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FOOD LABELING: FRONT-OF-PACKAGE NUTRITION LABELING

The National Automatic Merchandising Association (NAMA) appreciates the opportunity to comment on the Food and Drug Administration proposed rule “Food Labeling: Front-of-Package Nutrition Information” (Docket No. FDA-2024-N-2910).¹ NAMA represents the \$40 billion U.S. convenience services industry, including owners/operators of vending machines, micro-markets, office coffee and pantry services, and food and beverage suppliers. NAMA and its members are deeply invested in promoting healthy choices for consumers. Since 2019 the industry has collaborated with the Partnership for a Healthier America in an ongoing commitment to increase the availability of better-for-you options in vending by forty percent.² The industry is dedicated to providing convenient, affordable, and nutritious food choices that meet the needs of more than 40 million American consumers each day—whether at work, at home, or on the go. NAMA and its members believe providing consumers with accurate and clear nutrition facts empowers them to make health-conscious purchasing decisions.

NAMA is supportive of FDA’s overarching goal to communicate standardized, comprehensible nutrition information to consumers and believes this can be achieved through the adoption of a cohesive front-of-package nutrition labeling scheme (FOPNL).³ However, the proposed scheme lacks alignment with existing labeling frameworks and fails to build on consumer familiarity, undermining its potential to deliver comprehensible nutrition information. In order to equip consumers with interpretive nutrition facts and support informed health decisions, a standardized FOPNL must align with existing FDA labeling frameworks and leverage consumer recognition of established nutrition disclosure labels.

¹ U.S. Food & Drug Admin., *Proposed Rule: Food Labeling: Front-of-Package Nutrition Information*, 90 Fed. Reg. 5426 (Jan. 16, 2025), <https://www.fda.gov>.

² NAMA, “Public Health Commitment,” *Convenience Services*, NAMA, accessed July 15, 2025, <https://namanow.org/convenience-services/public-health-commitment/>.

³ Nat’l Automatic Merch. Ass’n (NAMA), *Support for Facts Up Front System and Calorie Disclosure*, Comments to Reagan-Udall Front-of-Pack Meeting (2023), [2023-11-21 NAMA FOPNL Comments to RUF FINAL.pdf](#)

1. Utilization of Established Schemes Supports Consumer Comprehension

NAMA encourages FDA to leverage existing front-of-package nutrition labeling schemes, particularly Facts Up Front, to build upon established consumer familiarity and avoid confusion.

FDA should incorporate current voluntary front-of-package (FOP) programs designed to align with FDA's nutrition criteria and definitions to drive uniformity in labeling and capitalize on established consumer recognition and trust. The replacement of existing front-of-package labeling schemes with a new program containing varying visual elements and nutrition facts is likely to cause consumer confusion. The proposed FOPNL should be consistent with current nutrition labeling programs to increase clarity and comprehensibility for consumers.

For example, the food and beverage industry's voluntary FOP labeling system, "Facts Up Front", displays key nutrition facts in an interpretive format. The Facts Up Front label includes all nutrient categories included in the proposed FOPNL scheme.⁴ Facts Up Front was the product of collaboration between industry, public health groups, and FDA.⁵ The initiative provides consumers with clear and factual nutrition information. This program has been active since 2012; Facts Up Front has more than a decade of established consumer exposure and trust.⁶ Ninety percent of American adults are aware of the Facts Up Front label, and seventy nine percent report checking this label prior to purchasing a new product.⁷ A FOPNL scheme consistent with "Facts Up Front" can leverage established consumer knowledge and ensure continuity in consumer-facing nutrition facts.

2. Alignment of FOPNL with Existing Regulations is Necessary for Compliance

It is essential that a standardized front-of-package (FOP) label aligns with current nutrition disclosure regulations to avoid duplicative product labeling and compliance challenges.

The proposed FOPNL scheme could inadvertently introduce redundant or competing labeling mandates if it does not integrate with existing requirements. The proposed FOPNL excludes calories. In accordance with the Patient Protection and Affordable Care Act (ACA) and FDA regulations, operators of covered vending machines must disclose calorie information for stocked foods. FDA guidance indicates front-of-package calorie labels, including Facts Up Front, fulfils ACA

⁴ International Food & Beverage Alliance, *Front-of-Pack Labelling Systems* (accessed July 13, 2025), <https://ifballiance.org/commitments/nutrition-information/front-of-pack-labelling-systems/>.

⁵ Consumer Brands Association, *Facts Up Front* (accessed July 13, 2025), <https://consumerbrandsassociation.org/facts-up-front/>.

⁶ Food Marketing Institute, *Nutrition Key Style Guide for Implementers* (2012), https://www.fmi.org/docs/health-and-wellness/nk_style_guide_for_implementers-2012.pdf (accessed July 13, 2025).

