

Made with Real Fruit or Vegetable

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 supplement products.

This standard is not applicable when juice-based ingredients are used. Please see the appropriate juice standard for guidance.

Regulatory Requirements

21 CFR 101.22 defines flavors.

21 CFR 101.65 – Implied nutrient content claims and related label statements

Claim Language

The requirements in this standard are applicable to “made with real fruit” claims and the following variants:

- “Contains real fruit(s)”
- “Contains real (insert specific fruit or vegetable)”
- “Contains real vegetable(s)”
- Images of whole/sliced fruit or vegetables without qualifying text

Omnichannel Merchant Requirements

The approved claim to be used in Walmart and Sam’s Club omnichannel initiatives is “made with real [fruit and/or vegetable]”.

“Made with real fruit and/or vegetable” claims **cannot** be inferred from an ingredients list or external sources.

Substantiation Requirements

Before representing a product as “made with real [fruit and/or vegetable]” in any omnichannel initiative, the Merchandising team must ensure the following requirements are met:

- The product contains a “Made with real fruit and/or vegetable” claim that is consistent with the omnichannel initiative title. For example, a “made with real fruits” online shelf can display products with “made with real strawberries” or “made with real blueberries” claims on pack. A “made with real strawberries” online shelf cannot display products with “made with real blueberries” claims on pack if it is not making “made with real strawberries” claims on pack.

Additional Requirements

As part of the omnichannel initiative, the following or similar statement should be prominently displayed to consumers: “These products have been identified by the manufacturer as containing real fruit and/or vegetables. Always check the label to ensure the product aligns with your dietary preferences”. Modifications to this language should be escalated to Consumer Protection Compliance.

Private Brand Requirements

The approved claim to be used in Walmart and Sam’s Club private brand packaging is “made with real (fruit and/or vegetables)”.

Substantiation Requirements

Before representing a private brand product as “made with real [fruit and/or vegetables]” 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**
- Formulation review by a third-party reviewing agency of Walmart’s or Sam’s Club’s choice to confirm:
 - The fruit or vegetable ingredient contains a similar nutritional content per serving as the specific fruit and/or vegetable depicted in the claim.
 - Sugar
 - Dietary Fiber
 - Absence of any artificial flavors, defined by 21 CFR 101.22(a)(1), 172.515(b), and 182.60, including:
 - D-l malic acid
 - Citric acid
 - Ascorbic acid
 - Phosphoric acid
 - Fumaric acid
 - Sodium diacetate
 - Ethyl vanillin
 - Sodium citrate **AND**
 - Natural flavors derived from the product whose flavor is desired in the real fruit or vegetable claim.

Label Requirements

Refer to the Proofing Standard or Brand Guide for brand requirements.

Ongoing Substantiation Requirements

If the formulation was reviewed, the supplier must send the formulation to a third-party reviewing agency of Walmart/Sam’s Club’s choice for review every time the product gets reformulated, or label updated.

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

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