



## **Special New York City Menu Labeling Advisory**

**September 19, 2017**

The Food and Drug Administration (FDA) published final regulations requiring some restaurants and similar businesses that sell restaurant-type food to put calorie counts on menus/menu boards and make other nutrition information available to their customers. Click [here](#) to view FDA's final rule and the guidance FDA published.

The compliance date for FDA's rule has been postponed a number of times by Congress and the FDA. Currently, the date by which covered businesses must be in compliance with the FDA rule is May 7, 2018. In conjunction with its most recent extension of the compliance date, FDA accepted comments from the public on the rule and any changes that might be necessary to it. That comment period closed August 2, 2017. Click [here](#) to view the comments from the National Restaurant Association. FDA is evaluating the comments it received and intends to issue new guidance before the end of 2017.

Last month, New York City attempted to require compliance with its menu labeling regulations prior to the federal compliance date of May 7, 2018. The City had announced that it would enforce its regulations as of August 21, 2017. In July 2017, however, the Restaurant Law Center, on behalf of the National Restaurant Association and the New York State Restaurant Association, joined other groups to file a lawsuit to prevent New York City from enforcing its rules before the federal compliance date.

That case has settled, and New York City has now agreed not to enforce its regulations against establishments covered by the federal regulations until May 7, 2018. However, New York City retains the authority to enforce its regulations against chains with between 15 and 19 locations, which are not covered by the federal menu labeling law.

While New York City will not enforce its rules until next May 7, 2018, we encourage covered businesses to work toward compliance with the regulations now. Those businesses that are already providing some or all of the nutrition information required by the regulations should continue to do so. And those businesses that are not yet in compliance should work to do so as soon as practicable.

While full compliance may be impossible for some absent changes or clarifications to the rules, doing the work to understand the rules and get into compliance early will put businesses in the best position possible to deal with the rules once they go into effect.

The National Restaurant Association has a dedicated site for menu labeling with links to the latest news, webinars on the subject, additional compliance materials from FDA, and other materials to help restaurants comply as best they can with the rules and stay informed. The site is [Restaurant.org/MenuLabeling](http://Restaurant.org/MenuLabeling).

We are also working with FDA and Congress to ensure that changes and clarifications to the rules that are necessary to help restaurants comply are made as soon as possible. We will continue to provide updates on those efforts as they become available.