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Dockets Management  
Food and Drug Administration  
5630 Fishers Lane, Rm 1061  
Rockville, MD 20852

**Re: Docket No. FDA-2024-N-2910: Food Labeling: Front-of-Package Nutrition Information  
(January 16, 2025)**

To Whom It May Concern,

The American Spice Trade Association (ASTA) appreciates the opportunity to provide comments on FDA's Proposed Rule titled "Food Labeling: Front-of-Package Nutrition Information."

ASTA was founded in 1907 and represents the interests of more than 200 members, including companies that grow, dehydrate, and process spices. ASTA members include U.S. based agents, brokers and importers, companies based outside of the U.S. that grow spices and ship them to the U.S., and other companies associated with the U.S. spice industry. ASTA members manufacture and market the majority of spices sold in the U.S. for industrial, food service, and consumer use. The highest priority for ASTA and our members is ensuring the supply of pure, safe spice to American consumers. Some ASTA member companies produce finished products subject to FDA nutrition labeling regulations under their own or private label brands. However, due to small package sizes and insignificant nutritional content, many products are exempt from nutrition labeling requirements. As detailed in the comments that follow, we urge FDA to carefully consider the implications of the proposed rule on such products with small packages and insignificant amounts of nutrients.

Spices and herbs are natural, healthful ingredients that enhance the palatability of whole and nutritious foods and support dietary patterns aligned with the *Dietary Guidelines for Americans (DGA)*. Spices and herbs are recognized by the 2020-2025 DGA<sup>1</sup> and numerous other governmental and nutrition authorities for their ability to improve the taste of healthy foods and reduce the intake of added sugars, saturated fat, and sodium. In particular, the 2020-2025 DGA states that "spices and herbs can help flavor

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<sup>1</sup> 2020-2025 Dietary Guidelines for Americans. [https://www.dietaryguidelines.gov/sites/default/files/2020-12/Dietary\\_Guidelines\\_for\\_Americans\\_2020-2025.pdf](https://www.dietaryguidelines.gov/sites/default/files/2020-12/Dietary_Guidelines_for_Americans_2020-2025.pdf)

foods when reducing added sugars, saturated fat, and sodium.” In the preamble of FDA’s recently published rule *Food Labeling: Nutrient Content Claims; Definition of Term “Healthy,”* the agency reinforces the role of spices in increasing the “palatability of nutrient-dense foods.”<sup>2</sup>

Beyond flavor, spices and herbs have been shown through a growing body of research to have a strong potential to improve health.<sup>3,4,5,6</sup> Several government agencies, including FDA, have publicly recognized that herbs and spices support health and wellbeing through reducing salt intake, improving blood pressure, increasing taste and palatability, providing antioxidant protection, and supporting complementary and alternative medicine strategies.

These benefits closely align with the goals of the recently published in the *Make Our Children Healthy Again: Assessment*,<sup>7</sup> which expressed concern about the relationship between “ultra-processed foods” (UPFs) and the excessive intake of added sugars, sodium, saturated fat, and other food additives. Spices offer a natural, healthy alternative to provide flavor and color to foods, contributing to healthier formulations, and innovation in food development.

ASTA supports FDA’s goal of promoting healthy dietary patterns and appreciates efforts to align food labeling regulations with contemporary nutrition science and federal dietary guidance. We respectfully submit the following comments regarding the proposed Front-of-Package (FOP) labeling rule.

**FDA should expand the proposed exemption from FOP labeling for small packages that bear nutrient content claims to include intermediate-sized (12-40 square inches) packages for products that contain insignificant amounts of nutrients.**

Under 21 CFR 101.9(j), foods containing insignificant amounts of all nutrients required to be declared in the Nutrition Facts Panel (NFP), and/or contained in small packages that have a total surface area available to bear labeling of less than 12 square inches, are exempt from mandatory nutrition labeling, provided the product makes no nutrition claims. Most whole and ground spices qualify for these exemptions.

