

FEDERATED STATES OF MICRONESIA  
DEPARTMENT OF HEALTH SERVICES  
REGULATIONS FOR LABELLING OF PREPACKAGED FOODS

DHS REGULATION NO. 5

SECTION 1. GENERAL PROVISIONS

1.1 Authority. These regulations have been adopted and issued by the Secretary of the Department of Health Services under the authority of Section 25 of the National Food Safety Act, Public Law 7-116.

1.2 Scope. This regulation applies to the labelling of all prepackaged foods to be offered as such to the consumer or for catering purposes and to certain aspects relating to the presentation thereof. This Regulation is based on Codex General Standard for the Labelling of Prepackaged Foods (World-Wide Standards) Codex Standard 1 - 1985 (Rev. 1 - 1991).

2. DEFINITION:

For the purpose of this regulation:

"Claim" means any representation which states, suggests or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality.

"Consumer" means persons and families purchasing and receiving food in order to meet their personal needs.

"Container" means any packaging of food for delivery as a single item, whether by completely or partially enclosing the food and includes wrappers. A container may enclose several units or types of packages when such is offered to the consumer.

For use in Date Marketing of prepackaged food:

"Date of Manufacture" means the date on which the food becomes the product as described.

"Date of Packaging" means the date on which the food is placed in the immediate container in which it will be ultimately sold.

"Sell-by-Date" means the last date of offer for sale to the consumer after which there remains a reasonable storage period in the home.

"Date of Minimum Durability" ("best before") means the date which signifies the end of the period under any stated storage conditions during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond this date the food may still be perfectly satisfactory.

"Use-by-Date" (Recommended Last Consumption Date, Expiration Date) means the date which signifies the end of the estimated period under any stated storage conditions, after which the product probably will not have the quality attributes normally expected by the consumers. After this date, the food should not be regarded as marketable.

"Food" means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drinks, chewing gum and any substance which has been used in the manufacture, preparation or treatment of "food" but does not include cosmetics or tobacco or substances used only as drugs.

"Food Additive" means any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food results, or may be reasonably expected to result, (directly or indirectly) in it or its by-products becoming a component of or otherwise affecting the characteristics of such foods. The term does not include "contaminants" or substances added to food for maintaining or improving nutritional qualities.

"Foods for Catering Purposes" means those foods for use in restaurants, canteens, schools, hospitals and similar institutions where food is offered for immediate consumption.

"Ingredient" means any substance, including a food additive, used in the manufacture or preparation of a food and present in the final product although possibly in a modified form.

"Label" means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food.

"Labelling" includes any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food, including that for the purpose of promoting its sale or disposal.

"Lot" means a definitive quantity of a commodity produced essentially under the same conditions.

"Prepackaged" means packaged or made up in advance in a container, ready for offer to the consumer, or for catering purposes.

"Processing Aid" means a substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or their ingredients, to fulfil a certain technological purpose during treatment or processing and which may result in the non-intentional but unavoidable presence of residues or derivatives in the final product.

### 3. GENERAL PRINCIPLES

3.1 Prepackaged food shall not be described or presented on any label or in any labelling in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.

3.2 Prepackaged food shall not be described or presented on any label or in any labelling by words, pictorial or other devices which refer to or are suggestive either directly or indirectly, of any other product with which such food might be confused or in such a manner as to lead the purchaser or consumer to suppose that the food is connected with such other product.

### 4. MANDATORY LABELLING OF PREPACKAGED FOODS

The following information shall appear on the label of prepackaged foods as applicable to the food being labelled, except to the extent otherwise expressly provided in other DHS Regulations:

#### 4.1 The Name of the Food

4.1.1 The name shall indicate the true nature of the food and normally be specific and not generic:

4.1.1.1 Where a name or names have been established for a food in a DHS Regulation, at least one of these names shall be used.

4.1.1.2 In the absence of any such name, either a common or usual name existing by common usage as an appropriate descriptive term which was not misleading or confusing to the consumer shall be used.

4.1.1.3 A "coined", "financial", "brand" name, or "trade mark" may be used provided it accompanies one of the names provided in Subsections 4.1.1.1 and 4.1.1.2.

