



NUTRITION AND INFORMATION LABELING: APPLE CIDER

Updated November 2003

This document summarizes the most important elements of the federal requirements for nutrition labeling of apple cider for sale to the consumer. In addition, other mandatory federal information labeling and food safety requirements are also outlined. This document is accompanied by camera-ready artwork for “Nutrition Facts” boxes for apple cider that are compliant with current minimum federal nutrition labeling requirements.

Note that this document is not intended to be an exhaustive explanation of nutrition or information labeling requirements, or food safety requirements, but rather seeks to expose cider processors to the most salient points. For example, this document does not cover qualified health claims or structure/function claims, currently a rapidly changing landscape in the labeling arena. For more information, review the complete regulations including *Code of Federal Regulations (CFR), Title 21 – Food and Drugs*, available online at <http://www.gpoaccess.gov/cfr/>, and the Food and Drug Administration’s (FDA) labeling Web page at <http://www.cfsan.fda.gov/label.html> to determine how they may apply to your company's specific circumstances.

The information contained herein was developed in good faith by the U.S. Apple Association (USApple). USApple may not be held accountable for any errors or omissions, or use that is not in compliance with federal regulations.

Regulatory Background

The Nutritional Labeling and Education Act (NLEA) of 1990 amended the Federal Food, Drug and Cosmetic Act (FFDCA) with regard to nutrition labeling requirements and revised some of the information labeling requirements for packaged food products made available for sale. The NLEA amendments to the FFDCA affect all products labeled on or after May 8, 1994. (There are exemptions from the labeling requirement for small producers of foods for which no nutrient content or health claims are made; see the relevant text at the end of this document for conditions of eligibility for exemption.)

The association commissioned a laboratory nutrition analysis in 1993 of a composite sample of ciders gathered from member volunteers around the country. Based on this nutrition analysis,

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the association developed for industry use apple cider “Nutrition Facts” panel artwork, which comply with federal nutrition labeling regulations.

In January 2001, FDA implemented a federal rule requiring that any juice sold as such or used as an ingredient in beverages be produced under a Hazard Analysis Critical Control Points (HACCP) system, and be treated to achieve a 5-log reduction in certain pathogens. (Reference: 21 CFR §120.)

In July 2003, FDA implemented a federal rule requiring that applicable foods be labeled to report *trans* fat content by January 1, 2006, and announced availability of an anti-cancer dietary guidance message for fruits and vegetables.

Defining Display Panels

The terms “Principal Display Panel” and “Information Panel” are used throughout this document. FDA defines “Principal Display Panel” (PDP) as that portion of the package label that is most likely to be seen by the consumer at the time of purchase. In the case of a cider container, the PDP is usually the front label. If the container is labeled on more than one panel, FDA defines the “Information Panel” (IP) as the label immediately to the right of the PDP. If the panel immediately to the right of the PDP is not usable due to package design or construction, then the IP is the next label panel immediately to the right. In the case of a cider container, the IP, if one is used, is the right side or back panel of the container.

(References: 21 CFR §101.1, 101.2 (a), (b) and (d); FDA *Food Labeling Guide*, September 1994, Chapter I – General Food Labeling Requirements, questions 1-5.)

Nutrition Labeling Requirements

NLEA requires that packaged food products carry nutrition information. The attached “Nutrition Facts” panel artwork has been developed in compliance with federal regulations for analyzing nutrition content and calculating data for presentation as “Nutrition Facts.”

Federal regulations are also very specific as to how this information should be presented in terms of type size, layout and placement. The attached “Nutrition Facts” panel artwork meets minimum specifications for content, type size and layout. Therefore, USApple recommends that industry members do not reduce the size of this artwork for any reason. Industry members can, however, enlarge it proportionately if you so choose.

Selecting the Correct Box. Several versions of the “Nutrition Facts” panel are provided and described below. Industry members may select one for their use on any given package based on the related conditions outlined by FDA.

