

Sugar Rush: FDA Rejects Use of “Evaporated Cane Juice” to Describe Sweeteners

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For years, food companies have been using the term “evaporated cane juice” in the ingredients list on food products. This has resulted in a number of lawsuits by consumers claiming that the term misled them into thinking those products did not contain sugar, including [this failed putative class action against KIND](#). In May 2016, the Food and Drug Administration (“FDA”) chimed in with guidance advising the food industry that the agency is not so sweet on the term “evaporated cane juice,” and that this term should not be used on food labels to describe sweeteners derived from the fluid extract of sugar cane (i.e. cane sugars or syrups). According to the FDA, use of this term to describe sweeteners made from sugar cane is false and misleading, since it suggests that the sweetener is “juice” from fruits or vegetables, and does not reveal that the ingredient’s “basic nature and characterizing properties are those of a sugar.” Instead, the FDA says, this ingredient should be “declared on food labels as ‘sugar,’ preceded by one or more truthful, non-misleading descriptors if the manufacturer so chooses (e.g., ‘cane sugar’)”...

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