

The purpose of this document is to communicate labeling requirements for shipping, displaying and delivering foods in bulk packages at the wholesale and retail levels.

When bulk packages of food are shipped, delivered or displayed, information must be provided to retailers, wholesalers and consumers. Retail shipping containers are a separate issue also discussed in this document. The information can be summarized by answering the following four questions, and remembering the acronym **ICIC**:

- |                           |                    |
|---------------------------|--------------------|
| <b>What is it?</b>        | <b>IDENTITY</b>    |
| <b>How much is in it?</b> | <b>CONTENTS</b>    |
| <b>What is in it?</b>     | <b>INGREDIENTS</b> |
| <b>Who makes it?</b>      | <b>CONTACT</b>     |



**QUESTION: What is “bulk” food?**

**ANSWER:** Bulk food is a shipment, delivery or display of food, including ingredients or products, which are packaged or displayed in a manner that is not intended for an individual consumer.

**QUESTION: Why is the term “bulk food” important to know?**

**ANSWER:** The laws and rules governing bulk foods allow greater flexibility in how the required information is conveyed to retailers, wholesalers and consumers. This greater flexibility is needed to accommodate food shipments that are sent by railroad cars, cargo vessels, tractor-trailers and similar transportation vehicles.

**QUESTION: What information must be conveyed in a **bulk food container** shipment or display?**

**ANSWER:** The information that must be provided in a bulk food shipment is the same as what must be communicated when a food is packaged for an individual consumer. The information that must be conveyed are the following items:

- Identity of Product** (name of the food; what is it?)
- Contents of Package** (usually in pounds, kilograms or numbers; how much is in it?)
- Ingredients** (listing of all ingredients, including major allergens, in order of predominance that comprise the contents; what is in it?). Single-ingredient packages do not need an ingredients list.
- Contact Information** (name of business or responsible firm, physical address, city, state, zip code; who makes it?). If a business is listed in a current telephone directory or current city directory, the physical address does not need to be included with the shipping information, but may be required by other regulatory agencies.

## **RETAIL FOOD**



**QUESTION: Are there exceptions to labeling requirements for retail shipping containers and outer wrappings?**

**ANSWER:** Yes. Retail shipping or delivery containers or wrappings used to transport food to individual consumers cannot have any printed material referring to any particulars about the food. A blank retail shipping container would be ideal.

The classic examples of such **retail shipping containers** are pizza in a box and cooked rice delivered to a customer in a blank box. In other words, no printed material on the retail shipping container or wrapping is best and required to distinguish it from other types of consumer food packages.

Another way to think about such containers or wrappings is the food was custom made or specifically prepared at the request of the individual consumer. In other words, individual shipping containers and outer wrappings, prepared for a specific consumer is not the same as bulk food packages or packaged individual consumer commodities.



**QUESTION: How is bulk food information provided to consumers at the retail level?**

**ANSWER:** Retailers have several options to convey the required information to consumers. A sign or placard posted at the service area point is the most popular method of notifying consumers about the product. It is also possible to have a printed list readily available to provide to consumers when requested.

However, food that is removed from a bulk food container and subsequently packaged in a container intended for an individual consumer, and such packaging was not at the request of the consumer, the container must be properly

labeled, if the product is placed out for customer self-service. This process changes the food status from a bulk commodity to a consumer commodity that is a prepackaged food.



**QUESTION: If I am in a grocery store deli and request a pound of potato salad from a bulk supply in a display case, does the container in which the food is placed require a label?**

**ANSWER:** No, but grocery stores often provide such labeling as a customer service. The reason no label is required is because the consumer requested the service, and the potato salad was not in a customer self-service area, being presented to the public as a prepackaged food.

**QUESTION: If a deli at a grocery store has bulk food displayed, do they need to have a placard or sign posted that has information about major allergens and other ingredients?**

**ANSWER:** Yes, information about major allergens and food ingredients must be made available to consumers in some manner. Posted placards and signs is one method to notify consumers. Printed material made available at the request of a

potential consumer is a second method to notify consumers.

**QUESTION: If a deli manager at a grocery store decides to place leftover potato salad from a bulk display into several half-pound plastic tubs, and the tubs are then placed into a cooler in the customer self-service area, does each one of the tubs need a label?**

**ANSWER:** Yes, because the status has changed from bulk commodity to prepackaged consumer commodity.



**QUESTION: What are the requirements for labeling bulk foods used in a bakery at a grocery store or wholesale food manufacturing establishment?**

**ANSWER:** These bulk foods are considered to be in working containers and need only the name of the food on the container to prevent misuse.

