

State of California—Health and Human Services Agency  
Department of Health Services



GRAY DAVIS  
Governor



California  
Department of  
Health Services  
DIANA M. BONTÁ, R.N., Dr. P.H.  
Director

August 11, 2003

Simon Harris  
Organic Consumers Association  
6101 Cliff Estate Road  
Little Marais, MN 55614

Dear Mr. Harris,

This letter responds to your May 5, 2003 complaint against Avalon Natural Products.

**Allegation I:** Avalon Natural Products misbranded cosmetics by labeling them as organic when they contained less than 70% organically produced ingredients.

The Department was unable to substantiate this allegation. California Health and Safety Code (H&S) Section 110838 requires that organic cosmetics be comprised of at least 70% organic ingredients. Upon review of the firm's labels and product formulations, the Department was unable to find any instance where there was a statutory or regulatory basis to discount any organic ingredients from the calculation. While California adopts the National Organic Program (NOP) Regulations, those regulations do not extend to cosmetics and cannot be applied to cosmetics. California currently has no specific statute or regulation to define how hydrosols can be calculated in the organic make-up of a product, and thus has no regulatory or legal basis to discount their use in a product's organic content calculation. The Department found that the firm was using organically certified hydrosols in the manufacture of its cosmetics.

**Allegation II:** Avalon Natural Products misbranded cosmetics by labeling them as organic when they contained synthetic surfactants and preservatives.

The Department found that your interpretation of California statute and federal regulations was incorrect. The NOP regulations do not extend their authority to cosmetics, and the fact that California adopts those regulations does not allow California to arbitrarily extend those requirements to additional products within our state. California law establishes that organic cosmetics must be comprised of at least 70% organic ingredients, but it is silent on the makeup of the additional 30% of ingredients. California currently has no regulations with regards to the use of synthetic surfactants and preservatives in organic cosmetics, thus no violation could be sustained.

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(916)445-2263

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Simon Harris  
August 11, 2003

**Allegation III: Avalon Natural Products failed to properly list a certifying agent on the label of their cosmetic products.**

The Department found that your interpretation of federal regulations was incorrect. The NOP regulations do not extend their authority to cosmetics, and thus organic cosmetics are not required to be certified by an accredited certification organization or list a certifier on their label.

**Allegation IV: Avalon Natural Products misbranded their Organic Therapeutic Bath & Shower Gel, Organic Clarifying Conditioner, and Organic Hand and Body Lotion, because the products failed to have a minimum of 70% organic ingredients as required by H&S 110838.**

The Department was unable to substantiate this allegation. While the labels you submitted for these products clearly indicate an organic content that was less than 70%, current labels provided by Avalon revealed that the minimum 70% organic content requirement was met. Avalon has advised the Department that the labels you submitted were in use prior to January 1, 2003, but have since been discontinued.

After a thorough review of your complaint and the Avalon product line, the Department was unable to substantiate the allegations in your letter of May 5, 2003. If you have any questions, please feel free to contact me at (916)445-2264.

Sincerely,



Patrick Kennelly, Chief  
Food Safety Inspection Unit

Cc: Ray Green  
Department of Food and Agriculture

Tim Schaeffer  
Avalon Natural Products