

Procedure on the Labeling of Organic Products

Version 7

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1. Introduction

Mayacert has the responsibility and commitment to ensure compliance with organic standards and regulations of certified operators. For this reason, the necessary procedure has been created for this purpose, mainly in those issues that can lead to confusion. An example of confusion can be the labeling of products; therefore, in this opportunity the respective procedure is established. Throughout the document, that direct references will be made to the specific parts of the respective standards or regulations on which this procedure was based.

All labels bearing an organic claim shall be submitted to MAYACERT for review and approval prior to their use in the marketplace, in accordance with the applicable organic regulations and MAYACERT certification procedures.

The use of any label before receiving written approval from MAYACERT, or from the responsible Certification Body where applicable, constitutes non-compliance with the certification requirements and may result in the issuance of a Noncompliance.

2. Objective

This document aims to establish the steps to be followed for the labeling of products, with the organic codes NOP-USDA, Regulation (EU) 2018/848 and JAS.

3. Procedure

3.1 NOP-USDA

The National Organic Program NOP defines the logo in its standards, and distinguishes the following certification categories:

- Organic
- 100% organic
- Made with Organic
- Products with less than 70% organically produced ingredients or with reference to organic ingredients.

=> Products with less than 70% organic ingredients are exempt from certification if they are the only product handled by a processing operation (see §205.101 (d), exemptions from certification).

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3.1.1 Summary table of labeling requirements for the different categories (see § 205.301 to § 205.306):

100% Organic	Organic	Made with Organic	Reference to organic ingredients only
§ 205.301 (a): Only organic agricultural ingredients without the use of adjuvants. § 205.303 (a) (1): The statement "100% Organic" may be displayed.	§ 205.301 (b): Minimum 95% organically produced agricultural ingredients, according to the National list. § 205.303 (a) (1): The statement "Organic" may be displayed.	§ 205.301 (c): Minimum 70% of organically produced ingredients. Excluding water and salt. § 205.304 (c): Must not display the USDA seal. "Made with organic (specified ingredients)" may be included when the statement does not list more than three organically produced ingredients §205.304 (a) (i); or list more than three of the food groups specified in §205.304 (a) (ii); and that, in addition, all of the ingredients of each food group listed in the product must be organically produced; §205.304 (a) (iii): What appears in letters in the statement must not exceed one-half the size of the largest type size on the panel and appear entirely in the same type size, style and color, without being highlighted.	§ 205.301 (d): Less than 70% organically produced ingredients. Excluding water and salt. § 205.305 (b): The USDA seal or any seal, logo, or other identifying mark which represents organic certification of a product or product ingredients must not be displayed. § 205.305 (a) (2): If the organically produced ingredients are identified in the ingredient statement, the percentage organic content of the product may be shown on the information panel.
The statement "organic" may be displayed. The term "organic" may not be used in the name of a product to modify a non-organic ingredient in the product. The USDA seal may be displayed. 		§ 205.303 (a)(2), § 205.304 (a)(2): The percentage of organic ingredients in the product may be displayed (the size of the percentage statement must not exceed one-half the size of the largest font on the panel on which the statement is displayed; it must appear in its entirety in the same type size, style, and color, without highlighting). § 205.303 (b)(2), § 205.304 (b)(2): On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement: "Certified organic by Mayacert" or a similar phrase, the name of the certifying agent that certified the processor of the finished product must be identified and may indicate the business address, Internet address, or telephone number of the certifying agent on that label. The Mayacert seal may be displayed. 	

100% Organic	Organic	Made with Organic	Reference to organic ingredients only
§ 205.303 (b)(1), § 205.304 (b)(1), § 205.305 (a)(1): Each organic ingredient in the ingredient statement must be identified 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.			

3.1.2 Nonretail (not to the consumer) packaging according to §205.307:

- The product **must be** identified as "organic".
- The production lot number, shipment identification or other unique information linking the container to the audit trail documentation **must be** included; it also **must** identify the last certified operation that handled the agricultural product.
- The USDA seal, Mayacert seal or the statement "Certified Organic By MAYACERT" **may be** displayed if certified "100% Organic" or "Organic".

3.1.3 Agricultural products in other than packaged form at the point of retail sale that are sold, labeled, or represented as "100 percent organic" or "organic." according to 205.308.

