

LABELING REQUIREMENTS

I. Product of Identity - Reference: CFR 21, Part 101.3: Name of product that provides proper description.

II. Statement of Ingredients - Reference: CFR 21, Part 101.4

- A. Complete breakdown of Ingredients (with sub-ingredients) listed by common or usual name in descending order of predominance by weight.
- B. An ingredient which itself contains two or more ingredients shall be designated in the statement of ingredients on the label of such food:

By declaring the established common or usual name of the ingredient followed by a parenthetical listing of all ingredients contained therein in descending order of predominance.

- C. When listing vegetable shortening or oil, the type shall also be listed, e.g., Soybean, Cottonseed and/or Canola Oil. If hydrogenated, this must be specified.

III. Statement of Responsibility - Reference: CFR 21, Part 101.5

The label of a food in packaged form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

Where the food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such food; e.g., A Manufactured for @ A Distributed by @, or any other wording that expresses the facts.

The statement of the place of business shall include the street address, city, state and zip code; however, the street address may be omitted if it is shown in a current telephone directory. A Telephone Number is not required. It is their prerogative if they wish to display a telephone number. Note: A telephone no., Email address, or web site cannot be used in lieu of the statement of responsibility requirement.

IV. Declaration of net quantity of contents - Reference: CFR 21, Part 101.105

Dual declaration – Reference: Fair Packaging and Labeling Act, Title 15 – Chapter 39, §1453 (a)(2)

Net quantity of contents shall be separately and accurately stated in a uniform location upon the principal display panel of the label, using the most appropriate units in both the customary inch/pound system of measure and the SI metric system. Either one may follow the other parenthetically. SI means – International System of Units

The term 'Net Wt.' is used to represent solid/mass type products. Use of the terms "Net" or "Net Contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce (system of weights and measure that is based on a pound containing 16 ounces or 7,000 grains and equal to 453.59 grams) from fluid ounce through association of terms; for example, "Net wt. 6 oz" or "6 oz Net wt." and "6 fl oz" or "Net contents 6 fl oz".

The quantity of contents shall be placed on the principal display panel. It shall be within the bottom 30 percent of the area of the label panel in lines that are generally parallel to the bottom of the package as it is designed to be displayed.

A declaration of net quantity of contents is permitted to be blown, molded or embossed on a glass or plastic surface of the container as long as all other required labeling information is available on the principal display panel.

Exemption: Net content of dual declaration for consumer packages does not apply to:

- § Foods packaged at the retail store level
- § Meat and poultry products subject to the Federal Meat and Poultry Products Inspection Act
- § Nutrition labeling information

Note: Labeling requirements for Net Quantity of Contents is under the purview of the ODA Division of Weights and Measures. Local enforcement is provided by Weights and Measures located in the Auditor's office at the county court house of that particular county.

V. Refrigeration or Frozen

- A. If a product is required to be refrigerated during display or after opening, the label must provide the following phrases respectively on display panel: **Keep Refrigerated or Refrigerate after Opening**
- B. If a product should be kept frozen for proper storage, then the label should provide this information on the principal display panel.

VI. Nutritional Labeling – Exemptions - Reference: CFR 21, Part 101.9 (j)

A. Retail exemption:

Food offered for sale by a retailer who has annual gross sales of food to consumers of not more than \$50,000; or has total annual gross sales, of food/non-food items to consumers of not more than \$500,000 is exempt from nutritional labeling provided no nutritional claims are made.

SALES IN FOOD	TOTAL SALES (FOOD & NON-FOOD)	STATUS
\$50,000 or less	\$500,000 or less	Exempt
\$50,001 or more	\$500,000 or less	Exempt
\$50,000 or less	\$500,001 or more	Exempt
\$50,001 or more	\$500,001 or more	Not Exempt

Ready-to-eat food products that are manufactured on site by the retail firm and not sold outside of that retail firm is exempt provided no nutritional claims are made.

B. Manufacturer/Wholesaler exemption:

A firm with fewer than 100 full time employees (FTE's) and less than 100,000 units sold in the previous year is exempt from nutritional labeling provided no nutritional claims are made.

An establishment that wholesales product must submit annual notification to FDA to maintain existing exemption.

NOTE: a firm with less than 10 employees and less than 10,000 units sold does not have to apply to FDA for an exemption.

VII. Sale Dates:

“Best if Used By,” “best before,” “best if used before,” “Sell by,” “use by,” and “use before” means the date by which the manufacturer, processor, or packager of a packaged food product recommends that the food product be sold for consumption based on the food product's quality assurance period. These types of products may be sold past this date.

Expiration Date – the specific products that are not permitted to be sold past this date include: OTC drugs, baby food, and infant formula*.

*The term required on infant formula products is "**use by**" date, not "expiration" date.

VIII. UPC Code: We do not regulate the UPC code. The following address and number is provided if you wish further information:

Uniform Code Council
7051 Corporate Way
Dayton, Ohio 44459
(937) 435-3870 or 1-800-543-8137

The ODA Division of Food Safety should be notified when labeling violations are identified on food products that were not packaged at the retail level; and food products packaged at retail for distribution.

Labels may be submitted to the Ohio Department of Agriculture for review and approval to the:

Ohio Department of Agriculture
Division of Food Safety
8995 E. Main Street
Reynoldsburg, Ohio 43068
Email – foodsafety@odant.agri.state.oh.us