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GAIN Report

Global Agricultural Information Network

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Modifications to the Food Law affect Nutritional Labeling

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Trade Policy Incident Report

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Report Highlights:

Three new labeling requirements under the Chilean Food Law came into effect in October 2013. This report contains the relevant articles to the Food Law with the new requirements **highlighted in yellow**.

General Information:

ARTICLE 106.- For the purposes of these regulations the terms below have the following meaning:

1. Food Substitute: Food intended to resemble a common food, due to its texture, aroma, taste, or smell, and is used as a complete or partial substitute of the food it resembles;
2. Dried Foods: Refers to dehydrated fruits, vegetables, or legumes, even when taking oral pharmaceutical forms;
3. Addition: Addition of one or more nutrients or dietary factors, for example, dietary fiber to a food for nutritional purposes, in a concentration of less than 10% of the Daily Reference Values (DRV), per average serving size for a particular nutrient;
4. New Food, Ingredient, and Material: Those foods, food ingredients, and material obtained through physical-chemical synthesis processes or by processes that occur in nature that are not typical of molecules or compounds typical of human consumption;
5. Supplementation: Is the addition of nutrients to the food, in order to produce a characteristic healthy nutritional or physiological effect;
6. Complementation: Adding nutrients to a food lacking or containing them in minimum amounts for the purpose of producing a nutritional effect; complementation comprises the concepts of addition, enrichment or fortification, as well as supplementation, according to the percentage of the added nutrient, based on the Recommended Daily Allowance and per average serving size.
7. Nutrient Declaration: Standardized statement or listing of the nutrient content of a food;
8. Nutritional Claim: Any representation which states, suggests or implies that a food has particular nutritional properties, especially but not only in terms of energy value, protein, fat, and carbohydrates available, but also by the content of vitamins, minerals and other factors food, such as dietary fiber and cholesterol;
9. Health Claim: Any representation which states, suggests, or implies that a relationship exists between a food, nutrient, or other substance contained in a food and a health-related condition;
10. Descriptor: The term or word that defines or describes a certain characteristic that is attributed to a food;
11. Dietary Factor: Nutrient substances and non-nutrient substances that play a role in our body, such as cholesterol, dietary fiber and other;
12. Enrichment or fortification: The addition of one or more nutrients or dietary fiber to a food, in a concentration of 10% or more of the Daily Reference Values (DRV) per average serving size for a particular nutrient;
13. container: any vessel containing food, covering it fully or partially.
14. Biotechnological event: Association or combination of genes from different species resulting from genetic engineering, different or in a different order with respect to what occurs spontaneously in nature;
15. Date or period of minimum duration: The expiration date or period of the period which the manufacturer guarantees that the product, stored under certain storage conditions, if any, maintains all significant qualities attributed to it, tacitly or explicitly, without this meaning that the product cannot be marketed beyond this date or period. The use of date or period of minimum duration is optional;

This date or period of minimum duration may be given as a recommendation, and the expression "best before" or equivalent may be used;

16. Date of preparation: The date on which the food becomes the product as described on the package;
17. Date of packaging: The date on which the food is placed in the container in which it will eventually be sold;
18. Expiration date or duration period: The date or period in which the manufacturer states that, under certain storage conditions, the period during which the product maintains the expected quality attributes ends. After that date or when that period has passed, the product cannot be marketed.

For the purposes of using the duration period, it is understood that it starts to take effect from the date of

manufacture.

The expiration date or the duration period must be clearly defined. In these cases, expressions such as "best before", or other equivalents, that subtract accuracy or reduce the importance of the due date or the duration period shall not be accepted;

19. Ingredient: Any substance, including additives, that are used in the manufacture or preparation of a food and is present in the final product, albeit in a modified form;
20. Characterizing ingredient: An ingredient that gives the food peculiar attributes that distinguish it clearly from other foods of the same type;
21. Batch: Certain quantity of a food produced in essentially the same conditions;
22. Normalization or standardization: The addition or removal of nutrients to a food in order to compensate for natural variations in the content of nutrients;
23. Nutrient: Any substance normally consumed as a constituent of a food and that is necessary for growth, development, and normal body maintenance or whose deficiency causes characteristic biochemical or physiological changes;
24. Essential nutrient: Any substance consumed as a constituent of food necessary for growth, development, and maintenance of vital functions and cannot be synthesized in sufficient quantities by the human body;
25. average serving size: amount of food generally consumed by a person in one sitting, defined in terms of the edible part of the product and referred to the product as it is marketed.