- Agricultural products in other than packaged form may use the term, "100 percent organic" or "organic," as applicable, to modify the name of the product in retail display, labelling, and display containers: Provided, That, the term, "organic," is used to identify the organic ingredients listed in the ingredient statement.
- The USDA seal, Mayacert seal or the statement "Certified Organic By MAYACERT" **may be** displayed if certified "100% Organic" or "Organic".

3.1.4 Agricultural products in other than packaged form at the point of retail sale that are sold, labeled, or represented as "made with organic (specified ingredients or food group(s))." according to 205.309.

- May use the phrase, "made with organic (specified ingredients or food group(s))," to modify the name of the product in retail display, labelling, and display containers. This statement must not list more than three organic ingredients or food groups. In any such display of the product's ingredient statement, the organic ingredients are identified as "organic."
- If prepared in a certified facility, in the retail displays, display containers, and market information may display the certifying agent's seal, logo, or other identifying mark.

3.1.5 Multi-Ingredient Products

For each multi-ingredient product submitted for certification, the operator shall provide a complete description of the product formulation (recipe) and calculate the organic content. The operator shall complete one **Multi-Ingredient Product Formula Form (A-OSP-FS)** for each product.

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The completed form shall be submitted as an annex to the Handling OSP and shall be updated whenever the product formulation, ingredient composition, supplier, or organic status of any ingredient changes.

The operator shall maintain a clear and documented supply chain for all ingredients used in each product. All ingredient suppliers shall be identified in the OSP, including their role in the supply chain, certification status, Certification Body, and the scope of their organic certification, as applicable.

MAYACERT verify that all ingredients appear in the certificate or addendum, are sourced from eligible suppliers and that the certification scope of each supplier is consistent with the organic claim and the destination market. Where products are certified under an organic equivalency arrangement, all ingredients shall comply with the specific requirements of the applicable equivalency agreement. For example, products certified under the **U.S.–Canada Organic Equivalency Arrangement** will only contain ingredients that meet the requirements and certification scope applicable under that arrangement.

MAYACERT verify that the calculated organic percentage, ingredient composition, supplier certifications, and product formulation support the requested organic claim and the proposed product label before certification or label approval is granted.

3.1.6 Private Labels

Per NOP Policy Memo 11-7 – "Private Label Certification" when a final handler (private labeler, marketer, or commission merchant) chooses MAYACERT as the certifying agent for a privately labeled product, MAYACERT must maintain full accountability and traceability of the organic supply chain, must be able to address any inquiries about the product from consumers or other interested parties, and is fully responsible for ensuring that the certified operation and the organically produced product meet all requirements of the NOP regulations, regardless of which certifying agent certified the operations earlier in the supply chain.

A **Private Label (PL)** product is an organic product manufactured, processed, packed, or labeled by a certified operator on behalf of another company (the **Brand Owner**) and marketed under the Brand Owner's name or trademark.

Since **March 19, 2024**, following the implementation of the **Strengthening Organic Enforcement (SOE) Rule**, most Private Label Brand Owners are required to hold organic certification. Consequently, in most cases, both the Brand Owner and the Certified Co-packer are certified operations. However, a Brand Owner may remain exempt from certification under **7 CFR §205.101(f)** provided that all of the following conditions are met:

- The Brand Owner only buys, sells, receives, stores, or prepares products that are:
 - Pre-packaged, sealed, and labeled for retail before they are received; and
 - Remain sealed and unchanged while under the Brand Owner's control.

To ensure clear allocation of responsibilities and maintain the integrity of the organic claim, MAYACERT requires a valid **Private Label Agreement (PLA)** signed by the Brand Owner and the Certified Co-packer for

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all private label products, regardless of whether MAYACERT certifies the Co-packer, the Brand Owner, or both parties.

1. A signed **Private Label Agreement (PLA)** between the Brand Owner and the Certified Co-packer shall be required for all private label products.
2. MAYACERT shall verify that the PLA form is complete and maintain it in the certification file.
3. If the Brand Owner is certified by another Certification Body, MAYACERT shall obtain confirmation from that Certification Body that the product label has been reviewed and approved in accordance with the applicable certification requirements. Records of the communication and label approval shall be maintained.
4. If the Brand Owner is not certified, MAYACERT shall verify that:
 - the Brand Owner qualifies for the exemption under **7 CFR §205.101(f)**;
 - the product is covered under the Certified Co-packer's certification scope;
 - the product is pre-packaged, sealed, and labeled before being received by the Brand Owner and remains sealed and unchanged while under the Brand Owner's control; and
 - all applicable regulatory requirements for private label products are fulfilled before approving the label.

