

§ 101.36

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Juice	100 percent juice ¹
Grape	16.0
Grapefruit	³ 10.0
Guanabana (soursop)	16.0
Guava	7.7
Honeydew melon	9.6
Kiwi	15.4
Lemon	² 4.5
Lime	² 4.5
Loganberry	10.5
Mango	13.0
Nectarine	11.8
Orange	³ 11.8
Papaya	11.5
Passion Fruit	14.0
Peach	10.5
Pear	12.0
Pineapple	12.8
Plum	14.3
Pomegranate	16.0
Prune	18.5
Quince	13.3
Raspberry (Black)	11.1
Raspberry (Red)	9.2
Rhubarb	5.7
Strawberry	8.0
Tangerine	³ 11.8
Tomato	5.0
Watermelon	7.8
Youngberry	10.0

¹ Indicates Brix value unless other value specified.
² Indicates anhydrous citrus acid percent by weight.
³ Brix values determined by refractometer for citrus juices may be corrected for citric acid.

(2) If there is no Brix level specified in paragraph (h)(1) of this section, the labeled percentage of that juice from concentrate in a juice or juice beverage will be calculated on the basis of the soluble solids content of the single-strength (unconcentrated) juice used to produce such concentrated juice.

(i) Juices directly expressed from a fruit or vegetable (i.e., not concentrated and reconstituted) shall be considered to be 100 percent juice and shall be declared as “100 percent juice.”

(j) Calculations of the percentage of juice in a juice blend or a diluted juice product made directly from expressed juice (i.e., not from concentrate) shall be based on the percentage of the expressed juice in the product computed on a volume/volume basis.

(k) If the product is a beverage that contains a juice whose color, taste, or other organoleptic properties have been modified to the extent that the original juice is no longer recognizable at the time processing is complete, or if its nutrient profile has been diminished to a level below the normal nutrient range for the juice, then that juice to which such a major modification has

been made shall not be included in the total percentage juice declaration.

(l) A beverage required to bear a percentage juice declaration on its label, that contains less than 100 percent juice, shall not bear any other percentage declaration that describes the juice content of the beverage in its label or in its labeling (e.g., “100 percent natural” or “100 percent pure”). However, the label or labeling may bear percentage statements clearly unrelated to juice content (e.g., “provides 100 percent of U.S. RDA of vitamin C”).

(m) Products purporting to be beverages that contain fruit or vegetable juices are exempted from the provisions of this section until May 8, 1994. All products that are labeled on or after that date shall comply with this section.

[58 FR 2925, Jan. 6, 1993, as amended at 58 FR 44063, Aug. 18, 1993; 58 FR 49192, Sept. 22, 1993]

Subpart C—Specific Nutrition Labeling Requirements and Guidelines

SOURCE: 55 FR 60890, Nov. 27, 1991, unless otherwise noted.

§ 101.36 Nutrition labeling of dietary supplements of vitamins and minerals.

(a) The label of a dietary supplement of a vitamin or mineral that has a Reference Daily Intake (RDI) as established in § 101.9(c)(8)(iv) or a Daily Reference Value (DRV) as established in § 101.9(c)(9), shall bear nutrition labeling in accordance with this regulation, as illustrated in paragraph (c)(9) of this section, unless an exemption is provided for the product in paragraph (f) of this section. Dietary supplements of herbs or other similar nutritional substances shall bear nutrition labeling in accordance with § 101.9.

(b) The declaration of nutrition information on the label and in labeling shall contain the following information, using the headings and format specified, under the heading of “Nutrition Facts”. The nutrition information shall be enclosed in a box by use of lines, shall be all black or one color type, and shall be printed on a white or

other neutral contrasting background whenever practical.

(1) The subheading "Serving Size" shall be placed under the heading and aligned on the left side of the nutrition label. The serving size shall be determined in accordance with §101.9(b) and §101.12(b), Table 2. Serving size shall be expressed using a term that is appropriate for the form of the supplement, such as "tablets," "capsules," "packets," or "teaspoonfuls."

(2) The subheading "Servings Per Container" shall be placed under the subheading "Serving Size" and aligned on the left side of the nutrition label, except that this information need not be provided when it is stated in the net quantity of contents declaration.

(3) A listing of all nutrients required in §101.9(c) that are present in the dietary supplement in quantitative amounts by weight that exceed the amount that can be declared as zero in §101.9(c). Those nutrients that are not present, or present in amounts that would be declared as zero, shall not be declared. In addition, potassium shall be declared except when present in quantitative amounts by weight that allow a declaration of zero. The name of each nutrient listed shall be immediately followed by the quantitative amount by weight of the nutrient. Nutrient names and quantitative amounts shall be presented in a column under the heading "Amount Per Serving" and aligned on the left side of the nutrition label. The heading "Amount Per Serving" shall be separated from other information on the label by a bar above and beneath it, except that when calories are listed, the bar shall be placed beneath the calorie declaration. When the serving size of the product is one unit (e.g., 1 tablet), a heading consistent with the declaration of serving size, such as "Amount per Tablet" or "Each Tablet Contains," may be used in place of the heading "Amount per Serving." Other appropriate terms, such as capsule, packet, or teaspoonful, may be used in place of the term "Serving."

(i) These amounts shall be expressed in the increments specified in §101.9(c), except that the amounts of vitamins and minerals, excluding sodium and potassium, declared on the nutrition

label shall be the actual amount of the vitamin or mineral included in the dietary supplement, using the units of measure and the levels of significance given in §101.9(c). In declaring the amounts of vitamins and minerals, zeros following decimal points may be dropped, and additional levels of significance may be used when the number of decimal places indicated is not sufficient to express lower amounts (e.g., the RDI for copper is given in whole milligrams, but the quantitative amount may be declared in tenths of a milligram). Amounts for chloride and manganese shall be expressed in mg, and, amounts for chromium, molybdenum, selenium, and vitamin K shall be expressed in micrograms. These values shall be expressed in whole numbers.

(ii) Nutrients that are present shall be listed in the order specified in §101.9(c); except that, when present, vitamin K shall follow vitamin E; calcium and iron shall follow pantothenic acid; selenium shall follow zinc; and manganese, chromium, molybdenum, chloride, sodium, and potassium shall follow copper. This results in the following order for vitamins and minerals: Vitamin A, vitamin C, vitamin D, vitamin E, vitamin K, thiamin, riboflavin, niacin, vitamin B₆, folate, vitamin B₁₂, biotin, pantothenic acid, calcium, iron, phosphorus, iodine, magnesium, zinc, selenium, copper, manganese, chromium, molybdenum, chloride, sodium, and potassium. A bar shall separate the last nutrient to be listed from the bottom of the nutrition label, as shown in the sample labels in paragraph (c)(9) of this section.

