

ARE YOUR LABELS ALLERGY-FRIENDLY? MAJOR CHANGE LOOMING FOR FOOD AND DRINK LABELS IN THE UNITED STATES

Hodgson Russ Food and Beverage Alert
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In less than four months, a major change will take effect with regard to food labeling and allergen regulations in the United States. Beginning January 1, 2023, sesame will be recognized as the ninth major food allergen. At that time, sesame will have to be clearly identified on all packaging.

Hodgson Russ attorneys first sent an [alert](#) regarding this change on April 19, 2021.

On April 23, 2021, President Biden signed the **FASTER** (Food Allergy Safety, Treatment, Education and Research) Act of 2021 into law. The FASTER Act essentially works as an amendment to the original FALCPA (Food Allergen Labeling and Consumer Protection Act) of 2004, which identified eight foods as major food allergens, and required them to be distinctly labeled as such on all packaging – whether in the ingredient list, or in a “contains” statement. Named in that original law were milk, eggs, fish, Crustacean shellfish, tree nuts, peanuts, wheat, and soybeans. Now, the FASTER Act adds sesame to that list.

Sesame appears in many different foods, such as baked goods, sauces, dressings, and hummus, as well as in a variety of cuisines. Identifying sesame-free foods can be challenging. Some manufacturers do not list sesame directly as an ingredient, but instead include it on the ingredient label under the words “natural flavors” or “natural spices.”

Congress passed the original regulations outlined in FALCPA in 2004, to make it easier for consumers who are allergic to foods to identify and avoid foods that contain major allergens. The Food and Drug Administration estimated at that time that the eight original major allergens accounted for 90-percent of food allergies and serious allergic reactions in the United States. See [here](#).

Non-compliance with this new requirement can result in revocation of a food distributor’s or manufacturer’s FDA license, as well as potential fines under federal law.

If you have questions or concerns regarding the changes, or if you need assistance ensuring compliance, please contact any member of the Hodgson Russ [Food & Beverage](#) practice.

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