

## **NORMATIVE INSTRUCTION – IN NO. 67 OF 1 SEPTEMBER 2020**

Provides for the inclusion of new formula declaration on the label of foods when their composition is altered.

The Collegiate Board of Directors of the Brazilian Health Regulatory Agency, in the use of the attributions vested in it under Article 15, items III and IV, and Article 7, items III and IV of Law no. 9,782 of 26 January 1999, and item VII, paragraphs 1 and 3 of Article 53 of the Internal Regulation approved by Collegiate Board Resolution – RDC no. 255 of 10 December 2018, as decided upon in a meeting held on 1 September 2020, resolves:

Article 1. This Normative Instruction provides for the inclusion of new formula declaration on the label of foods when their composition is altered, in the terms of Collegiate Board Resolution – RDC no. 421 of 1 September 2020.

Article 2. This Normative Instruction applies to prepackaged food, including beverages, ingredients, food additives, and processing agents.

Article 3. This Normative Instruction does not apply to the following products:

I – packaged foods that are prepared or fractioned in food services and commercialized at the establishment itself;

II – foods packaged at the points of sale at the consumer's request;

III – foods intended exclusively for industrial purposes;

IV – foods intended exclusively for food services; and

V – foods commercialized without packages.

Article 4. The foods covered by this Normative Instruction that undergo alterations in their composition must include one of the following declarations on their label:

I – "NEW FORMULA";

II – "NEW COMPOSITION"; or

III – "NEW RECIPE".

Sole paragraph. Text variations of the declarations required by the caption of this article are not allowed.

Article 5. The alterations of composition referred to in Article 4 of this Normative Instruction include those resulting from the modification of at least one of the following labelling declarations:

I – list of ingredients, including the addition or exclusion of ingredients, alteration in the order of ingredient declaration, and alteration of the declared quantity of ingredients, in accordance with Collegiate Board Resolution – RDC no. 259 of 20 September 2002;

II – nutrition table, including the addition or exclusion of nutrients from the table and the alteration of nutrition values declared, in accordance with Collegiate Board Resolution – RDC no. 360 of 23 December 2003;

III – warning on the main foods that cause food allergies, in accordance with Collegiate Board Resolution – RDC no. 26 of 2 July 2015;

IV – presence of lactose, in accordance with Collegiate Board Resolution – RDC no. 136 of 8 February 2017; and

V – presence or absence of gluten, in accordance with Law no. 10,674 of 16 May 2003.

Article 6. The declaration required in Article 4 of this Normative Instruction must be informed for a period of at least 90 (ninety) days on products' labels, counting from the date of implementation of the composition alteration.

Sole paragraph. After the period established in the caption of this article, the message may be withdrawn from the labelling or the product's nationalization label, without the need of petition to update the regularization process.

Article 7. The declaration required in Article 4 of this Normative Instruction must be displayed on the main panel with legible characters that comply with the following declaration requirements:

I – upper case;

II – bold;

III – color contrasting with the label background; and

IV – minimum height of 2mm, except for the packages with main panel area equal to or smaller than 100 cm<sup>2</sup>, where the minimum height of characters is 1mm.

Sole paragraph. The information required by the caption of this article cannot be placed in covered locations that may be removed by opening the seal or that are difficult to see, such as sealing and folding areas.

Article 8. Detailed information on the differences in the food composition in relation to its former version must be made available through Consumer Services, QR code, or other means and technologies.

Article 9. Failure to comply with the provisions contained in this Resolution shall be considered an infraction of health regulations, pursuant to Law No. 6,437 of 20 August 1977 and its updates, without prejudice to the applicable civil, administrative, and criminal liabilities.

Article 10. This Normative Instruction comes into force on 1 September 2021.

**ANTONIO BARRA TORRES**  
**Deputy Director-President**

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