

Menu Labeling

This presentation is intended to provide a high-level overview of menu labeling requirements. Stakeholders should consult 21 CFR part 101.11 for more specific information and the new final Supplemental Guidance for FDA's current thinking on the topic.

Outline

- Who is covered?
- What are the basic requirements?
- Compliance and Enforcement

Who is covered?

- Applies to restaurants and similar retail food establishments
 - That are part of a chain with 20 or more locations
 - Doing business under the same name
 - Offering for sale substantially the same menu items, and
 - Offering for sale “restaurant type foods”
- Or that voluntarily register with FDA to be covered

Examples of Covered Establishments

- Chain Restaurants, quick service and sit-down
- Grocery and convenience stores that serve restaurant-type food
- Food take-out establishments and pizza delivery chains
- Entertainment venues that are part of a chain (e.g. movie theaters, amusement parks)
- Chain cafeterias
- Chain coffee shops and bakeries



What Does the Law Require?

- Disclose calorie information on menus and menu boards for standard menu items
- Disclose calorie information on signs adjacent to foods on display and self-service foods that are standard menu items
- Post a succinct statement concerning suggested daily caloric intake
- Provide written nutrition information for standard menu items upon consumer request
- Post on menus and menu boards statement that written nutrition information is available upon request



Menus and Menu Boards

- Menus and menu boards are the primary writing of the restaurant or similar retail food establishment from which a customer makes an order selection
- Includes the name and price of the menu item and can be used to place an order by the customer
- Includes specialty menus, e.g., drink menu, dessert menu (even when there is a separate general menu)
- Includes drive-through menu boards and electronic menus and menu boards
- Includes online menus if consumer can make an order selection

Displaying Calories on Menus and Menu Boards



- Calories for each standard menu item listed on a menu/menu board must be displayed adjacent to the name or price of the menu item in a type size no smaller than that of the name or price of the menu item, whichever is smaller, with certain color and contrast requirements.
- For menu items that come in different flavors or varieties that are listed as a single item, calorie declarations where there are only two options available must be presented with a slash between the two calorie declarations (e.g., "150/250 calories") or as a range (e.g., "150-300 calories") if there are three or more options.

Calories on Menu Board

Sandwiches or Wrap



¼ lb Patty with Cheese	\$3.49	560 Cal.
½ lb Patty with Cheese	\$4.29	820 Cal.
¾ lb Patty with Cheese	\$5.59	1070 Cal.
½ lb Patty with Bacon	\$5.39	930 Cal.
Mini-Bacon Cheeseburger	\$1.39	370 Cal.
Chicken Wrap	\$1.69	260 Cal.

Salads



Hummus & Chicken Salad	Full Size	\$5.89	470 Cal.
	½ Size	\$3.89	240 Cal.
Bacon & Chicken Salad	Full Size	\$5.89	580 Cal.
	½ Size	\$3.89	300 Cal.
Chicken Caesar	Full Size	\$5.89	710 Cal.
	½ Size	\$3.89	400 Cal.

Or Pair Two



Choose any ½ Size salad and ADD 1 of these options

Chicken Wrap	Small Milkshake
Mini-Bacon cheese burger	Small Chili
Small Fries	Sour Cream & Chive Baked Potato

2,000 calories a day is used for general nutrition advice, but calorie needs vary.
Additional nutrition information available upon request.

Chocolate Milkshakes



Small	\$0.99	350 Cal.
Medium	\$2.19	470 Cal.
Large	\$2.49	590 Cal.

Fries



Small	\$1.59	310 Cal.
Medium	\$1.99	410 Cal.
Large	\$2.39	520 Cal.

Chili



Small	\$0.99	160 Cal.
Large	\$1.99	260 Cal.

Sides



Sour Cream & Chive Baked Potato	\$0.99	300 Cal.
Bacon & Cheddar Baked Potato	\$2.49	470 Cal.



