

FDA DELAYS IMPLEMENTING NUTRITION AND SUPPLEMENT FACTS LABEL RULES

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The FDA has announced that it is delaying implementation of the [Nutrition Facts and Supplement Facts Label](#) and [Serving Size](#) final rules. As we [previously reported](#), the rules were finalized in May 2016 and initially set a general compliance date of July 26, 2018, although manufacturers with annual food sales of less than \$10 million were given an additional year to comply.

The FDA did not elaborate on the new timeframe for implementation, but stated in a revised [online guidance](#) that it will provide details of the extension through a Federal Register Notice at a later time.

The rules require a revamped Nutrition Facts format that would increase the type size of certain nutrition information, require mandatory declarations for “added sugars,” Vitamin D and potassium, impose a new definition of “dietary fiber,” and revise serving sizes for certain food products.

The FDA explained that the extension was in response to feedback from industry and consumer groups, and will balance industry’s request for more implementation time and to reduce costs, with the importance of minimizing the transition period during which consumers will see both the old and the new versions of the label in the marketplace.

Consumer Groups Sue FDA Over Delay in Implementing Menu Calorie Labeling Rule

In another FDA update, two consumer groups have sued the FDA over its decision to extend the compliance date for its calorie labeling rules, which require posting calorie information on all menu items. As we [previously reported](#), just one day before the previous compliance date, FDA delayed compliance for another year, until May 8, 2018.

The Center for Science in the Public Interest and the National Consumer League have filed suit claiming that the FDA’s delay of the menu labeling rule was illegal because it did not provide an opportunity for public notice and comment before the delay took effect, or “rationally explain” why it was changing its interpretation of the federal requirements.

The calorie labeling rule will apply to restaurants and “similar retail food establishments” (such as convenience stores, grocery stores, concession stands, and food takeout or delivery

establishments) that are part of a chain of 20 or more locations.

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