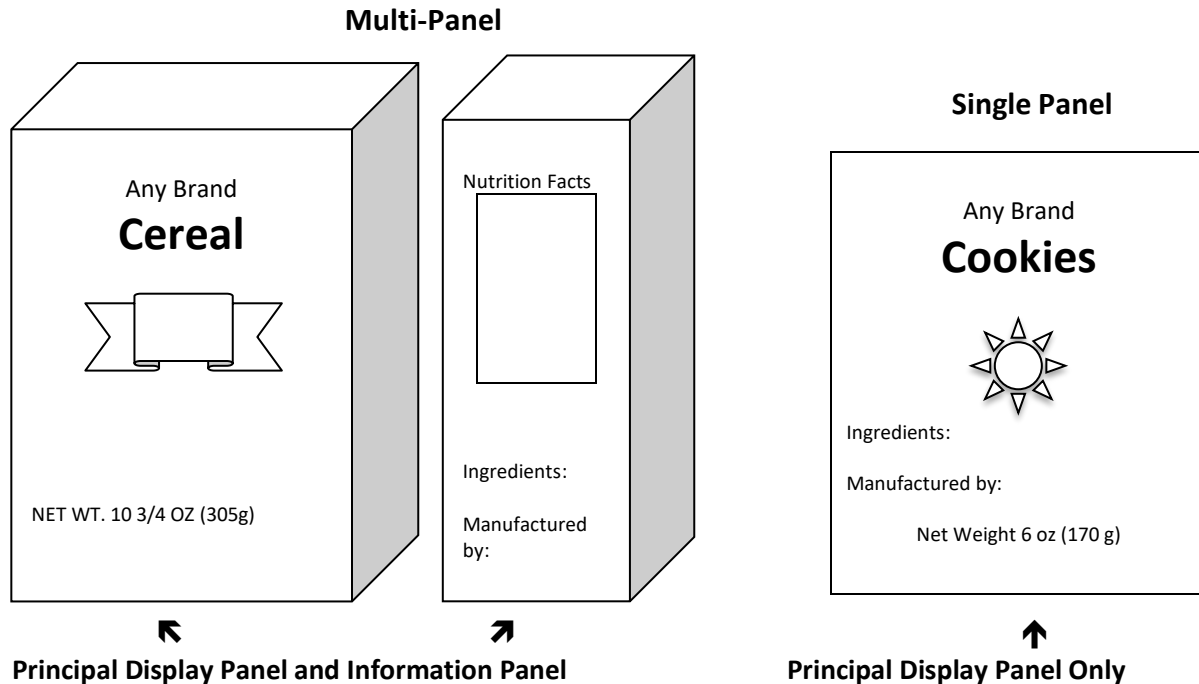




Food Labeling Requirements and Guidelines



There are many rules and regulations governing food labeling. The intent of this handout is to provide the basic requirements and guidance for food labeling. Failure to adhere to these rules may lead to the food being deemed misbranded and subject to a recall. All foods packaged for retail sale must be properly labeled. There are two labeling options as shown above. All required information may be captured on the principal display or may be spread out between the Principal Display Panel and the Information Panel. Firms that use a stamp or affix a sticker to label their product will usually choose to include the information on the Principal Display Panel only. All labels shall be in English, with exemptions for other languages as discussed in 21CFR 101.15.

Principal Display Panel

The Principal Display Panel (PDP) is the portion of the package that is most likely to be seen by the consumer at the point of purchase. Although a brand name may appear on the principal display panel, this is voluntary. The PDP must include the product identity and net weight, but may also include the firm's address, nutrition facts and the ingredients if a single panel is used.

> **Product Identity:** The truthful or common name of the product that is contained in the package. This is located in the middle portion of the PDP front label. The product identity must be of dominant and of contrasting type. Artwork or company logos must not hide or detract from the prominence of the product identity. Minimum type height is 1/16" of a lower case "o".

> **Net Weight:** Must be located in the lower 30% of the principal display panel. Net weight must appear as a distinct item, separated from other print. The net weight or volume **must be in both the US lbs/oz (Avoidupois oz.) and metric scale.** For example, "Net Wt. 12 oz (340 g)" for a dry product and "Net 32 fl.

oz (1QT) 946 ml” for a liquid product. Minimum type height is 1/16th”. In some instances (e.g. pickles and some bakery items) products may be sold by count instead of weight. The net weight must be listed as the minimum net weight, not by the average net weight. Net weight is the gross weight minus the tare weight of the packaging.

