



Food Labeling: General Requirements (Including Meat & Poultry)

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Overview



- ◆ FDA versus USDA Jurisdiction
- ◆ Principal Display Panel
 - ◇ Net Contents
 - ◇ Product Identity Statement
- ◆ Information Panel
 - ◇ Nutrition Information
 - ◇ Ingredient Statement/Allergen Labeling
 - ◇ Signature Line

FDA and USDA Jurisdiction over Food



- ◆ U.S. Food and Drug Administration (FDA)—Federal Food, Drug, and Cosmetic Act
 - ◇ Generally, food other than meat, poultry, and egg products
- ◆ U.S. Department of Agriculture (USDA)—Federal Meat Inspection Act, Poultry Inspection Act, Egg Inspection Act
 - ◇ Generally, meat, poultry, and egg products

“Amenability” Decisions: FDA or USDA?

- ◆ FDA: 3 percent or less raw meat or less than 2 percent cooked meat or
- ◆ FDA: Less than 2 percent cooked poultry meat

FDA

Cheese pizza, onion and mushroom pizza, meat flavored spaghetti sauce (less than 3% red meat), meat flavored spaghetti sauce with mushrooms, (2% meat), pork and beans, sliced egg sandwich (closed-face), frozen fish dinner, rabbit stew, shrimp-flavored instant noodles, venison jerky, buffalo burgers, alligator nuggets, noodle soup chicken flavor

USDA

Pepperoni pizza, meat-lovers stuffed crust pizza, meat sauces (3% red meat or more), spaghetti sauce with meat balls, open-faced roast beef sandwich, hot dogs, corn dogs, beef/vegetable pot pie



USDA Label Approval



- ◆ USDA requires approval prior to use for labels to be used on federally inspected meat and poultry products and imported products, unless the label is generically approved.
 - ◇ Generic approval: Prior approval of labels by FSIS without sketch approval and applies only if the label contains all applicable mandatory labeling features and bears limited types of statements or claims
- Label review required for:
 - Products produced under a religious exemption;
 - Products for export whose labels deviate from FSIS regulations;
 - Final labels containing special statements or claims, which include the following:
 - “Natural” and negative claims, organic claims, processing method claims, health claims
- ◆ *FDA DOES NOT OFFER LABEL APPROVAL*

Principal Display Panel

Mandatory Labeling Elements

Apply to packaged food

- ◆ Principal Display Panel (PDP)
 - ◆ Portion of label most likely to be seen by consumer at time of purchase
 - ◆ If alternate PDPs, required info must appear on each PDP



Mandatory Labeling Elements



- ◆ Information Panel
 - ◇ The part of the label to the right of the PDP, with some exceptions
 - ◇ Ingredients, signature line, nutrition labeling – appear in one place without intervening material
 - ◇ Minimum type size is 1/16"

What Goes on the PDP?

- ◆ Product Identity Statement
 - ◇ In lines parallel to the base
 - ◇ A name specified and/or required by federal law or regulation (usually a standard of identity); or
 - ◇ If no such required name exists, the “common or usual name”; or
 - ◇ In the absence of either, “an appropriately descriptive term” or fanciful name (if nature of food is obvious)



What Goes on the PDP?

- ◆ Standard of Identity (SOI)
 - ◆ Requires use of specified ingredients, sometimes quantities; optional ingredients may be permitted
 - ◆ If product meets SOI, must bear that name; if product does not meet SOI, may not use that name
 - ◆ Exception under NLEA – food may be modified and still use the SOI name if qualified by nutrient content descriptor (“light sour cream”)
 - ◆ If product is similar to standardized food, may use “substitute” unless similar product is nutritionally inferior – “imitation”
 - ◆ Direction – revoke obsolete SOIs, new SOIs unlikely

SOIs under FMIA (9 CFR Part 219)



