

*****DRAFT - NOT FOR FILING*****

901:3-1-11 Food labeling.

- (A) ~~The director of agriculture shall~~ All food processing establishments shall utilize and apply the generally recognized federal standards for food labeling in 21 C.F.R. Part 101 (2016) Food Labeling.
- (B) A food processing establishment as defined in section 3715.021 of the Revised Code that produces, processes, or manufactures maple syrup, honey, or sorghum and is in compliance with this chapter and ~~rules-~~ 901:3-45-01 to 901:3-45-06 chapter 901:3-45 of the Administrative Code may place the director's seal of conformity and inspection on their label in accordance with rule 901:3-45-03 of the Administrative Code.
- (C) A food product that is imported into the United States in the finished product package or in bulk form to be repackaged in the United States, must comply with the country of origin labeling as described in 19 C.F.R. Parts 134.11 (2016) and 134.26 (2016).

901:3-1-14 Food nutritional labeling.

- (A) All food service operations and retail food establishments, as defined in section 3717.01 of the Revised Code, shall comply with the nutritional labeling standards as outlined in 21 C.F.R. 101.11 (2014) and 21 C.F.R. 101.8 (2014), as applicable.
- (B) If the director or the director's designee finds that a person is operating a food service operation or retail food establishment in violation of the standards adopted in paragraph (A), the director or the director's designee shall issue a letter of warning to the person giving the person thirty days to come into compliance. If the person fails to come into compliance within the thirty-day time period, the director may assess a civil penalty against the person. If the director assesses a civil penalty, the director shall do so as follows:
- (1) If, within five years of the issuance of the letter of warning to the person, the director has not previously assessed a civil penalty against the person under this section, in an amount not exceeding five hundred dollars.
 - (2) If, within five years of the issuance of the letter of warning to the person, the director has previously assessed one civil penalty against the person under this section, in an amount not exceeding one thousand five hundred dollars.
 - (3) If, within five years of the issuance of the letter of warning to the person, the director has previously assessed two or more civil penalties against the person under this section, in an amount not exceeding five thousand dollars.
- (C) This rule does not apply to mobile food service operations and retail food establishments as defined in section 3717.01.