



C O R N U C O P I A
I N S T I T U T E

September 16, 2016

NOP Compliance and Enforcement Branch
Attn: Mr. Matthew Michael
Agricultural Marketing Service
United States Department of Agriculture
1400 Independence Avenue, S.W.
Mail Stop 0268, Room 2648-S
Washington, D.C. 20250-0268

RE: Complaint concerning possible violation of Bonterra Organic Vineyard's use of the term "organic" in their marketing materials and wine bottle labeling.

Dear Mr. Michael,

We are calling to your attention the apparent and serious misuse of the term "organic" on the marketing of Bonterra Vineyards products on their website and wine bottle labels. The marketing materials mislead consumers because they represent the product as "organic" when the product in fact only legally qualifies for the "made with organic" labeling. This issue requires your prompt attention to avoid labeling fraud and further customer confusion.

Chief in The Cornucopia Institute's complaint are the following concerns:

1. The Bonterra Vineyards website¹ is clearly titled with the phrase "Bonterra Organic Vineyards". The website also states that the wines are "certified organic," despite the fact that the wines only qualify for "made with organic" status (by being composed of certified organic grapes). This is misleading to consumers who expect their organic food to be free of certain chemicals. In this case, the wine production adds sulfur dioxide, something that means they cannot represent their products as organic. Preservatives, including sulfur dioxide (or sulfites) are explicitly banned in U.S. organic food and wine production. Many consumers are sensitive and even allergic to added sulfites and so any confusion in the organic label not only constitutes marketing fraud but could potentially endanger health.
2. This misleading marketing is further perpetuated on the Bonterra website, where the selection of wines under the heading of the "Organic Collection" at the forefront

¹ <http://www.bonterra.com/>

of their product information.² None of the wines offered on their website are labeled as certified organic. While the grapes used in the wine production may be organic, this is not clear based on what appears to be intentionally misleading website marketing materials.

3. The California Certified Organic Farmers (CCOF) seal is presented on the front label (which is most readily available to consumers) depicting the words “California → Certified → Organic → Farmers” surrounding their acronym. This logo is widely recognized as being applied to USDA certified products and is not associated with products that are only “made with organic.” The presence of this seal on the front of the label, especially since it contains the term “organic” is deceptive. It also perpetuates Bonterra’s marketing that the product is certified organic (even though they do acknowledge that the wine is “made with” organic grapes on the same label).

In an [instructional memo](#) dated August 14, 2014 (NOP 4012) the Agricultural Marketing Service outlined what certifiers must look for with respect to using the term “organic” in a brand or company’s name or title. The instructional memo asks certifiers to evaluate the “...potential for consumers to be misled in regard to the composition and organic certification of agricultural products.” It is clear that this was not done in the case of Bonterra’s “made with organic” wines.

We ask that National Organic Program (NOP) staff directly conduct investigations associated with this complaint due to the fact that the certifier in question may be complacent toward this ongoing issue or culpable.

We formally request that your office thoroughly investigate the misleading labeling and marketing by Bonterra Vineyards.

Please keep The Cornucopia Institute apprised of the status 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

² <http://www.bonterra.com/wines/>