



Complaint Filed with USDA's National Organic Program Against "Organic Water" Scheme

Rutgers Study Exposes Bayliss Ranch and QAI's Scheme to Count Tap Water as "Organic"

LITTLE MARAIS, MN--- On February 18, 2004, The Organic Consumers Association (OCA), representing over 500,000 members, subscribers and volunteers and hundreds of companies in the natural marketplace, submitted a formal Complaint to the USDA's National Organic Program (NOP) against the company Bayliss Ranch and the certifier Quality Assurance International (QAI), for illegally counting ordinary water in Bayliss Ranch's water extracts as "organic." This scheme enables Bayliss Ranch's customers--manufacturers of body care and food products for consumers--to make fraudulent claims about their products' being "70% organic," by counting the ordinary water in the Bayliss extracts as the primary "organic" content of the products. This makes a mockery of the fundamental purpose of the NOP, which assures consumers that products claiming organic status are truly at least 70% organic WITHOUT counting water as "organic."

Contained in the Complaint (see www.organicconsumers.org/bodycare) is a study performed by the New Use Agricultural Natural Plant Products Program at Rutgers University (NUANPP; <http://www.nuanpp.org/>): Pierre Tannous, Rodolfo Juliani, Mingfu Wang and Jim Simon, *Water Balance in Hydrosol Production Via Steam Distillation: Case Study Using Lavandin (Lavandula x intermedia)*. This provides a first scientific study of the minimum theoretical contribution of water from the steam versus the plant material to a hydrosol water extract while essential oil is distilling. Even with extremely unrealistic conservative assumptions, the Rutgers study found that the minimum contribution of water from steam was at least 71%. "The Rutgers University case study is crucial in confirming our view that unethical companies and an organic certifier are counting ordinary tap water as the main 'organic' ingredient in their products," says Craig Minowa, Environmental Scientist for the OCA. "The Rutgers study will help the USDA understand how hydrosol water extracts are illegally corrupting the integrity of the National Organic Program."

After receiving QAI's certification under the National Organic Program for food in the summer of 2003, Bayliss Ranch commenced marketing its hydrosol water extracts for use in beverages, sauces, soups and other water-based food products as well as body care products "as the perfect base ingredient in products allowing a certified organic labeling claim." (See Exhibit 3 of OCA's Complaint). The OCA, on page 10 of the Complaint, states:

"Given Bayliss Ranch's aggressive marketing campaign and the apparent green-light provided by QAI's formal certification of the added water as 'organic' under the NOP food program, it is apparent that, in the absence of action by the NOP, more and more food and beverage products as well as body care products will be using Bayliss Ranch's hydrosol water extracts to make false organic claims."

Currently, various so-called "natural" body care manufacturers are using these water extracts to green-wash their products and make organic label claims, even though their formulations are in fact largely composed of the same conventional synthetic cleansers, conditioners and preservatives found in the mainstream products. The body care companies in question claim that organic hydrosol water extracts are somehow key functional components of their products. However, hydrosol water extracts were not used in body care formulations until companies started to use them to make fraudulent, inflated "organic" claims. Not only is the presence of these hydrosol water extracts largely inconsequential, their actual organic content is minimal since they are mostly ordinary distilled water. While most companies that sell increasingly popular "natural" soaps, shampoos and lotions in natural supermarkets, such as **Whole Foods** and **Trader Joes**, do not claim their products are 70% "organic," an increasing number of these brands, such as **Avalon Natural Products**, **JASON**, and **Nature's Gate**, are misleading consumers into thinking 70% content of their products are "organic" (Note: 70% organic content enables a product to make a front panel organic label claim under the National Organic Program). All these companies are supplied organic hydrosol water extracts by a single supplier, **Bayliss Ranch**, certified by **QAI**, the largest organic certifier in the world. Similar to an infusion or tea which is made by boiling plant material in water, hydrosol water extracts are made by steaming plants, and then cooling the steam back to water. Products made with infusions or teas cannot count the water in such teas or infusions as organic in calculating organic content under NOP food standards. However, it has become distressingly common practice to use "Steam Tea" as the main "organic" ingredient in many products by misleadingly counting the ordinary water in such "Steam Teas" as organic.

The OCA is a grassroots nonprofit organization concerned with food safety, organic farming, sustainable agriculture, fair trade and genetic engineering.

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