▶ Subpart A General	319.1 – 319.10
▶ Subpart B Raw Meat Products	319.15 – 319.29
▶ Subpart C Cooked Meats	319.80 – 319.81
▶ Subpart D Cured Meats, Unsmoked and Smoked	319.100 – 319.107
▶ Subpart E Sausage Generally: Fresh Sausage	319.140 – 319.145
▼ Subpart F Uncooked, Smoked Sausage	319.160
§ 319.160 Smoked pork sausage.	
▶ Subpart G Cooked Sausage	319.180 – 319.182
<i>Subpart H [Reserved]</i>	
<i>Subpart I - Semi-Dry Fermented Sausage [Reserved]</i>	
<i>Subpart J - Dry Fermented Sausage [Reserved]</i>	
▼ Subpart K Luncheon Meat, Loaves and Jellied Products	319.260 – 319.261
§ 319.260 Luncheon meat.	
§ 319.261 Meat loaf.	
▶ Subpart L Meat Specialties, Puddings and Nonspecific Loaves	319.280 – 319.281
▶ Subpart M Canned, Frozen, or Dehydrated Meat Food Products	319.300 – 319.313
▼ Subpart N Meat Food Entree Products, Pies, and Turnovers	319.500
§ 319.500 Meat pies.	
▼ Subpart O Meat Snacks, Hors d'Oeuvres, Pizza, and Specialty Items	319.600
§ 319.600 [Reserved]	
▶ Subpart P Fats, Oils, Shortenings	319.700 – 319.703
▶ Subpart Q Meat Soups, Soup Mixes, Broths, Stocks, Extracts	319.720 – 319.721
▶ Subpart R Meat Salads and Meat Spreads	319.760 – 319.762

SOIs for Cheese Varieties: 21 CFR Part 133

- ◆ No SOI for “cheese” per se
- ◆ SOIs include:
 - ◆ § 133.106 - Blue cheese.
 - ◆ § 133.113 - Cheddar cheese.
 - ◆ § 133.114 - Cheddar cheese for manufacturing.
 - ◆ § 133.116 - Low sodium cheddar cheese.
 - ◆ § 133.169 - Pasteurized process cheese.
 - ◆ § 133.173 - Pasteurized process cheese food.
 - ◆ § 133.175 - Pasteurized cheese spread.
 - ◆ § 133.179 - Pasteurized process cheese spread.
 - ◆ § 133.195 - Swiss and emmentaler cheese.



21 CFR 133.113: Cheddar Cheese



(a) **Description.** (1) Cheddar cheese is the food prepared by the procedure set forth in paragraph (a)(3) of this section, or by any other procedure which produces a finished cheese having the same physical and chemical properties. The minimum milkfat content is 50 percent by weight of the solids, and the maximum moisture content is 39 percent by weight, as determined by the methods described in § 133.5. If the dairy ingredients used are not pasteurized, the cheese is cured at a temperature of not less than 35 °F for at least 60 days.

(2) If pasteurized dairy ingredients are used, the phenol equivalent value of 0.25 gram of cheddar cheese is not more than 3 micrograms as determined by the method described in § 133.5.

(3) One or more of the dairy ingredients specified in paragraph (b)(1) of this section may be warmed, treated with hydrogen peroxide/catalase, and is subjected to the action of a lactic acid-producing bacterial culture. One or more of the clotting enzymes specified in paragraph (b)(2) of this section is added to set the dairy ingredients to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off, and the curd is matted into a cohesive mass. The mass is cut into slabs, which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by sprinkling or pouring water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms. One or more of the other optional ingredients specified in paragraph (b)(3) of this section may be added during the procedure.

(b) *Optional ingredients.* The following safe and suitable ingredients may be used:

(1) **Dairy ingredients.** Milk, nonfat milk, or cream, as defined in § 133.3, used alone or in combination.

(2) *Clotting enzymes.* Rennet and/or other clotting enzymes of animal, plant, or microbial origin.

(3) *Other optional ingredients.* (i) Coloring.

(ii) Calcium chloride in an amount not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the dairy ingredients, used as a coagulation aid.

(iii) Enzymes of animal, plant, or microbial origin, used in curing or flavor development.

(iv) Antimycotic agents, applied to the surface of slices or cuts in consumer-sized packages.

(v) Hydrogen peroxide, followed by a sufficient quantity of catalase preparation to eliminate the hydrogen peroxide. The weight of the hydrogen peroxide shall not exceed 0.05 percent of the weight of the milk and the weight of the catalase shall not exceed 20 parts per million of the weight of the milk treated.

(c) *Nomenclature.* The name of the food is "cheddar cheese".

