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**Organic & Natural Health Submission to
The Food & Drug Administration's Request for Information and Comments on Use of the Term
"Natural" in the Labeling of Human Food Products**

The Organic & Natural Health Association is unique in that it represents consumers, retailers and corporations joining forces to create a new paradigm of trust and cooperation between consumers and the natural health industry. Our four tenets are:

TRANSPARENCY: Empowering conscious consumer purchase decisions through transparent relationships that value disclosure and unambiguous knowledge.

TRACEABILITY: Empowering consumer purchasing through honest relationships that value disclosure and unambiguous knowledge between consumers and corporations.

ACCESSIBILITY: Ensuring broad accessibility to organic and natural food, products and services that improve health and wellness of individuals and communities.

CONTINUAL QUALITY IMPROVEMENT: Embracing progressive standards that support improved agricultural production, manufacturing and testing processes to achieve a sustainable supply of healthy products.

RESEARCH: CONSUMER PERCEPTIONS OF NATURAL

Per your Request for Comment and data or other information to suggest that consumers associate, confuse, or compare the term "natural" with "organic," we are providing the results of our 2015 Consumer Research Survey of 1005 consumers, conducted by the Natural Marketing Institute (NMI). As the following analysis demonstrates, consumers do in fact perceive "natural" and "organic" to be substantially equivalent.

The Organic & Natural Health Association conducted an online research study was commissioned to ascertain the following:

- Current level of understanding of natural and organic, including government relations for each;

- Acceptable level (if any) of synthetic additives, such as vitamins, colors, flavors, and preservatives in organic or natural products;
- Price perceptions; and
- Preferred labeling for “natural” meats – attributes such as humane treatment and usage of growth hormones or antibiotics.

There were several key findings of relevance to the FDA’s call for comments on defining natural.

1. Study results confirm there is significant confusion in consumers’ minds about the differences between the terms “organic” and “natural.”
 - One third of American adults do not believe there is any difference between the two labels.
 - Almost as many say “natural” is regulated by the U.S. government (46%) as say “organic” is a regulated term (61%).
 - NMI’s independent data analysis supports further affirms confusion on regulatory requirements documenting approximately half of consumers think ‘natural’ means ‘no pesticides’ or ‘no-GMOs, attributes that are uniquely organic.
 - Three-fourths of consumers perceive that organic foods must be at least 95% free from synthetic additives, while almost two-thirds expect the same thing of “natural” foods.
2. Consumer are far more likely to use “natural” foods than “organic” foods
 - Sixty per cent of the general population is using “organic” less than once a week or not at all.
 - More than a third of consumers use “natural” products one a day or more often (classified as a “heavy” user), while only one fourth of “organic” users fall into the heavy user category.
3. One major barrier is price perceptions for organic: a majority of consumers, including heavy organic users, say natural foods are less expensive than organic.
4. ‘No Added Growth Hormones’ and ‘Antibiotic Free’ are the most important attributes for consumers if a meat is to be labeled as ‘natural.’

A complete version of the analysis is provided in attachment A of this submission.

With almost two-thirds of consumers expecting “natural” foods to be 95% free of synthetic additives, and half believing them to be free of synthetic pesticides (attributes unique to the regulated organic standard), this data clearly demonstrates consumers fail to distinguish between the terms “natural” and “organic.” This belief in parity between organic and natural composition and quality appears to be a significant driver in the marketplace. Eighty-three percent of consumers self-identify as natural foods users, with more than a third using “natural” foods at least once a day.

Essentially, the vast majority of the Americans believe the only differential between “organic” and “natural” is price, with natural costing less. Given that 46% percent of consumers believe the government regulates the term “natural,” one could conclude that those purchasing natural foods understand them to be certified organic products made by companies that elect not to obtain certification to avoid passing onto consumers the cost of obtaining the government approved seal.

SUGGESTED FRAMEWORKS FOR ESTABLISHING CONSUMER UNDERSTANDING AND ACCEPTANCE OF NATURAL

Based on the results of this work and in consultation with our members, including those who represent consumer interests, we have concluded the only way to ensure consumers are not motivated by deceptive marketing practices is to stand firm in support of the current USDA NOP organic standards, while advocating for enhancements that incorporate improved sustainable and restorative agricultural practices, environmental safety, animal welfare, and workforce conditions.

