

The Latest on Labeling Claims from “Healthy” to Eco-Friendly



Presented May 23, 2023
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May 23-24, 2023
Westin Hotel, Itasca, IL

Healthy consciousness continues to influence product messaging in diverse ways.

This presentation will review

- Status of U.S. Food & Drug Administration (FDA)'s proposed "Healthy" claim revision
- Progress with voluntary Healthy Symbol initiative
- Front-of-Pack Nutrient Call-outs
- Online merchandising and labeling disclosure
- Potential regulatory affect on increased QR code use for supply chain transparency
- Complexity and specifics of Eco-Conscious descriptions
 - How sustainability trends are driving voluntary product declarations
 - 3rd-party certifications

Healthy Consciousness

Influences product messaging in diverse ways

Nutrients/Nutrition

Functional Ingredients/Components

Environmental & Eco-consciousness

Toxicology

Healthy Consciousness

Influences product messaging in diverse ways

Nutrients/Nutrition

NIQ Spotlight on Diabetes

sales of foods and beverages with

- zero grams of sugar per serving increased 46% over the last three years
- zero fat jumped 29%,
- zero sodium jumped 28%.

“Americans, it seems, are reading labels, and more information can help them make wiser choices and be even better protectors of their and their family’s health.”

“consumers prioritize healthy food claims. Top priority for 67% - avoid negatives and gravitate toward low- or no added sugars, low or no sodium, no added hormones, low-carb, low-calorie, gluten-free and similar labels.”

- Nielsen IQ: What America Eats and Thinks About Food

<https://nielseniq.com/global/en/insights/analysis/2023/america-is-what-it-eats-heres-how-it-thinks-about-food/>

Healthy Consciousness

Influences product messaging in diverse ways

69% want retail regulation for fresh, healthy food available and affordable for all citizens in all locations

67% believe companies have an obligation to ensure healthy products are less expensive than processed/unhealthy ones.

- Nielsen IQ: What America Eats and Thinks About Food

<https://nielseniq.com/global/en/insights/analysis/2023/america-is-what-it-eats-heres-how-it-thinks-about-food/>

Healthy Claim Revision Status

U.S. Food & Drug Administration's Proposed "Healthy" Claim Revision Status

Reason for need –

Sparked by Kind Bar label

Science-based health recommendations are continuously evolving and emerging

e.g. "Better" Snack – Pretzels vs Nuts

- Comment period closed February 16

- comments to date 1.55k

- keyword searchable

www.regulations.gov/docket/FDA-2016-D-2335/comments

Conditions for the Use of “Healthy”



| | <i>Individual Food</i> | <i>Seafood/Game Meat</i> | <i>Meal/Main Dish</i> |
|-----------------------------|--|---|--|
| TOTAL FAT | low fat | < 5 g fat /RACC & /100g | low fat |
| SATURATED FAT | low sat fat | < 2 g sat fat /RACC & /100g | low sat fat |
| SODIUM | ≤ 480 mg /RACC and / l.s.; or /50 g, if RACC is small | ≤ 480 mg /RACC and /l.s.; or /50 g, if RACC is small | ≤ 600 mg /l.s. |
| CHOLESTEROL | ≤ disclosure level | < 95 mg /RACC & / 100 g | ≤ 90 mg /l.s. |
| BENEFICIAL NUTRIENTS | Contains at least 10% of DV / RACC for vitamins A, C, calcium, iron, protein, or fiber except: raw fruits and vegetables; or a single ingredient or mixture of frozen or canned fruits and vegetables (may include ingredi- ents whose addition does not change the nutrient profile of the fruit or vegetable); enriched cereal-grain products that conform to a standard of identity in 21 CFR 136, 137, or 139. | Contains at least 10% of DV /RACC for vitamins A, C, calcium, iron, protein, or fiber | Contains at least 10% of the DV /l.s. of two nutrients (for a main dish product) or of three nutrients (for a meal product) of vit. A, vit. C, calcium, iron, protein, or fiber. |

Proposed Criteria for Certain Food Groups and Sample Foods

| Food Groups | Food Group Equivalent Minimum | Added Sugar Limit | Sodium Limit | Saturated Fat Limit |
|---------------|-------------------------------|-------------------|-----------------|---------------------|
| Grains | 3/4 oz whole-grain equivalent | 5% DV (2.5 g) | 10% DV (230 mg) | 5% DV (1 g) |
| Dairy | 3/4 cup equivalent | 5% DV (2.5 g) | 10% DV (230 mg) | 10% DV (2 g) |
| Vegetable | 1/2 cup equivalent | 0% DV (0 g) | 10% DV (230 mg) | 5% DV (1 g) |
| Fruit product | 1/2 cup equivalent | 0% DV (0 g) | 10% DV (230 mg) | 5% DV (1 g) |

| Proteins | Food Group Equivalent Minimum | Added Sugar Limit | Sodium Limit | Saturated Fat Limit |
|---|-------------------------------|-------------------|--------------|---------------------|
| Game meat | 1 ½ oz equivalent | 0% DV | 10% DV | 10% DV |
| Seafood | 1 oz equivalent | 0% DV | 10% DV | 10% DV |
| Egg | 1 egg | 0% DV | 10% DV | 10% DV |
| Beans, peas, and soy products | 1 oz equivalent | 0% DV | 10% DV | 5% DV |
| Nuts and seeds | 1 oz equivalent | 0% DV | 10% DV | 5% DV* |
| * Excluding saturated fat derived from nuts and seeds | | | | |

| Oils | Food Group Equivalent Minimum | Added Sugar Limit | Sodium Limit | Saturated Fat Limit |
|--|-------------------------------|-------------------|--------------|---------------------|
| 100% Oil | N/A | 0% DV | 0% DV | 20% of total fat |
| Oil-based Spreads | N/A | 0% DV | 5% DV | 20% of total fat |
| Oil-based Dressing* | N/A | 2% DV | 5% DV | 20% of total fat |
| * Must contain at least 30% oil and saturated fat level of the oil must be ≤ 20 percent of total fat | | | | |

| Sample Foods | Individual food | Mixed product | Meal |
|--|---|---|---|
| |  |  |  |
| Amount of food groups required | 6-oz yogurt (1 food group equivalent)* | 1/8 cup dried fruit and 1/4 oz nuts (At least 1/2 food group equivalent each from 2 different food groups) | 1 oz salmon, 1/2 cup green beans, 3/4 oz brown rice (At least 1 food group equivalent each from 3 different food groups) |
| Nutrients to Limit (no more than)** | 2 g saturated fat 230 mg sodium 2.5 g added sugar | 1 g saturated fat*** 230 mg sodium 0 g added sugar | 4 g saturated fat 690 mg sodium 2.5 g added sugar |
| <p>* A food group equivalent is the amount of a food group required</p> <p>** Amounts based on percentage of the Daily Value for that nutrient</p> <p>*** Saturated fat from nuts/seeds does not contribute to limit</p> | | | |

Raw whole fruits and vegetables automatically qualify.

