

CHAPTER 5

Labeling



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Labeling of Processed Foods

All processed foods sold direct to wholesale or retail must bear labels on their packaging. This includes processed foods sold at farmers markets, on the Internet, to restaurants, or grocery stores. This includes prepackaged, chopped, canned, baked and frozen foods. There are three federal laws that ensure food products are properly labeled and packaged:

- The Food, Drug, and Cosmetic Act
- Fair Packaging & Labeling Act
- Nutrition Label and Education Act of 1990

The Food and Drug Administration (FDA) is the primary agency charged with enforcing these laws, along with officers of the State Bureau of Weights & Measures (under the Idaho State Department of Agriculture) who are charged with inspecting for improperly labeled quantity claims. Producers should contact these agencies to request a free label review and use them as resources. The FDA has an excellent website that details the entire requirement for food labels. The site is www.cfsan.fda.gov/label.

If you are involved in interstate commerce, the following information is required on your label:

- Statement of product identity
- Net quantity
- Ingredient list
- Name and place of business
- Nutritional information (some products are exempt)

Processed food labels must meet these language requirements: all information must be legible and in English. Other languages may be present, but English is required.

Product Identity: The common or usual name of the food product must be prominent on the Principal Display Panel (PDP). The PDP portion of the label is most likely to be seen by the consumer at the time of purchase. Statements

required on the PDP include product identity or name of the food and net quantity or amount of the product. An identity statement consists of the name of the food and should appear in prominent print or type.

Ingredient Statement: Ingredients must be listed by their common or usual names rather than the scientific name in descending order of their predominance by weight. Added water is considered to be an ingredient and must be identified.

- All ingredients must be listed in the ingredient statement with all subcomponents listed in parenthesis. For example: butter (cream, salt, annatto). Subcomponent ingredients must also be listed in descending order.
- Font size of ingredient statement must be at least 1/16 of an inch.
- Food products that include spices, flavorings and colorings as ingredients may designate these products by the common name or simply by “spices” or “natural flavors.”
- Approved chemical preservatives must be listed, using both the common name and a statement specifying that the ingredient is a preservative. The exact function of the preservative may also be included. Incidental additives that have no function or technical effect in the finished product need not be declared. Approved artificial food colors must also be stated by name. The only ingredient where “and/or” can be used is oils.
- Food Allergens: The following common food allergens must be declared as ingredients: Peanuts, tree nuts, eggs, fish, crustaceans, milk, soy, wheat. Other ingredients that can cause a reaction by certain sensitive individuals must also be declared on the ingredient statement, including FD&C Yellow No. 5, FD&C Yellow No. 6, sulfites and carmine/cochineal extract.

❑ Consumers with food allergies depend on accurate product labeling to choose their food products. Companies may have to recall products if foods contain allergens that are not listed in the ingredient statement.

❑ Flour must be listed as type of flour, (e.g., wheat flour or spelt flour).

Name and Place of Business: The name and place of business of the manufacturer, packer or distributor must appear next to the ingredients statement in type size at least 1/16th inch high. The street address must appear unless it can be readily found in some public document such as a telephone book or city directory.

Statement of Net Quantity: Net quantity or amount should be distinctly displayed on the bottom 30% of the label panel, in lines generally parallel to the base of the package. Only the weight of the food, not the container and wrapping, should be calculated in the net quantity. To determine net weight: subtract average weight of the empty container, lid, wrappers and packing materials from the average weight of the container when filled. Net weight should include all ingredients, including water or syrup used in packing the food.

Net weight must be stated in both units of US Customary System and metric values. Dual declaration in both ounces and the largest whole unit is optional.

Perishable Food Pull Date: Products with a projected shelf life of 30 days or less must state the pull date on the package label. The pull date must be stated in day and month, in a style and format that is easily understood by the consumer. If products require refrigeration before or after opening, such information must be on the label.

Nutritional Labeling

Nutritional information is required on the label for most packaged and processed foods with the following exceptions:

- Restaurant and deli foods
- Infant formula
- Medical foods
- Bulk foods intended for repackaging
- Foods that contain insignificant amounts of nutrients, such as spice blends and coffee
- Low-volume products bearing no nutritional claims

Low-volume food products may be exempted from nutritional labeling requirements, if they meet all of the following criteria:

1. The product provides no nutrition information and makes no claims.
2. The firm claiming the exemption has less than the equivalent of 100 full-time employees.
3. During the previous 12 months, less than 100,000 units were sold or it is anticipated that less than 100,000 units will be sold during the period for which an exemption is claimed.
4. The exemption must be claimed prior to the period for which it is to apply.
5. If, after filing an exemption, either the number of employees or volume of product sold annually increase and your exempt status is lost, then you would have 18 months to bring your label into compliance with the nutrition labeling requirements.