Consumers are confounded by the various seals, marketing claims and reference standards appearing in food marketing and packaging. Any proposed Natural standard must not contribute to this state of confusion. On the contrary, the goal of a natural standard should be to align with consumer expectations of the attributes of Natural products while carefully and transparently explaining any deviations from these expectations. It is important to point out that we refer here specifically *not* to attributes that consumers have come to accept resignedly or without adequate knowledge. We do not believe that the proposed Natural standard should use existing consumer confusion as its foundation. Instead, we are particularly interested in identifying attributes that would *not* qualify as natural if a consumer were asked questions such as these:

- “This product contains X, Y, and Z ingredients, which are considered artificial/synthetic. Do you consider the product natural?”
- “This product contains ingredients produced using X, Y, and Z technologies or agricultural inputs, which are artificial/synthetic technologies and inputs. Do you consider the product natural?”
- “This product contains ingredients produced using X, Y, and Z agricultural practices, which may cause A, B and C effects on people, animals and the environment. Do you consider the product natural?”
- “This was product was processed using lower cost X, Y, and Z methods and processing aids, which are considered artificial/synthetic methods and aids. Do you consider the product natural?”
- “This product contains components that were grown using agricultural laborers with X, Y and Z working conditions, safety precautions, pay and benefits. Do you consider the product natural?”

Using this methodology, we believe the FDA will find that consumers do indeed draw a clear distinction between what is natural and what is not. However, consumers’ innate recognition of natural attributes is separate from the question of whether or not they accept synthetic ingredients or synthetically processed ingredients in the products they choose to purchase. Consumers often purchase products marketed and labeled as “natural” with the knowledge and understanding that they may be produced using synthetic processes and/or ingredients.

This is the critical decision point for the proposed Natural standard. Do we continue to allow the misbranding synthetic ingredients as “natural” based on their low or even trace presence in production, processing and/or resulting end products? Or do we carefully and deliberately restrict the use of the Natural marketing claim only to processes and ingredients that consumers truly consider natural?

Many products marketed as “natural” currently on the market use one or more synthetic processes or ingredients. This fact is one contributing cause of the surge in civil actions against the makers of these products, which is in turn industry’s motivation for requesting that the FDA define a Natural standard. However, a definition of Natural that continues to obfuscate the use of synthetic processing and ingredients merely perpetuates the status quo. If the proposed Natural standard is built on this type of question:

“This product contains X, Y, and Z natural ingredients, plus other ingredients that the government considers safe to consume. Do you consider the product natural?”

then it will only succeed in legitimizing the kind of ingredient obfuscation and consumer confusion already prevalent in the marketplace.

CRITERIA FOR ALLOWED SYNTHETICS IN NATURAL

The Organic & Natural Health Association has identified a very narrow set of criteria for allowed synthetics in Natural products. Synthetic ingredients may be allowed under the Natural claim if:

- they cannot be produced in sufficient quantity or at a viable cost without using synthetic processes; AND
- their raw material production methods support principles of restorative agriculture that do not require synthetic agricultural inputs; AND
- they do not generate environmental pollution; AND
- they are safe for human consumption; AND
- use of these allowed synthetic materials in processing or as ingredients is declared transparently and completely on the product label and in associated marketing materials.

TOWARDS A MEANINGFUL LONG TERM NATURAL STANDARD

The Organic & Natural Health Association concludes that consumers are seeking a ‘true’ natural definition that mirrors that of organic, including increased emphasis on agriculture requirements with processing and manufacturing standards. In addition, we recommend that, should the FDA pursue adoption of a Natural standard, it must do so in a way that ensures continual improvement of the food system by supporting the following values and practices:

- Reduce the amount of toxic chemicals used to produce food or used as food ingredients;
- Restore and regenerate crop and pasture land using production methods that do not require synthetic fertilizers or toxic pesticides;
- Improve the humane treatment of animals by allowing for natural behaviors, including

appropriate feed;

- Are carbon neutral or successfully sequester carbon through natural regenerative processes;
- Provide farmers and ranchers with the opportunity and choice regarding production practices;
- Account for external costs of human disease, animal confinement, environmental degradation, and community dissolution;
- Provide a fair and equitable market for food and related products based on the true cost of production;
- Preserve global biodiversity and pollinator survival;
- Ensure seed to table transparency for consumers; and
- Promote sustainable farming and consumption that meets present needs without compromising the ability of future generations to meet their needs; conserving an ecological balance by avoiding depletion or destruction of natural resources.

