

## COLLEGIATE BOARD RESOLUTION – RDC NO. 429 OF 8 OCTOBER 2020

Provides for the nutritional labeling of packaged foods.

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 VI, paragraphs 1 and 3 of Article 53 of the Internal Regulation approved by the Collegiate Board Resolution – RDC no. 255 of 10 December 2018, adopts the following Collegiate Board Resolution, as decided upon in a meeting held on 7 October 2020, and I, Deputy Director-President, determine its publication.

### CHAPTER I

#### INITIAL PROVISIONS

Article 1. This Resolution provides for the nutritional labeling of packaged foods.

Article 2. This Resolution applies to prepackaged food, including beverages, ingredients, food additives and processing agents, as well as those intended exclusively for industrial processing or food services.

Sole paragraph. This Resolution does not apply to the following products:

I – natural mineral water, natural water, and water added with salts, according to Resolution – RDC No. 274, of 22 September 2005; and

II – desalinated potable bottled sea water, according to Resolution – RDC No. 316, of 17 October 2019.

Article 3. For the purposes of this Resolution, the following definitions shall apply:

I – added sugars: all monosaccharides and disaccharides added during food processing, including fractions of monosaccharides and disaccharides from the addition of ingredients such as cane sugar, beet sugar, sugars from other sources, honey, sugarcane syrup, molasses, *rapadura*, sugarcane juice, malt extract, sucrose, glucose, fructose, lactose, dextrose, inverted sugar, syrups, maltodextrins, other hydrolyzed carbohydrates, and ingredients with the addition of any of the aforementioned ingredients, with the exception of polyols, added sugars consumed through fermentation or through non-enzymatic browning, and of sugars naturally present in milk and dairy products, and of sugars naturally present in vegetables, including fruits, either whole, in pieces, powdered, dehydrated, in pulp, in purées, in whole juices, in reconstituted juices and in concentrated juices;

II – total sugars: all monosaccharides and disaccharides present in food that are digested, absorbed, and metabolized by humans, excluding polyols;

III – nutrition claims: any declaration, except the nutrition facts label and front-of-package nutrition labeling, indicating that a food has positive nutritional properties relating to its energy value or nutrient content, including absolute and comparative content claims and ‘no added’ claims;

IV – absolute content nutrition claims: nutrition claims that describe the level or amount of energy value and nutrients contained in foods;

V – comparative content nutrition claims: nutrition claims that compare the levels or amount of the energy value or of the same nutrients contained in the reference food;

VI – ‘no added’ nutrition claims: nutrition claims that describe that an ingredient has not been added, either directly or indirectly;

VII – reference food: it is the conventional version of the same food with the declaration of comparative content nutrition claim and that is used as a standard for comparison to conduct and highlight a modification relating to the nutritional attributes ‘reduced’ and ‘increased’;

VIII – carbohydrates: all monosaccharides, disaccharides, oligosaccharides, and polysaccharides present in food, including polyols, which are digested, absorbed, and metabolized by humans;

IX – cholesterol: sterol that has a cyclopentanoperhydrophenanthrene nucleus with a hydroxyl group at C-3 and a carbon chain at C-17;

X – consumer: any natural or legal person that purchases or uses food;

XI – elements of the nutrition facts label: elements for which formatting rules are applied in order to ensure the visual identity and adequate legibility of the table, comprising the outer border, the lines and the separation bar, margins, spacing, symbols, and declared information;

XII – individual package: package whose food content is less than or equal to two serving sizes, as defined in Annex V of Normative Instruction No. 75, of 8 October, 2020;

XIII – multipack: package containing one or more units of packaged food or consisting of two or more packaged products, with identical or distinct nature and nutritional value, to be consumed together or not;

XIV – dietary fiber: carbohydrate polymer with three or more monomeric units that are not hydrolyzed by endogenous enzymes in the human digestive tract;

XV – monounsaturated fats: triglycerides that contain fatty acids with a cis double bond, expressed as free fatty acids;

XVI – polyunsaturated fats: triglycerides that contain fatty acids with cis-cis double bonds separated per methylene group, expressed as free fatty acids;

XVII – saturated fats: triglycerides that contain fatty acids without double bonds, expressed as free fatty acids;

XVIII – total fat: substances of vegetable or animal origin, insoluble in water, formed of triglycerides and small amounts of non-glycerides, mainly phospholipids;

XIX – trans fats: triglycerides containing unsaturated fatty acids with one or more non-conjugated double bonds in trans configuration, expressed as free fatty acids;

XX – common measure: way of quantifying a food serving, using utensils, units or other ways commonly used by consumers to measure food;

XXI – nutrient: chemical substance normally consumed as a component of foods, which provides the energy necessary for growth, development, and for maintaining health and sustaining life, or the lack of which results in characteristic chemical or physiological changes;

XXII – omega-3: polyunsaturated fatty acids in which the first double bond is found on the third carbon from the fatty acid methyl group (CH<sub>3</sub>);

