

## **COLLEGIATE BOARD RESOLUTION RDC NO. 493 OF 15 APRIL 2021**

Provides for the requirements of composition and labelling of foods containing cereals for classification and identification as whole and to highlight the presence of whole ingredients.

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 Collegiate Board Resolution – RDC no. 255 of 10 December 2018, adopts the following Collegiate Board Resolution, as decided upon in a meeting held on 14 April 2021, and I, Director-President, determine its publication.

### **Section I**

#### **Initial provisions**

Article 1. This Resolution provides for the requirements of composition and labelling of foods containing cereals for classification and identification as whole and to highlight the presence of whole ingredients.

Paragraph 1. This Resolution does not apply to whole flours and the products constituted exclusively by whole cereals.

Paragraph 2. Whole flours and the products constituted exclusively by whole cereals must comply with the composition and labelling requirements established in Collegiate Board Resolution – RDC no. 263 of 22 September 2005.

### **Section II**

#### **Definitions**

Article 2. For the purposes of this Resolution, the following definitions shall apply:

I – foods containing cereals: include the cereal products defined in Collegiate Board Resolution no. 263 of 2005 and other foods that contain cereals and pseudo-cereals in their composition;

II – whole ingredients: intact caryopses of canary grass seed, amaranth, rice, wild rice, oat, rye, barley, fonio, Job's tears, corn, millet, quinoa, sorghum, teff, wheat, buckwheat, and triticale, or any derived product either broken, cracked, ground, crushed, or submitted to other technological processes considered safe for food production, the anatomic components of which – starchy endosperm, bran, and germen – are present in the typical proportion occurring in intact caryopsis; and

III – refined ingredients: any product derived from canary grass seed, amaranth, rice, wild rice, oat, rye, barley, fonio, Job's tears, corn, millet, quinoa, sorghum, teff, wheat,

buckwheat, and triticale, in which at least one of its anatomic components – starchy endosperm, bran, and germen – is not in the typical proportion occurring in intact caryopsis

### **Section III**

#### **Requirements of composition and labelling for classification and identification of foods as whole**

Article 3. The foods containing cereals shall be classified as whole when the following composition requirements are complied with in the product as displayed for sale:

I – the product contains at least 30% of whole ingredients; and

II – the quantity of whole ingredients is greater than the quantity of refined ingredients.

Sole paragraph. In the case of concentrated foods or powder foods requiring reconstitution, the composition requirements referred to in the caption of this article must be complied with in the ready-to-eat food, according to the manufacturer's instructions on the label.

Article 4. The foods containing cereals that are classified as whole may present the expression "whole" in their sales designation, as long as the total percentage of whole ingredients present in the product is declared in the sales designation, with characters of the same type, size, and color.

Paragraph 1. In the case of liquid products, the expression "whole" must be replaced by the expression "with whole cereals".

Paragraph 2. In the case of concentrated foods or powder foods requiring reconstitution, the declaration of total percentage of whole ingredients referred to in the caption of this article must be informed considering the ready-to-eat product, according to the manufacturer's instructions on the label.

### **Section IV**

#### **Requirements of labelling to highlight the presence of whole ingredients in foods containing cereals**

Article 5. The presence of whole ingredients may be highlighted in the labelling of foods containing cereals, as long as the percentage of such ingredients in the product as displayed for sale is declared next to the highlight, with characters of the same font, color, contrast, and at least the same size used in the highlight.

Paragraph 1. In the case of foods containing cereals that are not classified as whole, the terms "whole", "with whole cereals", or any other term that highlights the presence of whole ingredients cannot be included in the product's sales designation.

Paragraph 2. In the case of foods containing cereals that are classified as whole and highlight the total of whole ingredients in their main panel with characters of greater size and better visibility than those used in the product's sales designation, the declaration of total percentage of whole ingredients referred to in the caption of article 4 of this Resolution must be located next to the highlight.

