

FRESH FRUIT LABELING MANUAL

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Introduction and Acknowledgments

Fresh tree fruit is sold commercially into either domestic or foreign marketing channels. If placed for sale within the United States, a packed carton (or other container) of tree fruit falls under the direct oversight of federal agencies, primarily the U.S. Food and Drug Administration.

If sent by the packer directly to an export market, such as Canada or India, it must meet the labeling requirements of the applicable destination's government.

The Northwest Horticultural Council acknowledges the assistance of the Seattle District office of the U.S. Food and Drug Administration, the Country of Origin Labeling Division of the USDA's Agricultural Marketing Service, and the Standards Division of USDA's National Organic Program in the development of this manual.

UNITED STATES

I. General Information

BASIC LAW: The federal regulations that govern most food labeling issues are contained in Title 21, Code of Federal Regulations, Part 101 "Food Labeling". Additional information on general labeling requirements is in Title 21, Code of Federal Regulations, Part 1, Subpart B. A U.S. Food and Drug Administration (FDA) [Food Labeling Guide](#), which summarizes the required statements that must appear on food labels, is also available for assistance at FDA's website.

Companies are encouraged to contact private legal counsel for detailed and specific legal advice regarding product and carton labeling.

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GMOs: Virtually all commercial tree-fruit grown in the Pacific Northwest is free of modern bioengineering. In other words, non-GMO. However, with the 2016 harvest there may be small quantities of the "Arctic" apple test-marketed by Okanagan Specialty Fruits: these apples are GMOs.

Rules for the proper labeling of GMO food products are now governed by federal law. On July 29, 2016, President Obama signed legislation, S. 764, which preempts state laws regarding the labeling of GMO foods and calls for the Secretary of Agriculture to develop rules for the proper labeling at retail of all GMO foods. These new USDA rules are to be in place within two years of enactment, or August 2018.

Within S. 764 is a specific statement regarding organic foods. If a food is certified by USDA under its national organic program, a marketer of that food may “make a claim regarding the absence of bioengineering in the food, such as ‘not bioengineered’, ‘non-GMO’, or other similar claim.”

In the opinion of the Northwest Horticultural Council, marketers of conventionally-grown foods may also make similar “non-GMO” claims if truthful and not misleading to consumers. This is no change from current law.

STICKERS: The use of stickers on fruit is common to most packers of Pacific Northwest tree fruit. FDA requires that such labels, as well as the ink and adhesive used on each label, be made of substances approved by FDA for food contact.

PBH: Packers are reminded that the Produce for Better Health Foundation has transitioned to the trademarked brand “Fruits & Veggies—More Matters®” and that a company must be licensed, which requires a fee, to use PBH brands.

Information on licensing and using PBH brands, which are aimed at promoting good nutrition, may be obtained at www.pbhfoundation.org.

ALLERGENS: The Food Allergen Labeling and Consumer Protection Act of 2004 governs labeling for food allergens. According to industry guidance issued by FDA “Raw agricultural commodities such as fresh fruits and vegetables in their natural state are not affected by FALCA.”

II. Bulk Shipping Container Labeling

- A. If the shipping container contains only bulk fruit without any retail packages (such as plastic bagged fruit), it must be labeled with the name and address of the shipper, the product name, net weight, and the identity of any post harvest pesticides and post harvest food additives.

The net content statement for tree fruit can be stated in traditional terms including weight, volume (such as bushel), or number (such as 90 pieces) on the bulk shipping container. If the bulk shipping container is used for retail display, the product name shall be presented in bold type on the principal display panel and in a reasonable size related to the most prominent printed matter on such panel. In the past, the NHC has received guidance that if the product name is in letters at least one half the height of

the most prominent lettering on the same face of the container, the requirement will be satisfied.

- B.** Post harvest pesticides must be listed on the exterior of the box in an observable place by full chemical name. The function of the chemical must also be stated. The list may include all post harvest chemicals used by a packer within a season. All post harvest pesticides actually used on the fruit in the box must, however, be included in the list. If alternative pesticides are listed, the following statement, as an example, is permissible: "May have been treated with chemical X or chemical Y to maintain freshness or to extend shelf life." No abbreviations or trade names may be used.

Example 1:

Treated to maintain freshness with one or more of the following:

THIABENDAZOLE, DIPHENYLAMINE, PYRIMETHANIL, FLUDIOXINIL

Example 2:

May have been treated with the following:

CAPTAN, BASIC COPPER CARBONATE TO EXTEND SHELF LIFE

- C.** Pear wrap may contain chemicals such as basic copper carbonate and/or ethoxyquin. If so, these post harvest chemicals must also be included on the label.
- D.** Any post harvest food additives used must also be labeled. Post harvest food additives include waxes, resins, sucrose polyesters (e.g., Semperfresh) and other such materials. The information should be printed on the outside of the container or placed on the container by way of printed stickers or sealing tape. As an alternative, it may be placed in the box on a placard, typed sheet, or on the top pad.

