

National Organic Standards Board (NOSB)
Certification, Accreditation, Compliance Subcommittee (CACS)
E-Commerce Labeling Discussion Document
Fall 2025

Summary:

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 is solicited for additional perspectives on e-commerce practices and to identify considerations should NOP implement such a requirement.

Background:

On April 16, 2025, Organic Eye submitted a [petition for rulemaking](#) to the USDA. The petition requests that the National Organic Program (NOP) amend the USDA organic regulations to require online retailers/resellers to provide consistent certification information to consumers, specifically for “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. 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 the Organic Foods Production Act (OFPA) and the organic regulations to verify the NOP’s authority regarding the petition.

Discussion:

E-commerce labeling practices

As online shopping continues to surge, the importance of providing clear, accurate, and comprehensive labelling 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.

However, 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

types of products, such as produce.

Another key challenge lies in the regulatory landscape: retailers are often exempt from USDA organic certification requirements, which limits accountability. Additionally, 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 organic regulations state?

OFPA:

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. The specific OFPA language related to these compliance requirements are:

- 7 U.S.C. 6505(a)(1)(B): No person may affix a label to, or other provide 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.

7 CFR 205.2 Terms Defined:

To support this, the USDA National Organic Program (NOP) provides 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):

USDA organic regulations (7 CFR 205.303(b)(2) & 205.304(b)(2) require that organic products (in “100 percent organic,” “organic,” and “made with organic” 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. 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 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 current 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 U.S. Food and Drug Administration (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 applications and online shopping environments. Although not directly tied to the petitioner’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 conventional 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.

More recently, the 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 to gather input.¹ 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, the FDA has not yet issued formal guidance or regulatory updates specific to e-commerce labeling.

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 Stores:

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 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

¹ *Dear Manufacturer Letter Regarding Food Labeling* (2007) U.S. Food and Drug Administration. Available at: <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-and-fda-dear-manufacturer-letter-regarding-food-labeling> (Accessed: 25 July 2025).

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.

Conclusion:

The USDA NOP's jurisdiction ensures that consumers can trust that products labeled as "organic" have been produced and handled according to strict standards. This regulatory oversight must help maintain consumer confidence in the organic label and support the growth of the organic market by ensuring a level playing field for all producers.

The USDA National Organic Program (NOP) holds the regulatory authority to establish labeling and marketing requirements for certified organic products, including those sold through e-commerce platforms by both certified and exempt operations.

While the NOP can address misinformation related to organic claims in online environments, implementing a mandatory “Certified organic by [Certifier Name]” statement for e-commerce listings would require formal regulatory changes.

Expanding the labeling or market information requirements to include digital visibility could help ensure consistency across retail channels and reinforce the integrity of the USDA organic label. It would also support informed decision-making by consumers and reduce the risk of misrepresentation by uncertified entities operating in e-commerce.

However, requiring the ““Certified organic by ***” statement in e-commerce could present challenges. One such challenge includes retailers selling produce online which may create unique circumstances when dealing with rotating stock and maintenance of accurate and up-to-date product certifications like “Certified organic by ***.” Because produce availability can change frequently due to seasonality, supplier variability, and perishability, retailers must ensure that each batch or shipment of organic produce is properly documented and labeled. This would require tight coordination and a robust content management system that allows for quick updates to product listings. Additionally produce may not fall under the labeling requirements at §205.303 or 205.304 if it is unpackaged at the point of retail sale. Agricultural products in other than packaged form at the point of retail sale must comply with §205.308 or 205.309 (which does not require the presence of the “Certified organic by ***” statement even when sold at a physical location (not online).

Stakeholder engagement remains essential to shaping any future policy direction. Continued dialogue can help clarify the roles and responsibilities of certified and exempt operations in digital marketplaces. Further exploration is warranted to identify practical and enforceable solutions to the complex challenges of e-commerce labeling, ensuring transparency and consumer trust in organic claims.

Questions for Stakeholders:

1. What technical/operational barriers prevent platforms from consistently displaying “Certified organic by ***” statements on e-commerce platforms?
2. How feasible is it to integrate certifier data into product listings at scale, especially for third-

party sellers?

3. What internal systems are used to manage and update product labeling information online?
4. How are e-commerce sellers verifying the accuracy of organic certification?
5. What challenges do brands face in ensuring that your certified organic products are accurately represented on third-party e-commerce platforms?
6. How do brand owners currently share certification and labeling data with your retail partners?
7. What role should manufacturers play in monitoring and reporting mislabeling of their products online?
8. What labeling information do consumers expect to see when shopping for organic products online?
9. How do consumers who buy food in digital marketplaces verify they're getting an organic product?
10. How can certifiers help ensure that their credentials are accurately represented in digital marketplaces?
11. Do you support the requirement for e-commerce labeling and/or market information to include the "Certified organic by ***" statement by (include why or why not):
 - a. Certified operations selling organic product online?
 - b. Exempt operations (e.g., retailers or handlers of only sealed, retail labeled products, as indicated at § 205.101)?

Subcommittee Vote:

Motion to accept the discussion document on e-commerce labeling

Motion by: Kathryn Deschenes

Second by: Kyla Smith

Yes: 4 No: 0 Abstain: 0 Recuse: 0 Absent: 2