Update On Added Sugar Labeling: News, Nuances And Needs,
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January 1, 2020 is still the date the new Nutrition Facts labeling should be implemented for manufacturers with $10 million or more in annual food sales

- deadline for manufacturers with less than $10 million in annual sales remains the same — Jan. 1, 2021

- Last September, 13 trade associations the Food & Beverage Issue Alliance wrote FDA for flexibility in its enforcement of the new nutrition labeling rules requesting FDA to provide a six-month period of enforcement discretion following the compliance date when the agency would not take enforcement action against companies “unable” to transition to the new format

American Herbal Products Association
American Bakers Association
American Frozen Food Institute
Corn Refiners Association
Council for Responsible Nutrition
Food Marketing Institute
Independent Bakers Association
International Dairy Foods Association
National Automatic Merchandising Association
National Confectioners Association
National Grocers Association
Peanut and Tree Nut Processors Association
SNAC International
The delay, requested by the food industry, indicates manufacturers are struggling with implementation issues and need extra time to implement the new changes is needed due to the

- magnitude of the task of revising all labels
- difficulty of predicting label inventory levels
- high cost and environmental impact of disposing of existing label inventory.
FDA granted the extension by saying it would not take enforcement action for six months.

FDA
- intends to work cooperatively with manufacturers for the rest of this year regarding updated Nutrition and Supplement Facts labels
- will not focus on enforcement actions during this time.
- previously announced that it would do so for the first 6 months of 2020
- extends compliance enforcement date to July 1, 2020.

OTHER Risks for not complying on time?
E.g.. Differences in claims and serving sizes
Competitive complaints?
Lawsuits?
Finalized FDA rulings on what foods and ingredients do and do not need to be included

FDA Added sugars definition:
“either added during the processing of foods, or are packaged as such, and include sugars (free, mono- and disaccharides), sugars from syrups and honey, and sugars from concentrated fruit or vegetable juices that are in excess of what would be expected from the same volume of 100 percent fruit or vegetable juice of the same type” includes single ingredient foods

Not under the definition of added sugars:
• Sugars in fruit or vegetable juice concentrated from 100 percent juices that are sold to consumers (e.g., frozen 100 percent fruit juice concentrate) (21 CFR 101.9(c)(6)(iii));
• Sugars in fruit juice concentrates that are used to formulate the fruit component of jellies, jams, or preserves in accordance with the standards of identities set forth in 21 CFR 150.140 and 150.160 (21 CFR 101.9(c)(6)(iii));
• Sugars in the fruit component of fruit spreads (21 CFR 101.9(c)(6)(iii));
• Sugar alcohols;
• Sugars in juice concentrates that are counted towards percentage juice label declaration under 21 CFR 101.30 for 100 percent juice or 21 CFR 102.33 for juice beverages (21 CFR 101.9(c)(6)(iii));
• Sugars in juice concentrates that are used to standardize the Brix values of a single species juice consisting of juice directly expressed from a fruit or vegetable in accordance with 21 CFR 102.33(g)(2) (21 CFR 101.9(c)(6)(iii));
• Naturally-occurring sugars found in milk and dairy ingredients, except lactose as defined in 21 CFR 168.122;
• Naturally-occurring sugars found in whole fruits and vegetables or dried fruits which have not had any sugar added to them.

Small Entity Compliance Guide: Revision of the Nutrition and Supplement Facts Labels FEBRUARY 2020
The Nutrition Facts label on packaged foods and drinks has been updated to make it easier for you to make informed choices. Read on to find out what’s new with Added Sugars.

For most Americans, the main sources of added sugars are sugar-sweetened beverages, baked goods, desserts, and sweets.

1. Total Sugars

Total Sugars include sugars naturally present in many nutritious foods and beverages, such as sugar in milk and fruits as well as any added sugars that may be present in the product. There is no Daily Value* for total sugars because no recommendation has been made for the total amount to eat in a day.

2. Added Sugars

Added sugars include sugars that are added during the processing of foods (such as sucrose or dextrose), foods packaged as sweeteners (such as table sugar), sugars from syrups and honey, and sugars from concentrated fruit or vegetable juices. They do not include naturally occurring sugars that are found in milk, fruits, and vegetables. The Daily Value for added sugars is 50 grams per day based on a 2,000 calorie daily diet.

