

LABELING GUIDE
VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS

**A Summary of Vermont Packaging and Labeling Regulations
and Other Related Rules**

This is a condensed and simplified version of state and federal labeling requirements for common retail food products sold by weight or liquid measure. Because there are over 2000 pages of regulations and laws concerning labeling, this text will focus on the most critical or confusing aspects of the subject with an emphasis on products Vermonters typically package.

Vermont based packers may send their label proofs to the agency (see back page for addresses) before printing. This enables us to review the label and offer assistance in compliance.

Weights and Measures Requirements

The Vermont packaging and labeling regulation is enforced by Consumer Protection Section in this agency. There are three primary requirements which are identity of product, declaration of responsibility and quantity.

IDENTITY

This must appear on the main panel of any label.

- 1) It must be the name as required by State or Federal regulation such as a standard of identity or, in the absence of this;
- 2) The common or generic name.
- 3) The term cannot be misleading or deceptive.

An identity is not required, in some cases, if the commodity is easily recognizable through the wrapper. Meat and poultry labels must always state identity.

RESPONSIBILITY

The name, address and zip code of the manufacturer, packer or distributor must be on the label of any package that is sold at any place other than on the premises where packed. This information can appear on the front panel or be with the ingredients on the informational panel. Minimum letter and number height is 1/16 inch for most packages. The street address may be omitted if the address can be found in the phone book or city directory.

If the product is not manufactured by the person whose name is on the label, the declaration of responsibility must qualified with a phrase that explains that name appearing in the declaration is not the actual producer of the product.

EXAMPLE: "Manufactured for and Distributed by _____" or
"Distributed by _____"

The label may state the principal place of business or main office rather than the actual location where the commodity was packed or manufactured only if that information is not misleading.

EXAMPLE: Maple syrup that is produced and packed in Canada and distributed by Vermont firm may not have an unqualified Vermont address.

QUANTITY

The quantity must be accurate. There are two basic requirements for most products.

- 1) The average of any lot or shipment of packages must meet or exceed the stated quantity and;
- 2) Within that lot there shall be no individual packages that are unreasonable short. The term "unreasonable" is specifically defined for different products in an official test manual.

In other words, a labeled quantity must fall within a very tight range. At the store level a few containers may be under weight or measure but the average must meet the stated value and the shortages must be small. The law does not make a business give away its product. The goal is accurate quantity.

A declaration of quantity shall not be qualified. "Jumbo Pound", "Minimum Weight", "Full Gallon" or any other term that exaggerates the amount is not allowed.

The quantity must appear in the lower third of the principal display panel (**PDP**). This is the front or most commonly viewed aspect of the container. The quantity can appear anywhere on packages with a PDP less than 5 square inches.

The size of the PDP determines the height of the numbers and letters in the quantity statement.

<u>Area of PDP</u>	<u>Minimum Height</u>
5 square inches or less	1/16 inch
Greater than 5 in ² and not over 25 in ²	1/8 inch
Greater than 25 in ² and not over 100 in ²	3/16 inch
Greater than 100 in ² and not over 400 in ²	1/4 inch

Both upper and lower case letters must meet size requirements.

The area around the quantity declaration must be free of printed material by a space at least equal to the height of the lettering.

Identity, quantity and responsibility statements may be hand written so long as the size requirements are met and the writing is clearly legible.

The packer must use the appropriate unit of measure. Generally, solids are sold by weight and liquids are measured by volume. Combinations of both may be sold by weight or measure. There are industry standards for most products however a few categories such as dairy and seafood have specific methods of sale established by law.

Fluid ounces are not the same as "weight" ounces. The old adage "a pint is a pound the world around" just doesn't hold water. Volume or fluid measurement relates to capacity and bears no relationship to weight or mass measurement. Sixteen fluid ounces (one pint) of water weighs 1.04 pounds but the same volume of maple syrup weighs 1.39 pounds.

Quantities must be expressed in the **largest whole unit** of measure. Products that are less than a pound must be labeled in terms of ounces. The statement for those items that are a pound or more must be by the pound and then with any remainder expressed in ounces and fractions of an ounce or pound.

Liquid commodities of less than a pint are to be labeled in fluid ounces. If a pint or more but less than a gallon, then the quantity must be in terms of the largest whole unit and any remainder in fluid ounces or fractions of a pint or quart.

EXAMPLES: For a 54 fluid ounce container the label should read:
- 1 QT 1 PT 6 FL OZ (1.60 L)

For a 37 ounce package the label should read:
2 LB 5 OZ (1.04 kg)

Metric quantities also known as the International System of Units (SI) are now required on most labels. The SI units may appear before or after the customary declaration and must be shown in three digits. The values can either be rounded in a conventional manner or truncated. This later method simply drops off any value after the third digit.

