

Front of Pack Nutrition Callouts

Substantiation Requirements [PRIVILEGED AND CONFIDENTIAL/ WORKING DRAFT]

***This guide applies to products sold in the US market. It is not intended to apply to products sold or marketed internationally.**

Product Scope

These requirements are applicable to food and dietary supplements

Regulatory Requirements

9 CFR 317 USDA-FSIS label requirements for meat products.

9 CFR 381 – USDA-FSIS label requirements for poultry products.

9 CFR 412 includes general and special pre-market label approval requirements for USDA-FSIS.

Section 5 of the FTC Act prohibits deceptive acts and practices in or affecting commerce. A representation, omission, or practice is deceptive if it is likely to mislead consumers acting reasonably under the circumstances and is material to consumers' decisions.

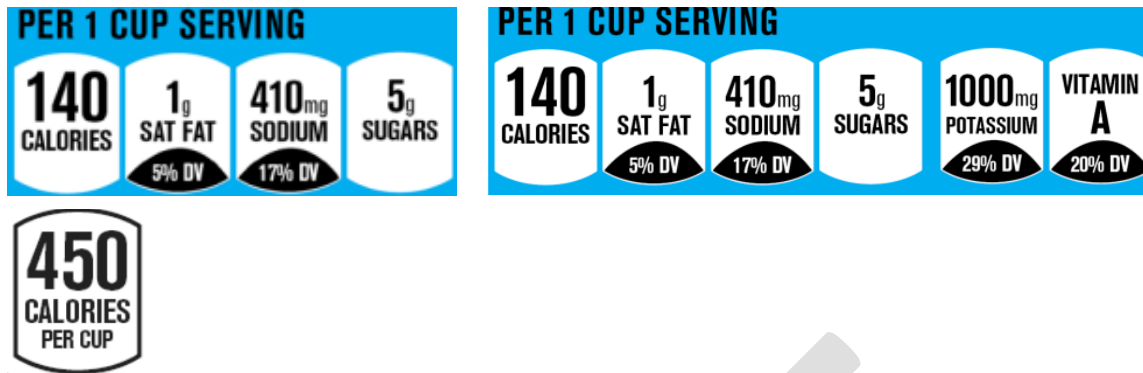
While the FDA has not released guidance for voluntary Front of Pack labeling of nutrition statements, draft guidance is expected in 2025.

Definitions

Front of pack nutrition statements are a reiteration of a nutrient's quantitative value from the nutrition facts panel on the principal display panel. Front of pack nutrition statements may be presented in a variety of ways.

CBA and FMI developed a standardized "Facts Up Front" (FUF) program which utilizes a Style Guide to encourage consistent use of front of pack nutrition statements. When Facts Up Front are presented on the label, the [style guide](#) must be followed.

Example Facts Up Front:



Nutrition information can be presented in other ways on the front of package. The statement must include “per serving” or other descriptive term that informs the consumer of the unit of measure the nutrition statement references. The % Daily Value of the nutrient must also be included if the nutrient has a defined RDI (recommended daily intake) or DRV (daily reference value).

Claim Language

The requirements of this standard are applicable to front of pack nutrition claims.

Private Brand Requirements

Before representing a private brand product with front of pack nutrition call outs on the packaging and in any omnichannel initiative, the supplier must ensure the following requirements are met:

- The supplier must complete and provide in the specification system a Supplier Acknowledgment of Expectations for the product making the claim, **AND**
- Provide attestation that the analytical testing or calculations of nutrition values used to determine the specific nutritional statements are reflective of applicable federal requirements for nutritional labeling specific to that nutrient.
 - Protein front of pack claims also require confirmation that the supplier calculated the corrected percent daily value based on protein digestibility.

Label Requirements

- “Per Serving” or other comparable language should be added immediately adjacent to the Front of Pack Nutrition Call Out.

- Specific “Percent Daily Value” for the stated Front of Pack Nutrition Call Out shall be immediately adjacent to the stated nutrient if the nutrient has a defined RDI or DRV, Example: 10g protein 15% DV
- Refer to the Proofing Standard or Brand Guide for brand requirements.

Ongoing Substantiation Requirements

If an attestation letter was provided, the letter must be updated, signed, and uploaded to Walmart’s or Sam’s Club’s product specification platform within one year of its initial creation and annually thereafter if the supplier wishes to make the claim on the products.

- The attestation letter shall include, at a high level, the programs and/or controls used to substantiate the specific claim.

Continuing Obligation to Defend and Indemnify

As a private brand supplier to Walmart Inc., the supplier is solely responsible for the accuracy of all product labeling and claims. Compliance with the requirements outlined in the “Product and Packaging Claims - Substantiation Requirements for Private Brands”, or any label review conducted by or at the request of Walmart Inc., in no way impacts contractual defense and indemnity obligations to Walmart Inc. as set forth in the Supplier Agreement for all claims related to merchandise, including claims related to the labeling.

Version History				
Version	Approved By	Revision Date	Description of Change	Author
1.0			Original version was drafted.	Nathan Traw