*The Daily Values are reference amounts (in grams, milligrams, or micrograms) of nutrients to consume or not to exceed each day.
Final guidance for industry entitled:

“The Declaration of Added Sugars on Honey, Maple Syrup, Other Single-Ingredient Sugars and Syrups, and Certain Cranberry Products”

www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-declaration-added-sugars-honey-maple-syrup-other-single-ingredient-sugars-and

- cannot require the declaration “Includes Xg Added Sugars” in a serving of these single-ingredient products.

- Must include the percent DV for the contribution of sugars from these products to the added

- enforcement discretion by permitting the use of the “†” symbol immediately following the percent DV declaration for added sugars on packages and containers of single ingredient sugars and syrups to a footnote inside the Nutrition Facts label, explaining the amount of added sugars that one serving of the product contributes to the diet, as well as the contribution of a serving of the product toward the percent DV for added sugars.

- symbol and footnote are not required but encouraged.
Enforcement discretion for cranberry products to allow the use of a symbol immediately following the added sugars percent DV declaration which would lead to a truthful and not misleading statement outside the Nutrition Facts label explaining that sugars are added to improve the palatability of naturally tart cranberries.

This symbol can be used for cranberry products that are sweetened with added sugars and that contain total sugars per serving at levels no greater than comparable products with no added sugars (i.e. unsweetened grape juice) (Ref. 1).

Small Entity Compliance Guide: Revision of the Nutrition and Supplement Facts Labels FEBRUARY 2020

**Illustration of Nutrition Facts label for pure honey, pure maple syrup, or other single-ingredient sugars or syrups with “†” symbol leading to a footnote**

<table>
<thead>
<tr>
<th>Nutrition Facts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Serving size</strong></td>
</tr>
<tr>
<td><strong>Amount per serving</strong></td>
</tr>
<tr>
<td>Calories</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Nutrient</strong></th>
<th><strong>Amount</strong></th>
<th><strong>% Daily Value</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Fat</td>
<td>0g</td>
<td>0%</td>
</tr>
<tr>
<td>Saturated Fat</td>
<td>0g</td>
<td>0%</td>
</tr>
<tr>
<td>Trans Fat</td>
<td>0g</td>
<td>0%</td>
</tr>
<tr>
<td>Cholesterol</td>
<td>0mg</td>
<td>0%</td>
</tr>
<tr>
<td>Sodium</td>
<td>0mg</td>
<td>0%</td>
</tr>
<tr>
<td>Total Carbohydrate</td>
<td>17g</td>
<td>6%</td>
</tr>
<tr>
<td>Dietary Fiber</td>
<td>0g</td>
<td>0%</td>
</tr>
<tr>
<td>Total Sugars</td>
<td>17g</td>
<td>34%</td>
</tr>
<tr>
<td>Protein</td>
<td>0g</td>
<td>0%</td>
</tr>
</tbody>
</table>

| Vitamin D | 0mcg | 0% |
| Calcium | 0mg | 0% |
| Iron | 0mg | 0% |
| Potassium | 0mg | 0% |

*The % Daily Value (%DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

† One serving adds 12g of sugar to your diet and represents 34% of the Daily Value for Added Sugars.

**Illustration of Nutrition Facts label for cranberry juice or dried sweetened cranberries with “†” symbol leading to a factual statement outside the Nutrition Facts label**

**Nutrition Facts**

- **6 servings per container**
- **Serving size**: 8 fl oz (240mL)
- **Amount per serving**
  - Calories: 110
  - Total Fat: 0g (0%)
  - Saturated Fat: 0g (0%)
  - Trans Fat: 0g (0%)
  - Cholesterol: 0mg (0%)
  - Sodium: 0mg (0%)
  - Total Carbohydrate: 27g (10%)
  - Dietary Fiber: 0g (0%)
  - Total Sugars: 25g (4%)
  - Includes 23g Added Sugars (46%)

**Recommended factual statements**

<table>
<thead>
<tr>
<th>Factual statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>† Sugars added to improve the palatability of naturally tart cranberries. The 2015-2020 Dietary Guidelines for Americans state that there is room for limited amounts of Added Sugars in the diet, including from nutrient dense foods, like naturally tart fruit.</td>
</tr>
<tr>
<td>† Sugars added to improve the palatability of naturally tart cranberries.</td>
</tr>
<tr>
<td>† Sugars added to improve palatability.</td>
</tr>
<tr>
<td>† Sugars added to improve the palatability of naturally tart cranberries. The 2015-2020 Dietary Guidelines for Americans recommends limiting calories from added sugars to no more than 10% each day.</td>
</tr>
</tbody>
</table>
“Nutrition and Supplement Facts Labels: Questions and Answers Related to the Compliance Date, Added Sugars, and Declaration of Quantitative Amounts of Vitamins and Minerals.”

