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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To amend the Federal Food, Drug, and Cosmetic Act to specify that a food shall be considered misbranded if the value of nutrients on its labeling deviates by more than 5 percent of the value specified on such labeling, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. STEUBE introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to specify that a food shall be considered misbranded if the value of nutrients on its labeling deviates by more than 5 percent of the value specified on such labeling, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Ensuring Consistency
5 in Nutrition Labels Act”.

1 **SEC. 2. MISBRANDING OF FOOD IN CASE OF 5 PERCENT DE-**2 **VIATION OF NUTRIENT VALUE.**

3 (a) IN GENERAL.—Section 403(q)(2) of the Federal
4 Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(2)) is
5 amended by adding at the end the following:

6 “(C) If the Secretary determines that, with re-
7 spect to the value for nutrients required by subpara-
8 graph (1)(C), (1)(D), or (1)(E) to appear in the
9 label or labeling of food subject to subparagraph (1),
10 the nutrient content of the composite is greater than
11 5 percent in excess of the value for that nutrient de-
12 clared on the label, such food shall be treated as
13 misbranded under this section.”.

14 (b) REGULATIONS.—Not later than 60 days after the
15 date of the enactment of this Act, the Secretary of Health
16 and Human Services, acting through the Commissioner of
17 Food and Drugs, shall revise regulations under section
18 101.9 of title 21, Code of Federal Regulations (as in effect
19 on January 1, 2026), to reflect the amendment made by
20 subsection (a) of this section.