

The FDA Proposes to Place Nutrition Info on the Front of Most Food Packages¹

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In the final weeks of the Biden administration, the U.S. Food and Drug Administration (FDA) announced several new regulations, guidance documents and proposed rules, including a much-anticipated proposed rule to require a front-of-package (FOP) nutrition label on most packaged foods. If the FDA finalizes the rule in its proposed form, virtually all packaged foods with a Nutrition Facts Panel (NFP) would be required to echo sodium, saturated fat and added sugar on the front label in a simplified Nutrition Info box, along with whether the amounts are “low”, “medium” or “high.” The FDA’s goal is to help consumers make healthier food choices.² However, the proposal comes with practical challenges for the industry while not addressing recent concerns about Americans’ reliance on ultraprocessed foods. The FDA will accept comments on its proposal until May 16, 2025.³

Why is the FDA proposing to put a Nutrition Info box on the front of food packages?

The FDA has gathered data demonstrating that nutrition labeling, such as the Nutrition Facts Panel (NFP), provides better context for consumers to gauge the significance of certain nutrients.⁴ The FDA has determined through various studies that more information is needed to make it easier for consumers to see and understand nutrient declarations.⁵ The FDA’s goal for the proposed FOP nutrition labeling, referred to as the Nutrition Info box, is to help reduce the burden of diet-related chronic diseases by giving consumers the additional information they need in a standardized format that is more noticeable and user-friendly.⁶

What foods would need to have a Nutrition Info box?

If finalized, the proposed rule would add a new Section 101.6 to part 101 of Title 21 of the Code of Federal Regulations to require the display of a “compact informational box containing certain nutrient information” on a food product’s principal display panel (PDP).⁷ This Nutrition Info box would be required on the PDP of foods that are already required to be labeled with an NFP.⁸

The proposed rule covers most foods marketed for the general population, including adults and children ages four years and older.⁹ The proposed rule does not cover foods marketed for children under four years of age and does not apply to dietary supplements.¹⁰ The proposed rule also does not apply to foods that are already exempt from the requirement to have an NFP, such as foods served by restaurants.¹¹

What information would be included in the Nutrition Info box?

The FDA has proposed that the food industry add a Nutrition Info box that would display the percentage of daily value of saturated fat, sodium and added sugars per serving and include the interpretive descriptions “low,” “med” and “high” for each nutrient, as follows:

- “Low” for a percent daily value of 5% or less
- “Med” for a percent daily value of 6% to 19%
- “High” for a percent daily value of 20% or more¹²

Nutrition Info		
Per serving		% Daily Value
5 cookies		
Saturated Fat	25%	High
Sodium	5%	Low
Added Sugars	10%	Med
FDA.gov		

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Where would the FDA require the Nutrition Info box to be placed?

The FDA would require the Nutrition Info box to be placed on the top one third of the front label.¹³

How would the proposed rule impact voluntary label claims?

The information in the Nutrition Info box would not qualify as a nutrient content claim because it would be mandatory, and the Nutrition Info box would not be subject to the regulatory requirements for nutrient content claims.¹⁴ The same information, outside of the mandatory NFP or Nutrition Info box, would be considered a nutrient content claim.¹⁵ The FDA would only allow nutrient content claims to be made if such claims align with the information in the Nutrition Info box.¹⁶

To avoid a conflict between the Nutrition Info box and voluntary nutrient content claims that may be included elsewhere on the label, the FDA has proposed to update its definitions of “low sodium.”¹⁷ When the FDA lowered the daily reference value (DRV) for sodium to 2,300 mg when the FDA updated the Nutrition Facts in 2016, the FDA did not make conforming changes to its regulations on sodium nutrient content claims.¹⁸ Therefore, “low sodium” nutrient content claims may currently be used on a food label if the food has slightly more than the 5% “low” threshold the FDA has proposed for the Nutrition Info box’s “low” classification.¹⁹ Therefore, the FDA has proposed to align its standard for the “low sodium” nutrient content claim with the most recent dietary reference value (DRV) of 2,300 mg for sodium, as set out in the regulations, which would also comport with a “low” percentage value in the Nutrition Info box.²⁰

What actions are needed now?

No action is required now, but stakeholders should consider submitting comments regarding the impacts of the proposed rule and should consider reviewing impacted products.

As the FDA reviews comments and considers the input of the new administration, the FDA may make significant changes to its proposal. Additionally, if or when the FDA issues a final rule, the FDA will likely allow a couple of years for industry to come into compliance because virtually all food packaging would need to be changed. This means that any mandatory changes are still years away.

