

**FOOD LABELING FACT SHEET**

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Dairy & Food Inspection Division

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There are many rules and regulations governing food labeling. Label requirements are often very intimidating but should not be. In general, all foods in packaged form must be properly labeled. There are 5 mandatory requirement areas that must be on the label. Before we walk through these food labeling requirements, it helps if you would go get a labeled package, such as a beverage container or cereal box to compare to. There are some packages in the retail setting that are incorrect. Depending on the seriousness of the violation some are required to be immediately withdrawn from the marketplace while others are allowed to be corrected at the next reprint. After reviewing this guide, the next time you are shopping, making supper or inspecting, see if you can find any that are not correct.

**PRINCIPAL DISPLAY PANEL:** As you look at the front of the package, the entire surface area that you can see is referred to as the face or principle display panel (PDP). The height times the width of this entire surface determines the size requirement of the label that is affixed to the front of the PDP.

The PDP must contain certain information in a specific order or location and be of specific type size.

The required label information is required to be in English and must include:

1) **PRODUCT IDENTITY:** The product identity is the truthful common name of the product that is contained in the package. This is required to be located in the middle portion of the PDP's front label. The product identity must be dominate and stand out from all other print and pictures on the package. Bold and contrasting type is the norm. Minimum type height is 1/16" and it goes up from there.

2) **NET WEIGHT:** The net weight must be located in the lower 30 percent of the PDP. No other type can be placed adjacent to or below the net weight. It is often placed at the very lower right corner of the front label. The net weight or volume must be in both the US and metric scale e.g. NET WT 12 OZ (340g). Again the minimum height must be 1/16" in type size. If the PDP is 5-20 inches, 1/8" type must be used and if the PDP is 25-100 inches, it must be at least 3/16" type.

At times, count may be used, if it is not misleading, easy to identify and accurately conveys contents. The consumer can use their judgment to assure accuracy such as 6 – 88 count apples. The retailer can not charge more for them if it is being sold strictly by the count.

Most items, e.g. bread or shrimp, cannot be sold by count alone. They must also include weight. This is to assure fairness to the customer as the weight is variable (One day the loaves of bread may be 16 ounces and the next time the baker could make them only 15 ounces. In this case the customer would be cheated out of 1 ounce if it was labeled as a count of one. In just a few days just think how much \$\$\$ this fraud would add up to). The net weight must be listed as the minimum net weight, not by the average net weight. In the situation of the bread, the bakery would utilize the lowest possible variable weight on the label, NET WT 1 lb. (454 g).

Don't forget that net weight is minus the tare weight (packaging, trays, pads, wrap, etc. are subtracted).

**BRAND NAME:** Normally the PDP has a brand name located at the top of the front label. Providing a brand name on the label is voluntary.

**INFORMATION LABEL:** This is the area normally to the right of the PDP. If a box, it would be the label on the right side of the package. If on a jar, it would be directly to the right of the PDP. At times a food manufacturer does place the nutrition facts on the left side. This technically is not wrong, but the practice is not recommended though. Specific label placement is to provide the consumer with a routine label format so they can pick up any food package and very easily find the information they may be looking for.

The information label must contain certain information again in a certain order:

(3) **NUTRITION FACTS:** This does get some what confusing but it shouldn't be. What it boils down to is that **normally all foods that are packaged must have a nutrition fact statement panel.** There are some exemptions though and they include:

A) A retailer who's annual gross sales are less than \$500,000 or has annual gross sales in food to consumers of not more than \$50,000.

B) Foods for immediate consumption e.g. restaurants, institutional settings, schools, bakeries and delis with sit down dining, vending machines, concession stands, raw fruits, vegetables and fish, very small packages under 12 sq. inches and unit containers in multipack packages (provided the master package has the nutritional information).

C) Low volume food manufactures. They must employ fewer than an average of 100 full-time equivalent employees and make fewer than 100,000 units sold within the U.S.. A notice must be filed yearly to the FDA for this exemption. Firms that have fewer than 10 full time employees do not have to file for the exemption. Most of the food items that are in the retail setting that do not have the nutritional labeling on them are these low volume food manufacturers.

**If a nutritional claim is made for any of these situations, the company/firm would be required to provide nutritional facts through labeling, placards, signage, on the menu, etc.**

The nutritional fact information panel must meet certain formats. Depending on the product and package size, the format could be "full", "simplified", or "shortened". Each food type has a particular mandated serving size and nutrient breakdown. These formats and all the other label requirements mentioned here are explained in a very easy to follow 65 page guide printed by the FDA titled: "*A FOOD LABELING GUIDE*". This guide may be purchased from the Government Printing Office by contacting them at 202-512-1800. It may also be downloaded off the internet from the FDA's home page, [www.foodsafety.gov](http://www.foodsafety.gov).

4) **INGREDIENT STATEMENT:** The ingredient statement is located below the nutrition facts and above the manufacturer or distributor name and address. The ingredients including food colorings and chemical preservatives must be listed in descending order of predominance by weight or volume. If less than 2% by weight, the ingredient can be listed at the end with a statement that states "contains 2% or less of \_\_\_". The ingredient shall be the specific name of the ingredient except that certain spices and flavorings need to be declared according to the specific regulation. An ingredient that contains two or more ingredients may be declared by the common name but must list in parenthesis all the ingredients that are in that particular item (e.g. ketchup being used to make BBQ sauce....then all the listed ingredients on the ketchup label must be listed in the same exact order on the BBQ sauce label). If chocolate candies are used in or on a bakery item, all the ingredients listed on the M&M package must be included on the M&M cookie label. This would also include all the food colors listed: red 40 lake, blue 2 lake, yellow 5, yellow 6, blue lake, red 40, and blue 1. Additionally the M&M cookies must state that the candies may contain peanuts since that statement is on the M&M label.

5) **PLACE OF ADDRESS:** The place of business is listed on the lower portion of the information panel. The terms such as "**manufactured by**" or "**distributed by**" must be stated. The **name, address and zip code** of the food manufacturer or distributor must be listed. If the firm is an established company and the firm is correctly listed in the current phone book, the actual street address is not required. They still must include manufactured/distributed by, their name, the city, state and zip code. Firms quite often forget to list their zip code and are routinely informed that the misprint must be corrected. A telephone number or e-mail address may be listed here but it is not required.

Many products have further requirements. For example, a QUALITY ASSURANCE DATE (a meaningful sell by/use buy/open date) is required for food items that have a shelf life of 90 days or less. Frozen foods, meat and poultry items, fresh fruits and vegetables are exempted. SAFE HANDLING INSTRUCTIONS are required on the label of all packaged partially cooked meat and poultry products. Apples require GRADE, VARIETY and SIZE.

This is just a summary of food label requirements. Additional information can be researched if there are any questions about label and print size, placement, nutritional format and specific requirements of a particular food item. For additional information, please contact your Food Inspector or the MN Department of Agriculture, Dairy and Food Inspection Division, Information desk at 651-296-1592.

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