



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 Wal-Mart Stores, Inc.

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 Wal-Mart Stores, Inc., a retailer based in Arkansas. Wal-Mart has been selling pest control products by HOMS, LLC that carry the USDA Organic seal, yet appear to be made with conventional food-grade ingredients and fail to list the name of an organic certifying agent on its package.

Please refer to our complaint against HOMS, LLC, filed on this same day, for details regarding this product and the alleged violations of the organic standards.

Since Wal-Mart Stores, Inc. is selling these products, they appear in violation of the Organic Food Production Act of 1990, which states that a person may sell an agricultural product as organically produced only if such product is produced in accordance with 7 USC 6505:

§ 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

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 Wal-Mart Stores, Inc.:

Wal-Mart Stores, Inc.
702 SW 8th Street
Bentonville, AR 72716

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