Foods **currently ineligible but would qualify** under the proposed definition:

- Water
- Avocados
- Nuts and Seeds
- Higher fat fish such as salmon
- Certain oils

Products that **currently qualify** and would **not** under the proposed definition:

- White bread
- Highly sweetened
 - yogurt
 - cereal

FDA

“Healthy” Symbol Status

Healthy Symbol Initiative

Research initiated

- voluntarily use to meet proposed “healthy” definition
- may be particularly helpful for those with lower nutrition knowledge

FDA issued procedural notices on the preliminary quantitative consumer research

www.fda.gov/food/food-labeling-nutrition/use-term-healthy-food-labeling#symbol

Healthy Symbol Literature Review

Liking

Satisfaction

Label Preference

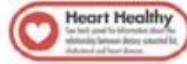
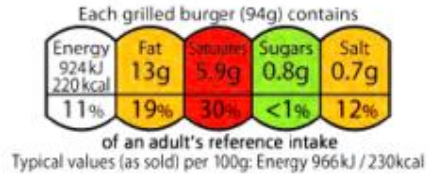
Understanding

Effects on:

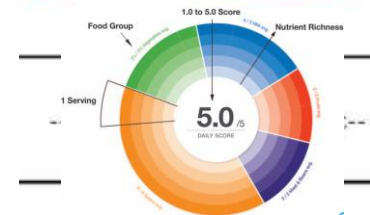
- Use and likely purchase behavior
- Sales (purchases) and consumption
- Educational differences
- Diverse populations;

Evaluation of Government FOP Nutrition Symbols

<https://downloads.regulations.gov/FDA-2021-N-0336-0002/content.pdf>



Each serving provides these percentages of the CDA based on a 2,000 calorie diet.
See side panel for nutrition information.



Check for Health Check

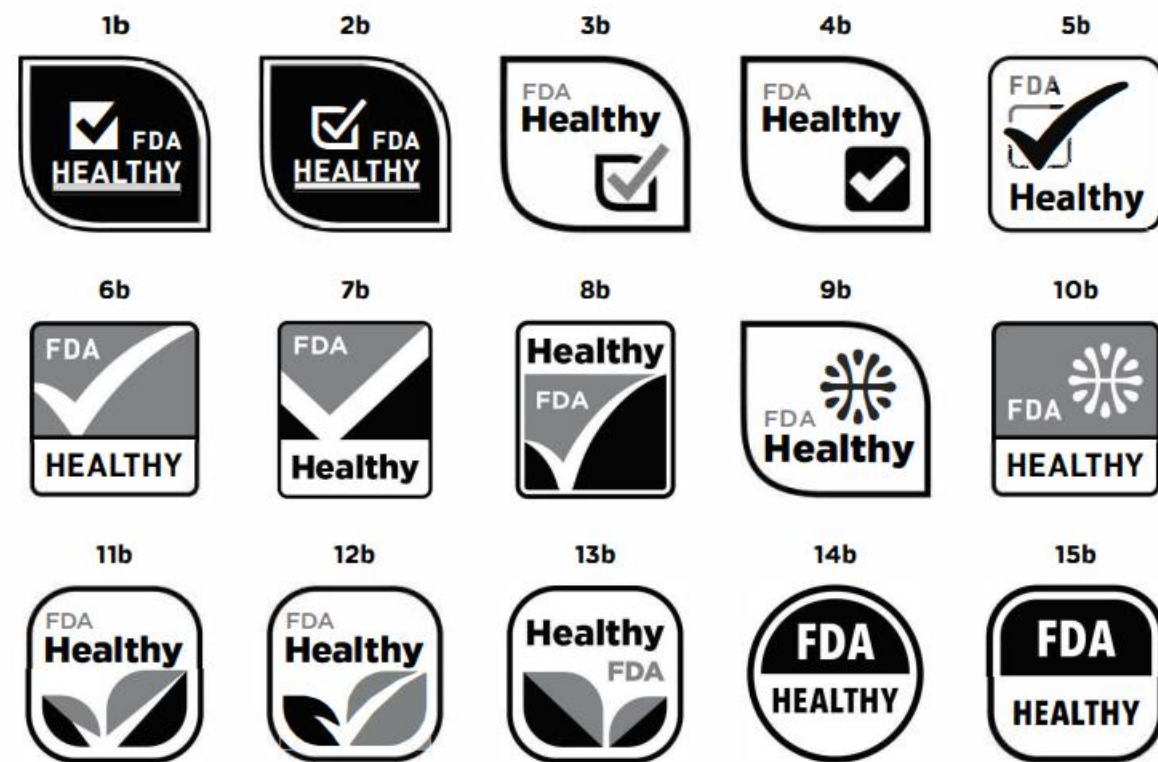


| Food Group Information Systems | | | | | |
|---|---|--------------------------------------|----------------|-----------------------------|--|
| System Icon | Program Name | System Developer | Country | Criteria Publicly Available | Basis for Nutrient Criteria |
|  | ConAgra Start Making Choices | Food manufacturer | U.S. | Yes | USDA's MyPyramid |
|  | Whole Grain Council Whole Grain Stamp | Industry and non-industry consortium | U.S. | Yes | USDA's MyPyramid |
|  | American Heart Association Heart Check | Nonprofit organization | U.S. | Yes | FDA %DV's, implied nutrient content claims, coronary heart disease health claims |
|  | Giant Food Healthy Ideas | Retailer | U.S. | Yes | Dietary Guidelines for Americans 2005, FDA regulation for "healthy" |
|  | Choices (EU) | Non-industry experts | European Union | Yes | FWHO guidelines for saturated and trans fats, sodium, sugars; dietary guidelines |
|  | Sweden National Food Administration Keyhole | Government agency | Sweden | Yes | National Food Administration Regulation LIVSFS 2005:9 |

FDA - two consecutive quantitative research studies —

- survey (Study 1)
- an experimental study (Study 2)

To explore consumer responses to the draft FOP symbols for voluntarily use as graphic representation of “healthy” claim



Front-of-Pack Nutrition Call-outs

Front of Package (FOP) labeling intended to complement Nutrition Facts provide additional context for healthy food selections

Exploring a standardized, science-based scheme to help consumers quickly and easily identify foods that are part of a healthy eating pattern.

May aid comprehension and healthier choices, especially for those with lower nutrition literacy.

Looking at product perceptions (e.g., healthfulness and contribution to a healthy diet), label perceptions (e.g., believability, trustworthiness, and effects perceptions), and purchase/choice questions.