- **Simplified Format.** This version of the “Nutrition Facts” box is allowed to be used only when, as is the case for cider, seven or more of the 13 required label items (i.e. calories, total fat, saturated fat, cholesterol, sodium, total carbohydrate, dietary fiber, sugars, protein, vitamin A, vitamin C, calcium and iron) total zero or in some cases less than one gram.

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- **Simplified Format When Claim Is Made.** If a nutrient content or health claim is made when using this simplified format label, then the statement “not a significant source of _____” must be included as a footnote, appearing within the confines of the box. The version of the “Nutrition Facts” box titled “Simplified Format When Claim is Made” on the attached art covers all possible options.
- **Long Standard Format.** This version is required to be used if:
 - the simplified format is not being used; and
 - the total surface available for labeling (as opposed to the surface that is currently labeled) is greater than 40 square inches.

Packages with more than 40 square inches of available space must currently place the “Nutrition Facts” box on either the PDP or the IP.

- **Short Standard Format.** This version can be used when:
 - the simplified format is not being used; and
 - space available for labeling is 40 square inches or less.

Other label formats in addition to the ones described above are also available for use on packages smaller than 16 ounces, but have not been produced by USApple. See FDA specifications for formatting and complete conditions of use of other available formats.

Trans Fat Labeling. USApple’s “Nutrition Facts” artwork for apple cider was revised in November 2003 to include trans fat labeling, which will be required beginning January 1, 2006.

Including Servings Per Container Information. Processors must insert the appropriate number of servings per container in each “Nutrition Facts” box. Several type options in the correct type size are included for this purpose. FDA instructs that the number of servings per container be rounded to the nearest whole number, except when that number is between two (2) and five (5). If the number of servings is between two (2) and five (5), round to the nearest one-half serving and add the qualifier “about” in front of the serving (for example, “about 2.5”).

Nutrient Content Claims and Health Claims

Federal regulation also defines the types and content of health and nutrient claims that can be made on a product's packaging, under what conditions they can be made, and how they should be stated. The types of claims allowed for any given product depend upon the product's nutritional analysis.

If nutrient content or health claim(s) are made on packaging or in advertising, “Nutrition Facts” information must appear on the product’s package, regardless of eligibility for small business exemptions. (See also, “Small Business Exemptions,” later in this document.)

Allowed Nutrient Content Claims. Based on the nutritional analysis currently approved for apple cider, certain claims can be made about cider’s nutrient content. The nutrient content

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claims that are allowed about apple cider according to the USApple-produced “Nutrition Facts” box include:

- fat-free;
- saturated fat-free;
- low sodium; and
- cholesterol-free.

Wording of claims must reflect that apples are typically free of these items; for example, “apple cider, a low-sodium food” wording is appropriate. (Reference: 21 CFR §101.13(e)(2).)

Nutrient content claims must be made in a type size no larger than two times that of the statement of product identity (see specifications for product identity, below). (Reference: 21 CFR §101.13(f), Note.)

In May 1998, FDA amended NLEA implementing regulations to no longer require that labeling refer consumers to the “Nutrition Facts” box when a nutrient content claim is made. (Reference: 63 *Fed. Reg.* 26978 (May 15, 1998).) Federal regulations do require that labeling refer consumers to the location of the “Nutrition Facts” box if the product contains certain nutrients (e.g., fat) exceeding specified levels; however, no such nutrients are found in apple cider, so this requirement does not apply to apple cider.

Health Claims Not Allowed. Apple cider and juice are not eligible to use current FDA-approved health claims because they do not naturally provide 10 percent or more of the RDI or DRV for vitamins A or C, iron, calcium, protein or fiber (cite: 21 CFR 101.14(e)(6)). *Note this is an amendment from previous versions of this document, which stated apple cider was eligible for health claim labeling.*

Anti-Cancer Dietary Guidance Statement

On July 10, 2003, FDA announced availability of a new dietary guidance message for fruits and vegetables, including juice and sauce:

“Diets rich in fruits and vegetables may reduce the risk of some types of cancer and other chronic diseases.”

