

LABELING REQUIREMENTS

The Division of Food and Lodging of the State Department of Health, pursuant to Chapter 19-02.1 of the North Dakota Century Code, requires that all food products manufactured in North Dakota be properly labeled prior to their sale and distribution. The following information contains general food labeling requirements.

The principal display panel is the portion of the package label that is most likely to be seen by the consumer at the time of purchase. The information panel is the label panel immediately to the right of the principal display panel.

The following information must appear on the principal display panel:

1. The statement of identity or name of the food. Use prominent print or type for the statement of identity. The type size must be reasonably related to the most prominent printed matter on the front panel and must be one of the most important features on the principal display panel. The common or usual name of the food, if the food has one, must be used as the statement of identity. The statement of identity must be placed in lines generally parallel to the base of the package. Labels must describe the form of the food in the package if the food is sold in different optional forms such as sliced and unsliced, whole or halves, etc.
2. The net quantity statement or amount of product. The net quantity statement must be placed as a distinct item on the bottom 30 percent of the principal display panel, in lines generally parallel with the base of the container. For the net quantity statement, the minimum type size is the smallest type size that is permitted based on the space available for labeling on the principal display panel as follows:

<u>MINIMUM TYPE SIZE</u>	<u>AREAS OF PRINCIPAL DISPLAY PANEL</u>
1/16 inch	5 square inches or less
1/8 inch	More than 5 square inches but not more than 25 square inches
3/16 inch	More than 25 square inches but not more than 100 square inches
1/4 inch	More than 100 square inches but not more than 400 square inches
1/2 inch	Over 400 square inches

Only the quantity of food in the container or package may be stated in the net quantity statement. Do not include the weight of the container, or wrappers and packing materials. The weight of each food ingredient, including any water or syrup, must be included in the net quantity declared on a label. In cases where the packing medium is normally discarded, the drained weight may be given. This must be stated as “drained weight.” Choose a print style that is prominent, conspicuous and easy to read. The letters must not be more than three times as high as they are wide, and lettering must contrast sufficiently with the background to be easy to read. Do not crowd the net quantity statement with artwork or other labeling (minimum separation requirements are specified in the regulation).

The information panel must contain the following information:

1. The information panel is the label panel immediately to the right of the principal display panel, as displayed to the consumer. If this panel is not usable, due to package design and construction (e.g., folded flaps), then the information panel is the next label panel immediately to the right. The phrase “information panel labeling” refers to the label statements that are generally required to be placed together, without any intervening material, on the information panel, if such labeling does not appear on the principal display panel. These label statements include the name and address of the manufacturer, packer or distributor, the ingredient list, and nutrition labeling. The street address must be stated if the firm name and address are not listed in a current city directory or telephone book. The city or town, state and zip code must also be listed.
2. List of ingredients. The ingredient list on a food label is the listing of each ingredient in descending order of

predominance, by weight. The ingredient list must be placed on the same label panel as the name and address of the manufacturer, packer or distributor. This may be either the information panel or the principal display panel. Use a type size that is at least 1/16 inch in height and that is prominent, conspicuous and easy to read. Added water is considered to be an ingredient and must be identified in the list of ingredients. Always list the common or usual name for ingredients. For instance, use the term “sugar” instead of the scientific name “sucrose”. When an approved chemical preservative is added to a food, the ingredient list must include both the common or usual name of the preservative and the function of the preservative by including terms such as “preservative”, “to retard 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 either specific common or usual names or by using the declarations “spices”, “flavor”, or “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 and coloring” or by the actual name, such as paprika. Vegetable powders must be declared by common or usual name, such as “celery powder”. Certified colors: list by specific or abbreviated name such as “FD&C Red No. 40” or “Red 40”. Non-certified colors: list as “artificial color”, “artificial coloring”, or by their specific common or usual names such as “caramel coloring” and “beet juice”.

3. An identification number must be included on each label which identifies the date and site of manufacture. Production records must be maintained and kept on the premises for at least one year.
4. If the product requires refrigeration, the label must state this fact.
5. If a food product will be sold in interstate commerce, the Food and Drug Administration has the authority over its production, labeling, distribution, and sale. Nutritional labeling may be required. Information on a small business exemption from nutritional labeling can be obtained by contacting the FDA Resident Post at 657 Second Avenue North, Fargo, ND 58102, 701.239.5109, or the Minneapolis District Office, 212 3 Avenue South, Minneapolis, MN 55401, 612.334.4100.

The above information is only a summary of the required statements that must appear on food labels. Due to variables that occur in packaging and labeling, exceptions to these requirements may be made.

General food labeling guidance can be found at the following link:

<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-food-labeling-guide>

Effective January 1, 2006, FDA passed the Food Allergen Labeling and Consumer Protection Act. Information on the law can be found at the following link on FDA’s website:

Guidance for Industry: Questions and Answers Regarding Food Allergens, including the Food Allergen Labeling and Consumer Protection Act of 2004 (Edition 4); Final Guidance, October 2006

<https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm059116.htm>

In addition, the FDA requires all food processing facilities (large and small) to register their facility. For more information on this registration process, visit the following website:

<https://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/default.htm>