

Food Disclaimer

What is the purpose of a food disclaimer?

If you are selling raw or live foods, a food disclaimer should be posted in the sales area and printed on the product or label. The disclaimer is a defensive tactic to prevent potential liabilities of a consumer developing a food borne illness. Like a warning label on prescription drugs, the disclaimer is a legal statement, which, in general, provides consumers with valuable information about the content of a food product. A food disclaimer may be required by law or FDA regulation, check with your state or city to be sure. Below are examples of disclaimers you may see posted at your food counter or on a menu.

1. “THERE MAY BE A RISK ASSOCIATED WITH CONSUMING RAW SHELLFISH AS IS THE CASE WITH OTHER RAW PROTEIN PRODUCTS. IF YOU SUFFER FROM CHRONIC ILLNESS OF THE LIVER, STOMACH OR BLOOD OR HAVE OTHER IMMUNE DISORDERS, YOU SHOULD EAT THESE PRODUCTS FULLY COOKED”;
- or
2. “CONSUMING RAW OR UNDERCOOKED MEATS, POULTRY, SEAFOOD, SHELLFISH OR EGGS MAY INCREASE YOUR RISK OF FOODBORNE ILLNESS, ESPECIALLY IF YOU HAVE CERTAIN MEDICAL CONDITIONS.”

Additional food disclaimer examples include without limitation:

1. “These items are cooked to order and may be served raw or undercooked. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase the risk of foodborne illness.” [On a restaurant menu where the restaurant sells hamburgers]
2. “Our store offers products with peanuts, tree nuts, soy, milk, eggs and wheat. While we take steps to minimize the risk of cross contamination, we cannot guarantee that any of our products are safe to consumer for people with peanut, tree nut, soy, milk, and egg or wheat allergies.” [Warning that might appear at a health-food store]
3. “CAUTION: Contains caffeine comparable to a cup of the leading premium coffee. Limit caffeine products to avoid nervousness, sleeplessness, and occasional rapid heartbeat. You may experience a Niacin Flush (hot feeling, skin redness) that lasts a few minutes. This is caused by increased blood flow near the skin.” [Warning used on the 5 Hour Energy shot product]
4. “ABC Store operates the Farmer’s Bakery, which produces baked goods that contain nuts”. We cannot guarantee the absence of cross-contamination in our baked foods.

“ABC Store does not assume liability for adverse reactions to foods consumed, or items one may come into contact with while eating at any ABC store establishment”.
5. “Contains tree nuts (hazelnuts). Produced in a facility that uses wheat, soy and milk.” [Warning contained on a package of Nature’s Path Organic Maple Nut Oatmeal].