



CORNUCOPIA
I N S T I T U T E

November 13, 2011

National Organic Standards Board
c/o Lorraine Coke
1400 Independence Ave., SW.,
Room 2646- So., Ag Stop 0268,
Washington, DC 20250-0268

Re: AMS-NOP-11-0081

Dear members of the National Organic Standards Board,

On behalf of The Cornucopia Institute's 4,000 members, predominantly certified organic family-scale farmers, we urge you to protect the integrity of the organic label and **reject** the petition to amend the National List to allow sulfur dioxide in certified organic wine.

Sulfur dioxide acts as a synthetic preservative in wine – the organic rule prohibits synthetic preservatives

The federal organic regulations state, under 7CFR205.600, that

The following criteria will be utilized in the evaluation of substances or ingredients for the organic production and handling sections of the National List:

(b) In addition to the criteria set forth in the Act, any synthetic substance used as a processing aid or adjuvant will be evaluated against the following criteria:

(4) The substance's primary use is not as a preservative...

Sulfur dioxide is added to wine as a preservative (TR 175). Not only is its primary use as a preservative, it appears its *only* use is as a preservative. For this reason alone, the petition should be rejected.

Sulfur dioxide is not essential in organic handling

The National List allows for synthetics that are essential in organic handling. A growing number of organic winemakers have demonstrated that sulfur dioxide is not essential, as many organic wines are available on the market that conform to consumer expectations by being free of synthetic and potentially harmful synthetic preservatives.

Organic winemakers have stated in past public testimony to the NOSB that wine without synthetic sulfites, if properly made, can last as long as wine with synthetic sulfites. The fact that the makers of certified organic red wine have won hundreds of awards at various competitions indicates that quality wines can be made without the use of the synthetic preservatives.

But even if the ultimate shelf life is compromised, that is no justification to circumvent the intent of the organic standards. After all, some organic fruits and vegetables have a shorter shelf life than conventional produce, due to not being treated with synthetic waxes.

Organic potatoes may have a shorter shelf life than conventional potatoes, which are commonly treated with mold and sprout inhibitors that are prohibited in organic handling.

Organic consumers are well aware that organic bread has a much shorter shelf life than Wonder Bread®. Consumers also realize that organic dried fruit is not as brightly colored as conventional dried fruit, due to the absence of synthetic preservatives (in this case, sulfur dioxide).

If a given winemaker perceives synthetic preservatives to be essential to their operation, they are obviously free to use them and qualify for the “made with organic grapes” label, and we would encourage their continued support of certified organic grape production.

While we imagine that the “made with” label also commands a premium in the marketplace, we acknowledge that using the “Made with Organic Grapes” designation for wine might not be as advantageous as the use of the organic label and seal.

However, we urge the board members to focus on the organic rule when deliberating this proposal (the rule prohibits synthetic preservatives), rather than focusing purely on marketplace considerations, as the Handling Committee seems to have done when submitting their committee recommendation.

Response to concerns regarding the “made with organic” label

We understand the concern by some proponents of adding synthetic preservatives to organic wine that the current “made with organic grapes” label may constitute consumer fraud if a winemaker uses 70% organic grapes and 30% non-organic grapes.

While we agree with this concern, it is not a reason to open up the organic label to synthetic preservatives. Rather, we suggest that the rule be clarified by specifying that a product using the “made with organic [specified ingredients]” claim **contain only organic versions of the stated [specified ingredients]**. For example, if a 70% organic product states “made with organic grapes,” all grapes in the product must be organic.

We submitted this suggestion as our official comment to the National Organic Program in response to the Draft Guidance Concerning “Made With Organic (Specified Ingredients or Food Groups)” Products (AMS-NOP-10-0045) in March 2011. We urge the National Organic Program to move forward with this clarification.

We asked the NOP to clarify this in the guidance to ensure that all industry participants are aware that this practice is already illegal. In a legal complaint filed by Cornucopia against Newman’s Own Organics, the National Organic Program agreed that the use of non-organic raisin paste in a product with the “made with organic raisins” label was in violation of the organic standards.

Protecting the organic label

It would be a severe blow to the integrity of the organic label if a synthetic preservative were added to the National List.

Since there is a subset of the population that is sensitive to this particular synthetic preservative, it would be a grave disservice not only to organic winemakers but to all purveyors of certified organic products if the bright line separating organic foods from other commodities, in terms of being “preservative-free,” were eliminated.

Furthermore, approval of sulfur dioxide in organic wine would create the same fuzzy definition for organics that is now degrading the value of the “natural” label in the marketplace.

Once the NOSB approves sulfur dioxide for wine, what will be the justification to deny a future petition for a different synthetic preservative that extends a certain product’s shelf life? If synthetic preservatives are approved for winemakers, it will open to the door to petitions for synthetic preservatives for other products where

organic products currently have a shorter shelf life than conventional – produce, dried fruits, bread, baked goods, etc.

Consumers expect the organic seal to signify an alternative from synthetics and preservatives that are common in conventional foods (and drinks). Since this consumer expectation is rooted in the organic regulations (205.600(b)(4) prohibits synthetic preservatives) and the long tradition of the organic movement prior to federal oversight, the approval of this petition would significantly weaken consumer trust in the organic label.

Lastly, the synthetic preservative sulfite is a known allergen. Current federal law requires that all wines bear a “Contains Sulfites” warning label if they contain above 10 ppm total sulfite. Consumers expect purity from certified organic products; adding a known allergen to organics runs contrary to that expectation.

Please vote to reject the petition to allow sulfur dioxide, a synthetic preservative, in organic wine.

Sincerely,

A handwritten signature in cursive script that reads "Charlotte Vallaey".

Charlotte Vallaey
Director, Farm and Food Policy
The Cornucopia Institute