MICHIGAN DEPARTMENT OF AGRICULTURE
FOOD & DAIRY DIVISION

FOOD LABELING GUIDE

For Products Manufactured or Sold in Michigan

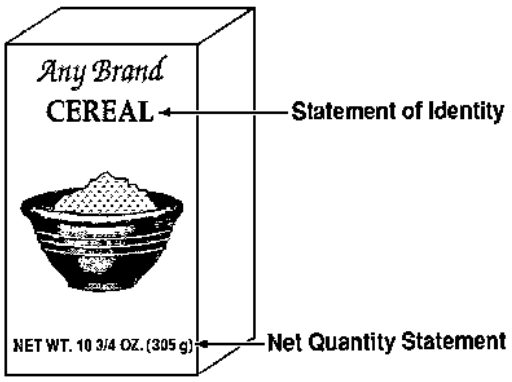
The Food & Dairy Division of the Michigan Department of Agriculture is responsible for assuring that food and other consumer packages are properly labeled. The Michigan Food Law of 2000, PA 92 of 2000, and Title 21 of the Code of Federal Regulations (21 CFR) are the primary Michigan laws governing food labeling.

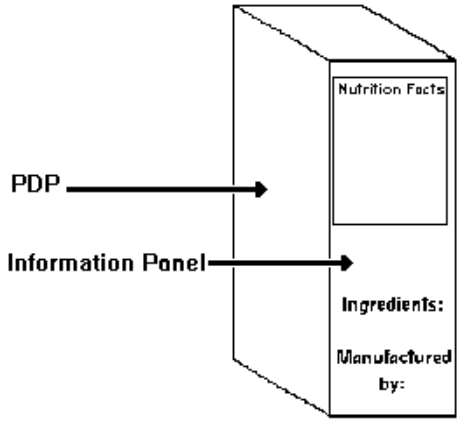
This guide summarized *general* labeling requirements for food products. In a leaflet such as this, it is impractical to attempt to answer every food labeling question that may arise. To help minimize regulatory action and delays, it is recommended that manufacturers and distributors become fully informed about the applicable labeling laws before offering food for distribution in Michigan.

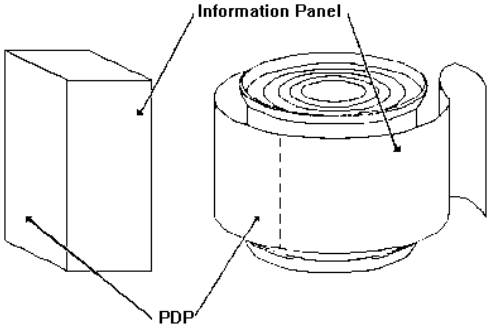
FDA General Labeling Web Site: http://www.cfsan.fda.gov/~dms/flg-toc.html

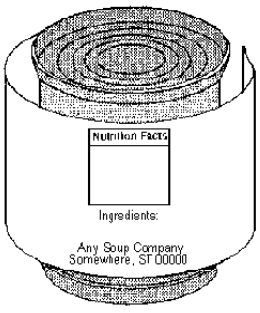
There are two ways to label packages and containers:

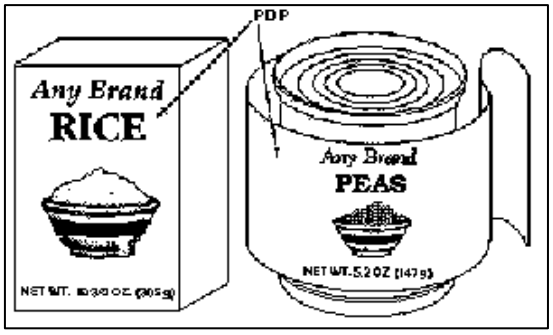
a. Place all required label statements on the front label panel (the principal display panel or PDP), or,
b. Place certain *specified* label statements on the principal display panel and other labeling on the information panel (the label panel immediately to the right of the principal display panel, as seen by the consumer facing the product).











DEFINITIONS

- **The PRINCIPAL DISPLAY PANEL (PDP) is the portion of the package that is most likely to be seen by the consumer at the time of purchase.** The product identity and the declaration of quantity must appear on the PDP. All other required information may be placed either on the PDP or the information panel.

- The INFORMATION PANEL is generally the label panel immediately to the right of the PDP, as seen by the consumer facing the product (a few exceptions exist for irregular-size packages—refer to 21 CFR § 101.2).

SUMMARY OF THE BASIC REQUIREMENTS:

1. **THE STATEMENT OF IDENTITY**: The name of the food must be the common or usual name of the food, if it has one. It would be misleading to label a food with a new name when that food has an established name. If no common or usual name exists, then an appropriately descriptive phrase must be used; the phrase must accurately describe the basic nature of the food or it's characterizing ingredients or properties. If the food is subject to a standard of identity, it must bear the name specified in the standard.

