

FDA Temporary Guidance for Nutrition Labeling of Certain Packaged Food for Restaurants and Food Manufacturers

The FDA has released guidance in response to a need for restaurants and food manufacturers to adjust operations due to the COVID19 pandemic. This temporary guidance provides flexibility for nutrition label requirements and packaging and should facilitate the alternative distribution of food as it may occur due to the public health emergency.

What brought about FDA temporary guidance? Restaurants and food manufacturers may have food not labeled for retail sale but may now wish to sell it at retail. For example, a restaurant may have purchased ingredients that, given a change in their operations, they can no longer use to prepare their usual menu items. As an alternative they may want to sell this food to their customers or to other businesses for sale to consumers. In this instance the FDA does not intend to object if the packaged food is not labeled with Nutrition Facts, provided that the food:

Does not have any nutrition claims, AND
Contains other required information on the existing label, including, as applicable:

- a statement of identity,
- an ingredient statement,
- the name and place of the business of the food manufacturer, packer, or distributor,
- the net quantity of contents, and
- allergen information required by the Food Allergen Labeling and Consumer Protection Act.

Likewise, food manufacturers may have inventory on hand that is labeled for use in restaurants, but the manufacturer may now wish to alternatively distribute the food.

In this case, the FDA does not intend to object to the sale of the packaged food even if it lacks a Nutrition Facts label by a food manufacturer. This is provided that the food:

Does not have any nutrition claims, AND
Contains other required information on the label, including, as applicable:

- a statement of identity,
- an ingredient statement,
- the name and place of business of the food manufacturer, packer, or distributor,
- the net quantity of contents, and
- allergen information required by the Food Allergen Labeling and Consumer Protection Act.

FDA's guidance also included additional information related to package labeling. The FDA has said that if retail packaging is not available for certain products, the agency does not intend to object to the further production of that food as it may be labeled for restaurant use, even if it is temporarily intended to be sold to an entity other than restaurants, until retail packaging is available.

Although the guidance covered here was implemented immediately, it remains subject to comments according to the agency's good guidance practices.

FDA has announced that *separate from this guidance*, it intends to work cooperatively with manufacturers for the remainder of the year 2020 regarding the use of updated Nutrition and Supplement Facts labels and will not focus on enforcement actions during this time.

FDA previously announced it would do so for the first six months following the January 1, 2020 compliance date, and the newest announcement extends this approach through the end of 2020.

For more information regarding temporary guidance for nutrition labels and packaging during the public health emergency, please visit the:

- [Guidance for Industry: Temporary Policy Regarding Nutrition Labeling of Certain Packaged Food During the COVID-19 Public Health Emergency](#)
- [Industry Resources on the Changes to the Nutrition Facts Label, and the,](#)
- [Food Allergen Labeling and Consumer Protection Act](#) Found at [FDA.gov](https://www.fda.gov)

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