

**Formal Recommendation**  
**From: The National Organic Standards Board (NOSB)**  
**To: The National Organic Program (NOP)**

**Date:** May 14, 2026

**Subject:** eCommerce Labeling - petitioned for rulemaking

**NOSB Chair:** Allison Johnson

**The NOSB hereby recommends to the NOP the following:**

Rulemaking Action:

Guidance Statement: X

Other:

**Statement of the Recommendation:**

The NOSB recommends that the NOP provide guidance—rather than pursuing rulemaking—on e-commerce labeling practices, with the goal of improving clarity and consistency in how organic claims are presented online. Such guidance should:

- Outline recommended best practices for displaying the USDA Organic seal and core labeling elements on product listings, including displaying images of full product labels with the “Certified organic by \* \* \*” statement where possible
- Encourage accurate and timely updates by retailers and platforms
- Reinforce expectations for truthful organic claims across digital channels

Importantly, this approach would allow the NOP to harmonize its recommendations with the Food and Drug Administration’s (FDA’s) forthcoming guidance on digital labeling, promoting coherent federal policy and minimizing conflicting obligations for industry.

**Rationale Supporting Recommendation:**

As discussed during the NOSB Spring 2026 e-commerce labeling review, the current statutory and regulatory framework is designed to ensure that entities making organic claims are subject to certification and oversight. Existing exemptions and recent Strengthening Organic Enforcement updates also extend traceability and accountability across retail and online channels.

Within this framework, OFPA does not expressly require full physical label elements to be replicated in digital settings. However, it does provide the NOP with authority to address misleading claims related to organic production. As sales practices increasingly shift to e-commerce platforms, and as other agencies recognize digital spaces as part of product labeling, it is reasonable for the NOP to clarify that essential organic labeling information should be available at the online point of sale. Because “labeling” and “market information” are already subject to existing organic requirements, this clarification can be addressed through guidance rather than new regulation.

Accordingly, additional prescriptive rulemaking for e-commerce labeling is not necessary at this time. Guidance aligned with broader federal labeling policy, including FDA’s approach, would better support consistency while avoiding duplicative or impractical requirements.

As e-commerce continues to grow, clear and consistent digital labeling is essential to maintaining consumer trust in organic claims.

We recommend that USDA’s National Organic Program (NOP) issue guidance—rather than pursue rulemaking—leveraging its existing authority over “labeling” and “market information” to clarify expectations for e-commerce platforms. This guidance should:

- Encourage best practices for digital listings, including prominent display of the USDA Organic seal, complete product information, and images of full product labels (including the “Certified organic by [certifier]” statement where feasible)
- Reinforce expectations for accuracy and timeliness, ensuring online content reflects current, compliant labeling
- Align with FDA’s emerging e-commerce labeling framework to avoid duplicative or conflicting requirements

Given that many online retailers are not certified operations and may not control product content, a guidance-based approach will improve transparency while remaining practical and scalable, while affirming that existing NOP authority already applies to organic claims made in digital “labeling” and “market information.”

**NOSB Vote:**

Motion to accept the proposal on e-Commerce Labeling

Motion by: Kathryn Deschenes

Second by: Cat McCluskey

Yes: 10 No: 0 Abstain: 0 Recuse: 0 Absent: 0

Motion Passed

**National Organic Standards Board  
Certification, Accreditation, Compliance Subcommittee (CACS)  
E-Commerce Labeling Proposal  
Spring 2026**

**Introduction:**

A petition was submitted to the NOP requesting a regulatory amendment to expand the “certified organic by \* \* \*” requirements to include online e-commerce platforms, ensuring that full information panels are displayed at the point of sale. While this approach could enhance transparency, it presents challenges because certain online retailers are exempt from certification. Stakeholder input was received during the comment period for the rescheduled Fall 2025 meeting. CACS recommends that the NOP provide guidance on e-commerce labeling practices that align with other federal labeling guidance.

**Background:**

On April 16, 2025, Organic Eye submitted a [petition for rulemaking](#) to the USDA. The petition requests that NOP amend the USDA organic regulations to require online retailers/resellers to provide consistent certification information to consumers; specifically: to require “certified organic by \* \* \*” statements. This information is readily available in brick-and-mortar stores (on the product’s label); however, it is not always available online, where a full product label may not be visible to the buyer. The petition requests a requirement for online vendors and/or third-party resellers to provide a visible image of the packaged, organic product’s information panel or a statement identifying the organic certifier of the product on the webpage.