For example, if an establishment had 50 pounds of sugar in a container that was used by bakery workers to dispense sugar as an ingredient in a cake, the **working container** would only need the word "Sugar" on the outside for easy identification.

**QUESTION: Are nutrition facts labeling required for bulk foods displayed in a grocery store?**

**ANSWER:** Yes, unless the firm is exempt from such labeling in 21 CFR 101.9 (j). Please see table below for exemptions. The responsibility for obtaining and providing the nutrition information is on the retailer, if the supplier does not provide the information. Dollar amounts refer to the entire business network.

**Nutrition Facts Label Exemptions**

<b>Food Sales</b>	<b>Total Sales (food, non-food)</b>	<b>Status</b>
\$50,000 or less	\$500,000 or less	Exempt
\$50,000 or less	\$500,001 or more	Exempt
\$50,001 or more	\$500,000 or less	Exempt
\$50,001 or more	\$500,001 or more	Not Exempt

**WHOLESALE FOOD**

**QUESTION: How may a wholesaler convey bulk food labeling information to a retailer or other wholesaler?**

**ANSWER:** The wholesaler still needs to convey basic labeling information to the retailer or wholesaler, but has more options by which the information can be communicated. Some of those options include the use of placards, counter cards, signs, shipping invoices or other appropriate devices. However, bulk food in a container is not the same as food packaged as a consumer commodity.

With the exceptions of retail shipping containers and consumer-ordered packaged food at point-of-service, each food contained as an individual consumer commodity must be properly labeled, and is not eligible for bulk food labeling options. Subpart G of 21 CFR 101.100 describes many bulk-food labeling exemptions.

**QUESTION: Do bulk foods produced by a primary wholesaler that will be used as an ingredient in a finished food product manufactured by a subsequent wholesaler need to provide a “Nutrition Facts” statement to the secondary wholesaler?**

**ANSWER:** No, bulk foods shipped for further processing or packaging before retail sale are exempt from having to provide Nutrition Facts labeling, under 21 CFR 101.9 (j)(9).

**QUESTION: What about labeling individual food sample packages with limited space on the outer wrapper?**

**ANSWER:** Food wrappers with limited space for printing are not bulk foods, and still need to comply with basic labeling requirements, but may use options such as folded areas on the package for printing. This is often the situation with popular candy bars.

**QUESTION: If an individual food package is contained within a larger bulk package for the retailer, what are the labeling requirements for that larger bulk package and individual food package?**

**ANSWER:** This is a food package within a food package. The bulk package still must convey the basic labeling information. However, the individual food package must be labeled with the wording, "This unit not labeled for retail sale" within multiunit package. The outermost wrapper or package must have all the required labeling statements.

For additional labeling information, please contact your local county sanitarian or the Montana Food and Consumer Safety Section at:

<b>Montana Wholesale Food Program</b> <b>P.O. Box 202951</b> <b>1400 Broadway Street, C-214</b> <b>Helena, MT 59620-2951</b>	<b>Telephone: 406.444.2837</b> <b>Fax: 406.444.5055</b> <b>E-mail: hhsfcs@mt.gov</b> <b>Web: <a href="http://www.dphhs.mt.gov/publichealth/fcs/wholesalefood.shtml">http://www.dphhs.mt.gov/publichealth/fcs/wholesalefood.shtml</a></b>
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## OTHER LABELING RESOURCES

Please visit the United States Food and Drug Administration (FDA) web address for more labeling information:  
<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-food-labeling-guide>

A FREE on-line labeling course is also available. The course requires registration to access:  
<https://www.fda.gov/industry/structured-product-labeling-resources/spl-standard-training>

For products that require federal nutrition labeling, computer software is available to assist in creating compliant labels at the following webpage address: <https://www.nal.usda.gov/fnic/software>

In addition, nutrition labeling and other compliance assistance is also available from:

Mission Mountain Food Enterprise Center:  
Telephone: 406-676-5901  
Web: <https://lakecountycdc.org/mission-mountain-food-enterprise-center/>

### FOOD LABELING CHECKLIST

	<b>Product name</b> (known as the statement of identity or name of food)
	<b>Name and address of product manufacturer</b> , distributor or packer
	<b>Ingredient list</b> in order of quantity or predominance from greatest to least by weight
	<b>Net weight</b> or liquid volume of product in United States units of measure AND metric units of measure

Legal References: MCA 50-31-104, ARM 37.110.101 (1)(j)