



FDA Food Label Compliance

As part of the e-monthly newsletter, *Food Label News*, Food Consulting Company answers questions from subscribers. Here are a couple of recent questions and answers pertaining to product identity:

I know there are requirements for the "statement of identity" but what part of the product name counts as the "statement of identity"? I can't find a definition for that term.

21 CFR 101.3 defines the identity labeling of food in packaged form. The Principle Display Panel (front of package) is required to include as one of its principle features a statement of the identity of the commodity. The statement of identity is either the name of the standardized food or an appropriately descriptive product name. [Read more](#) in a previous article from *Food Label News*.

If a product contains either 1% juice or no juice at all, can the word "juice" be included on the label? I thought it had to contain 100% juice, yet I see several brands of kids' drinks that don't follow this rule. Are these labels in compliance?

For products that include more than 0% and less than 100% juice and include "juice" in the product name, the word "juice" must be qualified by a descriptor such as "drink," "cocktail," or "beverage" to differentiate it from 100% juice. For example: juice drink, juice cocktail, or juice beverage. A drink with 0% juice cannot include "juice" in the product name.

There are a number of ways to get your questions answered:

- **Subscribe** to *Food Label News* – www.foodlabels.com/subscribe
- **Search** the Reader Q&A Archive – www.foodlabels.com/q&a.htm
- **Join** the discussion about topics of interest to food labelers on LinkedIn's Food Label Community - www.foodlabels.com/linkedin/community
- **Contact us** for individualized help at www.foodlabels.com

About Food Consulting Company

Food Consulting Company, founded in 1993, delivers nutrition analysis and food label guidance to ensure 100% regulatory compliance. The largest contract provider of food labeling services with well over 1,500 clients worldwide, the company's services are ideal for start-ups, established food manufacturers and distributors, food importers and brokers, and restaurateurs.

Our experienced team of registered dietitians, regulatory specialists and food technologists work side-by-side with your team, like your virtual food label department. Our goal is to make food label compliance easy.



From our *Food Label News* archive: June 2015

What's in a Name? How to Choose the Correct Product Identity

It seems obvious to name a product, but all too often it is not. As food labelers, we must provide consumers with a complete description of what they are buying as well as comply with all applicable regulatory requirements.

An understanding of statement of Product Identity is critical to ensure that your product is not mislabeled. For example, is the specific cheese item you are labeling a cheese, cheese spread, or pasteurized process cheese? Does it meet one of the 70+ standards of identity found in 21 CFR 133 – Cheeses and Related Cheese Products?

The place to start is to determine whether a food is standardized (has a standard of identity) or is non-standard and requires another type of name. Below are the types of product names and examples of each to guide your understanding.

- Standard – The name of a standardized food is "Swiss Cheese" and 21 CFR 133.195 contains the standard of identity for Swiss Cheese. The product must meet those requirements in order to be identified as "Swiss Cheese" on the label.
- Common or Usual Name – When no standard exists, a common or usual name is used. For example, the CFR does not contain a standard of identity for cookies, therefore the common name "Cookies" is used on the label.
- Descriptive Term – When no standard or common/usual name exists, the product name must be appropriately descriptive. An example is "Mexican-style Bean Dip".
- Fanciful Name – When no standard or common/usual name exists and the public commonly knows the product, a fanciful name is used on the label. An example is "Marshmallows".

 **Once you determine the correct Product Identity, the next step is to determine how it needs to appear on the label. The regulations specify that the Product Identity must be on the principle display panel in bold type, in a size reasonably related to the most prominent printed matter on the panel (generally considered to be half of the largest type size), and in lines generally parallel to the base of the package.**

From our *Food Label News* archive: August 2015

Around the World in Product Names: Using Geographic References in U.S. and Canada

Asian Rice. French Bread. Thai Noodles. Vienna Sausage. When can you use geographic references in product names? Both FDA and USDA have requirements concerning geographic naming. Take note of the nuances that apply to your product.

In U.S., FDA and USDA require that a product meet one of four conditions to use a geographic reference on the label:

1. Truthful representation of geographic origin. Noodles made in Thailand can be labeled "Thai Noodles." "Virginia Ham" is only acceptable for a ham produced in the state of Virginia.
2. An exclusive long-standing trademark or a name that is so fanciful, it's not generally understood to be a geographic reference. "Near East[®] Rice" and "Moon Sausage" are examples.
3. A part of the name required by applicable Federal law or regulation, such as "Frankfurters."
4. A name that is generally understood to be a specific type or style of food or preparation rather than from a particular geography. "French Bread" and "Italian Dressing" are examples. For USDA, these terms must be qualified with the word "style" or "type" unless specifically approved as a generic term (e.g., "Genoa Salami").

To use a geographic reference on a product that does not meet the above guidelines, note:

FDA-regulated foods need to be qualified with the word Style as in "Asian Style Rice."

USDA-regulated foods need to be qualified with the word Brand along with a statement about where the product was made, such as "Milwaukee Brand Bacon, Made in Chicago, Illinois." The word Brand must be in the same size and style of type as the geographic term.

 **Regulations for use of geographic references in product names are similar in Canada. For example, a product named "New Orleans Jambalaya" is misleading if it did not originate from or was not last processed in New Orleans. In this instance, use of the word "Style" is required: "New Orleans Style Jambalaya."**

Some special circumstances exist: 1) standardized product names - for example, "Pommes Fuji Apples" do not need to originate from Fuji, Japan, and generally do not; and 2) long-established trademarked brand names - for example, "Marque Vienna Brand Rye Bread / Pain de seigle" does not need to originate from Vienna, Austria.

References: 21 CFR 101.18, FSIS Policy Memo 068, CFIA Guidance Document Repository