Making an Organic or Non-GMO Claim on a Food Product

Introduction

For food entrepreneurs, deciding whether to include an Organic or Non-GMO claim on a product label is more than a regulatory exercise—it is a strategic brand decision. These claims communicate values, may build consumer trust, and can set a product apart in an increasingly competitive marketplace – but they also come with costs, commitments, and trade-offs that every entrepreneur should weigh carefully.

Background

Today's consumers are more intentional about the foods they buy. Many shoppers actively seek out products that align with their personal health priorities or environmental values. A USDA Certified Organic claim signals that a food or agricultural product has been produced according to the USDA organic standards, which require operations to use practices that cycle resources, conserve biodiversity, and preserve ecological balance.[1,2] A Non-GMO claim, while narrower in scope, reassures consumers that the brand avoided using genetically engineered ingredients, even if the product is not certified organic. Both claims can build brand credibility, command premium pricing, and open access to natural and specialty retail channels.

WHY A BRAND MIGHT MAKE A CLAIM

Adding a USDA Certified Organic or Non-GMO claim can enhance shelf appeal and strengthen brand identity. It may attract health-conscious consumers, support storytelling around sustainability, and differentiate a product from competitors. For some investors or retail buyers, these claims are signals of professionalism and long-term growth potential, giving the brand an edge in distribution negotiations.

WHY A BRAND MIGHT NOT MAKE A CLAIM

At the same time, certification and verification come with challenges. Organic certification requires extensive documentation, inspections, and ongoing compliance with USDA National Organic Program (NOP) standards[3] – processes that add time, cost, and complexity. Non-GMO certification has similar requirements, though these claims are not overseen by a federal agency; rather, the most well-known and trusted certification is overseen by a 501(c)(3) nonprofit organization called the Non-GMO Project.[8] Both certifications can limit ingredient flexibility and increase supply chain costs. For smaller brands, the added expense may outweigh the perceived benefit, particularly if the target customer is not strongly motivated by these claims. Additionally, once a claim is made, it creates a promise to consumers, leaving little room for sourcing changes or formulation flexibility.

HOW USDA CERTIFIED ORGANIC AND NON-GMO CLAIMS DIFFER

To understand which claim may be right for your brand, it is important to understand the differences between the two certifications.

Definition: "Organic" signifies that a food or agricultural product has been produced according to the USDA organic standards, which require operations to use practices that cycle resources, conserve

biodiversity, and preserve ecological balance.[1,2] "Non-GMO" refers to products made from organisms and derivatives of such organisms (plants, animals) to which biotechnology has not been applied.[9] In summary, organic products are by definition, Non-GMO, but Non-GMO products are not necessarily organic.

Enforcement Authority: The use of the claim "organic" is managed and enforced by the USDA according to the National Organic Program. As such, any organic claim must be stated on a package as "USDA Certified Organic." Conversely, a Non-GMO claim is not managed by a federal agency and is voluntary. In fact, the USDA enforces a Bioengineered (BE) Food Disclosure Standard, a federal law that requires food businesses to disclose the presence of bioengineered (also referred to as GMO) ingredients in certain foods. It went into effect on January 1, 2022, for mandatory compliance.[10] Because Non-GMO is a voluntary claim, any brand can use the Non-GMO language on packaging or messaging, provided the brand can back up that claim so as not to be out of compliance with the BE Food Disclosure Standard. Using the consumer-trusted Non-GMO Project Verified icons and language, however, is protected under copyright law and thus requires compliance with the Non-GMO Project standards.

Steps for Making a USDA Certified Organic Claim on a Food Package

To get the USDA Certified Organic symbol on your food package, follow these steps:
1. Ensure all your relevant ingredients are sourced from vendors with legitimate and credible USDA Certified Organic certificates that you can audit.
2. Choose a Certifying Agent: Select a USDA-accredited certifying agent. They will provide you with an application packet and fee schedule. You can find a list of USDA National Organic Program (NOP) Certifying Agents on the USDA Organic Integrity Database.[4]
3. Submit an Application to the Certifying Agent: Complete and submit your application, including an Organic System Plan (OSP) that details your practices, along with the required fees. You will have to work independently with the certifying agent on a case-by-case basis.
4. Undergo an Inspection: An inspector from the certifying agency will visit your facility to verify that your practices meet USDA Certified Organic Regulations.
5. Certification Decision: The certifying agent reviews the inspection report and decides whether to grant certification. If approved, you can use the USDA Certified Organic Seal on your product.
6. Label Approval: Your product labels must be reviewed and approved by your certifying agent before you can use them in the marketplace.

Once certified, you can display the USDA Certified Organic Seal on your food package, indicating it meets the exacting standards set by the USDA.