4.1.2 There shall appear on the label either in conjunction with, or in close proximity to, the name of the food, such additional words or phrases as necessary to avoid misleading or confusing the consumer in regard to the true nature and physical condition of the food including but not limited to the type of packing medium, style, and the condition of type of treatment it has undergone; for example: dried, concentrated, reconstituted, smoked.

4.2.1 Except for single ingredient foods, a list of ingredients shall be declared on the label.

4.2.1.1 The list of ingredients shall be headed or preceded by an appropriate title which consist of or includes the term 'ingredient'.

4.2.1.2 All ingredients shall be listed in descending order of ongoing weight (m/m) at the time of the manufacture of the food.

4.2.1.3 Where an ingredient is itself the product of two or more ingredients, such a compound ingredient may be declared, as such, in the list of ingredients provided that it is immediately accompanied by a list in brackets of its ingredients in descending order of proportion (m/m). Where a compound ingredient for which a name has been established in a Codex standard or a DHS Regulation constitutes less than 25% of the food, the ingredients other than food additives which serve a technological function in the finished product need not be declared.

4.2.1.4 Added water shall be declared in the list of ingredients except when the water forms part of an ingredient such as brine, syrup or broth used in a compound food and declared as such in the list of ingredients. Water or other volatile ingredients evaporated in the course of manufacture need not be declared.

4.2.1.5 As an alternative to the general provisions of this section, dehydrated or condensed foods which are intended to be reconstituted by the addition of water only, the ingredients may be listed in order of proportion (m/m) in the reconstituted product provided that a statement such as "ingredients of the product when prepared in accordance with the directions on the label" is included.

4.2.2 A specific name shall be used for ingredients in the list of ingredients in accordance with the provisions set out in Section 4.1 (Name of the Food) except that:

4.2.2.1 The following class names may be used for the ingredients falling within these classes:

<u>Name of Classes</u>	<u>Class Names</u>
Refined oils other than olive	'Oil' together with either the term  'vegetable' or 'animal', qualified by the term 'hydrogenated' or 'partially-hydrogenated', as appropriate.
Refined fats	'Fat' together with either, the term 'vegetable' or 'animal', as appropriate.
Starches, other than chemically modified starches	'Starch'.
All species of fish where the fish constitutes an ingredient of another food and provided that the labelling and presentation of such food does not refer to a specific species of fish.	'Fish'.
All types of poultrymeat where such meat constitutes an ingredient of another food and provided that the labelling and presentation of such a food does not refer to a specific type of poultrymeat.	'Poultrymeat'.
All types of cheese where the cheese or mixture of cheeses constitutes an ingredient of another food and provided that the labelling and presentation of such food does not refer to a specific type of cheese.	'Cheese'.
All spices and spice extracts not exceeding 2% by weight either singly or in combination in the food.	'Spice', 'spices', or 'mixed spices', as appropriate.
All herbs or parts of herbs not exceeding 2% by weight either singly or in combination in the food.	'Herbs' or 'mixed herbs', as appropriate.

All types of gum preparations used in the manufacture of gum base for chewing gum.

'Gum base'.

All types of sucrose.

'Sugar'.

Anhydrous dextrose and dextrose monohydrate,

'Dextrose' or 'glucose'.

All types of caseinate.

'Caseinate'.

Press, expeller or refined cocoa butter.

'Cocoa butter'.

All crystallized fruit not exceeding 10% of the weight of the food.

'Crystallized fruit'.

4.2.2.2 Notwithstanding the provision set out in Section 4.2.2.1, pork fat, lard and beef fat shall always be declared by their specific names.

4.2.2.3 For food additives falling in the respective classes and appearing in lists of food additives permitted for use in foods generally, the following class titles shall be used together with the specific name or recognized numerical identification as required by DHS Regulations.