For each product, a company must apply to FDA annually to obtain the small business exemption unless the company employs less than ten full time employees and the product has sales of less than 10,000 units per year.

To obtain a Small Business Food Labeling

Exemption form, contact: The Food and Drug Administration (FDA), (503) 671-9332; Fax: (503) 671-9445.

If nutritional information is provided, it must follow a defined format and include specified nutrients. The nutritional panel may vary according to the size of the package. Foods sold in very small packaging (less than 12 square inches of total available labeling space) may omit the nutritional label but must include a statement and address where nutrition information can be obtained.

Nutrition labeling on retail bulk foods is also required. Prominently displayed nutritional information on raw fruits, vegetables and seafood at the point of sale is voluntary.

If a nutrient content claim is made, such as “low fat” or “reduced calories,” a nutritional panel is required to support that claim, regardless of product sales volume. The following terms on the label must meet FDA definitions:

Healthy High Good Source Free More Less
Light Lean Extra Lean Low Reduced

No statements or symbols are allowed that imply unauthorized nutrient claims. This includes heart vignettes that may imply “healthy,” unless the vignette is clearly used in another context.

For additional information on product labeling,

contact: Idaho State Department of Agriculture Marketing Division, (208) 332-8530; Food and Drug Administration (FDA) Western District FDA Office Public Affairs Specialist, 9780 SW Nibus Avenue, Beaverton, OR 97008, (503) 671-9332 Fax: 503-671-9445



Biodynamic Demeter Certification

The Demeter Association’s “Biodynamic” label indicates that the products were produced without the use of synthetic pesticides and fertilizers and

without animal by-products. Demeter prohibits the use of genetic engineering and has since 1992. In addition, crops may not be grown in areas subject to strong electromagnetic fields. The Biodynamic Transitional program is used for farms that are committed to Biodynamic agriculture but are in the process required for conversion from conventional farming. One year is required for full conversion to Biodynamic from organic farming.

Biodynamic agriculture began in 1928 as a result of an Austrian-based movement, a “spiritual science” and incorporates guiding principles that include cosmic rhythm (i.e. timing of the sun and moon phases), food grown from healthy, living soil, specific organic preparations for fertilizing and consumer connection with farmers.

The Demeter Association has been certifying organic and biodynamic-labeled food since 1982. The “Biodynamic” label program follows the standards set by Demeter. Demeter’s “Aurora” organic label follows the USDA National Organic Program standards that were implemented October 21, 2002.

Demeter USA provides Biodynamic certification that follows a strict set of guidelines and standards set by Demeter International. These standards are offered to farms and handlers as a certification mark of Biodynamic value and approval. Demeter also offers whole-farm certification as Aurora Certified Organic.

NOP-accredited organic certification is available through Demeter's sister company, Stellar Certification Services, at no additional cost.

*Demeter and Biodynamic are registered certification marks of the Demeter Association, Inc.

For more information, contact:

Demeter Association, Inc., Britt Road,
Aurora, NY 13026 (315) 364-5617
Fax: (315) 364-5224 www.demeter-usa.org
demeter@baldcom.net



Buy Fresh, Buy Local

The national Buy Fresh Buy Local campaign has grown to include 40 regions nationwide. The Buy

Fresh Buy Local Inland Northwest chapter of the national movement, organized by Rural Roots, is also growing in local partners. A local partner is a farm, ranch, business, restaurant or retail outlet that uses the Buy Fresh Buy Local materials to spread the word about how important local food systems are. You could be part of this movement!

Ask yourself how you can communicate your passion and awareness to your customers, your shoppers, your fellow eaters. Buy Fresh Buy Local (BFBL) materials can be the answer to that question. BFBL bumper stickers give other drivers something to think about as they wait behind you at the traffic light. Bookmarks and recipe cards can be handed out at farmers' markets. Product tags can help identify not only the product, but provide information about the product and also send the message that you care about your local food system. Shelf tags and stickers help restaurants, retail outlets, and farmers and ranchers educate consumers about which foods are local and fresh. In addition, these small but recognizable shelf tags help customers looking for local food see the effort your business makes to support your local food system. Rural Roots can also work with you to design personalized products such

as signs and calendars to help explain to consumers why buying local products is so important.

