**Ministry of Health - MS**

**National Health Surveillance Agency – ANVISA**

# COLLEGIATE BOARD RESOLUTION - RDC No. 429, OF OCTOBER 8, 2020

**(Published in the Official Gazette No. 195, of October 9, 2020)**

Provides for the nutritional labeling of packaged foods.

The **Collegiate Board of the National Health Surveillance Agency,** in exercise of the powers conferred upon it by art. 15, III and IV, in conjunction with art. 7, III and IV of Law No. 9,782, of January 26, 1999, and art. 53, VI, §§ 1º and 3º of the Internal Regulations approved by Collegiate Board Resolution - RDC No. 255, of December 10, 2018, resolves to adopt the following Collegiate Board Resolution, as deliberated at a meeting held on October 7, 2020, and I, the Acting CEO, determine its publication.

## CHAPTER I

## PRELIMINARY PROVISIONS

Art. 1 This Resolution provides for the nutritional labeling of packaged foods.

Art. 2 This Resolution applies to foods packaged in the absence of consumers, including beverages, ingredients, food additives and technological adjuvants, including those intended exclusively for industrial processing or food services.

Sole paragraph. This Resolution does not apply to the following products:

I - natural mineral water, natural water and water with added salts, as per Collegiate Board Resolution - RDC No. 274, of September 22, 2005; and

II - desalinated, potable and bottled seawater, in accordance with Collegiate Board Resolution - RDC No. 316, of October 17, 2019.

Art. 3 For the purposes of this Resolution, the following definitions are adopted:

I - added sugars: all monosaccharides and disaccharides added during food processing, including fractions of monosaccharides and disaccharides resulting from the addition of the ingredients cane sugar, beet sugar, sugars from other sources, honey, molasses, molasses, rapadura, sugar cane juice, malt extract, sucrose, glucose, fructose, lactose, dextrose, invert sugar, syrups, maltodextrins, other hydrolyzed carbohydrates and ingredients with the addition of any of the previous ingredients, with the exception of polyols, added sugars consumed by fermentation or non-enzymatic browning and sugars

naturally present in milk and dairy products and sugars naturally present in vegetables, including fruits, whole, in pieces, in powder, dehydrated, in pulp, in purees, in whole juices, in reconstituted juices and in concentrated juices;

II - total sugars: all monosaccharides and disaccharides present in food that are digested, absorbed and metabolized by humans, excluding polyols;

III - nutritional claims: any statement, with the exception of the nutritional information table and the front-of-package nutritional labelling, indicating that a food has positive nutritional properties relating to its energy value or nutrient content, including claims of absolute and comparative content and of no addition;

IV - absolute content nutritional claims: nutritional claims that describe the level or quantity of energy value and nutrients contained in the food;

V - nutritional claims with comparative content: nutritional claims that compare the levels or quantity of energy value or the same nutrients contained in the reference food;

VI - no-added nutritional claims: nutritional claims that describe that an ingredient has not been added directly or indirectly;

VII - reference food: is the conventional version of the same food with the declaration of the nutritional claim of comparative content and which serves as a comparison standard to make and highlight a modification relating to the nutritional attributes of reduced and increased;

VIII - carbohydrates: all monosaccharides, disaccharides, oligosaccharides and polysaccharides present in food, including polyols, which are digested, absorbed and metabolized by humans;

IX - cholesterol: sterol has a cyclopentanoperhydrophenanthrene nucleus with a hydroxyl group at C-3 and a carbon chain at C-17;

X - consumer: any natural or legal person who purchases or uses food;

XI - elements of the nutritional information table: elements to which formatting rules are applied with the purpose of ensuring the visual identity and adequate readability of the table, including the external border, the lines and the separation bar, the margins, the spaces, the symbols and the declared information;

XII - individual packaging: packaging whose food content is less than or equal to two portions defined in Annex V of Normative Instruction - IN No. 75, of October 8, 2020;

XIII - multiple packaging: packaging that contains one or more units of packaged food or that is composed of two or more packaged products, of identical or different nature and nutritional value, intended for joint consumption or not;

XIV - dietary fiber: carbohydrate polymer with three or more monomeric units that are not hydrolyzed by endogenous enzymes of the human digestive tract;

XV - monounsaturated fats: triglycerides that contain fatty acids with a cis double bond, expressed as free fatty acids;

XVI - polyunsaturated fats: triglycerides that contain fatty acids with cis-cis double bonds separated by a methylene group, expressed as free fatty acids;

XVII - saturated fats: triglycerides that contain fatty acids without double bonds, expressed as free fatty acids;

XVIII - total fats: substances of vegetable or animal origin, insoluble in water, formed of triglycerides and small quantities of non-glycerides, mainly phospholipids;

XIX - trans fats: triglycerides containing unsaturated fatty acids with one or more non-conjugated double bonds in the trans configuration, expressed as free fatty acids;

XX - household measure: way of quantifying a portion of food, using utensils, units or other methods commonly used by consumers to measure food;

XXI - nutrient: chemical substance normally consumed as a component of a food, which provides energy, which is necessary for growth, development and maintenance of health and life or whose deficiency results in characteristic chemical or physiological changes;

