



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

**June 23, 2015**

Jessica L. Rich  
Director  
Bureau of Consumer Protection  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Dear Ms. Rich:

The Cornucopia Institute, a national food and agriculture policy group with approximately 10,000 members, is writing to request that the Federal Trade Commission investigate Whole Foods Market of Austin, Texas, for consumer fraud and mislabeling of food products. Specifically, we are concerned that Whole Foods has not met the standards set forth in its recently developed “Responsibly Grown” produce rating program, and has awarded ratings, and associated labeling and signage, within this system in violation of its stated guidelines, thus grossly misrepresenting the production practices utilized in growing some of the produce it offers for sale to its customers.

This program was developed in late 2014 and relies on extensive self-reporting by suppliers, which represents a large investment of resources. An overview of the program can be found here: <http://www.wholefoodsmarket.com/responsibly-grown>. The mislabeling, of course, also competitively disadvantages farmers who have participated in the program and have their produce misrepresented as less than the “Best” rating.

It has come to our attention that Whole Foods has engaged in widespread mislabeling of its products under this program. Subsequent research conducted by The Cornucopia Institute has turned up instances of fraud and mislabeling, taking place in in numerous stores. We would be happy to share our notes and photographs with you upon request.

However, an in-depth investigation might not be necessary. For its part, Whole Foods is aware of this issue. Its CEO, John Mackey, has personally admitted to multiple instances of wrongdoing (see photos and text about half-way down the page: <http://www.wholefoodsmarket.com/blog/clarifying-tenets-responsibly-grown>) and acknowledged that the company needed to do a better job controlling their program.

Our concern is that the problems with the Responsibly Grown rating program at Whole Foods are widespread and that they will not be corrected in a comprehensive way without FTC involvement. To that end we are requesting that the FTC begin an investigation into Whole Foods' store labeling.

It might very well be that the public would best be served by an expedited communication, by the FTC, with corporate executives at Whole Foods resulting in a consent agreement immediately removing signage and labeling related to their Responsibly Grown program, giving them the option of reintroducing it once they have better management control over their produce departments. This approach might best serve the public rather than investing taxpayer resources in a time-consuming, comprehensive investigation that might result in monetary fines or other penalties.

If you have any questions, I can be contacted via email at [kastel@cornucopia.org](mailto:kastel@cornucopia.org) or by phone at 608-625-2042. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Mark Kastel". The signature is written in a cursive, slightly slanted style.

Mark Kastel  
Senior Farm Policy Analyst  
The Cornucopia Institute