

Food Allergen Labeling

The Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) addresses the labeling of foods that contain any of the eight major food allergens.

FALCPA defines "major food allergens" as

Milk	Fish
Egg	Crustacean Shellfish
Peanuts	Tree Nuts
Soybeans	Wheat

All ingredients that contain a major food allergen must be labeled, regardless if they might otherwise be exempted from labeling by being a spice, flavoring, coloring or incidental additive.

FALCPA requires the labeling of food allergens in one of two ways.

1. In the ingredient statement, include the name of the food source in parentheses following the common or usual name of the major food allergens. For example: Ingredients Flour (wheat), whey (milk)
2. Following the ingredient statement, place the word, "Contains" followed by the name of the food source from which the major food allergen is derived. For example: *Contains Wheat, Milk*

FALCPA requires that:

- For Tree Nuts, the specific type of nut must be declared:
Example: almonds, pecans, walnuts, etc.
- For Fish and Crustacean Shellfish, the species must be declared: Example: cod, salmon, lobster, shrimp, etc.

FALCPA's requirements apply to all packaged foods sold in the United States, including both domestically manufactured and imported foods.

Resource Information on Labeling

Principal display panel
105 CMR 520.101
21 CFR 101.0

Information panel
105 CMR 520.102
21 CFR 101.2

Identity labeling of food
105 CMR 520.103
21 CFR 101.3

Nutrition labeling
105 CMR 520.109
21 CFR 101.9

Misbranding of food
105 CMR 520.118
MGL C. 94 sec. 187
21 CFR 101.18

Mandatory labeling information
105 CMR 520.020

Natural and organic labeling
105 CMR 520.116

Trans Fat
<http://www.cfsan.fda.gov/~dms/transgui.html>

Allergens

- Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) (Public Law 108-282)
- Guidance for Industry
<http://www.cfsan.fda.gov/~dms/alrguid4.html>

NOTE: This brochure is only a guide.

Since regulations are amended from time to time, it is the responsibility of licensees to know and abide by all current labeling regulations. Always consult official Massachusetts and federal regulations to ensure labels are in full compliance.

Massachusetts Minimum Requirements for Packaged-Food Labeling



WHEAT BREAD

Ingredients: Flour (bleached wheat flour, malt barley, flour, niacin, iron, potassium thiamine, thiamine mononitrate, riboflavin, folic acid), Sugar, Eggs, Water, Milk, Margarine (liquid soybean oil, partially hydrogenated soybean oil, water, salt, whey, soybean lecithin, vegetable mono & diglycerides, sodium benzoate as a preservative, potassium caseinate [a milk protein], artificially colored, FD&C Red #3, artificially flavored, vitamin A, dalmatite added), Yeast, Salt

Sell by: 9/22/07
Net Weight: 1 pound (16 oz.)

The Bakery
412 Main Street
Anytown, MA 01234

**Food Protection Program
Bureau for Environmental Health
Massachusetts Department of Public Health**

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Minimum Requirements for Packaged-food Labeling

The Massachusetts Food Protection Program has prepared this guide to help you develop a food label that complies with Massachusetts and federal labeling requirements. For additional information, please refer to the resources listed on the back panel.

Foods that Require Labeling

All packaged foods must be labeled in accordance with Massachusetts and federal labeling regulations, including all foods intended for retail sale that are manufactured in licensed residential kitchens.



For Interpretations and assistance with labeling regulations, please contact:

Food Protection Program
Bureau for Environmental Health
Massachusetts Department of Public Health
305 South Street
Jamaica Plain, MA 02130

Phone: 617-983-6712
Fax: 617-983-6770
TTY: 617-624-5286
Web: www.mass.gov/dph/fpp

Or the U.S. Food and Drug Administration
<http://www.cfsan.fda.gov/label.html>
Office of Nutritional Products, Labeling, and Dietary Supplements: 301-436-2371

Minimum Information Required on a Food Label

The Massachusetts and federal labeling regulations require the following information on every food label:

- Common or usual name of the product.
- **All ingredients listed in descending order of predominance by weight, and a complete listing of sub-ingredients.**
Example of a sub-ingredient: Flour (bleached wheat flour, malt barley, flour, niacin, iron, potassium thiamine, thiamine mononitrate, riboflavin).
- Net weight of product.
- Dual declaration of net weight, if product weighs one pound or more.
Example: 1 pound [16 oz.]
- "Keep refrigerated" or "Keep frozen" (if product is perishable).
- All perishable or semi-perishable foods require open-dating and recommended storage conditions printed, stamped, or embossed on the retail package.
- Once an open-date has been placed on a product, the date may not be altered.
- Name and address of the manufacturer, packer, or distributor. If the company is not listed in the current edition of the local telephone book under the name printed on the label, the street address must also be included on the label.
- Nutrition labeling.
- If a food product has a standard of identity, the food must meet the standard in order to be offered for sale under that product name.
- All FDA certified colors.
Example: FD&C Yellow #5, FD&C Red #3

Massachusetts Open-dating Regulation

To comply with the Massachusetts open-dating labeling regulation, a "sell-by" or "best-if-used-by" date is required if the product has a recommended shelf life of fewer than 90 days.

Foods exempt from this requirement include: fresh meat, poultry, fish, fruits, vegetables offered for sale unpackaged or in containers permitting sensory examination, and food products pre-packaged for retail sale with a net weight of less than 1½ ounces.

Foods may be sold after the open-date if the following conditions are met:

- It is wholesome and good quality.
- The product is segregated from food products that are not "past date," and the product is clearly marked as being "past date."

Health Claims

Health claims allowed by the FDA on a label are limited to the following relationships between diet & disease:

1. Calcium & reduced risk of osteoporosis
2. Sodium & increased risk of hypertension
3. Dietary saturated fat and cholesterol & increased risk of heart disease
4. Dietary fat & increased risk of cancer
5. Fiber-containing grain products, fruits, and vegetables & reduced risk of cancer
6. Fruits/vegetables & reduced risk of cancer
7. Fruits, vegetables, and grain products that contain fiber, particularly soluble fiber & reduced risk of heart disease
8. Soluble fiber from certain foods & reduced risk of heart disease
9. Folic acid & reduced risk of neural tube defects
10. Soy protein & reduced risk of heart disease
11. Stanols/sterols & reduced risk of heart disease
12. Dietary non-carbogenic carbohydrate sweeteners & reduced risk of tooth decay