FDA encourages food manufacturers to use this statement in association with those fruits, vegetables and foods that meet the criteria established by the National Cancer Institute's 5 A Day For Better Health Program:

- all fresh-market fruits and vegetables, excluding coconuts and nuts – including fresh-market apples;
- fruits and vegetables (except dried herbs, coconut and nuts) processed by drying, freezing, or canning – including those with added ingredients – provided that:
 - no sugars, sugar-containing ingredients, or sugar alcohols (e.g., sucrose, glucose, dextrose, fructose, maltose, lactose, sorbitol, mannitol, honey, corn syrup, corn syrup solids, or molasses) have been added;

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- the fat, saturated fat, cholesterol, and sodium content per FDA reference amount and per labeled serving must meet the FDA qualifying limits for "healthy" foods, as follows:
 - fat: less than 3 grams;
 - saturated fat: less than 1 gram, and less than 15 percent of calories from saturated fat;
 - cholesterol: less than 60 milligrams; and
 - sodium: less than 480 milligrams; and
- the food is not processed to the extent that it no longer resembles a fruit or vegetable, such as tofu, soy-based "hamburger" patties, popcorn, or powders.

For more information, visit FDA's Web page on the message at <http://www.cfsan.fda.gov/~dms/lab-dg.html>.

Hence, apple cider should be eligible to bear the anti-cancer dietary guidance message (as long as no sugars have been added).

Use of Term "Fresh"

FDA has attempted to outline what it defines as appropriate uses of the word "fresh." The following include some of the appropriate uses as currently defined by FDA.

- Juices expressed from raw produce may be labeled "fresh" even if the produce is waxed or coated, or pesticides or chlorine/acidic washes have been applied post-harvest.
- Product containing a preservative may not be labeled "fresh."
- Generally, product that has been processed may not be labeled "fresh." FDA has specifically precluded labeling as "fresh" any pasteurized product or any products subjected to any form of thermal processing or preservation. The agency has also previously stated that juice processed using ultraviolet light cannot be labeled "fresh." (Reference: The Juice HACCP Regulation, Questions & Answers (August 31, 2001), <http://www.cfsan.fda.gov/~comm/juiceqa.html>.) As a result, USApple recommends that cider that has been exposed to either ultraviolet or ozone treatment not be labeled "fresh."

(Reference: 21 CFR §101.95; agency consultation.)

If the cider cannot be called fresh, it may be more appropriate to use "freshly," as the adverb more clearly refers to the item it modifies than to the product. For example, terms such as "freshly squeezed" or "freshly pressed" may be appropriate.

Identification of Treatment Process

Federal law does not require that product that has been treated by pasteurization, ultraviolet light or ozonation be labeled to identify the treatment process. (Reference: 21 CFR §179.39 (ultraviolet); §173.368 (ozone).) Nor has FDA issued specific guidance regarding labeling of juices to identify treatment process. However, cider producers may voluntarily opt to label their products to identify the treatment process, for consumer education purposes.

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Products treated by irradiation are required to be so labeled in accordance with federal law. (Reference: 21 CFR §179.26(c).)

Cider Made From or Including Concentrates

If one or more of the juices in the cider beverage is made from concentrate, the name of the juice must include a term indicating that fact, such as “from concentrate” or “reconstituted.” Such terms must be included in the name of each individual juice or it may be stated once adjacent to the product name so that it applies to all the juices (e.g., “cherry juice (from concentrate) in a blend of two other juices (from concentrate)”). The term shall be in a type size no less than one-half the height of the letters in the name of the cider.

