

## NEW RULES FOR NUTRITION FACTS

### Get answers to common questions about our Restaurant Menu Labeling Services.

#### To whom does the new federal requirement apply?

The law applies to restaurants with 20+ locations with the same name (regardless of ownership) that offer "substantially the same" menu items. It also applies to vending machine operators and "similar retail food establishments that serve restaurant-type food." Examples of covered entities include quick service and sit-down restaurants, food take-out facilities, pizza delivery establishments, food facilities in entertainment venues (e.g., movie theaters, bowling alleys), cafeterias, coffee shops, convenience stores, grocery stores and superstores. The rule excludes schools and food facilities without fixed sites such as mobile food trucks, trains and airplanes.

#### When is the deadline for compliance?

Compliance is required by December 1, 2016 for vending machine operators\* and May 5, 2018 for restaurants and similar retail food establishments. \*Exception: the compliance date for certain products sold in glass-front vending machines has been extended until July 26, 2018 to coincide with the compliance date for new nutrition labeling requirements on packaged products.

#### What do I have to do to comply?

Compliance for restaurants requires that printed menus and menu boards include:

1. Calorie disclosure next to "standard menu items" in the same size and prominence as the price of the menu item
2. A statement about suggested daily caloric intake (i.e., 2000 calories a day is used for general nutrition advice, but calorie needs vary)
3. Notification that other nutrition information is available on request

Compliance for vending machines requires that calorie information is posted in close proximity to the food item or selection button: in, on, or adjacent to the vending machine.

#### Does the same requirement apply to menu boards (whether in the restaurant or at the drive-thru)?

Yes. Calories must also be disclosed on menu boards for "standard menu items," along with the statement about suggested daily caloric intake and availability of additional nutrition information on request.

#### What other information will I have to make available on request?

The additional nutrients included in the final rule for restaurants are: calories from fat, total fat, saturated fat, trans fat, cholesterol, sodium, carbohydrates, dietary fiber, sugars and protein.

#### What constitutes a "standard menu items"?

Standard menu items are offered for sale at least 60 days per calendar year. Daily specials, custom orders and limited-time test market items (fewer than 90 consecutive days) are exempt.

#### Does the requirement also include food allergens?

No. Many restaurants voluntarily choose to provide information on the "Big 8" allergens (milk, eggs, wheat, soybeans, peanuts, tree nuts, fish, shellfish) in brochures and on websites for consumer use.

#### How do I get the calorie counts and other nutrition information for my menu items?

Based on our database nutrition analysis of your menu items (or your own lab analysis), we prepare a Nutrition Guide for your menu that you may use at point of sale, in printed material, and online to satisfy consumers' requests for additional nutrition information.

#### How much will it cost?

Project fees vary depending on the number of menu items and portion sizes. [Contact us](#) for a quote.

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### **Where can I access the law that requires labeling for restaurants and vending machines?**

This provision is included in the Patient Protection and Affordable Care Act, Section 4205, Page 455. You can access it [here](#).

### **Where can I access the final rules?**

For the final rule affecting restaurants click [here](#).

For the final rule affecting vending machines click [here](#).

### **How can I stay informed on the specifics of the FDA regulations and compliance requirements of the new law?**

[Subscribe to Food Label News](#), a free monthly email publication by Food Consulting Company on what matters in food labeling.

### **Can I get started right away?**

Yes, please [contact us](#).