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## Center for Food Safety and Applied Nutrition Constituent Update

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# FDA Provides Temporary Flexibility Regarding Nutrition Labeling of Certain Packaged Food in Response to the COVID-19 Pandemic

March 26, 2020

As a result of the COVID-19 pandemic, restaurants and food manufacturers may have food not labeled for retail sale that they wish to sell at retail. For example, restaurants may have purchased ingredients that they can no longer use to prepare restaurant food and instead wish to sell to their customers. To facilitate the distribution of food during the COVID-19 pandemic, the U.S. Food and Drug Administration today released a guidance document, [Guidance for Industry: Temporary Policy Regarding Nutrition Labeling of Certain Packaged Food During the COVID-19 Public Health Emergency](#), to provide restaurants and food manufacturers with flexibility regarding nutrition labeling of certain packaged food.

For restaurants that wish to sell packaged food to consumers directly, or to other businesses for sale to consumers, the FDA does not intend to object if the packaged food lacks a Nutrition Facts label, provided that the food does not have any nutrition claims and contains other required information on the label, including the following, as applicable:

- a statement of identify
- an ingredient statement,
- the name and place of the business of the food manufacturer, packer, or distributor,
- net quantity of contents, and
- allergen information required by the [Food Allergen Labeling and Consumer Protection Act](#).

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For food manufacturers that have inventory on hand that is labeled for use in restaurants, the FDA does not intend to object to the sale of packaged food that lacks a Nutrition Facts label by food manufacturers, provided that the food does not have any nutrition claims and contains other required information on the label, including the following, as applicable:

- a statement of identity,
- an ingredient statement,
- the name and place of business of the food manufacturer, packer, or distributor,
- net quantity of contents, and
- allergen information required by the [Food Allergen Labeling and Consumer Protection Act](#).

Finally, if retail packaging for certain food products is unavailable, the FDA does not intend to object to the further production of food labeled for use in restaurants that is intended to be sold other than to restaurants until retail packaging is available. Although the guidance is being implemented immediately, it remains subject to comment according to the agency's good guidance practices.

Separate from this guidance, FDA intends to work cooperatively with manufacturers for the remainder of the year regarding using updated Nutrition and Supplement Facts labels and will not focus on enforcement actions during this time. FDA [previously announced](#) that it would do so for the first six months following the January 1, 2020, compliance date.

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