation and mandated by the Fair Package Labeling Act. Legally, a cosmetic product's order of ingredients may appear in one of three ways. The Draft Standard's ordering scheme is inconsistent with federal law and, if followed, may cause a product's label to be misleading.

c. Ingredient Labeling (7.7)

In the Draft Standard, NSF outlines ingredient labeling practices that augment current regulatory and INCI standards. NSF lacks authority to revise regulation or INCI nomenclature. In Section 7.7 of the Draft, NSF states:

Each organic personal care product shall list the ingredients on its label using the International Nomenclature for Cosmetic Ingredients (INCI) labeling system as found in the most recent edition of the International Cosmetic Ingredient (ICI) Dictionary and Handbook as applicable. The list of ingredients shall appear on the outer label of the personal care product. Extra descriptive or marketing terminology, unless specified in 7, shall not be deemed acceptable in the ingredient list.

Emphasis added. The wording in the Standard "unless specified in 7" indicates that there are exceptions to FDA labeling regulations.

Also, in Section 7.5.2 of the Draft Standard, NSF states:

products in packages described in 7 CFR 205.301(c) shall: – In the ingredient statement, identify each organic ingredient with the word "organic" or with an asterisk or other reference mark that is defined below the ingredient statement to indicate that the ingredient is organically produced.

NSF has no authority to make such changes to INCI nomenclature or federal regulation

Na True

7.1 Use of the term "organic"

The term "organic" shall only be used on labels and in labeling of raw or processed agricultural products, including ingredients, that have been produced and handled in accordance with the requirements of this Standard. The term "organic" shall not be used in a product name unless the product meets USDA-NOP criteria or criteria defined in this Standard.

In the draft version at these points (where it is not simply a selection that is being dealt with) reference is made to the NOP/the National List. There are various reasons which would make the development of a separate positive list desirable:

- a) A reference to the NOP entails a dependency (e.g. any future changes in the NOP).
- b) The NOP is a state program. The development of a separate positive list would give the NFS standard more the character of an international standard. This would be very desirable from the point of view of the producers as well as the consumers.
- c) Only a positive list of the permissible raw materials and manufacturing processes makes it possible to clearly define what may be used and what not. And it is only thus that transparency is created for the consumers who are otherwise forced to collect information themselves from various programmes and lists.

In Germany a committee of experts, working for the BDIH, spent several years compiling a list of raw materials which may be used in the production of natural cosmetics. In our opinion a similar positive list made available to the NSF standard as quickly as possible by NaTrue would be the simplest solution.

7.5.1 Personal care packaged products labeled "made with organic"

Personal Care products in packages described in 7 CFR 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:

– The statement: "Made with organic [specified ingredients or ingredient groups]," provided that the statement does not list more than three organically produced ingredients. The text shall not exceed one-half the size of the largest type size on the panel. This statement shall be made in the same type size, style, and color without highlighting; or Reason: 'or ingredient groups' added. This allows categorical claims, such as "made with organic oils, fragrances, and colors" if all ingredients in those categories were organically produced. This construction is more consistent with the NOP rule, reducing consumer confusion.

The appended addition "and ingredient groups" should be deleted.

TerrEssentials

7.2 -- The term in company names and in a company's marketing/promotional materials should not be used in a manner that conflicts with the contents of any product. The word

organic should NOT be used in a company name if that company does not produce predominantly certified organic products.

7.7. -- Labeling of ingredients

This entire section should be eliminated as it is covered by FDA regulations. Any other sections that contain information that is covered by current FDA regs/guidelines should also be removed.

Dr. Bronner's Magic Soap

7.5.2 Agricultural packaged products

Agricultural products in packages described in 7 CFR 205.301(c) shall:

– In the ingredient statement, identify each organic ingredient with the word "organic" or with an asterisk or other reference mark that is defined below the ingredient statement to indicate that the ingredient is organically produced. Water, mined minerals, and salt included as ingredients shall not be identified as organic. For ingredients made with organic materials produced by processes allowed under this Standard but not the NOP, a separate asterisk should refer to the statement "Made with Organic Ingredients".

For example, on the ingredients declaration of a hypothetical NSF certified shampoo:

Ingredients: Water, Aloe Vera*, Sodium Coco Sulfate**, Coco Glucoside**, Soy Protein*, Benzoic Acid

* Organic

** Made with Organic Ingredients

Oh, Oh Organic, Inc

7.2 – These statements do not appear to discriminate between NOP certified materials and NSF certified materials. Is there any difference?

7.2.1 – Does this section apply to NOP compliant materials? If a product is certified organic to the NOP, why should there be any obligation to disclose the process?

“Personal Care products in packages described in 7 CFR 205.301(c)” is a mis-statement. “Personal Care products” are not described anywhere in 7 CFR Part 205 – so what is this sentence about?

7.5.1 - Note to Lorna – this section could refer to Annex A – 3.1 immediately to prevent certifiers from confusion.

7.6 – This section requires more info on a wholesale package than the NOP requires – this means that you are asking companies certified to the NOP to go beyond NOP requirements. Will suppliers be willing to do this? Is it necessary?

7.7.1 – Is this section parallel to the regulations stated in the US and Canada (the most likely export market for US cosmetics)?