§ 381.413(m), provided that the product meets the definition of “low in sodium” as defined in §381.461(b)(5)(i); and

(ii) “Light” or “lite” and “in sodium” are presented in uniform type size, style, color, and prominence.

(3) The terms “light” or “lite” may be used in the brand name of a product to describe the sodium content, provided that:

(i) The product is reduced by 50 percent or more in sodium content compared to the reference product;

(ii) A statement specifically stating that the product is “light in sodium” or “lite in sodium” appears:

(A) Contiguous to the brand name; and

(B) In uniform type size, style, color, and prominence as the product name; and

(iii) As required in §381.413(j)(2) for relative claims:

(A) The identity of the reference product and the percent (or fraction) that the sodium was reduced are declared in immediate proximity to the most prominent such claim; and

(B) Quantitative information comparing the level of sodium per labeled serving size with that of the reference product it replaces is declared adjacent to the nutrition information.

(e) Except as provided in paragraphs (b) through (d) of this section, the terms “light” or “lite” may not be used to refer to a product that is not reduced in fat by 50 percent, or, if applicable, in calories by ½ or, when properly qualified, in sodium by 50 percent unless:

(1) It describes some physical or organoleptic attribute of the product such as texture or color and the information (e.g., “light in color” or “light in texture”) so stated, clearly conveys the nature of the product; and

(2) The attribute (e.g., “color” or “texture”) is in the same style, color, and at least one-half the type size as the word “light” and in immediate proximity thereto.

(f) If a manufacturer can demonstrate that the word “light” has been associated, through common use, with a particular product to reflect a physical or organoleptic attribute to the point where it has become part of the statement of identity, such use of the term “light” shall not be considered a nutrient content claim subject to the requirements in this part.

(g) The term “lightly salted” may be used on a product to which has been added 50 percent less sodium than is normally added to the reference product as described in §381.413(j)(1)(i)(B) and (j)(1)(ii)(B), provided that if the product is not “low in sodium” as defined in §381.461(b)(4), the statement “not a low sodium food” shall appear adjacent to the nutrition information and the information required to accompany a relative claim shall appear on the label or labeling as specified in §381.413(j)(2).


§§ 381.457–381.459 [Reserved]

§ 381.460 Nutrient content claims for calorie content.

(a) General requirements. A claim about the calorie or sugar content of a product may only be made on the label or in labeling of the product 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 §381.413; and

(3) The product for which the claim is made is labeled in accordance with §381.409.

(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 products, provided that:

(i) The product contains less than 5 calories per reference amount customarily consumed and per labeled serving size; and

(ii) If the product meets this condition without the benefit of special processing, alteration, formulation, or reformulation to lower the caloric content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.
(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 products, except meal-type products as defined in §381.413(l) and main-dish products as defined in §318.413(m), provided that:

(i)(A) The product has a reference amount customarily consumed greater than 30 grams (g) or greater than 2 tablespoons (tbsp) and does not provide more than 40 calories per reference amount customarily consumed; or

(B) The product has a reference amount customarily consumed of 30 g or less or 2 tbsp or less and does not provide more than 40 calories per reference amount customarily consumed and per 50 g (for dehydrated products that must be reconstituted before typical consumption with water or a diluent containing an insignificant amount, as defined in §381.409(f)(1), of all nutrients per reference amount customarily consumed, the per-50-g criterion refers to the “as prepared” form),

(ii) If the product meets these conditions without the benefit of special processing, alteration, formulation, or reformulation to lower the caloric content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.

(3) The terms defined in paragraph (b)(2) of this section may be used on the label or in labeling of a meal-type product as defined in §381.413(l) and main-dish product as defined in §381.413(m), provided that:

(i) The product contains 120 calories or less per 100 g of product; and

(ii) If the product meets this condition without the benefit of special processing, alteration, formulation, or reformulation to lower the caloric content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which it attaches.

