GENERAL FOOD LABELING REQUIREMENTS

Contents

USA

INTRODUCTION

The Food and Drug Administration (FDA) is responsible for assuring that foods sold in the United States are safe, wholesome and properly labeled. This applies to foods produced domestically, as well as foods from foreign countries. The Federal Food, Drug, and Cosmetic Act (FD&C Act) and the Fair Packaging and Labeling Act are the Federal laws governing food products under FDA's jurisdiction.

The Nutrition Labeling and Education Act (NLEA), which amended the FD&C Act requires most foods to bear nutrition labeling and requires food labels that
bear nutrient content claims and certain health messages to comply with specific requirements.

Labeling rules and standards

Subpart A-GENERAL PROVISIONS

§ 101.1 Principal display panel of package form food.
§ 101.2 Information panel of package form food.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-2.pdf
§ 101.3 Identity labeling of food in packaged form.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-3.pdf
§ 101.4 Food; designation of ingredients.

http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-4.pdf

§ 101.5 Food; name and place of business of manufacturer, packer, or distributor
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-5.pdf

§ 101.9 Nutrition labeling of food.

§ 101.10 Nutrition labeling of restaurant foods.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-9.pdf

§ 101.12 Reference amounts customarily consumed per eating occasion.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-12.pdf

§ 101.13 Nutrient content claims—general principles.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-13.pdf

§ 101.14 Health claims: general requirements
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-14.pdf

§ 101.15 Food; prominence of required statements.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-15.pdf

§ 101.17 Food labeling warning, notice, and safe handling statements.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-17.pdf

§ 101.18 misbranding of food.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-18.pdf

§ 101.30 Percentage juice declaration for foods purporting to be beverages that contain fruit or vegetable juice.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-30.pdf

Subpart B—Specific Food Labeling Requirements

§ 101.22 Foods; labeling of spices, flavorings, colorings and chemical preservatives.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-22.pdf

Subpart C—Specific Nutrition Labeling Requirements and Guidelines

§ 101.36 Nutrition labeling of dietary supplements
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-36.pdf

Subpart D—Specific Requirements for Nutrient Content Claims

§ 101.54 Nutrient content claims for "good source," "high," "more," and "high potency.'

http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-54.pdf

§ 101.56 Nutrient content claims for "light" or "lite."
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-56.pdf
§ 101.71 Health claims: claims not authorized.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-71.pdf

§ 101.60 Nutrient content claims for the calorie content of foods
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-60.pdf
§ 101.61 Nutrient content claims for the sodium content of foods.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-61.pdf

§ 101.65 Implied nutrient content claims and related label statements.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-65.pdf

Subpart E—Specific Requirements for Health Claims

§ 101.72 Health claims: calcium, vitamin D, and osteoporosis.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-72.pdf

§ 101.73 Health claims: dietary lipids and cancer.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-73.pdf
§ 101.74 Health claims: sodium and hypertension.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-74.pdf
101.75 Health claims: dietary saturated fat and cholesterol and risk of coronary heart disease.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-75.pdf
§ 101.76 Health claims: fiber-containing grain products, fruits, and vegetables and cancer.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-76.pdf
§ 101.77 Health claims: fruits, vegetables, and grain products that contain fiber, particularly soluble fiber, and risk of coronary heart disease.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-77.pdf
§ 101.78 Health claims: fruits and vegetables and cancer.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-78.pdf
§ 101.79 Health claims: Folate and neural tube defects.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-79.pdf

§ 101.80 Health claims: dietary noncariogenic carbohydrate sweeteners and dental caries.
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-80.pdf
§ 101.81 Health claims: Soluble fiber from certain foods and risk of coronary heart disease (CHD).
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-81.pdf
§ 101.83 Health claims: plant sterol/stanol esters and risk of coronary heart disease (CHD).
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-83.pdf

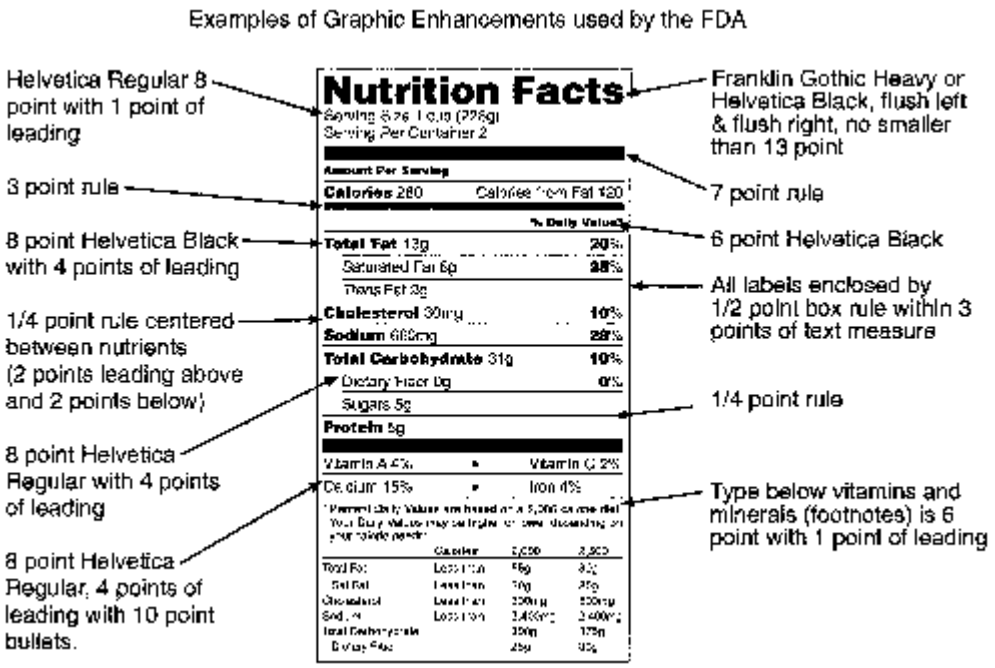
Subpart F—Specific Requirements for Descriptive Claims That Are Neither Nutrient Content Claims nor Health Claims

