

## FBIA Ingredient Labeling Flexibility Need Examples

- Flexibility to allow minor ingredient substitutions that might typically require ingredient declaration changes but do not create food safety issues (e.g. undeclared allergens) would alleviate sourcing concerns for ingredients including those used in seasonings and spices. Many of these commodities are imported and are facing uncertain sourcing situations at the moment. This flexibility would allow organoleptic parity and assure ongoing supply to market. Changing and printing new labels would require too much time and expense to maintain critical supply lines.
- The list below includes examples of substitutions the food industry anticipates may be needed to address potential shortages of imported ingredients or others that may face transportation/logistics disruptions. This is not intended to be an exhaustive list, but rather one that reflects examples of industry expectations at this moment in what is an evolving crisis. We are unsure at present how this crisis will affect access to certain countries' ingredient resources, borders, and ports, as well as transportation/logistics of ingredients domestically, but we believe the exemplary list below reveals that the anticipated substitutions would have no impact on food safety, including with respect to allergens:
  - Chiles for paprika
  - Turmeric or annatto used for color
  - Minor ingredient omissions, such as dehydrated vegetables or fruits (such as elderberry), flavors, oleoresins or oils
  - White for black sesame
  - Substitution of mushroom species when named specifically
  - Substitution of seaweed species when named specifically
  - Substitution of chile varieties when named specifically
  - Artificial vs natural substitutions e.g. colors, flavors, where these do not introduce undeclared allergens
  - Desiccated coconut has limited supplies and alternatives are being sought
  - Leek Flakes have limited supplies and alternatives are being sought
  - Lactose for sugar, where milk allergen is already declared on the label. This would typically be done at a low-level in finished products.
  - Oat flour – supply logistics hurdles – related small formulation changes – this would not impact gluten free claims
  - Oils -
    - Vegetable oil flexibility in general, may require flexibility finding alternatives for Coconut, Palm, Shea and High Oleic Sunflower, if they are highly refined and don't pose an undeclared allergen risk
    - Oil supply especially Palm out of Europe and Malaysia. Small packaging, like candy, don't have labeling space for "Contains one of more of the following" labeling which can be problematic.
  - Interchangeability of dairy components where not impacting standards of identity and where the products already declare milk allergen, such as interchangeability of whey, lactose, nonfat dry milk, etc.

- Minor deviations from standards of identity, e.g., the substitution of safe and suitable optional ingredients in chocolate products
- Interchangeability in different sweetening systems for sugar alcohols, where there is no claim, health or safety concern (e.g., sugar-free, diabetics)
- High fructose corn syrup for sugar
- Acids: Lactic for malic or citric
  
- Flexibility to temporarily not label irradiated products would facilitate the ability to ensure products are treated safely and efficiently. Spices must be treated for Salmonella using either steam, ETO, or irradiation. Due to the pandemic, ETO providers are switching to only doing ETO for medical equipment, which is creating capacity challenges to sterilize spices and other products. Temporarily allowing irradiated products not to have to label would facilitate ongoing production.
  
- Flexibility to omit ingredients that may become temporarily unavailable
  - Bleaching agent (Benzoyl Peroxide)
  - Enrichments (Thiamine, Riboflavin, Niacin, Folic Acid, and Iron)
  - Apple concentrate from China and Europe
  - White grape concentrate from South America
  - Ascorbic acid from China
  - Pectin from Germany
  - Orange Concentrate from Brazil
  - Cumin from India

The food industry greatly appreciates FDA's partnering with industry as we work together to ensure that consumers continue to have access to food products during this crisis. Towards that end, we ask that FDA allow flexibility to permit deviations from labeled ingredients where exigent circumstances require substitutions or omissions, as long as they do not lead to undeclared allergens. We hope the foregoing list demonstrates to FDA the minor changes industry currently anticipates. Food manufacturers are committed to limiting their use of such flexibility to only the duration of this crisis, and only as needed. Manufacturers who may need to avail themselves of such flexibility intend to revert as soon as possible to their labeled formulas.