(4) The terms “reduced calorie,” “reduced in calories,” “calorie reduced,” “fewer calories,” “lower calorie,” or “lower in calories” may be used on the label or in labeling of products, except meal-type products as defined in §381.413(l) and main-dish products as defined in §318.413(m), provided that:

(i) The product contains at least 25 percent fewer calories per reference amount customarily consumed than an appropriate reference product as described in §381.413(j)(1); and

(ii) As required in §381.413(j)(2) for relative claims:

(A) The identity of the reference product and the percent (or fraction) that the calories differ between the two products are declared in immediate proximity to the most prominent such claim (e.g., “lower calorie product”—“33 1/3 percent fewer calories than our regular ‘product’”); and

(B) Quantitative information comparing the level of calories in the product per labeled serving size with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., “calorie content has been reduced from 150 to 100 calories per serving”).

(iii) Claims described in paragraph (b)(4) of this section may not be made on the label or in labeling of products if the reference product 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 labeling of a meal-type product as defined in §381.413(l) and main-dish product as defined in §381.413(m), provided that:

(i) The product contains at least 25 percent fewer calories per 100 g of product than an appropriate reference product as described in §381.413(l); and

(ii) As required in §381.413(j)(2) for relative claims:

(A) The identity of the reference product and the percent (or fraction) that the calories differ between the two products are declared in immediate proximity to the most prominent such claim (e.g., “calorie reduced ‘product’, 25% less calories per ounce (oz) (or 3 oz) than our regular ‘product’”); and

(B) Quantitative information comparing the level of calories in the product per specified weight with that of the reference product that it replaces.
§ 381.460 9 CFR Ch. III (1–1–13 Edition)

is declared adjacent to the most prominent claim or to the nutrition information (e.g., “calorie content has been reduced from 110 calories per 3 oz to 80 calories per 3 oz”).

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

(c) Sugar content claims. (1) 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” may reasonably be expected to be regarded by consumers as terms that represent that the product contains no sugars or sweeteners, e.g., “sugar free,” or “no sugar,” as indicating a product which is low in calories or significantly reduced in calories. Consequently, except as provided in paragraph (c)(2) of this section, a product may not be labeled with such terms unless:

(i) The product contains less than 0.5 g of sugars, as defined in §381.409(c)(6)(ii), per reference amount customarily consumed and per labeled serving size or, in the case of a meal-type product or a main-dish product, less than 0.5 g of sugars per labeled serving size;

(ii) The product contains no ingredient that is a sugar or that is generally understood by consumers to contain sugars unless the listing of the ingredient in the ingredients statement is followed by an asterisk that refers to the statement below the list of ingredients, which states: “Adds a trivial amount of sugar,” “adds a negligible amount of sugar,” or “adds a dietarily insignificant amount of sugar;” and

(iii)(A) It is labeled “low calorie” or “reduced calorie” or bears a relative claim of special dietary usefulness labeled in compliance with paragraphs (b)(2), (b)(3), (b)(4), or (b)(5) of this section; or

(B) Such term is immediately accompanied, each time it is used, by either the statement “not a reduced calorie product,” “not a low calorie product,” 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 §381.409(c)(6)(ii), or any other ingredient that contains sugars that functionally substitute for added sugars is added during processing or packaging;

(ii) The product does not contain an ingredient containing added sugars such as jam, jelly, or concentrated fruit juice;

(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 product, and a functionally insignificant increase in sugars results;

(iv) The product that it resembles and for which it substitutes normally contains added sugars; and

(v) The product bears a statement that the product is not “low calorie” or “calorie reduced” (unless the product meets the requirements for a “low” or “reduced calorie” product) 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 product, including products intended specifically for infants and children less than 2 years of age, is unsweetened or contains no added sweeteners in the case of a product that contains apparent substantial inherent sugar content, e.g., juices.

