

State and federal food labeling requirements can be confusing for food producers and processors. This fact sheet aims to clarify regulations for the food products most commonly sold by Kansas food producers and processors.

The Kansas Department of Agriculture is the state agency responsible for most food labeling. Within the department, the responsible section depends on the type of product, as indicated below. Note that in addition to the requirements listed below, meat¹, poultry¹, dairy², and alcohol³ products must meet additional labeling requirements. These state government entities are open to answering questions regarding Kansas and federal requirements and reviewing label proofs for compliance before printing.

| Product type | Responsible KDA group | Contact details |
|---------------------------|---------------------------------|--|
| Meat and poultry products | Meat and Poultry Program | Meat and Poultry: 785-564-6776 |
| Dairy products | Dairy Inspection Program | Dairy Section: 785-564-6700 |
| All other food products | Food Safety and Lodging Program | Food Safety and Lodging: 785-564-6767 |

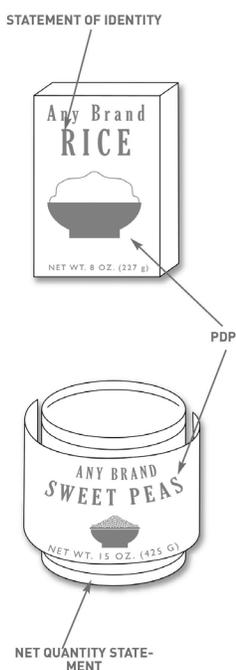
General Requirements for all Food Products

There are three primary requirements for labeling of all products sold by weight or liquid measure, including: 1) identity of product, 2) quantity, and 3) declaration of responsibility. All products containing two or more ingredients must also be labeled with an ingredient list (See number 4, on page 2).

1. Identity of product/ Statement of identity

What it is: The common or usual name of the food, if it has one. Note that the name of some foods (such as “fruit jam”) are federally regulated as to what the product must contain to bear that name (the “standard of identity”⁴).

Where it must appear: On the Principle Display Panel (PDP)⁵ — the main label panel.



Exemptions: An identity is not required, in some cases, if the commodity is easily recognizable through the wrapper.

Other notes: The name used to identify the product cannot be misleading or deceptive.

2. Net Quantity (Amount)

What it is: an accurate declaration of the weight, volume, or number of products in the package, not including the package weight.

Generally, solids are sold by weight and liquids by volume. Combinations may be sold by weight or volume.

Metric quantities (liter, grams, etc.) are now required on most labels. The metric units may appear before or after the customary declaration and must be shown in three digits.

For example: 1 pound (454 grams) OR 1 quart (.946 L)

Where it must appear: In the lower third of the principal display panel (PDP) (see image at lower left).

Other notes: A few containers in a lot may be under weight or measure but the average must meet the stated value and the shortages (in any container) must be small.

A declaration of quantity must not be qualified. "Jumbo Pound," "Minimum Weight," "Full Gallon," or any other term that exaggerates the amount is not allowed.

If selling ready-to-eat food, such as food that could be purchased at a restaurant, it can be sold from bulk by weight, measure (liter, quart, etc.), or count (count includes servings). If packaged as a single serving, it can be sold by weight, measure, or count as well. If it is packaged and is more than a single serving, it must be sold by weight or measure. More information on allowed methods of sale (weight, count, measure, etc.) for fresh fruits and vegetables is available in *Food Safety for Kansas Farmers Market Vendors: Regulations and Best Practices* (www.bookstore.ksre.ksu.edu/pubs/MF3138.pdf).

3. Declaration of Responsibility

What it is: name, physical address, and zip code of the manufacturer, packer, OR distributor taking responsibility for the product (see bottom of Examples A and B on page 2).

Where it must appear: on the front panel OR with the ingredients on the informational panel (side panel).

Other notes: Unless the name given is the actual manufacturer of the product, the name must be accompanied by a qualifying phrase that states the firm's relation to the product.

Example: “Manufactured for _____” or “Distributed by _____”

Note: Identity, responsibility, and quantity statements may be hand written if the font size requirements are met and the writing is clearly legible.

