# Labeling Requirements

**Labeling Guidance for Retail Food Packaged in a Food Facility**

All food packaged for consumer self-service in North Dakota must be properly labeled before sale at retail. The following information contains general food labeling requirements.

## Parts of a Retail Label

1. Principal Display Panel.
2. Product Name.
3. Net Weight.
4. Information Panel.
5. Business Name and Physical Address.
6. List of Ingredients.
7. Allergen Statement.
8. Nutritional Information (if applicable).
9. Identification Number (recommended).

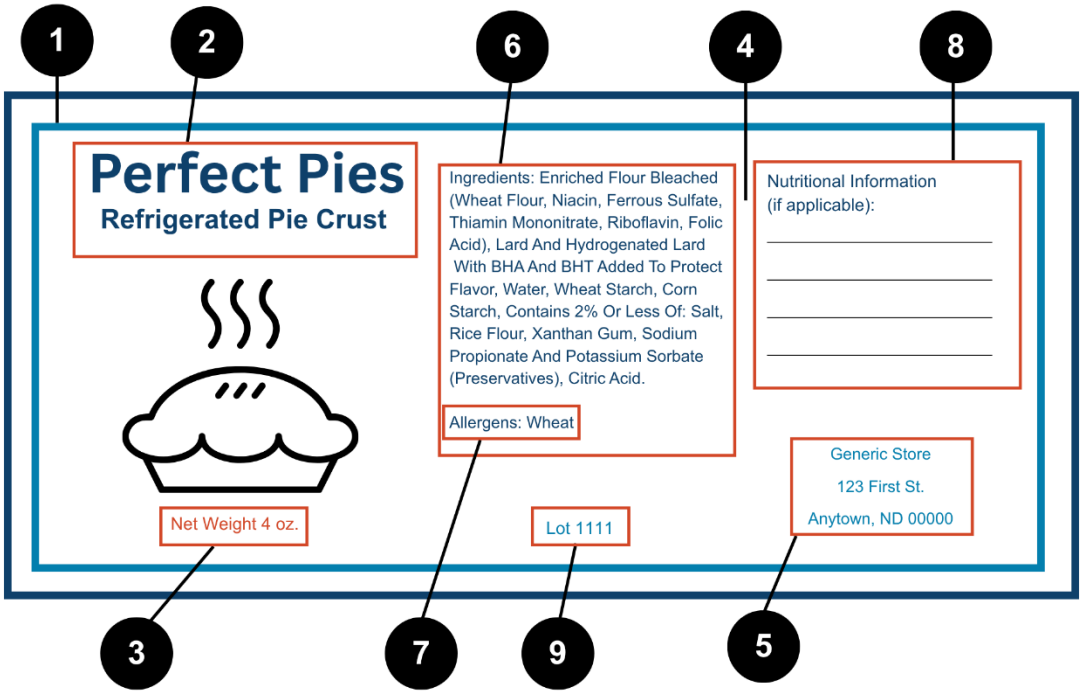



Figure 1: Example of a retail product label that has the required information for a packaged food product.

Text of Figure 1 retail product label:

- Product Name: Perfect Pies Refrigerated Pie Crust.
- Net Weight: 4 oz.
- Business Name and Physical Address: Generic Store,123 First St., Anytown, ND 00000.

- Ingredients: Enriched Flour Bleached (Wheat Flour, Niacin, Ferrous Sulfate, Thiamin Mononitrate, Riboflavin, Folic Acid), Lard and Hydrogenated Lard with BHA and BHT added to protect flavor, Water, Wheat Starch, Corn Starch, contains 2% or less of: Salt, Rice Flour, Xanthan Gum, Sodium Propionate and Potassium Sorbate (Preservatives), Citric Acid.
- Allergens: Wheat.
- Identification Number: Lot 1111.

# Principal Display Panel

The following information must appear on the Principal Display Panel, which is the portion of the package label that is most likely to be seen by the consumer at the time of purchase.

# Product Name

The statement of identity or name of the food must be placed on the package using the following criteria:

- Text: Include the common name of the food or an adequate identity description. It must be truthful and not misleading.
- Location: Place the name on the front of the package, also known as the principal display panel. Generally, the name will also run parallel to the base of the product.
- Size: Ensure the size of the text is at least half the type size of the most prominent printed matter (text, images, graphics) on the label, in bold.