XXII – omega-6: polyunsaturated fatty acids in which the first double bond is found on the sixth carbon from the fatty acid methyl group (CH<sub>3</sub>);

XXII – omega-9: monounsaturated fatty acids in which the first double bond is found on the ninth carbon from the fatty acid methyl group (CH<sub>3</sub>);

XXV – main display panel: part of the label where the sales denomination and brand name or logo, if any, is shown more prominently;

XXVI – polyols: alcohols containing more than two hydroxyl groups;

XXVII – point (pt): typographic unit of measurement known as PostScript point, which is equivalent to 0.353 millimeter;

XXVIII – serving: amount of food used as a reference for purposes of nutrition labeling;

XXIX – semi-ready or ready-to-eat meal: ready, cooked, or pre-cooked food that does not require the addition of ingredients for consumption;

XXX – proteins: polymers of amino acids or compounds that contain polymers of amino acids;

XXXI – nutrition labeling: any declaration intended to inform the consumer of the nutritional properties of the food, including the nutrition facts label, the front-of-package nutrition labeling, and nutrition claims;

XXXII – front-of-package nutrition labeling: simplified standardized declaration of the high content of specific nutrients on the main display panel of the food label;

XXXIII – food services: include all institutional or commercial establishments where food is handled, prepared, stored, distributed, or displayed for sale, whether or not it is consumed on site, such as restaurants, cafeterias, bars, bakeries, food and nutrition units of health services, schools, daycare centers, among others;

XXXIV – bioactive substance: nutrient or non-nutrient normally consumed as a component of a food, which has a specific metabolic or physiological action on the human body;

XXXV – surface available for labeling: total labeling space defined based on the specifics of the package, excluding deformed and difficult-to-see spaces;

XXXVI – nutrition facts label: standardized list of the content of energy, nutrients, and bioactive substances present in the food, including the linear display model; and

XXXVII – daily reference values (DRVs): values based on scientific data on nutritional needs or on the reduced risk of non-communicable chronic diseases, which are used in nutrition labeling and in claims of functional and health properties.

## **CHAPTER II**

### **NUTRITION FACTS LABEL**

Article 4. The declaration of the nutrition facts label is mandatory for prepackaged food, including beverages, ingredients, food additives, and processing agents, as well as those intended exclusively for industrial processing or food services.

Paragraph 1. The provisions in the caption of this article apply voluntarily to the foods listed in Annex I of Normative Instruction No. 75 of 2020, provided that such foods do not contain:

I – addition of essential nutrients, according to Administrative Rule No. 31 of 13 January 1998 issued by the Health Surveillance Secretariat of the Ministry of Health (SVS/MS, acronym in Portuguese);

II – addition of bioactive substances, according to Resolution No. 16 of 30 April 1999;

III – nutrition claims; or

IV – claims of functional or health properties, according to Resolution No. 18 of 30 April 1999.

Paragraph 2. In the case of products intended exclusively for industrial processing or food services, the declaration referred to in the caption of this article may be made alternatively in the documents accompanying the product or by other means agreed between the parties.

Article 5. The nutrition facts label shall contain a declaration of the quantities of:

I – energy value;

II – carbohydrates;

III – total sugars;

IV – added sugars;

V – proteins;

VI – total fat;

VII – saturated fats;

VIII – trans fats;

IX – dietary fiber;

X – sodium;

XI – any other nutrient or bioactive substance that is the subject of nutrition claims, functional property claims, or health property claims;

XII – any other essential nutrient added to the food, according to Administrative Rule SVS/MS No. 31 of 1998, whose amount, per serving, is equal to or greater than 5% of the respective DRV defined in Annex II of Normative Instruction No. 75 of 2020; and

XIII – any bioactive substance added to the food.

Paragraph 1. In the case of hyposodium salt, the nutrition facts label shall contain the declaration of the amount of potassium.

Paragraph 2. In the case of foods for special dietary uses, the nutrition facts label shall contain the declaration of the amounts of energy value and of all nutrients and bioactive substances added to the products.

Paragraph 3. In the case of dietary supplements, the nutrition facts label shall contain the declaration of the amounts of energy value and of all nutrients, bioactive substances, and enzymes added to the products.

Paragraph 4. In the case of foods for lactose-restricted diets, the nutrition facts label shall contain the declaration of the amounts of lactose and galactose.

Paragraph 5. In the case of alcoholic beverages, the nutrition facts label may be replaced by the declaration of the amount of energy value.

Paragraph 6. In the case of iodized salt, the declaration of the amount of iodine shall be made through the declaration provided for in Article 5-A of the Collegiate Board Resolution RDC No. 23 of 24 April 2013.

Paragraph 7. In the case of wheat and corn flours enriched with iron and folic acid, the declaration of the amounts of iron and folic acid shall be made through the declaration provided for in Article 13 of the Collegiate Board Resolution RDC No. 150 of 13 April 2017.

Paragraph 8. In the case of products intended exclusively for industrial processing or food services, the provisions in item XII apply to any amount of essential nutrient added.

