



MEMO - International Maple Syrup Institute (IMSI) Recommendation – Nutritional Facts Label – FDA Guidance January 11, 2020

TO: IMSI Members

FM: Jean Lamontagne, IMSI Executive Director
Emma Marvin, IMSI Regulatory Affairs Chairperson

REF: FDA GUIDANCE ON LABELLING ADDED SUGARS
IMSI RECOMMENDATION TO IMSI MEMBERS / INDUSTRY

GOAL: This IMSI memo and attachments provide: 1) a recap summary of the IMSI and FDA path to the current guidance 2) IMSI Nutritional Facts Label (NFL) recommendation 3) examples of the recommended NFL 4) IMSI maple syrup nutritional values.

Our intention is that by issuing this recommendation, the industry proceeds in a uniform manner with the new nutritional facts label as well as presenting consistent and accurate nutritional information to consumers.

1) Recap Summary

The IMSI and its members made substantial gains by being granted a special Nutrition Facts Label (NFL) specific to “single-ingredient” sugars and syrups that rules out the use of the words “added sugars” on the main front panel. Here is a recap of IMSI actions.

In 2016, the FDA issued new Nutritional Facts Label (NFL) guidance that stipulated that the words “added sugars” be used on the main panel. The original guidance prescribes having one line with ‘Total Sugars XXg’ and a second line with “Includes XXg Added Sugars”“XX%”.

Following this regulation, the maple syrup (and Honey) industry objected, stating that they are pure, single-ingredient products and that “added sugars” would be confusing. In the following years, the IMSI lobbied for special status via the USDA and through the *Agricultural Improvement Act of 2018 (Farm Bill)*, the IMSI obtained a favorable ruling stating that the words “added sugars” is not required on the main panel. This was a substantial victory for the industry. (Ref: <https://docs.house.gov/billsthisweek/20181210/CRPT-115hrpt1072.pdf>).

In June 2019, in response to the USDA ruling, the FDA provided further guidance specifically for “single ingredient” products that gave maple syrup the option to avoid putting ‘added sugars’ on the main panel. This confirmed the USDA ruling and cemented our single-ingredient special status.

Here are the links to the two reference documents for your reference:

- The Nutrition Facts Label Declaration of Added Sugars for Single-Ingredient Sugars and Certain Cranberry Products - Simplified Declaration FACT SHEET
<https://www.fda.gov/media/127968/download>



MEMO - International Maple Syrup Institute (IMSI) Recommendation – Nutritional Facts Label – FDA Guidance January 11, 2020

- The Declaration of Added Sugars on Honey, Maple Syrup, Other Single-Ingredient Sugars and Syrups, and Certain Cranberry Products: Guidance for Industry
<https://www.fda.gov/media/127928/download>

In October 2019, the IMSI sent a letter to the FDA proposing an alternative to their recommended footnote, asking them to approve an alternative statement that essentially reworded the footnote they suggested in their June 18 guidance.

On December 17th, 2019, the FDA responded to the IMSI's that they took the statement in consideration but they "do not provide pre-approval of labels".

2) **Recommendation.**

The IMSI recommends that maple syrup packages conform to the 2019 FDA guidance with the footnote¹.

With footnote: The packaging can display the NFL proposed in the July 18, 2019 FDA guidance *with the exact footnote in the guidance*. In this case, the use of the obelisk symbol attached to the DV% indicating a footnote for reference with very specific language (see full guidance document or easier FACT SHEET in the previous references for exact language).

Note: The packaging can display the NFL proposed in the July 18, 2019 FDA guidance *without the footnote* explained in the guidance. The problem is that it leaves the line unqualified and unclear as to what that number is.

Reasons for the recommendation.

Clarity. Following the guidance and using the footnote avoids leaving the reader with no information about that DV%; it helps understand the %DV otherwise it is 'orphaned'/not explained.

Compliance. We quote the guidance here: "The symbol and footnote are not required, but FDA encourages manufacturers to use them as a way to provide useful information to consumers."

¹ The guidance was issued by Susan T. Mayne, the Director - Center for Food Safety and Applied Nutrition (CFSAN) on June 18, 2019. (Ref: <https://www.fda.gov/news-events/press-announcements/statement-new-guidance-declaration-added-sugars-food-labels-single-ingredient-sugars-and-syrups-and>)



MEMO - International Maple Syrup Institute (IMSI) Recommendation – Nutritional Facts Label – FDA Guidance January 11, 2020

Uniformity across the maple syrup products manufactured by numerous bottlers and packers. Unlike many products, maple syrup is packaged by numerous companies and individual businesses. Having uniform packaging avoids any potential confusion with consumers in the market place and assures that all manufacturers are in compliance and that there is no potential FDA label recourse or issues with the requirement to provide truthful and not misleading nutritional information.

Timing – Deadline is July 1st, 2021

The FDA does not intend enforce the guidance until the compliance deadline of July 1st, 2021. The FDA is taking this position because they recognize the importance of giving manufacturers additional time to make appropriate label changes consistent with the Farm Bill and the FDA's final June 2019 guidance.

If you have further questions about this, please direct them to Jean Lamontagne, IMSI Executive Director at jeanlamontagneimsi@gmail.com.