FOOD LABELING REQUIREMENTS AND REGULATIONS IN KENTUCKY

Food Safety Branch

Kentucky Public Health

Dr. Jeffrey D. Howard, *Commissioner*

RETAIL FOOD PACKAGES AND CONTAINERS SHALL BEAR:

- Statement of Identity*
- Net Quantity Statement*
- Ingredients Statement*
- Name & Address of Manufacturer*
- Allergen Information*
- Nutrition Facts Panel (unless exempted)

(***Required Information**)

RETAIL FOOD PACKAGES AND CONTAINERS MAY BEAR:

- Marketing Information
- Directions for Usage
- Coding (Bar Codes, etc.)
- Recipes
- Claims (Health & Nutrient)

(***Voluntary* Information – Not Required**)

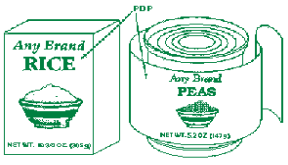
ALL REQUIRED INFORMATION MUST BE:

- In English
- A minimum of 1/16 inch type (6 point font)
- Legible
- Truthful
- Separate and Distinct

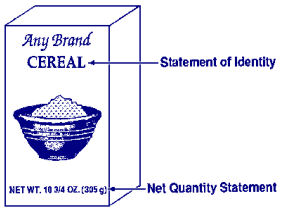
  (Not buried in other information)

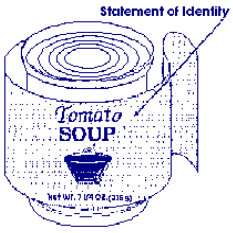
THE PRINCIPAL DISPLAY PANEL (PDP)

The portion of the package that is most likely to be seen by the consumer at the time of purchase.



Place the *Statement of Identity*, or name of the food and the *Net Quantity Statement* on the Principal Display Panel.

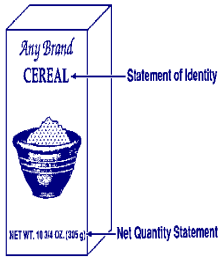




The *Statement of Identity* is the name of the food. It must appear on the front label, or Principal Display Panel.

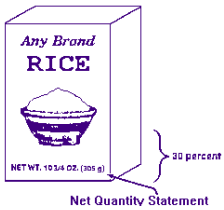
THE STATEMENT OF IDENTITY

Use prominent print or type for *Statement of Identity*. It must be in bold type, reasonably related to the most prominent printed matter on the front panel, and should be one of the most important features on the Principal Display Panel. Generally, this is considered to be at ½ the size of the largest print on the label.



The *Net Quantity Statement* (net quantity of contents) is the statement on the label that provides the amount of food in the container or package.

The *Net Quantity Statement* is placed as a distinct item in the bottom 30 percent of the principal display panel, in lines generally parallel with the base of the container.



THE NET QUANTITY STATEMENT

Food labels must show the net contents in both English (ounces, pounds, fluid ounces, gallons) and metric (grams, kilograms, milliliters, liters).

The metric statement may be placed either before, after, above or below the English equivalent.

The words Net weight or Net Wt. shall be used for terms of weight. The words Net, Net contents, or fl. oz. shall be used for liquids.

Net wt 12 oz (340g)

Net wt 1 lb 8 oz
680 g

500 ml (1 pt 0.9 fl oz)

Net 1 gal 3.79 L

INCORRECT

Net Wt. = 2 Large oz. (5 g)

Net Wt. = 2 oz. (5 g)

CORRECT

Do not use qualifying phrases or terms that exaggerate the amount of food.

THE INGREDIENTS STATEMENT

The ingredient list on a food label is the listing of each ingredient in descending order of predominance.

"Ingredients: Pinto Beans, Water, and Salt"

Descending order of predominance means that the ingredients are listed in order of predominance by weight, that is the ingredient that weighs the most is listed first, and the ingredient that weighs the least is listed last.

Each ingredient which itself contains two or more ingredients, shall be declared by its usual or common name followed by a parenthetical listing of all ingredients contained therein in decreasing order of predominance.

"INGREDIENTS: Ketchup (tomatoes, distilled vinegar, high fructose corn syrup, water salt, natural flavors) molasses, brown sugar and garlic powder.

When an approved chemical preservative is added to a food, the ingredient list must include both the common name of the preservative and the function of the preservative.

"INGREDIENTS: Bananas, sugar, and ascorbic acid to promote color retention."

The spices and flavorings used may be declared in ingredient lists by using either specific common names or by using the declarations "spices", "natural flavor" or "artificial flavor."