(iii) If the product contains two or more separately packaged dietary supplements of vitamins and minerals (e.g., the product has a packet of supplements to be taken in the morning and a different packet to be taken in the afternoon), the quantitative amounts may be presented as specified in this paragraph in individual nutrition labels or in one aggregate nutrition label with separate columns declaring the quantitative amounts for each package as illustrated in paragraph (c)(9)(iii) of this section.

(iv) The percent of vitamin A that is present as *beta*-carotene may be declared, to the nearest whole percent, immediately adjacent to or beneath the nutrient name (e.g., “Vitamin A 5000 IU (90 percent as *beta*-carotene)”), except that the declaration is required when a claim is made about *beta*-carotene. The amount of *beta*-carotene in terms of international units (IU) may be included in parentheses following the percent statement (e.g., “Vitamin A 5000 IU (90 percent (4500 IU) as *beta*-carotene)”).

(v) The following synonyms may be added in parenthesis immediately following the name of these nutrients: Vitamin C (ascorbic acid), thiamin (vitamin B1), riboflavin (vitamin B2), folate—either folic acid or folacin may be used, and calories (energy). Energy content per serving may be expressed in kilojoules units, added in parentheses immediately following the statement of caloric content.

(vi) All nutrients shall be displayed with uniform type size, style, color, and prominence.

(4) A listing of the percent of the Daily Value (i.e., the percent of the RDI as established in §101.9(c)(8)(iv) or DRV as established in §101.9(c)(9)), where appropriate, of all nutrients listed in the nutrition label, except that the percent for protein may be omitted as provided in §101.9(c)(7), no percent shall be given for sugars, and for labels of dietary supplements of vitamins and minerals that are represented or purported to be for use by infants, children less than 4 years of age, or pregnant or lactating women, no percent shall be given for vitamin K, selenium, manganese, chromium, molybdenum, or chloride. This information shall be presented in one column aligned under the heading of “% Daily Value” and to the right of the column of nutrient names and amounts. The headings “% Daily Value (DV),” “% DV,” “Percent Daily Value,” or “Percent DV” may be substituted for “% Daily Value.” The heading “% Daily Value” shall be placed on the same line as the heading “Amount per Serving” or placed beneath this heading and the bar underneath it, except that “% Daily Value” shall be placed beneath this bar when calorie information is required to be

declared. Calorie information shall be placed beneath “Amount Per Serving” and above the bar.

(i) The percent of Daily Value shall be calculated by dividing either the amount declared on the label for each nutrient or the actual amount of each nutrient (i.e., before rounding) by the RDI or DRV for the specified nutrient and multiplying by 100, except that the percent for protein shall be calculated as specified in §101.9(c)(7)(ii). The numerical value shall be followed by the symbol for percent (i.e., %).

(ii) The percentages based on RDI’s and on DRV’s shall be expressed to the nearest whole percent, except that “Less than 1%” may be used in place of “0%” when the declaration of the quantitative amount by weight is a value greater than zero.

(iii) The percent of Daily Value for vitamins and minerals shall be based on RDI values for adults and children 4 or more years of age unless the product is represented or purported to be for use by infants, children less than 4 years of age, pregnant women, or lactating women, in which case the column heading shall clearly state the intended group. If the product is for persons within more than one group, the percent of daily value for each group shall be presented in separate columns as shown in paragraph (c)(9)(ii) of this section.

(iv) If the product contains two or more separately packaged dietary supplements of vitamins and minerals (e.g., the product has a packet of supplements to be taken in the morning and a different packet to be taken in the afternoon), the percent of Daily Value may be presented as specified in paragraph (b)(4) of this section in individual nutrition labels or in one aggregate nutrition label with separate columns declaring the percent of Daily Value for each package as illustrated in paragraph (c)(9)(iii) of this section.

(v) If the percent of Daily Value is declared for total fat, saturated fat, total carbohydrate, dietary fiber, or protein, the value shall be followed by an asterisk that refers to another asterisk at the bottom of the nutrition label that states “Percent Daily Values are based on a 2,000 calorie diet.”

(vi) When no percent is given for sugars, or for labels of dietary supplements of vitamins and minerals that are represented or purported to be for use by infants, children less than 4 years of age, or pregnant or lactating women, when no percent is given for vitamin K, selenium, manganese, chromium, molybdenum, or chloride, an asterisk shall be placed in the "Percent Daily Value" column that shall refer to another asterisk that is placed at the bottom of the nutrition label and followed by the statement "Daily Value not established."

(c) Nutrition information specified in this section shall be presented as follows:

(1) The title of "Nutrition Facts" shall be set in a type size larger than all other print size in the nutrition label and, unless impractical, shall be set full width of the nutrition label. The title and all headings shall be highlighted (reverse printing is not permitted as a form of highlighting) to distinguish them from other information.

(2) All information within the nutrition label shall utilize a single easy-to-read type style.

(3) All information within the nutrition label shall utilize upper and lower case letters, except that all uppercase lettering may be utilized for packages that have a total surface area available to bear labeling of less than 12 square inches.

(4) All information within the nutrition label shall have at least one point leading (i.e., space between two lines of text).

(5) Letters should never touch.

(6) All information within the nutrition label on packages that have a total surface area available to bear labeling of less than 12 square inches shall have type size no smaller than 4.5 point; packages that have from 12 to 40 square inches of surface area available to bear labeling shall have type size no smaller than 6 point; and packages with more than 40 square inches of surface area available to bear labeling shall have type size no smaller than 8 point, except that on packages with more than 40 square inches of available surface area, type size no smaller than 6 point may be used for the listing of information on *beta*-carotene, as specified in paragraph (b)(3)(iv) of this section, for the headings required by paragraphs (b)(3) and (b)(4) of this section (i.e., "Amount Per Serving" and "% Daily Value"), and for the footnote required by paragraph (b)(4)(v) of this section.

(7) A hairline rule that is centered between the lines of text shall separate each nutrient and its corresponding percent Daily Value required in paragraph (b)(4) of this section from the nutrient and percent Daily Value above and beneath it, as shown in paragraph (c)(9) of this section, and shall separate "Amount Per Serving" from the calorie statement, when the listing of calories is required.

(8) In the interest of uniformity of presentation, FDA urges that the information be presented using the graphic specifications set forth in appendix B to part 101, as applicable.

(9) The following sample labels are presented for the purpose of illustration:

(i) Multiple vitamin.

Nutrition Facts	
Serving Size 1 tablet	
Amount Per Serving	% Daily Value
Vitamin A 5000 I.U. 50 % as Beta Carotene	100%
Vitamin C 60 mg	100%
Vitamin D 400 I.U.	100%
Vitamin E 30 I.U.	100%
Thiamin 1.5 mg	100%
Riboflavin 1.7 mg	100%
Niacin 20 mg	100%
Vitamin B ₆ 2.0 mg	100%
Folate 0.4 mg	100%
Vitamin B ₁₂ 6 mcg	100%
Biotin 0.03 mg	10%
Pantothenic Acid 10 mg	100%

- (ii) Multiple vitamin for children and adults.

