

**Conference for Food Protection  
2016 Issue Form**

**Issue: 2016 I-031**

**Council Recommendation:** Accepted as Submitted \_\_\_\_\_ Accepted as Amended \_\_\_\_\_ No Action \_\_\_\_\_

**Delegate Action:** Accepted \_\_\_\_\_ Rejected \_\_\_\_\_

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

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**Issue History:**

This is a brand new Issue.

**Title:**

Harmonizing a Food Code Labeling Requirement w/ a CFR Labeling Requirement

**Issue you would like the Conference to consider:**

Subparagraph 3-602.11(B)(4) of the 2013 FDA Food Code requires that food packaged in a food establishment be labeled with the name and address of the manufacturer, packer, or distributor.

However, 21 Code of Federal Regulation (CFR) 101.100(b)(1) exempts a food repackaged in a retail establishment from being labeled with the name of the manufacturer, packer or distributor.

It would seem logical that the same exemption can be reasonably applied to any food packaged or repackaged in a food establishment. Customers have the opportunity to ask the operator about any aspect of the food and decide if their questions are sufficiently answered.

**Public Health Significance:**

Eliminating Food Code requirements that conflict with Federal food regulations and also provide limited benefit allows resources to be focused on higher risk items.

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

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

Subparagraph 3-602.11

(B) Label information shall include:

- (1) The common name of the FOOD, or absent a common name, an adequately descriptive identity statement;
- (2) If made from two or more ingredients, a list of ingredients

and sub-ingredients in descending order of predominance by weight, including a declaration of artificial colors, artificial flavors and chemical preservatives, if contained in the FOOD;

(3) An accurate declaration of the net quantity of contents;

~~(4) The name and place of business of the manufacturer, packer, or distributor; and~~

~~(5)~~ (4) The name of the FOOD source for each MAJOR FOOD ALLERGEN contained in the FOOD unless the FOOD source is already part of the common or usual name of the respective ingredient. Pf

~~(6)~~ (5) Except as exempted in the Federal Food, Drug, and Cosmetic Act § 403(g)(3) - (5), nutrition labeling as specified in 21 CFR 101 - Food Labeling and 9 CFR 317 Subpart B Nutrition Labeling.

~~(7)~~ (6) For any salmonid FISH containing canthaxanthin or astaxanthin as a COLOR ADDITIVE, the labeling of the bulk FISH container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin. retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin.

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