WHAT EVERY REHS SHOULD KNOW ABOUT FOOD LABELS: A Bare Bones Introduction to Food Labeling and the NEW 3-page Food Labeling Poster and Guide

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POINTS OF DISCUSSION

- Consumer right to know
- Regulatory agencies
- Regulations and guidance
- Chapter 24 labeling specifics
- "Parts of a Food Label" poster and guide
- Conditionally required labeling
- Hot topics in food labeling
- Regulatory actions

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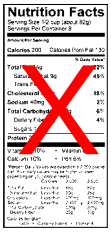
WHAT WE WILL NOT DISCUSS

- Dietary supplement labeling
- Specifics of the Nutrition Facts label



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CONSUMERS HAVE A RIGHT TO KNOW…

- Where is my food coming from?
- Who made my food?
- What's in my food?
- How nutritious is my food?
- How do I handle my food safely?
- Does my food contain something I'm allergic to?
- Are there any ingredients that my diet doesn't allow?

A LABEL IS THE PRIMARY WAY TO COMMUNICATE THIS INFORMATION TO THE CONSUMER.

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FEDERAL REGULATORY AGENCIES

U.S. Food and Drug Administration (FDA)	U.S. Department of Agriculture (USDA)
• Regulates 80% of food supply (also drugs, medical devices, cosmetics) • Regulates most types of food products (including game meats, shell eggs) • Limited use of pre-market approval for food • Post-market enforcement	• Regulates 20% of food supply • Regulates meat (except game meats), poultry, processed egg products • More pre-market approval than post-market enforcement

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REGULATIONS AND GUIDANCE

- Sanitation in Retail Food Establishment and Food and Beverage Vending Machines (Chapter 24) (2 pages)
- CFR Title 21 Food and Drugs (177 pages)
- 9 CFR, Part 319, Subpart A, Labeling, Marking Devices, and Containers (19 pages)
- FDA Food Labeling Guide (174 pages)
- Federal Food, Drug, and Cosmetic Act (Chapter IV-Food) (22 pages)
- Fair Packaging and Labeling Act (7 pages)

continued…

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REGULATIONS AND GUIDANCE

- Nutrition Labeling and Education Act (guide, 16 pages)
- Food Allergen Labeling and Consumer Protection Act (7 pages)
- A Guide to Federal Food Labeling Requirements for Meat and Poultry (117 pages)
- Food Standards and Labeling Policy Book (202 pages)
- Federal Meat Inspection Act (4 pages)
- Poultry Products Inspection Act (3 pages)
- Egg Products Inspection Act (2 pages)

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REGULATIONS AND GUIDANCE

NUMBER OF PAGES
2
19
177
174
22
7
7
16
7
117
202
4
2
+ 3
759

That's 759 pages of food labeling regulation and guidance!

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CHAPTER 24

8:24-3.2 – Sources, specifications, and original containers and records

- Meat and poultry that is packaged and not ready-to-eat shall be labeled to include safe handling instructions.
- Shellfish tags shall be kept for 90 days and maintained in chronological order
- Raw shucked shellfish labels shall have name, address, ID number of shucker-packer or repacker
  - ½ gallon or less package of raw shucked shellfish shall have "sell by" date
  - ½ gallon or more package of raw shucked shellfish shall have date shucked

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CHAPTER 24

8:24-3.3 – Protection from contamination after receiving

- Working containers of food removed from original container shall be labeled with common name

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CHAPTER 24

8:24-3.6 - Food identity, presentation, and on-premises labeling

- PACKAGED FOOD SHALL COMPLY WITH ALL STATE AND FEDERAL LABELING REGULATIONS OR PRODUCT IS MISBRANDED
- Bulk food for consumer self-dispensing shall include original label from manufacturer or processor
- Bulk food shall have card/sign with common name of food and list of ingredients
- Bulk, unpackaged foods in customer-specified portions usually do not need to be labeled

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"BARE BONES" LABELING REQUIREMENTS

Per FDA and USDA regulations, all packaged food labels at the retail level MUST:

1. Have all required label elements in ENGLISH.
2. Display information that's EASILY READABLE to the average consumer.
3. Follow a format that is STANDARDIZED.