- how to determine the amount of added sugars in a serving of a product, as well as which ingredients need to be taken into consideration when calculating the added sugars declaration for a serving of a product

- calculation of added sugars for ingredients and products such as concentrated fruit and vegetable purees, fruit and vegetable pastes, fruit and vegetable powders, juice cocktails, or juice blends, which often contain juice concentrates, products for which manufacturers employ a hydrolysis step and products that undergo non-enzymatic browning or fermentation.

Small Entity Compliance Guide: Revision of the Nutrition and Supplement Facts Labels FEBRUARY 2020
Single-Ingredient Sugars and Syrups Sample Label

Nutrition Facts
16 servings per container
Serving size 1 Tbsp. (21g)

Amount per serving
Calories 60

- Total Fat 0g
- Saturated Fat 0g
- Trans Fat 0g
- Cholesterol 0mg
- Sodium 0mg
- Total Carbohydrate 17g
  - Dietary Fiber 0g
  - Total Sugars 17g
- Protein 0g
- Vitamin D 0mcg
- Calcium 0mg
- Iron 0mg
- Potassium 0mg

% Daily Value*
0%
0%
0%
0%
0%
34%
0%
0%
0%
0%

1 This shows the %DV for added sugars in single-ingredient sugars and syrups.

2 Single-ingredient sugar and syrup products may also include a footnote with information on the gram amount and %DV for added sugars.

Allulose
- enforcement discretion for exclusion of allulose “Total Sugars” and “Added Sugars”
- use of a general factor of 0.4 calories per gram for allulose when determining “Calories”

>>considered data and information provided in citizen petitions and other information submitted<<

Considerations for Allulose

traditionally chemical structure determined what is under “Total Sugars”
advances in food technology ---→ novel sugars are now available
- not metabolized
- not contribute 4 kcal/g to the diet

Also consider other evidence including
- association with dental caries
- effect on blood glucose and insulin levels
- caloric contribution
FDA concludes

- allulose must be included in the amount of “Total Carbohydrate” declared on the label under the existing regulations

- caloric contribution of allulose is very low (e.g., no more than 0.4 kcal/g) because majority is excreted intact in the urine; is poorly fermented in the gut. allulose is virtually unmetabolized in the human body.

- intend to exercise enforcement discretion for the use of a caloric value of 0.4 kcal/g for allulose

- based on range of data, such a caloric value would not underestimate the caloric contribution

- pending rulemaking to consider amending regs to require the use of a general factor for caloric value of allulose of 0.4 kcal/g.

- allulose should not be included in the “Added Sugars” declaration, including the %DV declaration.

- intend to exercise enforcement discretion with respect to the exclusion of allulose from the amount of Added Sugars declared on Nutrition and Supplement Facts labels, pending future rulemaking.

“we intend to exercise enforcement discretion with respect to the exclusion of allulose from the amount of Total Sugars declared on the label pending future rulemaking regarding amending the definition of Total Sugars.”
Subtle factors to be considered and where confusion may still exist.

One not so subtle factor - what does the consumer want?

**Majority of US consumers prefer to cut sugar intake than switch to artificial sweeteners**


46% of consumers say that they either ‘try to’ or actively avoid sugar, compared to only 12 percent that seek it out.

negative feelings toward artificial sweeteners.

natural sweeteners generally better regarded than artificial, with; 66% believe them to be a healthier alternative to sugar but many or most consumers are less familiar with them

Insights from the 2019 FMCG Gurus Global Health and Wellness Report, which included 380,000 respondents [www.candyindustry.com/articles/88920-consumers-concerned-over-sugar-consumption-research-finds](www.candyindustry.com/articles/88920-consumers-concerned-over-sugar-consumption-research-finds)
IRI reported
- 58% of consumers across generations are avoiding sugar.
- approx 45% check the grams of sugar in a product before purchasing
- 55% check the ingredient list for the type of sweetener used.

