

## Articles

February 27, 2014

### What's in the Box? FDA Proposes Revisions to Nutrition Facts

Today, February 27, 2014, the U.S. Food and Drug Administration proposed three rules (found [here](#), [here](#), and [here](#)) that would make landmark revisions to the iconic black and white Nutrition Facts panel if finalized. The proposed changes affect all packaged foods, including dietary supplements where applicable, except certain meat, poultry and processed egg products regulated by the U.S. Department of Agriculture. The public comment period is currently scheduled to close in 90 days, and we expect a vigorous debate.

According to the agency, the changes reflect the latest scientific information, which includes the link between diet and chronic diseases like obesity and heart disease. Some of the more significant proposed modifications include:

- **Nutrient Declarations.** The amount of Potassium and Vitamin D would be required because the agency has determined that the U.S. population is at a higher risk of chronic disease in their absence. Calcium and Iron declarations would also continue to be required, but Vitamins A and C would no longer be mandatory.
- **Added Sugars.** This information would be required based on expert recommendations that Americans should reduce their intake of calories derived from sugar.
- **Calories from Fat.** This information would be removed because research shows that the *type* of fat is more important than the amount. Total, Saturated, and Trans fat declarations are still required.
- **Daily Values.** Revisions would be made to the Daily Values for nutrients like Sodium, Dietary Fiber, and Vitamin D, among others, to help consumers understand the nutrition information in the context of a total daily diet.
- **Reference Amounts.** These revised amounts would realistically reflect what consumers are currently eating, not what they *should* be eating. For example, a 20-ounce soda, typically consumed in a single sitting, would be labeled as one serving rather than as more than one serving.
- **Dual Columns.** "Per serving" and "per package" calories and nutrition information would be required for larger packages that can be consumed in either one or multiple sittings. Examples include a 24-ounce bottle of soda or a pint of ice cream.
- **Overall Format.** Elements important in addressing current public health problems (e.g., obesity, diabetes, heart disease), like Calories, Serving Size, and Percent Daily Value, would be more prominent and/or strategically placed to garner more consumer attention.

We will be providing a more thorough analysis in the next day or two, and we are happy to help clients submit comments to the FDA, if desired. Please contact any of the attorneys in our [Dietary Supplements, Cosmetics and Functional Foods Group](#) to better understand how these proposed rules could affect your company and/or if you are interested in participating in the comment submission.

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