Labeling Create Your Own Pizza

7/7/17-A

CREATE YOUR OWN PIZZA CALORIES ARE LISTED PER SLICE

CHOOSE YOUR SIZE & CRUST

6 SLICES
S

\$9.99

8 SLICES
M

\$11.99

10 SLICES
L

\$13.99

12 SLICES
XL

\$15.99



THIN & CRISPY

PAN

ORIGINAL

CHEESE PIZZA

ORIGINAL	200-240 Cal.
THIN & CRISPY	150-190 Cal.
PAN	260-300 Cal.
GLUTEN FREE - SMALL ONLY	140 Cal.

CHOOSE YOUR SAUCE*



TOMATO SAUCE	10 Cal.
SPICY MARINARA	10 Cal.

WHITE GARLIC SAUCE	30-50 Cal.
BBQ	10-20 Cal.

CHOOSE YOUR TOPPINGS*

S \$1.00

M \$1.50

L \$2.00

XL \$2.25

2,000 CALORIES A DAY IS
USED FOR GENERAL
NUTRITION ADVICE, BUT
CALORIE NEEDS VARY

ADDITIONAL NUTRITION
INFORMATION AVAILABLE
UPON REQUEST

MEATS

BACON	45-60 Cal.
BEEF	40-45 Cal.
CHICKEN	15-20 Cal.
HAM	10-15 Cal.
PEPPERONI	25-35 Cal.
SALAMI	25-30 Cal.
SAUSAGE, ITALIAN	40-50 Cal.

VEGGIES

BANANA PEPPERS	0-5 Cal.
GREEN PEPPERS	0 Cal.
JALAPENOS	0-5 Cal.
FRESH MUSHROOMS	5 Cal.
OLIVES, BLACK	10-15 Cal.
FRESH ONIONS	0-5 Cal.
PINEAPPLE	10 Cal.
RED PEPPERS, ROASTED	0 Cal.
FRESH BABY SPINACH	0 Cal.
TOMATOES	5 Cal.

*ADDED CALORIES FOR 1 TOPPING PIZZA

String Format for Labeling

Create Your Own Pizza



7/7/17-B

CREATE YOUR OWN PIZZA

CALORIES ARE LISTED PER SLICE

CHOOSE YOUR SIZE & CRUST

			
\$9.99	\$11.99	\$13.99	\$15.99



THIN & CRISPY

PAN



ORIGINAL

CHOOSE YOUR SAUCE*



CHEESE PIZZA
 ORIGINAL (200-240 Cal.), THIN & CRISPY (150-190 Cal.),
 PAN (260-300 Cal.), GLUTEN FREE† (140 Cal.)
 †ONLY AVAILABLE IN SMALL

TOMATO SAUCE (10 Cal.), SPICY MARINARA (10 Cal.), WHITE GARLIC SAUCE (30-50 CAL.), BBQ (10-20 Cal.)

CHOOSE YOUR TOPPINGS*

			
\$1.00	\$1.50	\$2.00	\$2.25



MEATS
 BACON (45-60 Cal.), BEEF (40-45 Cal.),
 CHICKEN (15-20 Cal.), HAM (10-15 Cal.),
 PEPPERONI (25-35 Cal.), SALAMI (25-30 Cal.),
 ITALIAN SAUSAGE (40-50 Cal.)

VEGGIES
 BANANA PEPPERS (0-5 Cal.), GREEN PEPPERS (0 Cal.),
 JALAPENOS (0-5 Cal.), FRESH MUSHROOMS (5 Cal.),
 BLACK OLIVES (10-15 Cal.), FRESH ONIONS (0-5 Cal.),
 PINEAPPLE (10 Cal.), ROASTED RED PEPPERS (0 Cal.),
 FRESH BABY SPINACH (0 Cal.), TOMATOES (5 Cal.)