New nutritional panel calls out grams of added sugar with total grams of sugar for increased awareness of where sugar is coming from and how much is present inherently or added by industry.

2017 Mintel report
- 35% of US consumers think the food industry should be doing more to reduce the amount of sugar in their products
- only 16% are willing to pay more money
- consumers desire natural solutions to less sugar
- 35% view artificial sweeteners as harmful to health
- 26% want natural sugar substitutes.
- And the flavor house, Givaudan, collected data that more consumers
- 42% are avoiding artificial sweeteners (26% avoiding sugar).

http://mailer.univar.com/food-blog/sugar-reduction
### The 56 Most Common Names for Sugar (Some Are Tricky)
From Healthline.com [www.healthline.com/nutrition/56-different-names-for-sugar](http://www.healthline.com/nutrition/56-different-names-for-sugar)

- Sugar/Sucrose
- High-Fructose Corn Syrup (HFCS)
- Agave Nectar
- Beet sugar
- Blackstrap molasses
- Brown sugar
- Buttered syrup
- Cane juice crystals
- Cane sugar
- Caramel
- Carob syrup
- Castor sugar
- Coconut sugar
- Yellow sugar
- Confectioner's sugar (powdered sugar)
- Date sugar
- Demerara sugar
- Evaporated cane juice
- Florida crystals
- Fruit juice
- Fruit juice concentrate
- Golden sugar
- Golden syrup
- Grape sugar
- Honey
- Icing sugar
- Invert sugar
- Maple syrup
- Molasses
- Muscovado sugar
- Panela sugar
- Raw sugar
- Refiner's syrup
- Sorghum syrup
- Sucanat
- Treacle sugar
- Turbinado sugar
- Barley malt
- Brown rice syrup
- Corn syrup
- Corn syrup solids
- Dextrin
- Dextrose
- Diastatic malt
- Ethyl maltol
- Glucose
- Glucose solids
- Lactose
- Malt syrup
- Maltodextrin
- Maltose
- Rice syrup
- Crystalline fructose
- Fructose
- D-ribose
- Galactose
“8 Ways Food Companies Hide the Sugar Content of Foods”

[www.healthline.com/nutrition/8-ways-sugar-is-hidden](www.healthline.com/nutrition/8-ways-sugar-is-hidden)

1. Calling sugar by a different name
   - Barley malt
   - Beet sugar
   - Brown sugar
   - Buttered sugar
   - Cane juice crystals
   - Cane sugar
   - Caster sugar
   - Coconut sugar
   - Corn sweetener
   - Crystalline fructose
   - Date sugar
   - Dextran, malt powder
   - Ethyl maltol
   - Fruit juice concentrate
   - Golden sugar
   - Invert sugar
   - Maltodextrin
   - Maltose
   - Muscovado sugar
   - Panela
   - Palm sugar
   - Organic raw sugar
   - Rapadura sugar
   - Evaporated cane juice
   - Confectioner's (powdered) sugar

2. Using many different types of sugar

3. Adding sugar to foods you would least expect

4. Using ‘healthy’ sugars instead of sucrose
   
   **Common high-sugar sweeteners that are often labeled healthy include:**
   - Agave syrup
   - Birch syrup
   - Coconut sugar
   - Honey
   - Maple syrup
   - Raw sugar
   - Cane sugar
   - Sugar beet syrup

5. Combining added sugars with natural sugars on the ingredients list

6. Adding a health claim to products

7. Lowering the portion size

8. Making sweet versions of a low-sugar brand - For example, a whole-grain cereal that's low in sugar may appear in newfangled packaging with added flavors or different ingredients.
“Sugar labeling could prevent or postpone nearly 1 million cases of cardiometabolic disease, including heart disease, stroke and Type 2 diabetes, over a 20 year period.”

study published in Circulation about added-sugar labeling

“significant role for industry, as modest product reformulation was found to be an impactful way to increase potential benefits.”

Conclusions:
Implementing the US Food and Drug Administration added sugar labeling policy could generate substantial health gains and cost savings for the US population.
the study finds that added sugar labels could prevent over 350,000 cases of cardiovascular disease, almost 600,000 diabetes cases, and save a total of $31 billion in healthcare costs from diet-related problems like these.
www.ahajournals.org/doi/10.1161/CIRCULATIONAHA.118.036751