(d) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of parts 101 and 130 of this chapter, except that:

(1) **Enzymes of animal, plant, or microbial origin** may be declared as "enzymes"; and

(2) **The dairy ingredients** may be declared, in descending order of predominance, by the use of the terms "milkfat and nonfat milk" or "nonfat milk and milkfat", as appropriate.

Non-Standardized Products:

- ◆ Common or Usual Name/Appropriately Descriptive Term
 - ◇ Name must accurately identify or describe basic nature of the food, including characterizing ingredient or flavor
 - ◇ FDA may establish common or usual name by regulation (e.g., juice beverages)
- ◆ If food is marketed in various forms (e.g., sliced, crushed), form must be part of name unless depicted in vignette or seen through container



Characterizing Ingredient and Flavor Labeling

- ◆ Characterizing ingredient/ flavor labeling
 - ◆ Product name should include amount or indicate presence or absence of characterizing ingredient if material bearing on price/acceptance or if it creates an erroneous impression about presence or amount of an ingredient (fruit snack issues); may use “flavored” e.g., “Fruit Flavored Snack”



Characterizing Ingredient and Flavor Labeling

- ◇ If only natural flavor from characterizing ingredient, declare “flavor/natural flavor”
- ◇ If none of natural flavor is from simulated source, declare name of source or “artificially flavored”
- ◇ If natural flavor both from simulated source and other natural sources to reinforce, declare characterizing flavor followed by “with other natural flavors”



What Else Goes on the PDP?

- ◆ Net Quantity of Contents – FDA-Regulated Foods
 - ◇ On PDP, lower 30% of panel in lines generally parallel to the base
 - ◇ Specific type size requirements depending on size of PDP
 - ◇ Must provide U.S. and metric measure declaration, e.g., net weight 7 oz (198 g)



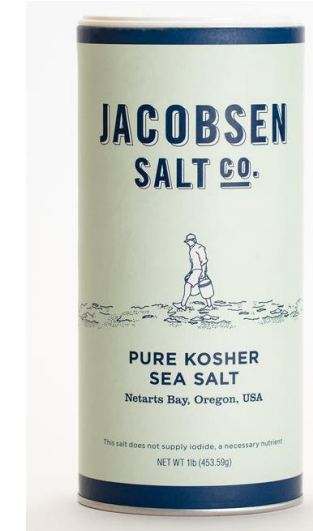
Poll Question

- ◆ If I have Sea Salt and Sea Salt with truffles and want to market both products for the same price in the same sized container (pictured to the left), is this acceptable for the truffle salt to contain 20% less product if the Net Contents information is accurate?
- ◆ Yes
- ◆ No



Poll Question

- ◆ If I have Sea Salt and Sea Salt with truffles and want to market both products for the same price in the same sized container, is this acceptable for the truffle salt to contain 20% less product if the Net Contents information is accurate?
- ◆ Yes
- ◆ No. This is a classic formula for a potential slack fill challenge. If the container were different, outcome may be different.



Information Panel—Ingredient Listing

Ingredient Listing

- ◆ Descending order of predominance by weight (unless present at 2% or less, if statement)
 - ◇ Use “common or usual name” of each ingredient
 - ◇ Compound Ingredients
- ◆ Exemption: single ingredient foods
- ◆ Flexibility due to COVID-19: minor formulation changes

INGREDIENTS

Cheddar Cheese (Milk, Cheese Culture, Salt, Enzymes), Milk, Whey, Cream Milk Protein Concentrate, Sodium Citrate, Calcium Phosphate, Contains Less Than 2% Of Salt, Citric Acid, Sorbic Acid (Preservative), Natural Flavors, Butterfat, Sodium Polyphosphate, Xanthan Gum, Color Added, Enzymes, Cheese Culture

“Intervening Information” Not Allowed

- ◆ No claims
 - ◆ “Pure”
 - ◆ “Natural”
 - ◆ “Love”

- ◆ No tradenames (e.g., “Splenda”)



Preservative Declaration: 21 CFR 101.22

- ◆ Preservatives declared by “common or usual name” and function in parentheses (e.g., to maintain freshness)
- ◆ Preservative function is not merely to prevent microbial growth
- ◆ Other functions:
 - ◆ Flavor protection
 - ◆ Color retention
- ◆ “Preservative” defined by regulation to not include salt, sugars, vinegars, spices, or spice extractives, wood smoke.



