

nonnutritive sweetener(s) is added, the statement shall indicate the presence of both types of sweetener, e.g., "Sweetened with nutritive sweetener(s) and nonnutritive sweetener(s)."

(c) "*Low calorie*" foods. A food purporting to be "low calorie" must comply with the criteria set forth for such foods in §101.60(b)(2) and (b)(3) of this chapter.

(d) "*Reduced calorie*" foods and other comparative calorie claims. A food purporting to be "reduced calorie" or otherwise containing fewer calories than a reference food must comply with the criteria set forth for such food in §101.60(b)(4) and (b)(5) of this chapter.

(e) *Label terms suggesting usefulness as low calorie or reduced calorie foods.* (1) Except as provided in paragraphs (e)(2) and (e)(3) of this section, and in §101.13(q)(2) of this chapter for soft drinks, a food may be labeled with terms such as "diet," "dietetic," "artificially sweetened," or "sweetened with nonnutritive sweetener" only if the claim is not false and misleading, and the food is labeled "low calorie" or "reduced calorie" or bears another comparative calorie claim in compliance with part 101 of this chapter and this section.

(2) Paragraph (e)(1) of this section shall not apply to any use of such terms that is specifically authorized by regulation governing a particular food, or, unless otherwise restricted by regulation, to any use of the term "diet" that clearly shows that the food is offered solely for a dietary use other than regulating body weight, e.g., "for low-sodium diets."

(3) Paragraph (e)(1) of this section shall not apply to any use of such terms on a formulated meal replacement or other food that is represented to be of special dietary use as a whole meal, pending the issuance of a regulation governing the use of such terms on foods.

(f) "*Sugar free*," and "*no added sugar*." Criteria for the use of the terms "sugar free" and "no added sugar" are provided for in §101.60(c) of this chapter.

[58 FR 2430, Jan. 6, 1993]

### Subpart C [Reserved]

### Subpart D—Standards of Identity [Reserved]

## PART 106—INFANT FORMULA QUALITY CONTROL PROCEDURES

### Subpart A—General Provisions

#### Sec.

- 106.1 Status and applicability of the quality control procedures regulation.
- 106.3 Definitions.

### Subpart B—Quality Control Procedures for Assuring Nutrient Content of Infant Formulas

- 106.20 Ingredient control.
- 106.25 In-process control.
- 106.30 Finished product evaluation.
- 106.90 Coding.

### Subpart C—Records and Reports

- 106.100 Records.

### Subpart D—Notification Requirements

- 106.120 New formulations and reformulations.

AUTHORITY: 21 U.S.C. 321, 350a, 371.

SOURCE: 47 FR 17025, Apr. 20, 1982, unless otherwise noted.

### Subpart A—General Provisions

#### § 106.1 Status and applicability of the quality control procedures regulation.

(a) The criteria set forth in §§106.20, 106.25, 106.30, 106.90, and 106.100 shall apply in determining whether an infant formula meets the safety, quality, and nutrient requirements of section 412 of the act and the requirements of regulations promulgated under section 412(a)(2) of the act.

(b) The failure to comply with any regulation set forth in §§106.20, 106.25, 106.30, 106.90, and 106.100 applicable to the manufacturing, processing, and packaging of an infant formula shall render such formula adulterated under section 412(a)(1)(C) of the act.

(c) References in this part to regulatory sections of the Code of Federal Regulations are to chapter I of title 21 unless otherwise noted.