Nutrition Facts		
Serving Size 1 Tablet		
Servings Per Container 100		
Amount Per Serving		
Calories 5		
	% Daily Value for Children Under 4 Years of Age	% Daily Value for Adults and Children 4 or More Years of Age
Sugars 1g		
Vitamin A 2500 I.U. 50 % as Beta Carotene	100%	50%
Vitamin C 40 mg	100%	67%
Vitamin D 400 I.U.	100%	100%
Vitamin E 15 I.U.	150%	50%
Thiamin 1.1 mg	157%	73%
Riboflavin 1.2 mg	150%	71%
Niacin 14 mg	156%	70%
Vitamin B6 1.1 mg	157%	55%
Folate 0.3 mg	150%	75%
Vitamin B12 5 mcg	167%	83%

(iii) Multiple vitamins in packets.

Nutrition Facts	AM Packet		PM Packet	
	1 Packet		1 Packet	
Serving Size	1 Packet		1 Packet	
Servings Per Container	10		10	
Amount Per Serving	% Daily Value		% Daily Value	
Vitamin A	2500 I.U.	50%	2500 I.U.	50%
Vitamin C	60 mg	100%	60 mg	100%
Vitamin D	400 I.U.	100%		
Vitamin E	30 I.U.	100%		
Thiamin	1.5 mg	100%	1.5 mg	100%
Riboflavin	1.7 mg	100%	1.7 mg	100%
Niacin	20 mg	100%	20 mg	100%
Vitamin B6	2.0 mg	100%	2.0 mg	100%
Folate	0.2 mg	50%	0.2 mg	50%
Vitamin B12	3 mcg	50%	3 mcg	50%
Biotin			0.03 mg	10%
Pantothenic Acid	5 mg	50%	5 mg	50%

(10) If space is not adequate to list the required information as shown in the sample labels in paragraph (c)(9) of this section, the list may be split and continued to the right, as long as the headings are repeated. The list to the

right shall be set off by a line that distinguishes it and sets it apart from the nutrients and percent of Daily Value information given to the left. The following sample label illustrates this display:

Nutrition Facts			
Serving Size 1 tablet			
Servings Per Container 100			
Amount Per Tablet		% Daily Value	
Vitamin A 5000 I.U.	100%	Pantothenic Acid 10 mg	100%
Vitamin C 60 mg	100%	Calcium 162 mg	16%
Vitamin D 400 I.U.	100%	Iron 18 mg	100%
Vitamin E 30 I.U.	100%	Phosphorus 125 mg	13%
Vitamin K 20 mcg	*	Iodine 150 mcg	100%
Thiamin 1.5 mg	100%	Magnesium 100 mg	25%
Riboflavin 1.7 mg	100%	Zinc 15 mg	100%
Niacin 20 mg	100%	Selenium 25 mcg	*
Vitamin B ₆ 2 mg	100%	Copper 1 mg	50%
Folate 0.4 mg	100%	Manganese 2 mg	*
Vitamin B ₁₂ 6 mcg	100%	Sodium 50 mg	2%
Biotin 0.03 mg	10%	Potassium 80 mg	2%

* Daily Value not established

(d)(1) Compliance with this section shall be determined in accordance with § 101.9(g)(1) through (g)(8).

(2) When it is not technologically feasible, or some other circumstance makes it impracticable, for firms to comply with the requirements of this section, FDA may permit alternative means of compliance or additional exemptions to deal with the situation in accordance with § 101.9(g)(9). Firms in need of such special allowances shall make their request in writing to the Office of Food Labeling (HFS-150), Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

(e) Except as provided in paragraph (g) of this section, the location of nutrition information on a label shall be in compliance with § 101.2.

(f) Dietary supplements are subject to the exemptions specified as follows in:

(1) Section 101.9(j)(1) for dietary supplements that are offered for sale by a person who makes direct sales to consumers (i.e., a retailer) who has annual gross sales or business done in sales to

consumers that is not more than \$500,000 or has annual gross sales made or business done in sales of food to consumers of not more than \$50,000, and whose labels, labeling, and advertising do not provide nutrition information or make a nutrient content or health claim; or

(2) Section 101.9(j)(18) for dietary supplements that are low-volume products (that is, they meet the requirements for units sold in § 101.9(j)(18)(i) or (j)(18)(ii)); that, except as provided in § 101.9(j)(18)(iv), are the subject of a claim for an exemption that provides the information required under § 101.9(j)(18)(iv); that is filed before the beginning of the time period for which the exemption is claimed; and that is filed by a person that qualifies to claim the exemption under the requirements for average full-time equivalent employees in § 101.9(j)(18)(i) or (j)(18)(ii); and whose labels, labeling, or advertising do not provide nutrition information or make a nutrient content or health claim.

(g) Dietary supplements of vitamins and minerals shall be subject to the special labeling conditions specified in § 101.9(j)(5)(i) and (j)(5)(ii) for food, other than infant formula, represented or purported to be specifically for infants and children less than 2 years of age and 4 years of age, respectively; in § 101.9(j)(9) for food products shipped in bulk form that are not for distribution to consumers; in § 101.9(j)(13) for foods in small or intermediate-sized packages; in § 101.9(j)(15) for foods in multi-unit food containers; and, in § 101.9(j)(16) for foods sold in bulk containers.

(h) Dietary supplements of vitamins and minerals shall be subject to the misbranding provisions of § 101.9(k).

[59 FR 373, Jan. 4, 1994; 59 FR 24039, May 10, 1994, as amended at 60 FR 67175, Dec. 28, 1995; 61 FR 8779, Mar. 5, 1996; 61 FR 10280, Mar. 13, 1996; 61 FR 40979, Aug. 7, 1996]

EFFECTIVE DATE NOTE: At 62 FR 49849, Sept. 23, 1997, § 101.36 was revised, effective Mar. 23, 1999. For the convenience of the user, the revised text is set forth as follows:

§ 101.36 Nutrition labeling of dietary supplements.

(a) The label of a dietary supplement that is offered for sale shall bear nutrition labeling in accordance with this regulation unless an exemption is provided for the product in paragraph (h) of this section.

(b) The declaration of nutrition information on the label and in labeling shall contain the following information, using the subheadings and the format specified in paragraph (e) of this section.

(1) *Serving size.* (i) The subheading "Serving Size" shall be placed under the heading "Supplement Facts" and aligned on the left side of the nutrition label. The serving size shall be determined in accordance with §§ 101.9(b) and 101.12(b), Table 2. Serving size for dietary supplements shall be expressed using a term that is appropriate for the form of the supplement, such as "tablets," "capsules," "packets," or "teaspoonfuls."

(ii) The subheading "Servings Per Container" shall be placed under the subheading "Serving Size" and aligned on the left side of the nutrition label, except that this information need not be provided when it is stated in the net quantity of contents declaration.

