

Welcome!!





Alaska Food Protection Task Force Educational Workshop April 13, 2022

FUN WITH FOOD LABELS

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AGENDA

History of Food Labeling Why We Label Labeling Requirements Common Mistakes in Labeling What's Wrong With This Label? – The Game

HISTORY OF FOOD LABELING

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* WHY WE LABEL •

And Consequences of Inaccurate Food Labels

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The Bare Minimum

Two Big Acts in Food Labeling

- FPLA- Fair Packaging Labeling Act
- FALCPA- Food Allergen Consumer Protection Act

Excellent resources (on every food geek's nightstand): <u>Guidance for Industry: Food Labeling Guide | FDA</u>

What's the big FPLA deal???

The FPLA is designed to facilitate value comparisons and to prevent unfair or deceptive packaging and labeling of many household "consumer commodities."



VOL. 21, NO. 12 DECEMBER, 1966 Food Drug Cosmetic Law Journal

Now That The Fair Packaging and Labeling Act is Law

By CORNELIUS B. KENNEDY

Mr. Kennedy Is a Practicing Attorney in Washington, D. C.

O^N NOVEMBER 3, 1966, before more than 100 people assembled in the East Room of the White House, at 5:30 in the afternoon, President Johnson said:

We have met this evening to fulfill two obligations to the American family.

-We are here to defend truth.

-We are here to avoid tragedy.

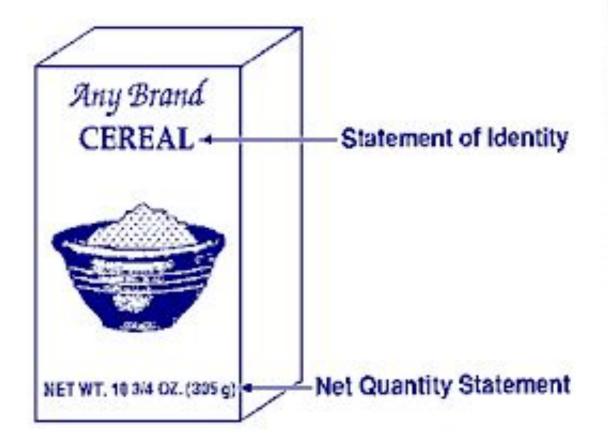
The two laws I sign this evening will help the American housewife to save her pennies and dimes-and the American mother to save the lives of her children.

The first law is the Fair Packaging and Labeling Act. Its purpose is to uphold truth. Its target is labels that lie—packages that confuse—practices that too often deny the consumer a fair test and a clear choice in a shopping place.

This is a strong and simple law.1

That law was born almost five and one-half years earlier, on June 28, 1961, in the lofty, paneled hearing room of the Committee on the Judiciary of the United States Senate, at 9:35 o'clock in the morning, when Senator Philip Hart said:

Identity or common name of food





"I identify as a cookie! A cookie that is commonly dipped into milk."

Standards of Identity

- Common name: the standardization and definition of common food names ensures that consumers know what a food product actually is.
 - Example: A food marketed as "canned tuna" must legally be tuna and not some other fish
- There are no standards of identity or definition for fruits, vegetables, avocados, cantaloupes, citrus fruits, or melons
- Non-standardized food foods that simply aren't addressed in regulations
- Standardized foods these are foods that the FDA has decided to define because there is a public expectation of what that food is. There are a lot of them! <u>21 CFR Part 131-170</u>

A "standard of identity" is an agreed upon legal definition for what a food actually is. Standards of identity were introduced as a means of consumer protection.

Success is when your brand is an identity!



Statement of Identity?



Net Quantity

- Must be on the principal display panel (PDP)
- Excludes packaging weight
- Weight, measure, count or a combination.



"I am toasted corn, but I think I am really a tortilla chip!"



Fun Facts about Net Quantity

- If the food is solid, semi-solid or viscous- express in terms of weight
 - The weight should follow the words "Net Weight"
- If the food is liquid, express in liquid measure (gallons, quarts, pints, and fluid oz)
- Standard English measurements must be followed by the Metric equivalent



- Fluid oz, cups, pints, quarts, gallons = liters
- Ounces, pounds and tons = grams

Fun fact: the majority of the world uses the metric system. Exceptions: Liberia, Burma and the United States

Name & Location of Manufacturer, Packer, or Distributor

Can be:

- Manufactured for
- Distributed by

Location:

- Street address, city, state, and zip
- If address if available in telephone book, allowed to list only zip code.



