



Frequently Asked Questions and Answers – FDA’s Vending Machine Labeling Law

1. How do I know if my vending machine is covered by the final rule?

To be covered by the final rule, a person or entity must control or direct the function of 20 or more vending machines, which includes deciding which articles of food are sold or the placement of those items within the vending machine and who is compensated for the control or direction of the vending machine. Operators that do not meet the aforementioned threshold may choose to voluntarily register with the FDA to be covered by the rule.

The registration period covers two years and becomes active from the date of submission. To keep the registration active, the vending machine operator (or its authorized official) must submit a new registration within 60 days before the expiration of the vending machine operator’s current registration.

2. What types of vending machine are covered?

By definition, a *vending machine* is “a self-service machine that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses servings of food in bulk or in packages, or prepared by the machine, without the necessity of replenishing the machine between each vending operation.” In general, a vending machine could encompass—but not be limited to—those that sell soft drinks, packaged snacks, hot-and-cold cup beverages, refrigerated prepared food, and handfuls of nuts or candies. Game machines are not covered, even if they sometimes dispense candy or other edible items as part of the game.

3. Are food manufacturers required to provide calorie information on the product label of foods sold from vending machines?

No. This legislation specifically applies to vending machine operators as opposed to food manufacturers. However, as food packaging and vending machine technology evolve, food manufacturers, vending machine manufacturers, and vending machine operators may choose to work together to help vending machine operators comply with the rule.

4. Will I have to determine and provide the nutrition content of the food I am serving? How will I do that?

Yes. Covered vending machine operators may rely on a number of ways to determine the calorie content for foods sold in their vending machines, including the food package’s Nutrition Facts Label, the manufacturer or supplier of the food, nutrient databases, cookbooks, or laboratory analyses.

5. Where does the calorie information have to be posted? (See Figures A, B, C & D)

Calorie declarations can be placed on a sign close to the article of food or selection button (i.e., in, on, or adjacent to the vending machine). The sign does not necessarily need to be attached to the vending machine as long as the calorie declaration is visible **AT THE SAME TIME** as the food, its name, price, selection button, or selection number is visible. The sign must provide calorie declarations for articles of food that are sold from that particular vending machine. The rule also permits electronic or digital displays of the calorie information.

6. What is the general format for calorie declarations for vending machine items?

Calorie declarations for covered vending machine food must be clear, conspicuous, and prominently placed. When the calorie declaration is **IN** or **ON** the vending machine, it must be:

- In a type size no smaller than the name of the food on the machine (not the food label), selection number, or price of the food as displayed on the vending machine, whichever is smallest;
- Displayed with the same prominence (meaning the same color or a color at least as conspicuous) as the color of the name or price of the food or selection number; and
- Set against the same contrasting background, or a background at least as contrasting as the background used for the item it is in close proximity to (i.e., name, selection number, or price of the food item) as displayed on the machine

When the calorie declaration is on a **sign adjacent** to the vending machine, it must be:

- In a type size large enough to render it likely to be read and understood by the consumer under customary conditions of purchase and use and

- In a type that is all black or one color on a white or other neutral background that contrasts with the type color

7. If the food item has a front-of-package (FOP) calorie declaration, is the food subject to the labeling requirements of the rule? (See Figure E)

To be exempt from the calorie declaration requirements of the rule, the FOP declaration must be clear and conspicuous, and the customer must be able to easily read the calorie declaration while the food is in the vending machine. Therefore, you must ensure that the machine does not block the FOP declaration (i.e. machine coils must not cover the declaration). Furthermore, the font color must be sufficient with contrasting background as compared to other print on the label to distinguish the information.

8. If a machine offers multiple options for dispensed beverages, such as coffee with sugar and cream or hot chocolate with whipped cream, how do I list the calories? (See Figure F)

If a vending machine offers the customer options to customize the base product (for example, coffee, hot chocolate, or tea with options for sugar, sugar substitute, milk, and cream), you must declare the calories in one of two ways:

- Declare the calories for the base product and each option individually (e.g., black coffee; added calories from sugar; added calories from cream; etc.) or
- Declare the calories for every possible final product (e.g., black coffee; coffee with sugar; coffee with cream; coffee with sugar and cream; etc.)

9. If a vended food item has multiple servings (such as a package of mini donuts) and lists calorie information for a single serving, must I provide additional calorie information for the entire package?

Yes. The calorie declaration for a packaged food must include the total calories present in the packaged food, regardless of whether the packaged food contains a single serving or multiple servings. You may voluntarily disclose calories per serving in addition to the total calories for the food.

10. What contact information is required and where must it be displayed? (See Figure G)

The rule requires covered vending machine operators and vending machine operators that voluntarily register with to list the operator's name, telephone number, and mailing address or email address. This information must be legible and placed on the face of the vending machine or with the calorie declarations (i.e., on the sign that is in, on, or adjacent to the vending machine).

11. Will I have to implement the new nutrition labeling soon?

Vending machine operators will have until **July 26, 2018** to comply with the requirements. Failure to comply with the rule will render covered vending machine foods misbranded under the Federal Food, Drug, and Cosmetic Act.

Examples of Acceptable Forms of Calorie Declarations

Figure A. Calorie declaration IN vending machine



Figure B. Calorie declaration ON vending machine



Figure C. Calorie declaration ADJACENT to vending machine



Figure D. Electronic display of Nutrition Facts Label



Figure E. Front-of-package calorie declaration



Figure F. Calorie declaration for multiple offerings



Figure G. Display of vending machine operator contact information