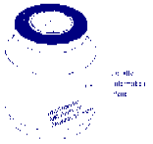
"INGREDIENTS: Apple slices, water, cane sugar, spices, salt, natural and artificial flavor"

Spices such as paprika, turmeric, saffron and others that are also colorings must be declared either by the term "spice and coloring" or by the actual common name such as "paprika."

Vegetable powders must be declared by common or usual name, such as "celery powder, onion powder, and garlic powder."

MANUFACTURER'S STATEMENT must include:

- Name and address of the manufacturer, packer or distributor. Unless the name given is the actual manufacturer, it must be accompanied by a qualifying phrase which states the firm's relation to the product, e.g., "manufactured for" or "distributed by."
- Street address (if the firm name & address are not listed in a current city directory or telephone book);
- City or town;
- State and ZIP
  (or country and mailing code, if outside the United States.)



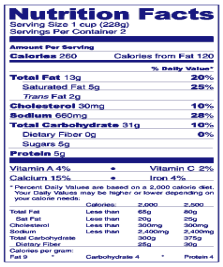
ALLERGEN INFORMATION
Items listed below are "The Big 8"

- **Milk**
- **Eggs**
- **Wheat**
- **Soy**
- **Peanuts**
- **Tree Nuts (by name)**
- **Fish (by name)**
- **Crustacean Shellfish (by name)**

THE BIG 8 ALLERGENS

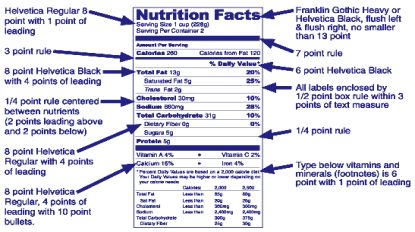
- The Big 8 and/or any proteins derived from the Big 8 must be identified by name for consumer protection.
- Identification may be accomplished by naming the allergen within the ingredient listing OR…
- By adding a separate 'Contains Statement"' immediately after or adjacent to the ingredient listing.

EXAMPLES OF ALLERGEN IDENTIFICATION



THE NUTRITION FACTS PANEL

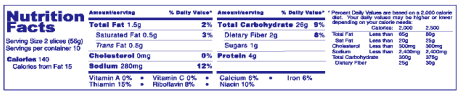
15 Required Nutrient Declarations



TYPE SIZE RECOMMENDATIONS

FORMAT OPTIONS
I. OPTIONS BASED ON PACKAGE SIZE

Use this option when the package or container size prevents the standard format (such as with a can of tuna) or when the package has less than 40 sq. inches of space available for labeling.



TABULAR FORMAT

FORMAT OPTIONS
I. OPTIONS BASED ON PACKAGE SIZE

Use the Linear Format when the package has less than 40 sq. inches of available space for labeling and no other format can be used.

Nutrition Facts Serv. Size: 1 package, Amount Per Serving: **Calories** 45, Fat Cal. 10, **Total Fat** 1g (2% DV), Sat. Fat 0.5g (3% DV), *Trans* Fat 0.5g, **Cholest.** 0mg (0% DV), **Sodium** 50mg (2% DV), **Total Carb.** 8g (3% DV), Fiber 1g (4% DV), Sugars 4g, **Protein** 1g, Vitamin A (8% DV), Vitamin C (8% DV), Calcium (0% DV), Iron (2% DV). Percent Daily Values (DV) are based on a 2,000 calorie diet.

THE LINEAR FORMAT OPTION

FORMAT OPTIONS
II. OPTIONS BASED ON PRODUCT CONTENT

A simplified "Nutrition Facts" label may be used if at least seven of the following nutrients are present in insignificant amounts: Calories, total fat, saturated fat, cholesterol, sodium, total carbohydrate, dietary fiber, sugars, protein, vitamin A, vitamin C, calcium and iron (slightly different rules for labeling foods intended for children less than 2 years.) The five core nutrients, shown in bold in the adjoining example, must always appear on all "Nutrition Facts" labels regardless of amounts present in the food. In addition, any of the nutrients required on the full "Nutrition Facts" label that are naturally present or are added to the food must be declared on the simplified "Nutrition Facts" label.