Article 6. The nutrition facts label may contain a declaration of the quantities of:

I – vitamins and minerals naturally present in foods, provided that their amounts, per serving, are equal to or greater than 5% of the respective DRVs defined in Annex II of Normative Instruction No. 75 of 2020; and

II – other nutrients naturally present in foods.

Sole paragraph. In the case of products intended exclusively for industrial processing or food services, the declaration referred to in item I may be made for any amount of vitamin and mineral present in the product.

Article 7. The declaration of quantities on the nutrition facts label shall be made numerically, subject to:

I – the rules for rounding and expressing the values defined in Annex III of Normative Instruction No. 75 of 2020; and

II – the insignificant amounts of energy value and nutrients and the manner they shall be expressed as defined in Annex IV of Normative Instruction No. 75 of 2020.

Paragraph 1. The energy value and the percentage of daily values (% DV) shall be declared in whole numbers, following the rounding rules defined in Annex III of Normative Instruction No. 75 of 2020.

Paragraph 2. The declaration referred to in item II does not apply to the following products:

I – infant formulas;

II – enteral nutrition formulas;

III – products intended exclusively for industrial processing; and

IV – products intended exclusively for food services.

Article 8. The declaration of quantities on the nutrition facts label shall be made considering the product as displayed for sale per:

I – 100 grams (g), for solid or semi-solid foods, or 100 milliliters (ml), for beverages and liquid foods; and

II – food serving defined in Annex V of Normative Instruction No. 75 of 2020, and the corresponding common measure.

Paragraph 1. The declaration referred to in item I does not apply to dietary supplements.

Paragraph 2. The declaration referred to in item II does not apply to products intended exclusively for industrial processing or food services.

Paragraph 3. In the case of alcoholic beverages, the declaration referred to in the caption of this article shall be made only per 100 ml or per serving.

Paragraph 4. In the case of foods that require preparation with the addition of other ingredients, the declaration referred to in the caption of this article shall be made per:

I – 100 g for solid or semi-solid foods, or 100 ml for beverages and liquid foods, based on the food ready to eat, considering the nutritional value of the added ingredients, according to the manufacturer's package instructions;

II – per serving of the product as displayed for sale required to prepare one serving of the product ready to eat, as defined in Annex V of Normative Instruction No. 75 of 2020, according to the manufacturer's package instructions.

Paragraph 5. The declaration referred to in item I of paragraph 4 shall be accompanied by the following footnote: “\*\*In ready-to-eat food”.

Paragraph 6. In the case of infant formulas and enteral nutrition formulas, the declaration referred to in the caption of this article shall be made per:

I – 100 grams for solid or semi-solid foods, or 100 milliliters for liquid foods, of the product as displayed for sale; and

II – 100 milliliters of the product ready to eat, according to the manufacturer's package instructions, when applicable.

Paragraph 7. The declaration referred to in Paragraph 6 may also be made per 100 kilocalories (kcal) of the product ready to eat, according to the manufacturer's package instructions.

Article 9. Without prejudice to the provisions in Annex V of Normative Instruction No. 75 of 2020, for the definition of the food serving size declared on the nutrition facts label, the following requirements shall be complied with:

I – in the case of individual packages, the declared serving size shall correspond to the total quantity of product contained in the package;

II – in the case of products that need to be drained before consumption, the declared serving size shall correspond to the drained product quantity;

III – in the case of multipacks containing food units that are different in nature or nutritional value, which do not need to be consumed together, the servings of each product shall be declared;

IV – in the case of multipacks containing food units that are different in nature or nutritional value, which need to be consumed together, one single serving corresponding to the sum of the products' servings shall be declared;

V – in the case of food additives and processing agents, the declared serving size shall be defined by the food manufacturer, according to the manufacturer's package instructions;

VI – in the case of dietary supplements, the declared serving size shall correspond to the daily amount recommended by the manufacturer for each specific population group for which the product is recommended on the label;

VII – in the case of foods for special dietary uses not included in paragraph 6 of article 8 of this Resolution, the declared serving size shall be defined by the food manufacturer, considering the purpose and use of the product, as well as the characteristics of the population groups for which the product is recommended;

VIII – in the case of foods for which servings were not defined in Annex V of Normative Instruction No. 75 of 2020, the declared serving size shall correspond to the serving of a comparable or similar food, based on its nutritional characteristics; and

IX – in the case of foods for which servings were not defined in Annex V of Normative Instruction No. 75 of 2020, and that do not have a comparable or similar food, based on its nutritional characteristics, the declared serving size shall be defined based on the average energy value of the group to which the food belongs.

Article 10. The number of servings contained in the food package shall be declared on the nutrition facts label in accordance with the rules for rounding and expressing the values defined in Annex VI of Normative Instruction No. 75 of 2020.

Sole paragraph. The provision in the caption of this article does not apply to individual packages and foods with variable weight that are weighed at the point of sale at the consumer's request.