For dehydrated food products that are consumed once reconstituted, the average serving size will be reported according to the reconstitution instructions.

26. Restitution: Addition to a food of one or more nutrients that have been lost during the process of manufacturing, storage, and handling in such amounts that result in the recovery of such losses;
27. Labeling: Set of inscriptions, legends, or illustrations contained on the label which provide information about the characteristics of a food product;
28. Labeling or nutrition labeling: Any description intended to inform consumers about the nutritional properties of a food product. Includes the nutrient declaration and supplementary nutritional information;
29. Label: Tag, label, brand, image, or other descriptive or graphic material that has been written, printed, stenciled, marked, embossed or engraved, or attached to the container of a food;
30. Available Carbohydrates: The total of carbohydrates excluding dietary fiber
31. Ready-to-eat (RTE) foods: all food intended by the producer, manufacturer, or packer for direct human consumption without the need for cooking or other processing effective in eliminating or reducing dangerous microorganisms to an acceptable level.
32. Food hypersensitivity: adverse reactions to nontoxic foods. They are divided into food Allergies and non-allergic Hypersensitivity to food.
33. Reference food: Similar food that serves as a standard of comparison to perform and highlight a nutritional modification, restricted to a short descriptor and its synonyms. This reference food must be present in the market and be of one's own manufacturing. Only in its absence may other foods, also present in the market, be considered for comparison.

ARTICLE 107.- All food products that are stored, transported, or dispensed packaged must bear a label or tag containing the following information:

- a. food name. The name must specifically indicate the true nature of the food. Notwithstanding the name, the brand may be given. In substitute products, this condition must be clearly indicated.
Next to the name or very close to it there must appear the additional words or phrases necessary to avoid errors or deceit regarding the true nature and physical condition of the food, including but not limited to the packing type or medium, the form of presentation, or the type of treatment it has undergone;
- b. net content expressed in units of the metric system or the international system, with the unit symbol or

full word. No term with ambiguous meaning must accompany the values of net content .

In addition to the declaration of net content, for food packed in a liquid medium, the drained weight of the food must be indicated in units of the metric system or the international system;

- c. For domestic foods, the name or business name and address of the manufacturer, producer, processor, packer, or distributor, as applicable;
- d. country of origin must be clearly indicated in both domestic and imported products, in accordance with established labeling standards regarding this information, in Decree No. 297 of 1992, of the Ministry of Economy, Development, and Reconstruction, or in the legislation that replaces it;
- e. number and date of the resolution and the name of the Health Service authorizing the establishment that prepares or packs the product or authorizes its placement;
- f. date of manufacture or packaging date of the product. This must be legible, and placed in an area of the package that is easily located and must be stated in the following manner and order:
 - the day, using two digits
 - the month, using two digits or the first three letters of the month, and
 - the year, using the last two digits.For products whose minimum duration is less than or equal to 90 days, the year may be omitted. For products whose minimum duration is no less than three months, the day may be omitted. The industry can identify the date of manufacture with the code corresponding to the production batch. In this case the latter's records must be available at all times to the health authority;
- g. expiration date or duration of the product. This information shall be placed on the packaging in a place that is easily located and with a prominent legend. The expiration date shall be indicated in the form and order set for the date of manufacture. The duration must be indicated in terms of days or months or years, as applicable, always using whole units, unless it is of "indefinite duration," in which case the information must be entered.

For products identifying the date of manufacture with the code of the production batch, the duration must be labeled in terms of the expiration date, while those expressly indicating the date of manufacture may use the expiration date or duration period.

Products with a label of "indefinite" must necessarily indicate the date of manufacture.
- h. ingredients, on the label must be included the list of all ingredients and additives that make up the product, with their specific names, in descending order of proportion, except for flavor and aroma enhancers, pursuant to the provisions of Article 136 of this regulation.

