

Labeling Packaged Foods at Retail

3-602.11 Food Labels.

(A) Food packaged in a Food Establishment, shall be labeled as specified in Law, including 21 CFR 101 - Food labeling, and 9 CFR 317 Labeling, marking devices, and containers.

(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) 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) 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) 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.

The only exemption to this section of the code is: (ingredients must still be available upon request)

1. **Packaged Food: Bakery products** that are *made or prepared on the premise* of the food facility or another food facility/processing plant owned by the same owner. This exemption includes 'bake-off' items. (Chapter 57, 3 C.S. §§5729(b)(1))
2. **Unpackaged Food, such as deli salad**, which is **portioned to a consumer request** and is made on the premise of the food facility or another food facility/processing plant owned by the same owner and makes no health claims. (3-602.11 (D))
3. **Self-service bulk foods**, such as bulk candy bins, have alternative labeling requirements (see, 3-602-11(C))

The term "Packaged" is defined in the Food Code:

Packaged

- (1) **"Packaged"** means bottled, canned, cartoned, bagged, or wrapped, whether packaged in a Food Facility or a Food Processing Plant.
- (2) **"Packaged"** does not include wrapped or placed in a carry-out container to protect the food during service or delivery to the consumer, by a food employee, upon consumer request.

If food is considered packaged, it must be appropriately labeled with ingredients (including sub-ingredients), and all other required labeling information, as listed above.

PDA Exemption to Labeling: (Example: Grab-n-Go)

Food Packaged or re-packaged in the retail food facility would typically need fully labeled; PDA will exempt a food product from being fully labeled on the packaged product if all of the following apply:

1. Item is made or assembled in the Retail Food Facility
2. The item is a single serving and packaged
3. The item is marked with the date of preparation
4. The item is sold within 24 hours or discarded
5. The service case has a placard, poster, card, book or similar, displayed with or near the food item, and which included the common name, all ingredients and sub-ingredients, and major allergens
6. The packaging itself contains a label with the common name, general ingredients (not sub ingredients), name and address of the store, net quantity and major allergens.