# Net Weight

The net weight, quantity, or amount of product must be placed as a distinct item on the bottom 30% of the principal display panel, in lines generally parallel with the base of the container using the following criteria:

- Only the quantity of food in the container or package may be stated in the net quantity statement.
- Choose a print style that is prominent, conspicuous, and easy to read. The letters must be more than three times as high as they are wide and must contrast sufficiently with the background to be easily read.

# Information Panel

The following information must appear on the Information Panel, which is the label panel immediately to the right of the principal display panel.

# Business Name and Physical Address

The legal name of the manufacturer, packer, or distributor and their city, state, and zip code shall be listed on the information panel.

# List of Ingredients

The ingredients of the product must be stated on the package using the following criteria:

- List in order from the most predominant ingredient to the least by weight.
- List the common or usual name for ingredients, for instance, "sugar" instead of "sucrose."
- List all specific sub-ingredients for food with multiple ingredients. For example, Enriched Flour Bleached contains Wheat Flour, Niacin, Ferrous Sulfate, Thiamin Mononitrate, Riboflavin, and Folic Acid.
- Water must be listed if used as an ingredient.
- Approved chemical preservatives must include both the common name of the preservative and the function of the preservative by including terms such as "preservative," "to slow spoilage," "a mold inhibitor," "to help protect flavor," or "to promote color retention."
- Spices, natural flavors or artificial flavors may be declared in the ingredient list by using the specific common name or a declaration such as "spices", "flavor", "natural flavor", or "artificial flavor". Spices, such as paprika, turmeric, saffron and others, that are also colorings, must be declared either by the term "spice or coloring" or by the actual name, such as paprika.
- For oils and fats, include the source, soybean or vegetable, for example, and state if the oil is hydrogenated.
- Certified colors must be listed by specific or abbreviated name such as "FD&C Red No. 40" or "Red 40". Non-certified colors must be listed as "artificial color" or by their specific common name such as "caramel coloring" or "beet juice".

# Food Allergen Statement

The name of the food source for each major food allergen contained in the food, unless the food source is already part of the common or usual name of the respective ingredient, must be listed. The FDA has declared the following as major food allergens: peanuts, tree nuts, fish, Crustacean shellfish, milk, eggs, wheat, soybeans, and sesame.

# Nutritional Information

To determine if your business needs to provide nutrition information, visit the Food and Drug Administration's (FDA) website (federalregister.gov/documents/2016/05/27/2016-11867/food-labeling-revision-of-the-nutrition-and-supplement-facts-labels).

Some small businesses are exempt from nutrition labeling. To find out if your business qualifies and to file for an exemption with the FDA, read FDA's small business nutrition labeling exemption guidance (fda.gov/regulatory-information/search-fda-guidance-documents/small-business-nutrition-labeling-exemption-guidance).

Additional nutritional information labeling guidance is available through NDSU Extension; please contact Julie Garden-Robinson at (701) 231-7187 or julie.gardenrobinson@ndsu.edu.

## Identification Number

An Identification Number may be included on each label that identifies the date of manufacture. Production records must be maintained and kept on the premises for at least one year.

# References

- Chapter 19-02.1-10 of the North Dakota Century Code (ndlegis.gov/cencode/t19c02-1.pdf).
- 2017 FDA Food Code (fda.gov/media/110822/download) Chapter 3-602.11 (A).
- Code of Federal Regulations Title 21 Subpart 101 (ecfr.gov/current/title-21/chapter-I/subchapter-B/part-101?toc=1) and Title 9 Subpart 317 (ecfr.gov/current/title-9/chapter-III/subchapter-A/part-317?toc=1).
- FDA's Labeling Guidance for Industry (fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-food-labeling-guide).

**Health Response and Licensure • Food and Lodging**
1720 Burlington Drive, Suite A, Bismarck, ND 58504-7736
Phone: (701) 328-1291 • Toll-free: 1 (800) 472-2927 • 711 (TTY)
hhs.nd.gov/foodandlodging

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