

## The Call for Food Labeling in E-Commerce

Many of the federal food labeling laws and regulations in the United States were established before anyone imagined we would be ordering food from computers and phones. As a result, the same nutrition, ingredient, and allergen information that is required on food packages is not always required to be made available to online shoppers. This factsheet details the need for modernized food labeling policies that ensure consumers have access to critical information regardless of where they shop for food.

*A large and growing proportion of food purchases comes from e-commerce.*

Even before the COVID-19 pandemic, online food spending was on the rise.<sup>1</sup> During the pandemic, use of restaurant ordering apps, online grocery shopping, and food delivery have continued to grow rapidly.<sup>2,3</sup> E-commerce now accounts for around 10% of total U.S. grocery sales and is predicted to exceed 20% by 2026.<sup>4</sup>

In addition, the federal government is exploring how grocery delivery could help improve food access. Forty-nine states and Washington D.C. are now participating in the U.S. Department of Agriculture’s Supplemental Nutrition Assistance Program (SNAP) Online Purchasing Pilot.<sup>5</sup> Online ordering and food delivery may improve food access because transportation is often cited as a major barrier by people experiencing food insecurity, especially those who are elderly,<sup>6</sup> have disabilities,<sup>7</sup> or live in food deserts.<sup>8</sup>

*We currently lack complete, accurate information about foods at the online point of sale.*

While many online retailers make nutrition and ingredient information available for some products, a recent study found that Nutrition Facts, ingredients lists, and allergens were often not disclosed at the online point of sale, or, when disclosed, were often difficult to read or hard to find.<sup>9</sup> Nutrition Facts were present, conspicuous, and legible only 46% of the time, ingredients lists 54% of the time, and lists of potential allergens 11% of the time.

**Percent of the time information for 10 products\* was present, conspicuous, and legible, or not present at all, at the point of sale across 9 major U.S. online retailers<sup>^</sup>, January-February 2021**

	Information was present, conspicuous, and legible	Information was not present at all
Nutrition Facts	46%	11%
Ingredients list	54%	11%
List of potential allergens	11%	71%

Source: Pomeranz et al (2021)

\*Products included: Capri Sun Fruit Punch Pouches, Capri Sun Organic Fruit Punch Pouches, Capri Sun Roarin’ Waters Pouches, Kool-Aid Jammers Cherry Pouches, Coca-Cola, Cheerios, Honey Nut Cheerios, Honey Bunches of Oats with Almonds, Kellogg’s Frosted Flakes, Wonder Bread

<sup>^</sup>Amazon, Dash’s Market, Fresh Direct, Hy-Vee Inc, Safeway, ShopRite (via Instacart), Walmart, Wright’s Market, Stop & Shop

Much of the time, consumers have to click or scroll through promotional content in order to locate nutrition and ingredient information. A CSPI report from 2020 found that online grocery shoppers face an onslaught of marketing messages, often aimed at luring them to purchase less healthy products.<sup>10</sup>



Online restaurant menus are also inadequately labeled. The calorie information required on menus from chain restaurants is rarely included when those menus are accessed through third party ordering apps such as Grubhub, DoorDash, and UberEats. CSPI highlighted this issue in a 2021 letter to the Food and Drug Administration, calling out examples of menus from Subway, Wendy's, Dunkin', and The Cheesecake Factory that had no calories listed at the online point of sale.<sup>11</sup>

*Consumers need nutrition and ingredient information to support healthy and safe choices.*

Nutrition Facts labels provide information on the calorie and nutrient content of foods that consumers can use to assess how foods fit into their total daily diet. Utilization of Nutrition Facts labels is associated with healthier diets.<sup>12</sup> Given that Americans, in general, have poor diet quality and high rates of diet-related chronic disease, it is critical that tools to improve diet quality are made readily available and that their use is encouraged.

Moreover, people with food allergies and specific medical conditions, such as Celiac disease, rely on ingredients lists and allergen disclosures for their safety. Without accurate information at the online point of sale, people may waste money on foods they cannot eat or—even worse—accidentally consume ingredients that cause potentially life-threatening allergic reactions.

*FDA and Congress must act to ensure access to nutrition and ingredient information online.*

The Center for Science in the Public Interest is calling on FDA and Congress to require clear, conspicuous nutrition, ingredient, and allergen information (the same information required on food packages) at the online point of sale.

**Potential FDA Actions**

Issue guidance that:

- urges all online sellers to present the full Nutrition Facts label in the same format as it appears on the products themselves
- ensures that the same nutrition, ingredient, and allergen information that would be available in stores is available, easy to read, and readily accessible (including by removing any intervening marketing information) at the online point of sale

## Potential Congressional Action

Congress should pass legislation to codify each of these requirements.

*For more information, please contact the Center for Science in the Public Interest at [policy@cspinet.org](mailto:policy@cspinet.org).*

## References

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