Chapter 5

NUTRITION LABELING

As a general rule, nutrition labeling must be provided for most food products offered for sale in the United States. 21 U.S.C. § 343(q). A product in packaged form must bear nutrition information on the label; most foods not in packaged form must be accompanied by nutrition labeling available at the point-of-purchase. A variety of exceptions to mandatory nutrition labeling requirements exist; these are addressed in detail below.

The requirements in this chapter are based on the nutrition labeling requirements contained in 21 C.F.R. § 101.9, as amended by FDA’s Final Rule, “Revisions of the Nutrition and Supplement Facts Labels,” 81 Fed. Reg. 33,742 (May 27, 2016), and Final Rule on “Serving Sizes,” 81 Fed. Reg. 34,000 (May 27, 2016). The compliance date for these revised requirements originally was July 26, 2018; however, on June 13, 2017, FDA announced its intention to extend the compliance date for the Final Rules and to provide specific information at a later date. Regardless of the ultimate compliance date, companies may now voluntarily comply with the revised requirements.

I. ELEMENTS OF NUTRITION LABELING

Nutrition labeling for a food product is presented as “Nutrition Facts.” Quantitative and relative information on nutrients is provided, based on one serving of a product. “Serving” is defined as an amount of food customarily consumed per eating occasion by persons 4 years of age or older, expressed in an appropriate, common household measure. 21 C.F.R. § 101.9(b).

Nutrition Facts modifications apply to nutrition labeling of food products specially formulated or processed for infants and toddlers, or other specific populations (e.g., pregnant or lactating women). See generally 21 C.F.R. § 101.9.

II. LABEL PRESENTATION

Nutrition labeling may appear on either the PDP or information panel, but typically must appear on the information panel with the ingredients declaration (see Chapter 6) and signature line (see Chapter 7), unless label space constraints preclude such placement. 21 C.F.R. §§ 101.2(b), (d)(1); 101.9(j)(13), (j)(17) (see Chapter 2). FDA has prescribed highly detailed requirements for the label presentation of nutrition information; these are discussed below.

III. RDIs, DRVs, AND DVs

FDA’s mandate underlying nutrition labeling rules is to facilitate public understanding of nutrition information in the context of a daily diet. See generally 21 U.S.C. § 343(q). To help accomplish this, the agency has standardized the content and format of nutrition information across food products. Furthermore, FDA requires nutrition information to be characterized as a percentage of Daily Values (DV) based on dietary guidelines.