



CORNUCOPIA
I N S T I T U T E

March 30, 2010

NOP Compliance
Agricultural Marketing Service
United States Department of Agriculture
1400 Independence Avenue, S.W.
Mail Stop 0268
Washington, D.C. 20250

RE: Complaint concerning possible violation of the National Organic Program's regulatory standards by HOMS, LLC.

Dear Mr./Ms.,

The Cornucopia Institute is filing this complaint with your office concerning a possible violation of National Organic Program (NOP) regulatory standards by HOMS, LLC, a company based in North Carolina that develops, manufactures and markets "all-natural, non-toxic" pest control products. HOMS labels some of these products as "ORGANIC," yet none of the listed ingredients in these products are identified as certified organic.

One product in particular, BioBlock Organic Pest Control, bears the green "USDA certified" seal on the front panel of its package—yet it appears that the manufacturer uses conventional food-grade ingredients. In addition, this product does not list the name of any organic certifying agent on its package.

Other products do not bear the "USDA certified" seal, yet use the term "ORGANIC" on the front of its packaging. These products include "BiteBlocker Xtreme Outdoorsman Organic insect repellent," and "BiteBlocker Organic Xtreme insect spray."

We request that the USDA Office of Compliance investigate HOMS, LLC for violations of the Organic Food Production Act of 1990 and National Organic Program standards in 7 CFR 205.

§ SEC. 2106 [7 USC 6505] COMPLIANCE REQUIREMENTS.

(a) DOMESTIC PRODUCTS.—

(1) IN GENERAL.—On or after Oct. 1, 1993—

(A) a person may sell or label an agricultural product as organically

produced only if such product is produced and handled in accordance with this title; and

(B) no person may affix a label to, or provide other market information concerning, an agricultural product if such label or information implies, directly or indirectly, that such product is produced and handled using organic methods, except in accordance with this title.

It appears that HOMS, LLC does not use certified organic ingredients, yet affixes the “ORGANIC” label and green “USDA Organic” seal to some of its products. This appears in violation of the organic standards found in section §205.303:

§205.303 *Packaged products labeled “100% organic” or “organic”*

(a) Agricultural products in packages described in §205.301(a) and (b) may display, on the principal display panel, information panel, and any other panel of the package and on any labeling or market information concerning the product, the following:

(1) The term, “100 percent organic” or “organic,” as applicable, to modify the name of the product;

(2) For products labeled “organic,” the percentage of organic ingredients in the product; (The size of the percentage statement must not exceed one-half the size of the largest type size on the panel on which the statement is displayed and must appear in its entirety in the same type size, style, and color without highlighting.)

(3) The term, “organic,” to identify the organic ingredients in multiingredient products labeled “100 percent organic”;

(4) The USDA seal; and/or

(5) The seal, logo, or other identifying mark of the certifying agent which certified the production or handling operation producing the finished product and any other certifying agent which certified production or handling operations producing raw organic product or organic ingredients used in the finished product: Provided, That, the handler producing the finished product maintain records, pursuant to this part, verifying organic certification of the operations producing such ingredients, and: Provided further, That, such seals or marks are not individually displayed more prominently than the USDA seal.

HOMS BioBlock Organic Pest Control product displays both the word “organic” and the “USDA seal,” without specifying that any of the ingredients used are organic, which appears to be in violation of §205.303(b)(1):

§205.303 (b) *Agricultural products in packages described in §205.301(a) and (b) must:*

(1) For products labeled “organic,” identify each organic ingredient in the ingredient statement with the word, “organic,” or with an asterisk or other reference mark which

is defined below the ingredient statement to indicate the ingredient is organically produced. Water or salt included as ingredients cannot be identified as organic.

The product also does not share the name of a certifying agent, which appears to be in violation of §205.303(b)(2):

*(2) On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, "Certified organic by * * *, " or similar phrase, identify the name of the certifying agent that certified the handler of the finished product and may display the business address, Internet address, or telephone number of the certifying agent in such label.*

Contact information for HOMS, LLC:

PO Box 724
Clayton, NC 27528
Ph: 888-270-5721
Website: www.homs.com

Please keep The Cornucopia Institute apprised of the status of and progress of your investigation into this complaint.

It should be noted that nothing in this formal complaint shall be interpreted as a waiver of our right to appeal under the Adverse Action Appeals Process cited above.

You may contact us at your convenience.

Sincerely,



Will Fantle
Research Director
The Cornucopia Institute