

FRESH FRUIT LABELING MANUAL

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Fresh Fruit Labeling Manual

GENERAL INFORMATION

- A. The federal regulations that govern most food labeling issues are contained in Title 21, Code of Federal Regulations, Part 101 "Food Labeling". Additional information on general labeling requirements is in Title 21, Code of Federal Regulations, Part 1, Subpart B. A U.S. Food and Drug Administration (FDA) [Food Labeling Guide](#), which summarizes the required statements that must appear on food labels, is available for assistance.
- B. The use of stickers is common for most shippers of Pacific Northwest tree fruit. The FDA requires that the label, as well as the ink and adhesive on the label, be made of substances approved for food contact.
- C. Information on the labeling aspects of the rule implementing the Organic Foods Production Act of 1990 may be obtained on the [USDA's Agricultural Marketing Service](#) site.
- D. Produce for Better Health Foundation: Shippers are reminded that PBH has transitioned to the trademarked brand, Fruits & Veggies—More Matters®.

Licensees were expected to phase out “5 A Day The Color Way” and the “5 to 9 A Day” logos by January 1, 2009. These logos are no longer permitted.

The old “5 A Day” logo is no longer permitted for use, absent a specific extension approved by PBH.

Information on licensing and using PBH brands, which are aimed at promoting good nutrition, may be obtained at www.pbhfoundation.org. Reminder: a shipper must be licensed, which requires a fee, to use PBH brands.

- E. The Seattle District Office of FDA has indicated it prefers initial questions by industry on federally mandated labeling rules under its jurisdiction to be directed to the NHC. Such questions may be asked of [Dr. Mike Willett](#), Vice President for Scientific Affairs, at (509) 453-3193.

Companies are encouraged to contact private legal counsel for detailed and specific legal advice regarding labeling.

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Country of Origin Labeling

Country of origin labeling (COOL) for fresh produce sold at retail in the United States has been required since September 30, 2008. See the current and immediate past Farm Bills: Section 11002 of H.R. 2419, "The Food Conservation, and Energy Act of 2008" and Public Law 107-171, "The Farm Security and Rural Investment Act of 2002."

Final regulations for COOL under the Agricultural Marketing Act of 1946 (7 U.S.C. 1638 *et seq.*) were published by USDA's Agricultural Marketing Service in the *Federal Register* on January 15, 2009 with an effective date of March 16, 2009. AMS has a web page on COOL located at www.ams.usda.gov/COOL.

BEST PRACTICES for COOL:

Commercial shippers of tree fruit for decades have been required to have the country of origin of any packed fruit displayed on the master shipping container--as mandated by PACA, the Perishable Agricultural Commodities Act of 1930.

Shippers of tree fruit grown in the United States are encouraged to label individual pieces of fruit, and/or such consumer containers as clamshells and bags with either "U.S. or USA", e.g., "USA Pears" or the specific state or region within the United States where the product was grown, e.g., "Washington Apples" or "Northwest Cherries."

There is no rule stating the type size required or specific format for the labeling of individual pieces of fruit regarding country of origin. The rule of reason would seem to apply: Can a store's customer with ease determine the country where the fruit was grown from its labeling?

Should a shipper also handle imported produce, that fruit must be labeled with the proper country of origin, e.g., "Product of Chile."

Shippers should maintain COOL records for products for one year from the date of the transaction. There is no federal requirement for retailers to audit shippers in regard to COOL records.

Shippers should provide customers with the origin of the tree fruit sold on the applicable bill of lading. Some retailers may require specific country of origin information on each invoice submitted by suppliers.

If non-compliance is observed by a USDA representative, USDA will give notice to the shipper to come into compliance within thirty days.

Gift or Bulk Fruit

Gift packs shipped directly to consumers are considered to be retail containers. The labeling requirements are the same as for retail packs of produce described above and are not required to have post harvest pesticide information.

Bulk shipping containers, such as 42 lb. or 21 lb. cartons, are considered retail packs if they are sold by the carton at retail. All the labeling requirements described for retail packs of produce must then be met. When such a bulk container has a principal display panel of more than 400 square inches, the minimum type of size for the net weight must be at least 1/2" in height.

