

This is a **Sunset Preliminary Review** by a Subcommittee of the National Organic Standards Board (NOSB). Sunset preliminary reviews are posted for public comment and the NOSB will refer to them to complete the sunset review process. They are not final Board recommendations or NOP policy. For more information, see [the Sunset Review and Renewal Process](#) fact sheet, and [Federal Register notice of Sept. 16, 2013](#).

Sunset 2015 Review
Meeting 2 - October 2014
Handling Subcommittee Review
Sherry
August 22, 2014

As part of the National List Sunset Review process, the NOSB Handling Subcommittee has evaluated the need for the continued allowance for or prohibition of the following substances for use in organic handling.

Sherry

Agricultural

Use - As nonorganically produced agricultural product allowed as ingredient in or on processed products

Listing: Fortified cooking wines. (2) Sherry

Technical Report: none

Original Petition: [Sherry \(2007\)](#)

Past NOSB Actions: NOSB review and recommendation for addition to the National List [05/08](#)

Regulatory Background:

Proposed for addition to National List 6/3/09 ([74 FR 26591](#))

Added to National List 12/13/2010 ([75 FR 7751](#))

Sunset Date: 12/14/2015

Reference: 7 CFR 205.606(g)(2)

Subcommittee Review

Summary:

The original petition cited the flavor profile of cooking Sherry as being unique, and that no organic sources of were available. Cooking Sherry, or Sherry of any kind, is made using standard wine making processes, and is fortified with Brandy, which acts as a preservative and therefore no added sulfites are necessary. There are small-scale organic sources of Brandy available in the U.S., although the quantities available are not certain. Additionally, there are international sources of organic Brandy. The key to the manufacture of Sherry is Flor yeast, which is available from Spain. Generally, there is low demand for Sherry in the United States, with Americans preferring other forms of wine. The United Kingdom and other European countries have higher demand for Sherry.

After discussions with various industry personnel, there seems to be no barrier to manufacture of organic Cooking Sherry, but there is very low demand for it. The original petitioner of the material did not comment during the first comment period in Spring 2014, and contact information was unavailable. One U.S. producer of organic wines did indicate that he has been contacted 2-3 times in the last few years to see if he produced the product, but the requester indicated that his price was too high.

With low demand, the limited availability of organic Sherry in the U.S. may not be an issue. Without input from the original petitioner, it's difficult to assess the impact of a decision to de-list Cooking Sherry.

The Handling Subcommittee requests public feedback regarding the impact that removal of Sherry would have on your operation.

Motion to Remove:

This proposal to remove will be considered by the NOSB at its public meeting.

Based on the Subcommittee’s review, the Subcommittee proposes removal of this substance from the National List based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b) if applicable: 205.600(b)(6) the substance is essential for the handling of organically produced agricultural products.

The Handling Subcommittee believes that the full board should have the opportunity to complete the review of each sunset material by voting. The NOP has stated that to do this a motion to remove should be brought from the Subcommittee for each substance. If the Subcommittee motion to remove fails to receive a majority, the motion will still be put forward to the full board for review. The motion to remove is voted by the full board and needs to receive a 2/3 majority to recommend removal.

Motion: Remove Sherry from the National List at 205.606(g)(2)

Motion by: Tracy Favre

Seconded by: Zea Sonnabend

Yes: 6 No: 0 Abstain: 0 Recuse: 0 Absent: 2

NOSB Evaluation Criteria for Sunset Review (Optional checklist)

Category 1. Adverse impacts on humans or the environment? Fortified Cooking Wine - Sherry

Question	Yes	No	N/A	Comments/Documentation. (TAP; petition; regulatory agency; other)
1. Are there adverse effects on the environment, or is there a probability of environmental contamination during use or misuse of the substance? [§205.600(b)(2), [§6518(m)(3)]		X		
2. Are there adverse effects on the environment or is there a probability of environmental contamination during manufacture or disposal of the substance? [§6518(m)(3)]		X		
3. Are there any adverse impacts on biodiversity? (§205.200)		X		
4. Does the substance contain inerts classified by EPA as ‘inerts of toxicological concern’? [§6517 (c)(1)(B)(ii)]		X		
5. Is there undesirable persistence or concentration of the material or breakdown products in the environment? [§6518(m)(2)]		X		
6. Are there any harmful effects on human health from the main substance or the ancillary substances that may be added to it? [§6517(c)(1)(A)(i); 6517 (c)(2)(A)(i);	X			Over consumption of alcoholic beverages does have harmful effects on human health, but cooking sherry is not typically over consumed.

