118TH CONGRESS
1ST SESSION

S. 3512

To amend the Federal Food, Drug, and Cosmetic Act to strengthen requirements related to nutrient information on food labels.

IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 2023

Mr. BLUMENTHAL (for himself, Mr. BOOKER, Mr. WHITEHOUSE, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the Federal Food, Drug, and Cosmetic Act to strengthen requirements related to nutrient information on food labels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Transparency, Readability, Understandability, Truth, and Helpfulness in Labeling Act'' or the ''TRUTH in Labeling Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The average American consumes substantially more added sugars, sodium, and saturated fat than is recommended by the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), potentially increasing their risk for hypertension, type-2 diabetes, and heart disease.

(2) A large body of experimental and real-world evidence has demonstrated that front-of-package labels that highlight high levels of added sugars, sodium, and saturated fat can significantly improve the nutritional quality of foods that consumers purchase or select.

(3) Simplified, contextual information on a food package that compliments the Nutrition Facts label can help consumers make healthy food choices. Robust research shows that front-of-package nutrition labels can be particularly beneficial for busy shoppers and for those with lower nutrition knowledge.

(4) Front-of-package nutrition labeling gives consumers quick and easy access to key information about the healthfulness of foods and can support healthier choices.

(5) Studies also show that front-of-package labeling can improve consumers' understanding of the relative healthfulness of different foods.

SEC. 3. ADDITIONAL REQUIREMENTS FOR FRONT-OF-PACKAGE LABELING FOR FOODS.

(a) INTERPRETIVE NUTRITION INFORMATION.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

''(z)(1) Except as provided in subparagraphs (3), (4), and (5) of paragraph (q), if it is food intended for human consumption and is offered for sale and otherwise required to bear nutrition labeling, unless its principal display panel bears interpretive nutrition information.

''(2) Final regulations regarding the interpretive nutrition information required under subparagraph (1) shall meet the following criteria:

''(A) There shall be a standardized symbol system that displays calorie information related to the serving size determined under paragraph (q)(1)(A) and interpretative nutrition information related to the content of any nutrients that the Secretary determines the highlighting of which will assist consumers in maintaining healthy dietary practices (such as added sugars, sodium, or saturated fat), in-

cluding by highlighting products containing high levels of such nutrients.

''(B) The information shall—

''(i) appear in a consistent location on the principal display panels across products;

''(ii) have a prominent design that visually contrasts with existing packaging design; and

''(iii) be sufficiently large to be easily legible.

''(3) In promulgating regulations regarding the interpretive nutrition information required under subparagraph (1) and the standardized symbol system required under subparagraph (2)(A), the Secretary shall take into account published reports by the Health and Medicine Division of the National Academy of Sciences, Engineering, and Medicine regarding such information, and base regulations on the following principles:

''(A) Consumers should be able to quickly and easily comprehend the meaning of the system as an indicator of a product's contribution to a healthy diet without requiring specific or sophisticated nutritional knowledge.

''(B) The information should be provided to facilitate consumer selection of healthy product op-

tions, including among nutritionally at-risk subpopulations.

''(C) The Secretary should periodically evaluate the standardized symbol system to assess its effectiveness in providing information to facilitate consumer selection of healthy product options and the extent to which manufacturers are offering healthier products as a result of the disclosure.

''(D) The implementation of the information disclosure should be accompanied by appropriate consumer education and promotion campaigns determined by the Secretary.''.

(b) REPORT.—

(1) IN GENERAL.—Not later than 5 years after the effective date specified in final regulations issued by the Secretary pursuant to section 4(b), the Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') shall submit to Congress a report that—

(A) evaluates whether implementation of the amendment made by subsection (a) has been associated with an increase in the prevalence of products containing low- or no-calorie sweeteners in the United States food supply; and

(B) describes actions that will be taken by the Secretary to further monitor the use of low- and no-calorie sweeteners in such products, if there has been an increase described in subparagraph (A).

(2) UPDATE.—Not later than 3 years after completion of the report described in paragraph (1), the Secretary shall submit to Congress an update to such report based on more recent data.

SEC. 4. REGULATIONS.

(a) PROPOSED REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue proposed regulations to carry out the amendment made by section 3(a).

(b) FINAL REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall finalize the regulations proposed pursuant to subsection (a), which regulations shall specify the date on which the amendment made by section 3(a) shall take effect.