§ 101.95 "Fresh," "freshly frozen,""fresh frozen," "frozen fresh."
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-95.pdf

Subpart G—Exemptions FromFood Labeling Requirements

§ 101.105 Declaration of net quantity of contents when exempt
http://www.gpo.gov/fdsys/pkg/CFR-2011-title21-vol2/pdf/CFR-2011-title21-vol2-sec101-105.pdf

FDA graphic example of a nutritional facts table



Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282, Title II)

http://www.fda.gov/Food/LabelingNutrition/FoodAllergensLabeling/GuidanceComplianceRegulatoryInformation/ucm106187.htm

(pdf see http//

CANADA

Guide to Food Labeling and Advertising

The Guide provides information on food labeling and advertising requirements as well as policies which apply to statements and claims made for foods, including alcoholic beverages. As such, it is a tool to assist industry in compliance with legislation and consumer protection. Food claims which adhere to the guidelines set out in this document are considered to comply with the provisions set out in the *Food and Drugs Act* (FDA) and the *Food and Drug Regulations* (FDR), the *Consumer Packaging and Labelling Act* (CPLA) and *Regulations* (CPLR) and other relevant legislation.

Where it has been established that inequity or economic fraud has arisen when a segment of the food industry fails to adhere with these guidelines, the Canadian Food Inspection Agency will take steps designed to bring about national compliance.

Note: The framework set out in this *Guide to Food Labelling and Advertising* (Guide) specifically applies to foods imported into, manufactured in and/or sold in Canada. The policies do not apply to foods destined solely for export unless otherwise indicated.

1.2 Legislative Framework: Key Acts and Regulations

In this Guide, references to the *Food and Drug Regulations* appear between square brackets, for example, [B.01.001]. When references to other legislation are made, the abbreviated name of the Act or Regulations will follow the reference, for example, [2, CPLR]. For the abbreviations used to represent various pieces of legislation, refer to the Glossary.

1.2.1 The *Food and Drugs Act* and the *Food and Drug Regulations*

Subsection 5.(1) of the *Food and Drugs Act* (FDA) prohibits the labelling, packaging, treating, processing, selling or advertising of any food (at all levels of trade) in a manner that is false, misleading or deceptive to consumers or is likely to create an erroneous message regarding the character, value, quantity, composition, merit or safety of the product. Subsections 3(1) and (2) prohibit health claims that might suggest that a food is a treatment, preventative or cure for specified diseases or health conditions, **unless provided for in the regulations.**

A food that does not meet the requirements of the Regulations is in violation of the Act:

An article of food that is not labelled or packaged as required by, or is labelled or packaged contrary to, the regulations shall be deemed to be labelled or packaged contrary to subsection (1) [5(2), FDA].

The *Food and Drug Regulations* (FDR), as they apply to food, prescribe, among other things, the labelling of all prepackaged foods, including requirements for ingredient labelling, nutrition labelling, durable life dates, nutrient content claims, health claims and foods for special dietary use. It also sets out bilingual labelling requirements.

1.4.1 Canadian Federal Food Labelling Responsibility

Federal responsibility for development of Canadian food labelling requirements is shared among two federal departments, Health Canada and the Canadian Food Inspection Agency (CFIA).

Health Canada

Health Canada is responsible, under the *Food and Drugs Act* (FDA), for the establishment of policies and standards relating to the health, safety, and nutritional quality of food sold in Canada.

Canadian Food Inspection Agency

The Canadian Food Inspection Agency (CFIA) is responsible for the administration of food labelling policies related to misrepresentation and fraud in respect to food labelling, packaging and advertising, and the general agri-food and fish labelling provisions respecting grade, quality and composition specified in the *Canada Agricultural Products Act* (CAPA), the *Meat Inspection Act* (MIA) and the *Fish Inspection Act* (FIA). In addition, the CFIA has responsibility for the administration of the food-related provisions of the *Consumer Packaging and Labelling Act* (CPLA), including basic food label information, net quantity, metrication and bilingual labelling.