Acidity Regulator  
Acids  
Anticaking Agent  
Antifoaming Agent  
Antioxidant  
Bulking Agent  
Color  
Color Retention Agent  
Emulsifier  
Emulsifying Salt  
Firming Agent  
Flavor Treatment Agent  
Flavor Enhancer  
Foaming Agent  
Gelling Agent  
Glazing Agent  
Humectant  
Preservative  
Propellant  
Raising Agent  
Stabilizer  
Sweetener  
Thickener

4.2.2.4 The following class titles may be used for food additives falling in the respective classes and appearing in lists of food additives permitted generally for use in foods:

Flavour(s) and Flavouring(s)  
Modified Starch(es)

The expression "flavours" may be qualified by "natural", "nature identical", "artificial" or a combination of these words as appropriate.

#### 4.2.3 Processing Aids and Carry-Over of Food Additives

4.2.3.1 A food additive carried over into a food in a significant quantity or in an amount sufficient to perform a technological function in the food as a result of the use of raw materials or other ingredients in which the additive was used shall be included in the list of ingredients.

4.2.3.2 A food additive carried over into foods at a level less than required to achieve a technological function, and processing aids, are exempted from declaration in the list of ingredients.

#### 4.3 Net Contents and Drained Weight

The net contents shall be declared in the metric system ("Système International" units). 1

4.3.2 The net contents shall be declared in the following manner:

- (i) for liquid foods, by volume;
- (ii) for solid foods, by weight;
- (iii) for semi-solid or viscous foods, either by weight or volume.

4.3.3 In addition to the declaration of net contents, a food packed in a liquid medium shall carry a declaration in the metric system of the drained weight of the food. For the purpose of this requirement, liquid medium means water, aqueous solutions of sugar and salt, fruit and vegetable juices in canned fruits and vegetables only, or vinegar, either singly or in combination. 2

#### 4.4 Name and Address

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

1. The declaration of net contents represents the quantity at the time of packaging and is subject to enforcement by reference to an average system of quantity control.

2. The declaration of drained weight is subject to enforcement by reference to an average system of quantity control.

#### 4.5 Country of Origin

4.5.1 The country of origin of the food shall be declared if its omission would mislead or deceive the consumer.

4.5.2 When a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

#### 4.6 Lot Identification

Each container shall be embossed or otherwise permanently marked in code or in clear to identify the producing factory and the lot.

#### 4.7 Date Marking and Storage Instructions

4.7.1 If not otherwise determined in an individual DHS Regulation, the following date marking shall apply:

- (i) The "date of minimum durability" shall be declared.
- (ii) this shall consist at least of:
  - the day and the month for products with a minimum durability of not more than three months;
  - the month and the year for or products with a minimum durability of more than three months. If the month is December, it is sufficient to indicated the year.
- (iii) The date shall be declared by words:
  - "Best before..." where the day is indicated;
  - "Best before end..." in other cases.
- (iv) The words referred in paragraph (iii) shall be accompanied by:
  - either the date itself; or
  - a reference to where the date is given.
- (v) The day, month and year shall be declared in encoded numerical sequence except that the month may be indicated by letters in those countries where such use will not confuse the consumer.



(vi) Notwithstanding 4.7.1 (i) an indication of the date of minimum durability shall not be required for:

- fresh fruits and vegetables, including potatoes which have not been peeled, cut or similarly treated;
- wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;
- beverages containing 10% or more by volume of alcohol;
- bakers' or pastry-cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;
- vinegar;
- food grade salt;
- solid sugars;
- confectionery products consisting of flavoured and/or coloured sugars;
- chewing gum.

4.7.2 In addition to the date of minimum durability, any special conditions for the storage of the food shall be declared on the label if the validity of the date depends thereon.

#### 4.8 Instructions for Use

Instructions for use, including reconstitution, where applicable, shall be included on the label, as necessary, to ensure correct utilization of the food.

5. ADDITIONAL MANDATORY REQUIREMENTS

5.1 Quantitative Labelling of Ingredients

5.1.1 Where the labelling of a food places special emphasis on the presence of one or more valuable and/or characterizing ingredients, or where the description of the food has the same effect, the ongoing percentage of the ingredient (m/m) at the time of manufacture shall be declared.

5.1.2 Similarly, where the labelling of a food places special emphasis on the low content of one or more ingredients, the percentage of the ingredient (m/m) in the final product shall be declared.