⁷ Consumer Brands Association, "New Research Shows Strong Consumer Preference for the Facts up Front Label on Food and Beverage Products," *Press Release*, accessed July 15, 2025, <https://consumerbrandsassociation.org/press-releases/new-research-shows-strong-consumer-preference-for-the-facts-up-front-label-on-food-and-beverage-products/>.

calorie disclosure requirements.⁸ Many suppliers and operators also voluntarily comply through the use of Facts Up Front and FOP calorie disclosures to support consistency and informed consumer decision-making. Vending operators currently provide clear calorie information at the point of purchase in a manner consistent with FDA regulations, equipping consumers with nutrition facts to make health-conscious decisions and meeting compliance requirements.

While the proposed rule would allow manufacturers to add a calorie declaration elsewhere on the front of a package, a lack of consistency in presentation may confuse consumers. Additionally, the proposal would necessitate a secondary label, posing compliance challenges for the convenience services industry.

Vending machine operators and other retailers are reliant on manufacturers and suppliers, to apply on-product nutrition labels. The proposed FDA mandatory nutrition label leaves the inclusion of calories and the manner in which they are disclosed, to the discretion of manufacturers and suppliers. This introduces labeling inconsistency: some companies may voluntarily include secondary FOP calorie labels while others may not. This may cause consumer confusion and impact the ability of convenience services business to comply with existing ACA requirements, unintentionally increasing the risk of penalties or litigation against vending machine operator businesses.

In addition, items sold in a vended environment tend to be small, single-serving packages with limited labeling space. Current labeling requirements mandate the inclusion of a nutrition facts panel, statement of identity, ingredients list, net quantity of contents, manufacturer name, and various required labels as applicable, such as, allergen labeling, country of origin labeling, storage instructions, and expiration dates. Including a FOPNL and a separate calorie disclosure label creates significant compliance challenges, particularly for vending machine operators and manufacturers of items sold in single-serving and small package formats. Aligning a standardized FOPNL with existing nutrition disclosure regulations is critical to prevent duplicative labeling and reduce unnecessary compliance burdens.

3. Calorie Information is Central to Existing Nutrition Policy and Consumer Familiarity

The emphasis on widespread calorie disclosures over the past decade has positioned calories as one of the most recognizable indicators of nutritional value for consumers. Existing federal legislation and FDA guidance underscores that calories are the keystone of nutrition facts to empower consumers to make informed health decisions.

⁸ U.S. Food & Drug Administration, *Final Rule: Food Labeling; Calorie Labeling of Articles of Food in Vending Machines*, 79 Fed. Reg. 71259 (Dec. 1, 2014), <https://www.federalregister.gov/documents/2014/12/01/2014-27833/food-labeling-calorie-labeling-of-articles-of-food-in-vending-machines>.

FDA implementation of nutrition labeling programs has repeatedly demonstrated and reinforced consumer understanding and desire for calorie disclosures to inform purchasing decisions. In the 2016 revision of the Nutrition Facts Label, FDA dramatically increased the prominence of the calorie declaration – enlarging the font size and bolding “Calories.”

“We have increased the prominence of calories on the label because of its importance for consumers to consider for the purposes of weight management.”⁹

Congress, through the ACA, also identified calorie disclosure as the priority nutrition datapoint to equip consumers with facts to make health-conscious purchasing decisions.¹⁰ In 2018, in accordance with the ACA, FDA’s Menu Labeling Final rule mandated the display of calories on covered chain restaurant menus and menu boards.¹¹ The Agency’s vending machine nutrition labeling regulations — issued in 2014 and updated in 2019 — highlight front-of-package calorie disclosure as sufficient to satisfy ACA nutrition information requirements.¹² Federal programs have consistently increased the visibility and availability of calorie data on food items, solidifying calorie disclosure as a standard nutrition metric for consumer decision-making.

FDA research demonstrates that calories are overwhelmingly the most looked for data point on the Nutrition Facts label by consumers.¹³ Industry research reinforces this conclusion; seventy nine percent of participants in a consumer behavior survey reported being likely to check for the calorie amount on the front of a package.¹⁴ The inclusion of calories within any front-of-package nutrition labeling scheme is essential to maintain consistency with existing labeling frameworks and prevent confusion that may arise from omitting a well-established and highly sought-after data point.

⁹ U.S. Food & Drug Admin., *Final Rule: Food Labeling: Revision of the Nutrition and Supplement Facts Labels*, 81 Fed. Reg. 33742 (May 27, 2016), <https://www.federalregister.gov>.

¹⁰ Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010), <https://www.congress.gov/111/plaws/publ148/PLAW-111publ148.pdf> (accessed July 13, 2025).

¹¹ U.S. Food & Drug Administration, *Menu Labeling Requirements* (May 7, 2018), accessed July 13, 2025, <https://www.fda.gov/food/nutrition-food-labeling-and-critical-foods/menu-labeling-requirements>.

¹² U.S. Food & Drug Administration, *Final Rule: Calorie Labeling of Articles of Food Sold From Certain Vending Machines; Front of Package Type Size Final Rule*, 84 Fed. Reg. 57376 (Oct. 28, 2019), <https://www.federalregister.gov/documents/2019/10/28/2019-23276/food-labeling-calorie-labeling-of-articles-of-food-sold-from-certain-vending-machines-front-of>.