The dreaded ingredient list

- sub ingredients can be parentheses
- ingredients in descending order by weight
- The list should start after the word, "Ingredients"
- Sub-ingredients two ways:
 - after the common name of the ingredient
 - or folded into the entire list so ingredient that has sub ingredients is not listed (must be still in order of predominance in finished product.

what does predominance mean? Is the food trying to dominate me?



Fun fact: these chips make the best chocolate chip cookie ever.. I'm just sayin'

Allergens described 3 ways

- In plain English in the ingredient list, using the allergen's common name
- 2. In parentheses in the ingredient list when the ingredient is a less common form of the allergen
- 3. or after the word "contains" followed by the major food allergen

FALCPA doesn't require companies to declare that something "might" or "may" contain, or is "processed in a shared facility"

Example 1:

Ingredients: Whey protein (milk), lecithin (soy), cherry, sugar, natural flavors (almond), salt.

Example 2:

Ingredients: Whey protein, lecithin, cherry, sugar, natural flavors, salt. **Contains: Milk, soy, and almond.**

Sad fact: Each year in the U.S., 200,000 people require emergency medical care for allergic reactions to food.

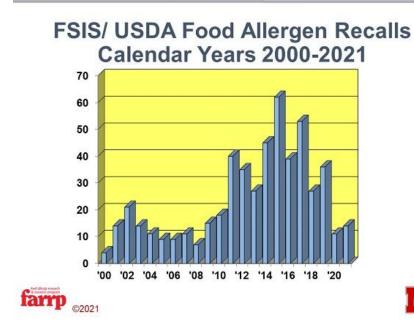
COMMON MISTAKES IN + LABELING

An Overview

Undeclared allergens a leading cause of food recalls in U.S.

By News Desk on April 4, 2017

Food recalls related to illness outbreaks tend to get a lot of headlines, but undeclared allergens in foods continue to be a leading cause of recalls.



Food Safety Recalls

Snak King Corporation Issues Recall and Allergy Alert on Undeclared Milk Allergen in O Organics Sea Salt Organic Popcorn

Apr 11, 2022

Ferrero Voluntarily Recalls Kinder® Happy Moments Chocolate Assortment and Kinder® Mix Chocolate Treats Basket Because of Possible Health Risk and Advises Consumers to Dispose of Certain Kinder Products Not Intended for U.S. Distribution Due to Recall of Products Made in Belgium

Apr 11, 2022

Van Law Food Products, Inc. Issues Allergy Alert on Undeclared Soy and Wheat in Product

www.cdc.gov/foodsafety



Privacy



FSIS Issues Public Health Alert for Ready-to-Eat Chicken Meal Kits Due to Misbranding and Undeclared Allergens

TAYLOR FARMS NEW ENGLAND INC. →

FSIS Announcement

WASHINGTON, March 25, 2022 – The U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) is issuing a public health alert due to concerns that the chicken breast component of ready-to-eat (RTE) chicken breast meal kits may contain wheat and soy, known allergens, which are not declared on the product labels. FSIS is issuing this public health alert to ensure that consumers are aware that these products should not be consumed.

The problem was discovered when the producing establishment notified FSIS that they observed different seasonings than usual on the product labeled as grilled chicken breast while preparing the chicken meal kits.

COMPANY ANNOUNCEMENT

Wilton Industries, Inc. Issues Allergy Alert on Undeclared Milk in Ready to Build Chocolate Cookie Bunny Hutch Kit

When a company announces a recall, market withdrawal, or safety alert, the FDA posts the company's announcement as a public service. FDA does not endorse either the product or the company.

Read Announcement View Product Photos



To date, no illness has been reported due to an allergic reaction to milk.

This labeling oversight was brought to our attention as a result of a consumer inquiry. Following our own internal review, we confirmed "Skim Milk Powder" was included in the ingredient list, but was not listed in the "Contains" statement.

Water, Vegetable Shortening (Palm Oil, Modified Palm Oil, Mono- And Diglycerides, Polysorbate 60), High Fructose Corn Syrup, Corn Starch, Modified Corn Starch, Salt, Acetylated Monoglycerides, Artificial Vanilla Flavor, Potassium Sorbate (Preservative), Citric Acid, Yellow 5. Bunny But leing Decoration: Sugar, Corn Syrup, Water, Corn Starch, Xanthan Gum, Gum Arabic, Tartaric Acid, Dextrin, Gelatin, Titanium Dioxide (Color), Red 40. Contains: Soy And Wheat. Made in a facility that also processes: Egg And Milk.

almentation quotidenne. Le pourseriage de la valeur quotidenne est tondé sur un régime de 2000 calories.

