



**CORNUCOPIA**  
I N S T I T U T E

**October 20, 2009**

**TO: Office of Compliance, National Organic Program**  
**RE: Complaint concerning violation of the Organic Foods Production Act and National Organic Program's regulatory standards by Target Corporation**

Dear Mr./Ms. –

The Cornucopia Institute is filing this complaint with your office concerning possible violation of the Organic Foods Production Act (OFPA) and National Organic Program (NOP) regulatory standards by Target Corporation, a retailer based in Minneapolis, MN. The Cornucopia Institute has gathered evidence regarding the advertising, sale and promotion of non-organic soymilk products represented as organic by Target Corporation.

Specifically, Target Corporation advertised Silk soymilk in newspapers with the term "organic" pictured on the carton's label, when in fact the product's manufacturer, Dean Foods' WhiteWave division, has been sourcing this product line with conventional soybeans. The newspaper ads potentially reached millions of consumers in the Midwest, and possibly nationwide, with the false representation. Additionally, The Cornucopia Institute has transaction records for purchase of the "natural" (conventional) Silk soymilk that was promoted by Target Corporation as organic.

We are willing to share all of our evidence detailing the alleged fraudulent and illegal practice with NOP investigators.

The sale to consumers of products misrepresented as organic is covered by the following section of the Organic Foods Production Act:

**§ 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.

Federal regulations administered by the National Organic Program provide further guidance for punitive action for misrepresenting the sale of non-organic products as organic in the following section:

**§ 205.100 What has to be certified.**

(c) Any operation that:

(1) Knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty of not more than \$10,000 per violation.

Contact information for Target Corporation is:

Target Corporation  
Gregg Steinhafel, President and CEO  
1000 Nicollet Mall  
Minneapolis, MN 55403  
Phone: 612-304-6073  
Fax: 612-370-5502

We are asking that you fully investigate this complaint to determine whether violations of the Organic Foods Production Act and federal organic regulations have occurred and, are occurring, or will occur. At the conclusion of your investigation, we ask that you take all warranted enforcement actions to bring this retailer into compliance with the OFPA and NOP rules in a timely fashion and to fine the company if appropriate.

We expect the USDA to take these allegations seriously and conduct a meaningful investigation. Violations of this nature, if proven to be true, undermine the integrity of organic food and production and damage consumer confidence in organics. Failure to fully enforce the law will only encourage future scofflaws and organic product misrepresentations, and it will make a mockery of the federal organic regulations that are so diligently observed by the vast majority of participants in the nation's organic agriculture and food sector.

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  
Director of Research  
715-839-7731