



Requirements of the Final Rule for Restaurant Menu Labeling

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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



Displaying Calories on Menus and Menu Boards

- The rule does not require a covered establishment to create a new menu or menu board or redesign an existing menu or menu board.
- *If* a column format is used the term “Calories” or “Cal” must appear at the top of the column in a type size no smaller than the name or price of the menu item, whichever is smaller.
- A string format is also acceptable –
 - Example: Grilled Burger - Bibb lettuce, vine-ripened tomatoes, shaved red onions, crisp pickle slices, on a toasted brioche bun. \$xx.xx. Cal: 650



Displaying Calories on Kiosks

- If a covered establishment has a kiosk that consumers can use to order made-to-order subs, we would consider the kiosk to constitute a menu.
- Calorie information should be provided for each item that makes up the sub as that item is displayed for selection on the kiosk
 - E.g., “6-inch wheat bread – 210 Cal”
- Total calorie content may also be provided to the consumer once their order is complete



Are kiosks acceptable to display main NFL info if our establishment doesn't already have them? Additionally, are electronic menu boards acceptable for self-service items in bulk cases, salad bars, and hot buffet lines?

- Kiosks can be used to provide the additional nutrition information
- Calorie labeling will have to be on the menu or with the self-serve food or food on display
- If a kiosk is also used to order the food, then the calorie information can be on the kiosk.
- **Please see our guidance for a discussion on this issue.**
- Electronic menu boards can be used for self-serve foods provided the information is viewable by the customer at the time the food is being selected.



Displaying Calories on Menus and Menu Boards

Example of an order sheet:

6 inch sub, \$5.99 *(please check your selections)*

Bread

- White (xx cal)
- Wheat (xx cal)

Protein

- Turkey (xx cal)
- Ham (xx cal)
- Roast Beef (xx cal)

Vegetables

- Lettuce (xx cal)
- Tomatoes (xx cal)
- Onions (xx cal)

Dressings

- Mayo (xx cal)
- Mustard (xx cal)



Displaying Calories on Menus and Menu Boards

Party Platters

- Platter of Deviled Eggs: 840 Calories
- Platter of Deviled Eggs: 70 cal/deviled egg, 12 deviled eggs
- Mixed Cookie Platter: 3600 calories
- Mixed Cookie Platter: 60cal/cookie, 60 cookies
- 25 Piece Sandwich Platter (select up to 3 sandwich selections)

Sandwich

Wheat Bread/Italian Bread

Turkey

110Cal/120Cal

Roast Beef

120Cal/130Cal

Veggie

80Cal/90Cal

Ham & Cheese

150Cal/160Cal



Displaying Calories on Menus and Menu Boards

Examples:

Variable menu item:

Chicken sandwich (grilled or fried) 350/550 Calories.....\$7.99

Chicken sandwich (grilled/baked/fried) 350-550 Cal.....\$7.99

Combination meal:

Cheeseburger with choice of side salad, or chips.....\$4.79

450/550 Calories

Cheeseburger with choice of side salad, fruit, or chips.....\$4.79

450 – 550 Calories



Nutrition Facts
8 servings per container
Serving size
2/3 cup (55g)

Displaying Calories on Menus and Menu Boards

Sandwich	Cal.	Price
1. Chicken sandwich (grilled/fried)	350/550	\$7.99
2. Chicken sandwich (grilled/baked/ fried)	350-550	\$7.99
3. Soft Drinks	0-130	\$2.79
4. Beverages		\$2.79
– Diet Cola, Diet Lemon-Lime	0	
– Cola	120	
– Fruit Punch	130	
– Lemon-Lime	110	



Displaying Calories on Menus and Menu Boards

Variable menu item example:

Tailgating Bundle (Includes 1 large bag of chips (xx cal), 2 liters of soda (xx-xx cal), 1 package of bakery cookies (24 count) (xx cal), and your choice of 2 large signature subs - \$24.99

Signature subs:

- Bob's BLT (xxcal)
- Italian Cold Cut (xx cal)
- Hot Pastrami (xx cal)
- Veggie (xx cal)



Displaying Calories for Toppings and Multi-serving Foods

- Calorie disclosures for toppings will depend on how the toppings are listed on the menu.
- “Toppings” without listing individual toppings can be declared using a range.
- Individually listed toppings must have specific calorie disclosure, but can be grouped if declaration would be the same.
- Calories for multi-serving foods can either:
 - Be listed for the entire standard menu item or
 - Be listed per individual unit (e.g. slice of pizza) provided the total number of units is included and the menu item is normally prepared and served in discrete units (e.g. whole pizza cut into slices)



