

Food and Drug Administration, HHS

§ 100.155

were approved by the Office of Management and Budget (OMB) and assigned OMB control number 0910-0275.)

[58 FR 2460, Jan. 6, 1993; 58 FR 17097, Apr. 1, 1993, as amended at 66 FR 56035, Nov. 6, 2001]

Subparts B–E [Reserved]

Subpart F—Misbranding for Reasons Other Than Labeling

§ 100.100 Misleading containers.

In accordance with section 403(d) of the act, a food shall be deemed to be misbranded if its container is so made, formed, or filled as to be misleading.

(a) A container that does not allow the consumer to fully view its contents shall be considered to be filled as to be misleading if it contains nonfunctional slack-fill. Slack-fill is the difference between the actual capacity of a container and the volume of product contained therein. Nonfunctional slack-fill is the empty space in a package that is filled to less than its capacity for reasons other than:

(1) Protection of the contents of the package;

(2) The requirements of the machines used for enclosing the contents in such package;

(3) Unavoidable product settling during shipping and handling;

(4) The need for the package to perform a specific function (e.g., where packaging plays a role in the preparation or consumption of a food), where such function is inherent to the nature of the food and is clearly communicated to consumers;

(5) The fact that the product consists of a food packaged in a reusable container where the container is part of the presentation of the food and has value which is both significant in proportion to the value of the product and independent of its function to hold the food, e.g., a gift product consisting of a food or foods combined with a container that is intended for further use after the food is consumed; or durable commemorative or promotional packages; or

(6) Inability to increase level of fill or to further reduce the size of the package (e.g., where some minimum package size is necessary to accommo-

date required food labeling (excluding any vignettes or other nonmandatory designs or label information), discourage pilfering, facilitate handling, or accommodate tamper-resistant devices).

(b) [Reserved]

[59 FR 537, Jan. 5, 1994]

Subpart G—Specific Administrative Rulings and Decisions

§ 100.155 Salt and iodized salt.

(a) For the purposes of this section, the term *iodized salt* or *iodized table salt* is designated as the name of salt for human food use to which iodide has been added in the form of cuprous iodide or potassium iodide permitted by §§ 184.1265 and 184.1634 of this chapter. In the labeling of such products, all words in the name shall be equal in prominence and type size. The statement “This salt supplies iodide, a necessary nutrient” shall appear on the label immediately following the name and shall be in letters which are not less in height than those required for the declaration of the net quantity of contents as specified in § 101.105 of this chapter.

(b) Salt or table salt for human food use to which iodide has not been added shall bear the statement, “This salt does not supply iodide, a necessary nutrient.” This statement shall appear immediately following the name of the food and shall be in letters which are not less in height than those required for the declaration of the net quantity of contents as specified in § 101.105 of this chapter.

(c) Salt, table salt, iodized salt, or iodized table salt to which anticaking agents have been added may bear in addition to the ingredient statement designating the anticaking agent(s), a label statement describing the characteristics imparted by such agent(s) (for example, “free flowing”), providing such statement does not appear with greater prominence or in type size larger than the statements which immediately follow the name of the food as required by paragraphs (a) and (b) of this section.

(d) Individual serving-sized packages containing less than ½ ounce and packages containing more than 2½ pounds

of a food described in this section shall be exempt from declaration of the statements which paragraphs (a) and (b) of this section require immediately following the name of the food. Such exemption shall not apply to the outer container or wrapper of a multiunit retail package.

(e) All salt, table salt, iodized salt, or iodized table salt in packages intended for retail sale shipped in interstate commerce 18 months after the date of publication of this statement of policy in the FEDERAL REGISTER, shall be labeled as prescribed by this section; and if not so labeled, the Food and Drug Administration will regard them as misbranded within the meaning of sections 403 (a) and (f) of the Federal Food, Drug, and Cosmetic Act.

[42 FR 14306, Mar. 15, 1977, as amended at 48 FR 10811, Mar. 15, 1983; 49 FR 24119, June 12, 1984]

PART 101—FOOD LABELING

Subpart A—General Provisions

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- 101.4 Food; designation of ingredients.
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- 101.9 Nutrition labeling of food.
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- 101.12 Reference amounts customarily consumed per eating occasion.
- 101.13 Nutrient content claims—general principles.
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- 101.15 Food; prominence of required statements.
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Subpart B—Specific Food Labeling Requirements

- 101.22 Foods; labeling of spices, flavorings, colorings and chemical preservatives.
- 101.30 Percentage juice declaration for foods purporting to be beverages that contain fruit or vegetable juice.

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- 101.54 Nutrient content claims for “good source,” “high,” “more,” and “high potency.”
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- 101.60 Nutrient content claims for the calorie content of foods.
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- 101.62 Nutrient content claims for fat, fatty acid, and cholesterol content of foods.
- 101.65 Implied nutrient content claims and related label statements.
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- 101.70 Petitions for health claims.
- 101.71 Health claims: claims not authorized.
- 101.72 Health claims: calcium, vitamin D, and osteoporosis.
- 101.73 Health claims: dietary lipids and cancer.
- 101.74 Health claims: sodium and hypertension.
- 101.75 Health claims: dietary saturated fat and cholesterol and risk of coronary heart disease.
- 101.76 Health claims: fiber-containing grain products, fruits, and vegetables and cancer.
- 101.77 Health claims: fruits, vegetables, and grain products that contain fiber, particularly soluble fiber, and risk of coronary heart disease.
- 101.78 Health claims: fruits and vegetables and cancer.
- 101.79 Health claims: Folate and neural tube defects.
- 101.80 Health claims: dietary noncariogenic carbohydrate sweeteners and dental caries.