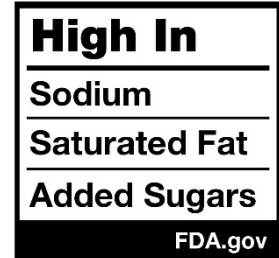


## The Food Industry's False Claims About Front-of-Package Nutrition Labeling

The U.S. Food and Drug Administration (FDA) is developing a policy to require consumer-friendly, front-of-package nutrition labels on foods and beverages sold in the U.S.<sup>1</sup> The agency may well adopt labels to help consumers compare the healthfulness of different foods at a glance by clearly identifying products that are high in added sugars, sodium, and saturated fats. Food industry lobbyists make cynical claims to oppose mandatory front-of-package labeling, but the facts do not support these claims.



Example of a front-of-package icon under consideration at FDA; Source: FDA

*Claim: Changing labels presents a high cost to industry, which will be passed onto consumers.*<sup>2,3</sup>

### Facts:

- **Front-of-package labeling did not increase food prices in Chile.** In the 18 months following implementation of the country's front-of-package labeling law, prices across foods with and without "High In" labels remained unchanged relative to pre-law trends.<sup>4</sup>
- **Companies change their labels frequently and the new labels can be part of periodic redesigns.** If the food industry can change labels for holidays and movie premieres, why not for public health and transparency?
- **Labeling costs are a drop in the bucket for companies that spend billions on advertising each year.** Last time FDA required updates to nutrition labeling, the agency estimated they would cost industry less than \$3,500 per product in 2014 dollars, or about \$4,500 in 2024 dollars.<sup>5</sup> In contrast, Kraft Heinz spent about \$750 million on advertising per quarter in 2023.<sup>6</sup>
- **Exemptions and longer compliance periods will minimize the cost burden for small businesses.** Whenever it introduces new food labeling requirements, FDA gives smaller companies extra time to comply. For example, FDA gave manufacturers with less than \$10 million in annual food sales an extra year to implement updates to the Nutrition Facts label.<sup>7</sup> Sellers with less than \$500,000 in annual gross sales to consumers are completely exempt from nutrition labeling requirements<sup>8</sup> and are likely to be exempt from front-of-package labeling as well.



Special edition packaging for Pepperidge Farm's Goldfish  
Source: Walmart.com



Seasonal packaging for Nabisco's Oreos  
Source: Amazon.com

**Claim:** *Front-of-package labeling will effectively characterize foods as “good” or “bad” based on just three nutrients.*<sup>9,10</sup>

**Facts:**

- **FDA’s front-of-package labels will not judge foods as good or bad, nor will they tell people which foods they should or should not eat.** They will simply provide information by displaying objective characterizations of the levels of specific nutrients identified as nutrients to limit in the Dietary Guidelines for Americans. These will help people understand the nutritional content of individual products in the context of their overall daily diet. Nutrition Facts panels and ingredients lists will remain on packages to provide more detail.

**Claim:** *Front-of-package labels focused only on nutrients to limit, and not positive nutrients or food groups, are not aligned with the Dietary Guidelines for Americans.*<sup>11</sup>

**Facts:**

- **The Dietary Guidelines emphasize the importance of following a healthy dietary pattern consisting of nutrient-dense forms of foods and beverages across all food groups, defined as forms with the least amounts of added sugars, saturated fats, and sodium.**<sup>12</sup> Highlighting high levels of these nutrients is directly aligned with the goal of enabling consumers to quickly and easily identify foods that can help them build healthy eating patterns.
- **FDA has a complementary initiative to develop a “FDA Healthy” symbol for foods.**<sup>13</sup> This icon will be allowed on products that provide servings of healthy food groups and can be used in conjunction with front-of-package labeling to facilitate healthier choices.
- **Companies already highlight the presence of positive nutrients and healthy food groups on labels, and requiring nutrients to limit will ensure more accurate representation of products’ full nutritional profiles.** A study conducted by the FDA from 2006-2007 found that more than half of foods in U.S. grocery stores had nutrient claims like “High Fiber” and “Low Sodium.”<sup>14</sup> A quick walk through the grocery store reveals that these claims remain common today. Front-of-package labeling will help address misleading marketing, or “health-washing,” of foods containing certain positive attributes but also nutrients we should limit in our diets.



