

Panera Petitions FDA to Define “Egg”

Article By:

Food and Drug Law at Keller and Heckman

- The term “egg” is not specifically defined by FDA. In fact, [21. C.F.R. 160.100](#) provides that “no regulation shall be promulgated” to define “the food commonly known as eggs.” The rule has been on the books for decades. That being said, FDA does expressly define dried eggs, frozen eggs, liquid eggs, egg whites, dried egg whites, frozen egg whites, egg yolks, dried egg yolks and frozen egg yolks.
- On January 19, 2018, Panera Bread (Panera) [announced](#) that it had petitioned the FDA to establish a clear definition for the term “egg.” Panera, which recently launched a new breakfast sandwich featuring “100% real eggs, is asking FDA to restrict the term “egg” to products free of additives and most processing. Sara Burnett, director of wellness and food policy at Panera, [contends](#) that “when a consumer orders an ‘egg,’ they expect to get an egg . . . I don’t think consumers understand these other products that have five or more ingredients.” Panera’s competitors, some of whom use egg products containing additives, [dispute](#) that stance, as well as the petition itself, contending that even processed egg products are made from “real eggs”.
- It is unclear whether FDA will take action on Panera’s petition given competing regulatory interests, i.e., the Agency has been under pressure to regulate the term “natural” and “healthy” following years of petitions and lawsuits. As recently covered on this [blog](#), however, in its [strategic policy plan for 2018](#), FDA announced that it will focus on modernizing food definitions this year — a feat the Agency has not attempted in earnest since the Clinton administration.

© 2025 Keller and Heckman LLP

National Law Review, Volume VIII, Number 26

Source URL: <https://natlawreview.com/article/panera-petitions-fda-to-define-egg>