**Massachusetts Department of Public Health**

Bureau of Environmental Health

305 South Street

Jamaica Plain, MA 02130-3597

(617) 983-6712 (617) 983-6770 - Fax

**Food Protection Program**

**Policies, Procedures and Guidelines**

|  |
| --- |
| **Issue:** Minimum Requirements for Packaged-Food Labeling **No:** FP-02 |

The Massachusetts Food Protection Program has prepared this guide to help you develop a food label that complies with Massachusetts and federal labeling requirements***.*** For additional information, please refer to the resources listed on the back panel.

**Foods that Require Labeling**

All packaged foods must be labeled in accordance with Massachusetts and federal labeling regulations, including all foods intended for retail sale that are manufactured in licensed residential kitchens.

**Massachusetts Open-dating Regulation**

To comply with the Massachusetts open-dating labeling regulation, a “sell-by” or “best-if-used-by” date is required if the product has a recommended shelf life of fewer than 90 days.

Foods exempt from this requirement include: fresh meat, poultry, fish, fruits, and vegetables offered for sale unpackaged or in containers permitting sensory examination, and food products pre-packaged for retail sale with a net weight of less than 1½ ounces.

Foods may be sold after the open-date if the following conditions are met:

* It is wholesome and good quality.
* The product is segregated from food products that are not “past date,” and the product is clearly marked as being “past date.”

**Health Claims**

Heath claims allowed by the FDA on a label are limited to the following relationships between diet and disease:

1. Calcium and reduced risk of osteoporosis.
2. Sodium and increased risk of hypertension.
3. Dietary saturated fat and cholesterol and increased risk of heart disease.
4. Dietary fat and increased risk of cancer.
5. Fiber-containing grain products, fruits, and vegetables and reduced risk of cancer.
6. Fruits/vegetables and reduced risk of cancer.
7. Fruits, vegetables, and grain products that contain fiber, particularly soluble fiber and reduced risk of heart disease.
8. Soluble fiber from certain foods and reduced risk of heart disease.
9. Folic acid and reduced risk of neural tube defects.
10. Soy protein & reduced risk of heart disease.
11. Stanols/sterols and reduced risk of heart disease.
12. Dietary non-cariogenic carbohydrate sweeteners and reduced risk of tooth decay.

**Food Allergen Labeling**

The Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) addresses the labeling of foods that contain any of the eight major food allergens.

FALCPA defines "major food allergens" as

|  |  |
| --- | --- |
| **Milk** | **Fish** |
| **Egg** | **Crustacean Shellfish** |
| **Peanuts** | **Tree Nuts** |
| **Soybeans** | **Wheat** |

All ingredients that contain a major food allergen must be labeled, even if they are exempted from labeling by being a spice, flavoring, coloring or incidental additive.

FALCPA requires the labeling of food allergens in one of two ways.

1. In the ingredient statement, include the common or usual name of the food source, followed by the name of the allergen in parentheses. For example: Ingredients: Flour (**wheat**), whey (**milk**)

2. After the ingredient statement, place the word, "Contains:" followed by the name of the food allergen. For example: *Contains: Wheat, Milk*

FALCPA requires that:

1. For Tree Nuts, the specific type of nut must be declared.

Example: almonds, pecans, walnuts

1. For Fish and Crustacean Shellfish, the species must be declared.

Example: cod, salmon, lobster, shrimp

FALCPA's requirements apply to all packaged foods sold in the United States, including both domestically manufactured and imported foods.

**Resource Information on Labeling**

|  |  |
| --- | --- |
|  |  |
|  |  |
|  |  |
|  |  |
| Food labeling  105 CMR 500.006  Principal display panel  21 CFR 101.01  Information panel  21 CFR 101.2  Identity labeling of food  21 CFR 101.3  Nutrition labeling  21 CFR 101.9  Misbranding of food  MGL c. 94 sec. 187  21 CFR 101.18  Organic labeling  http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELDEV3004446  Trans fat labeling  http://www.fda.gov/food/ingredientspackaginglabeling/labelingnutrition/ucm274590.htm  Allergens   * Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) (Public Law 108-282) * Guidance for Industry   http://www.fda.gov/food/guidanceregulation/guidancedocumentsregulatoryinformation/allergens | |

**For interpretations and assistance with labeling regulations, please contact:**

**Food Protection Program**

**Bureau of Environmental Health**

**Massachusetts Department of Public Health**

**305 South Street**

**Jamaica Plain, MA 02130**

**Phone: 617-983-6712**

**Fax: 617-983-6770**

**TTY: 617-624-5286**

**Web: www.mass.gov/dph/fpp**

**Or the U.S. Food and Drug Administration**

**http://www.fda.gov/Food/IngredientsPackagingLabeling**

**Office of Nutritional Products, Labeling, and Dietary Supplements: 301-436-2371**

**NOTE: This policy is only a guide.**

Since regulations are amended from time to time, it is the responsibility of licensees to know and abide by all current labeling regulations. Always consult official Massachusetts and federal regulations to ensure labels are in full compliance.



**WHEAT BREAD**

Ingredients: Flour (bleached wheat flour, malt barley, flour, niacin, iron, potassium thiamine, thiamine mononitrate, riboflavin, folic acid), Sugar, Eggs, Water, Milk, Margarine (liquid soybean oil, partially hydrogenated soybean oil, water, salt, whey, soybean lecithin, vegetable mono & diglycerides, sodium benzoate as a preservative, potassium caseinate [a milk protein], artificially colored, FD&C Red #3, artificially flavored, vitamin A, dalmitate added), Yeast, Salt

Contains: Wheat, Eggs, Milk, Soy

Sell by: 9/22/15

Net Weight: 1 pound (16 oz.)

The Bakery

412 Main Street

Anytown, MA 01234

****

**Food Protection Program**

**Bureau of Environmental Health**

**Massachusetts Department of Public Health**

**March 2015, 5th edition**