**Basic Food Labeling Overview**

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**Questions and Answers**

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Below you will find the summary of the questions and answers (Q & A) from the live Webinar Series. For clarity and brevity, the live session of Q & A was trimmed from the original recording. Please keep in mind that this document is meant as a job aide. It does not create or confer any right for or on any person and does not operate to bind federal, state or local food safety regulatory agencies. If you have questions concerning interpretation or application of various portions, please reach out to your District Supervisor for assistance. A current District Map is posted at the top of the page where you found the recording and Q & A document.

Q: If an item is previously frozen and distributed to grocery store for self-serve is labeling (posting) required? Item not made in grocery store from scratch.

A: Yes, ingredients are to be posted on a card, near the product.

Q: In a gas station that has donuts in a customer self-service display case that is not made by that gas station company, they would be required to have labeling, correct? Example... Rapid Roberts Gas Station is selling Krispy Kreme donuts.

A: They would still be required to have a prominent label.

Q: What about bakery items that are frozen, and they just thaw and bake? Dough is made somewhere else.

A: If baked goods (or the dough) are not made in store, they would still need to meet labeling requirements.

Q: Previously understood exemption existed that perhaps 13 stores or less; nutrition label is not required.

A: I think you might be thinking about the Menu Labeling Rule which has an exemption for less than 20 stores: <https://www.fda.gov/media/116000/download#:~:text=The%20menu%20labeling%20rule%20requires,succinct%20statement%20concerning%20suggested%20caloric>. The exemptions for nutritional information on food labels can be found on p. 26 of the FDA Food Labeling Guide.

Q: We have restaurants that make baked goods some of which they package up and offer for sale at the register at checkout. I ask them to label the packages with name and ingredients but have not made them put net weight or quantity on the packages. How much should I push for quantities?

A: This would be based on compliance with the Missouri Food Code about labeling. Probably wouldn’t be closed down unless it is an issue with allergens being labeled. Work with them to comply to food code.

Q: Does processor of bottled grape juice, provided to retailer require pasteurized notation on bottle?

A: Typically, that is not required.

Q: Would the pasteurized juice statement be required for facilities that juice and freeze juice ahead of time, then thaw juice, and serve juice to order?

A: This would only be required if the juice is being packaged. Package would need to contain consumer advisory if it is raw juice. Three different provisions of food code that would apply to how juice needs to be labeled.

Q: Doesn't the FDA have to "approve" any medical claims? Or is that a different process?

A: There is a section in the FDA food labeling guide on medical claims. There are some approved claims that can be made on food labeling. The guide includes what terms can be used and outlines requirements of a food and what it can be labeled as.

Q: Is this an internal video only? Or is this sharable with the public?

A: YouTube video clip on undeclared allergens: <https://www.youtube.com/watch?v=s2z_vWTEhDM>

Q: Why would garlic powder not be counted under spices?

A: Link below to FDA “spices” definition. FDA lists various spices that can be included under the term “spices” on an ingredients label. Anything not on this list is required to be included as a separate ingredient or sub-ingredient. Garlic can be an irritant to some medical issues and is not included on the FDA list.

Q: If someone makes their own garlic powder and tries to sell under Cottage Food, then this would not be considered a spice?

A: The point I was making in my presentation was specifically relating to what can be included under the blanket term “spices” in an ingredient label. FDA provides a definition of “spices” which can be found here: <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cpg-sec-525750-spices-definitions>. Questions relating to cottage food interpretations really should be directed to the retail food program.

Q: Is Sesame oil a highly refined oil?

A: Sesame is usually not highly refined.

Highly refined oil clarification: Soybean oil and peanut oil are generally highly refined. If you have questions, ask the manufacturer. Err on the side of caution and declare a possible allergen.

Q: Will food processing program assist in consulting grocery stores regarding in store packaging of multiple products?

A: Multiple items in one package, like a sampler, must have ingredients for all products. If someone with a grocery store wanted feedback on product labeling for food they are packaging and selling at retail, they should be consulting with the appropriate local public health agency (LPHA) that regulates that store. That LPHA would then reference the applicable sections of the Food Code relating to food labeling and provide appropriate feedback.

Q: Why is it not required to include sub ingredients for caramel color? It often contains food ingredients that contain gluten, etc.

A: From the FDA Food Labeling Guide:

*What ingredient listing is used for artificial colors? Answer: It depends on whether the artificial color is a certified color: Certified colors: List by specific or abbreviated name such as “FD&C Red No. 40” or “Red 40.” Non­certified colors: List as “artificial color,” “artificial coloring,” or by their specific common or usual names such as “caramel coloring” and “colored with beet juice.” 21 CFR 101.22(k)(1) and (2), 21 CFR 74*

Q: If not selling the product by weight is the weight still required on the label?

A: Net Quantity can be expressed in numeric count, liquid measure, or product weight. Needs an accurate declaration of contents even if you can visually see the numeric count. This will vary based on whether food is sold retail or wholesale.

**Links you might find helpful:**

• Missouri Food Code: <https://health.mo.gov/safety/foodsafety/pdf/missourifoodcode.pdf>

• FDA Food Labeling Guide: <https://www.fda.gov/media/81606/download>

• YouTube video clip on undeclared allergens: <https://www.youtube.com/watch?v=s2z_vWTEhDM>

• Gluten-Free Labeling of Foods: <https://www.fda.gov/media/88857/download?attachment>

• Spices the FDA will allow to be included under the term “spices”: <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cpg-sec-525750-spices-definitions>

• USDA Organic certification: <https://www.ams.usda.gov/rules-regulations/organic/labeling#what%20requirements>

• Plant-Based Milk Alternatives (PBMA): <https://www.fda.gov/food/food-labeling-nutrition/plant-based-milk-alternatives-pbma>

• Highly refined oils: <https://www.fda.gov/media/163454/download> , specifically D9 on p. 18.

• USDA stamp of inspection: <https://www.fsis.usda.gov/food-safety/safe-food-handling-and-preparation/food-safety-basics/how-find-usda-establishment>