CENTER FOR Science IN THE Public Interest
The nonprofit publisher of Nutrition Action Healthletter

The Food Labeling Modernization Act of 2021

Food labels can play an important role in promoting healthy eating and preventing diet-related diseases. Yet federal labeling rules have not kept up with the changing marketplace, and food labels do not always provide the simple, straightforward information that today's consumers need to evaluate products and make healthy choices.

The United States is long overdue for a food labeling overhaul. The Food Labeling Modernization Act (FLMA) of 2021 (H.R. 4917/S.2594) would align labeling regulations with the latest nutrition science and advance national public health priorities through food labeling policies aimed at:

- Encouraging reformulation
- Countering misleading claims
- Providing information online
- Revealing new health information

The FLMA will encourage reformulation in the food supply.

Front-of-Package Labeling

The FLMA's signature initiative directs the Food and Drug Administration (FDA) to establish a standard front-of-package nutrition labeling system for all of the packaged foods it regulates. This system would clearly convey when high levels of unhealthy nutrients (sodium, added sugar, saturated fat) are present. Similar requirements have already been implemented in several countries.

Chile saw a significant 7% reduction in products that were high in calories, sugar, sodium, or saturated fat across the country's food supply after implementing mandatory "High in" labels like those to the right,[1] with the highest percent reduction found in total sugar (-15% between 2013 and 2019).[2] Evaluation studies have also found significant reformulation of foods following adoption of other front-of-package labeling schemes in Australia, New Zealand, and the Netherlands.[3,4]

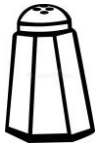
Studies testing the impact of front-of-package labels on consumer behavior have also found some to be effective at decreasing consumers' purchases of less-healthy foods, with "High in" nutrient warning labels significantly reducing purchases of energy, total sugar, and sodium.[5]

Passage of the FLMA would allow the U.S. to catch up with other nations and adopt a standard, easy-to-use, front-of-package nutrition labeling system

Sodium Substitution

The FLMA would amend "standards of identity" to allow salt substitution across all packaged foods.

Many food staples like bread and cheese are currently required to meet strict standards for processing and ingredients. Several of these standards are out of step with new food technologies, requiring minimum levels of sodium which prevents the use of salt substitutes like potassium chloride.



Reducing sodium intake can lower the risk of cardiovascular disease and hypertension.[6] Despite decades of public health efforts to reduce the population's sodium intake, only 23 percent of Americans currently adhere to dietary sodium recommendations,[7] and nearly half of Americans have high blood pressure.[8]

There is a clear need for novel approaches that reduce sodium in the food supply.

Passage of the FLMA would enable the food industry to contribute to national sodium reduction efforts by swapping out sodium from standardized foods

The FLMA will ensure consumers have access to information where they can use it.

Grocery e-commerce is booming, and junk food marketing has migrated online.

In 2020, 29% of U.S. households were active monthly users of online grocery.[9] Online grocery shoppers face an onslaught of marketing messages, often aimed at luring them to purchase less healthy products.[10] Meanwhile, basic product information may be nowhere to be found.

The FLMA would update the labeling laws to require that the same Nutrition Facts, ingredient, and allergen information now on packages be available for online grocery items. To make informed purchasing decisions, consumers need this information while they're shopping.

Passage of the FLMA would align food labeling laws with modern purchasing habits and help balance the ads with the facts

The FLMA will prevent deceptive labeling that makes junk foods appear healthy.

The food industry uses marketing claims to create the illusion of healthfulness for packaged foods, regardless of how healthy they truly are. This is among the reasons most Americans overconsume salt, added sugar, and saturated fat and underconsume fruits, vegetables, whole grains, and fiber.

The FLMA includes several provisions aimed at addressing misleading claims that undermine health. Here are just a couple of examples:

Whole Grain Claims

Many people don't know that terms like 'wheat,' 'multigrain,' and 'made with whole grain' tell us nothing about the amount of whole grains in a food.

A recent survey of 1,030 U.S. adults found that 43-51% of respondents overestimated the amount of whole grains in "multigrain" crackers, "honey wheat" bread, and "12-grain" bread, even after viewing the nutrition and ingredients labels.[11]

The FLMA would end the confusion by requiring that products with whole grain claims declare the percent of whole grains in their products.

Passage of the FLMA will help people adhere to the *Dietary Guidelines for Americans*' advice to make at least half your daily grains whole grains

Fruit & Vegetable Claims

Fruit snacks and veggie straws are marketed with images of juicy strawberries and spinach leaves. They may contain small amounts of fruit juice concentrate or vegetable powder (certainly not whole vegetables or fruit), but these highly processed ingredients do not provide the same health benefits as fresh, frozen, or canned produce.

Worse yet, products called "fruit drinks" look just like real fruit juice but are often primarily sugar water, [12] and many parents confuse the two.[13]

The FLMA would let consumers know if they're getting any real servings of fruits or veggies by requiring that foods using fruit and veggie claims and imagery declare the amount of real fruit or vegetables they contain.

Passage of the FLMA will redirect consumers from processed foods to produce

The FLMA will provide access to information that is currently concealed.

Certain food ingredients pose risks to people with specific conditions, and it's currently far too difficult to figure out whether and how much of those ingredients are present in foods.

The FLMA requires clear disclosures for several ingredients of public health importance. For example:

Caffeine

Too much caffeine can cause restlessness, insomnia, and other health problems. And people who are pregnant, have certain health conditions, or take certain medications or supplements need to limit or avoid caffeine.[14] But caffeine content isn't currently disclosed on the label for many foods and drinks.

The FLMA would require disclosure of caffeine content in foods with more than 10 milligrams of caffeine per serving.

Gluten-Containing Grains

Approximately two million Americans have celiac disease, which means they need to avoid gluten-containing grains.[15] These common ingredients can be easily overlooked in crowded ingredients lists where they appear under more than a dozen different names.

The FLMA would require disclosure of gluten-containing grains in the "Contains" statement to protect people with celiac disease.

Passage of the FLMA will require food labels to reveal potentially harmful ingredients

The FLMA includes all of these improvements to food labels, and more!

For more information, please contact the Center for Science in the Public Interest at policy@cspinet.org.

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