The net weight declaration print size is specific to the size of the area on the principal display panel (21 CFR 101.105(h)(3)(i)(1-4)). If the principal display panel is:

Less than 5 sq. inches	-----1/16" high
5 to 25 sq. inches	----- 1/8" high
25 to 100 sq. inches	-----3/16" high
100 to 400 sq. inches	-----1/4" high

Information Panel

This is the area normally to the right of the principal display panel. On a box, it would be the label on the right side of the package; on a jar it would be directly to the right of the principal display panel. The information panel must contain certain information in the order specified below.

> **Nutrition Facts:** All packaged foods require a nutrition fact statement panel, unless they qualify for an exemption in 21 CFR 101.9 (h-j). Additionally, some small firms may qualify for an exemption of the nutrition facts statement, see the FDA Small Business Nutrition Labeling Exemption Guide for details: <https://oda.fyi/SmallBizNutritionGuide>. If a nutrition or health claim is made on a packaged food, a nutrition facts panel is required.

> **Ingredient Statement:** This statement is generally located below the nutrition facts and above the manufacturer or distributor information. The ingredients including food colorings and chemical preservatives must be listed in descending order of predominance by weight or volume. If less than 2% by weight, the ingredient can be listed at the end with a statement "contains 2% or less of ____". Without exception, allergens must always be declared regardless of weight, volume or percentage. The ingredient shall be the common or usual name of the ingredient except that certain spices and flavorings need to be declared according to regulation (21CFR 101.22). Spices, such as paprika, turmeric, saffron and others that are also colorings must be declared either by the term "spice and coloring" or by the actual (common or usual) names, such as "paprika" (21 CFR 101.22(a)(2)).

An ingredient which itself contains two or more ingredients and which has an established common or usual name must be followed by a parenthetical listing of all ingredients contained therein in descending order of predominance.

> **Place of Address:** The place of business is located on the lower portion of the label. The name, street address, city, state and zip code of the food manufacturer or the distributor must be listed. However, the street address may be omitted if it is shown in a current city directory or telephone directory. A telephone number or a website may be listed but is not a requirement. If a person manufactures, packs, or distributes a food at a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where such food was manufactured or packed or is to be distributed, unless such statement would be misleading. When the person whose name appears on the label does not manufacture the packaged food, the name shall reflect the connection of the person with an appropriate term such as "manufactured for" or "distributed by".

Additional Requirements

Many manufactured foods may have further requirements, for example:

- Bottled water has additional labeling and nomenclature requirements about the source (21CFR 165.110)
- Perishable foods are required to have a pull date (OAR 603-025-0800) and should be labeled "Keep Refrigerated". <https://oda.fyi/Refrigeration>
- SAFE HANDLING INSTRUCTIONS are required on certain types of foods (i.e., eggs, juice) (21CFR 101.17) and meats.
- Packaged foods designated for export must comply with the foreign country's labeling requirements.

Due to the complexity of your product, there may be other labeling requirements and options specific to your product. These include the use of colors, flavorings, when to declare water as an ingredient, and the use of the term 'fresh' .

Dietary ingredients include vitamins, minerals, amino acids, and herbs or botanicals, as well as other substances that can be used to supplement the diet. These items have special labeling requirements, and for an overview the following website may be helpful: <https://oda.fyi/LabelDietarySupplements>.

Allergens

The Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) requires packaged foods to clearly label the nine major food allergens. These nine major allergens include:

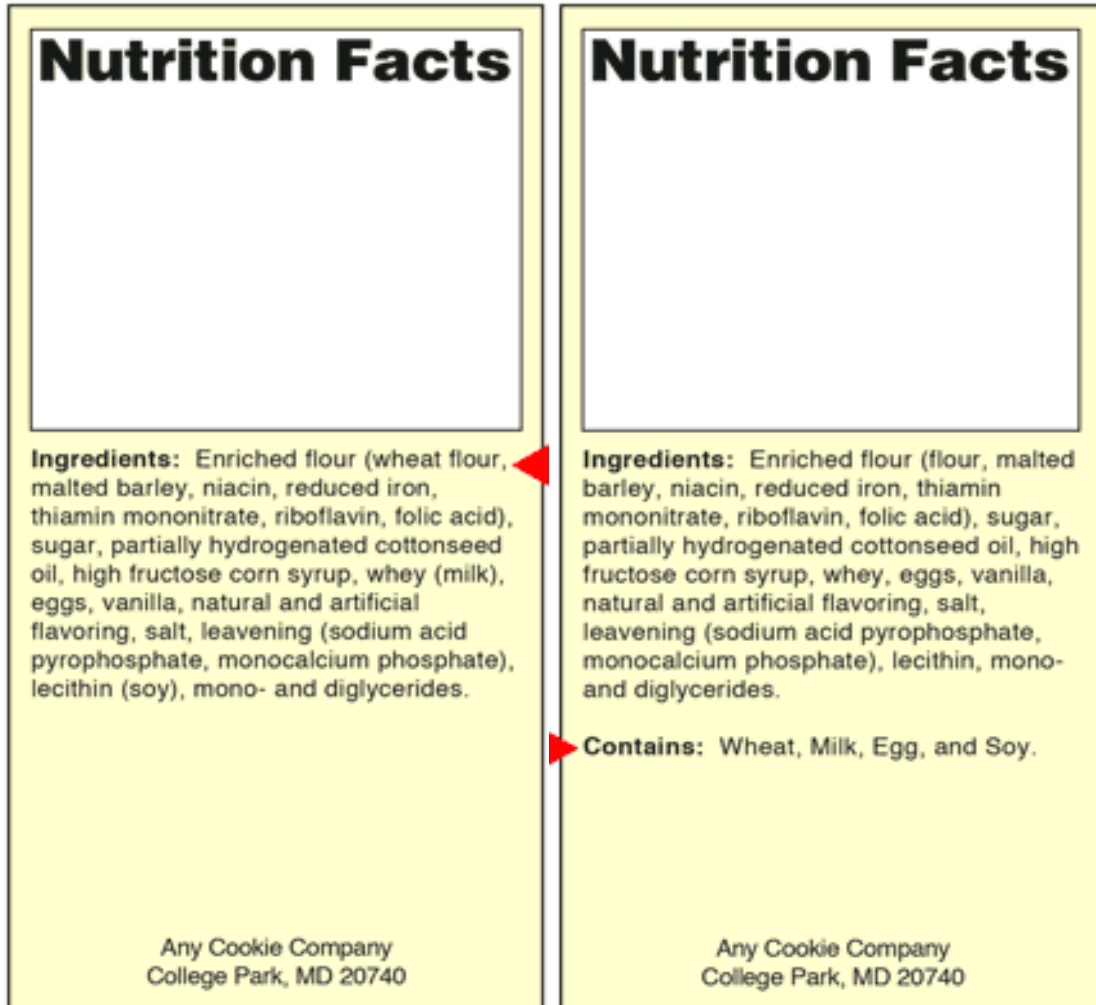
- 1) **Milk** (any protein from cow's milk, milk, cream, dry milk, whey, casein)
- 2) **Eggs** (for example, whites, yolks, albumen and powdered eggs)
- 3) **Soy** (for example, soy beans, soy lecithin, soy protein, soy flour)
- 4) **Wheat** (includes spelt, semolina, kamut, triticale)
- 5) **Fish** (for example, salmon, tuna, eel, bass, flounder, cod)
- 6) **Crustaceans** (for example, crab, lobster, shrimp)
- 7) **Peanuts**
- 8) **Tree Nuts** (for example, pecans, walnuts, hazelnuts, cashews, coconut, pine nuts)
- 9) **Sesame** (seeds, flower, non-highly refined oil)- **Effective 01/01/2023**

Any flavoring, coloring, or incidental additive that is, or that contains, a major food allergen, shall be subject to the labeling requirements. Highly refined oils derived from one of the nine major allergens, are exempt from the labeling requirements. Failure to declare major food allergens on a manufactured food may result in a food recall. Furthermore, all FD&C colorings and sulfites must be clearly and correctly labeled on the food label.

FDA has advised that advisory labeling such as "may contain [allergen]" should not be used as a substitute for adherence to current Good Manufacturing Practices (cGMP's). In addition, any advisory statement such as "may contain [allergen]" must be truthful and not misleading.

There are two ways to properly label allergens.

- 1) The **first** is the use of a "Contains" statement to summarize the allergen information in a statement at the end of, or immediately adjacent to, the ingredient list. The word "Contains" with a capital "C" must be the first word to begin a "Contains" statement.
- 2) The **second** way to properly label allergens is to place the term for the appropriate major food allergen in parenthesis within the ingredient list after the common or usual name of the ingredient derived from that major food allergen. The term for a food allergen need not be placed after an ingredient if the term for that food allergen appears elsewhere in the ingredient list.



"A Food Labeling Guide" is available on FDA's website: <https://oda.fyi/FoodLabelGuide>. Specific regulations can be found in the Code of Federal Regulations, 21CFR Part 101.

Labels may be submitted for review and comment to your Food Safety Specialist or by contacting the Food Safety Program at: (503) 986-4720, 635 Capitol St. NE, Salem, Oregon 97301-2532 <https://oda.direct/FoodSafety>