Ingredients: Chocolate Cookies: Enriched Wheat Flour (Wheat Flour, Niacin, Iron, Ascorbic Acid As A Dough Conditioner, Thiamine Mononitrate, Ribollavin, Amylose, Felie Acid), Sugar, Palm Oil, Water, Invert Sugar, Cocca Powder, Skim Milk Powder, Sodium Bicarbonate, Natural And Artificial Vanilla Flavor, Soy Lecithin. Light Blue Ready-To-Use leing: Sogar, Water, Vegetable Shortening (Palm Oil, Modified Palm Oil, Mono- And Diglycendes, Polysorbate 60), High Fructose Corn Syrup, Corn Syrup, Corn Starch, Modified Corn Starch, Salt, Acetylated Monoglycendes, Artificial Vanilla Flavor, Potassium Sorbate (Preservative), Polysorbate 60, Citric Acid, Blue 1. Vibrant Green Ready-To-Use leing: Sugar, Water, Vegetable Shortening (Palm Oil, Modified Palm Oil, Mono- And Diglycendes, Polysorbate 60), High Fructose Corn Syrup, Corn Syrup, Corn Starch, Modified Corn Starch, Salt, Acetylated Monoglycendes, Artificial Vanilla Flavor, Potassium Oil, Modified Palm Oil, Mono- And Diglycendes, Polysorbate 60), High Fructose Corn Syrup, Corn Syrup, Corn Starch, Modified Corn Starch, Salt, Acetylated Monoglycendes, Artificial Vanilla Flavor, Polysorbate 60, Potassium Sorbate (Preservative), Citric Acid, Yellow 5, Blue 1. Green/Drange /Vellow Gum Drupe: Corn Syrup, Sugar, Water, Modified Corn Starch, Artificial Flavor, Titanium Dioxide (Color), Yellow 5, Yellow 6, Blue 1, Red 40. Garden Candy Mit: Destrose, Destrin, Corn Starch, Glucose Syrup, Magnesium Stearate, Gum Arabic, Artificial Vanilla

ba Wax, Red 3, Yellow 5, Yellow 6, gar, Water, Vegetable Shortening - And Diglycerides, Polysorbate 60) rch, Modified Corn Starch, Salt, Vanilla Flavor, Red 40, Red 3, Atric Acid. **Yellow Tube Icing:** Suga Modinee, Mono-El Unglycendes, Polysorbate 60), Sirop De Mais A Haute Teneur En Fructose, Amidon De Mais, Amidon De Mais Modifié, Sel, Monoglycérides Acétylés, Arôme Artificiel De Vanille, Rouge 40, Rouge 3, Sorbate De Potassium (Agent De Conservation), Acide Citrique. Glaçage Jaune En Tube : Sucre, Eau, Shortening Végétal (Huile De Palme, Huile De Palme Modifiée, Mono-Et Diglycérides, Polysorbate 60), Sirop De Mais A Haute Teneur En Fructose, Amidon De Mais, Amidon De Mais Modifié, Sel, Monoglycérides Acétylés, Arôme Artificiel De Vanille, Sorbate De Potassium (Agent De Conservation), Acide Citrique, Jaune 5. Décoration en Glaçage Derrière de Lapin : Sucre, Sirop de Mais, Eau, Amidon de Mais, Gomme de Xanthane, Gomme Arabique, Acide Tartrique, Dextrine, Gélatine, Dioxyde de Titane (Couleur), rouge 40. Contient : Soia El Blé.

Préparé dans une installation qui transforme également : des œufs et du lait

MANUFACTURED FOR/PARA/FABRIQUÉ POUR WILTON INDUSTRIES, INC. NAPERVILLE, IL 60563 USA BUNNY BUTT ICING DECORATION, DECORATING BAGS, DECORATING TIPS, GREEN/ORANGE/YELLOW GUM DROPS AND GARDEN CANDY MIX MADE IN CHINA. REMAINDER OF CONTENTS MADE IN CANADA. / DECORATION DE GLACAGE DERRIÈRE DE LAPIN, POCHES À DOUILLE, CONSEILS DE DÉCORATION, JULUBES VERTS/ORANGES/JAUNES ET MÉLANGE DE BONBON JARDIN FABRIQUES EN CHINE. RESTE DU CONTENU FABRIQUE AU CANADA.

