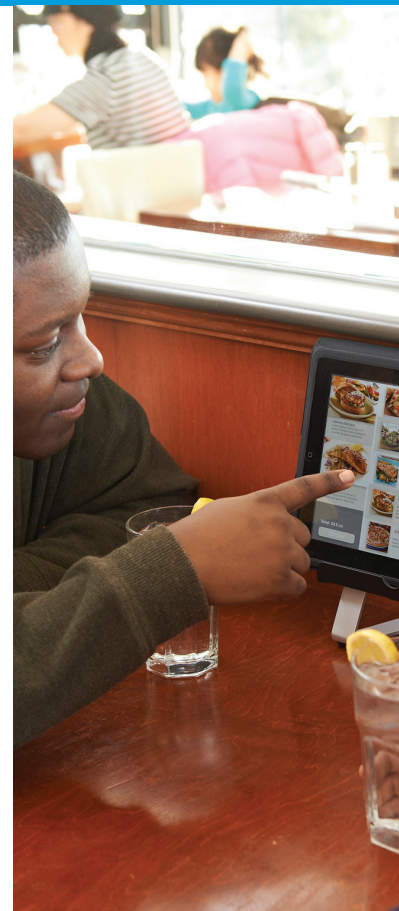


Menu Labeling Compliance

GUIDELINE



Menu Labeling Overview

Who's covered?

The menu labeling regulations apply to **restaurants and similar retail food establishments that are part of a chain of 20 or more locations doing business under the same name** and offering for sale substantially the same menu items. These establishments must post calorie information for many food items on their menus in a consistent manner nationwide, and make other nutrition data available in writing, upon request.

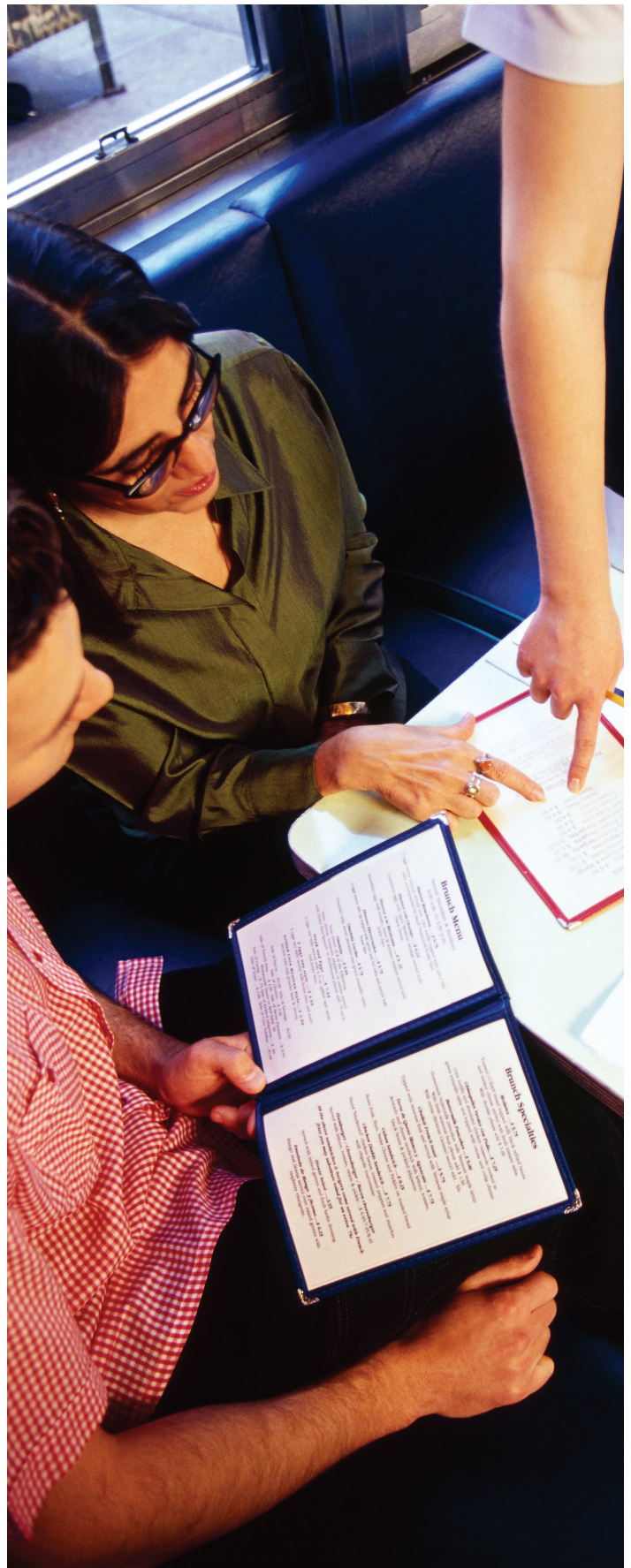
When do I need to comply?

Covered establishments should be already complying given that May 7, 2018, was the compliance date for the menu labeling regulations. However, during the first year of implementation, the FDA is focusing on education and outreach and working cooperatively with establishments to help them comply with the menu labeling regulations. **We anticipate FDA will begin enforcement on May 7, 2019.**

What food and beverages need to be labeled?