Article 11. The declared common measures shall be those that are most appropriate for the characteristics of the product, subject to the following requirements:

I – when utensils are used, the dosing utensils available in the food, if any, or domestic utensils and their capacities, as defined in Annex VII of Normative Instruction No. 75 of 2020, shall be used;

II – in the case of individual packages, the common measure is the package;

III – in the other cases, units, slices, pieces, fractions, or other similar measures shall be used; and

IV – to express non-whole quantities of a common measure, the corresponding irreducible fraction shall be used.

Article 12. The declaration of quantities on the nutrition facts label shall be also in %DV, determined according to the DRVs defined in Annex II of Normative Instruction No. 75 of 2020, and based on the rounded amounts of nutrients declared in the food serving.

Paragraph 1. For nutrients without defined DRVs, the space for declaring the respective %DV shall be left empty.

Paragraph 2. When the amount of energy value or nutrients is insignificant, according to Annex IV of Normative Instruction No. 75 of 2020, the %DV shall be declared as zero.

Paragraph 3. In the case of individual packages, the declaration referred to in the caption of this article shall be made based on the total food content in the package.

Paragraph 4. In the case of foods for special dietary uses not contemplated in paragraph 6 of article 8 of this Resolution that are recommended for specific population groups on its label, and of dietary supplements, the %DV shall be determined based on the DRVs defined in Annex VIII of Normative Instruction No. 75 of 2020, for each specific population group declared on the label.

Paragraph 5. The declaration referred to in the caption of this article shall be accompanied by the following footnote: “\*Percentage of daily values contained in a serving.”

Paragraph 6. The declaration referred to in the caption of this article does not apply to the following products:

I – infant formulas;

II – enteral nutrition formulas;

III – products intended exclusively for industrial processing;

IV – products intended exclusively for food services; and

V – alcoholic beverages whose declaration of nutrition information is made only per 100 ml.

Article 13. Without prejudice to the provisions in paragraph 1 of article 4 of this Resolution, the nutrition facts label shall be declared on the labels of multipacks and of each food unit contained therein.

Paragraph 1. If the food units have the same nature and nutritional value, only one nutrition facts label shall be declared on the multipack label.

Paragraph 2. If the food units have different nature or nutritional value, and do not need to be consumed together, a nutrition facts label shall be declared for each distinct unit on the multipack label.

Paragraph 3. If the food units have different nature or nutritional value, and must be consumed together, a nutrition facts label shall be declared for the combination of units on the multipack label.

Paragraph 4. The declaration referred to in the caption of this article is not mandatory on multipacks when it is possible to read the nutrition facts label declared on the label of each food unit contained therein without opening the package.

Paragraph 5. The declaration referred to in the caption of this article is not mandatory for food units when it is not possible to offer them separately and the nutrition facts label for these units is declared on the multipack label.

Article 14. The declaration of the nutrition facts label shall be placed on a single continuous surface of the package and on the same panel of the list of ingredients.

Paragraph 1. The nutrition facts label shall not be placed on hidden spaces, deformed spaces, such as those for sealing and that may be twisted, or that are difficult to see, such as edges, angles, corners, and seams.

Paragraph 2. In the case of multi-sided packages with obtuse angles on which it is possible to follow the label information through the angles, two or more panels can be considered continuous surfaces.

Paragraph 3. When the space on the package is insufficient to declare the information referred to in the caption of this article on the same panel, it shall be displayed on adjacent panels.

Article 15. The declaration of the nutrition facts label shall follow one of the models defined in Annex IX of Normative Instruction No. 75 of 2020.

Paragraph 1. The models referred to in the caption of this article shall be adapted to:

I – exclude the 100 g or ml or serving column, for the foods mentioned in paragraphs 1, 2, 3, and 6 of article 8 of this Resolution;

II – exclude the %DV column for the products mentioned in paragraph 6 of article 12 of this Resolution.

Paragraph 2. The aggregate model may be used to declare the nutrition facts label:

I – on the multipacks referred to in paragraph 2 of article 13 of this Resolution; and

II – on the foods recommended for more than one population group, as provided for in paragraph 4 of article 12 of this Resolution.

Paragraph 3. When one or more nutrients or energy values are present in insignificant amounts, according to Annex IV of Normative Instruction No. 75 of 2020, the nutrition information may be declared in a simplified manner according to the specific formatting requirements defined in Annex X of Normative Instruction No. 75 of 2020.

Paragraph 4. The provision in the caption of this article does not apply to alcoholic beverages declaring solely the energy value, according to paragraph 5 of article 5 of this Resolution.

Article 16. The format of the nutrition facts label shall:

I – use 100% black characters and lines applied on a white background;

II – use the names of the constituents or their alternative names, and comply with the respective order of declaration, indentation, and units of measure defined in Annex XI of Normative Instruction No. 75 of 2020;

III – use line spacing in order to prevent characters from touching each other or touching the bar, lines, or separation symbols, if any;

IV – use protective border, bars, lines, and separation symbols and internal margins in accordance with the selected model; and

V – follow the specific requirements for standard formatting, as defined in Annex XII of Normative Instruction No. 75 of 2020.