©2021 Wilton Industries, Inc.

Witton and the Witton logo are trademarks of Witton Industries, Inc./Witton et le logo Witton sont des marques de commerce de Witton Industries, Inc.

Common causes of label mistakes

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•Raw material/ingredient substitution •Changes to original recipe Residues of food allergens •Change in supplier Lack of periodic review

PROBLEMS WITH NUTRITION FACTS PANEL

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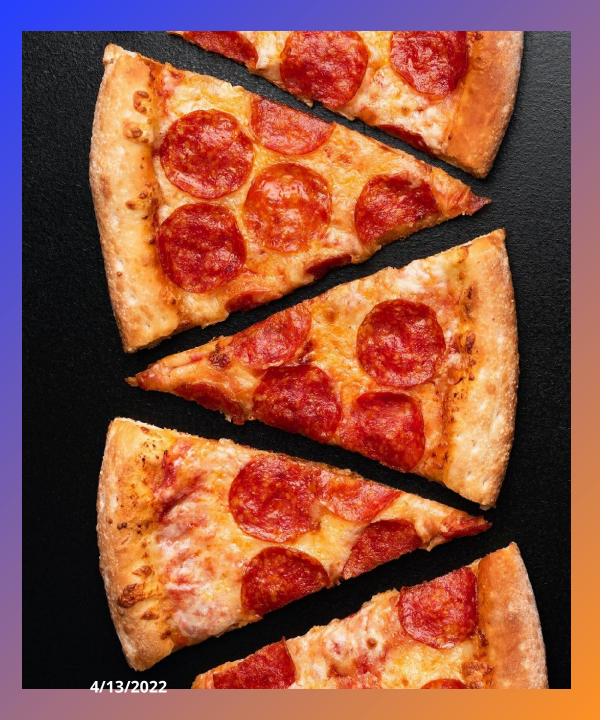
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•Serving size is incorrect

•Servings per container is incorrect

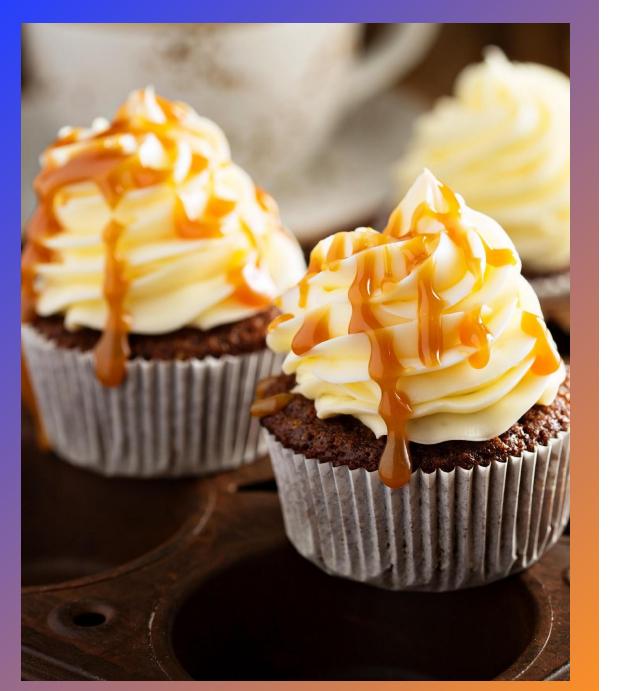
•Wrong format is used

•Rounding of values is incorrect



Tips for Serving Sizes

- Refer to 21 CFR Part 101.9 (b) (1-7).
 - Intended consumer and purpose: infants, children, 4+ years of age; intended for weight control
 - Are there discrete units (e.g., muffins, pancakes and syrup) maraschino cherries, varying sizes, meant to be divided for consumption (e.g., cake, cabbage), variety pack, kit, etc.?



Tips for Servings per Container

- Refer to 21 CFR Part 101.9 (b)(8)
- Packages with 2 5 servings: round serving size number to nearest ½ serving.
- Packages with 5+ servings: round to nearest whole serving
 - Include "about" (e.g., "about 6 servings").