XXII - omega 3: these are polyunsaturated fatty acids in which the first pair bond is found on the third carbon from the methyl group (CH3) of the fatty acid;

XXIII - omega 6: these are polyunsaturated fatty acids in which the first pair bond is found on the sixth carbon from the methyl group (CH3) of the fatty acid;

XXIV - omega 9: these are monounsaturated fatty acids in which the first double bond is found on the ninth carbon from the methyl group (CH3) of the fatty acid;

XXV - main panel: this is the part of the labeling where it is presented, in a more relevant, the sales name and brand or logo, if any;

XXVI - polyols: alcohols containing more than two hydroxyl groups;

XXVII - point (pt): typographic unit of measurement, known as **PostScript** point , which is equivalent to 0.353 millimeters or half an inch;

XXVIII - portion: quantity of food used as a reference for nutritional labeling purposes;

XXIX - semi-ready or ready-made prepared dish: prepared, cooked or pre-cooked food that does not require the addition of ingredients for its consumption;

XXX - proteins: are polymers of amino acids or compounds that contain polymers of amino acids;

XXXI - nutritional labeling: any statement intended to inform the consumer of the nutritional properties of the food, including the nutritional information table, the front nutritional labeling and nutritional claims;

XXXII - Front-end nutritional labeling: simplified standardized declaration of high content of specific nutrients on the main panel of the food label;

XXXIII - food services: include all institutional or commercial establishments where food is handled, prepared, stored, distributed or displayed for sale, whether or not it is consumed on site, such as restaurants, snack bars, bars, bakeries, food and nutrition units of health services, schools, daycare centers, among others;

XXXIV - bioactive substance: nutrient or non-nutrient normally consumed as a component of a food, which has a specific metabolic or physiological action in the human body;

XXXV - surface available for labeling: total area of the labeling defined based on the specifics of the packaging, excluding deformed and difficult to see areas;

XXXVI - nutritional information table: standardized list of energy content, nutrients and bioactive substances present in the food, including the linear model; and

XXXVII - daily reference values (RDV): values based on scientific data on nutritional needs or on the reduction of the risk of chronic non-communicable diseases, which are applied in nutritional labeling and in claims of functional and health properties.

## CHAPTER II

## FROM THE NUTRITIONAL INFORMATION TABLE

Art. 4º The declaration of the nutritional information table is mandatory on the labels of foods packaged in the absence of consumers, including beverages, ingredients, food additives and technological adjuvants, including those intended exclusively for industrial processing or food services.

§ 1º The provisions of the **caput** apply voluntarily to foods listed in Annex I of Normative Instruction - IN No. 75, of 2020, provided that these foods do not have:

I - addition of essential nutrients, according to Ordinance SVS/MS No. 31, of 13 January 1998;

II - addition of bioactive substances, in accordance with Resolution No. 16, of April 30, 1999;

III - nutritional claims; or

IV - claims of functional properties or health properties, as appropriate Resolution No. 18, of April 30, 1999.

§ 2 In the case of products intended exclusively for industrial processing or food services, the declaration referred to in the **caput** may be made alternatively in the documents accompanying the product or by other means agreed between the parties.

Art. 5 The nutritional information table must contain the declaration of quantities of:

I - energy value;

II - carbohydrates;

III - total sugars;

IV - added sugars;

V - proteins;

VI - total fats;

VII - saturated fats;

VIII - trans fats;

IX - dietary fiber;

X - sodium;

XI - any other nutrient or bioactive substance that is the subject of nutritional claims, claims of functional properties or claims of health properties;

XII - any other essential nutrient added to the food, as SVS/MS Ordinance No. 31 of 1998, whose quantity, per portion, is equal to or greater than 5% of the respective VDR defined in Annex II of Normative Instruction - IN No. 75 of 2020; and

XIII - any bioactive substance added to food.

§ 1 In the case of low-sodium salt, the nutritional information table must contain a declaration of the amount of potassium.

§ 2 In the case of foods for special purposes, the nutritional information table must contain a declaration of the amounts of energy value and all nutrients and bioactive substances added to the products.

§ 3 In the case of food supplements, the nutritional information table must contain a declaration of the amounts of energy value and all nutrients, bioactive substances and enzymes added to the products.

§ 4 In the case of foods for lactose-restricted diets, the nutritional information table must contain a declaration of the quantities of lactose and galactose.

§ 5 In the case of alcoholic beverages, the nutritional information table may be replaced by a declaration of the amount of energy value.

§ 6º In the case of iodized salt, the declaration of the quantity of iodine must be made by means of the declaration provided for in art. 5º-A of the Collegiate Board Resolution - RDC nº 23, of April 24, 2013.

§ 7º In the case of wheat and corn flours enriched with iron and folic acid, the declaration of the quantities of iron and folic acid must be made by means of the declaration provided for in art. 13 of the Collegiate Board Resolution - RDC No. 150, of April 13, 2017.

§ 8 In the case of products intended exclusively for industrial processing or food services, the provisions of item XII apply to any quantity of added essential nutrient.