Paragraph 1. The formatting requirements referred to in item V represent minimum limits, allowing the use of larger dimensions, provided that the other elements on the nutrition facts label are proportionally increased, in order to maintain the visual identity of the label and its adequate readability.

Paragraph 2. The provision in the caption of this article does not apply to alcoholic beverages declaring solely the energy value, according to paragraph 5 of article 5 of this Resolution.

Paragraph 3. If there is not enough space for the declaration of the nutrition facts label on a single continuous surface of the package, excluding the main display panel, the use of the following compacting resources is allowed:

I – simplified declaration of vitamins and minerals, according to the criteria defined in Annex X of Normative Instruction No. 75 of 2020;

II – abbreviation of the names of nutrients, in accordance with Annex XI of Normative Instruction No. 75 of 2020;

III – changing the font size up to the limits for reduced formatting defined in Annex XII of Normative Instruction No. 75 of 2020; and

IV – application of condensed fonts for reduced formatting, as defined in Annex XII of Normative Instruction No. 75 of 2020.

Article 17. If the compacting resources referred to in paragraph 3 of article 16 of this Resolution are not sufficient for the declaration of the nutrition facts label on a single continuous surface on the package, the nutrition information shall be declared:

I – using the linear model provided for in Annex XIII of Normative Instruction No. 75 of 2020;

II – following the formatting rules established in items I to III of article 16 of this Resolution;

III – following the specific formatting requirements defined in Annex XIV of Normative Instruction No. 75 of 2020.

Sole paragraph. For packages with a surface available for labeling that is less than or equal to 100 cm<sup>2</sup>, the nutrition facts label may be declared on a covered surface, provided that it is accessible, or on the secondary package, if any.

### **CHAPTER III**

#### **FRONT-OF-PACKAGE NUTRITION LABELING**

Article 18. The declaration of the front-of-package nutrition label is mandatory on the labels of prepackaged food whose quantities of added sugars, saturated fats, or sodium are equal to or greater than the limits defined in Annex XV of Normative Instruction No. 75 of 2020.

Paragraph 1. For the foods listed in Annex XVI of Normative Instruction No. 75 of 2020, displaying the information referred to in the caption of this article is forbidden.

Paragraph 2. If the foods mentioned in items 1 to 6 of Annex XVI of Normative Instruction No. 75 of 2020 are added with ingredients that add added sugars or significant nutritional value of saturated fats or sodium to the product, according to Annex IV of

Normative Instruction No. 75 of 2020, the declaration referred to in the caption of this article applies only to nutrients that have their original value altered by the addition of such ingredients.

Paragraph 3. The declaration referred to in the caption of this article is optional for the following products:

I – foods in packages with a main display panel space of less than 35 cm<sup>2</sup>;

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

III – packaged foods that are prepared or fractionated and sold at the establishment itself.

Article 19. The limits established in Annex XV of Normative Instruction No. 75 of 2020 shall be applied to foods as displayed for sale.

Sole paragraph. In the case of foods that require preparation with the addition of other ingredients, the limits referred to in the caption of this article shall be applied based on the food ready to eat, according to the manufacturer's package instructions, without considering the nutritional value of the added ingredients.

Article 20. Without prejudice to the provisions in paragraphs 1 and 3 of article 18 of this Resolution, the front-of-package nutrition label shall be declared on the labels of multipacks and of each food unit contained therein.

Paragraph 1. If the food units have the same nature and nutritional value, only one front-of-package nutrition label shall be declared on the multipack label.

Paragraph 2. If the food units have different nature or nutritional value, and do not need to be consumed together, a front-of-package nutrition label shall be declared for each distinct unit on the multipack label, containing the identification of the corresponding food.

Paragraph 3. In the cases referred to in Paragraph 2, distinct units that have the same front-of-package nutrition label may be identified together.

Paragraph 4. If the food units have different nature or nutritional value, and must be consumed together, a front-of-package nutrition label shall be declared for the combination of units on the multipack label.

Paragraph 5. The declaration referred to in the caption of this article is not mandatory on multipacks when it is possible to read the front-of-package nutrition label declared on the label of each food unit contained therein, without opening the package.

Paragraph 6. The declaration referred to in the caption of this article is not mandatory for food units when it is not possible to offer them separately and the front-of-package nutrition label for these units is declared on the multipack label.

Article 21. The declaration of the front-of-package nutrition label shall:

I – be printed 100% in black on a white background;

II – be placed on the upper half of the main display panel, on a single continuous surface;

III – have the same orientation of the text of the other information on the label;

IV – follow one of the models defined in Annex XVII of Normative Instruction No. 75 of 2020, as applicable;

V – follow the specific formatting requirements defined in Annex XVIII of Normative Instruction No. 75 of 2020.

Sole paragraph. The front-of-package nutrition label cannot be placed on hidden spaces, spaces that can be removed by opening the seal or that are difficult to see, such as those for sealing and that may be twisted.

Article 22. The minimum space for the front-of-package nutrition label shall be determined by the percentage of the space occupied on the main display panel, as defined in Annex XVIII of Normative Instruction No. 75 of 2020.