Wrong Format is Used

No smaller than 10 pt with 1 pt of leading Bold, no smaller than 10 pt 1

> Bold, no smaller than 6 pt Bold, no smaller than 16 pt 3 pt rule

No smaller than 8 pt with 4 pt of leading²

Bold, no smaller than 8 pt with 4 pt of leading 3

1/4 pt rule centered between nutrients (2 pt leading above and below)

> Shortened rule above Added Sugars declaration

No smaller than 6 pt with 1 pt of leading

Nutrition Fa	icts	- Bold, no smaller than all
8 servings per container Serving size 2/3 cu	p (55g)	sizes except numerical va "Calories"
		 7 pt rule
Calories	230	 Bold, no smaller than 22
% 0	aily Value* <	 Bold, no smaller than 6 p
Total Fat 8g	10%	
 Saturated Fat 1g 	5%	
Trans Fat 0g		
Cholesterol Omg	0%	
Sodium 160mg	7% <	 Bold, no smaller than 8 p
Total Carbohydrate 37g	13%	
Dietary Fiber 4g	14%	
Total Sugars 12g	*	- All labels enclosed by 1/2
Includes 10g Added Sugars	20%	within 3 point of text mea
Protein 3g		
Vit D Omen 109/		 7 pt rule
Vit. D 2mcg 10% · Calcium 26		
Iron 8mg 45% • Potas. 2	235mg 6% <	 No smaller than 8 pt with
* The % Daily Value (DV) tells you how much a serving of food contributes to a daily diet. 2 a day is used for general nutrition advice.		of leading and 8 pt bullets

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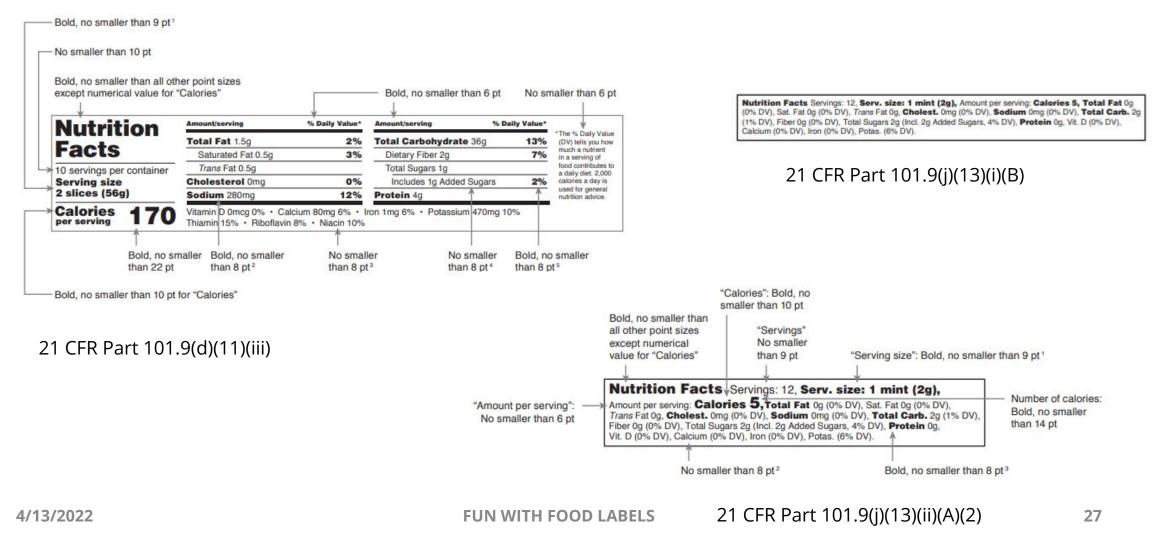
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Examples of Different Label Formats -FDA Reference Document



Improper Rounding of Values

- Calories
 - < 5 cal = 0
 - \leq 50 cal = nearest 5 cal
 - > 50 cal = nearest 10 cal
- Any fat
 - < 0.5 g = 0
 - 0.5 to 5 g = nearest 0.5 g
 - \geq 5 g = nearest 1 g
- Cholesterol
 - < 2 mg = 0
 - 2 5 mg = "less than 5 mg"
 - > 5 mg = nearest 5 mg
- Sodium
 - < 5 mg = 0
 - 5 to 140 mg = nearest 5 mg
 - > 140 mg = nearest 10 mg
- Total Carbohydrate, Dietary Fiber, Sugars, Added Sugars
 - < 0.5 g = 0
 - < 1 g = "less than 1 g"
 - \geq 1 g = nearest 1 g

- Protein
 - < 0.5 g = 0
 - < 1 g = "less than 1 g"
 - \geq 1 g = nearest 1 g
- Vitamin D
 - < 0.40 mcg = 0
 - > 0.40 mcg = nearest 0.1 mcg

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- Calcium
 - < 25 mg = 0
 - > 25 mg = nearest 10 mg
- Iron
 - < 0.35 mg = 0
 - > 0.35 mg = nearest 0.1 mg
- Potassium
 - < 95 mg = 0
 - > 95 mg = nearest 10 mg

UNAUTHORIZED HEALTH CLAIM OR CERTIFICATION



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Health Claims (if you meet the requirements)

- Scientific evidence reviewed by FDA to show that food or food component may <u>reduce</u> the risk of a disease or a health-related condition.
- Cannot claim diagnosis, cure, mitigation, or treatment of a disease.