Art. 6 The nutritional information table may contain the declaration of quantities of:

I - vitamins and minerals naturally present in food, provided that their quantities, per serving, are equal to or greater than 5% of the respective VDR defined in Annex II of Normative Instruction - IN No. 75, of 2020; and

II - other nutrients naturally present in food.

Sole paragraph. In the case of products intended exclusively for industrial processing or food services, the declaration referred to in item I may be made for any quantity of vitamin and mineral present in the product.

Art. 7º The declaration of quantities in the nutritional information table must be carried out numerically observing:

I - the rules for rounding and for expressing the defined values in Annex III of the Normative Instruction - IN No. 75, of 2020; and

II - non-significant amounts of energy value and nutrients and their form of expression defined in Annex IV of Normative Instruction - IN No. 75, of 2020.

§ 1 The energy value and the percentage of daily values (%VD) must be declared in whole numbers, following the rounding rules defined in Annex III of Normative Instruction - IN No. 75, of 2020.

§ 2º The declaration referred to in item II does not apply to the following products:

I - infant formulas;

II - formulas for enteral nutrition;

III - products intended exclusively for industrial processing; and

IV - products intended exclusively for food services.

Art. 8º The declaration of quantities in the nutritional information table must be made based on the product as displayed for sale by:

I - 100 grams (g), for solids or semi-solids, or 100 milliliters (ml), for liquids; and

II - portion of food defined in Annex V of Normative Instruction - IN No. 75, 2020 and corresponding home measure.

§ 1º The declaration referred to in item I does not apply to food supplements.

§ 2º The declaration referred to in item II does not apply to products intended exclusively for industrial processing or food services.

§ 3 In the case of alcoholic beverages, the declaration referred to in the **caput** may be performed only per 100 ml or per serving.

§ 4 In the case of foods that require preparation with the addition of other ingredients, the declaration referred to in the **caput** must be made by:

I - 100 g, for solids or semi-solids, or 100 ml, for liquids, based on the food ready for consumption, considering the nutritional value of the added ingredients, according to the preparation instructions indicated by the manufacturer on the label;

II - per portion of the product as displayed for sale necessary to prepare a portion of the product ready for consumption defined in Annex V of Normative Instruction - IN No. 75, of 2020, according to the preparation instructions indicated by the manufacturer on the label.

§ 5º The declaration referred to in item I of § 4º must be accompanied by the following footnote: “**In ready-to-eat food”.

§ 6 In the case of infant formulas and formulas for enteral nutrition, the declaration referred to in the **caput** must be made by:

I - 100 grams, for solids or semi-solids, or 100 milliliters, for liquids, of the product as displayed for sale; and

II - 100 milliliters of the product ready for consumption, according to the preparation instructions indicated by the manufacturer on the label, when applicable.

§ 7º The declaration referred to in § 6º may be made additionally for 100 kilocalories (kcal) of the ready-to-eat product, in accordance with the preparation instructions indicated by the manufacturer on the label.

Art. 9 Without prejudice to the provisions of Annex V of Normative Instruction - IN No. 75, of 2020, to define the size of the food portion declared in the nutritional information table, the following requirements must be observed:

I - in the case of individual packaging, the declared portion size must correspond to the total quantity of the product contained in the packaging;

II - in the case of products that require drainage before consumption, the declared serving size must correspond to the drained amount of product;

III - in the case of multiple packages with different food units, in nature or nutritional value, and which do not require joint consumption, the portions of each product must be declared;

IV - in the case of multiple packages with different food units, in nature or nutritional value, which require joint consumption, a single portion must be declared corresponding to the sum of the portions of the products;

V - in the case of food additives and technological adjuvants, the declared portion size must be defined by the food manufacturer, according to the preparation instructions indicated by the manufacturer on the label;

VI - in the case of food supplements, the declared portion size must correspond to the daily amount recommended by the manufacturer for each of the specific population groups whose consumption of the product is indicated on the label;

VII - in the case of foods for special purposes not covered by § 6 of art. 8 of this Resolution, the declared portion size must be defined by the food manufacturer, considering the purpose and form of use of the product and the characteristics of the population groups for which the product is indicated;

VIII - in the case of foods that do not have portions defined in Annex V of Normative Instruction - IN No. 75, of 2020, the size of the declared portion must correspond to the portion of that food that, due to its nutritional characteristics, is comparable or similar; and

IX - in the case of foods that do not have portions defined in Annex V of Normative Instruction - IN No. 75, of 2020, and that do not have a food that, due to its nutritional characteristics, is comparable or similar, the size of the declared portion must be defined based on the average energy value of the group to which the food belongs.

Art. 10. The number of servings contained in the food packaging must be declared in the nutritional information table following the rules for rounding and for expressing values defined in Annex VI of Normative Instruction - IN No. 75, of 2020.

Sole paragraph. The provisions of the **caput** do not apply to individual packaging and foods with variable weight that are weighed at the point of sale at the consumer's request.

Art. 11. The declared household measurements must be the most appropriate for the characteristics of the product, observing the following requirements:

I - when utensils are used, the measuring utensils provided with the food must be used, if any, or the household utensils and their capacities defined in Annex VII of the Normative Instruction - IN No. 75, of 2020;

II - in the case of individual packaging, the household measure is the packaging;

III - in other cases, units, slices, pieces, fractions, rounds or other similar forms must be used; and

IV - to express non-integer quantities of household measurement, the corresponding irreducible fraction must be used.

