

**Regulatory Alert: FDA Proposes Rule Delaying  
 New Nutrition Labeling Requirements**  
*Compliance Deadline for New Nutrition Facts Panel, Serving Sizes  
 Delayed Approximately 1.5 Years*

October 2, 2017

On October 2, 2017, the U.S. Food and Drug Administration (FDA) published a [proposed rule](#) which extends the compliance dates for the new requirements for nutrition and supplement facts labels, serving sizes, and dual column labeling by approximately 1.5 years. Under the proposed rule, the compliance date for manufacturers with \$10 million or more in annual food sales is extended from July 26, 2018, to January 1, 2020. The compliance date for manufacturers with less than \$10 million in annual food sales is extended to January 1, 2021.

Final Rule	Business Category	Old Compliance Date	New Compliance Date
<b>Food Labeling: Revision of the Nutrition and Supplement Facts Labels<sup>1</sup></b>	Small Business (Less than \$10 million in annual food sales)	July 26, 2019	January 1, 2021
<b>Food Labeling: Revision of the Nutrition and Supplement Facts Labels</b>	Other Businesses (\$10 million or more in annual food sales)	July 26, 2018	January 1, 2020
<b>Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed At One Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Reference Amounts Customarily Consumed; Serving Size for Breath Mints;</b>	Small Business (Less than \$10 million in annual food sales)	July 26, 2019	January 1, 2021

<sup>1</sup> 81 Fed. Reg. 33742 (May 27, 2016)

<b>and Technical Amendments<sup>2</sup></b>			
<b>Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed At One Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Reference Amounts Customarily Consumed; Serving Size for Breath Mints; and Technical Amendments</b>	Other Businesses (\$10 million or more in annual food sales)	July 26, 2018	January 1, 2020

The proposed rule only extends the compliance dates and does not change other aspects of the regulations.

Pending completion of the rulemaking delaying the compliance dates, FDA intends to exercise enforcement discretion with respect to the current July 26, 2018, and July 26, 2019, compliance dates. In other words FDA does not intend to enforce the current compliance dates even if the proposed rule delaying the compliance dates is not finalized before July 26, 2018 or July 26, 2019.

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<sup>2</sup> 81 Fed. Reg. 34000 (May 27, 2016).