Information Labeling Requirements

In addition to nutrition labeling, five other pieces of information must be included on cider packages under federal labeling regulations:

- a statement of product identification (must appear on the PDP);
- a net contents statement (must appear on the PDP);
- a percent juice declaration (see below for placement rules);
- name and address of the manufacturer, packer or distributor (must appear on either the PDP or the IP; and
- statement of ingredients (must appear on the same panel as the name and address).

The “Nutrition Facts” box should appear on the same panel as the producer's name and address, and the statement of ingredients.

Specifications for content and presentation of each piece of information follows below.

Statement of product identification. The PDP must bear a statement of product identification, i.e. the name of the product (e.g., “apple cider”). This statement must be presented:

- in bold type;
- in a size reasonably related to the most prominent printed matter on the panel, but no smaller than 1/16 of an inch; and
- parallel to the base of the package.

(Reference: 21 CFR §101.3, revised as of April 1, 1993.)

Net contents. A declaration of net contents must appear on the PDP in the following format:

- appearing within the bottom 30 percent of the panel, in lines generally parallel to the base of the panel; and
- presented in a type size determined by the surface area being labelled:
- not less than 3/16 of an inch in height on packages with a PDP area of more than 25 square inches but not more than 100 square inches; or

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- not less than 1/4 of an inch in height on packages with a PDP area of more than 100 square inches, but not less than 1/2 of an inch in height if the PDP area is more than 400 square inches.

In lieu of placing the net contents statement on the PDP, the beverage container itself can carry this information imprinted in the container. The statement should appear within the bottom 30 percent of the container. Where the declaration is blown, embossed or molded on a glass or plastic surface, rather than by printing, the type sizes specified above must be increased by 1/16 of an inch in height.

(Reference: 21 CFR §101.105.)

FDA advises that food labels must show net contents in both metric units (i.e., milliliters and liters) and U.S. Customary System units (i.e., gallon and quart, print or fluid ounce subdivisions.) Even though federal rules proposed in 1993 governing metric labeling have not yet been finalized, USApple recommends that cider producers present net contents in both U.S. and metric units.

The U.S. and metric net contents can be presented in a number of possible formats:

- the net contents could be presented first in U.S. Customary units, followed by the metric units in parentheses, on the same line of type;
- the metric net contents could follow the U.S. Customary contents on the next line of type (e.g., in stacked format); and
- the metric contents could be presented first, followed by the U.S. Customary units in parentheses, on the same line of type.

(Reference: Public Law 102-329, Aug. 3, 1992; 21 CFR §101.105; FDA *Food Labeling Guide*, September 1994, Chapter III – Net Quantity of Contents Statement, question 3.)

Percent juice declaration. NLEA requires that all beverages carry a declaration as to what, if any, percentage of juice they contain. The only appropriate language options are:

- “Contains ____ percent apple cider,” or
- “____ percent apple juice,”

where the blank spaces are replaced with the appropriate percentage. In both cases, the word “percent” can be replaced with the symbol “%.”

If a preservative is added, it is not considered in this calculation. Adding a preservative does not affect the cider's volume.

If the cider is sold in a container with a PDP and an IP, the declaration should appear near the top of the IP in lines generally parallel to other required information (most often parallel with the bottom). In addition, no other printed label information should appear above the declaration except the brand name, product name, logo or universal product code (UPC). The declaration must be in easily legible boldface type or print in distinct contrast to other printed material, and

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in a type size that is the largest seen on the IP except that used for the brand name, product name, logo, UPC, or the title phrase “Nutrition Facts” appearing in the “Nutrition Facts” box.

If the cider package does not bear an IP, the percent juice declaration is to appear on the PDP. The declaration must appear near the name of the food.

The type size used must be at least as large as that required for the net contents statement (e.g. 1/16 of an inch in height when the area of the PDP is five square inches or less; 1/8 of an inch in height when such area is greater than five, but less than 25 square inches; 3/16 of an inch in height when such area is more than 25, but less than 100 square inches).