Art. 12. The declaration of quantities in the nutritional information table must also be made in %DV, determined based on the DRVs defined in Annex II of Normative Instruction - IN No. 75, of 2020, and based on the quantities of rounded nutrients declared in the portion of food.

§ 1º For nutrients without defined VDR, the space for declaring the respective %VD must be left empty.

§ 2 When the amount of energy value or nutrients is not significant, as per Annex IV of Normative Instruction - IN No. 75, of 2020, the %VD must be declared as zero.

§ 3 In the case of individual packaging, the declaration referred to in the **caput** must be made based on the total food content in the packaging.

§ 4 In the case of foods for special purposes not covered by § 6 of art. 8 of this Resolution that have an indication for specific population groups on their label and dietary supplements, the %VD must be determined based on the VDR defined in Annex VIII of Normative Instruction IN No. 75, of 2020, for each of the specific population groups indicated on the label.

§ 5 The declaration referred to in the **caput** must be accompanied by the following footnote: “*Percentage of daily values provided by the portion”.

§ 6º The declaration referred to in the **caput** does not apply to the following products:

I - infant formulas;

II - formulas for enteral nutrition;

III - products intended exclusively for industrial processing;

IV - products intended exclusively for food services; and

V - alcoholic beverages whose nutritional information is only declared per 100 ml.

Art. 13. Without prejudice to the provisions of § 1 of art. 4 of this Resolution, the nutritional information table must be declared on the labels of the multiple packaging and of each food unit contained therein.

§ 1 If the food units are of the same nature and nutritional value, only one nutritional information table must be declared on the label of the multiple packaging.

§ 2 If the food units are distinct in nature or nutritional value and do not require joint consumption, a nutritional information table must be declared for each distinct unit on the label of the multiple packaging.

§ 3 If the food units are distinct in nature or nutritional value and require joint consumption, a nutritional information table for the combination of units must be declared on the label of the multiple packaging.

§ 4 The declaration referred to in the **caput** is not mandatory on multiple packaging, when it is possible to read the nutritional information table declared on the label of each food unit contained therein, without opening the packaging.

§ 5 The declaration referred to in the **caput** is not mandatory on food units when it is not possible to offer them separately and the nutritional information table for these units is declared on the label of the multiple packaging.

Art. 14. The declaration of the nutritional information table must be located on a single continuous surface of the packaging and on the same panel as the list of ingredients.

§ 1º The nutritional information table cannot be in hidden areas, deformed places, such as sealing and twisting areas, or difficult to see, such as edges, angles, corners and seams.

§ 2 In the case of packaging with multiple sides with obtuse angles where it is possible to follow the label information through the angles, two or more panels may be considered continuous surfaces.

§ 3 When there is insufficient space on the packaging to declare the information referred to in the **caput** on the same panel, this information must be displayed on adjacent panels.

Art. 15. The declaration of the nutritional information table must follow one of the models defined in Annex IX of Normative Instruction - IN No. 75, of 2020.

§ 1º The models referred to in the **caput** must be adapted to:

I - exclusion from the 100 g or ml or portion column, for foods referred to in §§ 1, 2, 3 and 6 of art. 8 of this Resolution;

II - exclusion of the %VD column for the products referred to in § 6 of art. 12 of this Resolution.

§ 2º The aggregate model can be used to declare the nutritional information table:

I - in the multiple packaging referred to in §2 of art. 13 of this Resolution; and

II - in foods indicated for more than one population group, dealt with in § 4 of art. 12 of this Resolution.

§ 3º When one or more nutrients or energy value are present in non-significant quantities, as per Annex IV of the Normative Instruction - IN nº 75, of 2020, the nutritional information may be declared in a simplified manner following the specific requirements for formatting defined in Annex X of the Normative Instruction - IN No. 75, of 2020.

§ 4º The provisions of the **caput** do not apply to alcoholic beverages with a declaration of only the energy value, in accordance with § 5º of art. 5º of this Resolution.

Art. 16. The formatting of the nutritional information table must:

I - use 100% black characters and lines applied on a white background;

II - observe the names of the constituents or their alternative names, and the respective order of declaration, indentation and units of measurement defined in the Annex. XI of the Normative Instruction - IN No. 75, of 2020;

III - use line spacing to prevent characters from overlapping. touch or lean against the bar, lines or separation symbols, when present;

IV - use protective borders, bars, lines and separation symbols and internal margins in accordance with the selected model; and

V - follow the specific requirements for standard formatting defined in Annex XII of Normative Instruction - IN No. 75, of 2020.

§ 1º The formatting requirements set out in item V represent minimum limits, with the use of larger dimensions being permitted, provided that the other elements of the nutritional information table are increased proportionally, in order to maintain the visual identity of the table and its adequate readability.

§ 2º The provisions of the **caput** do not apply to alcoholic beverages with a declaration of only the energy value, in accordance with § 5º of art. 5º of this Resolution.