USING IMPROPER NAMES OF INGREDIENTS OR STANDARD OF IDENTITY

For Standards of Identity

Refer to 21 CFR Chapter 1, Subchapter B, Parts 131 - 169

- Part 131 Milk and Cream
- Part 133 Cheeses and Related Cheese Products
- **Part 135** Frozen Desserts
- Part 136 Bakery Products
- Part 137 Cereal Flours and Related Products
- Part 139 Macaroni and Noodle Products
- Part 145 Canned Fruits
- Part 146 Canned Fruit Juices
- ▶ Part 150 Fruit Butters, Jellies, Preserves, and Related Products
- Part 152 Fruit Pies
- Part 155 Canned Vegetables
- Part 156 Vegetable Juices
- Part 158 Frozen Vegetables
- Part 160 Eggs and Egg Products
- Part 161 Fish and Shellfish
- Part 163 Cacao Products
- Part 164 Tree Nut and Peanut Products
- Part 165 Beverages
- Part 166 Margarine
- Part 168 Sweeteners and Table Sirups
- Part 169 Food Dressings and Flavorings

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UNDECLARED ALLERGENS





4/13/2022

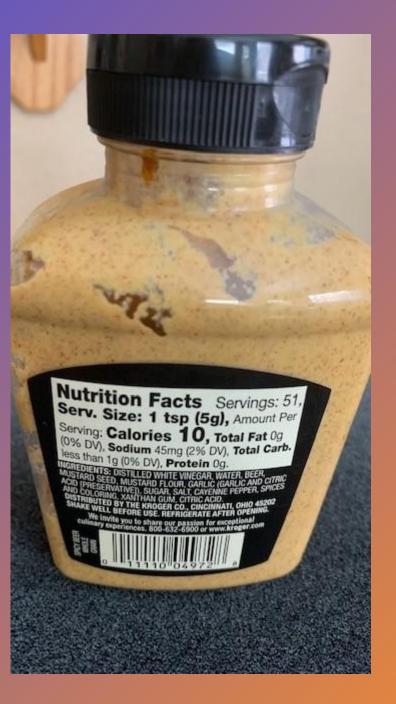
WHAT'S WRONG WITH + THIS LABEL?

The Game

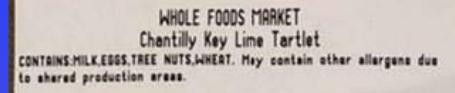


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Ingredients: Tart (eggs, lime purse, sugar, palm shortaning [palm oil], gluten free flour [rice flour, tapioca flour, guar gum, locust bean gum], water, butter [natural flavor], confectioners sugar, egg yolks, almond flour, tapioca syrup [organic tapioca starch], natural green food color [plant extractives, sunflower lecithin], cream [milk, cerrageenan, mono and diglycerides, polysorbate 80], cornaterch, gelatin [pork], pectin nh neppage [amidated pectin, disodium diphosphate, dextrose, triceloium phosphate], xanthan gum, citric acid], Lime Zest.

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Pecked On 07.24.20009:32		Sell By 07.27.20	* Total Price	
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Serv Size 1 es Set	Fet 3.0g s Fet 0.0g st. 45mg	15 % Fiber Og Sugara 15 % Protain	lg	
Fat Cal. 60 Sedier	m 15mg n 86 0%	1% • Vitamin		
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Classic Lasagna sheets-

\$6.00

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Ingredients: Flour, Semolina, Egg, water

*Manufactured in a facility where flour is used. *Raw egg can cause illness when mishandled or improperly cooked. *Keep refrigerated, cook thoroughly, serve immediately and refrigerate left overs. Use by 5 days after thawing.

Lot # 44531

Net wt. 1 lb



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	Arrives by Apr 19-22 if you order today.			
Highlig	Ihts			^
😻 Ha	ndmade			

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FUN WITH FOOD LABELS

THANK YOU

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