5.1.3 A reference in the name of a food to a particular ingredient shall not of itself constitute the placing of special emphasis. A reference in the labelling of a food to an ingredient used in a small quantity and only as a flavouring shall not of itself constitute the placing of special emphasis.

5.2 Irradiated Foods

5.2.1 The label of a food which has been treated with ionizing radiation shall carry a written statement indicating that treatment in close proximity to the name of the food. The use of the international food irradiation symbol, as shown below, is optional, but when it is used, it shall be in close proximity to the name of the food.

5.2.2 When an irradiated product is used as an ingredient in another food, this shall be so declared in the list of ingredients.

5.2.3 When a single ingredient product is prepared from a raw material which has been irradiated, the label of the product shall contain a statement indicating the treatment.



6. **EXEMPTIONS FROM MANDATORY LABELLING REQUIREMENTS**

With the exception of spices and herbs, small units, where the largest surface area is less than 10 cm<sup>2</sup>, may be exempted from the requirements of paragraphs 4.2 and 4.6 to 4.8.

7. **OPTIONAL LABELLING**

7.1 Any information or pictorial device written, printed, or graphic matter may be displayed in labelling provided that it is not in conflict with the mandatory requirements of this standard and those relating to claims and deception given in Section 3 - General Principles.

7.2 **Grade Designations**

If grade designations are used, they shall be readily understandable and not be misleading or deceptive in any way.

8. **PRESENTATION OF MANDATORY INFORMATION**

8.1 **General**

Labels in prepackaged foods shall be applied in such a manner that they will not become separated from the container.

8.1.2 Statements required to appear on the label by virtue of this Regulation or any other FSM Regulations shall be clear, prominent, indelible and readily legible by the consumer under normal conditions of purchase and use.

8.1.3 Where the container is covered by a wrapper, the wrapper shall carry the necessary information or the label on the container shall be readily legible through the outer wrapper or not obscured by it.

8.1.4 The name and net contents of the food shall appear in a prominent position and in the same field of vision.

8.2 **Language**


8.2.1 If the language on the original label is not acceptable, to the consumer for whom it is intended, a supplementary label containing the mandatory information in the required language may be used instead of relabelling.

8.2.2 In the case of either relabelling or a supplementary label, the mandatory information provided shall be fully and accurately reflect that in the original label.

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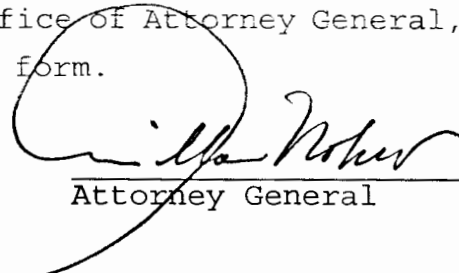
Pursuant to the authority vested in me by Section 25 of the National Food Safety Act, P.L. 7-116, and having complied with the applicable provisions of Title 17 of the Code of the Federated States of Micronesia, these National Food Safety Act Regulations are hereby approved.

Date: February 3, 1997

  
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Dr. Eliuel K. Pretrick, Secretary  
Department of Health Services

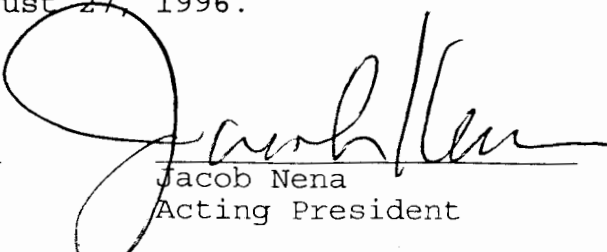
The provisions of these National Food Safety Act Regulations have been reviewed by the Office of Attorney General, and have been found to be in proper legal form.

Date: 3 February 1997

  
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Attorney General

These Regulations for Labelling of Prepackaged Foods which have been promulgated by the Secretary of the Department of Health Services in accordance with law, are hereby approved and shall become effective on August 27, 1996.

Date: 4/7/97

  
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Jacob Nena  
Acting President