4. Ingredient list

What it is: Listing of ingredients in decreasing order of predominance by weight (the most by weight first, the least by weight last). Even ingredients used in trace quantities must be listed.

The food source of major allergens⁶ must be listed either in (Example A) or adjacent to (Example B) the ingredients statement.

Example A: Ingredients: Enriched flour (wheat flour, malted barley, niacin, reduced iron, thiamin mononitrate, riboflavin, folic acid), sugar, partially hydrogenated cottonseed oil, high fructose corn syrup, whey (milk), eggs, vanilla, natural and artificial flavoring, salt, leavening (sodium acid pyrophosphate, monocalcium phosphate), lecithin (soy), mono- and diglycerides.

Example B: Ingredients: Enriched flour (flour, malted barley, niacin, reduced iron, thiamin mononitrate, riboflavin, folic acid), sugar, partially hydrogenated cottonseed oil, high fructose corn syrup, whey, eggs, vanilla, natural and artificial flavoring, salt, leavening (sodium acid pyrophosphate, monocalcium phosphate), lecithin, mono- and diglycerides. **Contains:** Wheat, Milk, Egg, and Soy.

Annotations:
 (1) Include the name of the food source in parenthesis following the common or usual name of the major food allergen in the list of ingredients in instances when the name of the food source of the major food allergen does not appear elsewhere in the ingredient statement for another allergenic ingredient.
 (2) Place the word "Contains," followed by the name of the food source from which the major food allergen is derived, immediately after or adjacent to the list of ingredients, in a type size that is no smaller than that used for the ingredient list.

Where it must appear: On the same label panel as the name and address of the responsible party.

Other notes: If the product contains a processed or standardized food as an ingredient (such as enriched flour — see examples on right), then the ingredients of that food must also appear in parenthetical form in the list.

Nutritional Labeling

Larger food (non-meat) processors (selling >\$50,000 of food/year) are legally required to include Nutrition Facts on their retail product labels. However, Nutrition Facts may be required by some retailers/buyers and are helpful in marketing to consumers. FDA updated the nutrition facts label requirements in May 2016 and recently extended the compliance dates⁷. Manufacturers need to use the new label by January 1, 2020, but companies with less than \$10 million in annual food sales will need to comply by January 1, 2021.

For meat and poultry products, large meat processors⁸ are required to include Nutrition Facts on the label of all products with two or more ingredients, as well as for all ground meat products. As of March 2012, all

meat processors — regardless of their size — selling to consumers (rather than to institutions) must provide nutrition facts for major cuts⁹ of single-ingredient meats either on the label or at the point of purchase.

What it is: “Nutrition Facts” labeling listing serving size, calories, and key nutrients (see example image at right).

Where it must appear: On the same label panel as the ingredient list and the name and address of the manufacturer, packer, or distributor.

Exemptions: Small businesses selling less than \$50,000 of food (non-meat)/year are exempted.

Businesses employing fewer than 10 full-time-equivalent employees and annual sales of fewer than 10,000 total units of any food product are also exempted¹⁰.

Note: If any company makes a nutritional or health claim on the label or if the food is fortified or for baby food, nutrition labeling is required.

Other notes: The Kansas Value Added Foods Lab¹¹ can generate the Nutrition Facts panel for a nominal fee.

The Nutrition Labeling and Education Act (1990) that regulates Nutrition Facts also authorizes the use of very specific and FDA approved nutrition content and health claims, such as “low fat”¹².

Non-regulatory Items

The following items are not required by governmental regulations to be on food labels, but producers may choose to include them if requested by a buyer or for marketing purposes.

1. Bar Codes (UPC)

What it is: The bar code, or Universal Product Code (UPC), provides information about the product identity, size, price, and other necessary data. The retailer may provide the UPC for you if asked.

Where it must appear: Anywhere on the package, other than it may NOT appear between the required labeling on the information panel (i.e. between the Nutrition Facts and the Ingredient statement).

Exemptions: NOT a regulatory requirement. However, it may be required by a retailer/distributor, particularly larger stores.

