

## ALERTS

### Food, Drug & Device Law Alert - FDA Proposes Updates To The “Nutrition Facts” Label For Packaged Foods

March 5, 2014 | [Atlanta](#) | [Chicago](#) | [Columbus](#) | [Delaware](#) | [Elkhart](#) | [Fort Wayne](#) | [Grand Rapids](#) | [Indianapolis](#) | [Los Angeles](#) | [Minneapolis](#) | [South Bend](#)

The FDA is proposing to update the Nutrition Facts label for packaged foods to reflect new public health and scientific information, including the link between diet and chronic diseases such as obesity and heart disease. The Nutrition Facts label was introduced 20 years ago and is intended to help consumers make informed food choices and maintain healthy dietary practices.

According to the FDA's summary, changes to the label being proposed include:

#### Greater Understanding of Nutrition Science

- Requiring information about “added sugars.” Many experts recommend consuming fewer calories from added sugar because they can decrease the intake of nutrient-rich foods while increasing calorie intake.
- Updating daily values for nutrients like sodium, dietary fiber and Vitamin D. Daily values are used to calculate the Percent Daily Value listed on the label, which help consumers understand the nutrition information in the context of a total daily diet.
- Requiring manufacturers to declare the amount of potassium and Vitamin D on the label, because they are new “nutrients of public health significance.” Calcium and iron would continue to be required, and Vitamins A and C could be included on a voluntary basis.
- While continuing to require “Total Fat,” “Saturated Fat,” and “Trans Fat” on the label, “Calories from Fat” would be removed because research shows the type of fat is more important than the amount.

#### Updated Serving Size Requirements and New Labeling Requirements for Certain Package Sizes

- Changing the serving size requirements to reflect how people eat and drink today, which has changed since serving sizes were first established 20 years ago.
- Requiring that packaged foods, including drinks, that are typically eaten in one sitting be labeled as a single serving and that calorie and nutrient information be declared for the entire package. For example, a 20-ounce bottle of soda, typically consumed in a single sitting, would be labeled as one serving rather than as more than

## RELATED PEOPLE



**Lynn C. Tyler, M.S.**

Partner  
Indianapolis

P 317-231-7392  
F 317-231-7433  
[lynn.tyler@btlaw.com](mailto:lynn.tyler@btlaw.com)

## RELATED PRACTICE AREAS

Food, Drug and Device Law

one serving.

- For certain packages that are larger and could be consumed in one sitting or multiple sittings, manufacturers would have to provide “dual column” labels to indicate both “per serving” and “per package” calories and nutrient information. Examples would be a 24-ounce bottle of soda or a pint of ice cream. The hope is that people would be able to easily understand how many calories and nutrients they are getting if they eat or drink the entire package at one time.

## Refreshed Design

- Making calories and serving sizes more prominent to emphasize parts of the label that are important in addressing current public health concerns such as obesity, diabetes, and cardiovascular disease.
- Shifting the Percent Daily Value to the left of the label, so it would come first. This is important because the Percent Daily Value tells you how much of certain nutrients you are getting from a particular food in the context of a total daily diet.
- Changing the footnote to more clearly explain the meaning of the Percent Daily Value.

The proposed updates reflect new dietary recommendations, consensus reports, and national survey data, such as the 2010 Dietary Guidelines for Americans, nutrient intake recommendations from the Institute of Medicine, and intake data from the National Health and Nutrition Examination Survey. The FDA also considered extensive input and comments from a wide range of stakeholders.

The proposed changes would affect all packaged foods except certain meat, poultry and processed egg products, which are regulated by the U.S. Department of Agriculture’s Food Safety and Inspection Service.

The FDA is also proposing some corresponding updates to the Supplement Facts label on dietary supplements, including proposed changes to the Daily Values and the units of measure.

For more information, please contact the Barnes & Thornburg LLP attorney with whom you work or one of the following attorneys in the firm’s Food, Drug & Device group: Lynn Tyler at (317) 231-7392 or [lynn.tyler@btlaw.com](mailto:lynn.tyler@btlaw.com); and Hae Park-Suk at (202) 408-6919 or [hae.park.suk@btlaw.com](mailto:hae.park.suk@btlaw.com).

Visit us online at [www.btlaw.com/food-drug-and-device-law-practices](http://www.btlaw.com/food-drug-and-device-law-practices).

© 2014 Barnes & Thornburg LLP. All Rights Reserved. This page, and all information on it, is proprietary and the property of Barnes & Thornburg LLP. It may not be reproduced, in any form, without the express written consent of Barnes & Thornburg LLP.

This Barnes & Thornburg LLP publication should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult your own lawyer on any specific legal questions you may have concerning your situation.