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-categoreies [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* - Tabular - Simplified
- Full Vertical* - Linear - Dual Declaration
- Aggregate

*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 2 years; 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