ASTA appreciates that FDA is proposing to align the proposed FOP labeling exemptions with those identified in 21 CFR 101.9(j) in Proposed § 101.6(c) of the proposed rule. Moreover, ASTA appreciates

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<sup>2</sup> Food Labeling: Nutrient Content Claims; Definition of Term “Healthy”. 12/27/2024. U.S. Department of Health and Human Services, Food and Drug Administration. Dock No. FDA-2016-D-2335.

<sup>3</sup> Huang, Y., Tsai, M-F., Thorat, R.S., Xiao, D., Zhang, X., Sandhu, A.K., Edirisinghe, I., Burton-Freeman, B.M. 2021. Endothelial Function and Postprandial Glucose Control in Response to Test-Meals Containing Herbs and Spices in Adults with Overweight/Obesity. *Frontiers in Nutrition*. 9:811433.

<sup>4</sup> Petersen, K.S., Davis, K.M., Rogers, C.J., Proctor, D.N., West, S.G., Kris-Etherton, P.M. 2021. Herbs and spices at a relatively high culinary dosage improves 24-hour ambulatory blood pressure in adults at risk of cardiometabolic diseases: a randomized, crossover, controlled-feeding study. *The American Journal of Clinical Nutrition*. 00:1–13.

<sup>5</sup> Wang, J., Wang, S., Yang, J., Henning, S.M., Ezzat-Zadeh, Z., Woo, S.L., Qin, T., Pan, Y., Tseng, C.H., Heber, D. and Li, Z., 2020. Acute Effects of Cinnamon Spice on Post-prandial Glucose and Insulin in Normal Weight and Overweight/Obese Subjects: A Pilot Study. *Frontiers in nutrition*, 7.

<sup>6</sup> Azeez, T.B., Lunghar, J. (2021) 6-Anti-inflammatory effects of turmeric (*Curcuma longa*) and ginger (*Zingiber officinale*). *Inflammation and Natural Products*, 127-146.

<sup>7</sup> Make Our Children Healthy Again: Assessment. May 16, 2025. The Make America Healthy Again Commission. <https://www.whitehouse.gov/wp-content/uploads/2025/05/MAHA-Report-The-White-House.pdf>

that FDA has recognized the impracticality of including the Nutrition Info box on small packages that have a total surface area available to bear labeling of less than 12 square inches, and as such is proposing an additional exemption for these foods from the requirement to display the Nutrition Info box (Proposed § 101.6(c)(2)), including where a nutrient content claim is made.<sup>8</sup> ASTA strongly supports this proposed exemption, which will facilitate consistency with the nutrition labeling requirements and appropriately recognizes practical limitations related to space. We also request that in the preamble to the final rule, FDA state in clear terms that foods in small packages with a total surface area available to bear labeling of less than 12 square inches remain exempt from a requirement to bear a Nutrition Info box, regardless of whether the label bears nutrition information or nutrient content claims. This clarification, consistent with the proposed regulatory text, is important to provide clear guidance to companies implementing FOP labeling.

However, we remain concerned about the impact of the proposed FOP labeling requirements for products in the intermediate-size package range (12-40 square inches of total surface area available to bear labeling) that bear nutrient content claims, which are common in the spice industry. Requiring a Nutrition Info box on these small-to-mid-sized packages, particularly for foods with insignificant nutrient content, poses practical and design challenges, without commensurate benefit to consumers, particularly given that the Nutrition Facts Panel would still be required under 21 CFR 101.9(j) and therefore consumers will have easy access to the relevant information.

Nutrient content claims are an important tool to communicate with consumers about nutritional information and offer incentives for companies to produce more healthful products and formulations. Given that the nutritional content of spices and herbs in intermediate packages that bear nutrient content claims is already conveyed through the Nutrition Fact Panels, consumers already have transparency on nutrition information – even though these products typically contain insignificant amounts of nutrients. These packages would face significant space constraints if required to bear both the Nutrition Facts Panel and Nutrition Info box. As such, a requirement to bear both labeling schemes on intermediate packages for products with insignificant nutrient content that bear nutrient content claims is overly burdensome and impractical, again without a corresponding benefit to consumers.