§ 3 If there is not enough space to declare the nutritional information table on a single continuous surface of the packaging, excluding the main panel, the use of the following compression resources is permitted:

I - simplified declaration of vitamins and minerals, according to defined criteria in Annex X of the Normative Instruction - IN No. 75, of 2020;

II - abbreviation of the names of nutrients, as per Annex XI of the Instruction Normative - IN nº 75, of 2020;

III - changing the font size up to the limits for reduced formatting defined in Annex XII of the Normative Instruction - IN No. 75, of 2020; and

IV - application of condensed fonts for reduced formatting defined in Annex XII of Normative Instruction - IN No. 75, of 2020.

Art. 17. If the compaction resources referred to in § 3 of art. 16 of this Resolution are not sufficient for the declaration of the nutritional information table on a single continuous surface of the packaging, the nutritional information must be declared:

I - using the linear model provided for in Annex XIII of Normative Instruction - IN No. 75, of 2020;

II - following the formatting rules established in items I to III of art. 16 of this Resolution;

III - following the specific formatting requirements defined in Annex XIV. of the Normative Instruction - IN No. 75, of 2020.

Sole paragraph. For packaging with available labeling surface less than or equal to 100 cm2 , the nutritional information table may be declared on a covered surface as long as it is accessible or on the secondary packaging, if available.

## CHAPTER III

## FRONT-SIDE NUTRITION LABELING

Art. 18. The declaration of front-of-pack nutritional labeling is mandatory on the labels of packaged foods in the absence of the consumer whose amounts of added sugars, saturated fats or sodium are equal to or greater than the limits defined in Annex XV of Normative Instruction - IN No. 75, of 2020.

§ 1º For foods listed in Annex XVI of Normative Instruction - IN No. 75, of 2020, the dissemination of the information referred to in the **caput is prohibited.**

§ 2 If the foods mentioned in items 1 to 6 of Annex XVI of Normative Instruction - IN No. 75, of 2020, have added ingredients that add added sugars or significant nutritional value of saturated fats or sodium to the product, as per Annex IV of Normative Instruction - IN No. 75, of 2020, the declaration referred to in the **caput** applies only to nutrients that have their original value altered by the addition of these ingredients.

§ 3 The declaration referred to in the **caput** is optional for the following products:

I - food in packaging with a main panel area of less than 35 cm2 ;

II - food packaged at points of sale at the consumer's request; and

III - packaged foods that are prepared or portioned and sold in the establishment itself.

Art. 19. The limits established in Annex XV of the Normative Instruction - IN No. 75, of 2020, must be applied to the food as displayed for sale.

Sole paragraph. In the case of foods that require preparation with the addition of other ingredients, the limits set out in the **caput** must be applied based on the food ready for consumption, according to the preparation instructions indicated by the manufacturer on the label, without considering the nutritional value of the added ingredients.

Art. 20. Without prejudice to the provisions of §§ 1º and 3º of art. 18 of this Resolution, the front nutritional labeling must be declared on the labels of the multiple packaging and of each food unit contained therein.

§ 1 If the food units are of the same nature and nutritional value, only one front nutritional label must be declared on the label of the multiple packaging.

§ 2 If the food units are distinct in nature or nutritional value and do not require joint consumption, a front nutritional label must be declared for each distinct unit on the label of the multiple packaging, identifying the corresponding food.

§ 3 In the cases referred to in § 2, grouped identification of the following is permitted: different units that have the same front nutritional labeling.

§ 4 If the food units are distinct in nature or nutritional value and require joint consumption, a front nutritional label must be declared for the combination of the units on the label of the multiple packaging.

§ 5 The declaration referred to in the **caput** is not mandatory on multiple packaging, when it is possible to read the front nutritional labeling declared on the label of each unit of food contained therein, without opening the packaging.

§ 6 The declaration referred to in the **caput** is not mandatory on food units when it is not possible to offer them separately and the front nutritional labeling of these units is declared on the label of the multiple packaging.

Art. 21. The front-of-pack nutritional labeling statement must:

I - be carried out using 100% black printing on a white background;

II - be located in the upper half of the main panel, on a single continuous surface;

III - have the same text orientation as the other information displayed on the label;

IV - follow one of the models defined in Annex XVII of the Normative Instruction - IN nº 75, of 2020, as applicable;

V - observe the specific formatting requirements defined in Annex XVIII. of the Normative Instruction - IN No. 75, of 2020;

Sole paragraph. The front nutritional labeling cannot be placed in hidden places, removable by opening the seal or difficult to see, such as sealing and twisting areas.

Art. 22. The minimum area of the front nutritional labeling must be determined by the percentage of occupancy of the main panel, defined in Annex XVIII of Normative Instruction - IN No. 75, of 2020.

Sole paragraph. In cases where the percentage of occupation of the main panel implies the use of fonts smaller than the minimum size or larger than the maximum size, the minimum area of the front nutritional labeling must be determined by the minimum or maximum size of the fonts.

Art. 23. Other models of front-of-pack nutritional labeling other than that defined in this Resolution cannot be visible on the label.