For more information on Buy Fresh, Buy Local,

contact: Rural Roots, P.O. Box 8925, Moscow, ID 83843 (208) 883-3462 info@ruralroots.org or www.ruralroots.org



Certified Naturally Grown

Certified Naturally Grown is a grassroots certification program founded on the original ideals of the organic movement - small-scale sustainable agriculture serving local communities. Certified Naturally Grown certification is open only to small sustainable farms supplying local markets and demonstrating an active commitment to practicing environmentally sound agricultural practices. This is a valuable service to the small farmer, because when the USDA's National Organic Program was implemented in 2002, many farmers who had been farming organically for years discovered it would be illegal to use the term "organic" to describe their products unless they became certified organic. With more and more customers recognizing the value of organically grown food, farmers had lost an important marketing option.

For more information contact: Certified Naturally Grown, P.O. Box 156, Stone Ridge, NY 12484 (877) 211-0308 info@naturallygrown.org www.certifiednaturallygrown.org



Eco-Labels

In addition to "Certified Organic," numerous other eco-labels are available for promoting farm products.

An eco-label is a seal or logo that makes a specific claim about a product. There are primarily two types of eco-labels. Production-based labels reflect that a product meets various ecologically significant production requirements. Place-based labels

indicate a product was grown within a specific geographical region. Eco-labels do not always ensure a higher price premium for products, but they can fetch a greater market share.

In 1997, research conducted by the Northwest-based Hartman Group determined that 52 percent of consumers would purchase a product that was produced in an “earth sustainable” way. Since that time, many companies have jumped on the eco-label bandwagon. Today there are eco-label choices for most products. With the proliferation of eco-labels, consumers are savvier with regard to these labels. Consumers respect a standardized, regulated label, and assume that the product meets their expectations based on that label. In some cases an inspector from the certifying organization will come to the farm to confirm that production methods meet their criteria, and some do not. The Consumers Union maintains a comprehensive on-line resource on eco-labels.

For more information contact: Consumers Union, 101 Truman Avenue, Yonkers, New York, USA 10703-1057 (914) 378-2000 www.greenerchoices.org/eco-labels

Food Alliance

Food Alliance is an independent third party organization that endorses farms meeting certain production requirements, and allows the products of these farms to carry a seal (label) of approval. Farmers whose products bear this label meet or exceed Food Alliance standards in the following areas: conserving soil and water, pest and disease management, and human resources.

For more information contact: Food Alliance, 1829 NE Alberta #5, Portland, OR 97211 (503) 493-1066 www.thefoodalliance.org



Halal

Halal Certification is recognition that the products are permissible under Islamic law. Halal is an Arabic word meaning lawful or permitted. These products are thus edible, drinkable or usable by Muslims.

All foods are considered Halal except the following:

- Swine/pork and its by-products
- Animals improperly slaughtered or dead before slaughtering
- Animals killed in the name of anyone other than ALLAH (God)
- Alcohol and intoxicants
- Carnivorous animals, birds of prey and land animals without external ears
- Blood and blood by-products
- Foods contaminated with any of the above products

For more information contact: Islamic Food and Nutrition Council of America (IFANCA), 5901 N. Cicero St. 309, Chicago, Il 60646 (773) 283-3708 www.ifanca.org/index.php

Idaho Preferred



Idaho Preferred[®] is the new and exciting program that publicizes the quality, diversity, and availability of Idaho food and agriculture. It is a program of the Idaho State

Department of Agriculture and is administered in accordance with IDAPA 02, Title 1, Chapter 4.

If you are a producer or manufacturer of an Idaho food or agricultural product, you may be eligible to participate in the *Idaho Preferred*[®] program. Membership is open to all food, beverage, and agricultural products that have been grown, raised, processed, or otherwise manufactured in the State of Idaho. A full description of product requirements can be found in the Participation Application and the Program Rules.

As an approved Participant in the *Preferred*[®] program, you're entitled to use of the *Idaho Preferred*[®] logo on product labeling, advertising, signage, letterhead, business cards, and other point-of-sale and promotional materials. In addition, members will be able to participate in other promotional efforts of the program including cooperative advertising and in-store displays. Digital artwork of the *Idaho Preferred*[®] logo will be sent to you with your welcome kit.