Apple cider vinegar is not required to bear a percent juice declaration.

Name and address of manufacturer, packer or distributor. This statement must include the name and street address (optional if it appears in the local telephone directory), city, state and zip code and should appear in a ratio of height to width not exceeding 3:1. (Reference: 21 CFR §101.5 and 21 CFR §101.2.) The type is to be no smaller than 1/16 inch. (Reference: 21 CFR §101.2 (b) and §101.2 (c).)

This statement should appear on either the PDP or the IP, but it must be on the same panel with the nutrient information (if printed) and ingredient information unless size constraints prevent this. (Reference: 21 CFR §101.2 (d), (e), (b); 101.9 (j).)

If the name listed is not the actual manufacturer – for example, when a cider producer’s retail client’s name and address appears on the label – then this statement must be accompanied by a qualifying phrase which states the firm’s relation to the product, e.g. “manufactured for” or “distributed by.” (Reference: 21 CFR § 101.5; FDA *Food Labeling Guide*, September 1994, Chapter I – General Food Labeling Requirements, question 8.)

Ingredients statement. Ingredients must be stated, in descending order of predominance, on whichever panel, the PDP or IP, on which the packer's name and place of business appears. The statement should be displayed prominently, in type no smaller than 1/16 of an inch in height.

Small-Business Exemptions From Nutrition Labeling Requirements

As long as no nutrition claims are made on the package, small-business producers may be exempt from nutrition labeling requirements. If nutrition information, nutrient content claims or health claims are made about a product, nutrition labeling becomes mandatory, and no small business exemption can be sought.

The following describes the various types of small business exemptions available.

Direct Marketer Exemption. A producer selling only direct to consumers may be exempt from the requirement to provide nutrition information on product labels if the company has gross annual domestic sales of \$500,000 or less, or total food sales of \$50,000 or less, for whom in

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either case the compliance date is one year later. After May 8, 1995, only producers selling directly to consumers can qualify for this exemption.

General Small Business Exemption. In general, a small business may be exempt from the requirement to label if a producer meets the following criteria:

- the person claiming the exemption employs fewer than an average of 100 full-time equivalent employees;
- fewer than 100,000 units (cumulative of all sizes) of the product were sold in the United States during the 12-month period preceding the period for which the exemption is claimed, or if no product was sold in that period, fewer than 100,000 units are reasonably expected to be sold in the United States during the period for which an exemption is claimed; and
- the person provides notice to the FDA stating the average number of full-time equivalent employees, the number of units sold and any other information the FDA may require. (Employers with 10 or less full-time equivalent employees and producing fewer than 10,000 units per year are not required to provide notice to FDA to claim the exemption.)

NLEA amendments also allowed for a longer phase-in period of the labeling requirement on a product-by-product basis for certain small businesses, as long as no nutrition information or health claims are included on the label; the last phase-in period for this exemption expired May 8, 1997.

Warning Labeling/ HACCP Program Requirement

To address microbiological food safety concerns regarding fruit and vegetable juices, FDA implemented a federal rule on Jan. 19, 2001, requiring that juice producers implement Hazard Analysis Critical Control Point (HACCP) programs. (Reference: 21 CFR, §120 (HACCP Systems).) Large processors were required to comply within one year, small processors within two years and very small processors within three years.

Except for processors that sell their juice directly to consumers, cider producers must develop and implement HACCP programs and achieve a 5-log reduction of the target pathogens. Processors who sell direct to consumers are not required to use HACCP programs or achieve a 5-log reduction of target pathogens, but their containers must bear the following FDA-prescribed warning statement:

“This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems.”

The HACCP/5-log pathogen reduction regulation provides no small business exemptions. Only those producers who process juice and market direct to consumers (known as “retail establishments” under the regulation) are exempt from the HACCP requirement. However, such producers must continue to label their product with the above-mentioned warning statement.

