

IX. References

The following references have been placed on display in the Dockets Management Branch (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. U.S. Department of Agriculture and Department of Health and Human Services, "Dietary Guidelines for Americans," 5th ed., U.S. Government Printing Office, Washington, DC, 2000.
2. Anderson, Ellen M., memorandum to file, September 3, 2002.
3. Kim, Heili, memorandum to file, July 16, 2001.
4. Anderson, Ellen M. and Heili Kim, memorandum to file, August 30, 2001.
5. Mancini, Dominic, memorandum to file, May 23, 2002.
6. *Cheese: Chemistry, Physics and Microbiology*, edited by P.F. Fox Chapman & Hall, 2d ed.
7. Kim, Heili, memorandum to file, May 15, 2001.
8. Anderson, Ellen M., memorandum to file, August 19, 2002.
9. Kim, Heili, memorandum to file, May 15, 2001.

10. National Partnership for Reinventing Government, Plain Language Action Network, Presidential Memorandum on Plain Language (www.plainlanguage.gov/cites/memo.htm).

List of Subjects in 21 CFR Part 101

Food labeling, Nutrition, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 101 be amended as follows:

PART 101—FOOD LABELING

1. The authority citation for 21 CFR part 101 continues to read as follows:

Authority: 15 U.S.C. 1453, 1454, 1455; 21 U.S.C. 321, 331, 342, 343, 348, 371; 42 U.S.C. 243, 264, 271.

2. Section 101.65 is amended by revising paragraph (d) to read as follows:

§ 101.65 Implied nutrient content claims and related label statements.

* * * * *

(d) *General nutritional claims.* (1) This paragraph covers labeling claims that are implied nutrient content claims because they:

(i) Suggest that a food because of its nutrient content may help consumers maintain healthy dietary practices; and

(ii) Are made in connection with an explicit or implicit claim or statement about a nutrient (e.g., "healthy, contains 3 grams of fat").

(2) You may use the term "healthy" or related terms (e.g., "health," "healthful," "healthfully," "healthfulness," "healthier," "healthiest," "healthily," and "healthiness") as an implied nutrient content claim on the label or in labeling of a food that is useful in creating a diet that is consistent with dietary recommendations if:

(i) The food meets the following conditions for fat, saturated fat, cholesterol, and other nutrients:

If the food is...	The fat level must be...	The saturated fat level must be...	The cholesterol level must be...	The food must contain...
(A) A raw fruit or vegetable	Low fat as defined in § 101.62(b)(2)	Low saturated fat as defined in § 101.62(c)(2)	The disclosure level for cholesterol specified in § 101.13(h) or less	N/A
(B) A single-ingredient or a mixture of frozen or canned fruits and vegetables	Low fat as defined in § 101.62(b)(2)	Low saturated fat as defined in § 101.62(c)(2)	The disclosure level for cholesterol specified in § 101.13(h) or less	N/A
(C) An enriched cereal-grain product	Low fat as defined in § 101.62(b)(2)	Low saturated fat as defined in § 101.62(c)(2)	The disclosure level for cholesterol specified in § 101.13(h) or less	N/A
(D) A raw, single-ingredient seafood or game meat	Less than 5 grams (g) fat per RA ¹ and per 100 g	Less than 2 g saturated fat per RA and per 100 g	Less than 95 milligrams (mg) cholesterol per RA and per 100 g	At least 10 percent of the RDI ² or the DRV ³ per RA of one or more of vitamin A, vitamin C, calcium, iron, protein, or fiber
(E) A meal product as defined in § 101.13(l) or a main dish product as defined in § 101.13(m)	Low fat as defined in § 101.62(b)(3)	Low saturated fat as defined in § 101.62(c)	90 mg or less cholesterol per SS ⁴	At least 10 percent of the RDI or the DRV per SS of two nutrients (for a main dish) or of three nutrients (for a meal) of the following six nutrients—vitamin A, vitamin C, calcium, iron, protein, or fiber
(F) A food not specifically listed in this document	Low fat as defined in § 101.62(b)(2)	Low saturated fat as defined in § 101.62(c)	The disclosure level for cholesterol specified in § 101.13(h) or less	At least 10 percent of the RDI or the DRV per RA of one or more of vitamin A, vitamin C, calcium, iron, protein, or fiber

¹ RA means Reference Amount Customarily Consumed per Eating Occasion (§ 101.12(b)).

² RDI means Reference Daily Intake (§ 101.9(c)(8)(iv)).

³ DRV means Daily Reference Value (§ 101.9(c)(9)).

⁴ SS means Serving Size Listed on the Label (§ 101.9(b)), also referred to as Labeled Serving Size.