Nutrition Facts
8 servings per container
Serving size
2/3 cup (55g)

Displaying Calories for Toppings

ICE CREAM SCOOP: 300 CAL

<u>Toppings</u>	<u>Added cal</u>
Almonds	25
Fudge	50

PLAIN PIZZA PIE: SMALL (12") 500 CAL
* MEDIUM (14") 750 CAL * LARGE (16") 1000 CAL

<u>Toppings</u>	<u>Added cal</u>		
	<u>Small</u>	<u>Med</u>	<u>Large</u>
Pepperoni ...	200	300	400
Sausage	250	350	450
Green Pep- pers	15	20	25



Is there a standard serving size to reference in order to measure calories for something like toppings?

- The calories for each topping listed on the menu or menu board must be declared for the amount of each topping that is included for each size of the menu item as it is normally prepared and offered for sale by the covered establishment.



Calorie Declarations for Self-Serve Foods and Foods on Display

- Must have a sign(s) near the food with the number of calories per serving or per item
- Must include the term “Calories” or “Cal”
- Examples
 - “300 calories per muffin”
 - “250 calories per slice of meatloaf with gravy”
 - “200 calories per scoop of potato salad”
 - “140 calories per 12 fluid ounces (small)”



Calorie Declarations for Self-Serve Foods and Foods on Display

The final rule provides 3 options:

- On a sign adjacent to and clearly associated with the corresponding food
 - Including calories directly on the package of “grab and go” items
- On a sign attached to the sneeze guard
- On a single sign or placard listing the calorie declaration for several food items (so long as it’s located where the consumer can view the information while making their selection)



How do you disclose calories on a salad bar where every customer will take different items?

- The rule and draft guidance provide detail on how the calories can be declared.
- Calories on a salad bar will be per each item on the salad bar and will be based on:
 - the serving utensil
 - common household measure
 - discrete unit



In a self-service donut case where ring donuts are finished with 8 different finishes can you use the Calorie range as a declaration?

- You cannot use a range in this case, but if any of the finishes have the same calories they can be grouped. Or a single sign can be used provided the customer can view the sign while selecting a donut.



Calorie Declarations for Self-Serve Foods and Foods on Display

Packaged food that has a Nutrition Facts Label in accordance with 21 CFR 101.9:

- If the consumer can examine the packaged food, including its label prior to purchasing the food, then additional calorie information would not need to be displayed and other forms of nutrition information (e.g. a pamphlet or binder) are not required
- The statement of availability would not be required if the label provides the additional written nutrition information required



If you choose to put the calories on the package of a grab and go food as well as additional nutrient info, Ex. Calories and sodium, would that item then no longer be exempt from full NFP labeling?

- If you choose to put calories on the package of a grab and go food to meet the menu labeling requirements that item will not lose its exemption from full Nutrition Facts labeling.
- As a part of the final rule, FDA made conforming amendments to 21 CFR 101.9(j)(3) in order to clarify
- If you choose to put additional nutrient information, e.g., a sodium claim on the package, you will lose the exemption and such packages would be required to bear a full Nutrition Facts label.



Other Requirements

- Succinct Statement:
 - “2,000 calories a day is used for general nutrition advice, but calorie needs vary”
 - Optional statements are permitted on children’s menus and menu boards
- The statement “Additional nutrition information available upon request” is required on menus and menu boards
- Additional Written Nutrition Information
 - (e.g. posters, signs, handouts, booklets, computer/kiosk, counter cards)



Determination of the Nutrition Content of Food

- Covered establishment must have a reasonable basis for its nutrient content declarations
- A signed/dated statement is needed to certify that the information contained in the nutrient analysis is accurate and complete
- A signed/dated statement is also needed to certify that the covered establishment has taken reasonable steps to ensure the method of preparation and amount of the standard menu items adhere to the factors on which its nutrient values were determined.



Guidance for Industry: A Labeling Guide for Restaurants and Retail Establishments Selling Away-From Home Foods – Part II (Menu Labeling Requirements in Accordance with 21 CFR 101.11)

- Posted online on April 29, 2016
- Issued in the Federal Register on May 5, 2016
- Finalizes the draft guidance from September, 2015
- Available online at:
<http://www.fda.gov/food/guidanceregulation/guidancedocuments/regulatoryinformation/ucm461934.htm>



Additional questions may be submitted to our menu labeling
inbox at: CalorieLabeling@fda.hhs.gov

Questions?