## CHAPTER IV

## NUTRITIONAL CLAIMS

Art. 24. Declaration of nutritional claims on food labels packaged in the absence of the consumer is voluntary, provided that they are:

I - authorized terms used to convey nutritional attributes established in Annex XIX of the Normative Instruction - IN No. 75, of 2020;

II - the composition and labeling criteria for the declaration of nutritional claims established in this Resolution and in Annexes XX and XXI of Normative Instruction - IN No. 75, of 2020, have been met; and

III - the claimed nutritional properties are maintained until the end of the product's shelf life, considering the method of preparation of the food indicated by the manufacturer on the label.

§ 1 Nutritional claims cannot be made on alcoholic beverages.

§ 2º Brands that refer to nutritional attributes or terms authorized for use in nutritional claims may be used provided that the provisions of the **caput are complied with.**

§ 3 The requirements set out in items I and II must follow the provisions:

I - in Ordinance SVS/MS No. 29, of January 13, 1998, for nutritional claims regarding the lactose content in foods for lactose-restricted diets;

II - in the Collegiate Board Resolution - RDC No. 243, of July 26, 2018, for food supplements;

III - in the Collegiate Board Resolutions - RDC No. 43, 44 and 45, of September 19, 2011, for infant formulas; and

IV - in the Collegiate Board Resolution - RDC No. 21, of May 13, 2015, for enteral nutrition formulas.

Art. 25. With the exception of the provisions of § 5 of art. 5 of this Resolution, declarations of the amounts of energy value or nutrients outside the nutritional information table may only be made when the declared quantity meets at least one of the composition criteria referred to in item II and § 3 of art. 24 of this Resolution, as applicable.

Art. 26. Nutritional claims must be written in Portuguese, without prejudice to the existence of texts in other languages.

§ 1º In the event that there are texts in other languages related to nutritional claims that do not comply with the criteria defined in this Resolution, these cannot be visible on the label.

§ 2 The term **light** authorized to convey the nutritional attributes established in Annex XIX of Normative Instruction - IN No. 75, of 2020, does not need to be translated.

Art. 27. The composition criteria for declaring nutritional claims defined in Annexes XX and XXI of Normative Instruction - IN No. 75, of 2020, must be met in ready-to-eat food, when applicable, in accordance with the preparation instructions indicated by the manufacturer, considering the following criteria:

I - in the case of nutritional claims of absolute content for the nutritional attributes "low", "very low", "does not contain" or "no added", the nutritional value of the added ingredients must be considered, according to the preparation instructions indicated by the manufacturer on the label; and

II - in the case of nutritional claims of absolute content for the nutritional attributes “source” or “high content”, the nutritional value of the added ingredients cannot be considered, as per the preparation instructions indicated by the manufacturer on the label.

Art. 28. The composition criteria for declaring comparative nutritional claims defined in Annex XX of Normative Instruction - IN No. 75, of 2020 must be met in relation to the reference food from the same manufacturer.

§ 1 If there is no reference food from the same manufacturer, the average value of the content of three reference foods sold in the country must be used.

§ 2º In the event that there is no reference food, it cannot be declared a comparative nutrition claim.

§ 3 The label of foods with comparative nutritional claims must indicate whether they were compared with the reference food from the same manufacturer or with an average of reference foods on the market.

§ 4º The sizes of the compared portions must be equal considering the ready-to-eat food.

Art. 29. When nutritional claims are based on characteristics inherent to all foods of the same type, a clarification must be included following the statement, stating that all foods of that type also have these characteristics, with the same font used in the nutritional claim, at least 50% of its size, in a contrasting color to the background of the label, and ensuring the visibility and legibility of the information.

Art. 30. In cases where there is a declaration on the front nutritional label, the nutritional claims and expressions indicating the addition of essential nutrients cannot be located in the upper half of the main panel, nor use characters larger than those used on the front nutritional label.

## CHAPTER V

## ON DETERMINING THE CONTENT OF THE CONSTITUENTS OF THE NUTRITIONAL LABELING

Art. 31. The declared nutritional values must be those that best represent their quantities in the food, considering:

I - the intrinsic properties of substances;

II - its natural or added presence;

III - seasonal variability in the nutritional content of the food or its ingredients;

IV - the characteristics of the food production process;

V - the accuracy of the methods used for nutritional quantification;

VI - the expiration date of the food; and

VII - the tolerance values for inspection purposes established in art. 33 of this Resolution.

Art. 32. The determination of the nutritional values of the product must be carried out by applying at least one of the following methodologies:

I - laboratory analysis of the product, using validated analytical methods;

II - indirect calculation carried out from the quantities of constituents of the ingredients used in the product, provided by suppliers; or

III - indirect calculation carried out based on the quantities of food constituents and ingredients present in food composition tables or other databases.

§ 1 In the case of energy value, the determination referred to in the **caput** must be carried out by indirect calculation based on the conversion factors defined in Annex XXII of Normative Instruction - IN No. 75, of 2020, using the rounded values of the nutrients declared in the nutritional information table.

§ 2 In the case of foods with inedible parts, the determination referred to in the **caput** must be carried out only for the edible part.

§ 3º For the determination referred to in the **caput,** the nutrient conversion factors defined in Annex XXIII of Normative Instruction - IN No. 75, of 2020 must be applied.