2,000 CALORIES A DAY IS USED FOR GENERAL NUTRITION ADVICE, BUT CALORIE NEEDS VARY
 ADDITIONAL NUTRITION INFORMATION AVAILABLE UPON REQUEST

*ADDED CALORIES FOR 1 TOPPING PIZZA

Labeling Variable Menu Items

SOUTHWESTERN EATERY AND GRILL

Authentic recipes from Mexico

ENCHILADAS

Platters have 2 enchiladas and served with your choice of 2 sides

Cheese Enchilada	6.50	Cal. 640 - 1000
Chicken Enchilada	7.95	Cal. 600 - 960
Beef Enchilada	7.95	Cal. 700 - 1060
Beef and Chicken Enchilada	7.95	Cal. 650 - 1010

SIDES

Black Beans	1.99	Cal. 120
Refried Beans	1.99	Cal. 260
Mexican Rice	1.99	Cal. 100
Guacamole	1.99	Cal. 80
Sweet Corn Cake	1.00	Cal. 240
Side Salad w/ Dressing	2.99	Cal. 110 - 260

TACOS

Beef Tacos (Soft or Hard Shell)	6.50	Cal. 580 / 620
Chicken Tacos (Soft or Hard Shell)	7.00	Cal. 730 / 770
Fried Fish Tacos (Soft or Hard Shell)	7.00	Cal. 620 / 660
Shrimp Tacos (Soft or Hard Shell)	9.00	Cal. 680 / 720

DRINKS

Try one of our Fresh Homemade Margarita

House Style Margarita	7.99	Cal. 600
Cadillac Margarita	10.00	Cal. 720

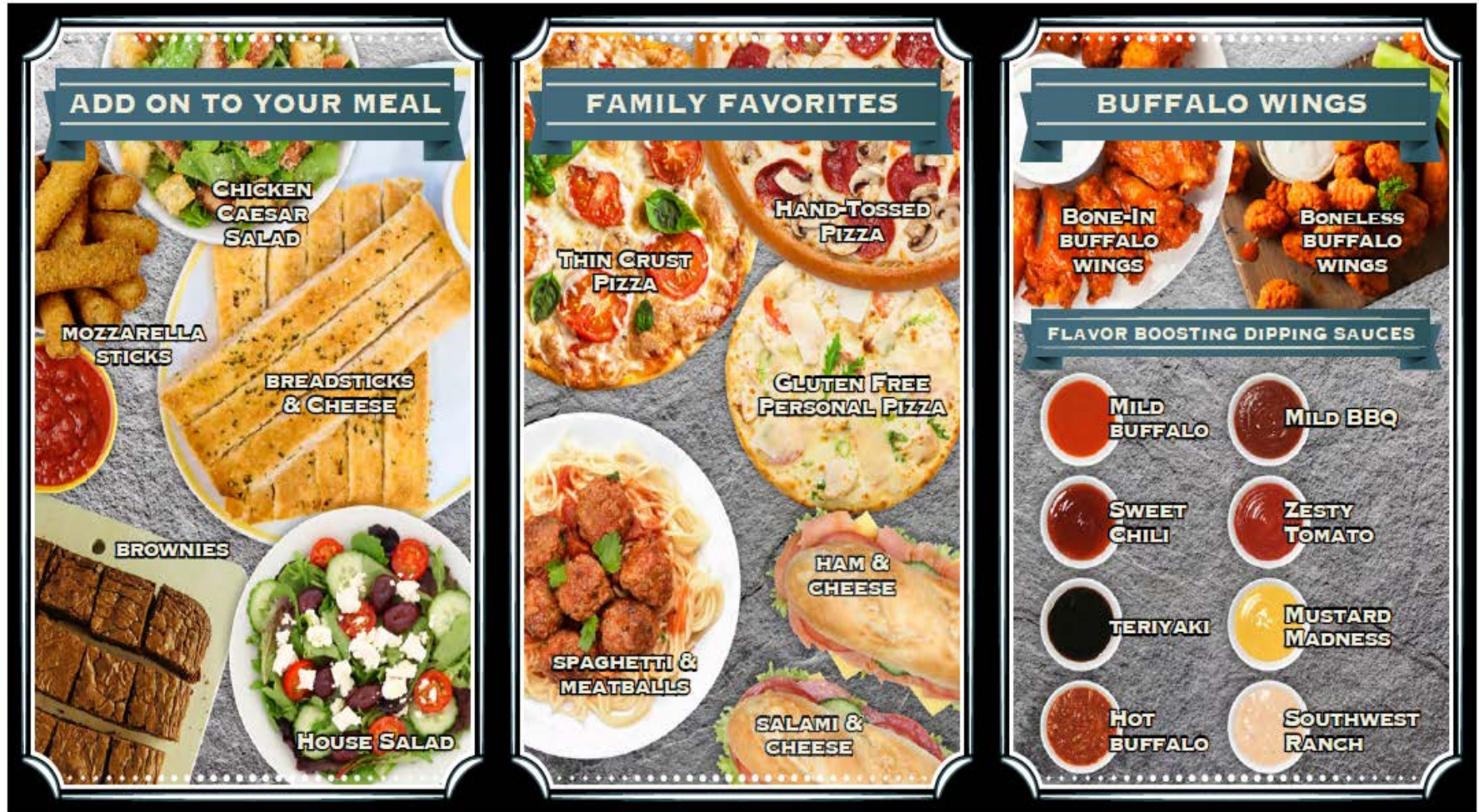
2,000 calories a day is used for general nutrition advice, but calorie needs vary.