   The statement of identity must appear on the principal display panel in lines generally parallel to the base of the package. It must be prominent and of a type size reasonably related to the most prominent printed matter on the front panel; generally, this means at least one-half the size of the largest print on the label.

   A. ARTIFICIALLY FLAVORED: When artificial flavorings are used that simulate, resemble, or reinforce the characterizing flavor of the food, the product name must be accompanied by the phrase "artificially flavored" or "artificial" in type not less than one-half the size of the name of the food; for example, "Artificial Orange Flavored Punch" or "Artificially Flavored Strawberry Cheesecake" [21 CFR § 101.22].

   B. ARTIFICIALLY SWEETENED: Beverages that contain artificial sweeteners shall be identified as "artificially sweetened" in letters not less than one-half the height of the other words in the product identify [21 CFR § 105.66].

   C. FANCIFUL TERMS: Fanciful terms are not encouraged since they are often confusing to the consumer. However, they may be used as a supplement to a proper statement of identity and are in no way false or misleading. For example, a label may read "Belly Bomber Ham & Cheese Sandwich" (but not "Belly Bomber" by itself).

   D. FORM OF THE FOOD: Where a food is marketed in several forms (sliced, diced, whole, dried, etc.), the particular form must be part of the identity statement [21 CFR § 101.3(c)].

   E. IMITATION: A food that is an imitation of another food must be labeled, in type of uniform size and prominence, with the word "imitation" immediately followed by the name of the food imitated [MCLA 289.1109(g)(iii)]. Any product that resembles and substitutes for a traditional food and contains less nutritional value than the traditional food is considered an imitation [21 CFR § 101.3(e)(1)].

2. **NAME AND ADDRESS OF A RESPONSIBLE PARTY**: Must be declared as a unit and not separated by other label information. The address must include street address, city, state, and zip code. However, if the street address is listed in a current city or telephone directory under the responsible party name, then street address may be omitted on the label. If the responsible party is other then the manufacturer, the name must be qualified by a term describing the relationship to the product eg: "Distributed by____". [21 CFR § 101.5].

3. **QUANTITY DECLARATION: Must be placed on the principal display panel (PDP)** in the lower third of the panel. It must be printed in the required minimum type size and surrounded by sufficient clear space. The print size of the statement is regulated by the area of the PDP and is based on the size of a lower case "o". If only upper case letters are used, the size is based on the height of the upper case letters.

Area of Principal Display Panel	Minimum Type Size of Net Quantity Statement
≤ 5 square inches	1/16 inch
> 5 square inches ≤ 25 square inches	1/8 inch
> 25 square inches ≤ 100 square inches	3/16 inch
> 100 square inches ≤ 400 square inches	1/4 inch
> 400 square inches	1/2 inch

[21 CFR § 101.105]

METRIC DECLARATION: Both metric and inch/pound measures must be declared in the net quantity statement. Either may be primary, for example, "Net wt 1 lb (453 g)" or Net wt 453 g (1 lb)." This requirement for the net quantity statement to include metric units does not apply to foods packaged at the retail store level or for random weight packages. [Fair Packaging & Labeling Act]

4. **INGREDIENT LIST**: A food product made from more than one ingredient must bear a complete list of ingredients in order of descending predominance by weight [21 CFR § 101.4]. Ingredients must be listed by their common or usual name. Spices and flavorings may be declared by the generic term, "spices" or "flavorings" (artificial flavorings must be identified as artificial). The source of all fats and oils must be specified (for example, soybean oil rather than vegetable oil; lard rather than shortening). Preservatives must have their function declared (for example, "preserved with sulfur dioxide").

   A. STANDARDS OF IDENTITY: Specify in detail what can and cannot be sold under a certain product name. To a great extent, a standard of identity is a recipe for a food established by law, but it also prescribes ingredient labeling requirements and identification (naming) requirements. Examples of foods with standards of identities include bread, jams, jellies, preserves, cocoa, chocolate, and macaroni. Obtain specific federal standards of identify from the Superintendent of Documents (see page 4).

   B. COLORINGS: All certified colors must be listed in the ingredient statement by their common name (e.g., FD&C Blue No.1). Butter, cheese, and ice cream are exempt from this requirement except when it is necessary to assure safe use; i.e. FD&C Yellow No. 5. Non-certified and natural colors may be listed by the generic term "colorings."

   C. INGREDIENT STATEMENTS THAT INCLUDE OTHER FOODS AS INGREDIENTS: Often ingredients listed include other foods as ingredients. If these foods have constituent ingredients, then each constituent ingredient must also be listed on the ingredient statement. Constituent ingredients are enclosed in parentheses to segregate them from the other ingredients.