1 lb equals 453.59237 grams (exactly). This can be shortened to either 454 by rounding or, 453 by truncating. Other conversion are: 1 ounce = 28.3495 g - 1 fluid ounce = 29.5735 mL
1 quart = .946 L

EXAMPLES:	1 LB (454 g)	453 GRAMS (1 POUND)
1 PINT 3 FL OZ (561 ml)	1.25 L (1 QT 10 FL OZ)	2 fl oz (59 mL)
1 lb 4 oz (567 g)	10 lb (4.54 kg)	12 FL OZ (354 mL)
6 oz (170 g)		

The following are the only acceptable abbreviations for customary units:

avoirdupois	avdp	ounce	oz
piece	pc	count	ct
pint	pt	cubic	cu
pound	lb	each	ea
feet or foot	ft	quart	qt
fluid	fl	square	sq
gallon	gal	weight	wt
inch	in	yard	yd
liquid	liq	drained	dr
diameter	dia		

Abbreviations are in the singular form and can be capitalized; periods are prohibited.

EXAMPLE: oz or OZ for ounce and ounces lb or LB for pound and pounds

The following are the only acceptable abbreviations for SI units:

centimeter	cm	cubic meter	m ³
cubic centimeter	cm ³	kilogram	kg
meter	m	gram	g
milligram	mg	millimeter	mm
liter	L or l	square meter	m ²
milliliter	mL or ml	cubic decimeter	dm ³
square centimeter	cm ²	square decimeter	dm ²
micro meter	µm		

Unlike the customary units, SI symbols are not capitalized, except for the liter (L and mL). Only the largest unit of measure is allowed.

EXAMPLE: 1.51 kg not 1 kg - 510 g.

EXEMPTIONS

Many products are exempt from the preceding requirements in whole or in part. The following list includes commodities that would be most commonly produced or packed in Vermont.

Random Weight Packages such as found in a supermarket meat or produce case and that are not distributed off premises.

Small Packages:

- 1) less than 5 in² of PDP Exempt from lower 30% placement of net contents.
- 2) those intended for use in a restaurant, institution, airplane etc.
- 3) meat or meat products less than 1/2 ounce are exempt from weight

statement

- 4) "penny candy" individually wrapped and less than 1/2 ounce
- 5) decorative containers less than 1/4 ounce

Meat, Poultry, Fluid Dairy, Ice Cream, Alcohol and other products that have specific Federal Labeling requirements.

Juices and Water may have the quantity statement placed on any conspicuous area of the product.

Corn Meal and Flour are also exempt from the quantity placement requirement.

Metric (SI) Exemptions:

- 1) Foods packaged at retail stores
- 2) Random weight packages
- 3) Labels printed before 2/14/94
- 4) Federally regulated meat, poultry, alcohol, tobacco and pesticide products have other labeling specifications that may include SI.

Nutritional Labeling

The Nutrition Labeling and Education Act of 1990 (NLEA) is enforced by the Food and Drug Administration. It requires nutrition labeling for most foods (except meat and poultry) and authorizes the use of very specific and FDA approved nutrient content and health claims.

Most Vermont producers are exempt from NLEA because of the small business exemption. This is not the case if a company makes a nutritional or health claim on the label or if the food is fortified or for baby food. A retailer may require a packer to include nutrition labeling regardless of an exemption. An exempt packer may wish to include a nutrition label in order to advertise a product's healthful features.

Ingredients Statement

This requirement is also enforced by the FDA and USDA (for meat and poultry products). It must appear on all foods that have two or more ingredients. Ingredients must be listed in decreasing order of predominance by weight (the most first, the least last). If the product contains a processed or standardized food then the ingredients of that food must also appear in parenthetical form in the statement. Check the ingredients label on any food product and you'll see that most of them have more than one component. Even something simple like flour may have two or three ingredients.

Unfortunately, some people are allergic to all sorts of common food elements. An accurate ingredients statement is very important information. Starting in 2006, the food source of major allergens must be listed in or adjacent to the ingredients statement. FDA rigorously enforces this requirement, even on small packers. The eight food sources for allergens are milk, eggs, fish, crustacean shellfish, tree nuts (walnuts, almonds, pecans, etc), wheat, peanuts and soybeans and their derivatives, such as caseinate, albumin or whey. The act would not exempt spices, flavorings, colorings or incidental additives that contain a major food allergen.

Meat and Poultry

In addition to these general labeling requirements, meat and poultry products have additional regulations. The Meat Inspection Section can help you with these rules (802-828-2426).

Bar Codes

A retailer may require that a package has a bar code (also called Universal Product Codes or UPC's). In conjunction with a laser scanner, this small label can provide information about the product's identity, size, price and other necessary data. In some cases the store may provide this label. If not, then a packager must purchase a UPC number from a company called GS1 (<http://www.gs1us.org/>).

Organic

The Organic Foods Production Act allows a product to be labeled as "organic", so long as it has been produced and handled in accordance with the provisions of the Act and regulations. For more information about "organic" food labeling and processing contact the Northeast Organic Farming Association of Vermont.

Country of Origin

The US Customs Service of the Department of the Treasury requires that a company states on the container the origin of the product on commodities from foreign countries.

EXAMPLE: The label on honey produced in China must state:
"Product of China"

A label on maple syrup from Canada must show:
"Product of Canada"

The purpose of this rule is to insure that the American consumer is aware of the country of origin. This requirement applies to many commodities, not only food.

If you have any questions about labeling, please contact one of the following people:

General Labeling and Weights and Measures

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1/98 10/26/09
12/00
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3/27/06
10/12/07
11/27/08
4/3/09