

What Are the Labeling Requirements with Respect to Place of Business?

Article By:

Packaging Law at Keller and Heckman

Question

A) We manufacture organic products and will be expanding. Our current boxes need reordering, will these be useless after the move to the new address?

B) Is there a grace period after a company moves to the requirement that consumer goods must be labeled with the name and place of business of the manufacturer, packer, or distributor?

Answer

The Fair Packaging and Labeling Act (FPLA), enacted in 1967, directs the Federal Trade Commission (FTC) and the Food and Drug Administration (FDA) to issue regulations requiring that all "consumer commodities" be labeled to disclose net contents, identity of commodity, and name and **place of business of the product's manufacturer, packer, or distributor**.

FDA administers the FPLA with respect to foods, drugs, cosmetics, and medical devices. FDA requires the statement of the place of business (manufacturer, packer, or distributor) to include the street address, city, state, and zip code unless the street address is shown in a current city directory or telephone directory, in which case, it may be omitted. In addition, if the name and address are not that of the manufacturer, the name must be preceded by phrases such as "Manufactured for ...", "Distributed by ...", or other appropriate wording. (See Code of Federal Regulations (C.F.R.) § 101.5(d) for food and § 701.12 for cosmetics.) FDA's [Cosmetic Labeling Manual](#) points out that the name and place of business is required on the information panel of the label on the container holding the product. If multiple containers are packaged in an outer container, that container (such as a box, folding carton, or wrapper) is also required to include the name and place of business on the label.

For consumer products, FTC issued a final rule in 2017 that changed the conditions for omitting a street address. FTC now allows the street address to be omitted if the street address is listed in a readily accessible, widely published, and publicly available resource, including but not limited to a printed directory, electronic database, or Web site. (See 16 C.F.R. §500.5(c).)

Neither FDA nor FTC has issued guidance on the length of time a company has after it moves to

update the address on its product labels. A key consideration is: Are consumers able to locate and contact the manufacturer of a product? Accordingly, FTC no longer requires the manufacture's street address to be included on the label of a product if that address is readily accessible through other means. We suggest that you consult legal counsel to help determine your specific legal obligations.

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