The Association is a strong supporter of the Organic 3.0 initiative, as developed by IFOAM/Organics International, promoting permanently sustainable farming and consumption. The strategy for Organic 3.0 includes six main features, consistently promoting the diversity that lies at the heart of organic and recognizing there is no 'one-size-fits-all' approach:

1. A culture of innovation, to attract greater farmer conversion, adoption of best practices, and to increase overall productivity and quality;
2. Continuous improvement toward best practice, at a localized and regionalized level;
3. Diverse ways to ensure transparent integrity, to broaden the uptake of organic agriculture beyond third-party assurance and certification;
4. Inclusiveness of wider sustainability interests, through alliances with the many movements and organizations that have complementary approaches to truly sustainable food systems and farming;
5. Holistic empowerment from the farm to the final product, to acknowledge the interdependence and real partnerships along value chains and also at the territorial level; and
6. True value and fair pricing, to internalize costs, encourage transparency for consumers and policymakers and to empower farmers as full partners.

MINIMUM REQUIREMENTS FOR PROPOSED NATURAL STANDARD

Given the Organic & Natural Health Association's commitment to support and expand the USDA NOP standard, any FDA initiative to define natural must include the following:

- All products seeking to certify themselves as natural must first be organic, utilizing third party certification programs or through robust organic agricultural practices.
- Products must, by that declaration, contain no less than 95% certified organic ingredients.

- The 5% exclusion shall allow for compliant but non-certified ingredients, and inclusion of bioequivalent synthetic vitamins and minerals and synthetic fatty acid esters. Synthetic vitamin E and D are *not* allowable because they are available from natural sources.
- Natural products may not be produced with the use of municipal and CAFO bio solids.
- Animals shall be pastured, enabling them to live and thrive in their natural environments
- Cover crops shall be used on open cropland, with no exposed soil.

Processing practices designated as acceptable are as follows:

- Physical – drying, extraction, distillation, etc.
- Solvent extraction (restricted to water, CO2 extraction or organic ethanol).
- Traditional processing, including fermentation, hydrolysis, enzymatic reactions, saponification and kitchen techniques, including baking and frying.
- Pasteurization and other kill steps which are required by law would be allowed.

Processing practices excluded in the definition of natural include the following:

- High energy processing such as irradiation, microwaves, x-rays, laser mutagenesis and genetically engineered production, such as e coli “factories” where genetically modified cells produce compounds.
- Nano technology and synthetic biology.
- Chemically synthetic processes (i.e. sugar alcohols made through catalytic cracking).

As the food supply is transformed in response to various global challenges, we assert that “natural” is a living concept and will evolve further, necessitating continual quality improvement in processes and policies. The principles of transparency and traceability throughout the supply chain will continue to play an increasingly important role in meeting the expectations of increasingly discerning consumers, and ensuring the safety and integrity of the foods and dietary supplements consumers purchase.

Organic & Natural Health Association members are committed to effective transparent documentation of the supply chain, including monitoring and testing of raw ingredients, conducting the appropriate testing for adulteration, contamination, pesticide residues, compliance documentation of GMPs and compliance with all applicable laws are critical components. The use of recognized, proven and effective 3rd party certifications, qualified self-assessments, seals and programs that work to ensure the integrity and quality of food and dietary supplements can also serve consumer interests.

Organic & Natural Health is committed to development of a comprehensive consumer education program to inform and empower consumers through the evolution of this discussion, relegating the term “natural” as it is currently used to describe certain attributes of products in marketing and promotional materials instead of a label claim.