Covered establishments must **disclose the number of calories contained in standard items on menus and menu boards**. Standard menu items are those that are any permanent menu item (seasonal items shown for less than 60 days and test items for sale for fewer than 90 consecutive days in order to test consumer acceptance are exempt).

Foods that are generally covered include: standard menu items including alcoholic beverages, combination meals, variable menu items, food on display, self service food and beverages. Foods that are generally not covered include: daily specials, temporary/seasonal food, and food that is part of a customary market test.





What nutrition information must I provide?

Covered establishments are required to:

1. **Disclose calorie information** on menus and menu boards for standard menu items;
2. **Post a succinct statement concerning suggested daily caloric intake on menus and menu boards** that says, “2,000 calories a day is used for general nutrition advice, but calorie needs vary.”
3. Post on menus and menu boards a statement that **written nutrition information is available upon request.**

What should the succinct statement look like?

- The statement **must appear on the bottom of each page of the menu and on the bottom of the menu board**, immediately above, below, or beside the statement regarding the availability of the additional nutrition information.
- The **type size should be no smaller than the smallest type calorie declaration** appearing on the same menu or menu board, with certain color and contrast requirements.
- There are **optional substitute statements for use on children’s menus** and menu boards

The number of calories contained in each standard menu item listed on the menu or menu board must be listed:

- **Next to the name or the price** of the associated standard menu item;
- **In a type size no smaller than that of the name** or the price of the associated standard menu item, whichever is smaller;

- **In the same color**, or a color at least as conspicuous as that used for the name of the associated standard menu item; and
- **With the same contrasting background** or a background at least as contrasting as that used for the name of the associated standard menu item

The final rule requires that the following written nutrition information for standard menu items be provided to consumers upon request:

- Total calories,
- Calories from fat,
- Total fat,
- Saturated fat,
- Trans fat,
- Cholesterol,
- Sodium,
- Total carbohydrates,
- Fiber,
- Sugars, and
- Protein

In addition, calorie information must be declared on signs adjacent to foods on display and self-serve foods that are standard menu items.

How do I determine the nutrition information?

Covered establishments must have a **reasonable basis for nutrient information for standard menu items**. A reasonable basis may include: nutrient databases, lab analysis, Nutrition Facts labels, cookbooks, and other reasonable means. Upon request, restaurants will have 4-6 weeks to supply FDA information to substantiate nutrient values.

Please note:

Please note this is a general overview. The specifics are indicated throughout the rule on labeling of combination meals, how to manage various sizes and different options, how to handle addition of various toppings, how to label self-service beverage machines, how to manage catering menus, and more. Please see final rule for full and specific regulatory requirements.

What documentation do I need?

Restaurants or similar retail food establishments must provide to FDA, upon request, within a reasonable period of time, (4-6 weeks), certain documentation including:

- **Information substantiating nutrient values** including the method and data used to derive these nutrient levels
- **Information confirming the covered establishment** has taken reasonable steps to ensure the method of preparation and amount of standard menu items adhere to the factors on which its nutrient values were determined
- **Information verifying employee training** on consistent procedures and processes for recipe development and restaurant practices occurred

Are there other things I should be thinking about?

Looking ahead restaurants should consider:

- **Identify who will be responsible** for menu labeling in an ongoing fashion
- **Identify the process** for new menu items or when reformulations or ingredients change to ensure accurate nutrition information is on the menu/menu board or placard
- **Determine how you will communicate** this information to your employees and customers
- **Continue ongoing training** for current and new staff to ensure procedures are followed

Education

During the first year of implementation, the **FDA has said it will work cooperatively with covered establishments to achieve compliance** with the menu labeling requirements. Please note, FDA has an email mailbox open where complaints of non-compliance are being collected and could be addressed through outreach by the Agency.

Enforcement

Looking ahead, we anticipate the **FDA will release its menu labeling enforcement plans in 2019**. The Association continues to communicate with the Agency and will share this information as soon as it is available.

Industry Resources

The FDA has developed an education module to help industry, regulators, and consumers understand the menu labeling regulations. This online module describes what types of establishments and types of foods are covered by the menu labeling regulations and how to comply. The FDA has also published fact sheets for industry on menu labeling and declaring calories.

- [Menu Labeling Education Module](#)
- [Menu Labeling Main Page](#)
- [Menu Labeling Key Facts for Industry: General Information \(PDF\)](#)
- [Menu Labeling Key Facts for Industry: Declaring Calories \(PDF\)](#)

Additional resources include:

- [Menu Labeling Final Rule](#)
- [Menu Labeling Guidance Part 1](#)
- [Menu Labeling Guidance Part 2](#)
- [Industry Q+A](#)
- [Menu and Vending Machine Labeling Voluntary Registration Form](#)

Questions

Still have additional questions? Contact the National Restaurant Association's Director of Food and Sustainability Policy Laura Abshire at labshire@restaurant.org or contact FDA directly at calorielabeling@fda.hhs.gov.