For more information, contact: Idaho State Department of Agriculture, ATTN: Idaho Preferred, PO Box 790, Boise, ID 83701 (208) 332-8678 www.idahopreferred.com/become_idaho_preferred.html



Irradiated Foods

(dairy, fruit, meats, poultry, vegetables, condiments)

Irradiation, or “cold-pasteurization,” is used to reduce the risk of harmful pathogens such as E. coli. Food that has been irradiated must be labeled as “treated with irradiation” and display the radura symbol. Both FDA and USDA regulate this practice; however there are no standards because the amount of pathogen reduction and the amount of pathogens affected by irradiation can vary. Irradiated foods are not “radioactive;” however the chemical composition of food changes as a result of this process.



Kosher

Products are identified as kosher by the presence of a hechsher, a graphical symbol that indicates the food has been certified as kosher by a rabbinical authority. The process of certification does not involve “blessing” the food; rather, it involves examining the ingredients used to make the food, examining the process by which the food is prepared, and periodically inspecting the processing facilities to make sure that kosher standards are maintained.

Any product can qualify for Kosher certification (indicated with K or U markings) if it does not violate Jewish dietary rules. These rules include:

- No mixing of dairy and meat products
- No shellfish
- No cloven hoof
- Equipment that has been used previously for a dairy or meat product must be sanitized properly before using to process any other product.
- The production must be verified by a Kosher monitoring agency or an Orthodox Jewish Rabbi.

For more information, contact:

www.jewfaq.org/kashrut.htm#Certification
Halal Shaarie Torah Congregation, 920 NW 25th Avenue, Portland, OR 97210 (503) 226-6131
Fax: (503) 226-0241 rabbig@shaarietorah.org
www.shaarietorah.org

Kosher Overseers Association of America, Inc.,
P.O. Box 1321, Beverly Hills, CA 90213,
(213) 870-0011 Fax: (213) 567-4371,
ko@kosher.org, www.kosher.org

Organic Labeling



The Organic Foods Production Act and the National Organic Program (NOP) are intended to assure consumers that the organic foods they purchase are produced, processed, and certified to consistent national

organic standards. The labeling requirements of the new program apply to raw, fresh products and processed foods that contain organic ingredients. Foods that are sold, labeled, or represented as organic will have to be produced and processed in accordance with the NOP standards.

Except for operations whose gross agricultural income from organic sales totals \$5,000 or less, farm and processing operations that grow and process organic foods must be certified by USDA-accredited

certifying agents. A certified operation may label its products or ingredients as organic and may use the “USDA Organic” seal. Labeling requirements are based on the percentage of organic ingredients in a product.

Foods Labeled “100 Percent Organic” and “Organic”

Products labeled as “100 percent organic” must contain (excluding water and salt) only organically produced ingredients.

Products labeled “organic” must consist of at least 95 percent organically produced ingredients (excluding water and salt). Any remaining product ingredients must consist of nonagricultural substances approved on the National List or non-organically produced agricultural products that are not commercially available in organic form.

Products meeting the requirements for “100 percent organic” and “organic” may display these terms and the percentage of organic content on their principal display panel.

The USDA seal and the seal or mark of involved certifying agents may appear on product packages and in advertisements.

Foods labeled “100 percent organic” and “organic” cannot be produced using excluded methods, sewage sludge, or ionizing radiation.

Processed Products Labeled “Made with Organic Ingredients”

Processed products that contain at least 70 percent organic ingredients can use the phrase “made with organic ingredients” and list up to three of the organic ingredients or food groups on the principal display panel. For example, soup made with at least 70 percent organic ingredients and only organic vegetables may be labeled either “soup made with organic peas, potatoes, and carrots,” or “soup made with organic vegetables.”

Processed products labeled “made with organic ingredients” cannot be produced using excluded methods, sewage sludge, or ionizing radiation.

The percentage of organic content and the certifying agent seal or mark may be used on the principal display panel. However, the USDA seal cannot be used anywhere on the package.

Processed Products that Contain Less than 70 % Organic Ingredients

These products cannot use the term organic anywhere on the principal display panel. However, they may identify the specific ingredients that are organically produced on the ingredients statement on the information panel.

Other Labeling Provisions

Any product labeled as organic must identify each organically produced ingredient in the ingredient statement on the information panel.

The name and address of the certifying agent of the final product must be displayed on the information panel.

There are no restrictions in this final rule on use of other truthful labeling claims such as “no drugs or growth hormones used,” “free range,” or “sustainably harvested.”

Penalties for Misuse of Labels

A civil penalty of up to \$11,000 can be levied on any person who knowingly sells or labels as organic a product that is not produced and handled in accordance with the National Organic Program’s regulations.

