THE REVISED U.S. NUTRITION LABEL regulations, to be implemented in 2020, will transform the carbohydrate portion of the label by including a line for added sugars along with revised definitions of dietary fiber. The food and beverage analysis industries are far from ready to accommodate these changes, explained David Plank, Ph.D., Managing Principal, WRSS Food & Nutrition Insights and Senior Research Fellow at the University of Minnesota, in his presentation, “Analytical Methods for Walking on the Lawful Side of Sugars, Dietary Fiber and Bioactive Sweeteners.”

“The FDA stated goals behind the regulatory changes are both to increase nutrition label transparency for consumers and to improve the health of the U.S. population via weight maintenance and a reduction in cardiovascular disease risks through reduced sugar consumption,” said Plank. The FDA’s goal for dietary fibers is transparency in order to erase the concept of “fake fiber” from nutrition labels. The objective now is to increase the consumption of “whole-grain, whole-food” fibers.

In regard to American food and beverage companies, the incentives are not just to avoid the wrath of the FDA for regulatory non-compliance, but also to avoid class-action lawsuits that will be brought whenever plaintiffs believe that they can demonstrate that food and beverage manufacturers have misled the “average” consumer. “Lawyers and consumers are always looking for a payday because they know that, in most cases, class-action lawsuits never go to trial but are settled out of court,” said Plank.

One of the potential warning signs should be if a formulation or label claim goes counter to the intent of the regulation, said Plank. He cited, as an example, a company adding a resistant starch to increase a product’s dietary fiber nutrition label declaration while also adding an amylase enzyme to digest the dietary fiber into glucose in order to increase sweetness. “Technically, it may be compliant with the letter of the regulations, but you will have violated the intent,” said Plank.

Plank identified two essential elements of the pending nutritional labeling regulations. The first element is that the label requires that all added mono- and disaccharides must be listed as “Added Sugars,” whether digestible or not. Thus, allulose and tagatose, which each contribute zero calories per gram, must be designated as “added sugars.”