Additional nutrition information available upon request.

Example of Labeling In-store Ordering Tablet or Kiosk



Example of a Marketing Board* That Does Not Require Calorie Labeling



*does not meet the definition of a menu or menu board

Self-Serve Foods and Foods on Display



- Self-service food means restaurant-type food that is available at a salad bar, buffet line, cafeteria line, or similar self-service facility, including self-serve beverages and that are served by customers themselves.
- Foods on display means restaurant-type food that is visible to the customer before the customer makes a selection, so long as there is not an ordinary expectation of further preparation by the consumer before consumption (e.g. ice cream, bagels, donuts on display behind a glass counter).
- Must have a sign(s) near the food with the number of calories per serving or per item
 - “300 calories per muffin”
 - “200 calories per scoop of potato salad”
 - “140 calories per 12 fluid ounces (small)”

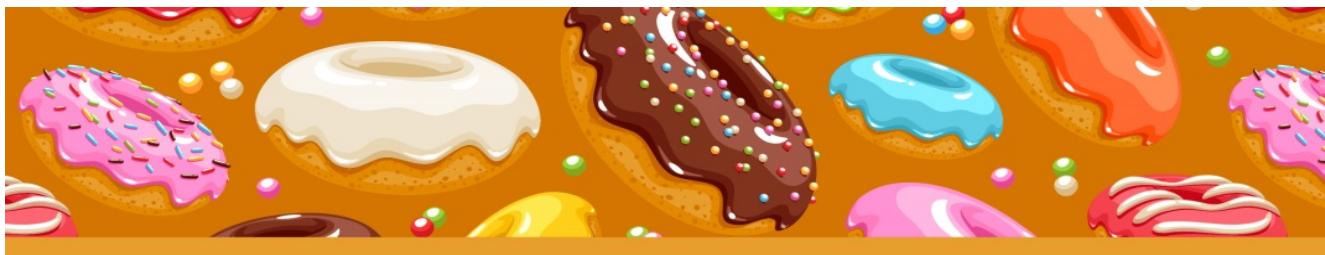
Declaring calories for self serve food



Declaring calories for multiple self-service items on a single sign

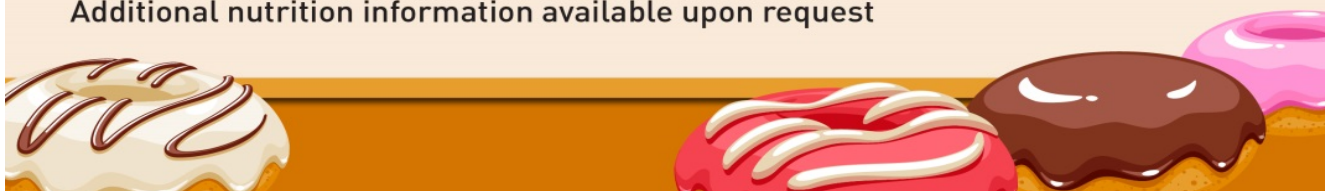


Close-up Example of Sign



Donut	Calories
Boston Cream	320 Cal.
Cake Donut	290 Cal.
Chocolate Frosted Donut	280 Cal.
Donut with Sprinkles	290 Cal.
Glazed Chocolate Croissant Donut	320 Cal.
Glazed Croissant Donut	310 Cal.
Glazed Crumb Donut	380 Cal.
Glazed Donut	260 Cal.
Jelly Filled Iced Donut	300 Cal.
Powdered Donut	320 Cal.