3.1.7 Other considerations:

- Customers who produce products in compliance with the standards of a foreign country or under requirements of the foreign contract buyer may label their products in accordance with the organic labeling requirements of the receiving country or contract buyer and indicate the term "For export only" on shipping documents that must comply with the labeling requirements specified in §205.307(c).
- The specifications for the USDA seal are defined in § 205.311(b). The USDA seal must replicate the form and design as shown above and must be printed: On a white background with a brown outer circle and with the term "USDA" in green covering a white upper half circle and with the term "organic" in white covering the green lower half circle; On a white or transparent background with a black outer circle and the letters "USDA" in black on a white or transparent upper half circle with the word "organic" in contrasting white or transparent on the black lower half of the circle. The bottom half of the green or black circle may have four light lines running from left to right and disappearing at the right horizon point to resemble a cultivated field.
- Certifier seals and other private and/or national seals are permitted, provided they are not individually displayed more prominently than the NOP-USDA seal.

3.2 REGULATION (EU) 2018/848

3.2.1 Use of terms referring to Ecological Production (Article 30):

- (1) The terms listed in Annex IV of Regulation (EU) 2018/848 and their derivatives and diminutives, such as "bio" and "eco", may be used alone or in combination, for the labeling and advertising of a product where the product complies with the requirements set out in said Regulation.
- (3) Products obtained during the conversion period shall not be labelled or advertised as organic or in-conversion products; however, plant reproductive material and food or feed of plant origin produced

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during the conversion period may be labelled and advertised as in-conversion products, using the term "in-conversion" or a corresponding term, if they comply with Article 10(4).

- (4) The terms "bio" and "eco" shall not be applied to products for which their labeling or advertising must indicate that they contain GMOs, are composed of GMOs or are produced from GMOs.
- (5) For processed foods, the terms "bio" and "eco" may be used:
 - (a) In the sales description and in the list of ingredients, provided that:
 - i) Processed foods comply with the production rules of the Regulation, Annex II, Part IV; and Article 16, paragraph 3;
 - ii) At least 95% of the agricultural ingredients by weight in the product are organic;
 - iii) In the case of flavourings, they are only used for natural flavouring substances and natural flavouring preparations labelled in accordance with Article 16(2), (3) and (4) of Regulation (EC) 1334/2008, provided that all components and carriers of components of the flavouring concerned are organic;
 - (b) Only in the list of ingredients, provided that:
 - i) Less than 95% of the agricultural ingredients of the product by weight are organic, provided that they comply with the standards established in the Regulation;
 - ii) The processed food complies with the production standards established in points 1.5, 2.1.(a), 2.1.(b) and 2.2.1 of Annex II, Part IV; and in Article 16, paragraph 3.

3.2.2 Compulsory Indications (Article 32):

When the terms "organic", "bio" and "eco" are used,

- a) The Mayacert code number shall also appear on the label when the operator is responsible for the last production or preparation operation.
- b) The organic production logo of the European Union (EU), for packaged foods, shall also appear on the packaging, except for the cases mentioned in Article 30, paragraph 3 and paragraph 5, points b) and c), i.e., in-conversion products and in the list of ingredients or in the sales description / list of ingredients of processed foods.

Where the organic production logo of the European Union is used, the indication of the place where the agricultural raw materials of which the product is composed have been obtained must also appear in the same visual field as the logo and shall take one of the following forms, as appropriate:

- a) "EU agriculture": when the agricultural raw materials have been obtained in the EU.
- b) "Non-EU agriculture", when the agricultural raw materials have been obtained in third countries.
- c) "EU/non-EU agriculture": where part of the agricultural raw materials has been obtained in the EU and part of it in a third country.

The term "EU" or "non-EU" referred to in the first subparagraph may be replaced by the name of a country and region or supplemented by that name if all the agricultural raw materials of which the product is composed have been obtained in the country or region concerned.

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The indications "EU" or "non-EU" shall not appear in a color, size or style of lettering that is more prominent than the name of the product. They shall be prominently displayed in such a way as to be easily visible, clearly legible and indelible.

3.2.3 Organic production logo of the European Union (Article 33):

The organic production logo may be used in the labeling, presentation and advertising of products that meet the requirements set out in the Regulation.

The organic production logo shall not be used in the cases mentioned in Article 30 (3) and (5) (b) and (c), i.e., products in conversion and in the list of ingredients or in the sales description/ingredient list of processed foods.