(2) *Information on dietary ingredients that have a Reference Daily Intake (RDI) or a Daily Reference Value (DRV) as established in § 101.9(c) and their subcomponents (hereinafter referred to as "(b)(2)-dietary ingredients").* (i) The (b)(2)-dietary ingredients to be declared, that is, total calories, calories

from fat, total fat, saturated fat, cholesterol, sodium, total carbohydrate, dietary fiber, sugars, protein, vitamin A, vitamin C, calcium and iron, shall be declared when they are present in a dietary supplement in quantitative amounts by weight that exceed the amount that can be declared as zero in nutrition labeling of foods in accordance with § 101.9(c). Calories from saturated fat and polyunsaturated fat, monounsaturated fat, soluble fiber, insoluble fiber, sugar alcohol, and other carbohydrate may be declared, but they shall be declared when a claim is made about them. Any other vitamins or minerals listed in § 101.9(c)(8)(iv) or (c)(9) may be declared, but they shall be declared when they are added to the product for purposes of supplementation, or when a claim is made about them. Any (b)(2)-dietary ingredients that are not present, or that are present in amounts that can be declared as zero in § 101.9(c), shall not be declared (e.g., amounts corresponding to less than 2 percent of the RDI for vitamins and minerals). Protein shall not be declared on labels of products that, other than ingredients added solely for technological reasons, contain only individual amino acids.

(A) The names and the quantitative amounts by weight of each (b)(2)-dietary ingredient shall be presented under the heading "Amount Per Serving." When the quantitative amounts by weight are presented in a separate column, the heading may be centered over a column of quantitative amounts, described by paragraph (b)(2)(ii) of this section, if space permits. A heading consistent with the declaration of the serving size, such as "Each Tablet Contains," or "Amount Per 2 Tablets" may be used in place of the heading "Amount Per Serving." Other appropriate terms, such as capsule, packet, or teaspoonful, also may be used in place of the term "Serving."

(B) The names of dietary ingredients that are declared under paragraph (b)(2)(i) of this section shall be presented in a column aligned on the left side of the nutrition label in the order and manner of indentation specified in § 101.9(c), except that calcium and iron shall follow pantothenic acid, and sodium and potassium shall follow chloride. This results in the following order for vitamins and minerals: Vitamin A, vitamin C, vitamin D, vitamin E, vitamin K, thiamin, riboflavin, niacin, vitamin B₆, folate, vitamin B₁₂, biotin, pantothenic acid, calcium, iron, phosphorus, iodine, magnesium, zinc, selenium, copper, manganese, chromium, molybdenum, chloride, sodium, and potassium. The (b)(2)-dietary ingredients shall be listed according to the nomenclature specified in § 101.9 or in paragraph (b)(2)(i)(B)(2) of this section.

(1) When "Calories" are declared, they shall be listed first in the column of names, beneath a light bar separating the heading "Amount Per Serving" from the list of

names. When "Calories from fat" or "Calories from saturated fat" are declared, they shall be indented beneath "Calories."

(2) The following synonyms may be added in parentheses immediately following the name of these (b)(2)-dietary ingredients: Vitamin C (ascorbic acid), thiamin (vitamin B₁), riboflavin (vitamin B₂), folate (folacin or folic acid), and calories (energy). Alternatively, the term "folic acid" or "folacin" may be listed without parentheses in place of "folate." Energy content per serving may be expressed in kilojoules units, added in parentheses immediately following the statement of caloric content.

(3) Beta-carotene may be declared as the percent of vitamin A that is present as beta-carotene, except that the declaration is required when a claim is made about beta-carotene. When declared, the percent shall be declared to the nearest whole percent, immediately adjacent to or beneath the name vitamin A (e.g., "Vitamin A (90% as beta-carotene)"). The amount of beta-carotene in terms of international units (IU) may be included in parentheses following the percent statement (e.g., "Vitamin A (90% (4500 IU as beta-carotene)").

(ii) The number of calories, if declared, and the quantitative amount by weight per serving of each dietary ingredient required to be listed under paragraph (b)(2)(i) of this section shall be presented either in a separate column aligned to the right of the column of names or immediately following the listing of names within the same column. The quantitative amounts by weight shall represent the weight of the dietary ingredient rather than the weight of the source of the dietary ingredient (e.g., the weight of calcium rather than that of calcium carbonate).

(A) These amounts shall be expressed in the increments specified in §101.9(c)(1) through (c)(7), which includes increments for sodium and potassium.

(B) The amounts of vitamins and minerals, excluding sodium and potassium, shall be the amount of the vitamin or mineral included in one serving of the product, using the units of measurement and the levels of significance given in §101.9(c)(8)(iv), except that zeros following decimal points may be dropped, and additional levels of significance may be used when the number of decimal places indicated is not sufficient to express lower amounts (e.g., the RDI for zinc is given in whole milligrams (mg), but the quantitative amount may be declared in tenths of a mg).

(iii) The percent of the Daily Value of all dietary ingredients declared under paragraph (b)(2)(i) of this section shall be listed, except that the percent for protein may be omitted as provided in §101.9(c)(7); no percent shall be given for subcomponents for which DRV's have not been established (e.g., sugars); and, for labels of dietary supplements of vitamins

and minerals that are represented or purported to be for use by infants, children less than 4 years of age, or pregnant or lactating women, no percent shall be given for total fat, saturated fat, cholesterol, total carbohydrate, dietary fiber, vitamin K, selenium, manganese, chromium, molybdenum, chloride, sodium, or potassium.

(A) When information on the percent of Daily Values is listed, this information shall be presented in one column aligned under the heading of "% Daily Value" and to the right of the column of amounts. The headings "% Daily Value (DV)," "% DV," "Percent Daily Value," or "Percent DV" may be substituted for "% Daily Value." The heading "% Daily Value" shall be placed on the same line as the heading "Amount Per Serving." When the acronym "DV" is unexplained in the heading and a footnote is required under (b)(2)(iii)(D), (b)(2)(iii)(F), or (b)(3)(iv) of this section, the footnote shall explain the acronym (e.g. "Daily Value (DV) not established").

(B) The percent of Daily Value shall be calculated by dividing the quantitative amount by weight of each (b)(2)-dietary ingredient by the RDI as established in §101.9(c)(8)(iv) or the DRV as established in §101.9(c)(9) for the specified dietary ingredient and multiplying by 100, except that the percent of Daily Value for protein, when present, shall be calculated as specified in §101.9(c)(7)(ii). The quantitative amount by weight of each dietary ingredient in this calculation shall be the unrounded amount, except that for total fat, saturated fat, cholesterol, sodium, potassium, total carbohydrate, and dietary fiber, the quantitative amount by weight declared on the label (i.e., rounded amount) may be used. The numerical value shall be followed by the symbol for percent (i.e., %).

