



Organic Consumers Association

Campaigning for Food Safety, Organic Agriculture, Fair Trade and Sustainability.

Agreement with Organic Consumers Association
Concerning Labeling and Marketing of Personal Care Products that Currently
Make Any Kind of Organic Label or Branding Claim

A. The Organic Consumers Association (“OCA”), during the period from and after November 1, 2009 will publicly identify, in at least one press release and on its website, those personal care products of the company signing below (“Company”) that:

(i) are now truthfully labeled, promoted and advertised as “Organic,” “Made with Organic [specified ingredients],” and/or “Contains Organic Ingredients”, as applicable, and/or

(ii) will be, on or before Nov. 1, 2010, truthfully labeled, promoted and advertised as “Organic,” “Made with Organic [specified ingredients],” and/or “Contains Organic Ingredients” as applicable, if and to the extent that such labeling, promotion and advertising complies with subparagraphs E(1), (2) and/or (3), below as applicable.

B. Company agrees that it will comply with the standards set forth in paragraphs E (1), (2) and/or (3) below as applicable, in the labeling, promotion and advertising of any personal care or cosmetic product, manufactured, sold and/or distributed by Company, and the labeling of which is under the direction or control of Company. For purposes of this Agreement, “labeling, promotion and advertising” shall include, but not be limited to, labeling, branding, paid advertising in any medium whether print, broadcast, internet or otherwise, brochures, websites, press releases, banner advertising, fliers, displays and shelf talkers.

C. Company agrees to provide to OCA on or before October 26, 2009, a spreadsheet, via email to ronnie@organicconsumers.org, a list of all Company’s personal care products labeled, promoted or advertised using the term “Organic” or “Organics,” or any derivative phrase thereof, and identifying those products the labeling, promotion and advertising of which:

(i) are now in compliance with the standards set forth in subparagraphs E(1), (2) and/or (3) as applicable, and identifying the applicable organic claim category and standard as to each product; and/or

ii) will be so compliant on or before November 1, 2010 and identifying the applicable organic claim category and standard as to each product.

D. With respect to those of Company’s products that are labeled, promoted and advertised as of the date hereof using the term “Organic” or “Organics,” or any derivative phrase thereof, which labeling, promotion and advertisement does not comply with subparagraph E (1), (2) or (3) below, Company agrees that Company will, on or before November 1, 2010, cease any use of the term “Organic”

or "Organics", or any derivative phrase thereof, in the labeling, promotion or advertisement of such products except in accordance with the provisions of subparagraphs E(1), (2) and (3) hereof. OCA agrees that, during the period from and including November 1, 2009 through and including October 31, 2010, OCA will not make any public statement about or reference, in any public communication whatsoever, to any such product of Company that is labeled, promoted and advertised as of the date hereof using the term "Organic" or "Organics" notwithstanding that such labeling, promotion and advertisement does not comply with subparagraph E(1), (2) or (3) below. If Company breaches this Agreement with respect to products shipped by Company on or after Nov. 1, 2010, OCA will have the right to publicize that breach and to pursue any other available legal remedy for breach of this Agreement.

E. Subparagraphs E(1), (2) and (3):

(1) Any product labeled, promoted or advertised using the term "Organic" or "made with Organic [specified ingredients]" to modify the name or description of the product (e.g. "Organic Lotion" or "Lotion made with Organic Oils"); as part of a brand name; in a brand tag line; or otherwise in or on the front label except for as specified in (2) below, shall be voluntarily certified as "Organic" or "made with Organic [specified ingredients]" under the USDA National Organic Program ("USDA NOP") regulations, 7 C.F.R. Part 205 in accordance with the April 2008 statement of USDA entitled "Cosmetics, Body Care Products and Personal Care Products."

(2) Any product labeled, promoted or advertised as "Contains Organic Ingredients" AND/OR "__% Organic" AND/OR using the term "Organics" (plural) as part of a brand name, and not voluntarily certified as "Organic" or "Made with Organic [specified ingredients]" under the USDA NOP regulations as set forth in section E(1) hereof, shall be certified under the NSF International-American National Standards Institute (ANSI) 305 "Contains Organic Ingredients" standard. Further, if the term "Organics" is used on the front label of such product as part of a brand name it must appear on the front label in a text size no larger than 50% of the largest text size of the front label and be separated from the primary product descriptor by a distance no less than 25% of the diagonal front label dimension.

(3) It is understood and agreed that a product certified to be labeled "Organic," "Made with Organic [specified ingredients]," "Contains Organic Ingredients," or any other derivative phrase of "Organic" under other private industry standards must be cross-certified to the applicable standard as set forth in section E(1) or (2) hereof, and comply with all product content and labeling requirements thereof, in order to be considered "truthfully labeled and marketed" within the meaning of the first paragraph hereof.

This signed agreement must be received by Ronnie Cummins, National OCA Director, no later than Oct. 26, 2009, at Organic Consumers Association - 6771 South Silver Hill Drive, Finland MN 55603.

Accepted and agreed as of this ____ day of _____, 2009:

ORGANIC CONSUMERS ASSOCIATION

By: _____

Ronnie Cummins, National Director

_____ [COMPANY]

By: _____

Name: _____

Title: _____