When the food, ingredient, or derivative is or contains any of the substances that cause hypersensitivity (food allergens), as officially recognized by resolution of the Ministry of Health, published in the Official Gazette, the allergen(s) must be indicated in the list of ingredients, in letters of a size no less than the letters of the general ingredients, or with the heading "Contains ... " or similar. If the ingredient is a derivative of any of the allergens recognized by the resolution, then both the ingredient and the allergen must be labeled, as in the following example: casein (milk) or milk casein.

If the food is at risk of contamination, from production or processing to marketing, from said allergens, then any of the following phrases must be included after the list of ingredients: "May contain ... ", "Contains small amounts of ...", "Contains traces of ... " or "Made in lines that also process", listing the allergen in question.
- i. additives, the incorporation of additives must be indicated on the label, in descending order of concentration, with their specific names, with the exceptions noted in the corresponding title. Any food additive that has been used in raw materials and other ingredients in a food, and passes to the food in sufficient quantity to perform a technological function in it, must be included in the ingredient list.

- j. nutritional information pursuant to the provisions of Article 115 of this regulation;
- k. storage instructions, in addition to the date of minimum duration, special conditions required for the preservation of food must be indicated on the label, if the validity of the date of minimum duration depends on its compliance. In the event that, once opened, the product requires refrigeration or another special environment, this should also be noted in the labeling;
- l. instructions for use, the label must contain the necessary instructions, including reconstitution, where applicable, to ensure the correct use of the food;
- m. For imported products, the name and address of the importer. The importer must maintain a record of all items admitted into the country, for a minimum period of 90 days after the expiration date or the duration of the product, as appropriate. Foods of indefinite duration must be kept on record for at least three years. This record must provide background information to the customs agency at destination, the health history of the product, the authorization for use and consumption, the codes of the production batches or dates of manufacture, expiration date, country of origin, type of product, brand, the name of the foreign supplier and must be, at all times, available to the Health Authority. The code of the production batch or date of manufacture shall also be stamped on the package and thus distinguish, unequivocally, different production batches or lots. Imported foods must comply with all other applicable labeling rules on everything not specifically regulated herein. The authorization for admittance and consumption shall be done item by item, being, therefore, subject to all the controls that the Health Authority needs to perform, as provided herein.
- n. the food and/or raw material for human consumption, modified through biotechnology events that present different nutritional characteristics to those of the food and/or conventional feedstock, must list them on the label, pursuant to the provisions of Articles 113 and 115 to 120 of this regulation.

Article 115.- All packaged foods ready for delivery to the end consumer shall mandatorily include in their labeling the following nutritional information:

- a) Energy value expressed in calories (in kcal), the amounts of protein, total fat, available carbohydrates and total sugars, in grams (in g) and sodium in milligrams (in mg).

In those products whose total fat content is no less than 3 grams per average serving size, in addition to total fat, the amounts of saturated fatty acids, monounsaturated, polyunsaturated and trans fatty acids must be declared in grams and cholesterol in milligrams.

For foods that contain an amount equal to or less than 0.5 grams of trans fat acids per average serving size, the statement indicating that the food contains at most 0.5 grams of trans fatty acids per serving may be accepted as an alternative.

For foods that contain an amount equal to or less than 35 milligrams of sodium per average serving size, the statement indicating that the food contains at most 35 milligrams of sodium per serving may be accepted as an alternative.

For foods that contain an amount equal to or less than 0.5 grams of sugar per average serving size, the statement indicating that the food contains at most 0.5 grams of sugar per serving may be accepted as an alternative.

- b) The amount of any other nutrient or dietary factor, such as dietary fiber and cholesterol, about which a nutrition and/or health claim is made.

All these values must be expressed per 100 g or 100 ml per average serving size of the food. Details should include the number of servings in the package and the serving size in grams or milliliters and home measures.

The values used in the nutrient declaration must be weighted average values derived from data specifically obtained through food analysis performed in laboratories or food composition tables that are duly recognized by national or international bodies, and which are representative of the food in the declaration.

The tolerance limits for nutrient values declared on the label shall be as follows:

For food that in its labeling declares nutritional or healthy messages and for those using nutritional descriptors, the tolerance limits for the declared value of the nutrient in question shall be as follows:

a) when nutrients and dietary factors are expressed as proteins, vitamins, minerals, dietary fiber, and/or monounsaturated and polyunsaturated fats, they must be present in an amount greater than or equal to the value declared on the label;

ii) when nutrients and dietary factors are expressed as energy, carbohydrates, sugars, total fat, cholesterol, saturated fat, trans fat and/or sodium, they must be present in an amount less than or equal to the value declared on the label.