ASTA requests that FDA provide an exemption for products in intermediate-sized packages with insignificant amounts of all nutrients that are mandatory to declare, including where a nutrient content claim is made. Recently, the FDA acknowledged that spices have limited nutrient content. FDA stated that “...because of their primary use as a flavoring for foods, they [spices and herbs] are typically consumed in such small quantities that they generally do not contribute a meaningful amount of nutrients to the diet.”<sup>9</sup> Because spices and herbs are not typically a source of nutrients, it is not relevant

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<sup>8</sup> “While such a small package must bear the appropriately sized Nutrition Facts label if its label includes any other nutrition information, we tentatively conclude that there would not also be enough room to fit a Nutrition Info box on its label that would be legible to consumers without occupying much of the available space to bear labeling.” Food Labeling: Front-of-Package Nutrition Information [Docket No. FDA-2024-N-2910].

<sup>9</sup> Food Labeling: Nutrient Content Claims; Definition of Term “Healthy.” 21 CFR Part 101 [Docket No. FDA-2016-D-2335]. December 27, 2024. U.S. Department of Health and Human Services, U.S. Food and Drug Administration.

or helpful to consumers to require front-of-package information on added sugars, sodium, or saturated fat content.

As such, ASTA respectfully requests that FDA extend exemptions for small packages bearing nutrient content claims to include products in intermediate-sized packages when nutrient content is insignificant, including where a nutrient content claim is made.

**Spices and herbs with zero or insignificant amounts of nutrients to limit should be exempted from a requirement to display conflicting and confusing “low” FOP interpretive markers.**

ASTA opposes the proposed requirement to include a “low” interpretive marker for nutrients to limit (e.g., sodium) on spice and herb products that are eligible for “zero” or “free from” nutrient content claims. Under the proposed rule, a spice or herb product could declare 0g sodium in the Nutrition Facts Panel and carry a “salt-free” claim, yet still be required to display a “low” sodium marker on the front of the package. This conflict between the Nutrition Info box, Nutrition Facts Panel, and nutrient content claims is likely to create consumer confusion and would conflict with FDA’s own definitions of “low”, “free,” and “zero”.<sup>10</sup>

To resolve this, ASTA requests that products with zero or negligible amounts of nutrients to limit, be exempted from displaying a conflicting FOP “low” interpretive marker. Alternatively, ASTA requests that FDA consider the creation of a new Nutrition Info box category that lists only percent daily value (%DV) with no interpretive marker for products containing insignificant nutrient content.

**If FDA does not grant the exemption requested above for intermediate-sized packages with insignificant nutrient content, the agency should consider alternative compliance pathways such as modifying existing nutrition display formats.**

In the event FDA does not grant a full exemption for products with insignificant nutrient content in intermediate packages, we recommend considering alternative formats that lend themselves better to smaller packages. For example, existing nutrition display formats, such as the Vertical Display, Tabular Format, or Dual Column Display of the Nutrition Facts Panel could be modified to contain the interpretive markers required under the proposed rule. This would reduce duplication and confusion while maintaining FDA’s goal of transparency, particularly for products with limited label real estate.

\* \* \*

Spices and herbs are key contributors to healthier eating patterns and are aligned with current public health goals, including those outlined in the recent MAHA report. We urge FDA to revise the proposed rule to exempt spice and herbs with insufficient nutrient content in intermediate packages from the proposed FOP labeling requirement, reconcile inconsistencies between the nutrient content claim regulations and interpretive markers, and consider alternative compliance pathways for FOP labeling on these products.

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<sup>10</sup> 21 CFR Part 101 Subpart D

ASTA appreciates FDA's consideration of these comments and welcomes continued engagement to ensure that labeling regulations are both practically implementable while promoting transparency to consumers.

Sincerely,

A handwritten signature in cursive script, reading "Laura Shumow", followed by a horizontal line extending to the right.

Laura Shumow  
Executive Director  
American Spice Trade Association