The NOP asked the Board [in a Memo](#) to review Organic Eye’s petition and if appropriate, submit feedback or a recommendation to NOP. As such, the CACS reviewed OFPA and the organic regulations to verify the NOP’s authority regarding the petition.

A discussion document was prepared for the Fall 2025 meeting, but due to the postponement of that meeting and abbreviated rescheduled meeting in January 2026, the discussion document received public comments in the docket but was not discussed at a meeting. Public comments submitted to the Fall 2025 docket are considered here.

Since the convening of the NOSB in January 2026, the Food and Drug Administration released 2026 Human Foods Program Priorities and [Guidance Agenda](#) which includes “Food Labeling for Online Grocery Shopping Platforms; Draft Guidance for Industry.” This signals that the FDA intends to, but is not bound to, develop guidance on this topic.

**Discussion:**

***E-Commerce labeling practices***

As online shopping continues to surge, the importance of providing clear, accurate, and comprehensive labeling information on e-commerce platforms has never been greater. Consumers increasingly rely on

digital product listings to make informed decisions about the items they purchase.

Current labeling practices across e-commerce retailers remain inconsistent. While some platforms excel in transparency—offering detailed product descriptions, high-resolution images of packaging, and full labeling information including nutrition facts, ingredient lists, and third-party certifications—others fall short. In many cases, consumers are presented with only minimal product descriptions and generic images that fail to convey critical details. The lack of standardized labeling protocols across platforms means that two listings for the same product may offer vastly different levels of information, depending on the retailer.

Encouragingly, some e-commerce platforms have begun to adopt more rigorous and transparent labeling practices. These include displaying images of the product's information panel, explicitly naming the certifying body for organic claims, and ensuring that digital listings mirror the physical product's packaging. Despite these improvements, such practices are far from universal and challenging for some products, such as produce.

Another key challenge lies in the regulatory landscape: retailers are often exempt from organic certification requirements, which limits accountability. The dynamic nature of product labeling—driven by reformulations, regulatory updates, and marketing changes—may make it difficult for retailers to maintain up-to-date and accurate information.

### ***What do OFPA and the Regulations State?***

#### OFPA:

The Organic Food Production Act (OFPA) 7 U.S.C. 6505 establishes a foundational principle for organic labeling: only agricultural products that are produced and handled in full compliance with organic standards may be labeled or marketed as “organically produced.” It further prohibits any labeling or marketing information that suggests a product was produced using organic methods unless it meets these standards. This provision is critical in maintaining the integrity of the organic label and ensuring consumer trust across all sales channels.

Specifically, OFPA states:

7 U.S.C. 6505(a)(1)(B): No person may affix a label to, or provide other market information concerning, an agricultural product if such label or information implies, directly or indirectly, that such product is produced and handled using organic methods, except in accordance with this chapter.

7 U.S.C. 6505(a)(2): USDA standards and seal -- A label affixed, or other market information provided, in accordance with paragraph (1) may indicate that the agricultural product meets Department of Agriculture standards for organic production and may incorporate the Department of Agriculture seal.

The USDA National Organic Program (NOP) regulations provide specific definitions for key terms that

govern how organic claims are communicated:

**Label.** A display of written, printed, or graphic material on the immediate container of an agricultural product or any such material affixed to any agricultural product or affixed to a bulk container containing an agricultural product, except for package liners or a display of written, printed, or graphic material which contains only information about the weight of the product. ( 7 CFR 205.2)

**Labeling.** All written, printed, or graphic material accompanying an agricultural product at any time or written, printed, or graphic material about the agricultural product displayed at retail stores about the product.( 7 CFR 205.2)

**Market Information.** Any written, printed, audiovisual, or graphic information, including advertising, pamphlets, flyers, catalogues, posters, and signs, distributed, broadcast, or made available outside of retail outlets that are used to assist in the sale or promotion of a product. ( 7 CFR 205.2)

The definitions are broad and inclusive, suggesting that digital product listings, e-commerce descriptions, and online promotional materials may fall under the scope of labeling and market information for the purposes of verifying organic compliance.