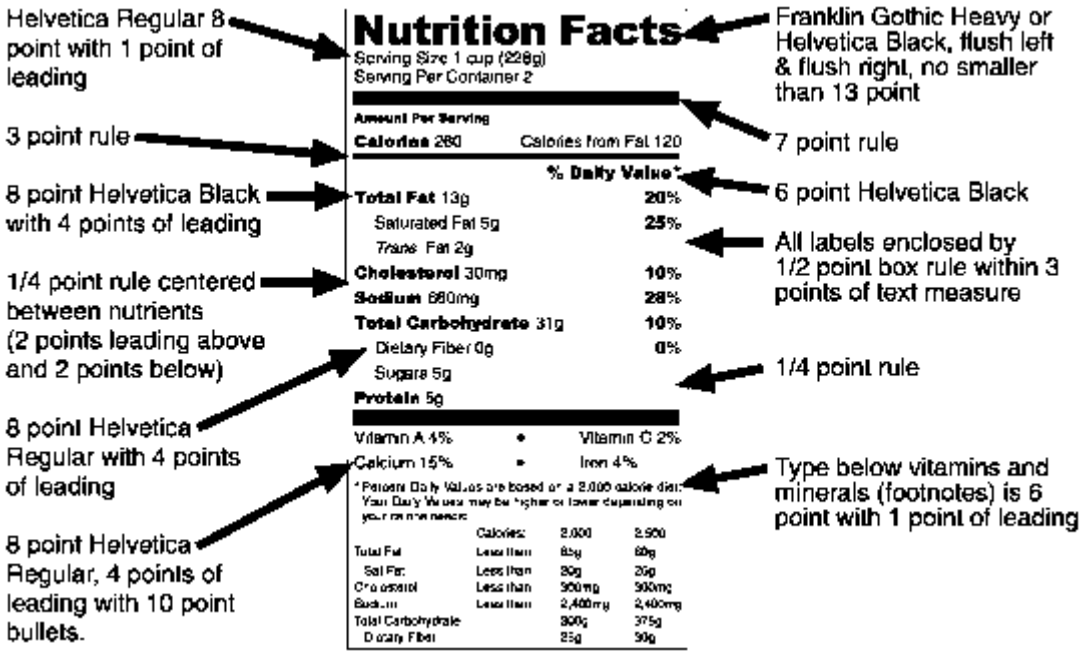
5. TYPE SIZE: All required information must be printed in a type size of at least 1/16 inch in height [21 CFR § 101.2(c)]. Other specific requirements may apply which require type size larger than 1/16 inch, and all required information must be conspicuous and easy to read.

6. NUTRITION FACTS: (NLEA requirements) Nutrition labeling is required on all prepackaged food products that are not exempt. Some foods exempt from nutrition labeling include restaurant foods, foods produced by small businesses, and food served for immediate consumption. However, use of any nutrient or health claim, such as "low fat," "diet," or "lean," forfeits any exemption from complete nutrition labeling.

   The mandatory components and the order in which they must appear are: total calories, calories from fat, total fat, saturated fat, trans fats, cholesterol, sodium, total carbohydrate, dietary fiber, sugars, protein, vitamin A, vitamin C, calcium, and iron.

   Serving sizes are based upon the FDA-established list of reference amounts.

   The regulations also spell out what terms may be used to describe the level of a nutrient in a food and how they may be used. These definitions include the terms "light", "low", "reduced", "less", "more" and "high." [21 CFR 101.9]



   FDA Nutrition Facts Labeling Guide Site: http://www.fda.gov/ora/inspect_ref/igs/nleatxt.html

7. **SELL-BY DATE:** All packaged, perishable foods (those with a shelf life of less than 90 days) must be labeled with a recommended last day of sale consisting of the month and day. Explanatory terms may also be used (such as sell by, sell before, last date of sale, or other meaningful terms). Color-coded twist ties or other non-date codes alone are not acceptable. Date coding is not required on perishable foods offered for sale from a vending machine, although it is encouraged [MCLA 289.8107].

8. **MEANINGFUL CODING**: All prepackaged food must bear a meaningful lot code. This code must allow identification of a particular lot. In some instances a sell by date may be a lot code. [MCLA 289.8109].

