

November 24, 2008



Oregon
Department
of Agriculture
635 Capitol Street N.E.
Salem, OR 97301-2532

Dear Oregon Food Processor:

As you know, food allergens can be a serious issue for millions of American consumers, with effects ranging from minor skin rashes to life-threatening reactions of anaphylactic shock. Consumers rely on you to provide accurate food labels so that they may avoid food allergen ingredients that put them at risk.

In recent years, there has been a marked increase in allergic reactions attributed to food. This increase has heightened public awareness of the importance of proper food labeling. Congress passed the Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) to ensure that individuals with food allergies can easily and accurately identify the eight major food ingredients that make up 90% of all food allergies in the United States. Those ingredients are: wheat, soybean, milk, eggs, peanuts, tree nuts, crustacean shellfish, and seafood.

The provisions in FALCPA apply to all food products (retail and wholesale) that are labeled on or after January 1, 2006. FALCPA requires that you identify the allergen(s) on the labels of the food products you produce in one of two ways:

(1) By placing the word “Contains” followed by the name of the food source from which the major food allergen is derived immediately after or next to the list of ingredients, for example, “Contains milk and wheat;” or

(2) By placing the common or usual name of the allergen in the list of ingredients followed in parentheses by the name of the food source from which the allergen is derived, for example, “cream (milk); enriched, bleached flour (wheat).”

In the case of nuts and seafood, FALCPA requires that the specific type of nut (walnut, almond, cashew, etc.) or species of fish (cod, tuna, salmon, etc.) or shellfish (shrimp, lobster, etc.) be specified.

If you fail to correctly identify allergens on your labels, the FDA will likely ask you to recall the mislabeled product. Since a labeling error may happen to even the most conscientious producer, the Food Safety Division strongly recommends that you develop a formal, written Recall Plan. You may find the provisions of 21 CFR 7.4 helpful when developing your Recall Plan.

To avoid any immediate need for recall, the Food Safety Division encourages every Oregon processor to take the time *now* to review the laws and examine printed labels for compliance. If you have any questions about ingredient labeling, please contact the Food Safety Division by calling (503) 986-4720 and ask to speak with Jim Postlewait, Dawn Smith, or Ellen Laymon. Any one of them will be able to help you with your labeling questions.

To assist your firm in addressing current labeling laws, we have enclosed two ODA handouts that provide basic food container labeling requirements. Additionally, the following internet links may provide useful information:

<http://www.cfsan.fda.gov/~dms/alrgact.html>
<http://www.cfsan.fda.gov/~dms/alguid4.html>

For access to sections from the Code of Federal Regulations that address food labeling (21 CFR 101) the following link is available:

http://www.access.gpo.gov/nara/cfr/waisidx_01/21cfr101_01.html

Thank you for your attention to this very important matter.

Sincerely,

Vance Bybee, Administrator, Food Safety Division