§ 101.60 Nutrient content claims for the calorie content of foods.

(a) General requirements. A claim about the calorie or sugar content of a food may only be made on the label or in the labeling of a food if:

(1) The claim uses one of the terms defined in this section in accordance with the definition for that term;

(2) The claim is made in accordance with the general requirements for nutrient content claims in §101.13;

(3) The food for which the claim is made is labeled in accordance with §101.9, §101.10, or §101.36, as applicable; and

(4) For dietary supplements, claims regarding calories may not be made on products that meet the criteria in §101.60(b)(1) or (b)(2) for “calorie free” or “low calorie” claims except when an equivalent amount of a similar dietary supplement (e.g., another protein supplement) that the labeled food resembles and for which it substitutes, normally exceeds the definition for “low calorie” in §101.60(b)(2).

(b) Calorie content claims. (1) The terms “calorie free,” “free of calories,” “no calories,” “zero calories,” “without calories,” “trivial source of calories,” “negligible source of calories,” or “dietarily insignificant source of calories” may be used on the label or in labeling of foods, provided that:

(i) The food contains less than 5 calories per reference amount customarily consumed and per labeled serving.

(ii) As required in §101.13(e)(2), if the food meets this condition without the benefit of special processing, alteration, formulation, or reformulation to lower the caloric content, it is labeled to disclose that calories are not usually present in the food (e.g., “cider vinegar, a calorie free food”).

(2) The terms “low calorie,” “few calories,” “contains a small amount of calories,” “low source of calories,” or “low in calories” may be used on the label or in labeling of foods, except meal products as defined in §101.13(l) and main dish products as defined in §101.13(m), provided that:

(i) The food contains at least 25 percent fewer calories per reference amount customarily consumed than an appropriate reference food as described in §101.13(j)(1); and

(ii) As required in §101.13(j)(2) for relative claims:

(A) The identity of the reference food and the percent (or fraction) that the calories differ between the two foods
are declared in immediate proximity to
the most prominent such claim (e.g.,
reduced calorie cupcakes “33 1/3 per-
cent fewer calories than regular cup-
cakes”); and

(B) Quantitative information com-
paring the level of the nutrient per la-
beled serving size with that of the ref-
erence food that it replaces (e.g., “Cal-
orie content has been reduced from 150
to 100 calories per serving.”) is declared
adjacent to the most prominent claim or
to the nutrition label, except that if the
nutrition label is on the informa-
tion panel, the quantitative informa-
tion may be located elsewhere on the
information panel in accordance with
§101.2.

(iii) Claims described in paragraph
(b)(4) of this section may not be made
on the label or labeling of foods if the
reference food meets the definition for
“low calorie.”

(5) The terms defined in paragraph
(b)(4) of this section may be used on
the label or in the labeling of meal
products as defined in §101.13(l)
and main dish products as defined in
§101.13(m), provided that:

(i) The food contains at least 25 per-
cent fewer calories per 100 g of food
than an appropriate reference food as
described in §101.13(j)(1); and

(ii) As required in §101.13(j)(2) for rel-
ative claims:

(A) The identity of the reference food
and the percent (or fraction) that the
quantities differ between the two foods
are declared in immediate proximity to
the most prominent such claim (e.g.,
Larry’s Reduced Calorie Lasagna, “25
percent fewer calories per oz (or 3 oz)
Lasagna”); and

(B) Quantitative information com-
paring the level of the nutrient in the
product per specified weight with that
of the reference food that it replaces
(e.g., “Calorie content has been re-
duced from 108 calories per 3 oz to 83
calories per 3 oz.”) is declared adjacent
to the most prominent claim or to the
nutrition label, except that if the nu-
trition label is on the information panel,
the quantitative information may be located elsewhere on the infor-
mation panel in accordance with §101.2.

(iii) Claims described in paragraph
(b)(5) of this section may not be made
on the label or labeling of food if the
reference food meets the definition for
“low calorie.”

(c) Sugar content claims—(1) Use of
terms such as “sugar free,” “free of
sugar,” “no sugar,” “zero sugar,”
“without sugar,” “sugarless,” “trivial
source of sugar,” “negligible source of
sugar,” or “dietarily insignificant source
of sugar.” Consumers may reasonably
be expected to regard terms that rep-
resent that the food contains no sugars
or sweeteners e.g., “sugar free,” or “no
sugar,” as indicating a product which
is low in calories or significantly re-
duced in calories. Consequently, except
as provided in paragraph (c)(2) of this
section, a food may not be labeled with
such terms unless:

(i) The food contains less than 0.5 g of
sugars, as defined in §101.9(c)(6)(ii), per
reference amount customarily con-
sumed and per labeled serving or, in
the case of a meal product or main dish
product, less than 0.5 g of sugars per la-
beled serving; and

(ii) The food contains no ingredient
that is a sugar or that is generally un-
derstood by consumers to contain sug-
ars unless the listing of the ingredient
in the ingredient statement is followed
by an asterisk that refers to the state-
ment below the list of ingredients,
which states “adds a trivial amount of
sugar,” “adds a negligible amount of
sugar,” or “adds a dietarily insignifi-
cant amount of sugar;” and

(iii)(A) It is labeled “low calorie” or
“reduced calorie” or bears a relative
claim of special dietary usefulness la-
beled in compliance with paragraphs
(b)(2), (b)(3), (b)(4), or (b)(5) of this sec-
tion, or, if a dietary supplement, it
meets the definition in paragraph (b)(2)
of this section for “low calorie” but is
prohibited by §§101.13(b)(5) and
101.60(a)(4) from bearing the claim; or

(B) Such term is immediately accom-
ppanied, each time it is used, by either
the statement “not a reduced calorie
food,” “not a low calorie food,” or “not
for weight control.”

(2) The terms “no added sugar,”
“without added sugar,” or “no sugar
added” may be used only if:

(i) No amount of sugars, as defined in
§101.9(c)(6)(ii), or any other ingredient
that contains sugars that functionally
substitute for added sugars is added
during processing or packaging; and
(ii) The product does not contain an ingredient containing added sugars such as jam, jelly, or concentrated fruit juice; and
(iii) The sugars content has not been increased above the amount present in the ingredients by some means such as the use of enzymes, except where the intended functional effect of the process is not to increase the sugars content of a food, and a functionally insig- nificant increase in sugars results; and
(iv) The food that it resembles and for which it substitutes normally contains added sugars; and
(v) The product bears a statement that the food is not “low calorie” or “calorie reduced” (unless the food meets the requirements for a “low” or “reduced calorie” food) and that directs consumers’ attention to the nutrition panel for further information on sugar and calorie content.

(3) Paragraph (c)(1) of this section shall not apply to a factual statement that a food, including foods intended specifically for infants and children less than 2 years of age, is unsweetened or contains no added sweeteners in the case of a food that contains apparent substantial inherent sugar content, e.g., juices.

(4) The claims provided for in paragraph (c)(1) and (c)(2) of this section may be used on labels or in labeling of dietary supplements of vitamins or minerals that are intended specifically for use by infants and children less than 2 years of age.

(5) The terms “reduced sugar,” “reduced in sugar,” “sugar reduced,” “less sugar,” “lower sugar” or “lower in sugar” may be used on the label or in labeling of foods, except meal products as defined in §101.13(l), main dish products as defined in §101.13(m), and dietary supplements of vitamins or minerals, provided that:

(i) The food contains at least 25 percent less sugars per 100 g of food than an appropriate reference food as described in §101.13(j)(1), and
(ii) As required in §101.13(j)(2) for relative claims:

(A) The identity of the reference food and the percent (or fraction) that the sugars differ between the two foods are declared in immediate proximity to the most prominent such claim (e.g., “these corn flakes contain 25 percent less sugar than our sugar coated corn flakes”); and
(B) Quantitative information comparing the level of the sugar in the product per labeled serving with that of the reference food that it replaces (e.g., “Sugar content has been lowered from 8 g to 6 g per serving.”) is declared adjacent to the most prominent claim or to the nutrition label, except that if the nutrition label is on the information panel, the quantitative information may be located elsewhere on the information panel in accordance with §101.2.

(6) The terms defined in paragraph (c)(5) of this section may be used on the label or in the labeling of a meal product as defined in §101.13(l) and a main dish product as defined in §101.13(m), provided that:

(i) The food contains at least 25 percent less sugars per 100 g of food than an appropriate reference food as described in §101.13(j)(1), and
(ii) As required in §101.13(j)(2) for relative claims:

(A) The identity of the reference food and the percent (or fraction) that the sugars differ between the two foods are declared in immediate proximity to the most prominent such claim (e.g., “reduced sweet and sour shrimp dinner, 25 percent less sugar per 3 oz than our regular sweet and sour shrimp dinner”); and
(B) Quantitative information comparing the level of the nutrient in the product per specified weight with that of the reference food that it replaces (e.g., “Sugar content has been reduced from 17 g per 3 oz to 13 g per 3 oz.”) is declared adjacent to the most prominent claim or to the nutrition label, except that if the nutrition label is on the information panel, the quantitative information may be located elsewhere on the information panel in accordance with §101.2.