(4) 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 products, except meal-type products as defined in §381.413(l) and main-dish products as defined in §318.413(m), provided that:

(i) The product contains at least 25 percent less sugars per reference amount customarily consumed than an appropriate reference product as described in §381.413(j)(1); and

(ii) As required in §381.413(j)(2) for relative claims:

(A) The identity of the reference product and the percent (or fraction) that the sugars differ between the two products are declared in immediate
Food Safety and Inspection Service, USDA § 381.461

proximity to the most prominent such
claim (e.g., “this product contains 25
percent less sugar than our regular
product”); and

(B) Quantitative information com-
paring the level of the sugar in the
product per labeled serving size with
that of the reference product that it re-
places is declared adjacent to the most
prominent claim or to the nutrition in-
formation (e.g., “sugar content has
been lowered from 8 g to 6 g per serv-
ing”).

5 The terms defined in paragraph
(c)(4) of this section may be used on the
label or in labeling of a meal-type
product as defined in § 381.413(i) and
main-dish product as defined in
§ 381.413(m), provided that:

(i) The product contains at least 25
percent less sugars per 100 g of product
than an appropriate reference product
as described in § 381.413(j)(1); and

(ii) As required in § 381.413(j)(2) for
relative claims:

(A) The identity of the reference
product and the percent (or fraction)
that the sugars differ between the two
products are declared in immediate
proximity to the most prominent such
claim (e.g., “reduced sugar ‘product’—
25% less sugar than our regular ‘prod-
uct’”); and

(B) Quantitative information com-
paring the level of the nutrient in the
product per specified weight with that
of the reference product that it re-
places is declared adjacent to the most
prominent claim or to the nutrition in-
formation (e.g., “sugar content has
been reduced from 17 g per 3 oz to 13 g
per 3 oz”).

§ 381.461 Nutrient content claims for
the sodium content.

(a) General requirements. A claim
about the level of sodium in a product
may only be made on the label or in la-
beling of the product 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 nu-
trient content claims in § 381.413; and

(3) The product for which the claim is
made is labeled in accordance with
§ 381.409.

(b) Sodium content claims. (1) The
terms “sodium free,” “free of sodium,”
“no sodium,” “zero sodium,” “without
sodium,” “trivial source of sodium,”
“negligible source of sodium,” or
“dietarily insignificant source of so-
dium” may be used on the label or in
labeling of products, provided that:

(i) The product contains less than 5
milligrams (mg) of sodium per re-
ference amount customarily consumed
and per labeled serving size or, in the
case of a meal-type product or a main-
dish product, less than 5 mg of sodium
per labeled serving size;

(ii) The product contains no ingre-
dient that is sodium chloride or is gen-
erally understood by consumers to con-
tain sodium unless the listing of the in-
redient in the ingredients statement is
followed by an asterisk that refers to
the statement below the list of ingredi-
ents, which states: “Adds a trivial
amount of sodium,” “adds a negligi-
ble amount of sodium,” or “adds a dietarily
insignificant amount of sodium;” and

(iii) If the product meets these condi-
tions without the benefit of special
processing, alteration, formulation, or
reformulation to lower the sodium con-
tent, it is labeled to clearly refer to all
products of its type and not merely to
the particular brand to which the label
attaches.

(2) The terms “very low sodium” or
“very low in sodium” may be used on
the label or in labeling of products, ex-
cept meal-type products as defined in
§ 381.413(i) and main-dish products as
defined in § 381.413(m), provided that:

(i)(A) The product has a reference
amount customarily consumed greater
than 30 grams (g) or greater than 2 ta-
blespoons (tbsp) and contains 35 mg or
less sodium per reference amount cus-
tomarily consumed; or

(B) The product has a reference
amount customarily consumed of 30 g
or less or 2 tbsp or less and contains 35
mg or less sodium per reference amount customarily consumed and per
50 g (for dehydrated products that must
be reconstituted before typical con-
sumption with water or a diluent con-
taining an insignificant amount, as de-
ined in § 381.409(f)(1), of all nutrients.