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(Reference: 66 *Fed. Reg.* 6137-6202 (Jan. 19, 2001).)

For More Information

For information about nutrition or informational labeling questions and related food safety requirements, contact the U.S. Apple Association or consult a qualified labeling attorney.

FDA's food labeling Web page can be found at <http://www.cfsan.fda.gov/label.html>, including the agency's September 1994 *Food Labeling Guide* at <http://www.cfsan.fda.gov/~dms/flg-toc.html>. Questions and correspondence can also be directed to FDA district offices; a directory of district offices is available online at <http://vm.cfsan.fda.gov/~dms/district.html>. Alternately, questions and correspondence can be directed to: Food and Drug Administration Center for Food Safety and Applied Nutrition, Office of Nutritional Products, Labeling and Dietary Supplements, Harvey W. Wiley Federal Building, 5100 Paint Branch Parkway, College Park, MD 20740-3835, tel. 301-436-2373.

Nutrition Facts Artwork for 100% Apple Cider

Simplified Format

Nutrition Facts	
Serving Size 8 fl oz (240 mL)	
Servings Per Container XX	
Amount per Serving	
Calories 120	
% Daily Value*	
Total Fat 0g	0%
Sodium 60mg	3%
Total Carbohydrate 30g	10%
Sugars 30g	
Protein 0g	
Vitamin C 6%	Iron 2%
*Percent Daily Values are based on a 2,000 calorie diet.	

Simplified Format When Claim is Made

Nutrition Facts	
Serving Size 8 fl oz (240 mL)	
Servings Per Container XX	
Amount per Serving	
Calories 120	
% Daily Value*	
Total Fat 0g	0%
Sodium 60mg	3%
Potassium 135mg	4%
Total Carbohydrate 30g	10%
Sugars 30g	
Protein 0g	
Vitamin C 6%	Iron 2%
Not a significant source of calories from fat, saturated fat, trans fat, cholesterol, dietary fiber, vitamin A and calcium.	
*Percent Daily Values are based on a 2,000 calorie diet.	

Short Standard Format

Nutrition Facts	
Serving Size 8 fl oz (240 mL)	
Servings Per Container XX	
Amount per Serving	
Calories 120 Calories from Fat 0	
% Daily Value*	
Total Fat 0g	0%
Saturated Fat 0g 0%	
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 60mg	3%
Potassium 135mg	4%
Total Carbohydrate 30g	10%
Dietary Fiber 0g 0%	
Sugars 30g	
Protein 0g	
Vitamin A 0%	Vitamin C 6%
Calcium 0%	Iron 2%
*Percent Daily Values are based on a 2,000 calorie diet.	

Long Standard Format

Nutrition Facts	
Serving Size 8 fl oz (240 mL)	
Servings Per Container XX	
Amount per Serving	
Calories 120 Calories from Fat 0	
% Daily Value*	
Total Fat 0g	0%
Saturated Fat 0g 0%	
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 60mg	3%
Potassium 135mg	4%
Total Carbohydrate 30g	10%
Dietary Fiber 0g 0%	
Sugars 30g	
Protein 0g	
Vitamin A 0%	Vitamin C 6%
Calcium 0%	Iron 2%
*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:	
	Calories: 2,000 2,500
Total Fat	Less than 65g 80g
Sat Fat	Less than 20g 25g
Cholesterol	Less than 300mg 300mg
Sodium	Less than 2,400mg 2,400mg
Potassium	3,500mg 3,500mg
Total Carbohydrate	300g 375g
Dietary fiber	25g 30g
Calories per gram:	
Fat 9	Carbohydrate 4 Protein 4

Replace "XX" in Servings Per Container with:

about	.5	1	2	3	4
	5	6	7	8	9
	10	11	12	13	14
	15	16			

For advice on which of these "Nutrition Facts" boxes to use on your package, refer to the U.S. Apple Association's nutrition and information labeling guidance document for apple cider.



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