

## MEMORANDUM

TO: JOE SIMRANY  
FROM: RICK MANN  
DATE: JUNE 15, 2005  
RE: FOOD LABELING CHANGES EFFECTIVE JANUARY 1, 2006

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Two significant food labeling regulations become effective on January 1. For most boxed tea products, neither will have a significant impact. However, for companies that are now voluntarily providing full nutrition information, or for products that contain non-tea ingredients, such as nutritional supplements, spices, or flavorings, these regulations could require changes in current labels.

### *TRANS FAT DISCLOSURE*

Effective January 1, quantitative declaration of trans fat will be required as part of the standard Nutrition Facts box. The declaration must appear on a separate line under the declaration for saturated fat. As required for all subcomponents of total fat, the trans fat declaration must be indented and separated by a hairline with the amount expressed as grams per serving to the nearest 0.5 gram increment for amounts less than 5 grams, and to the nearest gram for amounts above 5 grams. In cases where the total fat in a food is less than 0.5 gram per serving – which would include most tea products -- and no claims are made about fat, fatty acids, or cholesterol content, trans fat does not have to be declared. However, where trans fat is not declared (even as “0”), a footnote must be included stating that the food is “not a significant source of trans fat.” **Accordingly, where products currently bear a full Nutrition Facts Box, this box will have to be modified to include either a trans fat disclosure or a footnote explaining that the product is “not a significant source of trans fat.”**

Absent the addition of other ingredients, tea is a food of “minimal nutritional significance” in that it does not contain significant amounts of any of the mandatory items listed in a Nutrition Facts Box. Such foods are currently exempt from nutrition labeling, and will remain exempt when the trans fat rule is effective, unless a nutrient content claim is made about the product. **Accordingly, any product not required to bear a nutrition label now will be similarly exempt under the new rule.**

Finally, some companies provide limited nutrition information on tea products, using the “simplified format” Nutrition Facts Box, which is available for foods that contain insignificant amounts of 8 of the 14 nutrients required in a standard Nutrition Facts Box. This abbreviated Nutrition Facts Box is required to declare only calories, total fat, total carbohydrates, protein, and

sodium, plus any nutrients present at more than “insignificant” levels. For tea products that do not contain additional nutrients added to supplement the product and do not make nutrient content claims, no additional trans fat disclosure is necessary. However, if a nutrient content claim is made, or if a product is supplemented with a nutrient, then the Nutrition Facts Box must include a footnote stating that the product is “not a significant source of \_\_\_\_” with the blank filled in with the non-listed nutrients, **including trans fats**.

### *ALLERGEN LABELING*

Effective January 1, foods that contain ingredients that are (or that contain or are derived from) major food allergens must be labeled to indicate this in plain English. Specifically, the label for such food must either:

- Disclose that the food "contains" [the name of the food source from which the major food allergen is derived] (*e.g.*, “Contains peanuts”) adjacent to the list of ingredients, or
- Use the common or usual name of the major food allergen in the ingredient list followed by the name of the food source from which it is derived (*e.g.*, “semolina (wheat),” or “whey (milk)”).

The eight major food allergen groups are: (1) milk; (2) eggs; (3) fish (*e.g.*, bass, flounder, or cod); (4) Crustacean shellfish (*e.g.*, crab, lobster, or shrimp); (5) tree nuts (*e.g.*, almonds, pecans, or walnuts); (6) wheat; (7) peanuts; and (8) soybeans.

Spices, flavoring, colorings, or incidental additives that are (or contain or are derived from) a major food allergen also are covered by these labeling requirements (*e.g.*, “natural flavor (almond)”).

As is the case with trans fat labeling disclosure, most tea products do not contain ingredients derived from one of the eight major food allergen groups, and their labeling will **not** be impacted by the new requirements. However, products that contain spices, flavors or nutrition supplements derived from these major food allergen groups will be required to provide the appropriate disclosures.

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Please give us a call, should you have any questions.