

# No Artificial Colors

## 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 foods, dietary supplements, consumables, and general merchandise. The claim “No certified synthetic colors” and its variants (e.g., “No FD&C Red No 3, etc.”) are outside of the scope of this standard. Please consult the “no certified synthetic colors” standard for the specific requirements.

### Regulatory Requirements

21 CFR 70 - FDA defines an ingredient as a color additive if its intended function, or one of its functions, is to impart color to the product. The definition applies whether or not such an ingredient has nutritive or other functions in addition to imparting color.

21 CFR 101.22 - The term artificial color or artificial coloring means any “color additive” as defined in 21 CFR 70.

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

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

Section 5(a) of the FTC Act provides that “**unfair or deceptive acts or practices** in or affecting commerce . . . are . . . declared unlawful.” 15 U.S.C. Sec. 45(a)(1).

### Claim Language

The requirements in this standard are applicable to “No Artificial Colors” claims and the following variants:

- No synthetic colors
- No artificial food dyes
- No dyes

## Omnichannel Merchant Requirements

Omnichannel initiatives related to “no artificial colors” must be escalated to Consumer Protection Compliance and Regulatory Legal for review and approval. See “No Certified Synthetic Colors” for other immediately available initiatives.

## Private Brand Requirements

The approved claim to be used on Walmart and Sam’s Club private brands packaging is “**no artificial colors**”.

## Substantiation Requirements

Before representing a private brand product as “no artificial colors” on the packaging or 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**

- Confirmation from a third-party reviewing agency of Walmart’s or Sam’s Club’s choice of the absence of the following ingredients in the product formulation:
  - Any ingredient whose purpose could be to impart color on the product
- **Label Requirements**
  - When possible, it is encouraged to use the “no certified synthetic colors” claims instead.
  - 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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