

“Natural” and “Organic” Growth

Article By:

Food and Drug Law at Keller and Heckman

The continued uptick in “Natural” and “Organic” claims combined with increased consumer confusion concerns may result in new and strengthened federal regulations.

- Foods sporting “natural” and “organic” claims are on the rise in response to increasing consumer demand for cleaner, “healthier” foods. The growth in “natural” foods, in particular, continues despite the lack of a codified federal definition of “natural”, and the regulatory and litigation risk faced by food companies stemming therefrom. Federal regulators are well aware of the issues confronting industry on the “natural” front and, the U.S. Food and Drug Administration (FDA) is considering whether the term “natural” should be regulated. To this end, late last year, FDA formally requested information and public comment on the use of the term “natural” in food labeling.
- While industry awaits FDA’s potential regulation of the term “natural”, Bloomberg reports that one recent survey conducted by the U.S. Federal Trade Commission (FTC) and the U.S. Department of Agriculture (USDA) indicates consumers are conflating the terms “natural” and “organic” (a USDA-regulated term). This comes as the number of consumer class actions involving “natural” food marketing claims steadily increase.
- Continued consumer confusion concerns surrounding the use of “natural” and “organic” advertising claims could lead regulators to propose new and strengthened guidelines for employing these terms in food industry advertising.

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National Law Review, Volume VI, Number 239

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