Participants info: history of purchasing or consuming similar products, nutrition knowledge, dietary interests, motivation regarding label use, health status, and demographic characteristics.

www.fda.gov/food/cfsan-constituent-updates/fda-issues-procedural-notice-consumer-research-front-package-labeling

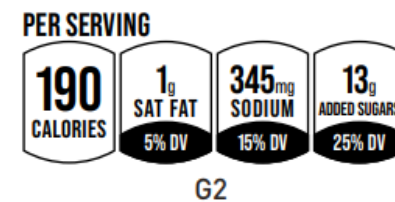
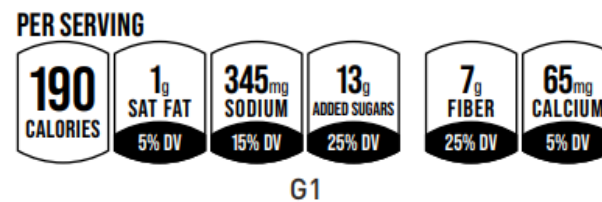
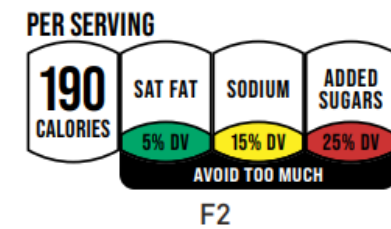
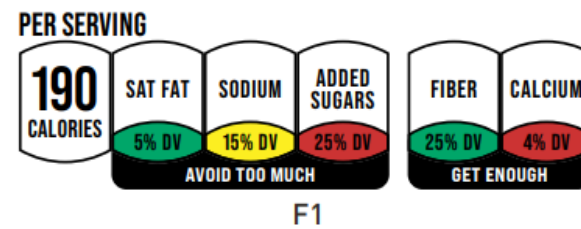
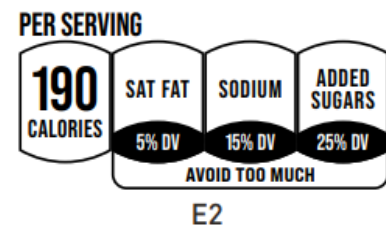
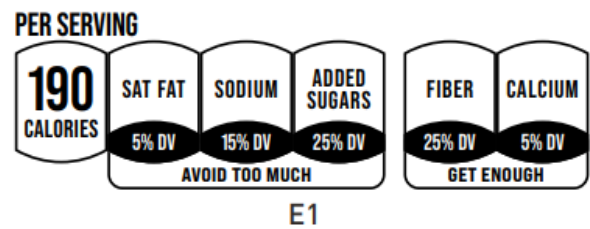
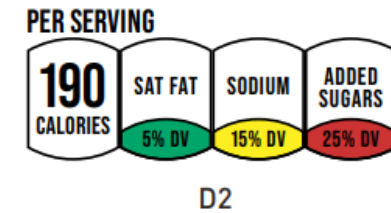
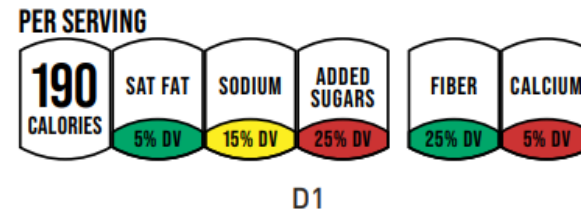
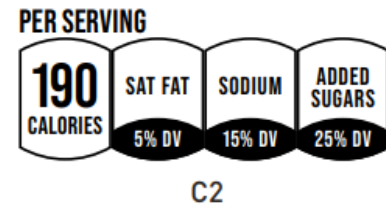
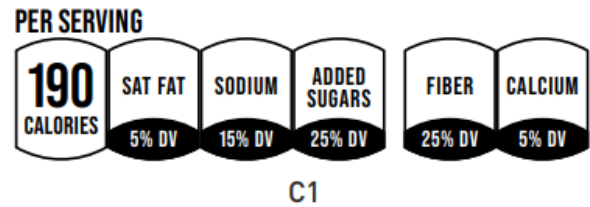
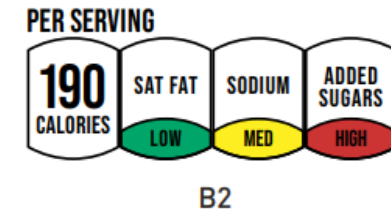
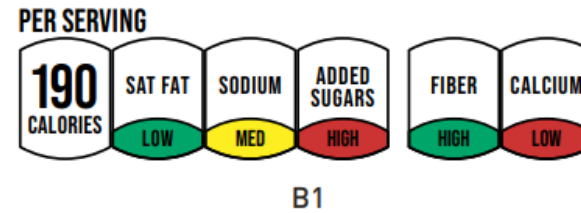
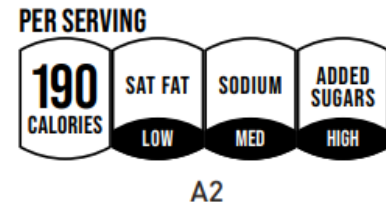
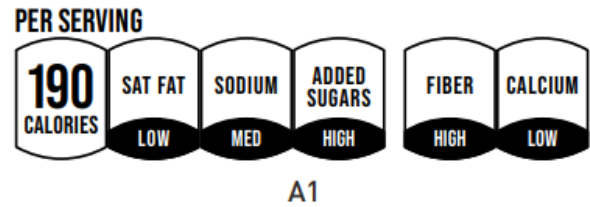
Consumer response to various FOP schemes.

view image relative to various measures of the label's effectiveness

OMB Control No. 0910-0497
Expiration Date: 11/30/2023

Front Of Pack (FOP) Schemes to test

Guideline Daily Amount (GDA)



Front Of Pack (FOP) Schemes to test

Nutrition Tips

Per serving on right

| Nutrition Tips | |
|----------------|-------------|
| Per serving | |
| Saturated Fat | Med |
| Sodium | High |
| Added Sugars | Low |

A1

| Nutrition Tips | |
|----------------|-------------|
| Per serving | |
| Saturated Fat | Med |
| Sodium | High |
| Added Sugars | Low |

A2

| Nutrition Tips | |
|----------------|---------------|
| Per serving | |
| Saturated Fat | 15% DV |
| Sodium | 33% DV |
| Added Sugars | 5% DV |

A3

Copy of group A with FDA.gov

| Nutrition Tips | |
|----------------|-------------|
| Per serving | |
| Saturated Fat | Med |
| Sodium | High |
| Added Sugars | Low |
| FDA.gov | |

A4

| Nutrition Tips | |
|----------------|-------------|
| Per serving | |
| Saturated Fat | Med |
| Sodium | High |
| Added Sugars | Low |
| FDA.gov | |

A5

| Nutrition Tips | |
|----------------|---------------|
| Per serving | |
| Saturated Fat | 15% DV |
| Sodium | 33% DV |
| Added Sugars | 5% DV |
| FDA.gov | |

A6

Positive nutrients

| Nutrition Tips | |
|----------------|-------------|
| Per serving | |
| Saturated Fat | Med |
| Sodium | High |
| Added Sugars | Low |
| Fiber | High |
| Calcium | Low |
| FDA.gov | |

B1

| Nutrition Tips | |
|----------------|-------------|
| Per serving | |
| Saturated Fat | Med |
| Sodium | High |
| Added Sugars | Low |
| Fiber | High |
| Calcium | Low |
| FDA.gov | |

B2

| Nutrition Tips | |
|----------------|---------------|
| Per serving | |
| Saturated Fat | 15% DV |
| Sodium | 33% DV |
| Added Sugars | 5% DV |
| Fiber | 25% DV |
| Calcium | 5% DV |
| FDA.gov | |

B3

% Daily Value

| Nutrition Tips | |
|----------------|-----------------|
| Per serving | % Daily Value |
| Saturated Fat | 15% Med |
| Sodium | 33% High |
| Added Sugars | 5% Low |
| FDA.gov | |