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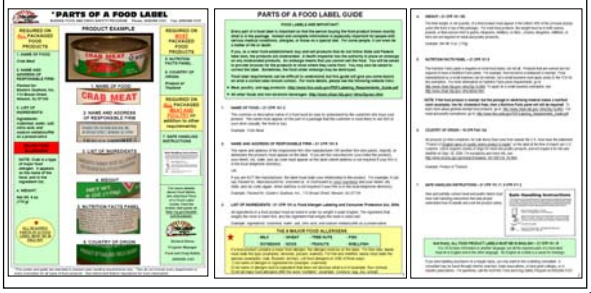
PARTS OF A FOOD LABEL POSTER AND GUIDE

LOCATED AT: http://nj.gov/health/eoh/foodweb/



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TARGET AUDIENCES

- **REHS**

  1) to help you explain simplified labeling requirements to retail establishments in a visual way

  2) to gain or brush up on knowledge about food labeling

- **Retail establishments (especially "mom and pop" stores, bodegas)**

  1) to clarify labeling requirements

  2) to act as a guide to help them purchase properly labeled food products

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ORGANIZATION OF POSTER

- **Incorporates basic State and Federal labeling requirements**
- **Broken into 3 sections**

  - Required on ALL packaged food products

  - Required on MOST packaged food products

  - Required on ALL packaged MEAT AND POULTRY

- **Numbers correspond with numbers in attached guide that give more detail about requirements**

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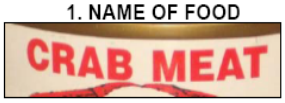
REQUIRED ON ALL

1. NAME OF FOOD – 21 CFR 101.3

- **Must be easy to understand (common English, readable type, no graphic interruption)**
- **Must be on principal display panel or hang tag**
- **Species of fish/shellfish must be listed ("dried fish" is NOT correct, "dried herring" is correct)**

1. NAME OF FOOD



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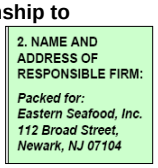
REQUIRED ON ALL

2. NAME AND ADDRESS OF RESPONSIBLE FIRM – 21 CFR 101.5

- **Whomever is ultimately responsible for the product must have name/address on label**
- **Street address, city, state, zip required if not easy to locate in a telephone directory**
- **If not manufacturer, must state relationship to product (ex: "distributed by" or "manufactured for")**

2. NAME AND ADDRESS OF RESPONSIBLE FIRM



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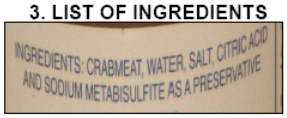
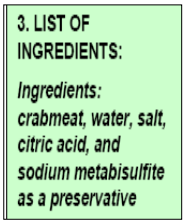
REQUIRED ON ALL

3. LIST OF INGREDIENTS – 21 CFR 101.4, FALCPA

- **Listed in order of weight**
- **Declare by common or usual name**
- **Allergen declaration**

3. LIST OF INGREDIENTS





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RECENT RECALLS DUE TO LABELING ISSUES

Between September 1 and October 15, 2008, the FDA reported 17 food recalls. 12 (71%) were due to undeclared allergens.

REASON	# OF RECALLS
UNDECLARED ALLERGEN(S)	12
UNDECLARED SULFITES	4
WRONG LABEL	1
TOTAL	17

RECALLED PRODUCTS

Bagels, bread, candy, canned peaches, chocolate, dressings, fish, ginger, mustard, oatmeal, pet food, pumpkin seeds, sauces, tortilla chips

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THE 8 MAJOR FOOD ALLERGENS

- **Eggs, fish, milk, peanuts, crustacean shellfish, soy, tree nuts, wheat**
- **Products that contain an allergen MUST declare it**
- **Type of nut or species of seafood/shellfish must be declared**
- **Allergens in colors, flavors, spices must be listed**
- **Exemption for highly refined oils (i.e., peanut and soybean oil)**

NOTE: Allergy warnings such as "May contain…" or "Manufactured in a facility…" are VOLUNTARY and not regulated by FDA.

