



State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

May 4, 2007

Mark Mansour, Attorney at Law
Foley & Lardner LLP
Washington Harbour
3000 K Street, N.W. Suite 500
Washington D.C. 20007-5143

Re: Cornucopia Complaint Against Wal-Mart Stores, Inc.

Dear Mr. Mansour:

This is regarding your letter of February 26, 2007 on behalf of your client, Wal-Mart Stores, Inc. As you know, the department administers Section 100.18, Wis. Stats., Wisconsin's Deceptive representations law. After receiving the complaint from Cornucopia Institute, we visited several of your stores to observe first hand the signage complained of. That review resulted in findings identical to those found by the USDA. The signage also raised the same issues as those identified by the USDA. After reviewing your letter and the letter dated February 12, 2007 you provided to us by the United States Department of Agriculture ("USDA"), we are in agreement with the USDA's conclusions.

As you are aware, the USDA found no violation of the Organic Foods Protection Act or the National Organic Program (NOP) concerning the sections of stores identified as Wal-Mart Organics since such sections did contain certified organic products. The department agrees that since certified organic products were to be found in these sections, the general "locator" signs do not violate Sec. 100.18, Stats. We also agree with the USDA's conclusion that individual product descriptions and unit prices of non-certified products should not be placed on the green "Wal-Mart Organics" identifying shelf tags. We caution Wal-Mart that use of the term Wal-Mart Organics in combination with reference to a specific non-organic product may be considered to be a misrepresentation and therefore a violation of Section 100.18, Wis. Stats.

We understand that Wal-Mart "plans to implement additional measures to ensure that non-organic products will not be inadvertently or accidentally identified by shelf tags as being organic". As long as those measures are implemented and continue in place in the future, we find no reason to pursue the complaint any further. Hence, we are closing our file. Please be aware, however, that we will be monitoring Wal-Mart's practices in the future to ensure continued compliance with its assurances.

Agriculture generates \$51.5 billion for Wisconsin

Thank you for your cooperation.

Sincerely,

James Rabbitt, Director
Bureau of Consumer Protection
DIVISION of TRADE and CONSUMER PROTECTION
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