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FDA Grants 6-Month Period of Enforcement Discretion for New Nutrition Labeling Requirements

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Food Industry

Yesterday, FDA announced that it will grant a 6-month period of enforcement discretion for manufacturers to meet the agency's new nutrition labeling requirements. In an [updated Q&A](#) on FDA's webpage for Industry Resources on Changes to the Nutrition Facts Label, FDA added the following:

I understand that FDA has received multiple requests from manufacturers to provide additional time to comply with the new requirements. Do I still have to meet the January 1, 2020, compliance date?

The FDA has heard from several manufacturers and groups that more time may be needed to meet all of the requirements. Therefore, during the first 6 months following the January 1, 2020, compliance date, FDA plans to work cooperatively with manufacturers to meet the new Nutrition Facts label requirements and will not focus on enforcement actions regarding these requirements during that time.

While FDA did not expressly discuss the new Supplement Facts label requirements, it seems reasonable to conclude that the agency's period of enforcement discretion will extend to dietary supplement labels as well.

Notably, the agency did not extend the compliance deadline, but rather explained that it will not enforce against companies that are not compliant by that date. FDA likely will continue to expect that manufacturers are actively moving toward compliance with the agency's updated requirements.

Covington will continue to monitor FDA's regulatory developments and keep our clients and contacts apprised of significant changes.

If you have any questions about FDA's announcement of a period of enforcement discretion, or regarding the substance of the agency's updated nutrition labeling requirements, please feel free to contact any of the attorneys identified below:

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