FDA regulations state that wax and resin ingredients must be declared collectively by the phrase "coated with food grade animal wax" or the phrase "coated with food grade vegetable, petroleum, beeswax and/or shellac based wax or resin". Categories of wax or resins not present may be omitted. The specific name of the wax, such as "carnauba" may be used rather than the general name "vegetable". To the knowledge of the NHC, animal waxes are not in commercial use on Northwest tree fruit.

Alternative language is not allowed for post harvest food additives. Coatings that contain more than one active coating type, such as a mixture of carnauba and shellac, must be labeled with both coatings even if one of the coatings is present at a very low level. The use of the term "food grade" is optional. The use of the term "to maintain freshness" also is optional.

Example 1: *If shellac and carnauba (vegetable) based coatings are to be used by a packing house in a season, the following labeling would be correct:*

**COATED WITH FOOD GRADE VEGETABLE AND/OR SHELLAC
BASED WAX RESIN TO MAINTAIN FRESHNESS.**

Example 2: *Another acceptable option for bulk container food additive labeling is the use of a checkoff system. An added declaration of no wax or resin is optional if, in fact, no wax or resin was added.*

COATED WITH FOOD GRADE VEGETABLE WAX

COATED WITH FOOD GRADE VEGETABLE AND/OR SHELLAC
BASED RESIN OR WAX

NO WAX OR RESIN

III. Retail Packaging

Bags, clamshell, and other types of retail packing of produce must be labeled with the following items, as required by the FDA:

- 1) name of the product
- 2) name and address of the packer or distributor
- 3) net weight
- 4) ingredient statement

The name of the product must be on the front panel of the retail pack, also called the principal display panel, in lettering at least half the height of the most prominent lettering.

The name and address of the packer or distributor of the product can be on the principal display panel or on the back of the retail pack in lettering at least 1/16" in height.

The net weight statement must appear on the principal display panel with the minimum height determined by the surface area of the side of the retail pack that is labeled. The net weight statement must appear in the bottom 30% of the principal display panel in both the customary inch/pound system of measure and the SI metric system. For a retail pack having a principal display panel area of 100-400 square inches, lettering must be 1/4" in height. For a retail pack having a panel area of 25-100 square inches, lettering must be 3/16" in height.

The ingredient statement should reflect the use of any food additives, including waxes or coatings. The ingredient statement must be on the same panel as the name and address of the packer or distributor (either principal display panel or on the back panel). The listing must be at least 1/16" in height and clearly legible.

No post harvest chemicals, such as fungicides or pesticides, need to be listed on the retail pack.

The bulk shipping container for the retail packaged fruit must be labeled with the name of product, the shipper's name, the shipper's address, and the post harvest chemicals as described under requirements for bulk shipping containers. If, however, the retail packaged fruit is not shipped within a bulk container, the post harvest chemical information must be disclosed on the outside of the retail pack.

Example: APPLES
 NET WT: 3 lb. (1.36 kg)
 DISTRIBUTED BY GOOD FRUIT, INC.
 BOX 4521
 FRUITVILLE, WA 88888

 COATED WITH FOOD GRADE VEGETABLE AND/OR SHELLAC BASED WAX
 TO MAINTAIN FRESHNESS

IV. Gift or Bulk Fruit Labeling

Gift packs shipped directly to consumers are considered to be retail containers. The labeling requirements are the same as for retail packs of produce described above and are not required to have post harvest pesticide information.

Bulk shipping containers, such as 42 lb. or 21 lb. cartons, are considered retail packs if they are sold by the carton at retail. All the labeling requirements described for retail packs of produce must then be met. When such a bulk container has a principal display panel of more than 400 square inches, the minimum font size for the net weight must be at least 1/2" in height.

V. Nutrition Labeling

Although federal nutrition labeling of fresh fruit by packers is voluntary, any health or nutritional claim made on the box or bag of fruit triggers application of Nutritional Labeling and Education Act (NLEA) of 1990, including full nutritional information. Nutrition information, if used on a package, must be accurate and comply with Food and Drug Administration regulations. For more information, see [FDA's Food Labeling and Nutrition](#).

Packers wishing to label with nutrition information should contact the appropriate industry promotion commission or bureau for detailed information involving a specific fruit. They can also find help from the FDA's "Fruit Nutrition Facts" a poster for restaurants and retail establishments that gives nutritional values on a variety of raw fruits, including apples, nectarines, peaches, pears, plums, and sweet cherries.

VI. Organic Labeling

In 2002 the final rule implementing the Organic Foods Production Act of 1990 took effect. Under the Act, the National Organic Program (NOP) within the USDA's Agricultural Marketing Service (AMS) establishes national standards for organic food production, provides an accreditation process for states and private organizations to certify organic producers and handlers, and limits the use of the term "organic" in food labeling to those products produced in accordance with NOP standards.

Guidelines for labeling certified organic produce are summarized below and can be found in their entirety at the [AMS' website](#).

Regulations are located under "Title 7-Agriculture; Subtitle B; Chapter I; Subchapter M; Part 205" of the Code of Federal Regulations.