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ALLERGEN LABELING

Allergens may appear on a label in 1 of 3 ways:

1. **List on principal display panel or in ingredient list - ex: crabmeat**
2. **List in ingredient list next to ingredient that does not disclose what it is – ex: flour (wheat), casein (milk)**
3. **List after the word "contains"- ex: Contains: egg, soy, wheat**

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ALLERGEN LABELING

INGREDIENTS: Sugar, enriched bleached flour (**wheat flour**, niacin, reduced iron, thiamin mononitrate, riboflavin, folic acid), chocolate chips (sugar, chocolate liquor, cocoa butter, **soy lecithin**, vanilla), partially hydrogenated soybean and cottonseed oils, natural cocoa, cocoa (processed with alkali), **wheat starch,** salt, natural and artificial flavors **(contains milk derivatives)**, sodium bicarbonate.

ALLERGY INFORMATION: This product contains wheat, soy and milk. It is made on equipment that also makes products containing eggs and tree nuts.

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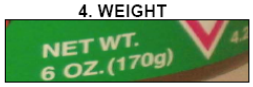
REQUIRED ON ALL

4. WEIGHT – 21 CFR 101.105

- **Must appear on bottom 30% of principal display panel as "net content" or "net weight"**
- **Appear in both ounces, pounds, or fluid ounces AND in grams, kilograms, milliliters, or liters (metric)**

EXCEPTION: g, kg, kL, L (metric) not required on meat and poultry products

4. WEIGHT



4. WEIGHT:

Net Wt. 6 oz. (170 g)

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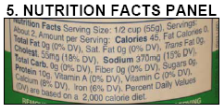
REQUIRED ON MOST

5. NUTRITION FACTS PANEL – 21 CFR 101.9

- **Required on most, not all food labels**
- **Restaurant food is exempt**
- **EXEMPTION: If annual sales of a product total less than $50,000, or if retail buyer has less than $500,000 annual sales**
- **HOWEVER, if package makes a nutrition claim, exemption is void**

5. NUTRITION FACTS PANEL



REQUIRED ON MOST PACKAGED FOOD PRODUCTS

5. NUTRITION FACTS PANEL

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REQUIRED ON MOST

6. COUNTRY OF ORIGIN – 19 CFR Part 134

- **Per U.S. Customs, all imported packaged products must state country of origin on label (on box for bulk products)**
- **EXEMPT: Meat and poultry sold in butcher shops, fish sold in fish markets, processed food, mixed food**

For more on exemptions: http://www.consumersunion.org/pdf/CU-Cool-Tool.pdf

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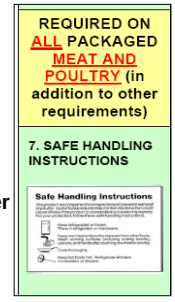
REQUIRED ON ALL PACKAGED MEAT AND POULTRY

7. SAFE HANDLING INSTRUCTIONS – 21 CFR 101.17, 9 CFR 317.2

(NOTE: also Chapter 24 requirement)

- **Applies to all raw and partially cooked meat and poultry**
- **Instructions must be word for word per USDA requirements**



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INSPECTION LEGEND FOR MEAT AND POULTRY

INSPECTION LEGEND – 9 CFR Sec. 312, 9 CFR Sec. 381.96

- **Appears on shipping containers or packages of meat and poultry slaughtered and processed at USDA-inspected plant**
- **Small retailers are exempt from inspection legend on package**

POULTRY

MEAT

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DATES

• Grade A dairy products (ex: milk, yogurt, cream, cottage cheese) require a "not to be sold after" or a "sell by" date

AT A GLANCE….

Dates are required for:

- Grade A dairy products
- Infant formula
- Baby food
- Wholesale poultry
- Raw shellfish

• Infant formula and FDA-regulated baby food require a "use by" date

• Wholesale poultry products require "date of pack" (or "use by" or "sell by" date)

• Raw shellfish require "sell by" date or "date shucked"

• "Best if used by" dates are used by the manufacturer for quality purposes – NOT ENFORCEABLE

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CONDITIONALLY REQUIRED LABELS

CONDITIONALLY REQUIRED LABELS – 21 CFR 101.17(h), 21 CFR 101.17(g)

• Required on labels of all shell eggs:

SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm, and cook food containing eggs thoroughly.

• Required on labels of unpasteurized juice:

WARNING: This product has not been pasteurized and therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems.

