

# 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.
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.
Or Pair Two			
	Choose any ½ Size salad and ADD 1 of these options		\$5.59
	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.





# Labeling Create Your Own Pizza

7/7/17-A

## CREATE YOUR OWN PIZZA CALORIES ARE LISTED PER SLICE

### CHOOSE YOUR SIZE & CRUST

<b>6 SLICES</b> <b>S</b> \$9.99	<b>8 SLICES</b> <b>M</b> \$11.99	<b>10 SLICES</b> <b>L</b> \$13.99	<b>12 SLICES</b> <b>XL</b> \$15.99
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### 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.	WHITE GARLIC SAUCE	30-50 Cal.
SPICY MARINARA	10 Cal.	BBO	10-20 Cal.

### CHOOSE YOUR TOPPINGS\*

<b>S</b> \$1.00	<b>M</b> \$1.50	<b>L</b> \$2.00	<b>XL</b> \$2.25
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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

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† (140 Cal.)

†ONLY AVAILABLE IN SMALL

#### 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



#### 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.

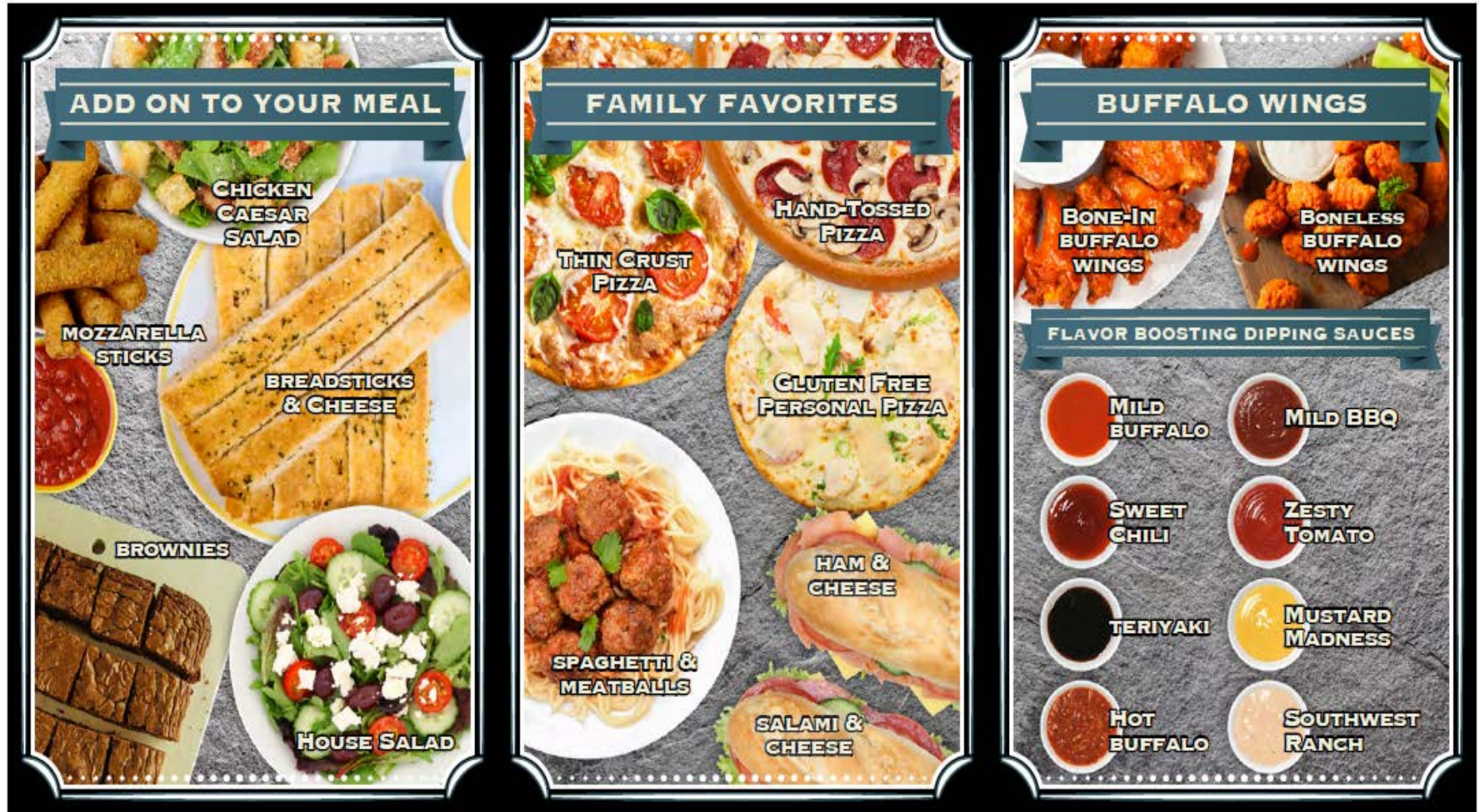
Additional nutrition information available upon request.

# 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



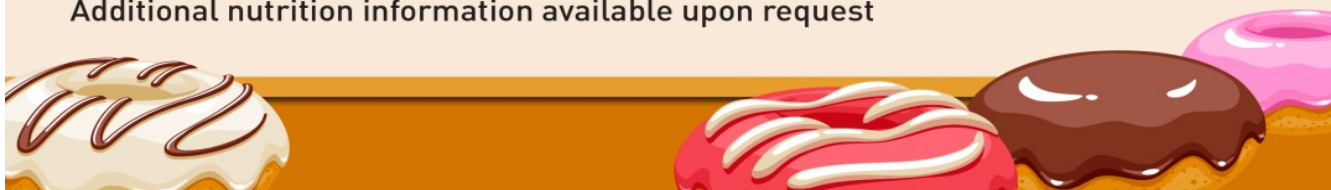


# Close-up Example of Sign



<b>Donut</b>	<b>Calories</b>
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



<b>SANDWICH</b>		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.
<b>SOUP</b>		Bread Bowl	Bowl	Cup
		\$5.39	\$4.39	\$3.69
	Broccoli Cheddar	900 Cal.	360 Cal.	230 Cal.
	Chicken Noodle	780 Cal.	160 Cal.	110 Cal.
	New England Clam Chowder	1040 Cal.	570 Cal.	370 Cal.
Chicken and Rice	840 Cal.	260 Cal.	180 Cal.	
<b>SALAD</b>				
	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.
<b>Pick 2</b>	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.