(C) The percentages based on RDI's and on DRV's shall be expressed to the nearest whole percent, except that for dietary ingredients for which DRV's have been established, "Less than 1%" or "<1%" shall be used to declare the "% Daily Value" when the quantitative amount of the dietary ingredient by weight is great enough to require that the dietary ingredient be listed, but the amount is so small that the "% Daily Value" when rounded to the nearest percent is zero (e.g., a product that contains 1 gram of total carbohydrate would list the percent Daily Value as "Less than 1%" or "<1%").

(D) If the percent of Daily Value is declared for total fat, saturated fat, total carbohydrate, dietary fiber, or protein, a symbol shall follow the value listed for those nutrients that refers to the same symbol that is placed at the bottom of the nutrition label, below the bar required under paragraph (e)(6) of this section and inside the box, that is followed by the statement "Percent Daily Values are based on a 2,000 calorie diet."

(E) The percent of Daily Value shall be based on RDI and DRV values for adults and children 4 or more years of age, unless the product is represented or purported to be for use by infants, children less than 4 years of age, pregnant women, or lactating women, in which case the column heading shall clearly state the intended group. If the product is for persons within more than one group, the percent of Daily Value for each group shall be presented in separate columns as shown in paragraph (e)(10)(ii) of this section.

(F) For declared subcomponents that have no DRV's and, on the labels of dietary supplements of vitamins and minerals that are represented or purported to be for use by infants, children less than 4 years of age, or pregnant or lactating women, for total fat, saturated fat, cholesterol, total carbohydrate, dietary fiber, vitamin K, selenium, manganese, chromium, molybdenum, chloride, sodium, or potassium, a symbol (e.g., an asterisk) shall be placed in the "Percent Daily Value" column that shall refer to the same symbol that is placed at the bottom of the nutrition label, below the last heavy bar and inside the box, and followed by the statement "Daily Value not established."

(G) When calories, calories from fat, or calories from saturated fat are declared, the space under the "% Daily Value" column shall be left blank for these items. When there are no other (b)(2)-dietary ingredients listed for which a value must be declared in the "% Daily Value" column, the column may be omitted as shown in paragraph (e)(10)(vii) of this section. When the "% Daily Value" column is not required, but the dietary ingredients listed are subject to paragraph (b)(2)(iii)(F) of this section, the symbol required in that paragraph shall immediately follow the quantitative amount by weight for each dietary ingredient listed under "Amount Per Serving."

(iv) The quantitative amount by weight and the percent of Daily Value may be presented on a "per unit" basis in addition to on a "per serving" basis, as required in paragraph (b)(2)(ii) of this section. This information shall be presented in additional columns and clearly identified by appropriate headings.

(3) *Information on dietary ingredients for which RDI's and DRV's have not been established.* (i) Dietary ingredients for which FDA has not established RDI's or DRV's and that are not subject to regulation under paragraph (b)(2) of this section (hereinafter referred to as "other dietary ingredients") shall be declared by their common or usual name when they are present in a dietary supplement, in a column that is under the column of names described in paragraph (b)(2)(i)(B) of this section or, as long as the constituents of an other dietary ingredient are not listed, in a linear display, under the heavy bar described in paragraph (e)(6) of

this section, except that if no (b)(2)-dietary ingredients are declared, other dietary ingredients shall be declared directly beneath the heading "Amount Per Serving" described in paragraph (b)(2)(i)(A) of this section.

(ii) The quantitative amount by weight per serving of other dietary ingredients shall be presented in the same manner as the corresponding information required in paragraph (b)(2)(ii) of this section or, when a linear display is used, shall be presented immediately following the name of the other dietary ingredient. The quantitative amount by weight shall be the weight of the other dietary ingredient listed and not the weight of any component, or the source, of that dietary ingredient.

(A) These amounts shall be expressed using metric measures in appropriate units (i.e., 1,000 or more units shall be declared in the next higher set of units, e.g., 1,100 mg shall be declared as 1.1 g).

(B) For any dietary ingredient that is a liquid extract from which the solvent has not been removed, the quantity listed shall be the weight of the total extract with information on the concentration of the dietary ingredient, the solvent used, and the condition of the starting material (i.e., whether it is fresh or dried), e.g., "fresh dandelion root extract, x mg (y:z) in 70% ethanol," where x is the number of mg of the entire extract, y is the weight of the starting material and z is the volume (milliliters) of solvent. Where the solvent has been partially removed (not to dryness), the final concentration shall be stated (e.g., if the original extract was 1:5 and 50 percent of the solvent was removed, then the final concentration shall be stated as 1:2.5).

(C) For a dietary ingredient that is an extract from which the solvent has been removed, the weight of the ingredient shall be the weight of the dried extract. The dried extract shall be described by an appropriately descriptive term that identifies the solvent used, e.g., "dried hexane extract of _____" or "_____, dried hexane extract."

(iii) The constituents of a dietary ingredient described in paragraph (b)(3)(i) of this section may be listed indented under the dietary ingredient and followed by their quantitative amounts by weight, except that dietary ingredients described in paragraph (b)(2) of this section shall be listed in accordance with that section. When the constituents of a dietary ingredient described in paragraph (b)(3)(i) of this section are listed, all other dietary ingredients shall be declared in a column; however, the constituents themselves may be declared in a column or in a linear display.

(iv) Other dietary ingredients shall bear a symbol (e.g., an asterisk) in the column under the heading of "% Daily Value" that refers to the same symbol placed at the bottom of the nutrition label and followed by

the statement "Daily Value not established," except that when the heading "% Daily Value" is not used, the symbol shall follow the quantitative amount by weight for each dietary ingredient listed.

(c) A proprietary blend of dietary ingredients shall be included in the list of dietary ingredients described in paragraph (b)(3)(i) of this section and identified by the term "Proprietary Blend" or other appropriately descriptive term or fanciful name and may be highlighted by bold type. Except as specified in this paragraph, all other requirements for the listing of dietary ingredients in dietary supplements are applicable.

(1) Dietary ingredients contained in the proprietary blend that are listed under paragraph (b)(2) of this section shall be declared in accordance with paragraph (b)(2) of this section.

(2) Dietary ingredients contained in the proprietary blend that are listed under paragraph (b)(3) of this section (i.e., "other dietary ingredients") shall be declared in descending order of predominance by weight, in a column or linear fashion, and indented under the term "Proprietary Blend" or other appropriately descriptive term or fanciful name.

(3) The quantitative amount by weight specified for the proprietary blend shall be the total weight of all other dietary ingredients contained in the proprietary blend and shall be placed on the same line to the right of the term "Proprietary Blend" or other appropriately descriptive term or fanciful name underneath the column of amounts described in paragraph (b)(2)(ii) of this section. A symbol (e.g., asterisk), which refers to the same symbol placed at the bottom of the nutrition label that is followed by the statement "Daily Value not established," shall be placed under the heading "% Daily Value," if present, or immediately following the quantitative amount by weight for the proprietary blend.

