On June 3, 2020, the Sugar Association filed a Citizen Petition for Prohibition of Misleading Labeling Sweeteners and Request for Enforcement Action (the “Petition”). The Petition seeks FDA guidance and enforcement on what the association believes are false and misleading sugar reduction claims. The association observes that “added sugar” labeling requirements have led food manufacturers to replace sugar with alternative sweeteners. As a result, the association argues that the reformulated products are not understood by consumers to contain alternative sweeteners and, further, use claims that mislead consumers into believing that the reformulated products are healthier.

In order to remedy the alleged misleading claims and lack of transparent labeling, the Petition calls upon the FDA to issue regulatory guidance requiring that food labels:

1. Clearly identify the presence of each sweetening ingredient in the ingredient list that is not already disclosed on the Nutrition Facts label by providing the term “(Sweetener)” following the sweetening ingredient’s name.

2. Indicate the type and quantity of alternative sweeteners on the fronts of food and beverage products consumed by children.
3. Disclose gastrointestinal effects of various sweeteners, including all sugar alcohols, at minimum thresholds of effect.

4. Accompany any “no/reduced sugar” claims with the following disclosures:
   - “Not lower in calories,” unless the reformulated products have 25% fewer calories than the comparison.
   - “Sweetened with [name of Sweeteners(s)]” when sugar alternatives are present.

By regulation, the FDA has 180 days to respond to the Petition but a substantive response can take much longer. Including functional labeling for food additives is reserved only for a few select categories, such as preservatives. Thus, the request to identify all sweeteners by their functional class name is a big change that could have an impact on the declaration of other food additives.

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