The CFIA is responsible for the enforcement of **all** of the above requirements.

1.4.2 CFIA's Food Labelling Information Service

The CFIA Food Labelling Information Service consolidates and coordinates voluntary federal food label reviews. This service is particularly directed to facilitating market entry for new businesses. (For contact information, see section 1.6 of this Guide, Canadian Food Inspection Agency Food Labelling Information Service).

1.4.3 CFIA's Label Registration Unit

Certain food labels **must** be registered by the CFIA Process, Formulation and Label Registration Unit.

1. Labels originating from **federally registered Canadian meat, poultry and processed fruit and vegetable establishments** require label registration as follows:

a. from Canadian federally registered meat and poultry establishments:
   i. all labels intended for prepackaged products of prepared edible meat products for domestic sale, except:
      - meat products exempted under paragraph 3(1)*(i)* of the *Meat Inspection Regulations*,
      - salted Kosher meat, and
      - salted casings; and
   ii. all labels for single ingredient meat and poultry where an animal production claim is made such as organic, vegetable grain fed - no animal by-products or raised without antibiotics.

b. from Canadian federally registered establishments processing fruit and vegetable products:
   - all labels intended for prepackaged products where grades, standards of identity and/or prescribed container sizes exist in the *Processed Products Regulations.*

2. Labels originating from **foreign meat, poultry and processed fruit and vegetable establishments** require label registration as follows:

a. from foreign establishments authorized to export meat products to Canada:
   i. same as from Canadian registered establishments; and

ii. all labels intended for prepackaged products of single ingredient edible meat products intended to be sold directly to consumers at the retail level in Canada.

b. from foreign establishments wishing to import regulated processed fruit and vegetable products into Canada in larger than the largest (LTL) container sizes.

Submission of registration requests:

Label registration requests are to be submitted using form CFIA/ACIA 1478 accompanied by the appropriate number of labels and recipes. This form is available on the CFIA website. Consult the CFIA Fees Notice to determine whether a fee is applicable for your product.

Mail completed registration forms to:

Clerk
Label and Recipe Registration Unit
Canadian Food Inspection Agency
1431 Merivale Road
Ottawa, Ontario
K1A 0Y9

Sources of Additional Information on Labelling and Claims

The following acts and regulations are available on the Department of Justice Website at: http://canada.justice.gc.ca

i. the *Food and Drugs Act* and the *Food and Drug Regulations* [H41-1-2001 French (F) or English (E)];
ii. the *Consumer Packaging and Labelling Act* (YX55-1985-C-38);
iii. the *Consumer Packaging and Labelling Regulations* (RE910);
iv. the *Canada Agricultural Products Act*;
v. the *Meat Inspection Act*;
vi. the *Fish Inspection Act*;
vii. the *Competition Act*;
viii. the *Trade-marks Act*.

The complete guide address:

http://www.inspection.gc.ca/food/labelling/guide-to-food-labelling-and-advertising/eng/1300118951990/1300118996556

Chapters from the guide:

Chapter 2: Basic Labelling Requirements Sections 2.1-2.9
http://www.inspection.gc.ca/english/fssa/labeti/guide/ch2e.shtml

Chapter 3 - Advertising Requirements
http://www.inspection.gc.ca/english/fssa/labeti/guide/tab3e.shtml

Chapter 4 - Composition, Quality, Quantity and Origin Claims
http://www.inspection.gc.ca/english/fssa/labeti/guide/tab4e.shtml

Chapter 5 - Nutrition Labelling
http://www.inspection.gc.ca/english/fssa/labeti/guide/tab5e.shtml

Chapter 6 - The Elements Within the Nutrition Facts Table
http://www.inspection.gc.ca/english/fssa/labeti/guide/tab6e.shtml

Chapter 7 - Nutrient Content Claims
http://www.inspection.gc.ca/english/fssa/labeti/guide/tab7e.shtml

Chapter 8 - Health Claims
http://www.inspection.gc.ca/english/fssa/labeti/guide/tab8e.shtml

Chapter 9 - Supplementary Information on Specific Products
http://www.inspection.gc.ca/english/fssa/labeti/guide/tab9e.shtml

Chapter 10Labelling of Alcoholic Beverages
http://www.inspection.gc.ca/english/fssa/labeti/guide/tab10e.shtml

Chapter 11Labelling Guide for Processed Fruits and Vegetables
http://www.inspection.gc.ca/english/fssa/labeti/guide/tab11e.shtml

Chapter 12 - Guide to the Labelling of Honey
http://www.inspection.gc.ca/english/fssa/labeti/guide/tab12e.shtml

Chapter 14 - Meat and Poultry Products
http://www.inspection.gc.ca/english/fssa/labeti/guide/tab14e.shtml

Chapter 15 - Fish and Fish Products
http://www.inspection.gc.ca/english/fssa/labeti/guide/tab15e.shtml