(4) The sample label shown in paragraph (e)(10)(v) of this section illustrates one method of nutrition labeling a proprietary blend of dietary ingredients.

(d) The source ingredient that supplies a dietary ingredient may be identified within the nutrition label in parentheses immediately following or indented beneath the name of a dietary ingredient and preceded by the words "as" or "from", e.g., "Calcium (as calcium carbonate)," except that manner of presentation is unnecessary when the name of the dietary ingredient (e.g., Oriental ginseng) or its synonym (e.g., ascorbic acid) is itself the source ingredient. When a source ingredient is identified in parentheses within the nutrition label, or when the name of the dietary ingredient or its synonym is the source ingredient, it shall not be required to be listed again in the ingredient statement that appears outside of the nutrition label.

When a source ingredient is not identified within the nutrition label, it shall be listed in an ingredient statement in accordance with §101.4(g), which shall appear outside and immediately below the nutrition label or, if there is insufficient space below the nutrition label, immediately contiguous and to the right of the nutrition label.

(1) Source ingredients shall be identified in accordance with §101.4 (i.e., shall be listed by common or usual name, and the listing of botanicals shall specify the part of the plant from which the ingredient is derived) regardless of whether they are listed in an ingredient statement or in the nutrition label.

(2) When source ingredients are listed within the nutrition label, and two or more are used to provide a single dietary ingredient, all of the sources shall be listed within the parentheses in descending order by weight.

(3) Representations that the source ingredient conforms to an official compendium may be included either in the nutrition label or in the ingredient list (e.g., "Calcium (as calcium carbonate USP)").

(e) Nutrition information specified in this section shall be presented as follows:

(1) The title, "Supplement Facts," shall be set in a type size larger than all other print size in the nutrition label and, unless impractical, shall be set full width of the nutrition label. The title and all headings shall be bolded to distinguish them from other information.

(2) The nutrition information shall be enclosed in a box by using hairlines.

(3) All information within the nutrition label shall utilize:

(i) A single easy-to-read type style,

(ii) All black or one color type, printed on a white or other neutral contrasting background whenever practical,

(iii) Upper- and lowercase letters, except that all uppercase lettering may be utilized for packages that have a total surface area available to bear labeling of less than 12 square inches,

(iv) At least one point leading (i.e., space between lines of text), and

(v) Letters that do not touch.

(4) Except as provided for small and intermediate-sized packages under paragraph (i)(2) of this section, information other than the title, headings, and footnotes shall be in uniform type size no smaller than 8 point. Type size no smaller than 6 point may be used for column headings (e.g., "Amount Per Serving" and "% Daily Value") and for footnotes (e.g., "Percent Daily Values are based on a 2,000 calorie diet").

(5) A hairline rule that is centered between the lines of text shall separate each dietary ingredient required in paragraph (b)(2) and (b)(3) of this section from the dietary ingredient above and beneath it, as shown in paragraph (e)(10) of this section.

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(6) A heavy bar shall be placed:

(i) Beneath the subheading "Servings Per Container" except that if "Servings Per Container" is not required and, as a result, not declared, the bar shall be placed beneath the subheading "Serving Size,"

(ii) Beneath the last dietary ingredient to be listed under paragraph (b)(2)(i) of this section, if any, and

(iii) Beneath the last other dietary ingredient to be listed under paragraph (b)(3) of this section, if any.

(7) A light bar shall be placed beneath the headings "Amount Per Serving" and "% Daily Value."

(8) If the product contains two or more separately packaged dietary supplements that

differ from each other (e.g., the product has a packet of supplements to be taken in the morning and a different packet to be taken in the afternoon), the quantitative amounts and percent of Daily Value may be presented as specified in this paragraph in individual nutrition labels or in one aggregate nutrition label as illustrated in paragraph (e)(10)(iii) of this section.

(9) In the interest of uniformity of presentation, FDA urges that the information be presented using the graphic specifications set forth in appendix B to part 101, as applicable.

(10) The following sample labels are presented for the purpose of illustration:

(i) Multiple vitamins:

Supplement Facts		
Serving Size 1 Tablet		
	Amount Per Serving	% Daily Value
Vitamin A (as retinyl acetate and 50% as beta-carotene)	5000 IU	100%
Vitamin C (as ascorbic acid)	60 mg	100%
Vitamin D (as cholecalciferol)	400 IU	100%
Vitamin E (as dl-alpha tocopheryl acetate)	30 IU	100%
Thiamin (as thiamin mononitrate)	15 mg	100%
Riboflavin	17 mg	100%
Niacin (as niacinamide)	20 mg	100%
Vitamin B ₆ (as pyridoxine hydrochloride)	2.0 mg	100%
Folate (as folic acid)	400 mcg	100%
Vitamin B ₁₂ (as cyanocobalamin)	6 mcg	100%
Biotin	30 mcg	10%
Pantothenic Acid (as calcium pantothenate)	10 mg	100%

Other ingredients: Gelatin, lactose, magnesium stearate, microcrystalline cellulose, FD&C Yellow No. 6, propylene glycol, propylparaben, and sodium benzoate.

(ii) Multiple vitamins for children and adults:

Supplement Facts			
Serving Size 1 Tablet			
Amount Per Serving		% Daily Value for Children Under 4 Years of Age	% Daily Value for Adults and Children 4 or more Years of Age
Calories	5		
Total Carbohydrate	1 g	†	< 1%*
Sugars	1 g	†	†
Vitamin A (50% as beta-carotene)	2500 IU	100%	50%
Vitamin C	40 mg	100%	67%
Vitamin D	400 IU	100%	100%
Vitamin E	15 IU	150%	50%
Thiamin	11 mg	157%	73%
Riboflavin	12 mg	150%	71%
Niacin	14 mg	156%	70%
Vitamin B ₆	11 mg	157%	55%
Folate	300 mcg	150%	75%
Vitamin B ₁₂	5 mcg	167%	83%

* Percent Daily Values are based on a 2,000 calorie diet.
 † Daily Value not established.

Other ingredients: Sucrose, sodium ascorbate, stearic acid, gelatin, maltodextrins, artificial flavors, dl-alpha tocopheryl acetate, niacinamide, magnesium stearate, Yellow 6, artificial colors, stearic acid, palmitic acid, pyridoxine hydrochloride, thiamin mononitrate, vitamin A acetate, beta-carotene, folic acid, cholecalciferol, and cyanocobalamin.