Frequently Asked Questions Regarding Organic Certification[3]

WHAT DO THE ORGANIC PRODUCT LABELING RULES COVER?
- These rules cover wording allowed on both the front panel and the information panel of a packaged product:
    o Principal display panel (PDP): portion of the package most likely to be seen by customers at the time of purchase.
    o Information panel (IP): includes ingredient statement (list of ingredients contained in a product, from highest to lowest percentage of final product) and other product information.
- Complete rules are in the "Product Composition" section of the USDA Organic Regulations.[7]

CAN A PRODUCT BE LABELED "ORGANIC" WITHOUT BEING CERTIFIED?

- If you make a product and want to claim that it or its ingredients are organic, your final product needs to be certified.
- If you are not certified, you must not make any organic claim on the package's PDP or use the USDA Certified Organic Seal anywhere on the package.
- You may only, on the information panel, identify the certified organic ingredients as organic and the percentage of organic ingredients.

WHAT DO THE FOUR DIFFERENT ORGANIC LABELS MEAN?

"100 Percent Organic"
Used to label any product that contains 100 percent organic ingredients (excluding salt and water, which are considered natural). Most raw, unprocessed, or minimally processed farm crops can be labeled "100 Percent Organic."
- PDP: May include USDA Certified Organic Seal and/or 100 Percent Organic claim.
- IP: Identify organic ingredients (e.g., organic dill) or via asterisk or other mark.

"Organic"
Products must contain a minimum of 95 percent organic ingredients (excluding salt and water). The remaining "up to 5 percent of ingredients" may be non-organic agricultural products and/or non-agricultural products on the National List (non-organic agricultural products and several non-agricultural products on the National List may only be used if they are not commercially available as organic)[4]
- PDP: May include USDA Certified Organic Seal and/or Organic claim.
- IP: Identify organic ingredients (e.g., organic dill) or via asterisk or other mark.

"Made with Organic _____"
Product contains at least 70 percent organically produced ingredients (excluding salt and water), with a number of detailed constraints regarding ingredients that comprise the non-organic portion
- PDP: May state "Made with Organic Ingredients (insert up to three ingredients or ingredient categories)," must not include USDA Certified Organic Seal anywhere, represent the finished product as organic, or simply state "Made with Organic Ingredients" without identifying the specific ingredient or ingredient categories.
- IP: Identify organic ingredients (e.g., organic dill) or via asterisk or other mark.

Specific Organic Ingredient Listings

Specific organic ingredients may be listed in the ingredient statement of products containing less than 70 percent organic contents – for example, "Ingredients: water, barley, beans, organic tomatoes, salt."
- PDP: Must not include USDA Certified Organic Seal anywhere or the word "organic."
- IP: May only list certified organic ingredients as organic in the ingredient list and the percentage of organic ingredients; remaining ingredients not required to follow the USDA Organic regulations.

Steps for Making a Non-GMO Project Verified Claim on a Food Package

The steps for making a Non-GMO Project Verified claim on a food package are modeled after the USDA Certified Organic process, with the primary difference being the starting point for certification (Non-GMO Project versus USDA). A brand seeking Non-GMO Project Verification will work with a third-party technical administrator for their verification needs. A brand can start this process by either reaching out directly to a technical administrator or by filling out a "Get Started" form with the Non-GMO Project itself.[11]

Costs for Making a USDA Certified Organic or Non-GMO Project Verified Claim

The costs to make a USDA Certified Organic or Non-GMO Project Verified claim include both cash and time.

A typical timeline for either claim is approximately 3-6 months, depending on a brand's readiness, supply chain complexity, and availability of the third-party certifying agency or technical administrator. As each certifying project will involve both a paperwork audit and an onsite inspection, this estimate can vary widely from company to company.

Out-of-pocket costs are challenging to estimate, as each claim requires a third-party certifying agency that provides estimates according to the complexity of the claim project. For budgetary purposes, anecdotal evidence indicates that a brand should budget up to $5,000 per product for the one-time initiation cost (including application, ingredient review, and onsite inspection), and an additional $1,000 – 4,000 per product for annual renewal costs (based on number of products, sales volume, and ingredient complexity).

· ··

This document provides the most current information at the time of its publication, and is intended to provide guidance only. For the most current information on claim requirements and certification pricing, please contact the USDA or a certifying body for USDA Certified Organic claims, or the Non-GMO Project for Non-GMO Project Verified claims.

References

1. www.ams.usda.gov/services/organic-certification/organic-basics

2. www.ams.usda.gov/rules-regulations/organic

3. www.ams.usda.gov/rules-regulations/organic/labeling

4. organic.ams.usda.gov/integrity/Certifiers/CertifiersLocationsSearchPage

5. www.ams.usda.gov/sites/default/files/media/OrganicGMOPolicy.pdf

6. www.ams.usda.gov/rules-regulations/organic/national-list

7. www.ams.usda.gov/rules-regulations/organic

8. www.nongmoproject.org/

9. www.nongmoproject.org/wp-content/uploads/Non-GMO-Project-Standard-Version-16.1.pdf

10. www.ams.usda.gov/rules-regulations/be

11. www.nongmoproject.org/technical-administrators/

· ··