

# Congress of the United States

Washington, DC 20515

## The Food Labeling Modernization Act of 2013

### ***The Problem:***

Nutrition information, ingredient lists, and health-related claims on food labels can play an important role in the battle against obesity and diet-related disease, which are responsible for hundreds of thousands of premature deaths in the United States each year, as well as increased health care costs.

Food labeling requirements, however, are in need of a major overhaul. Major food labeling provisions of the Food, Drug, and Cosmetic Act have not been updated since the 1990 Nutrition Labeling and Education Act, with some sections not changed since 1938. As a result, labels do not provide the information that today's consumer needs to evaluate and compare products in order to make healthy choices.

### ***The Solution Part I: Front-of-Package Labeling System***

In 2009, recognizing that a simple way of comparing nutrition information across products could help consumers cut through the clutter of nutrition information on the front of food packages and choose healthier products, Congress directed the Institute of Medicine (IOM) to undertake a study of front-of-package (FOP) labeling and recommend a standard FOP system that would best promote consumers' health. The Food and Drug Administration (FDA) also announced that it would be putting forward regulations to define scientifically-based nutrition criteria for FOP labeling based on consumer research and the IOM's findings. The IOM published a final report in 2011 recommending the development and implementation of a standard FOP system for all food products, yet consumers today are still inundated with a clutter of nutrition information and different nutrition rating systems on the front of food packages. In an effort to help consumers select healthy products, the Food Labeling Modernization Act's signature initiative will direct the Secretary of Health and Human Services to establish a single, standard front of package labeling system in a timely manner for all food products required to bear nutrition labeling.

### ***The Solution Part II: Eliminate Deceptive Claims and Update Existing Nutrition Labels***

The bill will strengthen current law to target developments in marketing that have created confusion for consumers comparing food products. Major provisions of the bill include:

- Requiring the Secretary to issue comprehensive guidance for industry clarifying the scientific support needed to prevent false or misleading information for a structure/function claim and giving the Secretary the legal authority to compel companies to turn over their substantiation documents;
- Requiring the Secretary to update the definition of the term "healthy" to be based on the Dietary Guidelines for Americans criteria and establish a standard definition for the term "natural";
- Requiring that claims such as "made with whole grain," be permitted only if the amount of whole grain (as a percentage of total grain) is disclosed conspicuously on the product label;
- Requiring the percent daily values for calories and sugar, as well as the amount of sugar that is not naturally occurring, be listed on the Nutrition Facts Panel;
- Requiring any product containing an amount of food reasonably consumed on a single occasion to state on the label that a single package contains one serving size; and
- Requiring disclosure of the amount of caffeine in a product if it exceeds 10 milligrams.

\*This bill does not apply to dietary supplements.