Art. 33. For inspection purposes, the following tolerances apply:

I - the amounts of energy value, carbohydrates, total sugars, added sugars, total fats, saturated fats, trans fats, sodium and cholesterol in the food cannot be higher than 20% of the value declared on the label; and

II - the quantities of proteins, amino acids, dietary fiber, monounsaturated fats, polyunsaturated fats, vitamins, minerals and bioactive substances in the food cannot be less than 20% of the declared value.

## CHAPTER VI

## TRANSITORY PROVISIONS

Art. 34. Documentation relating to compliance with the requirements set forth in this Resolution must be made available to the health authority, when requested.

Art. 35. Item 6 of Ordinance SVS/MS No. 54, of July 4, 1995, is hereby amended as be in force with the following wording:

“The labeling of low-sodium salt must comply with the standards for general labeling, nutritional labeling, allergen labeling and lactose labeling, and contain:” (NR)

Art. 36. Item 8 of Ordinance SVS/MS No. 29, of 1998, shall come into force with the following wording:

“Foods for special purposes must comply with general labeling, nutritional labeling, allergen labeling and lactose labeling standards and with specific standards for conventional food, where applicable.” (NR)

Art. 37. Item 8 of Ordinance SVS/MS No. 30, of January 13, 1998, is hereby amended as be in force with the following wording:

“Weight control foods must comply with general labeling, nutritional labeling, allergen labeling, lactose labeling, and special purpose food labeling standards.” (NR)

Art. 38. Item 9 of Ordinance SVS/MS No. 34, of January 13, 1998, is hereby amended as be in force with the following wording:

“The labeling of transitional foods for infants and young children must comply with the Brazilian Standard for the Marketing of Food for
Infants and the standards for general labeling, nutritional labeling, allergen labeling, lactose labeling and special purpose food labeling, and contain:” (NR)

Art. 39. Item 9 of Ordinance SVS/MS No. 36, of January 13, 1998, is hereby amended as be in force with the following wording:

“The labeling of cereal-based foods for infant feeding must comply with the Brazilian Standard for the Marketing of Food for Infants and the standards for general labeling, nutritional labeling, allergen labeling, lactose labeling and special purpose food labeling, and contain:” (NR)

Art. 40. Items 10.3 and 10.3.1.1 of Ordinance No. 31 of 1998 shall come into force with the following wording:

“10.3. Foods with added essential nutrients must comply with general labeling, nutritional labeling, allergen labeling and lactose labeling standards.

10.3.1 ..... ..... .....

10.3.1.1. For enriched or fortified foods, the name of the conventional food must be included and one of the following expressions: “Enriched with Vitamin(s)”, “Fortified with Vitamin(s)”, “Vitaminated”, “Enriched with Minerals”, “Fortified with Minerals”, “Enriched with Vitamins and Minerals”, “Fortified with Vitamins and Minerals”, “Enriched with ...” or “Fortified with ...”.” (NR)

Art. 41. Articles 35, 37 and 38 of the Collegiate Board Resolution - RDC No. 43, of 2011, shall come into force with the following wording:

“Art. 35. Nutritional labeling must follow the provisions of the Collegiate Board Resolution - RDC No. 429, of October 8, 2020 and the Normative Instruction -
IN No. 75, of October 8, 2020.

..... ..... .....

Art. 37. The use of claims of functional properties or claims of health properties is not permitted.

Art. 38. Only the following nutritional claims are permitted, provided that the respective requirements are met:" (NR)

Art. 42. Articles 35, 37 and 38 of the Collegiate Board Resolution - RDC No. 44, of 2011, shall come into force with the following wording:

"Art. 35. Nutritional labeling must follow the provisions of the Collegiate Board Resolution - RDC No. 429, of October 8, 2020, and the Normative Instruction - IN No. 75, of October 8, 2020.

..... ..... .....

Art. 37. The use of claims of functional properties or claims of health properties is not permitted.

Art. 38. Only the following nutritional claims are permitted, provided that the respective requirements are met:" (NR)

Art. 43. Articles 33, 35 and 36 of the Collegiate Board Resolution - RDC No. 45, of 2011, shall come into force with the following wording:

"Art. 33. Nutritional labeling must follow the provisions of the Collegiate Board Resolution - RDC No. 429, of October 8, 2020, and the Normative Instruction - IN No. 75, of October 8, 2020.

..... ..... .....

Art. 35. The use of claims of functional properties or claims of health properties is not permitted.

Art. 36. Only the following nutritional claims are permitted, provided that the respective requirements are met:" (NR)

Art. 44. The Collegiate Board Resolution - RDC No. 23, of 2013, shall be be in force with the addition of the following art. 5º-A:

"Art. 5º-AA The labeling of salt intended for human consumption must contain, next to the nutritional information table, the following sentence: "This product is enriched with 15 mg to 45 mg of iodine per kilogram". (NR)

Art. 45. Articles 26, 29, 32 and 33 of the Collegiate Board Resolution - RDC No. 21, of 2015, shall come into force with the following wording:

"Art. 26. The use of claims of functional properties or claims of health properties is not permitted.

..... ..... .....

Art. 29. Nutritional labeling must follow the provisions of the Collegiate Board Resolution - RDC No. 429, of October 8, 2020, and the Normative Instruction - IN No. 75, of October 8, 2020.

