

Division of Dockets Management (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane  
Room 1061  
Rockville, MD 20852  
May 10, 2016

Docket No. FDA-2014-N-1207  
Use of the Term “Natural” in the Labeling of Human Food Products

To Whom It May Concern:

We, the undersigned organizations, appreciate the Food and Drug Administration’s (FDA’s) willingness to engage the public in a discussion about actions the agency should take to address consumer confusion and deception regarding the term “natural” on food labels. As explained below, we urge the agency to take the input provided through this public comment process and move expeditiously toward formal rulemaking on this topic.

Surveys of consumers conducted by Consumer Reports have consistently demonstrated that consumers are often misled and confused about the meaning of the term “natural” on food labels. For example, in a survey conducted in December 2015, at least 60 percent of consumers believed that the term “natural” on packaged and processed food meant that the food was produced without pesticides, artificial materials or chemicals, artificial ingredients or colors, or GMOs, and at least 80 percent of consumers believed the term should mean each of these things.<sup>1</sup> In fact, these data are so compelling that we believe the FDA has the clear authority and responsibility to ban the use of the term “natural” under the false and misleading labeling provisions of the Federal Food, Drug and Cosmetic Act (FFDCA) (21 USC §343(a)(1)).

If the FDA determines that it cannot or will not ban the use of the term “natural” on food labels, the agency should define the term through formal rulemaking in a manner that is consistent with consumer expectations for the word when it appears on food. Any food product bearing the “natural” label should be deemed to be misbranded unless it meets the standard promulgated by the agency. The FDA should establish a third-party verification system to adequately enforce the new standard.

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<sup>1</sup> Consumer Reports National Research Center. Natural Food Labels Survey: 2015 Nationally-Representative Phone Survey. [http://www.consumerreports.org/content/dam/cro/magazine-articles/2016/March/Consumer\\_Reports\\_Natural\\_Food\\_Labels\\_Survey\\_2015.pdf](http://www.consumerreports.org/content/dam/cro/magazine-articles/2016/March/Consumer_Reports_Natural_Food_Labels_Survey_2015.pdf).

The FDA should establish the following standard for food labeled “natural,” which we believe is consistent with consumer expectations for the use of the term.

1. The FDA should address food production methods, not just processing methods and ingredients, when defining standards for use of the term “natural” on food labels. Consumer Reports survey data show that large majorities of consumers believe that food labeled “natural” was produced without the use of pesticides or genetically modified organisms. These and other production methods are currently addressed by the USDA’s organic standards. Therefore, to align the natural label with consumer expectations, the FDA should require all food labeled “natural” to also be certified organic, as a baseline. In fact, the Consumer Reports surveys show that most consumers already believe that “natural” and organic are largely synonymous.

Unlike the current standards governing use of the term “natural” on food labels, use of the word “organic” on food labels is tightly regulated by the U.S. Department of Agriculture (USDA) under the Organic Foods Production Act (OFPA) and verified by third parties. In addition to addressing consumer expectations with regard to food production methods, organic standards also prohibit certain food handling practices, such as irradiation, which should also be prohibited for food labeled “natural.”

We believe that by establishing certified organic standards as the baseline for defining standards for the use of the term “natural,” the FDA can take advantage of the existing structures of USDA organic certification, verification and enforcement, without having to establish an elaborate and costly system to oversee the use of the term “natural” on foods under its jurisdiction. In this way, as USDA organic standards are strengthened over time to meet consumer expectations, the “natural” label itself is also strengthened. For example, many of our organizations are currently advocating for improved organic standards governing animal welfare practices for organic livestock and poultry production.

Even with the needed improvements in animal welfare standards, we are not arguing that the organic label alone is sufficient for meeting consumer expectations with regard to the use of the term “natural” on food labels. We are merely arguing that using certified organic standards as the baseline for the “natural” label definition goes a long way toward meeting consumer expectations with regard to the use of the term “natural,” without having to “recreate the wheel” already undertaken by the USDA through the initial organic rule finalized in 2002 and the years of iterative reforms to that rule since that time.

2. In addition to using the USDA certified organic standards as the baseline definition for the term “natural,” we are also urging the FDA to address consumer expectations with regard to the use of artificial and synthetic ingredients in food, by codifying the agency’s existing understanding of the word natural with regard to artificial or synthetic ingredients.

As stated by the agency in the *Federal Register* announcement on this topic, the FDA “has considered the term “natural” to mean that nothing artificial or synthetic (including all color additives regardless of source) has been included in, or has been added to, a food that would not normally be expected to be in that food.” However this policy has been largely unenforced by the FDA, thus allowing foods labeled “natural” to continue to mislead and deceive many consumers. The Consumer Reports 2015 survey shows that 61 percent of consumers surveyed believe that food labeled “natural” does not contain any artificial ingredients or colors, and 84 percent believe that food labeled “natural” should meet that standard.

Therefore, the FDA’s “no artificial or synthetic ingredient” policy should be implemented as a regulation under the FFDCA, in a manner that clearly defines “artificial” and explicitly excludes as “natural” foods those containing nanomaterials or ingredients produced through synthetic biology or genomic editing.

While the USDA’s certified organic standards go part of the way toward this standard, it is not sufficient for the FDA to simply reference organic standards to address consumer expectations regarding use of artificial or synthetic ingredients in food, because organic standards allow for the use of some synthetic ingredients if they meet certain statutory (i.e., OFPA) criteria.

3. In setting this standard, the FDA should also establish a third-party verification process. It is not sufficient for food companies to be allowed to self-certify their compliance.

In addition to providing comments and recommendations to the FDA on the topic of the “natural” label on foods labeled under that agency’s jurisdiction, many of our organizations have also petitioned the USDA to take action to address consumer deception and confusion regarding the use of the term “natural” on meat and poultry product labels. The USDA’s Food Safety and Inspection Service has jurisdiction over the labeling of these products. Similarly to the foods labeled under the FDA’s jurisdiction, consumers expect meat and animal products labeled “natural” to meet high standards, including strong animal welfare standards.

We thank you for this opportunity to provide comments on this important matter, and urge the agency to move expeditiously toward formal rulemaking to address the false and misleading nature of food labeled “natural.”

Signed,

Animal Legal Defense Fund  
Animal Welfare Institute  
Animal Welfare Approved  
American Society for the Prevention of Cruelty to Animals  
Consumer Federation of America  
Consumer Reports / Consumers Union  
Farm Sanctuary  
Food & Water Watch  
Friends of the Earth U.S.  
GRACE Communications Foundation  
John Hopkins Center for a Livable Future  
National Consumers League  
National Organic Coalition  
Northeast Organic Dairy Producers Alliance  
Northeast Organic Farming Association - Interstate Council  
Northeast Organic Farming Association - Vermont  
Ohio Ecological Food and Farm Association  
Organically Grown Company  
PCC Natural Markets, Seattle, Washington  
Sierra Club