Source: FDA



Keurig Dr. Pepper’s Sunny D highlights “100% Vitamin C” and should also highlight that it’s High In Added Sugars, with 12g (24% DV) per 8oz serving



Kellogg’s Special K Strawberry Protein Bars highlight “Good Source of Vitamin D,” plus protein, fiber, and vitamin & nutrient content, and should also highlight that they’re High In Saturated Fat, with 4g (20% DV) per bar



Tyson’s Raised & Rooted Plant-Based Nuggets highlight “33% Less Saturated Fat,” plus fiber and protein content, and should also highlight that they’re High In Sodium, with 560mg (24% DV) per serving

Sources: Nielsen IQ Product Explorer; specialkbars.com; “High In” icons from FDA

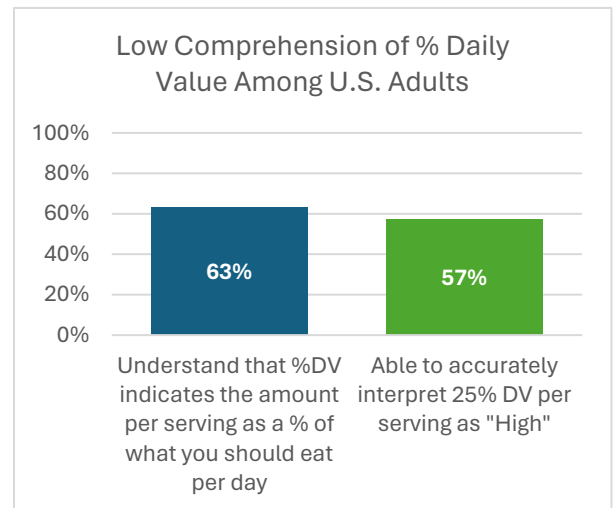
**Claim:** *The industry's voluntary front-of-package labeling initiative, Facts Up Front, provides sufficient information for guiding consumers toward healthier choices.*<sup>15</sup>

**Facts:**

- **Not a single study has found that Facts Up Front-style labels encourage healthier choices.** The system was first created in 2011. If it was effective, the food industry would have produced the evidence by now.
- **Facts Up Front relies on the percent Daily Value, which isn't well understood by consumers.** In an FDA survey from 2019, only 63% of respondents could accurately interpret the %DV, including less than half of respondents without a high school degree or GED.<sup>16</sup> Effective front-of-package labels would not just present the %DV (which is already on the Nutrition Facts label), but make it easier to interpret.



Facts Up Front; Source: Consumer Brands Association



Source: FDA's 2019 Food Safety and Nutrition Survey

**Claim:** *There is not enough evidence that front-of-package labeling will lead to meaningful behavioral changes and public health gains.*<sup>17</sup>

**Facts:**

- **There is extensive scientific evidence demonstrating that front-of-package labels highlighting high levels of sugar, sodium, and saturated fat can improve consumer understanding, encourage healthier diets, and even improve the quality of the national food supply.**<sup>18,19,20</sup> In contrast, there is no evidence that the industry's voluntary Facts Up Front system affects consumer choices or spurs reformulation. Fifteen countries have already decided there is sufficient data and passed mandatory front-of-package labeling policies to protect their citizens.<sup>21</sup> The U.S. can't sit by and wait for decades-long follow-up studies from other countries examining long-term health outcomes while our own chronic disease epidemics rage on. We must act now!

