



Food Labels to Get a Makeover

On May 23, 2016 the FDA announced that food labels will be getting an overhaul. The new food labels will now list how many added sugars are in each product and more clearly define what a serving size is. Many Americans are unaware of how much sugar is added to foods they wouldn't conventionally think of as sweet, like cereal, flavored yogurts and tomato soup. The FDA hopes that these new labels will help Americans better manage their diets.

The new labels will also use a bolder font to highlight the number of calories in each food, and labels will now include potassium and vitamin D levels—since studies have shown that many Americans are deficient in these areas.

Food labels will no longer be required to list vitamin C and A levels because deficiencies in these vitamins are now rare, according to the FDA. Calcium and iron amounts, though, will remain on the label. Large food manufacturers will have two years to add the new labels to their products. Small manufacturers—those who generate less than \$10 million in sales a year—will have three years to adhere to new labeling

FDA Moves to Regulate the Sale of E-cigarettes

When electronic cigarettes, or e-cigarettes, first entered the market, there were few rules regulating who they could be sold to and what warnings (if any) they must carry. In recent years, concerns about the safety of e-cigarettes has grown and many have criticized e-cigarette manufacturers for targeting teenagers with candy-like flavors like cookies and cream, chocolate and birthday cake.

On May 5, 2016, the Food and Drug Administration (FDA) announced that e-cigarettes and other tobacco products, like hookahs, will be regulated in the same way that traditional cigarettes are. Retailers will now be required to verify that all e-cigarette customers are at least 18 years old, and they will no longer be able to distribute free samples to customers.

Previously, there were no regulations about disclosing the ingredients in e-cigarettes. Under the new rule, all manufacturers will be required to list what is in their products. E-cigarettes must also now carry warnings that they contain the addictive substance, nicotine, and they must come in child-resistant packaging.

In addition, all e-cigarettes that went on sale after February 2007 must gain FDA approval. Considering the fact that the e-cigarette market was virtually non-existent before 2007, this means that every e-cigarette, as well as every flavor and nicotine level, will need to be approved. This could be a very time-intensive and expensive process for companies. E-cigarette manufacturers will have two years to gain FDA approval.

SPF Claims Fall Short For Many Sunscreens

According to a new study from Consumer Reports, 43 percent of sunscreen products do not live up to the sun protection factor (SPF) claims on their bottles.

Consumer Reports found that 13 out of the 35 sunscreen lotions tested had an SPF of less than 30, despite claiming to have at least an SPF of 30 on their labels. The majority of products that fell short on their SPF numbers did so by 10 to 15 points. However, some products were labeled as SPF 50, and were only found to have an SPF of 8.

The study found that sunscreens with active chemical ingredients like avobenzone and ecamsule performed better during testing than those with natural ingredients like zinc oxide.

For more information about the report and to see the top performers, click here. To promote further sun protection, the American Academy of Dermatology encourages people to wear protective clothing when going outdoors and to stay in the shade when possible to reduce the risk of skin cancer.

NEW FOOD LABEL

Serving: Larger bolder type

Serving sizes updated

Calories: Larger type

Updated daily values

Actual amounts declared

New footnote

New: Added sugars

Change in nutrients required

Nutrition Facts	
8 servings per container	
Serving size 2/3 cup (55g)	
Amount per serving	
Calories 230	
% Daily Value*	
Total Fat 8g	10%
Saturated Fat 1g	5%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 160mg	7%
Total Carbohydrate 37g	13%
Dietary Fiber 4g	14%
Total Sugars 12g	
Includes 10g Added Sugars	20%
Protein 3g	
Vitamin D 2mcg	10%
Calcium 260mg	20%
Iron 8mg	45%
Potassium 235mg	6%

*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.



DOL Issues New Overtime Payment Rules

On May 18, 2016, the U.S. Department of Labor (DOL) announced a final rule regarding overtime wage payment qualifications for the “white collar” exemptions under the Fair Labor Standards Act (FLSA). The final rule is effective Dec. 1, 2016.

The final rule increases the salary an employee must be paid in order to qualify for a white collar exemption. The required salary level is increasing from \$23,660 to \$47,476 per year and will be automatically updated every three years.

The salary level for the highly compensated employee exemption will increase from \$100,000 to \$134,004 per year. However, these individuals must receive at least the full standard salary amount each pay period (\$913 per week, \$1,826 bi-weekly or \$3,956.33 per month) on a salary or fee basis (not counting nondiscretionary bonuses and incentive payments).

To qualify for the white collar exemption, an employee must meet a salary basis test, a salary level test and a duties test in order to be exempt. The final rule does not modify the duties test employees must meet to qualify for a white collar exemption.

The DOL estimates that this final rule extends overtime protection to approximately 4.2 million workers who are currently exempt under the white collar rules and clarifies overtime compensation eligibility for another 5.7 million white collar workers.

Given the significant increase in the salary level requirement, employers will need to increase employee salaries, or reclassify certain employees as either exempt or nonexempt, solely based on their salary level. Employers must become familiar with the new rule and identify which employees will be affected. Employers should reclassify employees as exempt or nonexempt, as necessary, by Dec. 1, 2016.

Employers should also consider communicating any work schedule changes to affected employees before that date.

Finally, employers should evaluate whether implementing new timekeeping practices and training for managers and supervisors on the new requirements is necessary.

EEOC Issues Welcome Guidance on Leave as a Reasonable Accommodation

Leave as a reasonable accommodation may arise where an employee is not eligible for (or has exhausted) employer-provided leave or job-protected leave under the federal FMLA and/or other state leave law.

Due to the lack of agency guidance on the topic, leave as a reasonable accommodation under the ADA has left many employers unsure of what their requirements may be regarding leave as a reasonable accommodation.

In May, the EEOC [issued](#) general information to employers and employees regarding when and how leave must be granted for reasons related to an employee’s disability in order to promote voluntary compliance with the ADA. Employers with 15 or more employees are covered by the ADA and should review the EEOC’s guidance.

According to the EEOC, in order to comply with the ADA, employers may need to modify their policies that limit the amount of leave employees may take, change policies that require 100 percent healing prior to returning to work after an extended leave, and consider reassignment as an option for employees who are unable to return to their jobs after a leave.

EEOC Finalizes Wellness Rules Under ADA and GINA

On May 16, 2016, the Equal Employment Opportunity Commission (EEOC) issued final rules that describe how the Americans with Disabilities Act (ADA) and the Genetic Information Nondiscrimination Act (GINA) apply to employer-sponsored wellness programs.

The final ADA rule provides guidance on the extent to which employers may offer incentives to employees to participate in wellness programs that ask them to answer disability-related questions or to undergo medical examinations.

The final GINA rule clarifies that an employer may offer a limited incentive to an employee whose spouse provides information about his or her current or past health status as part of the employer’s wellness program.

The final rules’ notice requirements and incentive limits apply as of the first day of the first plan year that begins on or after Jan. 1, 2017 (for the health plan used to determine the incentive amount).