7 CFR 205.303 and 205.304 Packaged Product Labeling (focusing on “Certified Organic By \*\*\*” Statement Requirements):

NOP regulations (7 CFR 205.303(b)(2) & 205.304(b)(2) require that organic products (in all labeling categories) include a “Certified organic by [certifying agent]” or similar statement on the information panel of the physical package. This statement must appear below the name of the handler or distributor and may include the certifier’s business address, website, or phone number. The text of 7 CFR 205.303(b) & 205.304(b) states that this is specifically required for “agricultural products in packages.” While this requirement ensures transparency in physical retail environments, it does not explicitly extend to digital product listings or e-commerce platforms. As a result, many online retailers and resellers—particularly those exempt from organic certification—do not currently have specific responsibility to display certifier information as the “Certified organic by \* \* \*” requirement is specifically tied to physical packaging. Therefore the addition of the statement on other “labeling” outside of physical packaging would be outside of current requirements and require changes to regulations.

Additionally in our discussions, CACS noted that 7 CFR 205.303(a) and 205.304(a) covers specific items that “may” be included on market information, which would apply to websites and e-commerce sales platforms. However, these are not required as currently written.

7 CFR 205.101 Exemptions from certification:

Extending the requirement to display “Certified organic by \* \* \*” statements to e-commerce platforms could introduce new compliance obligations for entities that are currently exempt from organic

certification—namely, retailers and resellers. These businesses are not required to be certified under USDA organic regulations, even when selling certified organic products. But, exempt operations are not without obligations. As specified within 7 CFR 205.101(i), exempt operations are currently required to keep certain records. Additionally the regulations currently include a labeling section (7 CFR 205.310) that does apply to certain types of exempt operations. Therefore, exempt operations are not without responsibility to uphold integrity and their role in displaying accurate information regarding certifier information could be within a reasonable scope of duties.

### ***FDA Labeling Governance***

While the USDA retains authority over organic labeling, the majority of food labeling jurisdiction lies with the FDA. A review of FDA’s actions related to e-commerce labeling provides valuable context for understanding how labeling requirements may apply to digital platforms—particularly in grocery store apps and online shopping environments. Although not directly tied to the petition’s request, this regulatory backdrop helps clarify the extent to which USDA may assert jurisdiction over labeling practices in e-commerce.

In a 2007 “Dear Manufacturer” letter, FDA acknowledged that internet-based information—including websites offering truthful and non-misleading content about food products—can play a meaningful role in helping consumers make informed nutritional choices. FDA encouraged manufacturers and distributors to ensure that claims made online are consistent with current labeling laws and regulations, reinforcing the expectation that digital representations of food products should align with physical packaging standards.

Importantly, FDA has stated that in certain circumstances, online content disseminated by or on behalf of a regulated company may meet the definition of “labeling” under Section 201(m) of the Federal Food, Drug, and Cosmetic Act. For example, if a company promotes a regulated product on its website and enables direct consumer purchases, the website itself is likely considered labeling. FDA has also emphasized in warning letters that if a website is referenced on a product’s physical label, the site may be subject to labeling requirements. In these cases, websites are treated as written, printed, or graphic matter that supplements or explains the product and is used in its distribution and sale.

FDA has taken steps to explore the implications of e-commerce labeling. In 2021, the agency hosted the “FDA’s New Era E-Commerce Summit” and opened a public comment docket (<https://www.federalregister.gov/documents/2023/04/24/2023-08543/food-labeling-in-online-grocery-shopping-request-for-information>) to gather input. In 2023, FDA issued a formal Request for Information (RFI) on food labeling in online grocery shopping platforms, with the stated goal of improving consumer access to consistent and accurate nutrition, ingredient, and allergen information for packaged foods sold online. Despite these efforts, FDA has not yet issued formal guidance or regulatory updates specific to e-commerce labeling but signaled in their [2026 agenda](#) that they intend to develop industry guidance titled, “Food Labeling for Online Grocery Shopping Platforms; Draft Guidance for Industry.”