¹³ U.S. Food & Drug Administration, *Reference Guide for Establishing Nutrient Content Claims* (February 2021), <https://www.fda.gov/media/148421/download> (accessed July 13, 2025).

¹⁴ Consumer Brands Association, “New Research Shows Strong Consumer Preference for the Facts up Front Label on Food and Beverage Products,” *Press Release*, accessed July 15, 2025, <https://consumerbrandsassociation.org/press-releases/new-research-shows-strong-consumer-preference-for-the-facts-up-front-label-on-food-and-beverage-products/>.

4. Calorie Disclosure is an Easily Understood Datapoint, Interpretive Tags Are Unnecessary

NAMA understands the FDA decision not to assign a percent daily value (%DV) or daily reference value (DRV) to calories because caloric needs vary by individual. However, this has never been an obstacle to calorie disclosures in prior nutrition labeling policy.

The Nutrition Facts Label presents calories as an absolute number with no %DV or DRV. Given over a decade of consistent exposure to calorie amounts, calorie disclosures are understood and desired by consumers, without a qualitative descriptor. The calorie value requires no additional framing; consumers can evaluate the data point based on their individual needs. In fact, FDA research indicates that despite a historic lack of a %DV or DRV tag alongside calorie disclosures, calorie information is one of the top four datapoints consumers look for when evaluating a nutrition label.¹⁵

Should FDA wish to provide context, the standard “2,000 calories a day is used for general nutrition advice” statement is already familiar to consumers and could be referenced in guidance but need not appear on the FOP label.¹⁶ This also aligns the front-of-package label with the Nutrition Facts label. This uniformity is essential for consistency and clarity across all on-package nutrition disclosures.

NAMA recommends FDA incorporate a clear calorie declaration within the standardized FOPNL scheme box, at the top of the FOP label, beside the serving size statement. This would clearly separate quantitative calorie disclosure from the High/Med/Low interpretive indicators for other nutrition facts and ensure consistency with pre-existing labeling frameworks including the Nutrition Facts Label. Positioning the calorie declaration within the standardized FOPNL box, alongside the serving size statement, ensures it is presented as a quantitative, non-interpretive element. This approach maintains uniformity with the Nutrition Facts Label, creating continuity that supports consumer comprehension.

5. Flexibility and Incorporation of Calories in Small Package Format FOPNL is Crucial

NAMA commends FDA for acknowledging the existence of package size constraints for very small packages and proposing flexible solutions. Many products sold through vending machines are in small packages — such as nuts, nutrition bars, and chewing gum — where space for additional labels is extremely limited. NAMA also supports the exemption for packages <12 sq. in., which

¹⁵ U.S. Food & Drug Administration, *Consumer Behaviors, Knowledge, and Perceptions Related to the Nutrition Facts Label: Findings from the 2019 FDA Food Safety & Nutrition Survey* (Apr. 2, 2021), accessed July 13, 2025, <https://www.fda.gov/science-research/fda-science-forum/consumer-behaviors-knowledge-and-perceptions-related-nutrition-facts-label-findings-2019-fda-food>.

¹⁶ How to Understand and Use the Nutrition Facts Label,” Food (U.S. Department of Health & Human Services, updated March 5, 2024), accessed July 15, 2025, <https://www.fda.gov/food/nutrition-facts-label/how-understand-and-use-nutrition-facts-label>.

aligns with longstanding Nutrition Facts label exemptions for small package formats. FDA should retain these flexibilities in the final rule; they enable products to convey meaningful nutrition information without compromising compliance and consumer legibility.

NAMA recommends that if FDA includes calories within the standardized FOPNL scheme, calorie amounts be incorporated in a manner compatible with small-package formats. FDA should ensure that any calorie disclosure can fit within the intermediate-size FOP label format without undermining its legibility. This is achievable, given the quantitative calorie amount requires minimal space and can be integrated as an additional row.

NAMA appreciates FDA's inclusion of small packaging format considerations. These tailored approaches uphold the rule's public health goals while recognizing real-world constraints. NAMA advises FDA to finalize the small-package provisions as proposed with necessary adjustments to include calorie disclosure. This ensures consumer access to nutrition data through a clear and consistent format without placing undue compliance challenges on industry.

Thank you for considering the National Automatic Merchandising Association's feedback. As the voice of the convenience services industry, NAMA is committed to being a constructive partner in efforts to improve public health through providing consumer access to clear, interpretive nutrition facts. NAMA stands ready to assist FDA in refining the front-of-package nutrition labeling scheme and educating consumers and businesses on its implementation. With adjustments, particularly the inclusion of calories within the FOPNL scheme, the final FOPNL program can support informed consumer nutrition decision-making without imposing undue compliance burdens on industry. Please do not hesitate to reach out to ljanes@namanow.org with questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. H. Meierling", is displayed on a light gray background.

Bill Meierling
Senior Vice President, External Affairs
National Automatic Merchandising Association (NAMA)