C1

| Nutrition Tips | |
|----------------|---------------|
| Per serving | % Daily Value |
| Saturated Fat | 15% |
| Sodium | 33% |
| Added Sugars | 5% |
| FDA.gov | |

C2

| Nutrition Tips | |
|----------------|-----------------|
| Per serving | % Daily Value |
| Saturated Fat | 15% Med |
| Sodium | 33% High |
| Added Sugars | 5% Low |
| FDA.gov | |

C3

Nutrition Tips - High In

High In - Black on White

| Nutrition Tips | | Per serving |
|----------------|---------------|-------------|
| High In | % Daily Value | |
| Saturated Fat | 30% | |
| Sodium | 35% | |
| Added Sugars | 25% | |
| | | FDA.gov |

A1

| Nutrition Tips | | Per serving |
|----------------|---------------|-------------|
| High In | % Daily Value | |
| Saturated Fat | 30% | |
| Sodium | 35% | |
| | | FDA.gov |

A2

| Nutrition Tips | | Per serving |
|----------------|---------------|-------------|
| High In | % Daily Value | |
| Sodium | 35% | |
| | | FDA.gov |

A3

High In - White on Black

| Nutrition Tips | | Per serving |
|----------------|----------------|-------------|
| High In | % Daily Value* | |
| Saturated Fat | 30% | |
| Sodium | 35% | |
| Added Sugars | 25% | |
| | | FDA.gov |

B1

| Nutrition Tips | | Per serving |
|----------------|----------------|-------------|
| High In | % Daily Value* | |
| Saturated Fat | 30% | |
| Sodium | 35% | |
| | | FDA.gov |

B2

| Nutrition Tips | | Per serving |
|----------------|----------------|-------------|
| High In | % Daily Value* | |
| Sodium | 35% | |
| | | FDA.gov |

B3

%DV*

| Nutrition Tips | | Per serving |
|----------------|-------|-------------|
| High In | % DV* | |
| Saturated Fat | 30% | |
| Sodium | 35% | |
| Added Sugars | 25% | |
| | | FDA.gov |

C1

| Nutrition Tips | | Per serving |
|----------------|-------|-------------|
| High In | % DV* | |
| Saturated Fat | 30% | |
| Sodium | 35% | |
| | | FDA.gov |

C2

| Nutrition Tips | | Per serving |
|----------------|-------|-------------|
| High In | % DV* | |
| Sodium | 35% | |
| | | FDA.gov |

C3

Front Of Pack (FOP) Schemes to test

High In

| High In | |
|---------------|--|
| Saturated Fat | |
| Sodium | |
| Added Sugars | |
| FDA.gov | |

A1

| High In | |
|---------------|--|
| Saturated Fat | |
| Sodium | |
| FDA.gov | |

A2

| High In | |
|--------------|--|
| Added Sugars | |
| FDA.gov | |

A3

| High In | | % Daily Value |
|---------------|--|---------------|
| Saturated Fat | | 33% |
| Sodium | | 25% |
| Added Sugars | | 20% |
| FDA.gov | | |

B1

| High In | | % Daily Value |
|---------------|--|---------------|
| Saturated Fat | | 33% |
| Sodium | | 25% |
| FDA.gov | | |

B2

| High In | | % Daily Value |
|---------------|--|---------------|
| Saturated Fat | | 33% |
| FDA.gov | | |

B3

FAMILY SIZE

OAT FLAKES

Toasted Whole Grain Oat Cereal

Made with **100% WHOLE GRAIN OATS**



Serving
Suggestion

Enlarged
to Show Detail

SIMPLY MADE
Whole Grain
GRINDS, MILLED, TOASTED

NO ARTIFICIAL FLAVORS
NO ARTIFICIAL COLORS

* THREE GRAMS OF SOLUBLE FIBER DAILY FROM WHOLE GRAIN OAT FOODS, LIKE OAT FLAKES CEREAL, IN A DIET LOW IN SATURATED FAT AND CHOLESTEROL, MAY REDUCE THE RISK OF HEART DISEASE. OAT FLAKES PROVIDES ONE GRAM PER SERVING.

NET WT 1 LB 2 OZ (18 OZ) (510g)

Inspired by
Italian Traditions

Vegetable Grain Bowl

A whole wheat couscous with
tomatoes, carrots, green bean,
bell pepper and fresh basil

SERVING SUGGESTION | MADE IN THE USA
KEEP FROZEN & COOK THOROUGHLY | MICROWAVEABLE



NET WT 11 OZ (312g)



Dietary Guidance Statements

Dietary Guidance Statements – FDA Draft Guidance 3/24/2023

- written or graphic
 - based on key or principal recommendations from a consensus report
 - represent or suggest a food or food group may contribute a nutritious dietary pattern
- e.g., “choose fat-free or low-fat dairy products instead of full-fat dairy options”; “the Dietary Guidelines for Americans recommends eating fruits and vegetables as part of a balanced diet. This food has ½ cup of broccoli per serving.”

A Dietary Guidance Statement is not a nutrient-content or health claim

Table 1.—Health Claim versus Dietary Guidance Statement Comparison

| Health Claim | Dietary Guidance Statement |
|---|--|
| Basic elements 1. Substance- a specific food or component of food, regardless of whether the food is in conventional food form or dietary supplement that includes vitamins, minerals, herbs, or other similar nutritional substances. 2. Disease or health-related condition | Basic elements 1. A food or food group 2. Contributing to or maintaining a nutritious dietary pattern. |
| Focus: Disease risk reduction | Focus: Contributing to or maintaining nutritious dietary patterns |
| Truthful and not misleading | Truthful and not misleading |
| Generally undergoes review by FDA through a petition process ⁶ | Does not undergo review by FDA prior to use in the marketplace |
| Example: “Diets low in sodium may reduce the risk of high blood pressure, a disease associated with many factors.” | Example: “Eat broccoli as part of a nutritious dietary pattern.” |

Dietary Guidance Statements – FDA Draft Guidance 3/24/2023

Provide food info about contributions to nutritious dietary patterns

e.g. “make half your grains whole grains”; “eat a variety of vegetables”

Recommends

- foods contain meaningful amount of food or category
- don’t exceed certain amounts of saturated fat, sodium, added sugars

“act as quick signals on food packages to support use of more nutrition-related statements focusing on foods and food groups in relation to nutritious eating patterns”

Table 2.--Food Group Equivalents

| Food Group and/or Subgroup | Food Group Equivalent |
|-----------------------------------|------------------------------|
| Vegetables | ½ cup equivalent vegetable |
| Fruits | ½ cup equivalent fruit |
| Whole Grain | 12 grams whole grains |
| Dairy | ¾ cup equivalent dairy |
| Protein Foods | |
| Game Meats | 1.5 ounce (oz) equivalent |
| Seafood | 1 oz equivalent |
| Egg | 1 oz equivalent |
| Beans, peas, and soy products | 1 oz equivalent |
| Nuts and seeds | 1 oz equivalent |
| Oils | 7 grams |

