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## COMPLAINT TEMPLATE - REPORTING ORGANIC FRAUD

It is essential to maintain a routine watch of USDA National Organic Program (NOP) announcements regarding fraudulent certificates, investigations, suspensions, and revocations as well as monitoring other official and industry publications, which may give early warning of information or changes that may trigger new threats of organic fraud, or change the priority of existing threats.

This document provides guidance on what to do when a business engaged in organic trade suspects or detects fraud. It includes a template that will help businesses collect and organize the necessary information to be shared in order to submit an actionable complaint.

### WHAT DO YOU DO WHEN YOU SUSPECT OR DETECT FRAUD?

In short, reject the product, return it to the vendor/supplier/producer and report it to your own ACA, the ACA of your supplier and the competent authority (e.g. USDA-NOP, State Organic Program). Please note that it is most effective to file the complaint to BOTH your certifier and the USDA-NOP. **For other complaints within California**, both the [California State Organic Program](#) and the [National Organic Program](#) should be contacted as they can levy fines and embargo products.

### WHAT IS THE PROCESS FOR REPORTING FRAUD?

Anyone who suspects a violation of the USDA organic regulations can and should file a complaint. When you report an alleged violation, you must provide as much information as possible to help ensure a thorough investigation. Provide your contact information, and the NOP will contact you if necessary for clarification or when the case is closed. It is recommended practice to check in with NOP on a regular basis to see if they need any additional information.

File complaints by e-mail or mail to the addresses below:

**Email:** [NOPCompliance@ams.usda.gov](mailto:NOPCompliance@ams.usda.gov)

**Phone:** (202) 720-3252

**Mailing Address:**

NOP Compliance and Enforcement Branch  
Agricultural Marketing Service  
United States Department of Agriculture  
1400 Independence Avenue, S.W.  
Mail Stop 0268, Room 2648-S  
Washington, D.C. 20250-0268

Reports should be written, verifiable, and accompanied with evidence documenting the suspected fraud. Evidence should be first-hand. We recommend sending a copy of the complaint to any organic certifiers involved and your certifier as well.

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## COMPLAINT TEMPLATE

*Follow this suggested template to organize your complaint:*

If you are willing to discuss the issue further or wish to be notified when the case is closed, please include your name and contact information with your complaint. If you would like to remain **CONFIDENTIAL**, clearly state this with your submission and mark all documents accordingly.

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### FILER'S INFORMATION

1. Company
2. Name of person filing the complaint, title
3. Contact email/phone
4. Date Submitted
5. Your certifier (if applicable)
6. State whether you wish to remain confidential

### COMPLAINT INFORMATION

#### **1. Nature of complaint - detailed explanation of the identified regulatory violation**

- a. Use of fraudulent organic certificates to market or sell agricultural products
- b. Misrepresentation of conventional as organic (not fraudulent certificates)
- c. Labeling violation
- d. Excess volume (evidence that volume exceeds organic supply)
- e. Lack of documentation
- f. Evidence of contamination by a prohibited substance (pesticide use, fumigation, treated seed, etc.)
- g. Changing identity
- h. Inability to follow an audit – Documentation not in alignment with product (not matched, excessive documents, wrong documentation type, etc.)
- i. Use of uncertified co-packers or other handlers in the processing of agricultural products to be sold, labeled or represented as organic
- j. Distribution by an uncertified/readily confirmed entity
- k. Below market value
- l. Other: Please explain

#### **2. Severity of the complaint – indicate the severity of the complaint and explain why**

- a. Minor – The violation is un-willful, correctable and is not a result of a systemic failure in OSP
- b. Major – The violation is un-willful but is a systemic failure of OSP and inability to comply with the regulation; warrants a proposed suspension
- c. Severe – The violation is a willful violation of the organic regulations and warrants revocation

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**3. Reference the section of the rule(s) you think the complaint violates**

- a. 7 CFR XXX
- b. Explain why it violates this section of the rule

**4. The source of the product, list:**

- a. Full Business name (s)
- b. Brand name of the product
- c. Contact name
- d. Address
- e. Phone number
- f. Certification agency of that source

**5. Other parties involved in transactions, list:**

- a. Reference certificate documents information offered as proof of compliance (list operator name, certifier, certificate number)

**6. The type (including variety, if applicable) of contaminated/fraudulent product**

**7. The lot number or other identifying mark, if any, of the product ("best by")**

**8. The quantity of product, if known**

- a. Is this entire lot or just contaminated product?
- b. E.g., 1 lot, etc.

**9. If the complaint involves a contaminated product**

- a. The name of the prohibited contaminant, if known
- b. The amount of the prohibited material, if known

**10. The length of time that the violation has been occurring, if known**

**11. The basis of knowledge of the fraud (food safety testing, observation, phone call, etc.)**

**12. If testing was performed, the test results themselves and any information about the sampling protocol and chain of custody**

**13. Any information about the likely source or reason for the contamination/fraud**

**14. Who the product has already been sold to (if applicable)**

**15. Any additional information relevant to the situation (images of labels, attachments and additional documentation accepted)**

**16. What action has complainant already completed?**

**17. Has there been any industry action? If so, what?**

**18. Nature of the supply chain (who is selling the product? Who else is buying? Market saturation level?)**

*Remember, filling a complaint should follow the big 5 W's: Who, What, When, Where, and Why. Please review your information for accuracy when before you submit.*