Sole paragraph. In the event the percentage of the space occupied on the main display panel implies the use of fonts smaller than the minimum size or greater than the maximum size, the minimum space of the front-of-package nutrition label shall be determined by the minimum or maximum size of the fonts.

Article 23. Front-of-package nutrition label models other than the one defined in this Resolution may not be visible on the label.

## **CHAPTER IV**

### **NUTRITION CLAIMS**

Article 24. The declaration of nutrition claims on the labels of prepackaged food is voluntary, provided that:

I – authorized terms are used to convey the nutritional attributes established in Annex XIX of Normative Instruction No. 75 of 2020;

II – the composition and labeling criteria for declaring nutrition claims set forth in this Resolution and in Annexes XX and XXI of Normative Instruction No. 75 of 2020, are complied with; and

III – the claimed nutritional properties are maintained until the end of the product's shelf life, considering the manufacturer's package instructions.

Paragraph 1. Nutrition claims cannot be displayed on alcoholic beverages.

Paragraph 2. Any brands making reference to nutritional attributes or terms authorized for nutrition claims may be used as long as the provisions in the caption of this article are met.

Paragraph 3. The requirements referred to in items I and II shall follow the provisions in:

I – Administrative Rule SVS/MS No. 29 of 13 January 1998, for nutrition claims related to the content of lactose in foods for lactose-restricted diets;

II – Resolution RDC No. 243 of 26 July 2018, for dietary supplements;

III – Resolutions RDC No. 43, 44, and 45 of 19 September 2011, for infant formulas; and

IV – Resolution RDC No. 21 of 13 May 2015, for enteral nutrition formulas.

Article 25. Except as provided for in paragraph 5 of article 5 of this Resolution, declarations of the amounts of energy value or nutrients outside the nutrition facts label may only be made when the declared amount meets at least one of the composition criteria referred to in item II and paragraph 3 of article 24 of this Resolution, as applicable.

Article 26. Nutrition claims shall be written in Portuguese, without prejudice to the existence of texts in other languages.

Paragraph 1. Texts in other languages related to nutrition claims that do not comply with the criteria defined in this Resolution cannot be visible on the label.

Paragraph 2. The word “light” authorized for disclosure of nutritional attributes, as established in Annex XIX of Normative Instruction No. 75 of 2020, does not need to be translated.

Article 27. The composition criteria for declaring nutrition claims defined in Annexes XX and XXI of Normative Instruction No. 75 of 2020 shall be complied with for ready-to-eat foods, where applicable, according to the manufacturer’s package instructions, considering the following criteria:

I – in the case of absolute content claims for the nutritional attributes “low”, “very low”, “does not contain”, or “no added”, the nutritional value of added ingredients shall be considered, according to the manufacturer’s package instructions; and

II – in the case of absolute content claims for the nutritional attributes “source” or “high content”, the nutritional value of added ingredients shall not be considered, according to the manufacturer’s package instructions.

Article 28. The composition criteria for declaring the comparative nutrition claims defined in Annex XX of Normative Instruction No. 75 of 2020 shall be complied with in relation to the reference food of the same manufacturer.

Paragraph 1. In case there is no reference food from the same manufacturer, the average content value of three reference foods sold in the country shall be used.

Paragraph 2. In case there is no reference food, a comparative nutrition claim must not be declared.

Paragraph 3. The label of foods containing a comparative nutrition claim shall indicate whether such food was compared with a reference food of the same manufacturer or with an average amount of reference foods in the market.

Paragraph 4. The comparison serving sizes shall be equal considering the food ready to eat.

Article 29. When nutrition claims are based on characteristics inherent to all foods of the same type, a declaration clarifying that all foods of that type also have those characteristics shall be placed after such claim, using the same font used for the nutrition claim, with at least 50% of its size, in a color contrasting the label background, and that ensures visibility and legibility of the information.

Article 30. Where front-of-package nutrition label is declared, nutrition claims and expressions that indicate addition of essential nutrients must not be placed on the upper half of the main display panel, nor use font sizes larger than those used on the front-of-package nutrition label.

## **CHAPTER V**

### **DETERMINATION OF THE CONTENT OF CONSTITUENTS ON NUTRITION LABELING**

Article 31. The declared nutritional values shall be those that better represent their amounts in the food, considering:

I – the intrinsic properties of substances;

II – whether they are natural or added;

III – seasonal variability on the nutritional content of the food or its ingredients;

IV – the characteristics of the food production process;

V – the accuracy of the methods used for nutritional quantification;

VI – the food's shelf life; and

VII – the tolerance values for inspection purposes established in article 33 of this Resolution.

Article 32. The nutritional values of products shall be determined by applying at least one of the following methods:

I – laboratory analysis of the product using validated analytical methods;

II – indirect calculation made based on the quantities of constituents of the ingredients used in the product, as informed by suppliers; or

III – indirect calculation made based on the quantities of constituents of the food and of the ingredients stated on food composition tables or other databases.

