

Packaged Food Labeling Guidance

For Food Manufacturers, Packers,
and Distributors



Food manufacturers, packers, and distributors must follow applicable labeling laws before offering food for distribution in Wisconsin. This document provides general information about packaged food labeling requirements. It does not include information for labeling meat, poultry, Grade A or B dairy products, or alcohol.

What information is required on packaged food labels?

State and federal laws require the following information on packaged food labels:

- Statement of identity
- Net quantity of contents
- Declaration of responsibility
- Ingredient statement (when two or more)
- Allergens declarations (when present)
- Nutrition facts (unless an exemption applies)

All required information must be in English except articles distributed solely outside of the U.S. All information you provide on the label and in labeling, such as online advertising, must be truthful and not misleading.

The following sections provide more details about how required information must appear on the label.

Statement of Identity

The statement of identity is the name of the food. It must appear on the front label or principal display panel.

The U.S. Food and Drug Administration (FDA) has established standards of identity for many products. FDA's standards of identity are available at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B>. Examples include several cheeses, dressings, bakery products, jams and jellies, and bottled water. If the food is subject to a standard of identity it

must use the name specified in the standard. If the food does not meet the standard, then you must use a non-standard name.

For example, raspberry jam meeting the standard of identity could be labeled raspberry jam; however, if chocolate were added, the product would not meet the standard of identity and would have to be called something else, such as raspberry spread with chocolate. A non-standard name must be an appropriate description and not misleading.

The statement of identity must be in bold type, in a size reasonably related to the most prominent printed matter on the principal display panel, and in lines generally parallel to the package bottom.

Net Quantity of Contents

The net quantity of contents is the statement on the label that declares the amount of food in the container or package in terms of weight, measure, numerical count, or a combination of those. If the food is a liquid, you must use fluid measure. If the food is solid, semi-solid, viscous, or a mixture, you must use weight. Some products and certain sizes and types of packages may have different allowances or requirements for declaration of net quantity of contents.

Food labeled in terms of weight or fluid measure must show the net contents in both the U.S. Customary System terms (ounces, pounds, fluid ounces, gallons, quarts, pints) and metric (grams, kilograms, milliliters, liters) in the largest whole unit. For example, "Net contents 2 gallons 2 quarts" and not "2 gallons 4 pints." Random weight packages and products made in and sold only in the same retail store location may list only U.S. Customary System terms.

The net quantity of contents must appear on the principal display panel and in bold type. If the principal display panel is greater than five (5) square inches, then it must also be

on the bottom 30% of the principal display panel and in lines generally parallel to the base on which the package rests as it is designed to be displayed. The type size must be at least 1/16 of an inch and possibly at least 1/2 an inch in height depending on the area of the principal display panel.

Declaration of Responsibility

Packaged food labels must list the following:

- Legal name of manufacturer, packer, or distributor
- City, state, and ZIP code*

If the legal name is a corporation, you must use the corporate name. If the legal name is not a corporation, the label must specify the legal name that person does business as.

If the food is not manufactured by the legal name on the label, you must use a qualifying phrase to connect the legal name with the food, such as “Manufactured for <legal name>” or “Distributed by <legal name>.”

*If you do not list your business name and address in a current, readily accessible, and publicly available source, such as a city directory or phone book, you must include the complete street address on the label.

Ingredient Statement

The ingredient statement on a packaged food label is the listing of each ingredient in decreasing order of predominance by weight. This means you must list the ingredient that weighs the most first, and the ingredient that weighs the least last. All the sub-ingredients for foods with multiple ingredients must be included. For example: all-purpose flour (bleached wheat flour, malted barley flour, niacin (a B vitamin), iron, etc.)

There are many ingredients that may be listed as spices, but these do not include onions, garlic, and celery because these items are traditionally regarded as individual foods. Paprika, turmeric, saffron, or other spices which are also colors, must be declared as “spice and coloring,” unless declared by their common or usual name.

You must list all certified colors by their specific names. For example, “FD&C Yellow No. 5” or “FD&C Red No. 40—Aluminum Lake.”

Use the common or usual ingredient name unless there is a regulation that provides for a different term. For example, use “sugar” instead of the scientific name “sucrose.”

Allergens

Food allergies occur when the body's immune system reacts to certain proteins in food. Law requires that food labels identify the food source of all major food allergens used to make the food to protect individuals with food allergies. Major food allergens include:

Milk	Eggs
Wheat	Soy
Fish**	Crustacean shellfish**
Peanuts	Tree nuts**
Sesame	-

If these foods or their derivatives are present in **any** amount in a packaged food product, the allergen must be appropriately declared by the common name of the allergen. Milk, wheat, peanuts, eggs, soy, and sesame are the appropriate words to use for declaring allergens.

**You must list tree nuts, fish, and crustacean shellfish by their common name or market name.

You must list major food allergens on food labels in either of the following ways:

- Within the ingredient list by common name:
 - Example: Butter (cream (milk), salt)
- Within a “contains” statement in all capital letters:
 - Example: CONTAINS: MILK, PECAN

Labels using a “contains” statement must list **all** major food allergens. The statement must be located directly below or adjacent to the ingredient statement and be in the same size font used for ingredients.

Types of tree nuts considered to be major food allergens include but may not be limited to almond, black walnut, Brazil nut, California walnut, cashew, filbert/hazelnut, heartnut/Japanese walnut. Macadamia nut/bush nut, pecan, pine nut/pinon nut, pistachio and walnut (English, Persian).



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Food and Recreational Safety
 2811 Agriculture Dr., P.O. Box 8911, Madison, WI 53708
<https://www.datcp.wi.gov>

Refer to the seafood list on the FDA website for common names of fish and crustacean shellfish:

<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-seafood-list>

You do not need to declare highly refined oils, such as soybean oil, as a major food allergen.

Nutrition Facts

You must provide nutrition information relating to food for most products intended for human consumption and offered for sale.

Key required components typically include the following:

- Servings per container and serving size
- Nutrient amounts per serving
- Percent of reference daily intake
- Footnote (* % daily value based on...)

There are exemptions for the requirement to provide nutritional labeling such as low volume products produced by certain small businesses. Generally, a food package loses those exemptions if a nutrition claim is made.

Which claims have requirements?

There are specific requirements for nutrient content claims, health claims, and other types of claim statements such as using the claim “fresh.” Health claims allowed are limited to claims about disease risk reduction and must be specifically provided for in federal regulations. You may not make any explicit or implied claim to cure, mitigate, treat, or prevent disease.

Resources

More information on applicable Wisconsin laws and regulations can be found at these links:

- DATCP food labeling
https://datcp.wi.gov/Pages/Programs_Services/Food_Labeling.aspx
- Wis. Stat. c. 97
<https://docs.legis.wisconsin.gov/statutes/statutes/97>
- Wis. Admin. Code ch. ATCP 70
<https://docs.legis.wisconsin.gov/code>
- Electronic Code of Federal Regulations
<https://ecfr.gov>
- FDA Food Labeling Guide
<https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm2006828.htm>

