

BASIC RETAIL FOOD LABEL REQUIREMENTS Milk Control and Dairy Services

NOMENCLATURE [21 CFR 101.3]

- Statement of Identity/Product Name
 - Standard of Identity
 - Common or Usual Name
 - An appropriate Descriptive Term
- Appear on Principal Display Panel (PDP) and any Alternate Principal Display Panels or Hang Tag
- Bold
- Not less than half the height of the largest printed matter
- Parallel to base

NET CONTENTS [21 CFR 101.105]

- Must appear on the panel where the product name appears; (PDP)
- In lower 30% of the PDP
- Parallel to base
 - Exemption:* pkgs with 5 sq. in or less on the PDP, placement does not have to be in the lower 1/3
- Minimum heights
 - Available label space---minimum type size
 - 5 sq. in or less ---1/16"
 - > 5 sq. in. to 25 sq. in---1/8"
 - >25 to 100 sq. in ---3/16"
- Fluid sold by volume; semi solid & solid sold by weight
- Metric equivalent
 - Exemption:* random weight packages

EXAMPLES

Volume: 2 fl. oz. (59 ml) 8 fl. oz. (236 ml) 16 fl. oz. (473 ml) [one pint]

Weight: 6 oz. (170g) 8 oz. (227g)

- Distinct item with appropriate spacing
 - Space equal to the letter height used above and below any printed material
 - Space equal to 2 X the width of the letter "N" on right or left of any printed material
- Multi -Unit Pack

-“Not labeled for retail sale”—must appear when some info is presented, otherwise if the individual container has no info then it’s not required to appear.

INGREDIENT LIST [21CFR 101.4]

- Full common or usual name (no abbreviations)...check spelling
- Descending order of predominance by weight
- Typically appears on Information Panel (IP); but may appear on the PDP
- Letter size not less than 1/16 inch;
-Lower case letters must meet minimum
- Dispersion Method vs. Parenthetical
- Chemical agents (such as a preservative) must have the function declared
- Color must be declared;
Exemption: for ice cream, butter and cheese; unless it’s an allergen or yellow #5 (and #6 will be)
- Warning statements may be required depending on the ingredient used (such as aspartame)
- Sulfites, if over 10ppm in finished food, must be declared ---can be found in sun dried tomatoes; dried or processed fruits & veggies; wine; food starch; or preservatives, which can be used in cherries...this is not an all-inclusive list
- The word “contains” or “ingredients” are not required
- Allergens** must declare the source
 - Milk---whey (milk) ---casienate (milk derivative)
 - Egg
 - Wheat---flour (wheat)
 - Soy
 - Tree Nuts
 - Peanuts ---natural flavor (peanut)
 - Crustacean shellfish
 - Fish
 - Exception: not required to be duplicated when it already appears elsewhere in the ing. list.
 - Be sure to check all products used: flavorings, colorings, starter media (may be soy based), incidental additives, lecithin usually soy, gelatin can contain cod fish.
 - A “may contain” statement is not prohibited; Caution! This is not to be used in lieu of GMP’s.

LANGUAGES [21 CFR 101.15]

- All information on the finished label must be in English
- Any representation in a language other than English, then all required information must appear in both

NAME and ADDRESS [21CFR 101.5]

Name

- Complete legal business name/trade name of manufacturer, distributor, or packer
- If not manufacturer: the words “Manufactured for” or “Distributed by” or other appropriate phrase
- Name must accompany the address without any intervening material

Address

- Street City State Zip
- Street address may be omitted if in currently telephone directory
- Name and address must be conspicuous, typically found on the IP.
- Not less than 1/16 inch in letter height
 - Lower case letters must meet the minimum

PLANT NUMBER

- Required if the name and address presented is not that of that plant that processed or manufactured the item
 - NYCRR Part 2.4 (b) (2) for products under the regulation of the Div. of Milk Control

FLAVOR NAME

- Frozen Desserts; 3-categories [21 CFR 135]
 - No artificial flavor
 - Natural (predominates) & artificial flavor---“Flavored”
 - Artificial or both with artificial predominating---“Artificially Flavored” or “Artificial”

- Other foods have; 6-categories [21 CFR 101.22]

Flavoring from a bottle

- Naturally derived from the characterizing flavor
- Natural and with other natural flavor (WONF) not derived from---“with other Natural Flavor”
- Not derived from the characterizing flavor or artificial---“Artificially Flavored” or “Artificial”

Food Ingredient-pieces of food incorporated, and expected to be in the food

- Solely the food ingredient
- The food ingredient plus natural flavor derived from that food---“Flavored”
- The food ingredient plus natural flavor not derived from that food---“with other Natural Flavor”

NUTRITION FACTS [21 CFR 101.9]

- Format
 - Full Horizontal*
 - Full Vertical*
 - Tabular
 - Aggregate
 - Simplified
 - Linear
 - Dual Declaration

*Full foot note may be omitted

Size

- No smaller than 6 point font –footnote (2,000...)
- No smaller than 8 point font – numeric amount for nutrients, vitamins & minerals
- No smaller than 10 point font –serving size –servings per container
- No smaller than 16 point font –Heading for calories
- No smaller than 22 point font –numeric amount for calories

- Bolding

- Hair lines

- Spacing; letters should never touch

- Rounding of values

- Check for required nutrients
 - Calories -Total Fat -Saturated Fat -Transfat -Cholesterol -Sodium
 - Total Carbohydrate -Dietary Fiber -Total Sugars -Added Sugar -Protein
 - Vitamin D -Potassium -Iron -Calcium

Serving size

- Accuracy
- Compare to net contents
- Appropriate reference amount [21 CFR 101.12]
- Household measure used and metric equivalent
- Serving per container accuracy
 - Varies on random weight packages
 - May be omitted when serving size is “1 container”

- Small Business Exemption**

- provided that no nutrition claims are made

Do not need to file with FDA

- based on most recent 2years; new business based on 2 years forth coming
 - For retailers with annual gross sales of not more than \$500,000 or
 - For retailers with annual gross sales of a food of not more than \$50,000
 - Low volume: Less than 10 full time employees and fewer than 10,000 units

Must be filed with FDA

-Low volume: Less than 100 full time employees and fewer than 100,000 units of product sold in the US within a 12-month period