

Basic Labeling Requirements

Example - Label for Toll House Chocolate Chip Cookies

CHOCOLATE CHIP COOKIES

Ingredients: Bleached, enriched wheat flour (bleached wheat flour, malted barley flour, niacin, iron, thiamin mononitrate, riboflavin, folic acid), semi-sweet chocolate chips (sugar, chocolate, cocoa butter, milkfat, soy lecithin-an emulsifer, natural and artificial flavor), pecans, vegetable shortening (partially hydrogenated soybean and cottonseed oils, mono and diglycerides), sugar, brown sugar (sugar, cane molasses), eggs, sodium bicarbonate, salt, vanilla. **Contains: Wheat, Milk, Pecans, Eggs**

Grannie's Cookies, 111 Happy Lane, Anytown, VA 22554

Net wt. 10 oz (283 grams)

Basic Labeling Requirements

Product Name:

- Must be on the **front** panel.
- Must be an accurate description of the product.
- Must be in bold print.
- Must be the largest type on the panel.

Net Weight:

- Product weight must be stated in *both* standard and metric units. Please contact Weights and Measures for questions about net weight quantity requirements at (804) 786-2476.

Ingredients Statement: Can be on the front panel if desired. If you choose not to place the statement on the front panel, then it must be on the panel or display area **directly to the right** of the front panel. In extreme instances where this space is not available or where it is not feasible to place the information to the right (i.e. the package is extremely thin, with little or no side panel), you may place the information directly to the right of the unavailable panel.

Ingredients must be listed in descending order of predominance by weight (most first and least last). Ingredients **MUST** be broken down to the smallest sub-ingredients as shown in the Label Example above. And, when an **ALLERGEN** is included in an ingredient, the common key allergen word must be included on the label in the ingredient statement or in an allergen "contains statement". The key allergen words for the eight common allergens are: **Milk, Wheat, Eggs, Peanuts, Tree Nuts (name the specific type of nut), Soybeans, Fish, and Crustacean Shellfish**. Minimum size for ingredients is 1/16 of an inch in height. There is no maximum size limit.

Name and Address of Manufacturer, Distributor, or Packer: Can be on the front panel, if desired. If you choose not to place the statement on the front panel, then it must be on the panel or display area directly to the right of the panel. In extreme instances where this space is not available or where it is not feasible to place the information to the right (i.e. the package is extremely thin with little or no side panel), you may place the information directly to the right of the unavailable panel. Minimum size for manufacturer name and address is 1/16 of an inch. There is no maximum size limit. Manufacturer name and address must be placed together (they must not be separated).

Nutritional Labeling Information: Can be on the front panel, if desired. If the vendor elects not to place the information on the front panel, then it must be on the panel or display area directly to the right of the front panel. In extreme instances where this space is not available or where it is not feasible to place the information to the right (i.e. the package is extremely thin with little or no side panel), you may place the information directly to the right of the unavailable panel. **See the section on "Nutritional Labeling Exemptions for Small Businesses" to determine if the product qualifies for an exemption from this labeling.**

Nutritional Labeling Exemptions for Small Businesses

Section 403(q) of the Federal Food, Drug and Cosmetic Act requires that packaged foods and dietary supplements bear nutrition labeling unless they qualify for an exemption. 21 CFR 101.9(j)(1) and 21 CFR 101.9(j)(18) for foods and 21 CFR 101.36(h) for dietary supplements outlines the requirements to qualify for the exemption. A business may be exempt from the requirement of including a "Nutrition Facts" panel on its food packages and "Supplement Facts" panel on its dietary supplement packages.

The exemption under 21 CFR 101.9(j)(1) applies to **retailers** with annual gross sales of less than \$500,000, or with annual gross sales of food to consumers of less than \$50,000.

The exemption under 21 CFR 101.9(j)(18) and 21 CFR 101.36(h) is based on the number of employees and number of product units sold. The exemption applies to businesses with fewer than 100 employees and products fewer than 100,000 units. The number of employees is based on the average number of full time equivalent employees. No exemption may be taken if a company has more than the number of employees listed regardless of number of units produced. **If a company has less than 10 employees and products less than 10,000 units sold, there is no need to file for an exemption.**

A "product" is a food with the same brand name and statement of identity.

A "unit" is a package or, if unpacked, the form in which the product is offered for sale.

"Company" includes domestic and international affiliates.

If any nutrient content claim (e.g., "low fat") or health claim is made, the small business exemption is not applicable. Also, this exemption deals only with the necessity of having the "Nutrition Facts/Supplement Facts" panel, and has **no effect on the mandatory labeling information** (i.e., statement of identity, quantity of contents, ingredient statement, name and address of responsible firm).

The firm claiming the exemption must file a notice with the Food and Drug Administration **annually**. A suggested form to use to claim the exemption may be obtained from the following sources:

- Online submission or hard copy application at the center's website <http://www.cfsan.fda.gov/~dms/sbelform.html>.
- Email your request for an application to Sbusines@cfsan.fda.gov or Small.Business.Notification@cfsan.fda.gov
- Call or fax in your request for an application at (301) 436-2375 or fax at (301) 436-2639.

You can also submit your firm's small business exemption notification by fax, email or postal mail.

The address to mail your notification:

**Center for Food Safety and Applied Nutrition
Food and Drug Administration
HFS--810
5100 Paint Branch Parkway
College Park, Maryland 20740-3835**

*****If FDA does not hear from you, they will no longer list your firm as a small business with products that are exempt from mandatory nutrition labeling.*****