**Conference for Food Protection**

**2016 Issue Form**

**Issue: 2016 I-025**

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| --- | --- | --- | --- | --- | --- | --- |
| **Council Recommendation:** | Accepted as  Submitted |  | Accepted as Amended |  | No Action |  |
| **Delegate Action:** | Accepted |  | Rejected |  |  |  |

*All information above the line is for conference use only.*

**Title:**

Amend Food Code – Nutrition Labeling of Standard Menu Items in Restaurants

**Recommended Solution: The Conference recommends...:**

that a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (new language is underlined; language to be deleted is in strikethrough format):

**Section 3-602.11 Food Labels**

(E) FOODS served or offered for sale in restaurants or similar retail FOOD ESTABLISHMENTS not otherwise exempted in the Federal Food, Drug, and Cosmetic Act § 403(q)(5)(H) be labeled according to 21 CFR 101.11.

**Annex 3 - Public Health Reasons/Administrative Guidelines**

**Nutrition Labeling**

I. The following foods need not comply with nutrition labeling in the CFR referenced in subparagraph 3-602.11(B)(6) if they do not bear a nutrient claim, health claim, or other nutrition information:

(C) Foods served in ~~food establishments with facilities for immediate consumption such as restaurants, cafeterias, and~~ mobile food establishments;~~, and foods sold only in those establishments;~~

~~(D) Foods similar to those specified in the preceding bullet but that are sold by food establishments without facilities for immediate consumption such as bakeries and grocery stores if the food is:~~

~~(1) Ready-to-eat but not necessarily for immediate consumption,~~

~~(2) Prepared primarily in the food establishment from which it is sold, and~~

~~(3) Not offered for sale outside the food establishment;~~

~~(E) Foods of no nutritional significance such as coffee;~~

(D)~~(F)~~ Bulk food for further manufacturing or repacking; and

(E)~~(G)~~ Raw fruits, vegetables, and fish.

**Annex 7 - Model Forms, Guides, and Other Aids**

**Form 3-A, Food Establishment Inspection Report**

37. Food properly labeled; original container; nutrition labeling

**Guide 3-B, Instructions for Marking the Food Establishment Inspection....**

**Food Identification**

37. Food properly labeled; original container; nutrition labeling

Packaged foods and foods served or offered for sale in restaurants or similar retail food establishments are required to conform to specific labeling laws unless otherwise exempted.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.