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

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- <sup>2</sup> Comment from Corn Refiners Association to FDA, March 27, 2023: “Regulatory labeling changes require significant resources from food manufacturers, costing the food supply chain billions of dollars which are ultimately passed along in some form to consumers.”
- <sup>3</sup> Comment from the Food and Beverage Issue Alliance to FDA, March 27, 2023: “Recent regulatory changes that have required changes in almost all food labels, including revisions to the Nutrition Facts Label, the National Bioengineered Food Disclosure Standard, and sesame allergen labeling, have imposed billions of dollars of costs on the food supply, ultimately adding to consumer food cost.”
- <sup>4</sup> Paraje G, Montes de Oca D, Corvalán C, et al. Evolution of food and beverage prices after the frontof-package labelling regulations in Chile. *BMJ Glob Health*. 2023;8: e011312. doi:10.1136/bmjgh-2022-011312.
- <sup>5</sup> U.S. Food and Drug Administration. Nutrition Facts/Serving Size Combined Final Regulatory Impact Analysis. 2014. <https://www.fda.gov/media/98712/download>.
- <sup>6</sup> Carroll N. *Kraft Heinz pledges to increase marketing spend by double-digits to win share*. May 3, 2023. <https://www.marketingweek.com/kraft-heinz-pledges-to-increase-marketing-spend-by-double-digits-to-win-share/>.
- <sup>7</sup> U.S. Food and Drug Administration. *Changes to the Nutrition Facts Label*. March 28, 2024. <https://www.fda.gov/food/food-labeling-nutrition/changes-nutrition-facts-label>
- <sup>8</sup> U.S. Food and Drug Administration. *Small Business Nutrition Labeling Exemption Guidance (May 2007)*. September 20, 2018. <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/small-business-nutrition-labeling-exemption-guidance>
- <sup>9</sup> Comment from the American Frozen Food Institute to FDA, July 17, 2024, describes FDA’s front-of-package labeling initiative as: “a brand new, across-the-board labeling requirement that effectively characterizes foods as “good” or bad” based on a narrow subset of the comprehensive set of nutrients Congress mandated be included on the label.”
- <sup>10</sup> A spokesperson for the Consumer Brands Association told the Wall Street Journal that some of FDA’s front-of-package labels would “demonize” certain foods. See Peterson K. Nutrition advocates urge front-of-package labels highlighting fat, sugar levels. September 6, 2022. <https://www.wsj.com/articles/nutrition-advocates-push-for-front-of-package-labels-that-highlight-fat-sugar-levels-11662456602>
- <sup>11</sup> Comment from the Sugar Association to FDA, March 27, 2023: “Focusing explicitly on nutrients to discourage is a departure from the Dietary Guidelines for Americans’(DGAs) stated emphasis on overall dietary patterns and minimizes the importance of a food’s overall contribution to the diet.”
- <sup>12</sup> U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2020-2025*. 9th Edition. December 2020. Available at [DietaryGuidelines.gov](http://DietaryGuidelines.gov).
- <sup>13</sup> U.S. Food and Drug Administration. *Use of the Term Healthy on Food Labeling*. March 28, 2024. <https://www.fda.gov/food/food-labeling-nutrition/use-term-healthy-food-labeling>
- <sup>14</sup> U.S. Government Accountability Office. *Report to Congressional Committees: FDA Needs to Reassess Its Approach to Protecting Consumers from False or Misleading Claims*. January 2011. <https://www.gao.gov/assets/gao-11-102.pdf>
- <sup>15</sup> A spokesperson for FMI, the Food Industry Association, stated at the Reagan-Udall Foundation for the FDA’s Virtual Public Meeting on Front-of-Package Nutrition Labeling on November 16, 2023: “Facts Up Front was designed to allow consumers to use key product information at a glance, with icons that highlight calories, saturated fat, sodium added sugars and nutrients, to encourage taking values directly from the nutrition facts label to the front of the package. FMI believes this makes facts Up Front the best suited front-of-pack scheme, with clear facts to help consumers make informed choices.” <https://reaganudall.org/sites/default/files/2023-11/FOP%20Transcript%20Final%203.pdf>
- <sup>16</sup> U.S. Food and Drug Administration. Food Safety and Nutrition Survey (FSANS) 2019. <https://www.fsans-explorer.fda.gov/>.
- <sup>17</sup> Comment from FMI, the Food Industry Association, to FDA, July 17, 2023: “[O]ur understanding of the scientific literature is that there is a lack of any study showing long-term (sustained) and meaningful behavioral changes resulting from mandatory FOP labeling schemes like the ones FDA is testing.”
- <sup>18</sup> Song J, Brown MK, Tan M, et al. Impact of color-coded and warning nutrition labelling schemes: a systematic review and network meta-analysis. *PLoS Med*. 2021;18(10): e1003754. doi:10.1371/journal.pmed.1003765.
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- <sup>20</sup> Reyes M, Smith Taillie L, Corvalan C, et al. Changes in the amount of nutrient of packaged foods and beverages after the initial implementation of the Chilean Law of Food Labelling and Advertising: A nonexperimental prospective study. *PLoS Med*. 2020;17(7):e1003220. doi:10.1371/journal.pmed.1003220
- <sup>21</sup> [Global](https://www.globalfoodresearchprogram.org/resource/front-of-package-label-maps/) Food Research Program at UNC-Chapel Hill. Front-of-package labeling policies around the world. March 2024. <https://www.globalfoodresearchprogram.org/resource/front-of-package-label-maps/>