

FEDERAL MENU LABELING PROVISION

Requirements –

- Restaurants and similar food retail establishments in a chain of 20 or more locations under the same trade name and vending machines.
- Standard menu items offered for sale at least 60 days per calendar year
 - Does not include (*e.g.*, condiments), most alcoholic beverages, daily specials, custom orders, and customary test marketing (*i.e.*, on the menu less than 90 days).
- On menu, menu board or drive thru board –
 - Number of calories per standard menu item;
 - Succinct statement concerning suggested daily caloric intake; and
 - Referral statement regarding the availability of additional nutrition information.
- Additional written information available upon request includes –
 - Calories, calories from fat, total fat, saturated fat, cholesterol, sodium, carbohydrates, sugars, dietary fiber and protein.
- Protection from unreasonable litigation over accuracy of nutrient content disclosures includes –
 - Nutrition information determined by “reasonable basis” (*e.g.*, nutrient databases, cookbooks, laboratory analyses, or other reasonable means).
 - Regulations must consider “reasonable variation” in serving size and formulation of menu items
- National uniformity for nutrient content disclosures of the type chain restaurants would be required to provide.
 - Preempts State and local menu labeling requirements upon enactment.

Voluntary Menu Labeling –

- Available to non-chain restaurants, as well as chain restaurants before mandatory program becomes effective
- Register with FDA and meet the mandatory program requirements
- Provides the same uniformity protection as the mandatory menu labeling program

When Would the Law Take Effect –

- Upon enactment, though mandatory requirements are not expected to take effect until after FDA *finalizes* its regulations. The legislation directs FDA to *propose* regulations within one year