

Menu Calorie Labeling Rule Effective May 7

Rule covers chains with 20 units including food service companies

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The twice-delayed Food and Drug Administration requirement that menus in multi-unit restaurants include calorie counts will become effective on May 7 this year, the FDA has announced.

The rule covers any “chain with 20 or more locations, doing business under the same name [and] offering for sale substantially the same menu items.” This requirement covers all but the smallest food service contractors and many large university campuses, with 20 or more dining service outlets.

Originally scheduled to take effect January 1, 2016, implementation was rescheduled to May 2017, then delayed again to this May.

Some Operators Already Comply

The postponement last May was made shortly before the deadline for compliance, so most food service companies already had their program in place and have been in voluntary compliance ever since.

A calorie labeling information document issued January 4, 2018 (fda.gov/food/ingredientspackaginglabeling/labelingnutrition/ucm43-6722.htm) lists the requirements, unchanged since published in 2016 (*Dining Insights*, Summer 2016).

Information Required for standard menu items

- Total calories
- Calories from fat
- Total Fat
- Saturated fat
- Cholesterol
- Sodium
- Total carbohydrates
- Dietary fiber
- Sugars
- Protein

What to Post and Where

As reported in the Summer 2016 *Insights*, the calorie labeling requirement applies to any “standard menu item” however offered – served, prepared to order or self-service (e.g., a salad bar). The calorie values must appear next to the name or price of the item.

For self-service foods and foods displayed that are not listed on the menu, the information must be posted “in close proximity and clearly associated with the standard menu item,” the FDA’s guidance says. Menus mean any form of listing of foods offered, including kiosk ordering stations and through an app or an online menu.

Menus also must include the statement:

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

Nutrition Info

The additional nutrition information must be made available to customers “by counter card, sign, poster handout, booklet, loose-leaf binder, menu, electronic device or similar means,” the guideline says. In addition, if the menu makes a nutrition claim for an item, such as “low fat” or “high in vitamin C”, the nutrient basis for the claim must be included.

Vending Rules

Similar rules apply to any operator of 20 or more vending machines. Glass-front machines must post the calorie lists on or near the displayed food item, including foods like fresh packaged sandwiches and salads and fresh fruits like apples. The operator’s contact information also must be posted on each machine.

The implementation date for vended products, including labeling of gum, mints and roll candy, is July 26. The vending operator is responsible for compliance, not the host organization.

Getting Ready

The labeling rules were developed in 2015, published in 2016 and postponed for a year shortly before last May's intended implementation date.

There's been enough time to prepare, but time flies. It would be wise to ask your food service operator now about its plans for implementing the new requirements and ensuring their postings meet the requirements before May's deadline.

Where to Find Rules

The FDA has the authority to enforce its rules and says it "intends to work with state and local authorities to ensure that implementation and enforcement . . . are uniformly applied." The full requirements may be viewed at www.fda.gov/food/guidanceregulations.

Clarion can help ensure compliance with the new rules and let you know how well your dining service is performing overall. To discuss the value we can bring to your services, call Tom Mac Dermott at 603/642-8011 or Ted Mayer at 617/875-7882, or e-mail us at info@clariongp.com