2,000 calories a day is used for general nutrition advice, but calorie needs vary
Additional nutrition information available upon request



Examples of Labeling Grab-and-Go Foods Using Front-of-Pack Stickers





Foods That Are Exempt from Labeling

- Custom Orders
 - A food order that is prepared in a specific manner based on an individual customer's request, which requires a deviation from the usual preparation of a standard menu item
- Daily Special
- Temporary menu item
 - Foods that appear on a menu or menu board for less than a total of 60 calendar days per year
- General use condiments
 - Condiments that are available for general use, e.g., flasks of pancake syrup on the table
- Foods that are not on a menu/menu board and are not on display or self serve
- Foods that are part of a customary market test
 - Food that appears on the menu or menu board for less than 90 consecutive days

Succinct Statement

- To enable consumers to understand, in the context of a total daily diet, the significance of the calorie information provided on menus and menu boards

“2,000 calories a day is used for general nutrition advice, but calorie needs vary”

- Optional statements for use on children’s menus and menu boards
- Type size no smaller than the smallest calorie declaration appearing on the same menu or menu board, with certain color and contrast requirements
- Must appear on the bottom of each page of a multi-page menu and the bottom of a menu board, above, below or beside the Statement of Availability

Written Nutrition Information

Statement of Availability



- The statement "Additional nutrition information available upon request" is required on menus and menu boards
- For menus, it is required on the first page of the menu with menu items listed either above, below or beside the Succinct Statement
- For menu boards it must appear on the bottom of the menu board either above, below, or beside the Succinct Statement
- Can be on signs, posters, tray liners, counter cards, handouts, binders, kiosks, or computer, as appropriate

Written Nutrition Information (Continued)



- Written nutrition information must include the nutrients that are currently required in the Nutrition Facts label on packaged foods (except vitamins and minerals)
 - Total calories
 - Total fat
 - Saturated fat
 - Trans fat
 - Cholesterol
 - Sodium
 - Total Carbohydrate
 - Dietary Fiber
 - Sugars
 - Protein

Examples of Succinct Statement and Statement of Availability on Menu Board

SANDWICH		Whole Serving		Pick 2
	Turkey Breast	\$5.89	560 Cal.	280 Cal.
	Tuna Salad	\$5.89	660 Cal.	330 Cal.
	Ham and Swiss	\$5.89	730 Cal.	370 Cal.
	Chicken Salad	\$6.89	700 Cal.	350 Cal.
SOUP		Bread Bowl	Bowl	Cup
	Broccoli Cheddar	\$5.39	\$4.39	\$3.69
	Chicken Noodle	900 Cal.	360 Cal.	230 Cal.
	New England Clam Chowder	780 Cal.	160 Cal.	110 Cal.
	Chicken and Rice	1040 Cal.	570 Cal.	370 Cal.
		840 Cal.	260 Cal.	180 Cal.
SALAD				
	Caesar	\$5.49	320 Cal.	160 Cal.
	Greek	\$5.89	400 Cal.	200 Cal.
	Apple and Chicken	\$7.29	570 Cal.	280 Cal.
	Southwest with Chicken	\$7.49	650 Cal.	320 Cal.
Pick 2	½ Sandwich • ½ Salad • Cup of Soup			\$6.79
2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.				

Examples of Succinct Statement and Statement of Availability for Self-Service Foods



Compliance and Enforcement



- We plan to work cooperatively with covered establishments to help them come into compliance. We plan to continue with education and outreach during the first year of implementation.
- FDA website provides resources and educational tools for the industry
 - Guidance documents
 - Industry educational modules
 - Fact sheets
 - Email box for complaints
- Compliance plan on website shortly outlines strategy for compliance and enforcement.

Compliance and Enforcement (Continued)

- Allow establishments a reasonable opportunity to make corrections for minor violations
- Any enforcement activities we pursue will be consistent with our public health priorities.
- The potential enforcement tools for menu labeling are the same as for other misbranding actions under the FD&C Act.