Ingredient Listing: “Incidental Additives” Exception



- ◆ Incidental ingredients not required to be declared if no technical or functional effect and present at insignificant levels. Includes:
 - ◆ Carry over ingredients
 - ◆ Ingredients added during processing but removed, converted, or no effect and present at insignificant levels
 - ◆ Substances migrating to food
- ◆ Exemption does not apply to major food allergens or to sulfites/sulfiting agents present at 10 ppm or greater (direct or indirect)

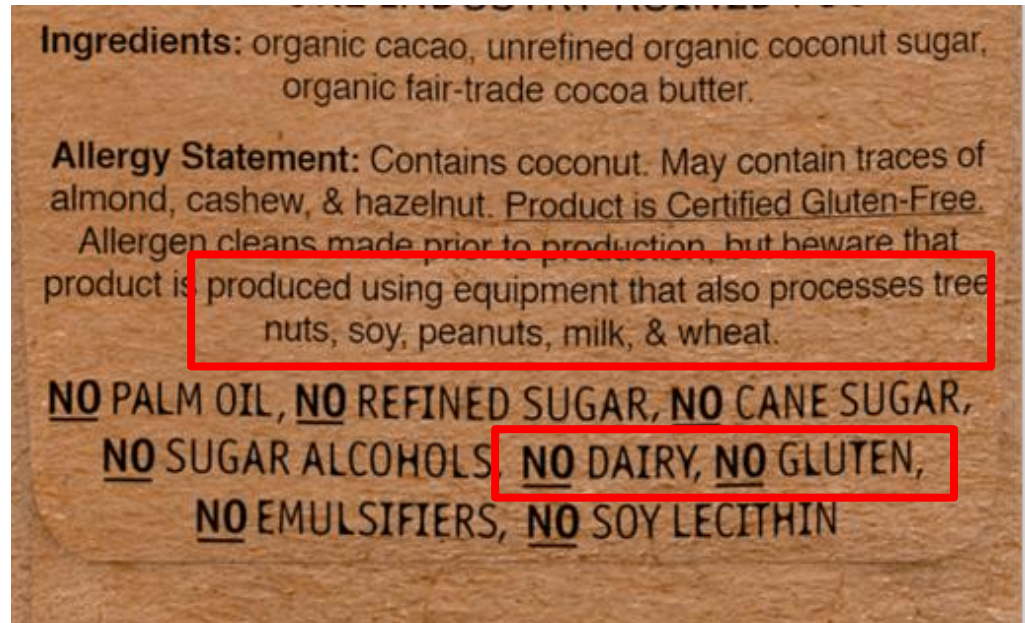
Ingredient Listing

- ◆ Allergens
 - ◆ All added ingredients should be declared in plain English
 - ◆ “Casein (milk)” or “Contains: milk”
- ◆ Allergenic sources for flavors or spices should be declared
 - ◆ E.g., “Natural Milk Flavor”



Ingredient Listing (4)

- ◆ Allergens – “May Contain” and similar notices
 - ◇ Not to be used as a substitute for good manufacturing practices



Joint FDA and FSIS Jurisdiction on New Meat and Poultry Ingredients



- FDA—Evaluates and authorizes safety
 - Substance must be approved, “listed,” or subject of GRAS Notice reviewed by FDA
- FSIS—Assesses suitability of use/technical effect
 - Use must not promote deception or mask spoilage indicators
- Since 2000, approvals listed in FSIS Directive 7120.1

FSIS Directive 7120.1

Table 1: Summary of Updates to list of substances

1) The use of the substances is consistent with FDA's labeling definition of a processing aid., 2) Generally Recognized as Safe (GRAS), 3) Secondary Direct Food Additive, 4) Direct Food Additive, 5) Color Additive, 6) Food Contact Substance (FCS) subject to food contact notifications (FCN) is defined as any substance that is intended for use as a component of materials used in manufacturing, packing, packaging, transporting, or holding food if such use is not intended to have any technical effect in such food.				
Substance	Intended Use of Product	Amount	Reference	Labeling Requirements
Poultry Protein	As a fat blocking ingredient in the coating of finished poultry products of the same species	Not to exceed 0.157% in the total product formula	GRAS Notice No. (GRN) 168	None under the accepted conditions for use (2)
A proprietary aqueous mixture of polydimethylsiloxane, silicon dioxide,	Antifoaming agent in curing solutions and non-curing brine	Not to exceed 178 ppm (50 ppm of polydimethylsiloxane) in curing	Acceptability Determination 21 CFR 173.340	None under the accepted conditions of use (1)