(iii) Multiple vitamins in packets:

Supplement Facts				
Serving Size 1 Packet				
Servings Per Container 10				
Amount Per Serving	AM Packet		PM Packet	
	% Daily Value		% Daily Value	
Vitamin A	2500 IU	50%	2500 IU	50%
Vitamin C	60 mg	100%	60 mg	100%
Vitamin D	400 IU	100%		
Vitamin E	30 IU	100%		
Thiamin	1.5 mg	100%	1.5 mg	100%
Riboflavin	1.7 mg	100%	1.7 mg	100%
Niacin	20 mg	100%	20 mg	100%
Vitamin B ₆	2.0 mg	100%	2.0 mg	100%
Folic Acid	200 mcg	50%	200 mcg	50%
Vitamin B ₁₂	3 mcg	50%	3 mcg	50%
Biotin			30 mcg	10%
Pantothenic Acid	5 mg	50%	5 mg	50%

Ingredients: Sodium ascorbate, ascorbic acid, calcium pantothenate, niacinamide, dl-alpha tocopheryl acetate, microcrystalline cellulose, artificial flavors, dextrin, starch, mono- and diglycerides, vitamin A acetate, magnesium stearate, gelatin, FD&C Blue #1, FD&C Red #3, artificial colors, thiamin mononitrate, pyridoxine hydrochloride, citric acid, lactose, sorbic acid, tricalcium phosphate, sodium benzoate, sodium caseinate, methylparaben, potassium sorbate, BHA, BHT, ergocalciferol and cyanocobalamin.

- (iv) Dietary supplement containing dietary ingredient with and without RDI's and DRV's:

Supplement Facts		
Serving Size 1 Capsule		
Amount Per Capsule		% Daily Value
Calories	20	
Calories from Fat	20	
Total Fat	2 g	3%*
Saturated Fat	0.5 g	3%*
Polyunsaturated Fat	1 g	†
Monounsaturated Fat	0.5 g	†
Vitamin A	4250 IU	85%
Vitamin D	425 IU	106%
Omega-3 fatty acids	0.5 g	†

* Percent Daily Values are based on a 2,000 calorie diet.
 † Daily Value not established.

Ingredients: Cod liver oil, gelatin, water, and glycerin.

- (v) A proprietary blend of dietary ingredients:

Supplement Facts		
Serving Size 1 tsp (3 g) (makes 8 fl oz prepared)		
Servings Per Container 24		
	Amount Per Teaspoon	% Daily Value
Calories	10	
Total Carbohydrate	2 g	< 1%*
Sugars	2 g	†
Proprietary blend	0.7 g	
German Chamomile (flower)		†
Hyssop (leaves)		†

* Percent Daily Values are based on a 2,000 calorie diet.
 † Daily Value not established.

Other ingredients: Fructose, lactose, starch, and stearic acid.

(vi) Dietary supplement of an herb

Supplement Facts	
Serving Size 1 Capsule	
Amount Per Capsule	
Oriental Ginseng, powdered (root)	250 mcg*
* Daily Value not established.	

Other ingredients: Gelatin, water, and glycerin.

(vii) Dietary supplement of amino acids:

Supplement Facts	
Serving Size 1 Tablet	
Amount Per Tablet	
Calories	15
Isoleucine (as L-isoleucine hydrochloride)	450 mg*
Leucine (as L-leucine hydrochloride)	620 mg*
Lysine (as L-lysine hydrochloride)	500 mg*
Methionine (as L-methionine hydrochloride)	350 mg*
Cystine (as L-cystine hydrochloride)	200 mg*
Phenylalanine (as L-phenylalanine hydrochloride)	220 mg*
Tyrosine (as L-tyrosine hydrochloride)	900 mg*
Threonine (as L-threonine hydrochloride)	300 mg*
Valine (as L-valine hydrochloride)	650 mg*
* Daily Value not established.	

Other ingredients: Cellulose, lactose, and magnesium stearate.

(11) If space is not adequate to list the required information as shown in the sample labels in paragraph (e)(10) of this section, the list may be split and continued to the right

as long as the headings are repeated. The list to the right shall be set off by a line that distinguishes it and sets it apart from the dietary ingredients and percent of Daily Value

information given to the left. The following sample label illustrates this display:

Supplement Facts

Serving Size 1 Packet

Amount Per Packet	% Daily Value	Amount Per Packet	% Daily Value
Vitamin A (from cod liver oil)	5,000 IU		100%
Vitamin C (as ascorbic acid)	250 mg	Zinc (as zinc oxide)	15 mg
Vitamin D (as ergocalciferol)	400 IU	Selenium (as sodium selenate)	25 mcg
Vitamin E (as d-alpha tocopherol)	150 IU	Copper (as cupric oxide)	1 mg
Thiamin (as thiamin mononitrate)	75 mg	Manganese (as manganese sulfate)	5 mg
Riboflavin	75 mg	Chromium (as chromium chloride)	50 mcg
Niacin (as niacinamide)	75 mg	Molybdenum (as sodium molybdate)	50 mcg
Vitamin B ₆ (as pyridoxine hydrochloride)	75 mg	Potassium (as potassium chloride)	10 mg
Folic Acid	400 mcg		< 1%
Vitamin B ₁₂ (as cyanocobalamin)	100 mcg	Choline (as choline chloride)	100 mg
Biotin	100 mcg	Betaine (as betaine hydrochloride)	25 mg
Pantothenic Acid (as calcium pantothenate)	75 mg	Glutamic Acid (as L-glutamic acid)	25 mg
Calcium (from oystershell)	100 mg	Inositol (as inositol monophosphate)	75 mg
Iron (as ferrous fumarate)	10 mg	para-Aminobenzoic acid	30 mg
Iodine (from kelp)	150 mcg	Deoxyribonucleic acid	50 mg
Magnesium (as magnesium oxide)	60 mg	Boron	500 mcg

* Daily Value not established

Other ingredients: Cellulose, stearic acid and silica.

(f)(1) Compliance with this section will be determined in accordance with §101.9(g)(1) through (g)(8), except that the sample for analysis shall consist of a composite of 12 subsamples (consumer packages) or 10 percent of the number of packages in the same inspection lot, whichever is smaller, randomly selected to be representative of the lot. The criteria on class I and class II nutrients given in §101.9(g)(3) and (g)(4) also are applicable to other dietary ingredients described in paragraph (b)(3)(i) of this section. Reasonable excesses of these other dietary ingredients over labeled amounts are acceptable within current good manufacturing practice.

(2) When it is not technologically feasible, or some other circumstance makes it impracticable, for firms to comply with the requirements of this section, FDA may permit alternative means of compliance or additional exemptions to deal with the situation in accordance with §101.9(g)(9). Firms in need of such special allowances shall make their request in writing to the Office of Food Labeling (HFS-150), Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

(g) Except as provided in paragraphs (i)(2) and (i)(5) of this section, the location of nutrition information on a label shall be in compliance with §101.2.