Paragraph 1. In the case of energy value, the determination referred to in the caption of this article shall be made using indirect calculation based on the conversion factors defined in Annex XXII of Normative Instruction No. 75 of 2020, using the rounded values of nutrients declared on the nutrition facts label.

Paragraph 2. In the case of foods containing non-edible parts, the determination referred to in the caption of this article shall be made only for the edible part.

Paragraph 3. For the determination referred to in the caption of this article, the nutrient conversion factors defined in Annex XXIII of Normative Instruction No. 75 of 2020 shall be applied.

Article 33. For inspection purposes, the following tolerances shall apply:

I – the amounts of energy value, carbohydrates, total sugars, added sugars, total fats, saturated fats, trans fats, sodium, and cholesterol in the food shall not exceed 20% of the value declared on the label; and

II – the amounts of proteins, amino acids, dietary fibers, monounsaturated fats, polyunsaturated fats, vitamins, minerals, and bioactive substances in the food shall not be less than 20% of the declared value.

## **CHAPTER VI**

### **TRANSITIONAL PROVISIONS**

Article 34. The documentation referring to compliance with the requirements provided for in this Resolution shall be submitted to the health authority, when required.

Article 35. Item 6 of Administrative Rule SVS/MS No. 54 of 4 July 1995 is now effective with the following wording:

“The labeling of hyposodium salt shall meet the general labeling, nutrition labeling, allergen labeling, and lactose labeling standards, and contain:” (new wording)

Article 36. Item 8 of Administrative Rule SVS/MS No. 29 of 1998 is now effective with the following wording:

“Foods for special dietary uses shall meet the general labeling, nutrition labeling, allergen labeling, and lactose labeling standards and specific standards for conventional food, where applicable.” (new wording)

Article 37. Item 8 of Administrative Rule SVS/MS No. 30 of 13 January 1998, is now effective with the following wording:

“Weight control foods shall meet the general labeling, nutrition labeling, allergen labeling, lactose labeling, and special-purpose food labeling standards.” (new wording)

Article 38. Item 9 of Administrative Rule SVS/MS No. 34 of 13 January 1998, is now effective with the following wording:

“The labeling of transition foods for infants and young children shall comply with the Brazilian Standards for Infant Foods and with the general labeling, nutrition labeling, allergen labeling, lactose labeling, and special-purpose food labeling standards, and contain:” (new wording)

Article 39. Item 9 of Administrative Rule SVS/MS No. 36 of 13 January 1998 is now effective with the following wording:

“The labeling of cereal-based foods for children shall comply with the Brazilian Standards for Infant Foods and with the general labeling, nutrition labeling, allergen labeling, lactose labeling, and special-purpose food labeling standards, and contain:” (new wording)

Article 40. Items 10.3 and 10.3.1.1 of Administrative Rule No. 31 of 1998 is now effective with the following wording:

“10.3. Foods added with essential nutrients shall comply with the general labeling, nutrition labeling, allergen labeling, and lactose labeling standards.

10.3.1 .....

10.3.1.1. For enriched or fortified foods, the conventional food name shall be declared, as well as one of the following wordings: “Enriched with Vitamin(s)”, “Fortified with Vitamin(s)”, “Contain Vitamins”, “Enriched with Minerals”, “Fortified with Minerals”, “Enriched with Vitamins and Minerals”, “Fortified with Vitamins and Minerals”, “Enriched with...”, or “Fortified with...”.” (new wording)

Article 41. Articles 35, 37, and 38 of Resolution RDC No. 43 of 2011 are now effective with the following wording:

“Article 35. Nutrition labeling shall comply with the provisions in Resolution RDC No. 429 of 8 October 2020 and in Normative Instruction No. 75 of 8 October 2020.

.....

Article 37. The use of functional property claims or health property claims is not permitted.

Article 38. Only the following nutrition claims are permitted, provided that the respective requirements are met:” (new wording)

Article 42. Articles 35, 37, and 38 of Resolution RDC No. 44 of 2011 are now effective with the following wording:

“Article 35. Nutrition labeling shall comply with the provisions in Resolution RDC No. 429 of 8 October 2020 and in Normative Instruction No. 75 of 8 October 2020.

.....

Article 37. The use of functional property claims or health property claims is not permitted.

Article 38. Only the following nutrition claims are permitted, provided that the respective requirements are met:” (new wording)

Article 43. Articles 33, 35, and 36 of Resolution RDC No. 45 of 2011 are now effective with the following wording:

“Article 33. Nutrition labeling shall comply with the provisions in Resolution RDC No. 429 of 8 October 2020 and in Normative Instruction No. 75 of 8 October 2020.

.....

Article 35. The use of functional property claims or health property claims is not permitted.

Article 36. Only the following nutrition claims are permitted, provided that the respective requirements are met:” (new wording)

Article 44. Resolution RDC No. 23 of 2013 is now effective with the addition of article 5-A, as follows:

“Article 5-A. The labeling of salt intended for human consumption shall contain the following sentence next to the nutrition facts label: “This product is enriched with 15 mg to 45 mg of iodine per kilogram”. (new wording)

Article 45. Articles 26, 29, 32, and 33 of Resolution RDC No. 21 of 2015 are now effective with the following wording:

“Article 26. The use of functional property claims or health property claims is not permitted.