Other notes: UPC numbers can be purchased from a company called GS1 (www.gs1.us.org). The yearly fee for the bar code is based on the number of products and gross sales.

| Nutrition Facts | |
|-----------------------------------|------------|
| 8 servings per container | |
| Serving size 2/3 cup (55g) | |
| Amount per serving | |
| Calories | 230 |
| % Daily Value* | |
| Total Fat 8g | 10% |
| Saturated Fat 1g | 5% |
| Trans Fat 0g | |
| Cholesterol 0mg | 0% |
| Sodium 160mg | 7% |
| Total Carbohydrate 37g | 13% |
| Dietary Fiber 4g | 14% |
| Total Sugars 12g | |
| Includes 10g Added Sugars | 20% |
| Protein 3g | |
| Vitamin D 2mcg | 10% |
| Calcium 260mg | 20% |
| Iron 8mg | 45% |
| Potassium 235mg | 6% |

* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

If you are not planning to sell to stores that require GS1 codes but still would like a bar code, you can also use discounted bar codes, such as from www.nationwidebarcode.com

2. Organic, Natural, and other labeling topics

Organic: If products are labeled as certified organic, proof of that certification must be on file with the relevant state office regulating the labeling of that product.

For more information about obtaining organic certification to put on your food label, including an organic cost-share program, go to the Kansas Department of Agriculture website: <http://agriculture.ks.gov/kda-services/grants-and-cost-share-programs/organic-cost-share-program>

Natural: The U.S. Department of Agriculture does have a specific definition for “natural” for the processing of meat and poultry. More information on this and other meat labeling terms is available from: www.bookstore.ksre.ksu.edu/pubs/MF3209.pdf

The FDA does not have a specific definition for “natural.” However, FDA has not objected to its use if the food does not contain added color, artificial flavors, or synthetic substances. For more information: www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm456090.htm

Other food labeling information, including on gluten-free, fresh, and trans-fatty acids: www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm2006864.htm

For more information

What’s on a Food Label? Revised November 2014. Revised by Fadi Aramouni, Karen Blakeslee, and Katie Alstadt. www.bookstore.ksre.ksu.edu/pubs/L883.pdf

FDA Document “Guidance for Industry: A Food Labeling Guide” (Revised January 2013): www.fda.gov/food/guidanceregulation/guidancedocumentsregulatoryinformation/labelingnutrition/ucm2006828.htm

References

¹More information on meat and poultry labeling requirements is available from the Kansas Department of Agriculture Meat and Poultry Inspection Program: <http://agriculture.ks.gov/divisions-programs/meat-and-poultry-inspection>

²More information is available from the Dairy Inspection Program of the Department of Agriculture: <http://agriculture.ks.gov/divisions-programs/dairy-inspection>

³More information available from the Kansas Division of Alcoholic Beverage Control: www.ksrevenue.org/abc.html

⁴Examples and more information at: www.ag.ndsu.edu/foodlaw/processingsector/standardofidentity

⁵The PDP is the portion of the package label that is most likely to be seen by the consumer at the time of purchase.

⁶The eight major food sources for allergens are milk, eggs, fish, crustacean shellfish, tree nuts (walnuts, almonds, pecans, etc.), wheat, peanuts and soybeans, as well as their derivatives, such as caseinate, albumin or whey.

⁷More information is available from: www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm385663.htm

⁸Companies with <500 employees and <100,000 pounds processed per year are exempted. See 9 CFR.317.400 a1ii for federal meat regulations, 9CFR381.500 a1ii for poultry. More information is available from: www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/labeling/labeling-policies/nutrition-labeling-policies/nutrition-labeling

⁹List of major cuts available in Q18 of this document: http://www.fsis.usda.gov/PDF/Nutrition_labeling_Q&A_060911.pdf

¹⁰www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm053857.htm

¹¹More information on KVAFL’s services to companies and individuals in Kansas is available from: www.ksre.ksu.edu/kvaf1

¹²More information on these claims is available from: www.fda.gov/Food/LabelingNutrition/ucm207974.htm

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