For food that in its labeling does not highlight nutritional or healthy messages or use nutritional descriptors, the tolerance limits for the nutritional labeling shall be as follows:

i) when nutrients and dietary factors are expressed as proteins, vitamins, minerals, dietary fiber and/or monounsaturated and polyunsaturated fats, they must be present in an amount greater than or equal to 80% of the value declared on the label;

ii) when nutrients and dietary factors are expressed, such as energy, carbohydrates, sugars, total fat, cholesterol, saturated fat, trans fat and/or sodium, they may only exceed 20% of the value declared on the label.

In any case, the limits of vitamins, minerals, and dietary fiber must not exceed the values set forth in Resolution No. 393/02, as amended, which sets forth Nutritional Guidelines on the Use of Vitamins, Minerals and Dietary Fiber in Food, and Resolution No. 394/02, as amended, which sets forth the Nutritional Guidelines on Dietary Supplements and their contents in Vitamins and Minerals, all from the Ministry of Health.

For those nutrients whose percentage of variability, depending on the kind and type of handling, exceeds the permitted tolerance, the company must make available to the health authority the technical background to justify it.

The following shall be exempt from compliance with the above provisions of this Article:

i) Predefined foods, sliced, and packaged prior to time of sale at the place of sale, including ready-to-eat meals, which must comply with the provisions of Article 468 herein;

ii) Stimulants without the addition of other ingredients, additives, processing coadjuvants, spices alone or in mixtures without other ingredients, and fruits and vegetables in their natural state;

iii) Foods that are marketed in bulk, portioned, or divided, and those prepared at the request of the public, although they are packaged at the time of sale.

Optionally, the nutrient declaration can be made on the label of foods that have no obligation to do so, which, in any case, shall be in accordance with the provisions of these regulations.

The numerical expression of the nutrients and dietary factors, the approximation in order to express the

values of nutrients and dietary factors, and the expression of values of normal serving sizes and household measures, shall be performed according to the following criteria:

Numeric expression of nutrients and dietary factors:

Values equal to or greater than 100	Shall be declared as whole numbers
Values less than 100 and greater than or equal to 10	Shall be declared as whole numbers or with a decimal
Values less than 10 and greater than or equal to 1	Shall be declared as whole numbers or with up to two decimal places
Values less than 1	Shall be declared with up to two decimal places

Approximation criteria for values of nutrients and dietary factors reported in numbers with decimals.

- i) If the digit to be dropped is equal to or greater than 5, the previous digit is increased by one unit.
- ii) If the digit to be dropped is less than 5, the previous digit remains unchanged.

The numerical expression of the number of normal servings must be in whole numbers and the expression of the serving size in household measures may be in units, slices, pieces, cups, tablespoons or similar, or their parts, such as half a tablespoon or 1/4 cup. When the result of dividing the contents of the package by the defined serving size is not a whole number, or when it is not easily definable, the servings will be approximated with the criteria of mathematical approximation of the values of nutrients and dietary factor values, as described above. When mathematical approximation leads to the higher integer, this will require the use of the term "about" or the expression "approx. ", accompanying the whole number obtained. When mathematical approximation leads to the lower integer, the use of the term "about" or the expression "approx.", accompanying the whole number obtained, will be optional.

c) The nutrient declaration must comply with the following characteristics:

1) The font family to be used will be Arial, Dax, Futura, Helvetica, Myriad, Swiss, and Univers, or other equivalent families that have equal weight and visual consistency, straight cuts and profiles, without serifs, and include bold and standardized condensed versions.

2) The minimum height of the letters and numbers shall be 1.2 mm measured in the height of a capital letter H in the font families defined above or their equivalent, which is roughly equivalent to 5 typographical points defined in the graphical design software programs.

3) The colors used in the combination of the background with the letters and numbers used to communicate the nutritional information, should use the maximum possible contrast, using for this purpose spot or vivid colors, without color gradations or patterns.

4) The information should preferably be arranged vertically, using two columns, one for the information per 100 g or 100 ml (as applicable) and the other for the information per average serving size. Horizontally tiered information or division of the information into two bodies or on the next line will be accepted.