Information Panel—Signature Line and Country of Origin

Signature Line



- ◆ Identity of Manufacturer, Packer, or Distributor
 - ◇ Must be an actual corporate name
 - ◇ Need street address unless company address is in local telephone book
 - ◇ May be either the manufacturing location or principal place of business
 - ◇ If you are not the manufacturer, must qualify signature line with an appropriate statement (e.g., “distributed by”)

Other Mandatory Labeling Elements

- ◆ Country of Origin
 - ◇ Customs requires products imported into U.S. to identify country of origin; should be on information panel in close proximity to signature line in equally prominent type size
 - ◇ “Substantial transformation” vs. “Tariff Shift”
 - ◇ Compare to COOL (2002 Farm Bill provisions – USDA)



COOL Mandatory Labeling

- Fish
- Shellfish
- Lamb
- Chicken
- Goat
- Perishable Agricultural Commodities
- Macadamia Nuts
- Pecans
- Peanuts
- Ginseng
- ~~Beef~~



Poll Question



- ◆ If a food is manufactured in the U.S., is a “Made in USA” statement mandatory?
 - ◆ Yes
 - ◆ No

Poll Question

- ◆ If a food is manufactured in the U.S., is a “Made in USA” statement mandatory?
 - ◆ Yes
 - ◆ No
- ◆ “Made in the USA” is a *voluntary claim* that takes into account not only the location of manufacture but also the amount of foreign ingredients. A food that is made in the USA may not meet the Federal Trade Commission’s “Made in USA” standards.

Information Panel—Nutrition Facts

Nutrition Labeling

- ◆ Printed on Information Panel unless less than 40 square inches, in which case it may be printed on any label panel
- OR
- ◆ It may be printed on any label panel if there is no room on Information Panel because of other required information
- ◆ Appears with ingredient declaration and signature line without *intervening information*



Nutrition Labeling

- ◆ Nutrition information is reported “as packaged,” not as consumed or prepared
- ◆ FDA and FSIS Enforcement Policy
 - ◇ For naturally occurring nutrients, permit 20% over declaration of the “good” nutrients
 - E.g., fiber, vitamins, and minerals
 - ◇ For added nutrients, “good” nutrients must be at least equal to label declaration
 - ◇ For both, permit 20% under declaration of the “bad” nutrients
 - E.g., fat, saturated fat
 - ◇ Permit reasonable excess/deficiency within cGMP

Nutrition Facts	
About 9 servings per container	
Serving size 6 crackers (28g)	
Amount per serving	
Calories	120
% Daily Value*	
Total Fat 3.5g	4%
Saturated Fat 0g	0%
Trans Fat 0g	
Polyunsaturated Fat 1g	
Monounsaturated Fat 2g	
Cholesterol 0mg	0%
Sodium 160mg	7%
Total Carbohydrate 20g	7%
Dietary Fiber 3g	11%
Total Sugars 0g	
Includes 0g Added Sugars	0%
Protein 3g	
Vitamin D 0mcg	0%
Calcium 10mg	0%
Iron 1.4mg	8%
Potassium 116mg	2%
* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.	

Nutrition Labeling Elements

◆ Reporting Nutrition Information

- ◆ Calories
- ◆ ~~Calories from Fat~~
- ◆ Total Fat
- ◆ Saturated Fat
- ◆ *Trans* Fat
- ◆ Cholesterol
- ◆ Sodium
- ◆ Total Carbohydrate
- ◆ Dietary Fiber
- ◆ Total Sugars
- ◆ **Added Sugars**
- ◆ Protein
- ◆ **Vitamin D**, Calcium, Iron, **Potassium**, ~~Vitamin A~~, ~~Vitamin C~~

