



The Top Five Marketing Mistakes That Trigger Organic Complaints

Organic fraud is a serious issue, but many complaints to the National Organic Program occur because a brand or marketing team simply didn't understand the organic regulations. These are the five most common organic marketing mistakes to avoid brand-damage and expensive corrective actions, including a fine of up to \$22,392 per violation.

Introduction

In an increasingly competitive food industry, marketing plays a pivotal role in brand differentiation. Companies must find ways to communicate their values and product quality while adhering to regulatory standards and maintaining consumer trust. However, even well-meaning marketing efforts can unintentionally trigger consumer complaints if they fail to meet regulatory requirements. For companies in the organic food sector, the stakes are even higher, as misleading or non-compliant marketing practices can damage a brand's reputation, lead to costly legal repercussions, and erode consumer confidence.

This article outlines the top five marketing mistakes food companies make when promoting organic products and offers actionable recommendations to avoid these errors. We also emphasize the importance of verifying product and ingredient claims, particularly when third-party suppliers or co-packers are involved, to ensure compliance and protect the integrity of your brand.

Top Five Mistakes to Avoid

1. Incorrect Use of the Organic Seal

One of the most common mistakes is the improper use of the USDA Organic seal. This seal is a symbol of trust that indicates a product has met specific organic certification standards. However, companies sometimes misuse the seal, such as by displaying it on products or operations that are not certified organic. This can confuse consumers and result in complaints if they believe they are purchasing organic products that do not meet the necessary criteria. Another common mistake is changing the color of the USDA Organic seal to match label or product brand colors. Be sure your marketing team knows the rules for displaying the USDA Organic seal.

2. Business/Brand Name That Contains the Word "Organic"

Under the Organic Foods Production Act (OFPA) of 1990, the term "organic" is strictly regulated. Uncertified operations may not use the word "organic" in their business name on the principal display panel of their products. This rule is often overlooked, with companies mistakenly marketing their brand names or logos as organic, even when they do not meet certification standards.

3. Representing Products/Ingredients as Organic

Representing products or ingredients as organic when they are not certified is another frequent marketing misstep. Uncertified companies often advertise their products as organic on packaging, websites, and other marketing materials, which violates regulations. The Organic Foods Production Act and the USDA's National Organic Program (NOP) prohibit such representations and uses of the word "organic."



3. “Beyond Organic” Representation

Another pitfall is the use of terms like “beyond organic,” which are not recognized or regulated by the USDA. The USDA organic certification is the highest standard, and any claim implying that a product exceeds this standard is unsubstantiated. Companies that use such unverified claims risk misleading consumers and violating federal regulations. A better approach is to provide transparency on how your product is produced with verifiable claims and without use of the word “organic.”

4. Product Repackaging

Repackaging bulk organic ingredients to sell under a new brand or label is a common practice in the food industry. However, for the product to be labeled as organic, the repackaging company must be certified by a USDA-accredited certifying agent. Uncertified repackagers may inadvertently break the integrity of the organic supply chain, leading to violations of organic certification rules.

Impact on Your Company or Brand

Organic complaints are costly to your business in several ways, not only the potential \$22,392 fine per violation. Here are the ways your business can be affected:

- Damage to consumer trust and brand credibility.
- Potential for legal action or fines from regulatory bodies.
- Expensive label reprints and corrections to marketing
- Highly visible corrective actions to your social media presence
- Having your product removed from retailer shelves and websites
- Damaged trust with retailers who sell your product

Recommendations for Avoiding Marketing Mistakes

To avoid the costly mistakes discussed above, companies should take the following proactive steps:

1. Ensure USDA Organic Certification:

- Verify that all products and operations bearing the USDA Organic seal are certified by an accredited certifying agent.
- Avoid using the USDA Organic seal on products that do not meet the required certification standards.

2. Review Branding and Marketing Materials:

- Reassess business names, logos, and product labels to ensure they comply with OFPA regulations.
- Ensure that the term “organic” is used only on certified products and not as part of the business or brand name if certification is not achieved.
- Use the correct, trademarked version of the USDA Organic seal on certified products eligible to display the seal

3. Clearly Communicate Organic Status:

- Only represent products as organic on packaging, websites, social media, and promotional materials if they are certified.
- Use clear and accurate ingredient statements, specifying organic ingredients where applicable, such as “Ingredients: organic flour, organic sugar, water, salt.”



4. Avoid Unsubstantiated Claims:

- Steer clear of terms like “beyond organic” or other unverified claims that could mislead consumers. Be transparent and clear about your sustainability practices. Stick to the established USDA organic certification as the highest standard for organic products.

5. Repackaging and Certification Compliance:

- Ensure that any repackaged organic products are certified and that certification is maintained through an accredited certifying agent.
- Document and verify the organic certification of all organic ingredients.

By aligning marketing strategies with regulatory standards, food companies can avoid organic complaints, protect consumer trust, and ensure compliance with the USDA Organic Program. These steps will not only prevent potential legal or financial issues but will also help establish a strong foundation for long-term brand success in the organic market.

Need Support?

We offer a range of organic integrity services to help your business follow the USDA guidelines, ensuring organic integrity in your supply chain, and maintain transparency in marketing practices. Our services include supply chain outreach and audits, marketing consulting, organic fraud prevention plans, and support with organic certification. Visit our website at <https://ses-corp.com/food-integrity-and-safety/>.

Quick Guide for Your Marketing Team

Need a quick way to communicate these tips with your marketing team? We made a helpful infographic you can share to simplify your organic marketing, available on the following page.



