

Required Food Labeling Information

All foods for sale in packages are required to have a food label. Food labeling regulations have been established by the FDA and the Commonwealth of Virginia abides by these labeling regulations. Complete food labeling information can be found in the Code of Federal Regulations Title 21 Part 101 – Food Labeling. Additional guidance can be found on the FDA website entitled “Guidance for Industry: A Food Labeling Guide” found here:

<http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodLabelingNutrition/FoodLabelingGuide/default.htm>.

In general, all food labels must contain the following information:

- ✓ Product name
- ✓ Net weight
- ✓ Ingredient statement
- ✓ Name and address of the food business
- ✓ Nutrition facts information
- ✓ Allergen declaration

Product name. The common name of the product must be on the principle display panel (front) of the package. It must be an accurate description of the product, and it must follow the standards of identity guidelines, if applicable. The product name must be in **bold**, and must be the **largest type** on the panel.

Net weight of the contents. The net weight must also be on the front panel of the package, and must be declared in both US and metric units (ex: ounces and grams). For further information, call the Virginia Department of Weights and Measures 804-786-2476.

Ingredient statement. The label must contain a list of all ingredients in the food product, in descending order of prominence based on weight. The most abundant ingredient is listed first, and each ingredient that follows should be of a lesser weight quantity than the ingredient before, with the least prominent ingredient listed last. If an ingredient is listed that has sub-ingredients, the list of sub-ingredients must be listed in parenthesis in the ingredient list. For example, if your product contains ketchup, the ingredient list would contain “ketchup (tomato concentrate, vinegar, corn syrup, sugar, salt, spices)”. Ingredients must be listed by their common or usual name, for example: “sugar” rather than “sucrose”.

Name and address of the food business. The name and place of business of the manufacturer, packer, or distributor must be listed. A PO box is not an acceptable address. An email address can not replace a physical address.

Nutrition Facts labeling information. A nutrition facts label is required for all food products, but there are some exemptions for small food businesses (see below). All food products that make a nutrition or health claim (ie. “high in vitamin C” or “low-fat”) must include a nutrition facts panel on their label.

Allergen declaration. The name of the food source for each major food allergen contained in the food product must be clearly labeled. Allergens that are mandatory to list are: Milk, Eggs, Fish, Crustacean Shellfish, Tree nuts, Peanuts, Soy, and Wheat. In addition, tree nuts, fish, and shellfish require specific declarations. For tree nuts, the specific type of nut must be declared (e.g., almonds, pecans, or walnuts). For fish and Crustacean shellfish, the species must be declared (Fish example: bass, flounder, cod; Crustacean shellfish example: crab, lobster, shrimp).

Nutrition facts labeling *EXEMPTIONS* for small food businesses.

Small businesses may be eligible for exemption from nutrition facts labeling. There are two categories in which the exemption may fall; a) A notice is **NOT required** to be filed with the FDA for the exemption to apply and b) A notice **is required** to be filed with the FDA for the exemption to apply.

In order to qualify for the exemption and **NOT** have to file with the FDA, the company must be a retailer that has annual gross sales of not more than \$500,000, or with annual gross sales of food or dietary supplements to consumers of not more than \$50,000 or have less than 10 employees and sells less than 10,000 units annually.

In order to qualify for the exemption and be **REQUIRED** to file with the FDA, the company must employ fewer than an average of 100 full-time equivalent employees and produce fewer than 100,000 units of product that is sold in the United States over a 12-month period. All importers must file.

Companies that must file their exemption claims must do so annually. Companies that are not required to file the exemption with FDA are still encouraged to file their exemption voluntarily in order to establish a record that they are claiming an exemption.