§6518(m)(4), 205.600(b)(3)]				
7. Is the substance, and any ancillary substances, GRAS when used according to FDA's good manufacturing practices? [§205.600(b)(5)]			X	
8. Does the substance contain residues of heavy metals or other contaminants in excess of FDA tolerances? [§205.600 (b)(5)]		X		

Category 2. Is the Substance Essential for Organic Production? Substance: Fortified Cooking Wine - Sherry

Question	Yes	No	N/A	Comments/Documentation. (TAP; petition; regulatory agency; other)
1. Is the substance agricultural? [§6502(1)]	X			Made from wine grapes and fortified with brandy, both agricultural products.
2. Is the substance formulated or manufactured by a chemical process? [§6502(21)]		X		Natural fermentation process and distillation.
3. Is the substance formulated or manufactured by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources? [§6502(21)]	X			Natural fermentation process creates alcohol in the grape juice.
4. Is the substance created by naturally occurring biological processes? [§6502(21)]	X			Natural fermentation, with the inclusion of Flor yeast creates the unique flavor profile.
5. Is there a natural source of the substance? [§ 205.600(b)(1)]	X			
6. Is there an organic substitute? [§205.600(b)(1)]	X			Low demand but there are small scale producers in the U.S.
7. Is the substance essential for handling of organically produced agricultural products? [§205.600(b)(6)]		X		According to the petitioner, the flavor profile of Cooking Sherry imparts a unique flavor to the final product but it is not absolutely essential for use.
8. Is there a wholly natural substitute product? [§6517(c)(1)(A)(ii)]			X	
9. Are there any alternative substances? [§6518(m)(6)]	X	X		Other fortified wines could be used but would not have the same flavor profile
10. Is there another practice (in farming or handling) that would make the substance unnecessary? [§6518(m)(6)]			X	
11. Have the ancillary substances associated with the primary substance been reviewed? Describe, along with any proposed limitations.			X	

Category 3. Is the substance compatible with organic handling practices? Substance: Fortified Cooking Wine - Sherry

Question	Yes	No	N/A	Comments/Documentation. (TAP; petition; regulatory agency; other)
1. Is the substance consistent with organic handling? [§6517(c)(1)(A)(iii); 6517(c)(2)(A)(ii)]		X		Cooking Sherry as currently on the National List is not organic.
2. Is the manner of the substance's use, manufacture, and disposal compatible with organic handling? [§205.600(b)(2)]		X		See above comment
3. Is the substance compatible with a system of sustainable agriculture? [§6518(m)(7)]		X		See above comment
4. Are the ancillary substances reviewed compatible with organic handling [?]			X	No ancillary substances
5. Is the nutritional quality of the food maintained with the substance? [§205.600(b)(3)]			X	Flavor profile only.
6. Is the primary use as a preservative? [§205.600(b)(4)]		X		Because of the brandy in fortified wine, it has natural preservative properties but that is not the primary use in products.
7. Is the primary use to recreate or improve flavors, colors, textures, or nutritive values lost in processing (except when required by law)? [§205.600(b)(4)]			X	Primary use is to impart a specific flavor profile to foods.

Category 4. Is the commercial supply of an organic agricultural substance fragile or potentially unavailable? [§6610, 6518, 6519, §205.2, § 205.105(d), §205.600(c)] Substance: Fortified Cooking Wine - Sherry

Question	Yes	No	N/A	Comments/Documentation. (TAP; petition; regulatory agency; other)
1. Is the comparative description as to why the non-organic form of the material /substance is necessary for use in organic handling provided?	X			Original petition cited the flavor profile of cooking Sherry as being unique to the product, and no organic sources of the material was available.
2. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate form to fulfill an essential function in a system of organic handling?		X		Conversations with various industry personnel indicate that there is low demand for sherry in the U.S. except as a cooking wine, therefore there has been no significant incentive for development of an organic source. However, there are no real obstacles to producing an organic version, based upon materials and/or processes.
3. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate quality to fulfill an essential function in a system of organic handling?		X		There seems to be no barrier to production except for limited demand.

4. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate quantity to fulfill an essential function in a system of organic handling?	X	X		Initial investigation has indicated that small-scale producers would be able to provide the ingredient, but information regarding the amount required as an ingredient for the products mentioned in the petition is not available. There was no information available regarding foreign sources for the material.
5. Does the industry information about unavailability include (but is not limited to) the following?: a. Regions of production (including factors such as climate and number of regions);		X		A small-scale producer is available in the Pacific Northwest, however there is insufficient information regarding the national demand for the product so it's not clear whether the location of the manufacture of the material is relevant.
b. Number of suppliers and amount produced;	X			Investigation has only shown one small- scale U.S. producer on an as-needed basis but the total amount produced is not available.
c. Current and historical supplies related to weather events such as hurricanes, floods, and droughts that may temporarily halt production or destroy crops or supplies;		X		See comment above.
d. Trade-related issues such as evidence of hoarding, war, trade barriers, or civil unrest that may temporarily restrict supplies; or		X		See comment above.
e. Other issues which may present a challenge to a consistent supply?	X			Limited production due to limited demand could cause restrictions in availability should demand increase.