9. **ALLERGEN LABELING**: Eight common allergens cause 90% of all food allergies and must be listed on a packaged food label. These common allergens are: Wheat, Milk, Eggs, Soy, Tree Nuts (must state the specific nut), Peanuts, Fish and Crustacean Shell Fish. These items or ingredients derived from these items must be stated using the common name and may be listed in the ingredient list statement or in a separate listing after the ingredient list. Eg: "Contains:____" Note: manufacturers must be particularly mindful of allergenic ingredients that that do not bear the name of the allergen in the name of the ingredient. Eg: Casein instead of Milk Casein, Whey instead of Milk Whey or Albumen instead of Egg Albumen. [FALCPA of 2004]

   FDA Allergen Q&A Web Site: http://www.cfsan.fda.gov/~dms/alrguid2.html

OTHER SPECIAL CONSIDERATIONS:

- BOTTLED WATER: Bottled water must meet the labeling requirements of the Michigan Food Law of 2000 [MCLA 289.7111] and Title 21 of the Code of Federal Regulations [21 CFR § 165.110]. The label of each brand of bottled water with a unique identification must be registered with the Food Division before the water is sold or offered for sale. Registration expires July 31st and must be renewed annually. Registration forms may be obtained from the MDA in Lansing.

- MEATS AND MEAT PRODUCTS – USDA: Persons planning to wholesale processed meat products (other than sandwiches), such as pizza pockets, meat pizzas, meat burritos, or meat egg rolls, must contact the U.S. Department of Agriculture (USDA) for labeling guidance. Generally, products containing more than two (2) percent cooked meat/poultry (three (3) percent raw) fall under the jurisdiction of the USDA.

USDA/FSIS COMPLIANCE OFFICES

USDA/FSIS, Compliance Program
678 Front Avenue, Suite 400
Grand Rapids, MI 49504
(616) 458-0915

USDA/FSIS Compliance Program
25900 Greenfield, Suite 203
Oak Park, MI 48237
(248) 968-0230

- ORGANIC CLAIMS: In most situations persons who plan to make organic claims about their products, ingredients or business must meet state and federal organic certification requirements of the U.S. Department of Agriculture, National Organic Program. Information may be obtained at: www.ams.usda.gov/nop or by calling the National Organic Program at 202-720-3252.

FDA ASSISTANCE:

Businesses may submit labels directly to FDA for review. However, labels should be submitted to only *one* agency, either FDA or MDA. Requests to FDA may be submitted to the following office:

Food and Drug Administration
Center for Food Safety and Applied Nutrition
Office of Nutritional Products, Labeling and Dietary Supplements
5100 Paint Branch Parkway
College Park, MD 20740-3835

Telephone (301) 436-2371

The FDA District Office can also help a firm with their labeling questions:

U.S. Food & Drug Administration
300 River Place, Suite 5900
Detroit, MI 48207
(313) 393-8100

Web Sites:
Home: http://www.fda.gov/

http://www.cfsan.fda.gov/~dms/flg-toc.html
http://vm.cfsan.fda.gov/label.html
http://fnic.nal.usda.gov/nal_display/index.php?info_center=4&tax_level=1&tax_subject=273

PUBLICATIONS:

The following publications contain more information about food laws and regulations. They may be obtained, for a fee, from the:

U.S. Government Printing Office
Attn: New Orders
P.O. Box 371954
Pittsburgh, PA 15250-7954
Telephone: (202) 512-1800
FAX: (202) 512-2233 (Order by #)

Title 21, Code of Federal Regulations (CFR) contains the regulations that FDA enforces, including the nutritional labeling requirements. Those applicable to food labeling are:

Part 1 to 99—General regulations for the enforcement of the Food Drug & Cosmetic Act and the Fair Packaging and Labeling Act. #869-042-00059-5
Part 100 to 169—Food labeling, standards of identify, good manufacturing practices for foods, low-acid canned foods, and acidified foods. #869-042-00060-9
Part 170 to 199—Food additives. #869-042-00061-7

Food Labeling—Questions and Answers contains detailed questions and answers especially on nutrition labeling for guidance in the development or revision of labels. Send a written request with a self-addressed label to: Industry Activities Staff (HFS-565), Center for Food Safety and Applied Nutrition, 200 C Street, SW, Washington, D.C. 20204.

MDA LABEL REVIEW: Under laws enforced by MDA, no label approval is necessary prior to a product's distribution or importation. However, MDA will, upon request, review labels for compliance with Michigan law. This service is only available as resources permit. Our label review provides an informal opinion as to the acceptability of a label and in no way relieves a business from full responsibility for proper labeling. To avail yourself of this voluntary opportunity, thoroughly review this guide and applicable laws and submit all of the following: (1) the label or sketch, (2) specifications of the container's dimensions, and (3) the quantitative formula (recipe) to the Lansing Office (for out-of-state firms): Labeling Specialist, Food and Dairy Division, Michigan Department of Agriculture, P.O. Box 30017, Lansing, MI 48909, 800-292-3939.

(Rev. 2/2010)