



Massachusetts Department of Public Health
Bureau of Environmental Health
305 South Street
Jamaica Plain, MA 02130-3597
(617) 983-6712 (617) 983-6770 - Fax

Food Protection Program Policies, Procedures and Guidelines

Issue: Minimum Requirements for Packaged-Food Labeling

No: FP-02

The Massachusetts Food Protection Program has prepared this guide to help you develop a food label that complies with Massachusetts and federal labeling requirements. For additional information, please refer to the resources listed on the back panel.

Foods that Require Labeling

All packaged foods must be labeled in accordance with Massachusetts and federal labeling regulations, including all foods intended for retail sale that are manufactured in licensed residential kitchens.

Massachusetts Open-dating Regulation

To comply with the Massachusetts open-dating labeling regulation, a “sell-by” or “best-if-used-by” date is required if the product has a recommended shelf life of fewer than 90 days.

Foods exempt from this requirement include: fresh meat, poultry, fish, fruits, and vegetables offered for sale unpackaged or in containers permitting sensory examination, and food products pre-packaged for retail sale with a net weight of less than 1½ ounces.

Foods may be sold after the open-date if the following conditions are met:

- It is wholesome and good quality.
- The product is segregated from food products that are not “past date,” and the product is clearly marked as being “past date.”

Health Claims

Health claims allowed by the FDA on a label are limited to the following relationships between diet and disease:

1. Calcium and reduced risk of osteoporosis.
2. Sodium and increased risk of hypertension.

Date Issued: 4/30/1998

Date Revised
6/30/2015

3. Dietary saturated fat and cholesterol and increased risk of heart disease.
4. Dietary fat and increased risk of cancer.
5. Fiber-containing grain products, fruits, and vegetables and reduced risk of cancer.
6. Fruits/vegetables and reduced risk of cancer.
7. Fruits, vegetables, and grain products that contain fiber, particularly soluble fiber and reduced risk of heart disease.
8. Soluble fiber from certain foods and reduced risk of heart disease.
9. Folic acid and reduced risk of neural tube defects.
10. Soy protein & reduced risk of heart disease.
11. Stanols/sterols and reduced risk of heart disease.
12. Dietary non-cariogenic carbohydrate sweeteners and reduced risk of tooth decay.

Food Allergen Labeling

The Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) addresses the labeling of foods that contain any of the eight major food allergens.

FALCPA defines "major food allergens" as

Milk	Fish
Egg	Crustacean Shellfish
Peanuts	Tree Nuts
Soybeans	Wheat

All ingredients that contain a major food allergen must be labeled, even if they are exempted from labeling by being a spice, flavoring, coloring or incidental additive.

FALCPA requires the labeling of food allergens in one of two ways.

1. In the ingredient statement, include the common or usual name of the food source, followed by the name of the allergen in parentheses. For example: Ingredients: Flour (**wheat**), whey (**milk**)

2. After the ingredient statement, place the word, "Contains:" followed by the name of the food allergen. For example: *Contains: Wheat, Milk*

FALCPA requires that:

- For Tree Nuts, the specific type of nut must be declared.
Example: almonds, pecans, walnuts
- For Fish and Crustacean Shellfish, the species must be declared.
Example: cod, salmon, lobster, shrimp

FALCPA's requirements apply to all packaged foods sold in the United States, including both domestically manufactured and imported foods.

Resource Information on Labeling

Food labeling
105 CMR 500.006

Principal display panel
21 CFR 101.01

Information panel
21 CFR 101.2

Identity labeling of food
21 CFR 101.3

Nutrition labeling
21 CFR 101.9

Misbranding of food
MGL c. 94 sec. 187
21 CFR 101.18

Organic labeling
<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELDEV3004446>

Trans fat labeling
<http://www.fda.gov/food/ingredientpackaginglabeling/labelingnutrition/ucm274590.htm>

Allergens

- Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) (Public Law 108-282)
- Guidance for Industry

<http://www.fda.gov/food/guidanceregulation/guidancedocumentsregulatoryinformation/allergens>

For interpretations and assistance with labeling regulations, please contact:

**Food Protection Program
Bureau of Environmental Health
Massachusetts Department of Public Health
305 South Street
Jamaica Plain, MA 02130**

**Phone: 617-983-6712
Fax: 617-983-6770**

TTY: 617-624-5286
Web: www.mass.gov/dph/fpp

Or the U.S. Food and Drug Administration
<http://www.fda.gov/Food/IngredientsPackagingLabeling>
Office of Nutritional Products, Labeling, and Dietary Supplements: 301-436-2371

NOTE: This policy is only a guide.

Since regulations are amended from time to time, it is the responsibility of licensees to know and abide by all current labeling regulations. Always consult official Massachusetts and federal regulations to ensure labels are in full compliance.



WHEAT BREAD

Ingredients: Flour (bleached wheat flour, malt barley, flour, niacin, iron, potassium thiamine, thiamine mononitrate, riboflavin, folic acid), Sugar, Eggs, Water, Milk, Margarine (liquid soybean oil, partially hydrogenated soybean oil, water, salt, whey, soybean lecithin, vegetable mono & diglycerides, sodium benzoate as a preservative, potassium caseinate [a milk protein], artificially colored, FD&C Red #3, artificially flavored, vitamin A, dalmite added), Yeast, Salt

Contains: Wheat, Eggs, Milk, Soy

Sell by: 9/22/15
Net Weight: 1 pound (16 oz.)

The Bakery
412 Main Street
Anytown, MA 01234



**Food Protection Program
Bureau of Environmental Health
Massachusetts Department of Public Health
March 2015, 5th edition**