Still, many food companies will want to begin a careful review of their product lines to determine which foods would need to bear “Med” or “High” for saturated fat, sodium or added sugars. The FDA anticipates that some companies will want to reformulate foods to avoid such designations. Additionally, many companies are likely to find that they may have an opportunity to tweak the formulations of foods that would need only a small reduction in saturated fat, sodium or added sugar to fall into a lower threshold.

When is the deadline to submit comments on FDA’s proposal?

Commenters must submit their electronic or written recommendations by March 16, 2025.²¹ Electronic comments must be submitted by 11:59 PM EST on that date using the electronic filing system at <https://www.regulations.gov>.²² Written or paper submissions sent via mail, hand delivery or courier will be considered timely if they are received at Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, on or before that date.²³

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¹ Prepared by Suzie Trigg and Kristi Weisner as of January 28, 2025, based on FDA’s Proposed Rule for Front-of-Package Nutrition Information food labeling. Our review was limited to the Proposed Rule and to the FDA’s January 14, 2025 Constituent Update. Please refer to the text of the Proposed Rule (available at <https://www.federalregister.gov/public-inspection/2025-00778/food-labeling-front-of-package-nutrition-information>) for more detailed information to ensure compliance.

² U.S. FOOD AND DRUG ADMIN., [Constituent Update: FDA Issues Proposed Rule on Front-of-Package Nutrition Labeling](#) (Jan. 14, 2025).

³ *Id.*; see also [Food Labeling: Front-of-Package Nutrition Information](#), Docket No. FDA-2024-N-2910, REGULATIONS.GOV.

⁴ [Proposed Rule: Food Labeling: Front-of-Package Nutrition Information](#), 90 Fed. Reg. 5426, 5427 (Jan. 16, 2025).

⁵ U.S. FOOD AND DRUG ADMIN., *supra* note 5, at 5430.

⁶ U.S. FOOD AND DRUG ADMIN., *supra* note 5, at 5429; see also [Food Labeling: Nutrient Content Claims; Definition of Term “Healthy”](#), 89 Fed. Reg. 106064, 106156 (Dec. 27, 2024).

⁷ U.S. FOOD AND DRUG ADMIN., *supra* note 5, at 5427.

⁸ U.S. FOOD AND DRUG ADMIN., *supra* note 5, at 5433.

⁹ U.S. FOOD AND DRUG ADMIN., *supra* note 5, at 5439.

¹⁰ U.S. FOOD AND DRUG ADMIN., *supra* note 5, at 5439–5440.

¹¹ U.S. FOOD AND DRUG ADMIN., *supra* note 5, at 5452–5453 (citing 21 C.F.R. § 101.15(c)(2), as amended).

¹² U.S. FOOD AND DRUG ADMIN., *supra* note 5, at 5439–5440, 5442.

¹³ U.S. FOOD AND DRUG ADMIN., *supra* note 5, at 5446 (citing 21 C.F.R. § 101.6(a)(3)(i), as amended).

¹⁴ U.S. FOOD AND DRUG ADMIN., *supra* note 5, at 5437–5438 (citing 21 C.F.R. § 101.13(c), as amended).

¹⁵ See 21 C.F.R. § 101.13(b); see also [Food Labeling: Nutrient Content Claims; Definition of Term “Healthy”](#), 89 Fed. Reg. 106064, 106162 (Dec. 27, 2024) (citing 21 C.F.R. § 101.13(b), as amended).

¹⁶ U.S. FOOD AND DRUG ADMIN., *supra* note 5, at 5444–5445.

¹⁷ U.S. FOOD AND DRUG ADMIN., *supra* note 5, at 5444.

¹⁸ U.S. FOOD AND DRUG ADMIN., *supra* note 5, at 5444.

¹⁹ U.S. FOOD AND DRUG ADMIN., *supra* note 5, at 5444, 5454 (citing 21 C.F.R. § 101.61(b)(4–5)).

²⁰ U.S. FOOD AND DRUG ADMIN., *supra* note 5, at 5436–5437 (citing 21 C.F.R. § 101.9(c)(9)).

²¹ U.S. FOOD AND DRUG ADMIN., *supra* note 3.

²² U.S. FOOD AND DRUG ADMIN., *supra* note 3; see also [Food Labeling: Front-of-Package Nutrition Information](#), Docket No. FDA-2024-N-2910, REGULATIONS.GOV.

²³ U.S. FOOD AND DRUG ADMIN., *supra* note 3.