

Require Menu Labeling at Chain Restaurants

Position

The Kentucky Diabetes Network Inc. and the American Diabetes Association support legislation which would require chain restaurants that have 20 or more stores in the U.S. to list calorie information on menus, inside menu boards and at drive through windows and require information on saturated and trans fat, sodium and carbohydrate be made available at cash registers for customers who request it.

Rationale

The 1994 Nutrition Labeling and Education Act requires that packaged foods have nutrition information on the label. Currently there are no requirements that fast food restaurants provide any nutrition information to consumers.

- Approximately 50% of America's food expenditures go for foods consumed outside the home. Americans spent \$16.8 billion dollars on fast food in 2008.
- People eat more calories when they eat out. Adults eating at fast food restaurants consume 205 more calories/day than those who do not eat out.
- Fast food intake is associated with increased body weight.
- 78% of Americans say they use nutrition labels on packaged foods. 48% of these people say the labels prompt them to make healthier selections.
- Consumers have a right to information. Stickers with miles per gallon on car windows, signage with estimated annual energy use on appliances, and tags with care instructions on clothing are examples of providing product information in a user friendly manner.
- 65% of sales at fast food restaurants are at drive through windows. Adding calories to the drive through menu boards has proven to work well in other places.
- Nine out of ten people underestimate calories in fast food menus by an average of more than 600 calories. Even experienced nutritional professionals underestimated fast food by 200-600 calories.
- The calorie levels of many fast food items are counter-intuitive. Most people don't know that a large chocolate shake at McDonalds has more calories than two Big Macs or that Country Fried Steak and Eggs at Denny's has half the calories of the French toast.
- Nutrition information is not easily accessible. In a study of the 300 largest chain restaurants, 46% did not make nutrition info available to customers.
- Menu labeling affects ordering. People tend to order fewer calories when calories are posted.
- A majority of consumers in national polls, 62% -87%, said they support requiring restaurants to post nutrition information.
- Providing calorie information at the point of purchase helps consumers take personal responsibility for their food choices.
- Menu labeling provides chain restaurants an incentive to add a wider range of healthy choices.
- A Health Impact Assessment done in Los Angeles found that mandated menu labeling could have a sizable impact on the obesity epidemic, even with only modest changes in consumer behavior.

Background

In the 2008 legislative session, Sen. Denise Harper Angel introduced the MEAL (Menu Education and Labeling) Act. It was not passed. She proposed a similar bill in the 2009 session. Two identical bills have been introduced in the House and Senate for the 2010 session, Senate Bill 86 introduced by Senator Angel, <http://www.lrc.ky.gov/record/10RS/SB86.htm> and House Bill 246 introduced by Representative Kelly Flood, <http://www.lrc.ky.gov/record/10RS/HB246.htm>. **See the back of this page for descriptions of these two "companion" bills.**

Seventeen states introduced menu labeling legislation in 2007 and 2008. California passed menu labeling laws in 2008, as did five cities: Seattle, Portland, Philadelphia, New York City and Westchester County, NY. California requires the number of calories to be posted on menu boards. Printed menus show the number of calories, grams of saturated fat, trans fats, sodium and carbohydrates.

Adapted by KDN Inc. from: *Shaping Kentucky's Future: Policies to Reduce Obesity, 2009.*

[SB 86](#) (BR 286) - [D. Harper Angel](#)

AN ACT relating to restaurant display of caloric information.

Create new section of KRS 217.280 to 217.390 to define "food facility," "nutrient content disclosure statement," "drive-through," "menu board," "point of sale," and "standard menu item"; require food service establishments identified with chain restaurants and having 20 or more locations in the United States to provide a nutrient content disclosure statement for all food and drink items sold on menus and menu boards; permit food service establishments to provide additional nutrition information; amend KRS 217.990 to establish that violators shall be fined no less than \$100 and no more than \$1,000 for each violation; establish a delayed effective date July, 1 2011.

Jan 13-introduced in Senate

Jan 14-to Agriculture (S)

[HB 246](#) (BR 292) - [K. Flood](#), [D. Graham](#)

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