FDA and USDA Temporarily Relax Nutrition Facts Labeling Requirement for Retail Distribution of Food by Restaurants and Food Manufacturers

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- Food prepared and served in restaurants does not typically require the Nutrition Facts label that is mandated by FDA on food that is packaged for retail sale. Due to the COVID-19 pandemic, restaurants and food manufacturers have large quantities of food on hand that is not labeled for retail sale but cannot be sold in restaurants and hotels in the manner initially intended.

- FDA and USDA have issued temporary policies on nutrition labeling that will make it easier for restaurants and food manufacturers to sell food that was not originally intended for retail sale.
  - During the COVID-19 pandemic, FDA does not intend to object to the sale of packaged food (both perishable and non-perishable food) that lacks a Nutrition Facts label by restaurants, provided that the food does not have any nutrition claims and contains other required information on the label.
    - The restaurant may reuse original labels or provide allergen labeling and other information that is still required on labels it creates or that are provided by the manufacturer.
FDA does not intend to object to the sale of packaged food that lacks a Nutrition Facts label by food manufacturers, provided that the food does not have any nutrition claims and contains other required information on the label.

USDA’s Food Safety and Inspection Service (FSIS) will not object to the use of labels or require establishments to submit for temporary approval for modified labels applied by the federal establishment so that the products can now be sold at retail if lack of nutrition labeling is the only deficiency.

FSIS has also made provisions for the distribution of bulk product originally intended for schools or other institutions in a manner that is inconsistent with a statement of limited use on the outer box; e.g., a box labeled “for school foodservice use only” can now be distributed to a retail outlet for repackaging and labeling.

- FDA’s enforcement policy will remain in effect only for the duration of the public health emergency related to COVID-19 declared by the Department of Health and Human Services (HHS). The FSIS labeling provisions will remain in effect for the next 60 days starting on March 26, 2020.

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