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CONDITIONALLY REQUIRED LABELS

INFANT FORMULA

MUST HAVE:

• "Use by" date

• Directions for preparation and use

• Statement on adding water or not adding water

• Warning statement regarding improper preparation

• Nutrient declarations (looks different from Nutrition Facts panel)

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HOT TOPICS IN FOOD LABELING

- Claims
- Bilingual labeling
- "Farm raised" or "wild caught" fish/shellfish
- Organic certification
- Genetic engineering
- Irradiation
- Cloning

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HOT TOPICS IN FOOD LABELING

- Some labels say "low fat" or "gluten-free" or "fresh." Are these claims regulated?

Yes! A manufacturer cannot place any claims on a food label without prior approval from FDA or USDA. The manufacturer must provide proof that the claim is true.

Remember that any food with a nutrition claim MUST have a nutrition label, even the food is otherwise exempt from nutrition labeling.

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HOT TOPICS IN FOOD LABELING

- Can a food label be in Spanish *only*?

No. All the required elements must be in both English and Spanish. A bilingual nutrition facts panel is permitted.

- Why do I see "farm raised" or "wild caught" on packaged fish labels?

Under Country of Origin (COOL) laws, USDA requires imported fish to be labeled as "farm-raised" or "wild caught."

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HOT TOPICS IN FOOD LABELING

- **What makes a food "organic?"**

It is grown or produced without the use of chemicals, growth hormones, antibiotics, or pesticides. Must be certified by USDA organic program.

- **Is the statement "genetically engineered/modified" required?**

No. Mandatory labeling of genetically engineered/modified foods has been proposed, but not enacted.

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HOT TOPICS IN FOOD LABELING

- **What about irradiated food?**

Foods that have been irradiated must have a label that says "treated with radiation" or "treated by irradiation." The irradiation symbol must be included.

"RADURA"
IRRADIATION SYMBOL

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HOT TOPICS IN FOOD LABELING

- **Is this food made from a cloned animal?**

Food labels do not have to state that food is from animal clones or their offspring. FDA has found no reason to require labels to distinguish between products from clones and products from conventionally produced animals.

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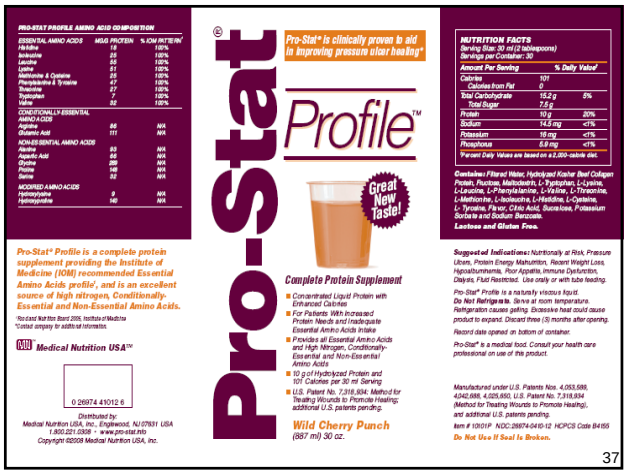

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HOT TOPICS IN FOOD LABELING

- **How is medical food regulated?**

Medical foods must be:

1. **for oral or tube feeding**
2. **labeled for the dietary management of a specific medical condition**
3. **intended to be used under medical supervision**

- **Medical foods are *not* pre-approved by FDA**
- **They are *exempted* from labeling requirements for health claims and nutrient content claims**

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REGULATORY ACTIONS

So what if I find products that are not properly labeled, or *misbranded?*

1. **Embargo**
2. **Obtain name/address of suppliers**
3. **Give supplier info to Virginia**
4. **Offer relabeling option, if feasible**
5. **If not feasible, pursue voluntary destruction**

REMEMBER: If product is misbranded, it is a violation of 8:24-3.6.

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FOR MORE INFORMATION

- **"Parts of a Food Label" poster and guide: http://nj.gov/health/eoh/foodweb/**
- **FDA's Food Labeling and Nutrition website: http://www.cfsan.fda.gov/label.html**
- **Guidance for Industry, A Food Labeling Guide: http://www.cfsan.fda.gov/~dms/2lg-toc.html**
- **USDA Food Safety and Inspection Service: http://www.fsis.usda.gov/**

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