

## Stream of Commerce and Labeling

The preamble to the final rule, under the description of regulations in Subpart B – Applicability, states the following:

Eighteen months after the effective date [of these regulations], all...products that are sold, labeled, or represented as '100 percent organic,' 'organic,' or 'made with \*\*\*' must be produced and handled in compliance with these regulations. Products entering the stream of commerce prior to the effective date will not have to be relabeled. The USDA seal may not be affixed to any '100 percent organic' or 'organic' product until 18 months after the final rule's effective date.

Certifying agents must begin certifying organic...operations to the national standards upon receipt of their accreditation from the Administrator...Any operation that has been already certified by a certifying agent on the date that the certifying agent receives its accreditation...shall be deemed to be certified until the operation's next anniversary date of certification.

We have received numerous inquiries as to a more exact definition of the "stream of commerce." We have also been asked whether products can be sold with an organic label up to and after October 21, 2002, if they were produced under private or State organic standards that existed before October 21, 2002.

We consider all organic products that are sold, labeled, or represented as organic, prior to October 21, 2002, to be in the stream of commerce. Products sold, labeled, or represented as organic, prior to October 21, 2002, may enter the marketplace as organically produced until the supply existing on October 20, 2002, is exhausted. The labeling of such products does not have to be in compliance with the National Organic Standards.

Non-NOP organic agricultural products shall not carry the USDA seal or make any claims regarding adherence to the National Organic Standards.

September 12, 2002