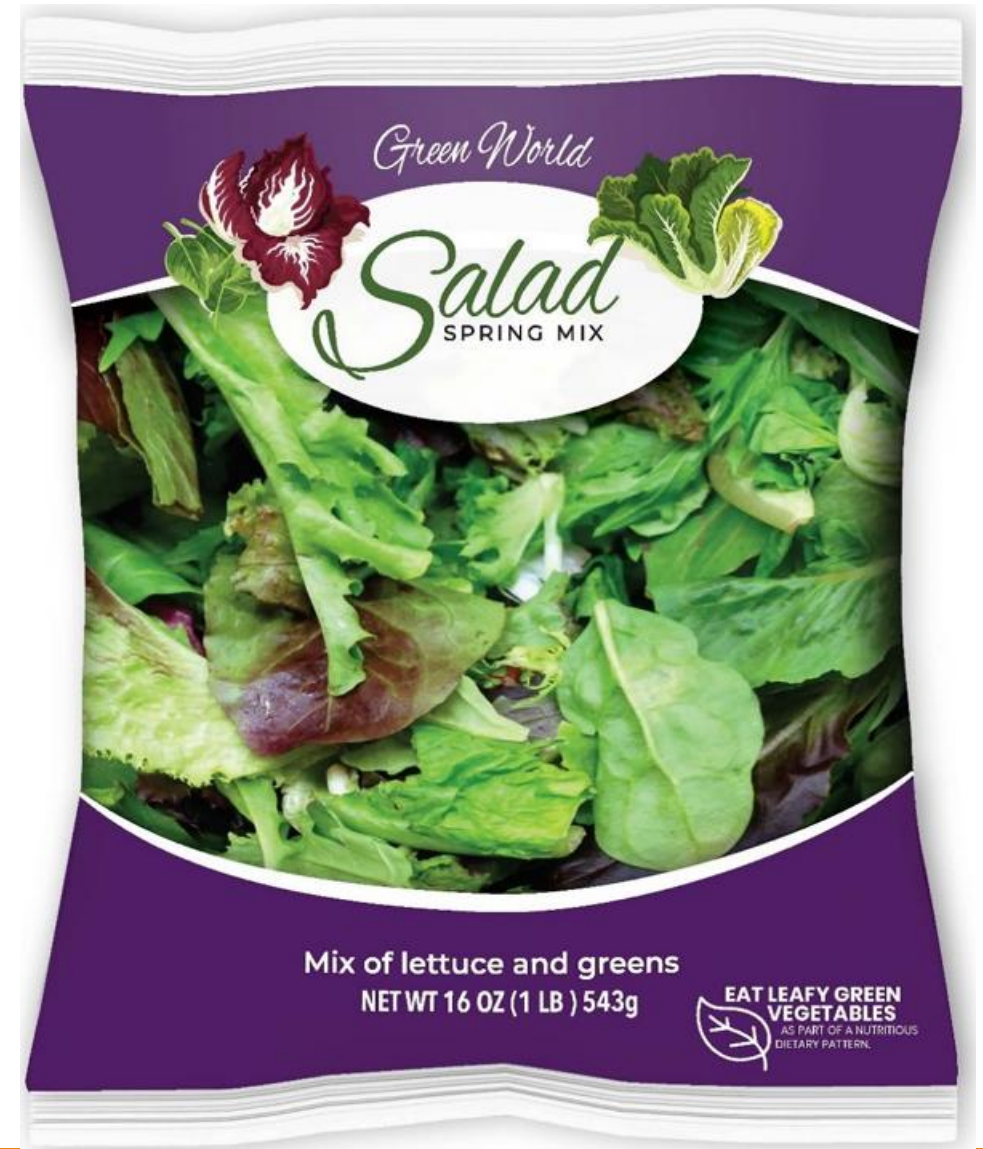
Appendix 2. Recommendations for the Amount of Food that Should be Present per RACC by the Form of Food and Food Group If a Product Bears a Dietary Guidance Statement

| Food Group | Recommended Amount per RACC |
|--|-----------------------------|
| Vegetables and Fruits | |
| Raw or cooked | ½ cup |
| Vegetable or fruit juice | ½ cup |
| Leafy salad greens | 1 cup |
| Dried fruit or vegetable | ¼ cup |
| Whole Grains | 12 grams |
| Dairy | |
| Milk, yogurt or fortified plant-based beverage | ¾ cup |
| Natural cheese such as cheddar cheese | 1 ounce |
| Processed cheese | 1.5 ounces |
| Protein foods | |
| Seafood | 1 ounce |
| Game Meats | 1.5 ounces |
| Egg | 1 egg |
| Cooked beans or tofu | ¼ cup |
| Nut butter | 1 Tbsp |
| Nuts or seeds | ½ ounce |
| Oils | 7 grams |

Appendix 3. Recommendations for Products Bearing Dietary Guidance Statements

| Product | The subject of the DGS is... | Then the food group equivalent (FGE) recommendation is... | And the recommended saturated fat level per RACC is... | The recommended sodium level per RACC is... | The recommended added sugar level per RACC is... |
|-----------------|--|---|--|---|--|
| Individual food | A food, food group, or the entire food product | At least 1 FGE per RACC from 1 food group | 10% DV (2 g) | 15% DV (345 mg) | 10% DV (5 g) |
| Mixed product | Entire product | At least 1/2 FGE per RACC each from 2 different food groups | 10% DV (2 g) | 15% DV (345 mg) | 10% DV (5 g) |
| Main dish | A food or food group | At least 1 FGE per RACC from 1 food group | 30% DV (6 g) | 30% DV (690 mg) | 20% DV (10 g) |
| Main dish | Two or more food groups | At least 1 FGE per RACC from each of the food or food groups in the DGS | 30% DV (6 g) | 30% DV (690 mg) | 20% DV (10 g) |
| Main dish | Entire product | At least 1 FGE per RACC each from 2 different food groups | 30% DV (6 g) | 30% DV (690 mg) | 20% DV (10 g) |
| Meal | A food or food group | At least 1 FGE per RACC from 1 food group | 40% DV (8 g) | 40% DV (920 mg) | 30% DV (15 g) |
| Meal | Two or more food groups | At least 1 FGE per RACC from each of the food or food groups mentioned in the DGS | 40% DV (8 g) | 40% DV (920 mg) | 30% DV (15 g) |
| Meal | Entire product | At least 1 FGE per RACC each from 3 different food groups | 40% DV (8 g) | 40% DV (920 mg) | 30% DV (15 g) |