Paragraph 3. In the case of concentrated foods or powder foods requiring reconstitution, the declaration of the percentage of highlighted whole ingredients referred to in the caption of this article must be informed considering the ready-to-eat product, according to the manufacturer's instructions on the label.

Article 6. Without prejudice to the provisions in Article 5, the labelling of foods containing cereals that are not classified as whole cannot include words, signals, denominations, symbols, emblems, illustrations, or graphic representations that indicate the product is classified as whole.

Article 7. For the products containing cereals intended exclusively for industrial processing or food services, the information referred to in articles 4 and 5 of this Resolution may be provided, as an alternative, in the documents that accompany the product or by other means.

## **Section V**

### **Determination of percentages of whole ingredients in the food**

Article 8. The whole ingredient percentage must be determined based on the quantity of the ingredient added to the food in the moment of its production in relation to the final weight of the product as displayed for sale.

Paragraph 1. For the determination referred to in the caption of this article, the mixture of refined flour, bran, and germen may be considered whole ingredients, as long as such ingredients are:

I – added to the food in quantities that ensure the anatomic components – starchy endosperm, bran, and germen – are present in the typical proportion occurring in intact caryopsis; and

II – declared in the list of ingredients as “reconstituted whole flour”, followed by the common name of the vegetal species used.

Paragraph 2. For the purposes of compliance with the provisions in the Sole paragraph of Article 3, Paragraph 2 of Article 4, and Paragraph 3 of Article 5 of this Resolution, the determination referred to in the caption of this article must be made based on the quantity of the ingredient added to the food in the moment of its production in relation to the weight of the ready-to-eat product, according to the manufacturer's instructions on the label.

Paragraph 3. The percentages referred to the caption of this article must be expressed in numbers with one decimal, except where the first decimal is zero, in which cases the declaration must be expressed in whole numbers.

Paragraph 4. For the purposes of rounding percentages, the following requirements are applied:

I – when the second decimal is lower than 5 (five), the first decimal must be kept unaltered; and

II – when the second decimal is greater than or equal to 5 (five), the first decimal must be rounded up by 1 (one) unit.

## **Section VI**

### **Final and transitional provisions**

Article 9. The documentation referring to compliance with the requirements provided for in this Resolution shall be available for consultation or made available for the competent authority when requested.

Sole paragraph. The mills must provide information to food manufacturers on the proportion of constituents – starchy endosperm, bran, and germen – occurring in the whole and refined ingredients supplied.

Article 10. 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 11. Subitems 2.2.1 and 2.5 in the Annex of Collegiate Board Resolution – RDC no. 263 of 2005 are included with the following wording:

"2.2.1. Whole flours: products resulting from crushing or grinding intact caryopses of canary grass seed, amaranth, rice, wild rice, oat, rye, barley, fonio, Job's tears, corn, millet, quinoa, sorghum, teff, wheat, buckwheat, and triticale, where the anatomic components – starchy endosperm, bran, and germen – are present in the typical proportion occurring in intact grain, and losses of up to 2% of the grain or 10% of the bran are allowed.

.....

2.5. Whole cereals: intact caryopses of canary grass seed, amaranth, rice, wild rice, oat, rye, barley, fonio, Job's tears, corn, millet, quinoa, sorghum, teff, wheat, buckwheat, and triticale, or any derived product either broken, cracked, or flocked, the anatomic components of which – starchy endosperm, bran, and germen – are present in the typical proportion occurring in intact caryopsis, and losses of up to 2% of the grain are allowed." (new wording).

Article 12. A period of twelve (12) months is hereby established for the adequacy of products referred to in this Resolution.

Paragraph 1. In the case of pasta, the period referred to in the caption of this article shall be of 24 (twenty four) months.

Paragraph 2. The adequacy of the products referred to in the caption of this article must be accomplished in total, in a single act.

Article 13. The products manufactured until the end of the adequacy period may be commercialized until the end of their shelf life.

Article 14. This Resolution enters into force on 22 April 2022.

**ANTONIO BARRA TORRES**

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