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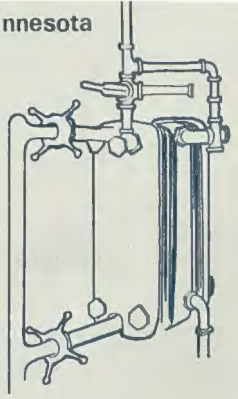
MINNESOTA DAIRY PRODUCTS PROCESSOR



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NUTRITIONAL LABELING

On January 19, 1973, the Food and Drug Administration (FDA) published final proposals for labeling of food products with specific nutritional information. Time for comment was allowed and a number of changes introduced via the Federal Register of March 14, 1973. Here's how things stack up at this writing.

WHO MUST COMPLY

Nutritional labeling has been referred to as a "voluntary" program. That is, a manufacturer who wishes to label his product with nutritional information could do so so long as certain standard labeling procedures were followed. However, the final FDA order would make nutritional labeling mandatory when a processor (1) adds a nutrient(s) to his product or (2) refers to the nutritional qualities of a product in labeling or advertising.

In category (1) above would fall such products as nonfat dry milk and/or skimmilk fortified with vitamins A and D. If another federal order goes through as published (deadline for comment is July 1, 1973), then standards of identity for a number of fluid milk products would be altered to require vitamin fortification. These include pasteurized-homogenized milk, (vitamin D mandatory, vitamin A optional), skimmilk (vitamins A and D mandatory) and lowfat milk (vitamin A and D mandatory). These products, then, would have to comply with nutritional labeling regulations.

As for category (2) above, almost any statement made on the label or in media advertising regarding nutritional quality of a food will automatically trigger nutritional labeling. Even a comment as seemingly harmless as "this food is nutritious" would be cause for compliance with labeling laws. Use of the terms "lowfat" or "low in cholesterol" would also trigger compliance.

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WHERE TO PLACE INFORMATION ON THE LABEL

The "Principal Display Panel" (PDP) is that part of the container used specifically for identifying the product. It is that place on the container where you look to determine whether a product is ice cream, cream, or cottage cheese. The Information Panel (IP)--that part of the package on which nutritional data will be placed--is defined as the area "immediately contiguous (next to) and to the right of the PDP." For rectangular packages this becomes the right side panel. Of course, several variations exist. When problems arise, as in the case of labels that are too small, you will have to petition the FDA Commissioner for an alternative labeling method.

FORMAT FOR LISTING NUTRITIONAL INFORMATION

Headed by the words "Nutritional Information" the following information will be required in the order listed, either in terms of "serving" or "portion," whichever is appropriate:

Serving size - (cup, pattie, spoonful, etc.)

Servings per container

Calories per serving - (Expressed to the nearest 2 calorie increment up to and including 20 calories, 5 calorie increment up to and including 50 calories, and 10 calorie increment above 50 calories)

Protein - (the number of grams of protein/serving expressed to the nearest gram)

Fat - (the number of grams of fat per serving expressed to the nearest gram)

If fatty acid composition, cholesterol or sodium content is declared, this information, in standardized format, follows the "fat" declaration.

Aside from the above, and immediately following the above, are listed the protein content and certain designated vitamins and minerals as "Percentage of U. S. Recommended Daily Allowances (U. S. RDA). These percentages, also, must be expressed on a per serving basis.

The nutrients and order of listing are protein, vitamin A, vitamin C, thiamine, riboflavin, niacin, calcium, and iron.

The increments for expressing these nutrient values are: 2% up to and including the 10% level, 5% (above the 10% level and up to and including the 50% level) and 10% increments above the 50% level.

As well, protein "quality" must be determined by the Protein Efficiency Ratio (PER) method. When the PER is equal to or greater than casein (milk protein) the U. S. RDA is set at 45 grams; when less than casein, 65 grams.

HOW NUTRIENT DATA MUST BE GATHERED

Analyses of nutrients must be made on composite samples. For purpose of nutritional labeling the composite (or "lot") is defined as either (1) a collection of primary containers or units of the same size, type, and style produced under conditions as nearly uniform as possible or (2) a day's production (in absence of any common container code or marking). Pasteurized fluid milk products logically fall into category (2).

Methods of analyses of the nutrients are specified as Association of Official Analytical Chemists (AOAC) methods, where available, or other appropriate, reliable procedures where AOAC methods are unavailable. Or, alternative methods may be used upon petition to, and approval by, the FDA.

CLASSIFICATION OF NUTRIENTS

Nutrients in food products are either present naturally or are added intentionally for purposes of fortification. Some variability in levels would be expected in both cases; but for naturally occurring nutrients this variability could reasonably be expected to be greater than for nutrients added by processing techniques. Herein lies a compliance problem which the FDA has handled by classifying the nutrients.

The two classes are:

Class I - nutrients added in fortified or fabricated products

Class II - nutrients occurring naturally

OVERAGES AND UNDERAGES

Class I vitamin, mineral, or protein must be present in the composite sample at a level at least equal to the amount declared on the label.

Class II vitamin, mineral, or protein must be present in the composite sample to at least 80% of the nutrient value declared on the label.

The FDA allows for test variability. You will not be forced to comply within a level less than the variability of the test method itself at the specific level of testing involved. But you will have to account for composite variations. This can best be done by determining a standard deviation of composite difference. By setting nutrient label values 3 standard deviations below the average nutrient level for Class I nutrients and 3 standard deviations below 80% of the average for Class II nutrients, you will be assured of 100% compliance.

For calories, carbohydrates and fat (and also for fatty acids and cholesterol, when declared) there are overage limits. In no case may the composite sample contain more than 20% excess of the declared amounts.

IMITATION FOODS BEING DEFINED

FDA has also proposed that food substitutes may be marketed without the "imitation" label if the substitutes are nutritionally equivalent to the conventional foods they imitate. As long as the difference in "essential" nutrients is no more than 10% of the U. S. RDA, a food substitute will be considered the equal of its conventional counterpart. "Essential" nutrients include protein and the five vitamins and two minerals required for nutritional labeling. No one nutrient in this category may be outside the 10% U. S. RDA limit or the product will have to be labeled as "imitation."

EFFECTIVE DATE

As it now stands, all labeling ordered after December 31, 1973, unless extended by the FDA commissioner on petition for good cause shown, and all labeling for products shipped in interstate commerce after December 31, 1974, will have to comply with the nutritional labeling regulation.

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