Nutrition Facts	
8 servings per container	
Serving size	2/3 cup (55g)
Amount per serving	
Calories	230
% Daily Value*	
Total Fat 8g	10%
Saturated Fat 1g	5%
<i>Trans</i> Fat 0g	
Cholesterol 0mg	0%
Sodium 160mg	7%
Total Carbohydrate 37g	13%
Dietary Fiber 4g	14%
Total Sugars 12g	
Includes 10g Added Sugars	20%
Protein 3g	
Vitamin D 2mcg	10%
Calcium 260mg	20%
Iron 8mg	45%
Potassium 235mg	6%
<small>* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.</small>	

Label Format: Original vs. New (1)

Nutrition Facts

Serving Size 2/3 cup (55g)

Servings Per Container About 8

Amount Per Serving

Calories 230 Calories from Fat 72

% Daily Value*

Total Fat 8g **12%**

Saturated Fat 1g **5%**

Trans Fat 0g

Cholesterol 0mg **0%**

Sodium 160mg **7%**

Total Carbohydrate 37g **12%**

Dietary Fiber 4g **16%**

Sugars 1g

Protein 3g

Vitamin A 10%

Vitamin C 8%

Calcium 20%

Iron 45%

* Percent Daily Values are based on a 2,000 calorie diet.
Your daily value may be higher or lower depending on
your calorie needs.

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Nutrition Facts

8 servings per container

Serving size **2/3 cup (55g)**

Amount per serving

Calories **230**

% Daily Value*

Total Fat 8g **10%**

Saturated Fat 1g **5%**

Trans Fat 0g

Cholesterol 0mg **0%**

Sodium 160mg **7%**

Total Carbohydrate 37g **13%**

Dietary Fiber 4g **14%**

Total Sugars 12g

Includes 10g Added Sugars **20%**

Protein 3g

Vitamin D 2mcg 10%

Calcium 260mg 20%

Iron 8mg 45%

Potassium 235mg 6%

* The % Daily Value (DV) tells you how much a nutrient in
a serving of food contributes to a daily diet. 2,000 calories
a day is used for general nutrition advice.

Dietary Fiber Definition (1)

- ◆ Non-digestible soluble and insoluble carbohydrates (with three or more monomeric units) and lignin that are intrinsic and intact in plants; and
- ◆ Isolated or synthetic non-digestible carbohydrates (with three or more monomeric units) determined by FDA to have physiological effects that are beneficial to human health

Approved Isolated or Synthetic Fibers (1)

- ◆ Isolated or synthetic non-digestible carbohydrates (with three or more monomeric units) determined by FDA to have physiological effects that are beneficial to human health listed in 21 CFR 101.9:
 - ◆ [Beta]-glucan soluble fiber
 - ◆ Psyllium husk
 - ◆ Cellulose
 - ◆ Guar gum
 - ◆ Pectin
 - ◆ Locust bean gum
 - ◆ Hydroxypropylmethylcellulose (HPMC)



Approved Isolated or Synthetic Fibers (2)

- ◆ Added in June 2018 :
 - ◇ Mixed plant cell wall fibers
 - ◇ Arabinoxylan
 - ◇ Alginate
 - ◇ Inulin and inulin-type fructans
 - ◇ High amylose starch (resistant starch 2)
 - ◇ Galactooligosaccharide
 - ◇ Polydextrose
 - ◇ Resistant maltodextrin/dextrin
- ◆ Added in March 2019:
 - ◇ Cross-linked phosphorylated RS4
- ◆ Added in January 2020:
 - ◇ Glucomannan
- ◆ FDA is extending enforcement discretion until 21 CFR 101.9(c)(6) can be updated

“Voluntary” Nutrition Labeling

- ◆ Raw Fruits and Vegetables (FDA)
- ◆ Cooked Fish (FDA)



Nutrition Labeling – Single Ingredient Meat and Poultry

- ◆ Formerly voluntary program
- ◆ Now mandatory program
 - ◆ Took effect March 1, 2012



