FDA: Foods Must Contain What Label Says

As someone who cares about what your family eats, you make it a practice when shopping to read the labels on food packages. And you have the right to expect that the information on the label, including the ingredient list, is accurate.

The good news is that the Food and Drug Administration (FDA) has your back.

The Federal Food, Drug and Cosmetic Act—which provides authority for FDA's consumer-protection work—requires that labels on packaged food products in interstate commerce not be false or misleading in any way.

To that end, as resources permit, FDA monitors food products to ensure that the labels are truthful and not misleading, explains Michael W. Roosevelt, acting director of compliance at FDA's Center for Food Safety and Applied Nutrition (CFSAN). If a product is not labeled as required by law, the agency takes appropriate action.

FDA Steps In

For example, when FDA received complaints from U.S. firms and attorneys alleging that imports of pomegranate juice concentrates were not, as labeled, 100% pomegranate, the agency took a closer look.

After conducting its own analyses, FDA found that some of the samples contained undeclared ingredients, including artificial colors, sweeteners and less expensive fruit juices, such as black currant, apple, pear or cherry juices, in place of pomegranate juice.

FDA issued an import alert for pomegranate juice exported by certain companies in Iran and Turkey, based on findings that the samples FDA analyzed were "not as they were represented to be on the labels and therefore adulterated and misbranded." An import alert allows FDA to detain, without physical examination, imported products that appear to violate the Federal Food, Drug, and Cosmetic Act. When a shipment is detained, the importer has a window of opportunity to introduce evidence to overcome the appearance of a violation, during which time the product cannot be distributed.

In other circumstances, when the agency identifies a food product with labeling that is false or misleading (misbranded), it may inform the manufacturer, often in the form of a warning letter, of the violation of law and ask the firm to correct the problem. Most firms contacted by FDA

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about a labeling violation voluntarily comply, Roosevelt says.

Those that do not can be subject to additional legal action to remove the misbranded products from commerce. Under such circumstances, these products cannot return to the market until the manufacturers take action to correct the violations.

"In the case of the pomegranate juice," Roosevelt says, "the burden is on the importer to show that the product labeling is accurate." "Otherwise, the juice is not going to make it into the U.S."

Another example: In 2012, FDA issued an import alert (*www.accessdata.fda.gov/cms_ia/importalert_108.html*) for shipments of honey exported from India, Malaysia, New Zealand, Turkey and Vietnam due to findings that certain honey products from these countries had been adulterated through the partial substitution of cane or corn sweeteners.

Import alerts (*www.accessdata.fda.gov/cms_ia/default.html*) are listed on fda.gov, and there are a number of different ways to search for firms and products. FDA also maintains an alphabetical list (*www.accessdata.fda.gov/scripts/warningletters/wlFilterBySubject.cfm*) of warning letters by subject in which consumers can find previous examples of past warning letters citing misbranding or adulteration of food.

Regulations Set Standards

In addition, FDA regulations include formal standards of identity for many kinds of food, including milk and cream; cheese and related cheese products; frozen desserts; bakery products; cereal flours and related products; macaroni and noodle products; canned fruits; canned fruit juices; fruit butters, jellies, preserves and related products; fruit pies; canned vegetables; vegetable juices; frozen vegetables; eggs and egg products; fish and shellfish; cacao products, tree nut and peanut products; beverages; margarine; sweeteners and table syrups; and food dressings and flavorings.

These regulations (*www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm*) help to protect consumers against the intentional substitution of ingredients without declaring those ingredients in labeling (e.g. using an unlisted, less expensive ingredient to reduce the cost of manufacturing). The standards of identity require that products contain the ingredients required by the standard.

"In other words," says Roosevelt, "the product is what the label says it is."

What a Consumer Can Do

FDA receives much of its information on possible product labeling violations from competitors in industry, at which point the agency often examines or tests the product to confirm or disprove the claims.

If consumers suspect a label is inaccurate, however, FDA welcomes information from them as well. Consumer complaint coordinators located in 19 FDA district offices throughout the United States and Puerto Rico will listen, document your complaint or concern, and determine the appropriate contact for follow-up. You can find the number of the complaint coordinator in your area at fda.gov (*www.fda.gov/Safety/ReportaProblem/ConsumerComplaintCoordinators/default.htm*).

You can also report adverse events from foods, drugs and other FDA-regulated products through MedWatch (*www.fda.gov/Safety/MedWatch/default.htm*).

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