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USDA Gives OK for "Organic" Labeling for Third-Party Certified Textiles; National Organic Program Policy Clarified

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On May 20, 2011, the United States Department of Agriculture's National Organic Program ("NOP") issued a Policy Memorandum (PM-11-14) addressing the labeling of textile products containing organic ingredients (such as organic cotton, wool or linen fabrics). The new policy supersedes the July 2008 NOP fact sheet entitled "Labeling of Textiles Under National Organic Program (NOP) Regulations."

Policy Memo PM-11-14 addresses the labeling of textiles that contain organic ingredients. Presently, any textile product produced in full compliance with USDA NOP regulations (listed and detailed [here](#)) may be labeled as NOP-certified organic and display the USDA organic seal. Where the product is labeled "organic" by a third-party certification body, such as the Organic Trade Association, all fibers identified as "organic" must be produced and certified under the NOP regulations.

Thus, where a textile product has been labeled as "organic" by a third-party certification body, such as the Organic Trade Association, the product manufacturer may:

- Use label "Made With Organic [Specified Ingredient]" claims to identify specific types of organic fibers featured in the apparel, and

- Use information to identify the percentage of organic fibers featured in the product.

Where a textile product has not been labeled as "Organic" and NOP regulations have not been followed, the NOP regulations bar the following:

- The use of the USDA seal where the apparel products have not been NOP certified,
- Implying or leading the customer to believe that the final product is NOP certified where, in fact, it has not been certified in accordance with NOP regulations, and
- Using a combination of both organic and non-organic sources for a single fiber that has been identified as "organic" in the final product.

These USDA regulations do not supersede any other requirements of Federal and State laws, including Federal Trade Commission ("FTC") labeling requirements. Where one seeks to make a fiber content claim in accordance with FTC labeling requirements terminology such as "contains 80% organic cotton" should be used in conjunction with NOP certification. The PM-11-14 is available, in its entirety, [here](#). The Policy Memo PM-11-14 explicitly confirms that textile products produced in accordance with the Global Organic Textile Standard ("GOTS") may be sold as "organic" in the NOP certification or carry the USDA organic seal.