21 CFR 101.9(f) – List of nutrients, 101.9(f)(1) – "Insignificant" defined, 101.9(c) – "Insignificant" levels listed for nutrients

SIMPLIFIED FORMAT

FORMAT OPTIONS
II. OPTIONS BASED ON PRODUCT CONTENT

A "simplified format label" must include a statement listing "zero" level nutrients when nutrients are added to the food or voluntarily declared on the "Nutrition Facts" label, and when claims are made on the label. In this example, the manufacturer voluntarily lists polyunsaturated and monounsaturated fat, and therefore must add the statement "Not a significant source of _____" with the blank filled in by the names of nutrients present at insignificant levels. 21 CFR 101.9(f)(4)

Nutrition Facts
Serving Size 1 Tbsp (14g)
Servings Per Container 64

Amount Per Serving
Calories 130 Calories from Fat 130
% Daily Value
Total Fat 14g 22%
Saturated Fat 2g 10%
Polyunsaturated Fat 4g
Monounsaturated Fat 8g
Sodium 0mg 0%
Total Carbohydrate 0g 0%
Protein 0g

Not a significant source of cholesterol, dietary fiber, sugars, vitamin A, vitamin C, calcium, and iron.

*Percent Daily Values are based on a 2,000 calorie diet.

SIMPLIFIED FORMAT

FORMAT OPTIONS
II. OPTIONS BASED ON PRODUCT CONTENT

Nutrition Facts
Serving Size 1/3 cup (56g)
Servings about 3
Calories 90
Fat Cal. 20

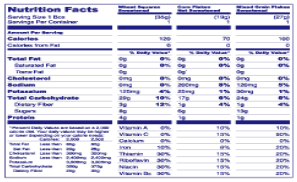
*Percent Daily Values (DV) are based on a 2,000 calorie diet

Amount/serving	%DV*	Amount/serving	%DV*
Total Fat 2g	3%	**Total Carb.** 0g	0%
Sat. Fat 1g	5%	Fiber 0g	0%
Trans Fat 0.5g		Sugars 0g	
Cholest. 10mg	3%	**Protein** 17g	
Sodium 200mg	8%		

Vitamin A 0% • Vitamin C 0% • Calcium 0% • Iron 6%

TABULAR SIMPLIFIED FORMAT

FORMAT OPTIONS
II. OPTIONS BASED ON PRODUCT CONTENT



When a package contains two or more packaged foods that are intended to be eaten individually, such as a variety pack of breakfast cereals or when packages may be used interchangeably for the same type of food, such as round ice cream containers, the manufacturer may choose to include separate "Nutrition Facts" panels for each food product, or may use an aggregated "Nutrition Facts" panel.

AGGREGATE DISPLAY FORMAT

AS PACKAGED/AS PREPARED FORMAT

FORMAT OPTIONS
II. OPTIONS BASED ON PRODUCT

The "Nutrition Facts" panel must state the nutrients in the food "as packaged" (i.e., before consumer preparation). However, manufacturers are encouraged to add a second column of nutrition information showing calories, calories from fat and the % Daily Value for the combination of foods eaten. Quantitative amounts (i.e., g/mg) need only be given for packaged food. However, as shown in this example, a footnote can be added to indicate the amount of nutrients in the added food. Alternatively, the quantitative amounts of the prepared food may be included immediately adjacent to those for the packaged food (e.g., "Sodium 200 mg, 265 mg").

21 CFR 101.9(e)

NUTRITION LABELING EDUCATION ACT "NLEA"

A NFP is not required if:

- Annual sales less than $500,000
- Less than 100,000 units sold or
- Less than 100 employees

WHAT NLEA DOES NOT COVER?

- Foods of no nutritional significance
  Such as plan coffee, tea and most spices
- Restaurant foods
- Foods sold in bulk form
- Foods served for immediate consumption
  Hospital, cafeterias, and airplanes
- Food prepared on site in food stores
  Deli, bakery, and candy store items
- Foods sold by food service vendors
  Mall cookie counters, sidewalk vendors and vending machines
- Foods in very small packages
  FDA regulated products must provide a phone # or address to obtain nutrition information
- Foods produced by small businesses
- Medical foods

CLAIMS

WHAT IS A NUTRIENT CONTENT CLAIM?

A statement relating the presence or lack of certain nutrients to the product.

WHAT IS A HEALTH CLAIM?

A statement relating health issues or diseases to the product.

SOME AUTHORIZED HEALTH CLAIMS

- Calcium and Osteoporosis
- Sodium and High Blood Pressure
- Dietary Fat and Cancer
- Dietary Saturated Fat and cholesterol and risk of Coronary Heart Disease
- Fiber-containing grain products, fruits, and vegetables and Cancer
- Fruits, vegetables, and grain products that contain Fiber, particularly soluble fiber and risk of Coronary Heart Disease

HEALTH CLAIMS SCIENCE VS. HYPE

For health claims to be used, there needs to be sufficient scientific agreement among qualified experts that the claims are factual and truthful.

LESLIE COBB
LABELING COMPLIANCE SPECIALIST
Department for Public Health
Food Safety Branch HS1CF
275 East Main Street
Frankfort, KY 40621
Telephone (502) 564-7181
Leslie.cobb@ky.gov