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Nutrition Labeling

Although federal nutrition labeling of fresh fruit by packers is voluntary, any health or nutritional claim made on the box or bag of fruit triggers application of Nutritional Labeling and Education Act (NLEA) of 1990, including full nutritional information. Nutrition information, if used on a package, must be accurate and comply with Food and Drug Administration regulations. For more information, see [FDA's Food Labeling and Nutrition](#). Packers wishing to label with nutrition information should contact the appropriate industry promotion commission or bureau for detailed information involving a specific fruit.

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Organic Labeling

On October 21, 2002, the final rule implementing the Organic Foods Production Act of 1990 took effect. Under it the National Organic Program (NOP) within the USDA's Agricultural Marketing Service (AMS) established national standards for organic food production, provided an accreditation process for states and private organizations to certify organic producers and handlers, and limited the use of the term "organic" in food labeling to those products produced in accordance with NOP standards. The NOP guidelines for labeling certified organic produce are summarized below and can be found in their entirety on the [AMS' website](#).

Retail Packaging:

Fruit that has been certified to meet NOP standards may be labeled "100 percent organic" and may carry the [USDA organic seal](#). If an organic claim is made, then the label must also contain the phrase "Certified organic by ____" (or a similar phrase) followed by the name of the Certifying Agent on the information panel of the label below the name and address of the packer, importer or distributor. Certifying Agent seals will not satisfy this requirement. It is also permissible to include the Certifying Agent business address, telephone number, or internet address in the information panel and the Certifying Agent's seal on any panel provided it is not more prominently displayed than the USDA organic seal. The term "100 percent organic" may also be used to modify the product name.

Bulk Shipping Containers:

Non-retail containers used to ship or store fruit identified as organic may bear the USDA organic seal. These packages may also bear the seal and/or name and address of the Certifying Agent that certified the packer or handler of the finished product, provided the Certifying Agent's seal is not more prominent than the USDA seal. The container may also bear special handling instructions needed to maintain the organic integrity of the product.

Any non-retail container used to ship or store raw or processed agricultural product labeled as organic must display the product's production lot number.

Additional Information:

Products eligible to display the USDA organic seal may also use the seal in their advertisements.

Products for export that are produced and certified to foreign national organic standards or buyer requirements may be labeled in accordance with the organic labeling requirements of the receiving country provided that the shipping containers and shipping

documents are clearly marked "For Export Only." The handler must also meet NOP record keeping requirements for exempt operations.

Please note that none of these requirements preempt Food and Drug Administration, USDA, Food Safety and Inspection Service, or Bureau of Alcohol, Tobacco, and Firearms labeling regulations or label approval requirements.

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Product for Export

A. The FDA labeling regulations for domestic fresh produce are not in force if the product is exported. If the box does not have the FDA required domestic labeling, the container must have markings, clearly indicating that the product is for export. The container and retail packs must meet the labeling requirements for the importing country and it can't have been previously sold or offered for sale in domestic commerce.

Example 1:

PRODUCT FOR EXPORT

Example 2:

DESTINATION OSLO, NORWAY

B. Labeling requirements imposed by foreign governments for containers of product imported into their countries for sale to the public vary widely. Many simply accept U.S. markings without change while others have specialized requirements involving such things as weights and measures in metric and written information in the local language. Exporters should check with their importers in the destination foreign market to ensure that any special labeling requirements are met prior to shipment. In addition, the Northwest Horticultural Council attempts to keep track of special labeling requirements in selected foreign markets for deciduous tree fruits. This information is contained in the NHC's Export Manual available on this site.

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Requirements for Bulk Shipping Containers

A. If the shipping container contains only bulk fruit without any retail packages (such as plastic bagged fruit), it must be labeled with the name and address of the shipper, the product name, net weight and the identity of any post harvest pesticides and post harvest food additives.

The net content statement for tree fruit can be stated in traditional terms including weight, volume (such as bushel) or number (such as 90 pieces) on the bulk shipping container. If the bulk shipping container is used for retail display, the product name shall be presented in bold type on the principal display panel and in a size reasonable related to the most prominent printed matter on such panel. In the past, the NHC has received guidance that if the product name is in letters at least one half the height of the most prominent lettering on the same face of the container, the requirement will be satisfied.