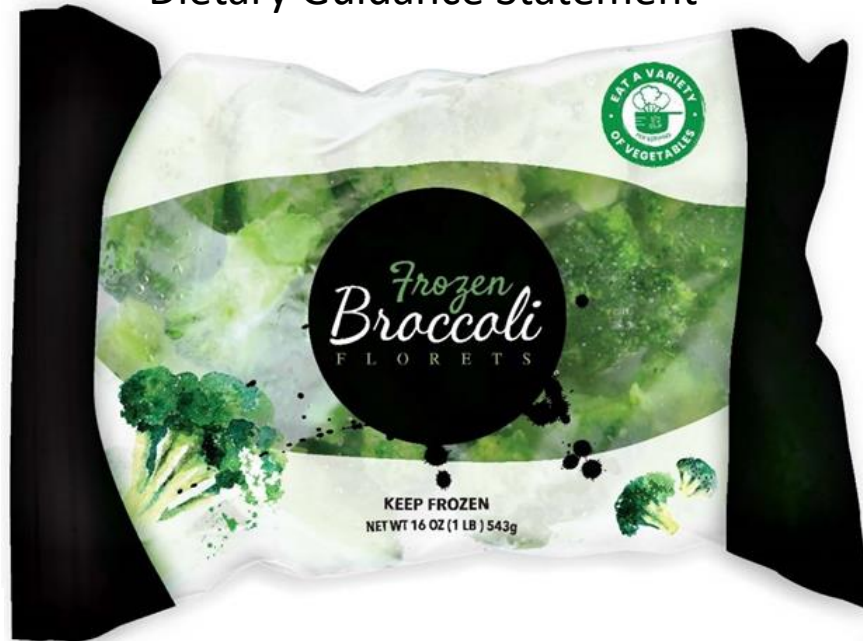
Examples of Dietary Guidance Statements
www.fda.gov/media/166342/download



Examples of Dietary Guidance Statements
www.fda.gov/media/166342/download



Dietary Guidance Statement

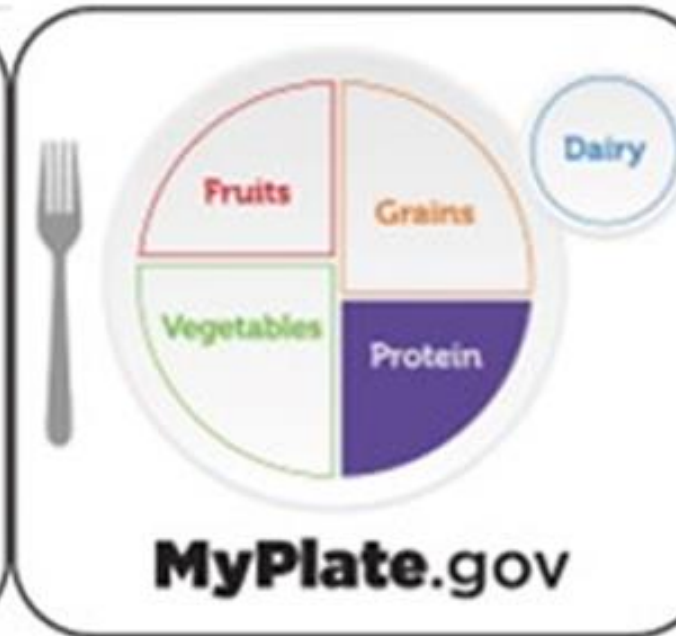
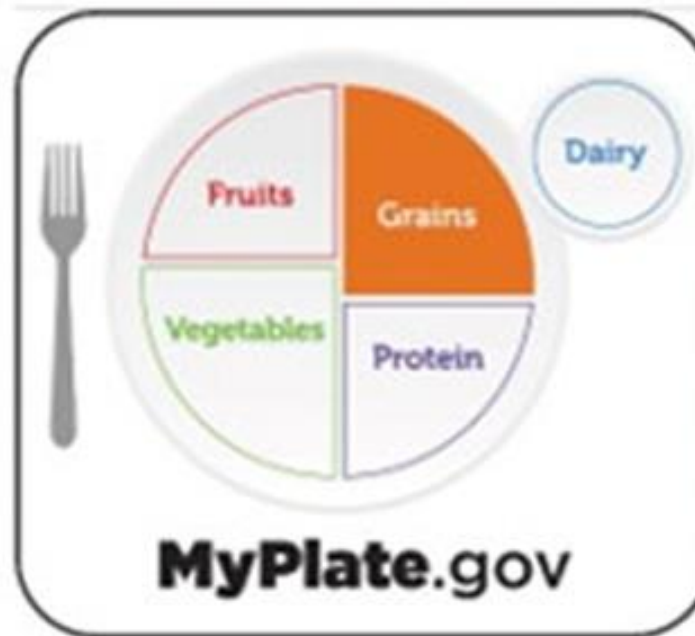
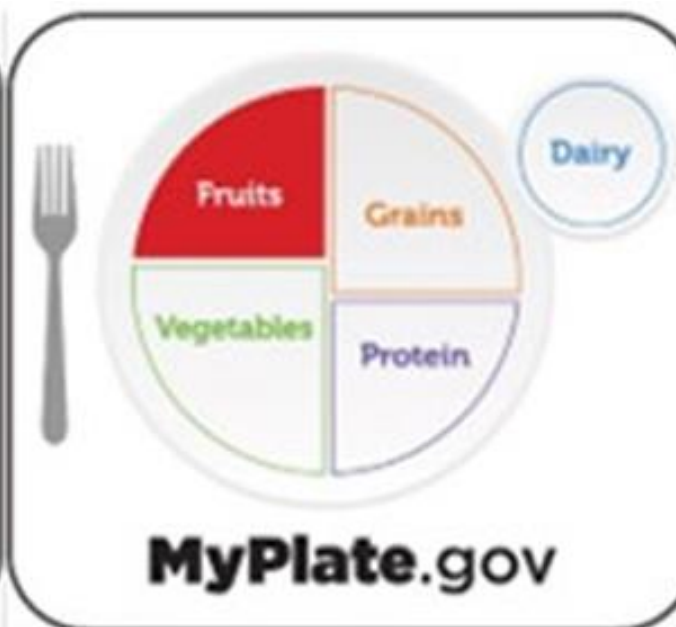
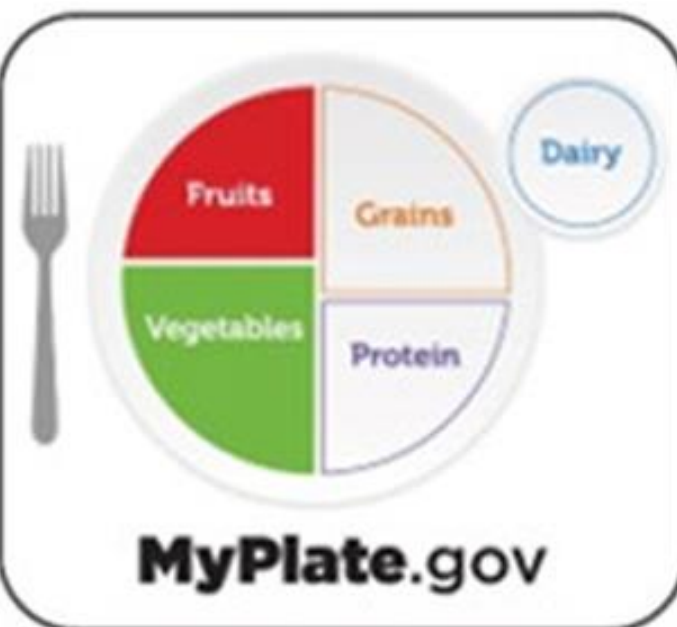


Food Group Equivalent Statement



Food Group Equivalent Statement





Online Merchandising & Labeling Disclosure

Regulatory initiatives for product info - online merchandising

2021

FDA's New Era E-Commerce Summit highlighted online grocery product labeling, request for comments

- What info is being presented to consumers in online grocery shopping platforms?
- How is labeling information presented on these platforms - e.g., on the same page as the product or using web links?
- Is the provided nutrition information and other labeling information - e.g., allergens, ingredients labeling - legible and consistent with the actual label on the product?
- What challenges, limitations, or advantages are encountered when displaying labeling information online?
- What labeling information is important when using the online grocery shopping platforms - e.g., nutrition, ingredients, allergens, food safety?