(h) Dietary supplements are subject to the exemptions specified as follows in:

(1) Section 101.9(j)(1) for foods that are offered for sale by a person who makes direct sales to consumers (i.e., a retailer) who has annual gross sales or business done in sales to consumers that is not more than \$500,000 or has annual gross sales made or business done in sales of food to consumers of not more than \$50,000, and whose labels, labeling, and advertising do not provide nutrition information or make a nutrient content or health claim;

(2) Section 101.9(j)(18) for foods that are low-volume products (that is, they meet the requirements for units sold in §101.9(j)(18)(i) or (j)(18)(ii)); that, except as provided in §101.9(j)(18)(iv), are the subject of a claim for an exemption that provides the information required under §101.9(j)(18)(iv), that is filed before the beginning of the time period for which the exemption is claimed, and that is filed by a person, whether it is the manufacturer, packer, or distributor, that qualifies to claim the exemption under the requirements for average full-time equivalent employees in §101.9(j)(18)(i) or (j)(18)(ii), and whose labels, labeling, and advertising do not provide nutrition information or make a nutrient content or health claim;

(3) Section 101.9(j)(9) for foods shipped in bulk form that are not for distribution to consumers in such form and that are for use solely in the manufacture of other dietary supplements or that are to be processed, la-

beled, or repacked at a site other than where originally processed or packed.

(i) Dietary supplements are subject to the special labeling provisions specified in:

(1) Section 101.9(j)(5)(i) for foods, other than infant formula, represented or purported to be specifically for infants and children less than 2 years of age, in that nutrition labels on such foods shall not include calories from fat, calories from saturated fat, saturated fat, polyunsaturated fat, monounsaturated fat, and cholesterol;

(2) Section 101.9(j)(13) for foods in small or intermediate-sized packages, except that:

(i) All information within the nutrition label on small-sized packages, which have a total surface area available to labeling of less than 12 square inches, shall be in type size no smaller than 4.5 point;

(ii) All information within the nutrition label on intermediate-sized packages, which have from 12 to 40 square inches of surface area available to bear labeling, shall be in type size no smaller than 6 point, except that type size no smaller than 4.5 point may be used on packages that have less than 20 square inches available for labeling and more than 8 dietary ingredients to be listed and on packages that have 20 to 40 square inches available for labeling and more than 16 dietary ingredients to be listed.

(iii) When the nutrition information is presented on any panel under §101.9(j)(13)(i)(D), the ingredient list shall continue to be located immediately below the nutrition label, or, if there is insufficient space below the nutrition label, immediately contiguous and to the right of the nutrition label as specified in §101.4(g).

(iv) When it is not possible for a small or intermediate-sized package that is enclosed in an outer package to comply with these type size requirements, the type size of the nutrition label on the primary (inner) container may be as small as needed to accommodate all of the required label information provided that the primary container is securely enclosed in outer packaging, the nutrition labeling on the outer packaging meets the applicable type size requirements, and such outer packaging is not intended to be separated from the primary container under conditions of retail sale.

(v) Where there is not sufficient space on a small or intermediate-sized package for a nutrition label that meets minimum type size requirements of 4.5 points if hairlines are used in accordance with paragraph (e)(5) of this section, the hairlines may be omitted and replaced by a row of dots connecting the columns containing the name of each dietary ingredient and the quantitative amounts (by weight and as a percent of Daily Value).

(3) Section 101.9(j)(15) for foods in multi-unit food containers;

(4) Section 101.9(j)(16) for foods sold in bulk containers; and

(5) Section 101.9(j)(17) for foods in packages that have a total surface area available to bear labeling greater than 40 square inches but whose principal display panel and information panel do not provide sufficient space to accommodate all required label information, except that the ingredient list shall continue to be located immediately below the nutrition label, or, if there is insufficient space below the nutrition label, immediately contiguous and to the right of the nutrition label as specified in § 101.4(g).

(j) Dietary supplements shall be subject to the misbranding provisions of § 101.9(k).

§ 101.42 Nutrition labeling of raw fruit, vegetables, and fish.

(a) The Food and Drug Administration (FDA) urges food retailers to provide nutrition information, as provided in § 101.9(c), for raw fruit, vegetables, and fish at the point-of-purchase. If retailers choose to provide such information, they should do so in a manner that conforms to the guidelines in § 101.45.

(b) In § 101.44, FDA has listed the 20 varieties of raw fruit, vegetables, and fish that are most frequently consumed during a year and to which the guidelines apply.

(c) FDA has also defined in § 101.43, the circumstances that constitute substantial compliance by food retailers with the guidelines.

(d) By May 8, 1993, FDA will issue a report on actions taken by food retailers to provide consumers with nutrition information for raw fruit, vegetables, and fish under the guidelines established in § 101.45.

(1) The report will include a determination of whether there is substantial compliance, as defined in § 101.43, with the guidelines.

(2) In evaluating substantial compliance, FDA will consider only the 20 varieties of raw fruit, vegetables, and fish most frequently consumed as identified in § 101.44.

(e) If FDA finds that there is substantial compliance with the guidelines for the nutrition labeling of raw fruit and vegetables or of fish, the agency will so state in the report, and the guidelines will remain in effect. FDA will reevaluate the market place for substantial compliance every 2 years.

(f) If FDA determines that there is not substantial compliance with the guidelines for raw fruit and vegetables

or for raw fish, the agency will at that time issue proposed regulations requiring that any person who offers raw fruit and vegetables or fish to consumers provide, in a manner prescribed by regulations, the nutrition information required by § 101.9. Final regulations would have to be issued 6 months after issuance of proposed regulations, and they would become effective 6 months after the date of their promulgation.

§ 101.43 Substantial compliance of food retailers with the guidelines for the voluntary nutrition labeling of raw fruit, vegetables, and fish.

(a) The Food and Drug Administration (FDA) will judge a food retailer who sells raw agricultural commodities or raw fish to be in compliance with the guidelines in § 101.45 with respect to raw agricultural commodities if the retailer displays or provides nutrition labeling for at least 90 percent of the raw agricultural commodities listed in § 101.44 that it sells, and with respect to raw fish if the retailer displays or provides nutrition labeling for at least 90 percent of the types of raw fish listed in § 101.44 that it sells. To be in compliance, the nutrition labeling shall:

(1) Be presented in the store or other type of establishment in a manner that is consistent with § 101.45(a)(1);

(2) Be presented in content and format that are consistent with § 101.45(a)(2), (a)(3), and (a)(4); and

(3) Include data that have been provided by FDA in appendices C and D to part 101 of this chapter, except that the information on potassium is voluntary.

(b) To determine whether there is substantial compliance by food retailers with the guidelines in § 101.45 for the voluntary nutrition labeling of raw fruit and vegetables and of raw fish, FDA will select a representative sample of 2,000 stores, allocated by store type and size, for raw fruit and vegetables and for raw fish.

(c) FDA will find that there is substantial compliance with the guidelines in § 101.45 if it finds based on paragraph (a) of this section that at least 60 percent of all stores that are evaluated are in compliance.