

No Preservatives

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, dietary supplements, and cosmetic products.

Regulatory Requirements

The FTC Act, FD&C Act, and FPLA prohibit false or misleading labeling that could deceive a reasonable consumer at the point of sale.

If a product uses an ingredient that meets the definition of chemical preservatives in 21 CFR 101.22(a)(5), then it is required to meet the labeling requirements under Sections 403(i) and 403(k) of the Act.

The FDA has not defined the claim “no preservatives”; however, if an ingredient in a product could be deemed multifunctional i.e in addition to its primary function it may also have a preservative component, then the product label must be clearly indicating the specific intended function of the ingredient to ensure that the “no preservatives” claim is not deemed misleading.

Definitions

The FDA defines chemical preservatives as “any chemical that, when added to food, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties.”

Claim Language

The requirements in this standard are applicable to no preservative claims and the following variants:

- No added preservatives
- Zero preservatives
- Free from preservatives
- Preservative-free
- Without preservatives

Omnichannel Merchant Requirements

The approved claim to be used in Walmart and Sam's Club omnichannel initiatives is "No Preservatives".

"No Preservatives" claims **cannot** be inferred from an ingredients list or external sources.

Substantiation Requirements

Before representing a product as "No Preservatives" in any omnichannel initiative, the Merchandising team must ensure the following requirements are met:

- The claim "No Preservatives" is on the packaging.

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 not containing any preservatives. 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 "No Preservatives".

Substantiation Requirements

Before representing a private brand product as "No Preservatives" 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**
- 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 preserve the product and or prevent its deterioration

Label Requirements

- When possible, it is encouraged to use the “No chemical preservatives” claim.
- Refer to the Proofing Standard or Brand Guide for brand requirements.

Additional Requirements

If there is an ingredient in a product that could be deemed multifunctional i.e. in addition to its primary function it may also have a preservative component, then the product label must be clearly indicate the specific intended function of the ingredient.

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.	Athena Makubuya



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