Top Five Marketing Mistakes That Trigger Organic Complaints:

Mistakes That Cost Your Company Time and Money

1

Incorrect Use of the USDA Organic Seal

Uncertified operations with USDA-certified organic products are not permitted to use the USDA organic seal outside of approved products and their labels. With permitted use, the USDA organic seal must use the colors according to C.F.R. § 205.311.

2

Business/Brand Name With the Word “Organic”

Uncertified operations are not permitted to display the word “organic,” even within their legal business name, on the principal display panel (front) of product labels, according to the Organic Foods Production Act (OFPA) of 1990.

3

Representing Products/Ingredients as Organic

Uncertified operations are not permitted to represent their products as organic outside of an ingredient statement, including the product label, business website, social media; and temporary signage. Compliant ingredient statement example per C.F.R. § 205.305: “Ingredients: water, organic flour, organic sugar, salt”

4

“Beyond Organic” Representation

The USDA regulates the use of the word “organic,” and uncertified operations cannot state that they meet standards equivalent to or beyond organic since this statement cannot be evaluated.

5

Product Repackaging

An operation intending to repackage bulk organic inputs to be sold, labeled, or represented as “organic” must be certified by a USDA-accredited certifying agent. Without certification, the integrity of the organic supply chain is broken.

Need support with your organic program? Contact SES, Inc. at info@ses-corp.com or visit the website at www.ses-corp.com/food-integrity-and-safety



Food Integrity Services

SES offers a suite of services to support food integrity, labeling claims, and food safety and security plans. Our services include the following areas of expertise.



SERVICES

- Organic Fraud Prevention Plans
- Supplier Audits and Outreach Programs
- Marketing Reviews and Consulting
- Certification and Compliance Support
- Organic Systems Plan and Record Keeping Support
- Retailer and Regulatory Support
- Consumer and Supplier Education
- Sustainability Programs and Standards

Organic Integrity Services

SES, Inc. (SES) supported the USDA National Organic Program (NOP) with compliance and enforcement, conducting investigations on organic complaints. Our first-hand experience with the root causes of organic fraud and mislabeling enables us to help retailers, brands, producers, and manufacturers develop robust organic fraud prevention plans, conduct supplier outreach and audits, understand organic policy, and support organic marketing compliance.

Fraud Prevention Plans and Support

SES will develop your fraud prevention plan to meet the new NOP Strengthening Organic Enforcement (SOE) requirements. We will help your business identify high-risk products and suppliers, conduct vulnerability assessments, develop supplier verification programs, and design processes to prevent and mitigate fraud. We can also help manage existing fraud prevention efforts, especially for businesses and retailers with several brands, products, and extensive supplier networks. For operations with an existing fraud prevention plan, we can review the plan to identify areas for improvement and support ongoing updates.

Marketing Reviews and Consulting

When marketing teams don't understand organic regulations, organic seal use, and advertising requirements, the result can be costly. Each organic violation can elicit up to \$22,392 in fines, so it is imperative to know and follow the USDA organic regulations. Our team has extensive experience conducting compliance audits and marketing reviews. We can build or validate internal marketing programs. We can also train your marketing team on the organic requirements to avoid expensive label and marketing changes and prevent brand damage from an organic complaint.

Certification and Compliance Support

We can help your business navigate the certification process and maintain compliance once certified. From translating regulations and policies to helping with organic documents and records, we can make the complicated path to certification manageable.

Retailer and Regulatory Services

SES can support retailers and regulatory teams in preventing and addressing organic fraud complaints. Our services include verifying whether suspect products or operations are certified, informing suppliers and marketers of their requirements under the regulations, and supporting the complaint and compliance process.



Contact us at www.ses-corp.com or 913-307-0046

Our Clients

Private Entities

SES provides services for a variety of food and agriculture operations, across the entire food supply chain.

Federal Agencies

U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), Animal Plant Health Investigative Service (APHIS), Veterinary Services (VS), Agricultural Marketing Service (AMS), National Organic Program (NOP), U.S. Department of Defense (DoD), U.S. Environmental Protection Agency (EPA), U.S. Department of Homeland Security (DHS); U.S. Department of Energy (DOE)

State Agencies

Animal Health and Agriculture Agencies in: Alabama, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington State, West Virginia, and Wisconsin

Organizations

National Association of State Departments of Agriculture (NASDA), Multi-State Partnership for Security in Agriculture, Southern Animal Health Association, Border Governors' Agriculture Worktable, Western Alliance of States for Agriculture Resilience, Cultivation Corridor

Trade Associations

Dairy Farmers of America (DFA), Livestock Marketing Association (LMA), Kentucky Corn Growers Association, U.S. Soybean Board and Export Council, National Pork Board, Western Equipment Dealers Association

"I have worked with SES for more than 15 years on a variety of projects and have come to rely on their expertise in developing management systems, standards, training and auditing programs. SES has consistently delivered high-quality projects, on-time and on schedule."

– VP Environmental Engineering for a Large Livestock and Poultry Company



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SES helps companies manage their triple bottom line through actionable, science-based sustainability programs that improve the resiliency of operations and supply chains.

SES is a leader in the field of greenhouse gas (GHG) offset verification, as well as verification for sustainability metrics and support for regulatory compliance for the organic sector and livestock and poultry production operations.

SES has over 50 years of combined experience managing the risks of foreign animal disease and developing emergency response programs for food and agriculture.

