

## MEMORANDUM

**From:** Martin J. Hahn  
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**Date:** June 20, 2019

**Re: FDA Issues Final Guidance on Added Sugars Labeling for Honey, Maple Syrup, Other Single-Ingredient Sugars and Syrups, and Certain Cranberry Products**

On June 18, the Food and Drug Administration (FDA) issued its final guidance document on added sugars labeling for (1) honey, maple syrup, and other single-ingredient sugars and syrups; and (2) certain cranberry products. In this memorandum we summarize FDA's guidance on the added sugars declaration for each type of product. Notably, for both types of products, FDA is exercising enforcement discretion until July 1, 2021 for implementation of the updated Nutrition Facts labeling rules. This is effectively an 18-month extension from the January 1, 2020 compliance date for larger manufacturers.

### **Single-Ingredient Sugars and Syrups Like Honey and Maple Syrup**

For pure honey, maple syrup, agave, and other single-ingredient sugars and syrups, the guidance provides:

1. **The Nutrition Facts label does not need to bear the words "Includes Xg Added Sugars."**
  - a. This is consistent with the 2018 Farm Bill language, which states that the food labeling requirements under section 403(q) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)) shall not require that the Nutrition Facts label of any single-ingredient sugar, honey, agave, or syrup, including maple syrup, that is packaged and offered for sale as a single-ingredient food bear the declaration "Includes Xg Added Sugars."
2. **However, FDA states in the guidance that these foods must still bear the percent daily value (DV) for added sugars on the label.**
  - a. FDA explains that the Farm Bill did not change the requirement under the Nutrition Facts label final rule to include the percent DV for the contribution of sugars from these products to the added sugars in the diet.
3. **The label may (but is not required to) bear a "†" symbol immediately following the percent daily value for added sugars. FDA will exercise enforcement discretion to allow a**

symbol that directs consumers to a truthful and non-misleading statement, such as “One serving adds XXg of sugar to your diet and represents XX% of the Daily Value for Added Sugars.”

- a. FDA says that in general, if used, the statement should (1) include a description of the gram amount of sugar added to the diet by one serving of the product and (2) its contribution to the percent DV for added sugars in the diet. It should be placed immediately below the footnote on the %DV.

**4. FDA will exercise enforcement discretion until July 1, 2021 for compliance with the updated labeling requirements set forth in the Nutrition Facts label and serving size final rules.** FDA is taking this approach in recognition of the importance of giving manufacturers of such products additional time to make appropriate label changes consistent with the Farm Bill and this final guidance.

- a. This means that, until July 1, 2021, FDA does not intend to pursue actions against the manufacturers of single-ingredient packages and/or containers of pure honey, pure maple syrup, and other pure sugars and syrups, that do not meet all of the provisions outlined in the Nutrition Facts label final rule and Serving Size final rule.

See Appendix A for FDA’s example of how the guidance could be implemented on a label.

### **Certain Cranberry Products**

For certain dried cranberry and cranberry beverage products – specifically (1) dried cranberries without added flavorings and (2) cranberry beverages made up of cranberry juice that is sweetened with added sugars that provide an amount of total sugars in a serving that does not exceed the level of total sugars in a serving of a comparable product with no added sugars – the guidance provides:

1. **The label may (but is not required to) bear a “†” symbol immediately following the percent daily value for added sugars.** FDA will exercise enforcement discretion to allow a symbol that directs consumers to a truthful and non-misleading statement on the package outside of the Nutrition Facts Panel. Examples of statements FDA considers appropriate include:
  - a. “Sugars added to improve the palatability of naturally tart cranberries.”
  - b. “Sugars added to improve palatability.”
  - c. “Sugars added to improve the palatability of naturally tart cranberries. The 2015-2020 Dietary Guidelines for Americans state that there is room for limited amounts of Added Sugars in the diet, including from nutrient dense foods, like naturally tart fruit.”
  - d. “Sugars added to improve the palatability of naturally tart cranberries. The 2015-2020 Dietary Guidelines for Americans recommends limiting calories from added sugars to no more than 10% each day.”
2. **FDA will exercise enforcement discretion until July 1, 2021 for compliance with the updated labeling requirements set forth in the Nutrition Facts label and serving size final rules.**
  - a. This means that, until July 1, 2021, FDA does not intend to pursue actions against the manufacturers of the dried cranberry and cranberry beverage products described above, that do not meet all of the provisions outlined in the Nutrition Facts label final rule and Serving Size final rule.

