Food and Drug Administration, HHS

§ 105.66 Label statements relating to usefulness in reducing or maintaining body weight.

(a) General requirements. Any food that purports to be or is represented for special dietary use because of usefulness in reducing or maintaining body weight shall bear:

(1) Nutrition labeling in conformity with §101.9, or, where applicable, §101.36 of this chapter, unless exempt under that section; and

(2) A conspicuous statement of the basis upon which the food claims to be of special dietary usefulness.

(b) Nonnutritive ingredients. (1) Any food subject to paragraph (a) of this section that achieves its special dietary usefulness by use of a nonnutritive ingredient (i.e., one not utilized in normal metabolism) shall bear on its label a statement that it contains a nonnutritive ingredient and the percentage by weight of the nonnutritive ingredient.

(2) A special dietary food may contain a nonnutritive sweetener or other ingredient only if the ingredient is safe for use in the food under the applicable law and regulations of this chapter. Any food that achieves its special dietary usefulness in reducing or maintaining body weight through the use of a nonnutritive sweetener shall bear on its label the statement required by paragraph (b)(1) of this section, but need not state the percentage by weight of the nonnutritive sweetener. If a nutritive sweetener(s) as well as nonnutritive ingredients is used, the statement required by paragraph (b)(1) shall be used for the nutritive sweetener(s) and an informative statement of the nature and effect of any treatment or processing of the food or any ingredient thereof, if the changed allergenic property results from such treatment or processing.