



Organic Cheater Personal Care Lawsuit Proceeds to Discovery Phase

Dr. Bronner's Plans ANSI/NSF 305 "Made with Organic" Certification to Supplement Existing USDA NOP Certification

ANAHEIM, CA – Dr. Bronner's Magic Soaps successfully fended off the last Defendants' Motions to Dismiss earlier last month, with the San Francisco Superior Court rejecting Defendants' arguments that California's Unfair Competition Law was inapplicable to their organic misbranding. The case now moves into discovery, and Dr. Bronner's has requested that Defendants explain precisely what the term "Organic" means to them as they use it in their branding and marketing. Defendants include Hain-Celestial (JASON "Pure, Natural & Organic" and Avalon "Organics"), Levlad (Nature's Gate "Organics"), Kiss My Face "Organic," Country Life (Desert Essence "Organics"), Giovanni "Organic Cosmetics," and the certifiers Ecocert and OASIS (currently in appeal), among others.

Defendants' "Organic" or "Organics" products are generally composed of main cleansing and moisturizing ingredients that are not organic, but rather are made from conventional agricultural and/or petrochemical material, with organic water extracts or aloe vera used as an organic "greenwash." Organic consumers expect the main cleansing and moisturizing ingredients in "Organic" or "Organics" products to in fact be made from organic material, and to not simply use conventional formulations with some organic tea on top. Dr. Bronner's has made clear that Defendants must certify their products, by their preferred certifier, to meet the following minimum criteria:

- 1) If a Defendant claims a product to be "Made with Organic," then the main ingredients must be made from organic material as commercially available, without petrochemical compounds, except some allowed synthetic preservatives. Hydrogenation, sulfation and other processing of main ingredients that does not incorporate petrochemical compounds into the ingredients are acceptable.
- 2) There is at least 70 percent organic content, not counting water.
- 3) However, if a Defendant makes outright "Organic" claims in branding or labeling (e.g., "Organic Lotion" vs. "Lotion made with Organic Aloe Vera"), then those products must be at least 95 percent organic, not counting water, and contain no hydrogenated, sulfated or synthetically preserved ingredients; and the main cleansing ingredients must be derived from organic rather than conventional agricultural material.
- 4) If Defendants cannot live up to their organic claims, then they need to drop those claims.

Dr. Bronner's is pleased that the **NSF/ANSI 305: *Made with Organic Personal Care Products**** standard was formally introduced to the market last month. Dr. Bronner's famous liquid and bar soaps are currently certified as "Made with Organic Oils" under the USDA NOP food standards which exceed the NSF standard. However, the NSF standard represents a responsible compromise between organic consumers and the cosmetics industry, with important requirements disallowing petrochemical compounds in cleansing ingredients and problematic preservatives. Dr. Bronner's hopes that clean brands with clean formulations that do not qualify for current USDA NOP seal certification will certify to the NSF 305 standard. NSF should become entrenched in the marketplace against competing permissive industry standards now in use that were developed without consumer input.

* From http://www.nsf.org/business/newsroom/press_releases/press_release.asp?p_id=16445: NSF/ANSI 305 is also the only consensus-based standard for "made with organic" personal care products, which means it was developed based on balanced participation from key stakeholder groups, including organic personal care manufacturers, trade associations, regulators, organic program administrators, organic product retailers and other stakeholders from the organic products community.

This new standard allows "made with organic" claims for products with organic content of 70 percent (O70) or more that comply with all other requirements of the standard.