See Appendix B for FDA's examples of how the guidance could be implemented on a label.

With respect to other similar products, FDA notes that it would consider whether the same type of enforcement discretion might be appropriate for other products where the addition of sugars is intended to increase palatability, such as naturally tart fruits, and for which the amount of total sugars per serving is at a level that does not exceed the amount of total sugars in a comparable product with no added sugars.

Finally, FDA notes that it will conduct consumer education as part of its implementation of the new Nutrition Facts label requirements, particularly for nutrients like added sugars that will be declared on the label for the first time.

\* \* \*

We will continue to monitor FDA actions related to nutrition labeling and added sugars. Please contact us if you have any questions regarding this or any other matter.

## Appendix A

Illustration of Nutrition Facts label for pure honey, pure maple syrup, or other single-ingredient sugars or syrups with “†” symbol leading to a footnote

<b>Nutrition Facts</b>	
16 servings per container	
<b>Serving size</b>	<b>1 Tbsp. (21g)</b>
<b>Amount per serving</b>	
<b>Calories</b>	<b>60</b>
<b>% Daily Value*</b>	
<b>Total Fat</b> 0g	<b>0%</b>
Saturated Fat 0g	<b>0%</b>
Trans Fat 0g	
<b>Cholesterol</b> 0mg	<b>0%</b>
<b>Sodium</b> 0mg	<b>0%</b>
<b>Total Carbohydrate</b> 17g	<b>6%</b>
Dietary Fiber 0g	<b>0%</b>
Total Sugars 17g	<b>34%<sup>†</sup></b>
<b>Protein</b> 0g	
Vitamin D 0mcg	0%
Calcium 0mg	0%
Iron 0mg	0%
Potassium 0mg	0%
<small>* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.</small>	
<small><sup>†</sup> One serving adds 17g of sugar to your diet and represents 34% of the Daily Value for Added Sugars.</small>	

The illustration provides one example of a truthful and not misleading statement about the gram amount of sugar added to the diet by one serving of the product and its contribution to the percent Daily Value for added sugars in the diet.

## Appendix B

Illustration of Nutrition Facts label for cranberry juice or dried sweetened cranberries with “†” symbol leading to a factual statement outside the Nutrition Facts label

<b>Nutrition Facts</b>	
8 servings per container	
<b>Serving size 8 fl oz (240mL)</b>	
<b>Amount per serving</b>	
<b>Calories</b>	<b>110</b>
<b>% Daily Value*</b>	
<b>Total Fat</b> 0g	<b>0%</b>
Saturated Fat 0g	<b>0%</b>
Trans Fat 0g	
<b>Cholesterol</b> 0mg	<b>0%</b>
<b>Sodium</b> 5mg	<b>0%</b>
<b>Total Carbohydrate</b> 27g	<b>10%</b>
Dietary Fiber 0g	<b>0%</b>
Total Sugars 25g	
Includes 23g Added Sugars	<b>46%</b> <sup>†</sup>
<b>Protein</b> 0g	
Vitamin D 0mcg	0%
Calcium 0mg	0%
Iron 0mg	0%
Potassium 40mg	0%

\* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

### Recommended factual statements

† Sugars added to improve the palatability of naturally tart cranberries. The 2015-2020 Dietary Guidelines for Americans state that there is room for limited amounts of Added Sugars in the diet, including from nutrient dense foods, like naturally tart fruit.

† Sugars added to improve the palatability of naturally tart cranberries.

† Sugars added to improve palatability.

† Sugars added to improve the palatability of naturally tart cranberries. The 2015-2020 Dietary Guidelines for Americans recommends limiting calories from added sugars to no more than 10% each day.