B. Post harvest pesticides must be listed on the exterior of the box in an observable place by full chemical name. The function of the chemical must also be stated. The list may include all post harvest chemicals used by a packer within a season. All chemicals actually used on the fruit in the box must, however, be included in the list. If alternative pesticides are listed, the following statement, as an example, is permissible: "May have been treated with chemical X or chemical Y to maintain freshness or to extend shelf life." No abbreviations or trade names may be used.

Example 1:

Treated to maintain freshness with one or more of the following:

CAPTAN, THIABENDAZOLE, DIPHENYLAMINE

Example 2:

May have been treated with the following:

CAPTAN, BASIC COPPER CARBONATE TO EXTEND SHELF LIFE

C. Pear wrap may contain pesticides such as basic copper carbonate and/or ethoxyquin. If so, these post harvest chemicals must be labeled as described above under B.

D. Any post harvest food additives used must also be labeled. Post harvest food additives include waxes, resins, sucrose polyesters (e.g. Semperfresh) and other similar materials. The information should be printed on the outside of the container or placed on the

container by way of printed stickers or sealing tape. As an alternative, it may be placed in the box on a placard, typed sheet or on the top pad.

FDA regulations state that wax and resin ingredients must be declared collectively by the phrase "coated with food grade animal wax" or the phrase "coated with food grade vegetable, petroleum, beeswax and/or shellac based wax or resin." Categories of wax or resins not present may be omitted. The specific name of the wax, such as "carnauba" may be used rather than the general name "vegetable." To the knowledge of the NHC, animal waxes are not in commercial use on Northwest tree fruit.

Alternative language is not allowed for post harvest food additives. Coatings that contain more than one active coating type, such as a mixture of carnauba and shellac, must be labeled with both coatings even if one of the coatings is present at a very low level. The use of the term "food grade" is optional. The use of the term "to maintain freshness" also is optional.

Example 1:

If shellac and carnauba (vegetable) based coatings are to be used by a packing house in a season, the following labeling would be correct:

COATED WITH FOOD GRADE VEGETABLE AND/OR SHELLAC BASED WAX RESIN TO MAINTAIN FRESHNESS.

Example 2:

Another acceptable option for bulk container food additive labeling is the use of a checkoff system. A declaration of no wax or resin added is optional if, in fact, no wax or resin was added.

COATED WITH FOOD GRADE VEGETABLE WAX

COATED WITH FOOD GRADE VEGETABLE AND/OR SHELLAC BASED RESIN OR WAX

NO WAX OR RESIN

Retail Packaging

A. RETAIL PACKS

Bags, clamshell or other types of retail packing of produce must be labeled with the following four FDA required items:

- 1) name of the product
- 2) name and address of the packer or distributor
- 3) net weight
- 4) the ingredient statement

The name of the product must be on the front panel of the retail pack, also called the principal display panel, in lettering at least half the height of the most prominent lettering.

The name and address of the packer or distributor of the product can be on the principal display panel or on the back of the retail pack in lettering at least 1/16" in height.

The net weight statement must appear on the principal display panel with the minimum height determined by the surface area of the side of the retail pack that is labeled. For a retail pack having a principal display panel area of 100-400 square inches, lettering must be 1/4" in height. For a retail pack having a panel area of 25-100 square inches, lettering must be 3/16" in height. The net weight statement must appear in the bottom 30% of the principal display panel in both the customary inch/pound system of measure and the SI metric system.

The ingredient statement should reflect the use of any food additives, including wax. The ingredient statement must be on the same panel as the name and address of the packer or distributor (either principal display panel or on the back panel). The listing must be at least .1/16" in height and clearly legible.

No post harvest chemicals, such as fungicides or pesticides, need be listed on the retail pack.

The bulk shipping container for the retail packaged fruit must be labeled with the name of product, the shipper's name and address and the post harvest chemicals as described under requirements for bulk shipping containers. If, however, the retail packaged fruit is not shipped within a bulk container, the post harvest chemical information must be disclosed on the outside of the retail pack.

Example:

APPLES

NET WT: 3 lb. (1.36 kg)

DISTRIBUTED BY GOOD FRUIT, INC.

BOX 4521

FRUITVILLE, WA 88888

COATED WITH FOOD GRADE VEGETABLE AND/OR SHELLAC
BASED WAX TO MAINTAIN FRESHNESS

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