Now that the new regulations are in effect, organic farmers and handlers will have 18 months to adjust their growing and processing operations and revise their product labels to conform to the new standards.

Source: The National Organic Program (NOP)
<http://www.ams.usda.gov/nop/NOP/standards/LabelPre.html>

USA Domestic Fair Trade

The Fair Trade Certified™ guarantees consumers that strict economic, social and environmental



criteria were met in the production and trade of an agricultural product. Fair Trade Certification is currently available in the US for coffee, tea and herbs, cocoa and chocolate, fresh fruit, flowers, sugar, rice, and vanilla.

TransFair USA licenses companies to display the Fair Trade Certified label on products that meet strict international Fair Trade standards.

Fair Trade Certification empowers farmers and farm workers to lift themselves out of poverty by investing in their farms and communities, protecting the environment, and developing the business skills necessary to compete in the global marketplace.

For more information, contact: certification@fairtrade.net

ISDA Guidelines for Other Label Claims on Meat, Animal, & Food

Antibiotic-Free (poultry)

“Antibiotic-free” is not approved for use by the USDA. “No antibiotics administered” or “raised without antibiotics” is acceptable for use, and although USDA is accountable for the proper use of these claims, there is no verification system in place.

Free Range (poultry)

“Free-range” is a popular label found on eggs, chicken and other meats. For poultry products, the USDA only requires that outdoor access be made available for an “undetermined period each day.” There is no regulatory oversight of this term for use on eggs.

Pesticide Free

Any food product that is produced without any herbicides, fungicides or other pesticides and has been tested to determine that there are no detected residues. There is no organization that certifies for this claim.

Unsprayed

Any food product that is produced without any herbicides, fungicides or other pesticides and has been tested to determine that there are no detected residues. There is no organization that certifies for this claim.

Grown Without Pesticides

Any food product that is produced without any herbicides, fungicides or other pesticides. There is no organization that certifies for this claim.

Non-GMO

Otherwise known as genetically modified organisms, GMO foods have been genetically altered to contain genes from other species. A common GMO food is corn that has been altered to contain genes from the Bt toxin to help fight crop losses from pests such as the corn borer. Currently, foods that contain GMOs are not required by the FDA to be labeled as such. Many companies that do not use GMOs have voluntarily labeled their products as GMO-free. All organic foods are GMO-free. There is no organization that certifies specifically for this claim.

RGBH-free/RBST-free (dairy) Otherwise known as recombinant bovine growth hormone, rGBH (also known as rbST) is a synthetic hormone used to increase milk production in dairy cows. “rGBH-free” or “rbST-free” claims on milk imply that cows were not injected with this hormone. There is no organization that certifies for this claim. All products labeled with this claim must also include the statement “No significant difference has been shown between milk derived from rbST treated and non-rbST treated cows” as required by the FDA.

Natural (processed products and others)

According to the USDA, all fresh meat that carries the “natural” label cannot contain any artificial flavoring, color ingredients, chemical preservatives, or artificial or synthetic ingredients, and are only “minimally processed” (a process that does not fundamentally alter the raw product.) When the “natural” claim is used on meat and poultry, it must also be accompanied by a statement regarding the use of the term such as “no added coloring.” Although some producers may use the term “natural” on meat to claim that animals were not exposed to any antibiotics or hormones, this implication falls outside the scope of the USDA definition. When this term is used on products other than meat and poultry, the name implies that no synthetic additives have been added to the product. There is no certifier for this claim.

Grass-Fed (*beef, other meats*)

As defined by the USDA, cattle (and other livestock) bearing a “grass-fed” claim receive grass,

green or range pasture, or forage for 80 percent or more of their primary energy source throughout the animal’s life. These animals may be finished on grain, or receive grass feed in a non-pasture area. Although USDA is accountable for the proper use of these claims, there is no verification system in place. Grass fed usually results in lower levels of fat (marbling) than grain fed.

Grass-Finished (*beef, other meats*)

Cattle (and other livestock) bearing a “grass-finished” claim (not defined by USDA) have received only grass, green or range pasture, or forage their entire lives until the day of slaughter.

Hormone-Free (*meats, poultry*)

The USDA has banned the use of this term on all meat products, as there is no standard definition for what this means. Meat and poultry products bearing the term “no hormones administered” imply that the animal did not receive any added hormones during the course of its lifetime. There is no organization that certifies for this claim.