18 label related comments out of 44 total

www.fda.gov/media/152891/download

Regulatory considerations for product info - online merchandising

“Opportunities to address the failure of online food retailers
to ensure access to required food labelling information in the USA”

Required Nutrition Facts, Ingredient Lists, Allergens, % Juice info present, conspicuous and legible for average of 36.5 % of products surveyed

Voluntary nutrition-related claims prominently and conspicuously displayed 63.5 % across retailers and products.

- health and safety concerns - allergens, sodium or sugar
- may obscure nutrition information or
- may highlight health or nutrition claims for less healthful products
- Consumers cannot directly inspect products
- Retailers can decide which products to display, in what order, which accompanying advertisements

Ability to track and target individual experiences - info could be provided or withheld to promote specific brands.

Cambridge University Press: 24 January 2022

www.cambridge.org/core/journals/public-health-nutrition/article/opportunities-to-address-the-failure-of-online-food-retailers-to-ensure-access-to-required-food-labelling-information-in-the-usa/9520BF4CB0E2CDDF9760276729F0DBE2

Online Merchandising

Regulatory initiatives for easily accessible product info

Online Grocery Sales - Consumer spending

2019 - \$62.2 billion on online grocery sales

2019–2020 – purchase of “at least some of their groceries” rose from 19% to 79%

2020 - grew 54% reaching \$95.8 billion; accounted for 7.4% of all grocery sales

2023 - Online grocery orders are expected to make up 21.5 percent of all U.S. grocery sales in 2023

“The increase in online grocery shopping is an opportunity to ensure consumers are able to find and view label information that will help them make more informed and healthier food choices”

“online grocery” grocery retailer/supermarket, manufacturer’s, 3rd-party online providers/fulfillment service that offers food products from various grocery retailers

Regulatory initiatives for easily accessible product info & online merchandising

To obtain current information on the content, format, and accuracy of food label information
FDA solicited feedback 4/24/2023 about

- improving consumer access
- consistency and accuracy
- what nutrition, ingredient, food allergens info is available
- how food labeling information is presented
- if there are challenges with providing it

Consumer experiences and data on viewing food labeling information

How racial/ethnic, rural areas, socioeconomics and disabilities affect access/use of info

What info do consumers expect to see when shopping for groceries online? e.g. same as food package label?

How do consumers use online info? e.g. support eating healthier? specific dietary concerns?

What do consumers find most challenging about navigating online shopping platforms for specific label information needs?

Data on most effective ways for presenting info for easy access – a specific format?

www.fda.gov/food/cfsan-constituent-updates/fda-issues-request-information-food-labeling-online-grocery-shopping

www.federalregister.gov/documents/2023/04/24/2023-08543/food-labeling-in-online-grocery-shopping-request-for-information

Regulatory initiatives for easily accessible product info & online merchandising

“Most offered the ability to filter food search results by a nutrition-related food attribute, not an option at any of the stores. Online grocery stores include a variety of nutrition-related features”

“Nutrition Facts panel and ingredient statement information were not universally available for food items for which labeling on product packaging is mandatory, and this information was not always easily accessed or legible.”

“How Online Grocery Stores Support Consumer Nutrition Information Needs”

Journal of Nutrition Education & Behavior October 2020

www.fda.gov/food/cfsan-constituent-updates/fda-issues-request-information-food-labeling-online-grocery-shopping
www.federalregister.gov/documents/2023/04/24/2023-08543/food-labeling-in-online-grocery-shopping-request-for-information



SOCORRO SWEET

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PACK
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OZ



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6

BOTTLES



- 5 Five Calories
- 1 Only 1g of Sugar
- Antioxidant Infused
- Gluten Free
- Low Glycemic
- Non - GMO
- Kosher
- Vegan
- Soy Free

Nutrition Facts



| Contains No Juice | |
|---|----------|
| Nutrition Facts | |
| Serving size | 1 Bottle |
| Amount per serving | |
| Calories | 5 |
| % Daily Value | |
| Total Fat 0g | 0% |
| Sodium 10mg | 0% |
| Total Carbohydrate 11g | 4% |
| Total Sugars 1g | |
| Includes 0g Added Sugars | 0% |
| Erythritol 10g | |
| Protein 0g | |
| Potassium 80mg | 2% |
| Vitamin C 13.5mg | 15% |
| Not a significant source of saturated fat, trans fat, cholesterol, dietary fiber, vitamin D, calcium, and iron. | |
| INGREDIENTS: BREWED TEA (FILTERED WATER, TEA), ERYTHRITOL, CITRIC ACID, ASCORBIC ACID (VITAMIN C), POTASSIUM CITRATE, TEA EXTRACT, STEVIA LEAF EXTRACT, MALIC ACID, NATURAL FLAVORS, COFFEELUIT EXTRACT. | |
| Produced under the authority of Bai Brands LLC, 5301 Legacy Drive, Plano, TX 75024.™ & © 2019 Bai Brands LLC, (855) 411-4BAI DrinkBai.com | |
| 1 net carb per serving (Erythritol carbs have no calories or effect on blood sugar) | |
| Good source of Vitamin C | |
| Antioxidants (per bottle): 13.5mg Vitamin C, 100mg polyphenols from tea and coffeeluit extracts | |
| 55mg CAFFEINE PER BOTTLE: LIKE A CUP OF GREEN TEA | |
| Kosher Low Glycemic Impact Gluten Free | |
| PET 1 (BPA-FREE) Never hot filled | |

How regulations may impact the increased use of QR codes for supply chain transparency

Any package QR code

- does not replace required disclosure
- linked page info must comply with labeling regulations

Court Ruling

- Required Bioengineered disclosure (GMO) foods cannot **only** be labeled with a "QR" code
- USDA must add additional disclosure options



U.S. FOOD & DRUG
ADMINISTRATION

Nutrition Initiatives

Key Elements include Labeling and Claims



**Update and
Make Labeling
More Accessible**

The FDA's work in labeling and claims includes:

- Use of **Dietary Guidance Statements** – issued Draft Guidance, comment by 6/26/2023
- **Updating** the voluntary “**Healthy**” nutrient content claim definition – proposed rule, 1.55k comments (closed Feb)
- Developing a voluntary “**Healthy**” **Symbol** – announced notice of quantitative consumer research
- **Front-of-pack** labeling – Request for Information, comment by 7/24/2023
- Gathering input for **online** nutrition, ingredient, allergen **labeling** info – comment period opened 4/24/2023, currently has 4 comments, closes 7/24/2023

“Food labeling can be a powerful tool for change. It empowers consumers with information they can use to identify healthier foods and may help foster a healthier food supply if some manufacturers reformulate to create healthier products.”

www.fda.gov/food/food-labeling-nutrition/fdas-nutrition-initiatives

U.S. Dept. of Agriculture (USDA) Food Safety & Inspection Service (FSIS) Agricultural Marketing Service (AMS)