Retail Packaging:

Fruit that has been certified “100 percent organic” may carry the [USDA organic seal](#). If an organic claim is made, then the label must also contain the phrase “Certified organic by ____” (or a similar phrase) followed by the name of the Certifying Agent on the information panel of the label below the name and address of the packer, importer or distributor. Certifying Agent seals alone will not satisfy this requirement. It is also permissible to include the Certifying Agent business address, telephone number, or internet address in the information panel and the Certifying Agent’s seal on any panel provided it is not more prominently displayed than the USDA organic seal. The term “100 percent organic” may also be used to modify the product name.

Bulk Shipping Containers:

Non-retail containers used to ship or store fruit identified as organic may bear the USDA organic seal. These packages may also bear the seal and/or name and address of the Certifying Agent that certified the packer or handler of the finished product. The container may also bear special handling instructions needed to maintain the organic integrity of the product.

Any non-retail container used to ship or store raw or processed agricultural product labeled as organic must display the product’s production lot number.

Additional Information:

Products eligible to display the USDA organic seal may also use the seal in their advertisements.

Products for export that are produced and certified to foreign national organic standards or buyer requirements may be labeled in accordance with the organic labeling requirements of the receiving country provided that the shipping containers and shipping documents are clearly marked “For Export Only”. The handler must also meet NOP record keeping requirements for exempt operations.

Please note that none of these NOP requirements preempt other federal labeling rules or label approval requirements, such as may be issued or enforced by other USDA agencies or the Food and Drug Administration.

VII. Country of Origin Labeling

For decades, commercial packers of tree fruit have been required by PACA, the Perishable Agricultural Commodities Act of 1930, to have the country of origin of any packed fruit displayed on the master shipping container.

Country of origin labeling (COOL) for fresh produce, including tree fruits, sold at retail in the United States has been required since 2008.

COOL regulations are administered by USDA's Agricultural Marketing Service (AMS). AMS has a web page specifically for COOL located at www.ams.usda.gov/AMSV1.0/COOL

COOL regulations regarding fresh and frozen fruits and vegetables are located under 7 CFR (Code of Federal Regulations) Part 65.

Best Practices for COOL:

There is no rule stating the font size required or specific format for the labeling of individual pieces of fruit regarding country of origin. The rule of reason would seem to apply: Can a consumer determine, with ease, the country where the fruit was grown from its labeling?

Packers of tree fruit grown in the United States are encouraged to label individual pieces of fruit, and/or such consumer containers as clamshells and bags with either "U.S. or USA", e.g., "USA Pears" or the specific state within the United States where the product was grown, e.g., "Washington Apples" or "Product of Idaho."

Should a packer also handle imported produce, that fruit must be labeled with the proper country of origin, as declared to the U.S. Customs and Border Protection upon entering into the United States, e.g., "Product of Chile."

Packers must maintain COOL records for transported products for at least one year after the date of transaction. (However, there is no federal requirement for retailers to audit shippers in regards to COOL records.)

COOL information can be provided on the product itself, on the master shipping container, or on the documents associated with the transaction, i.e., bill of lading, invoice, shipping manifest. The COOL declaration must be on a minimum of one but can be on two or all three locations. Some retailers may require specific country of origin information on each invoice submitted by suppliers.

FOREIGN MARKETS

- A. FDA labeling regulations for domestic fresh produce are not in force if the product is exported. If the box does not have the FDA required domestic labeling, the container must have markings, clearly indicating that the product is for export. The container and retail packs must meet the labeling requirements for the importing country and it can't have been previously sold or offered for sale in domestic commerce.

Example 1:

PRODUCT FOR EXPORT

Example 2:

DESTINATION OSLO, NORWAY

- B. Labeling requirements imposed by foreign governments for containers of product imported into their countries for sale to the public vary. A few countries simply accept U.S. markings without change, while others have specialized requirements involving such things as weights and measures in metric and written information in the local language. The Northwest Horticultural Council attempts to keep track of special labeling requirements in selected foreign markets for deciduous tree fruits. This information is contained in the NHC's [Export Manual](#).

Exporters should check with their importers in the destination foreign market to ensure that any special labeling requirements are met prior to shipment. In particular, chemical-specific labeling on export cartons should be limited to that mandated by the government of the destination market.

WARNING: U.S. Food and Drug Administration required labeling for chemicals or wax on domestic containers should be avoided on cartons destined for export, unless that use has been cleared with importers in the destination market.

- C. USDA/Organics: Products for export that are produced and certified to foreign national organic standards or buyer requirements may be labeled in accordance with the organic labeling requirements of the receiving country provided that the shipping containers and shipping documents are clearly marked "For Export Only." The handler must also meet NOP record keeping requirements for exempt operations.
- D. A number of countries, including, but not limited to, Canada, Korea, Japan, and China, do not allow "non-GMO," "GMO-free," or similar statements on the labels for any commodity in which there is no GMO (genetically modified organism) equivalent commercially available. This currently applies to pears and cherries and may also apply to apples. It is recommended that shippers check the regulations governing "non-GMO" labeling for individual countries they are shipping to prior to placing a "non-GMO" statement on a shipping carton or consumer package.

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