.....

Article 29. Nutrition labeling shall comply with the provisions in Resolution RDC No. 429 of 8 October 2020 and in Normative Instruction No. 75 of 8 October 2020.

.....

Article 32. The amount of probiotics added to the formula shall be declared on the product label as follows:

.....

Article 33. Only the nutrition claims provided for in Annex IV of this Resolution may be used, provided that they meet the criteria defined in this annex.” (new wording)

46. Article 4 of Resolution RDC No. 135 of 8 February 2017 is now effective with the following wording:

“Article 4. Items 8.1.3 and 8.1.4 are now included in item 8 of the Annex to Administrative Rule SVS/MS No. 29 1998 with the following wording:

8.1.3. Foods for lactose-restricted diets that meet the classification established in item 4.1.1.4.1 shall bear the declaration “lactose free”, “zero lactose”, “0% lactose”, “without lactose”, or “does not contain lactose” next to the food sales denomination.

8.1.4. Foods for lactose-restricted diets that meet the classification established in item 4.1.1.4.2 shall bear the declaration “low content of lactose” or “low in lactose” next to the food sales denomination.” (new wording)

Article 47. Article 15 of Resolution RDC No. 243 of 2018 is now effective with the following wording:

“Article 15. Nutrition labeling shall comply with the provisions in Resolution RDC No. 429 of 8 October 2020 and in Normative Instruction No. 75 of 8 October 2020.” (new wording)

Article 48. 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, without prejudice to the applicable civil, administrative, and criminal liabilities.

Article 49. The following provisions are hereby revoked:

I – item 6.1.2 of Administrative Rule SVS/MS No. 54 of 1995;

II – items 8.2, 8.2.1.1, and 8.2.1.1.1 of Administrative Rule SVS/MS No. 29 of 1998;

III – items 8.2.1, 8.2.2, and 8.2.3 of Administrative Rule SVS/MS No. 30 of 1998;

IV – items 10.3.2.1. and 10.3.2.2 of Administrative Rule SVS/MS No. 31 of 1998;

V – item 7.3.2 of Resolution RDC No. 274 of 2005;

VI – paragraphs 1, 2, 3, and 4 of article 35 of Resolution RDC No. 43 of 2011;

VII – paragraphs 1, 2, 3, and 4 of article 35 of Resolution RDC No. 44 of 2011;

VIII – paragraphs 1, 2, 3, and 4 of article 35 of Resolution RDC No. 45 of 2011;

IX – items I, II, III, and V of article 29 and Annex III of Resolution RDC No. 21 of 2015;

X – items I, II, and III of article 15 of Resolution RDC No. 243 of 2018;

XI – Resolution RDC No. 359 of 23 December 2003;

XII – Resolution RDC No. 360 of 23 December 2003;

XIII – Resolution RDC No. 163 of 17 August 2006;

XIV – Resolution RDC No. 48 of 5 November 2010; and

XV – Resolution RDC No. 54 of 12 November 2012;

Article 50. A period of twelve (12) months is hereby established for the adaptation of products that are already in the market on the date this Resolution comes into force.

Paragraph 1. The products intended exclusively for industrial processing or for food services shall comply with this Resolution as of the date it becomes effective.

Paragraph 2. The period referred to in the caption of this article shall be twenty-four (24) months for the following products:

I – foods produced by a family farmer or a family farm business, as defined by article 3 of Law No. 11,326 of 24 July 2006, subject to a gross revenue in each calendar year of up to the limit defined in article 3, item I, of Supplementary Law No. 123 of 14 December 2006;

II – foods produced by a joint business venture, as defined in article 2, item II, of Decree No. 7,358 of 17 November 2010, subject to a gross revenue in each calendar year of up to the limit defined in article 3, item II, of Supplementary Law No. 123 of 2006;

III – foods produced by microbusiness owners, as defined by paragraphs 1 and 2 of article 18-A of Supplementary Law No. 123 of 2006;

IV – food produced by small agribusiness, as defined by articles 143-A and 144-A of Decree No. 5,741 of 30 March 2006;

V – food produced by artisanal agribusiness, as provided for in article 7-A of Decree No. 5,741 of 2006;

VI – food produced artisanally, according to article 10-A of Law No. 1,283 of 18 December 1950.

Paragraph 3. In the case of non-alcoholic beverages in returnable packaging, the products shall be adapted following a gradual process for replacing labels, which shall not exceed thirty-six (36) months after this Resolution comes into force.

Paragraph 4. The products manufactured until the end of the adaptation period may be sold until the end of their shelf life.

Article 51. This Resolution comes into force twenty-four (24) months after its publication.

Sole paragraph. This Resolution may be revised before it comes into force, depending on the outcome of the negotiations on nutrition labeling in Mercosur.

**ANTONIO BARRA TORRES**

**Deputy Director-President**

**This content does not replace the one published in the certified version.**