Labeling Authority

FSIS - Meat/Poultry, Catfish and Processed Eggs

AMS –

Mandatory

- GMO disclosure over FDA and FSIS products
- Country-of-Origin for raw agricultural commodities

Voluntary

- Organic
- Quality Grading
- Process Verified

USDA-FSIS

Petitions and Proposals

Amend regulations to define the conditions for voluntary label claims indicating United States origin.

www.fsis.usda.gov/news-events/news-press-releases/usda-proposes-new-requirements-product-usa-label

Announced testing new labels for safe handling – comments due July 11, 2023

www.fsis.usda.gov/sites/default/files/media_file/documents/FSIS-2023-0012.pdf

3/16 petition requests separate “free range”, “pasture raised” claims and guidance update on living/raising conditions.

www.fsis.usda.gov/policy/petitions/petition-submitted-perdue-farms-llc

4/28 petition:

- Prohibit recently approved USDA-AMS Process Verified “Low-Carbon Beef” Claim
- Require third-party verification for similar carbon claims.
- Require a numerical on-pack carbon disclosure when such claims are made

www.fsis.usda.gov/policy/petitions/petition-submitted-environmental-working-group

Eco-Conscious Claims

Environmental and Green claims

Already present in some

- State requirements e.g.

- Bottle/Can Recycling,

- Shelf-life labeling

- Optional Claims

- Local

- Recycling symbol



- Relate to each other e.g.

- Plant-based foods claim a better environmental impact

- Digestive cycle of animal-foods also contributes to soil composition as we've always known it

Suggested by? e.g. - organic (nothing synthetic),

- origin (miles traveled)

“Sustainability” applies to more than the environment



Sustainability Trends and Voluntary product declarations

Products making ESG-related claims averaged 28% cumulative growth over the past 5-year period, versus 20% for products that made no such claims.

“What lies behind these product claims — the actual contribution of such business practices to achieving goals such as reducing carbon emissions across value chains, offering fair wages and working practices to employees, and supporting diversity and inclusion.”

<https://nielseniq.com/global/en/insights/report/2023/consumers-care-about-sustainability-and-back-it-up-with-their-wallets/#report>

“Altruistic means just that: Care and concern for the health of others and the environment, as well as concern about all the ethical, humanitarian, and philanthropic concerns around food.”

92% of consumers say sustainability is important. Claims like “organic” and “recyclable” are well-penetrated across categories; new and emerging claims around regenerative agriculture, carbon footprint, water footprint and responsibly sourced are growing rapidly.

- Joint study from McKinsey and NielsenIQ

<https://nielseniq.com/global/en/insights/analysis/2023/america-is-what-it-eats-heres-how-it-thinks-about-food/>

Complexity and specifics of Eco-Conscious descriptions

Environmentally friendly – “green” claims

Specifics so important!

- Carbon Footprint
- Upcycling
- Plastic-Free
- Regenerative Agriculture
- Humane handling of animals
- Fair Labor

“64% of consumers are willing to pay more for products that support communities and vulnerable groups; almost 30% increase in socially responsible product sales. Consumer focus is on the nutritional diet and better eating ***for the health of the entire community.***”

America Is What It Eats. Here's How It Thinks About Food

<https://nielseniq.com/global/en/insights/analysis/2023/america-is-what-it-eats-heres-how-it-thinks-about-food/>



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For Release

FTC Seeks Public Comment on Potential Updates to its 'Green Guides' for the Use of Environmental Marketing Claims

December 14, 2022



Environmental Claims

| Common Claims | Green Guides |
|--|--|
| <ul style="list-style-type: none">● Carbon Offsets● Certifications and Seals of Approval● Compostable● Degradable ● Free-of● Non-Toxic● Ozone-Safe and Ozone-Friendly● Recyclable● Recycled Content● Refillable● Made with Renewable Energy● Made with Renewable Materials● Source Reduction | <ul style="list-style-type: none"><input type="checkbox"/> Claims should be specific<input type="checkbox"/> Express and implied claims need clear, prominent evidence and qualifications.<input type="checkbox"/> General claims should have cost-benefit analysis (i.e., “Green, made with recycled content”,...).<input type="checkbox"/> Certifying organization should be disclosed. |

reference: [Environmental Claims Summary of the Green Guides](#)

Six types of Environmental, Social, and Governance (ESG) claims

- Animal welfare (“cage free,” “cruelty free,” “not tested on animals”)
- Environmental sustainability (“compostable,” “eco-friendly”)
- Organic positioning (an indication of organic certification)
- Plant based (“plant based,” “vegan”)
- Social Responsibility (“fair wage,” “ethical”)
- Sustainable Packaging (“plastic free,” “biodegradable”)

“Consumers care about sustainability—and back it up with their wallets” McKinsey NielsenIQ joint study

<https://nielseniq.com/wp-content/uploads/sites/4/2023/02/Consumers-care-about-sustainability—and-back-it-up-with-their-wallets-FINAL.pdf>

Claims

B Corp Certification

Biodegradable

Carbon neutral

Certified sustainable

Cradle to cradle

ESG (environmental, social and governance)

Life cycle assessment

Net zero and zero emissions

Recycled

Reduced or zero waste

Responsible sourcing

Social responsibility

Sustainable packaging

Regulations

Carbon border levy

Circular Economy Action Plan (CEAP)

EU CSRD

EU Green Deal

EU Taxonomy

Extended Producer Responsibility

Green hushing

Greenlighting

Greenrinsing

Greenwashing

The Green Claims Code (U.K.)

Non-Financial Reporting Directive
(NFRD)

SEC (U.S.)

Supply Chain Act (Germany)

Taskforce on Climate-related Financial
Disclosures (TCFD)

Nielsen IQ Sustainability Hub Glossary

<https://nielseniq.com/global/en/insights/education/2023/sustainability-glossary/>

Non-government 3rd-party seals



April 1, 2020 By Libby Nuss Healthy Lifestyle, Just a Spoonful, Local/Community, Sustainability, Your Co-op

Understanding EcoLabels!



www.commonmarket.coop/sustainability/understanding-ecolabels/

Non-government 3rd-party seals



There Are Over 450 Eco Labels. Here's Why It Makes Sense to Make Them More Consumer-Friendly...

October 17, 2019

<https://ecowarriorprincess.net/2019/10/450-eco-labels-sustainability-confusing-system-overhaul/there-are-over-450-eco-labels-heres-why-it-makes-sense-to-make-them-more-consumer-friendly/>



ESG Claims

Consumers

- tend to reward products that make multiple ESG-related claims
- may perceive that multiple claims (instead of just one) correlate with authenticity

Best practice: *consider holistic interconnected social and environmental factors that underpin products.*

>>Environmental and Sustainability Claims are rooted in ethics.<<

“Product label claims — if they represent true and meaningful environmental and social action — can be an important part of fulfilling this moral imperative”

McKinsey NielsenIQ joint study

<https://nielseniq.com/wp-content/uploads/sites/4/2023/02/Consumers-care-about-sustainability—and-back-it-up-with-their-wallets-FINAL.pdf>

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www.linkedin.com/groups/Food-Nutrition-Label-Dietary-Supplement-158141/about



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