



March 21, 2013

Dear Representative,



We are writing to inform you of our opposition to H.R. 1249. This legislation would create an unlevel playing field for how nutrition information on restaurant food is treated and circumvent decisions that are carefully being considered by the Food & Drug Administration (FDA) through rulemaking. We urge you to treat restaurant food equitably and allow FDA to consider these questions raised by this legislation in its rulemaking.



H.R. 1249 would broadly exempt chain grocery, convenience stores and other entities that sell restaurant food from providing uniform nutrition information to customers despite that fact that each day thousands of customers purchase meals at these establishments. These companies each made strategic decisions to compete directly with their local restaurant community, in this regard, and need to play by the same rules as those with whom they choose to compete. In fact, this has been the precedent when it comes to nutrition disclosure for decades. In the 1990s, the packaged food industry created a uniform national standard for nutrition disclosure. Today, a similar standard is being established for restaurant food. Unfortunately, H.R. 1249 would create an unlevel playing field between restaurants and other entities that serve restaurant food, casting different requirements depending on where you purchase the food.



The food service industry is a broad but competitive industry that is ever expanding in areas that have not traditionally provided restaurant meals. For example, today there are 54,000 grocery stores that offer freshly prepared food and beverages, with annual sales of these products totaling approximately \$15 billion and over 59,000 convenience stores that offer foodservice, with annual sales in excess of \$9 billion. Taken together, these two foodservice segments alone represent 12% of total restaurant and foodservice locations in the U.S. In fact, in recent years, sales in this broad 'retail host' segment have grown much faster than the restaurant industry as a whole. Between 2006 and 2011, sales in this segment jumped 31%, compared to a 16% increase in total restaurant industry sales. Additionally, this bill comes at a time when the FDA is in the process of writing and reviewing the very issues this legislation is hoping to address.



Finally, while we must oppose the legislation due to its unequal treatment of restaurant food, we have and continue to support provisions in the bill that would clarify the reasonable basis provision so that establishments acting in good faith are not penalized for inadvertent human error and reasonable variations in serving sizes and ingredients. We also support provisions that would allow operators options for displaying nutrition information. Entities that serve restaurant food are far from monolithic and additional flexibility in this area will allow operators to provide consumers with information that is easier to understand.



It is our strong belief that these issues can be addressed by FDA through rulemaking, and we will continue work with the proponents of the legislation to get these matters resolved in the regulatory process. However, we would look forward to working with Congress should these issues remain unresolved through the regulatory process.

We appreciate your consideration that restaurant food be treated equally under the law. Please feel free to contact Dan Roehl at the National Restaurant Association (droehl@restaurant.org; 202-331-5928) if you have any questions.

Sincerely,

National Restaurant Association
Auntie Anne's
Bloomin' Brands
Brinker International
Burger King
Cracker Barrel
Darden Inc.
DineEquity
Dunkin' Brands
McDonald's