

ATTACHMENT B



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Regulations & Policies

Compliance Assistance

Trans Fat Declarations in the Nutrition Facts Panel on Product Labeling

USDA, FSIS is planning rulemaking on trans fat label declarations to consider provisions in the meat and poultry regulations that are consistent with FDA's rules. In the interim, FSIS will not object to the voluntary declaration of trans fatty acids in Nutrition Facts panels on labeling of food products under its jurisdiction if the declaration is made in accordance with FDA regulations published in the Federal Register on July 11, 2003, that amend 21 CFR Part 101. Companies that wish to include a trans fat declaration will need to submit at least one label sketch that includes the trans fatty acid declaration in the Nutrition Facts panel to the Labeling and Consumer Protection Staff (LCPS). Subsequent labels that include trans fatty acid declarations can be generically approved in concert with the Agency's regulations on generically approved labeling (9 CFR 317.5 and 381.133). There are no FDA provisions for claims regarding trans fatty acids. Thus, any labeling that includes a statement regarding trans fatty acids that is outside of and in addition to the Nutrition Facts panel declaration would need to be submitted to LCPS for evaluation.

This allowance is in concert with previous determinations to permit the voluntary labeling of nutrients in Nutrition Facts for which FSIS has not codified RDI's, but that are codified in Title 21 of the FDA regulations. Nutrients that may be included in the Nutrition Facts panel include Vitamin K, Selenium, Manganese, Chromium, Molybdenum and Chloride. Labels with such nutrient declarations and claims must be evaluated by the Agency before the products bearing labeling with such information may be marketed.

Further information about labeling may be obtained from Dr. Robert Post, Director, Labeling and Consumer Protection Staff, at (202) 205-0279 and from the Agency's labeling policy website.

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