This evolving landscape underscores the need for USDA to consider how its own labeling requirements—particularly for organic claims—should apply to digital platforms. As FDA increasingly recognizes online

content as labeling, USDA may have a stronger foundation to assert oversight over organic labeling in e-commerce environments, especially where consumer-facing claims are made without the physical product present.

### ***USDA National Organic Program (NOP) Labeling Governance***

#### Brick and Mortar:

The USDA National Organic Program (NOP) is responsible for overseeing the labeling of organic products to ensure compliance with national standards. The NOP ensures that products labeled as "organic" meet the requirements of 7 CFR Part 205 and are labeled appropriately, including the presence of the "Certified organic by \* \* \*" statement on packaging. The USDA NOP has jurisdiction over the labeling of organic products, ensuring that all products comply with the established standards for organic production and handling.

The NOP also works to maintain the integrity of the organic label by conducting compliance and enforcement activities. This includes investigating complaints about organic products and taking action against businesses that are found to be non-compliant. Such actions can range from issuing warning letters to revoking certification and imposing fines.

#### E-Commerce Labeling:

The USDA National Organic Program (NOP) governs organic labeling through regulations such as 7 CFR 205.303(b)(2) and 205.304(b)(2), which require that packaged organic products display the name of the certifying agent on the physical label. However, these requirements do not explicitly extend to e-commerce platforms, where online retailers and resellers are often exempt from organic certification. As a result, there is no consistent federal mandate requiring the display of certification information—such as the "Certified organic by \* \* \*" statement—on digital product listings.

### **Discussion**

The USDA NOP plays a critical role in ensuring that consumers can trust organic claims across all retail environments, including the rapidly expanding e-commerce marketplace. While the NOP has clear authority over the labeling and marketing of certified organic products, the unique structure of digital retail—where content is often controlled by third-party platforms rather than certified operations—introduces practical limitations to mandating new online labeling requirements through regulation alone.

Although expanding labeling or market-information requirements into the digital space may support greater consistency and help safeguard organic integrity, imposing a mandatory "Certified organic by [Certifier]" statement on e-commerce listings could pose significant implementation challenges and may not ultimately yield meaningful consumer benefit. Retailers selling organic products online, particularly fresh produce with rapidly rotating stock, would face substantial operational burdens in maintaining accurate certifier information—especially where products are unpackaged and therefore not subject to the certifier-statement requirement in physical retail settings.

Guidance will support transparency, and allow time for alignment with FDA guidance on online marketing.

### **Stakeholder Comments**

The public comments reflect a broad and consistent set of themes regarding the e-commerce organic labeling proposal. Overall, commenters strongly support transparency in online labeling and agree that consumers should have access to essential information—such as the USDA Organic seal, ingredient lists, allergen statements, and nutrition facts—when shopping online. However, some stakeholders oppose expanding the regulatory requirement to include the full “Certified organic by\* \* \*” statement on e-commerce product listings. They note that consumers rarely look for or understand this statement, while the burden of displaying and maintaining it across numerous digital retail platforms would be high and often outside the control of certified operations. Many comments emphasize that online retailers, not manufacturers, control product pages, making enforcement impractical and potentially unfair. Across the board, commenters urge the NOP to wait for or align with FDA’s ongoing work on digital labeling to avoid conflicting regulatory regimes. Instead of new mandates, commenters overwhelmingly recommend voluntary best-practice guidance, education for retailers and brands, and improved digital data-sharing systems as a more feasible and consumer-aligned approach.

### **Summary of Proposal**

CACS recommends that the NOP provide guidance—rather than pursuing rulemaking—on e-commerce labeling practices, with the goal of improving clarity and consistency in how organic claims are presented online. Such guidance should:

- Outline recommended best practices for displaying the USDA Organic seal and core labeling elements on product listings, including displaying images of full product labels with the “Certified organic by \* \* \*” statement where possible
- Encourage accurate and timely updates by retailers and platforms
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Importantly, this approach would allow the NOP to harmonize its recommendations with FDA’s forthcoming guidance on digital labeling, promoting coherent federal policy and minimizing conflicting obligations for industry.

### **Subcommittee Vote**

Motion to accept the proposal on E-Commerce Labeling

Motion by: Kathryn Deschenes

Second by: Cat McCluskey

Yes: 4 No: 0 Abstain: 0 Recuse: 0 Absent: 0