..... ..... .....

Art. 32. The quantity of probiotics added to the formula must be declared in the product labeling as follows:

..... ..... .....

Art. 33. Only the nutritional claims provided for in Annex IV of this Resolution may be used, provided that they meet the criteria defined in this annex.” (NR)

46. Article 4 of the Collegiate Board Resolution - RDC No. 135, of February 8, 2017, shall come into force with the following wording:

"Art. 4 Items 8.1.3 and 8.1.4 are included in item 8 of the Annex to the Ordinance. SVS/MS No. 29, of 1998, with the following wording:

8.1.3. Foods for lactose-restricted diets that meet the classification established in item 4.1.1.4.1 must bear the statement “lactose-free”, “zero lactose”, “0% lactose”, “lactose-free” or “does not contain lactose”, next to the sales name of the food.

8.1.4. Foods for lactose-restricted diets that meet the classification established in item 4.1.1.4.2 must bear the statement “low lactose content” or “low in lactose” next to the sales name of the food.” (NR)

Art. 47. Art. 15 of the Collegiate Board Resolution - RDC No. 243, of 2018, shall come into force with the following wording:

“Art. 15. Nutritional labeling must follow the provisions of the Collegiate Board Resolution - RDC No. 429, of October 8, 2020, and the Normative Instruction - IN No. 75, of October 8, 2020.” (NR)

Art. 48. Failure to comply with the provisions contained in this Resolution constitutes a health infraction, under Law No. 6,437 of August 20, 1977, without prejudice to applicable civil, administrative and criminal liabilities.

Art. 49. The following provisions are hereby revoked:

I - item 6.1.2 of SVS/MS Ordinance No. 54, of 1995;

II - items 8.2, 8.2.1.1 and 8.2.1.1.1 of SVS/MS Ordinance No. 29, of 1998;

III - items 8.2.1, 8.2.2 and 8.2.3 of SVS/MS Ordinance No. 30, of 1998;

IV - items 10.3.2.1. and 10.3.2.2 of SVS/MS Ordinance No. 31, of 1998;

V - item 7.3.2 of the Collegiate Board Resolution - RDC No. 274, of 2005;

VI - §§ 1º, 2º, 3º and 4º of art. 35 of the Collegiate Board Resolution - RDC nº 43, of 2011;

VII - §§ 1º, 2º, 3º and 4º of art. 35 of the Collegiate Board Resolution - RDC nº 44, of 2011;

VIII - §§ 1º, 2º, 3º and 4º of art. 35 of the Collegiate Board Resolution - RDC nº 45, of 2011;

IX - items I, II, III and V of art. 29 and Annex III of the Board Resolution Collegiate - RDC nº 21 of 2015;

X - items I, II and III of art. 15 of the Collegiate Board Resolution - RDC No. 243, of 2018;

XI - Collegiate Board Resolution - RDC No. 359, of December 23, 2003;

XII - Collegiate Board Resolution - RDC No. 360, of December 23, 2003;

XIII - Collegiate Board Resolution - RDC No. 163, of August 17, 2006;

XIV - Collegiate Board Resolution - RDC No. 48, of November 5, 2010;

and

XV - Collegiate Board Resolution - RDC No. 54, of November 12, 2012.

Art. 50. A period of 12 (twelve) months is hereby established for the adaptation of products that are already on the market on the date this Resolution comes into force.

§ 1 Products intended exclusively for industrial processing or food services must comply with this Resolution from the date of its entry into force.

§ 2º The term referred to in the **caput** will be 24 (twenty-four) months, for the following products:

I - food produced by family farmers or rural family entrepreneurs, as defined by art. 3 of Law No. 11,326, of July 24, 2006, observed

gross revenue in each calendar year up to the limit defined by item I of art. 3 of Complementary Law No. 123 of December 14, 2006;

II - food produced by a solidarity economic enterprise, as defined by art. 2, item II, of Decree No. 7,358, of November 17, 2010, taking into account gross revenue in each calendar year up to the limit defined by item II, of art. 3, of Complementary Law No. 123, of 2006;

III - food produced by individual microentrepreneurs, as defined by §§ 1º and 2º of art. 18-A of Complementary Law No. 123, of 2006;

IV - food produced by small-scale agribusiness, as defined by articles 143-A and 144-A of Decree No. 5,741, of March 30, 2006;

V - food produced by artisanal agroindustry, as provided for in art. 7º-That of Decree No. 5,741 of 2006;

VI - food produced in an artisanal manner, in accordance with art. 10-A of Law No. 1,283 of December 18, 1950.

§ 3 In the case of non-alcoholic beverages in returnable packaging, the adaptation of the products must follow the gradual process of replacing the labels, which cannot exceed 36 (thirty-six) months after the entry into force of this Resolution.

§ 4 Products manufactured before the end of the adaptation period may be sold until the end of their validity period.

Art. 51. This Resolution shall come into force 24 (twenty-four) months after its publication.

Sole paragraph. The review of this Resolution may be motivated before its entry into force, depending on the results of the negotiations for the harmonization of nutritional labeling in Mercosur.

**ANTONIO BARRA TORRES**

**Deputy CEO**