The use of the organic production logo and the indication "EU" or "non-EU" agriculture will be optional for products produced outside the EU. However, when the logo appears on the label, then the indication "EU" or "non-EU" agriculture must also appear on the label.

The specific requirements for the use of the organic production logo of the European Union are detailed in Annex V of Regulation (EU) 2018/848, in paragraph 1.

3.2.4 Conditions applicable to the use of the Code Number and Place of Origin (Annex V, paragraph 2):

Regardless of whether the EU (European Union) logo is used, it is mandatory to use the numerical code of the certifier Mayacert (**AB-BIO-169**), assigned by the European Commission, which is described below:

AB: To be replaced by the official ISO acronym of the respective country where the product was last processed, in accordance with the international standard ISO 3166 for two-letter country codes.

BIO: Fixed acronym assigned by the European Commission for the Mayacert certifier.

169: Fixed number assigned by the European Commission for the Mayacert certifier.

For example, for Guatemala, the Mayacert code number is as follows: **GT-BIO-169**

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- a. Therefore, for the countries where there are currently operators, MAYACERT's numerical code will be:

- Belize: BZ	BZ-BIO-169
- Colombia: CO	CO-BIO-169
- Ecuador: EC	EC-BIO-169
- El Salvador: SV	SV-BIO-169
- Guatemala: GT	GT-BIO-169
- Honduras: HN	HN-BIO-169
- India: IN	IN-BIO-169
- Iran: IR	IR-BIO-169
- Mexico: MX	MX-BIO-169
- Nicaragua: NI	NI-BIO-169
- Panama: PA	PA-BIO-169
- Peru: PE	PE-BIO-169
- Dominican Republic: DO	DO-BIO-169
- Sri Lanka: LK	LK-BIO-169
- Turkey: TR	TR-BIO-169
- Bolivia: BO	BO-BIO-169
- Korea, Republic of: KR	KR-BIO-169
- Morocco: MA	MA-BIO-169
- Paraguay: PY	PY-BIO-169
- Philippines: PH	PH-BIO-169
- Vietnam: VN	VN-BIO-169

For the United States of America, the code is: **US-ORG-024**

- b. The MAYACERT code number must be used on the label and shall be placed in the same field of vision as the EU organic logo, in case this logo is used on the label.

The indication of the place where the agricultural raw materials of which the product is composed have been produced shall be placed immediately below the numerical code mentioned in the previous paragraph, if the EU logo is used.

It must bear the phrase "EU Agriculture" or "Non-EU Agriculture" or "EU/Non-EU Agriculture" or Agriculture of the country where the raw material was produced, e.g. if it was Guatemala, the phrase must read "Agriculture of Guatemala". The operator who last processed the product decides which of the two phrases to use.

GT-BIO-169

Non-EU Agriculture



GT-BIO-169

Non-EU Agriculture

3.2.5 Other Considerations

- National logos and private logos are allowed on labeling.
- For retail and nonretail labeling, the Mayacert code number must appear if it was the last operation responsible for the physical handling of the product in the chain; "Last physical handling", or similar statements, may be part of the label. In case the final seller only trades the product, without directly handling the product in question, then the code should correspond to the last handler, not the trader; if the product is packaged at an importer or distributor within the EU, it is also allowed to place the code of their respective certifier.

3.3 JAS

For all product categories, labeling under the JAS standard has the following requirements:

- It **must** include the JAS-Mayacert seal, the phrase Mayacert and the code number found on the certificate.
- The Mayacert approved color **must be** used correctly.
- It **must not** reduce the official JAS seal below 5 mm.
- It **may** include the Mayacert seal or logo.

In the case of labeling for products intended for nonretail, the JAS standard describes the following requirements that must also be met:

- It **must** show the identification of the product as organic.
- It **must** display the production lot number, shipping identification or other unique information linking the package to the audit trail documentation in a visible manner.

For use of the JAS-Mayacert seal, it may be used with approved color variations; refer to the Annex.

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4. Annex - Logos

1) NOP/USDA:



2) EU:



3) MAYACERT:



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4) JAS



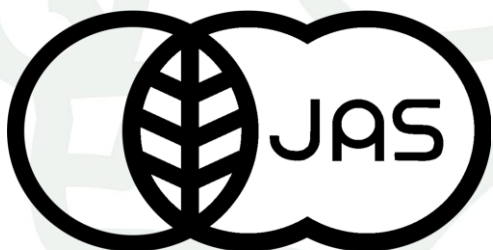
Mayacert



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