Nutrition Labeling Formats

◆ Multi-Lingual Format

Nutrition Facts/Datos de Nutrición	
8 servings per container/8 raciones por envase	
Serving size/Tamaño por ración	2/3 cup/2/3 taza (55g)
Amount per serving/Cantidad por ración	
Calories/Calorías	230
% Daily Value*/Valor Diario*	
Total Fat/Grasa Total 8g	10%
Saturated Fat/Grasa Saturada 1g	5%
Trans Fat/Grasa Trans 0g	
Cholesterol/Colesterol 0mg	0%
Sodium/Sodio 160mg	7%
Total Carbohydrate/Carbohidrato Total 37g	13%
Dietary Fiber/Fibra Dietética 4g	14%
Total Sugars/Azúcares Totales 12g	
Includes 10g Added Sugars/Incluye 10g azúcares añadidos	20%
Protein/Proteínas 3g	
Vitamin D/Vitamina D 2mcg	10%
Calcium/Calcio 260mg	20%
Iron/Hierro 8mg	45%
Potassium/Potasio 235mg	6%
<small>* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.</small>	
<small>* El % Valor Diario (VD) le indica cuánto un nutriente en una porción de alimentos contribuye a una dieta diaria. 2,000 calorías al día se utiliza para asesoramiento de nutrición general.</small>	

Restaurant Menu Labeling (1)

- ◆ Patient Protection and Affordable Care Act of 2010 amended FDCA to require some nutrition labeling on menus in restaurants and similar retail food establishments
- ◆ Regulations finalized in December 2014 to implement statutory requirements
- ◆ FDA released small entity compliance guidance document in March 2015
- ◆ FDA not enforcing rules until May 7, 2018



Restaurant Menu Labeling (2)



- ◆ Menu labeling requirements apply to “covered entities” which includes restaurants and other similar retail food establishments that are:
 - ◇ Part of a chain of 20 or more locations
 - ◇ Doing business under the same name
 - ◇ Offering for sale substantially the same menu items

Restaurant Menu Labeling (4)

- ◆ Regulation requires disclosure on the menu or menu board of ***CALORIE CONTENT*** for every standard menu item
- ◆ The restaurant/retail food establishment must also inform the consumer about the availability of additional nutrition information
 - ◇ Additional nutritional information, available on request, must include: total calories, calories derived from fat, total fat, saturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, dietary fiber, and total protein

New Bioengineered Labeling Requirements (1/1/22)

Bioengineered (BE) Food Labeling

Bioengineered food means:

- ◆ A food that contains genetic material that has been modified through *in vitro* recombinant deoxyribonucleic acid (rDNA) techniques and for which the modification could not otherwise be obtained through conventional breeding or found in nature; ***provided that:***
 - ◆ Such a food does not contain modified genetic material if the genetic material is **not detectable** pursuant to 7 CFR § 66.9



Applicability: List of Bioengineered Foods



- ◆ Alfalfa
- ◆ Apple (Artic™ varieties)
- ◆ Canola
- ◆ Corn
- ◆ Cotton
- ◆ Eggplant (BARBI Bt Begun varieties)
- ◆ Papaya (ringspot virus-resistant varieties)
- ◆ Pineapple (pink flesh varieties)
- ◆ Potato

- ◆ Salmon (AquAdvantage®)
- ◆ Soybean
- ◆ Squash (summer)
- ◆ Sugarbeet

*The entity responsible for labeling the food for retail sale must comply with the Standard if they have **actual knowledge** that the food or ingredient is bioengineered.

Highly Refined Foods and Ingredients

- ◆ Refined beet and cane sugar, high fructose corn syrup, degummed refined vegetable oils, and various other refined ingredients: “processing serves effectively to degrade or eliminate the DNA that was initially present in the raw agricultural commodity”
- ◆ Non-disclosure → adequate records
- ◆ Disclosure → through voluntary disclosure



Disclosure

- ◆ Text:
 - ◇ “Bioengineered food” or “Contains a bioengineered food ingredient”
- ◆ Symbol
- ◆ Electronic or digital link
 - ◇ “Scan here for more food information” and must be accompanied by a telephone number and the statement “Call [1-000-000-0000] for more food information.”
- ◆ Text message
 - ◇ “Text [command word] to [number] for bioengineered food information.”



Placement on the Label



- ◆ On the information panel directly adjacent to the signature line.
- ◆ On the principal display panel.
- ◆ If there is not enough space on the information panel or the principal display panel, then the disclosure may be made on an alternative panel likely to be seen by the consumer under ordinary shopping conditions.
- ◆ No minimum size but must be large enough to be prominent and conspicuous

Thank You

Any questions?

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