

Are You Ready for FDA Menu Labeling Regulations?

Don Lear, The Hershey Company Judy Barbe, RD Denise de Zutter, AMC Theatres Rob Warnes, Show Biz Cinemas Jon Muscalo, Legends Hospitality Neely Schiefelbien, Cinema Scene Marketing Doug Starr, Allure Global FDA Menu Labeling Regulations

Are you ready?

Judy Barbe registered dietitian nutritionist



Healthier population

Obesity costs ~\$117 billion

Final regs November 2014

- ~ 900 comments for menu labeling
- ~ 250 for vending

\$388 million to implement

Proposed rules April 2011

Section 4205 of the Patient Protection and Affordable Care Act enacted March 2010



The alarm is set clock is ticking

analyze menu
reprint menus
rebuild menu boards
update websites
develop information delivery points

December 1, 2015 2016 December 1, 2016, vending





F.D.A. pushed deadline back

- additional time is necessary to clarify and facilitate compliance
- "extensive dialogue" with businesses

• expect detailed draft guidance in August



And now...

Back to our regularly scheduled program







WHO? Restaurants and similar food establishments that are:

part of a chain with 20 or more locations
doing business under the same name
offering substantially the same menu items
selling "restaurant-type" food
food that is usually eaten on site and intended for immediate consumption



That includes...

• Sit-down, fast-food restaurants, coffee shops • Take-out and delivered foods, such as pizza • Foods purchased at drive-through windows • Foods you serve yourself from a salad bar or buffet • A muffin on display at a bakery • A sandwich ordered from a grocery store menu • A scoop from ice cream shop Popcorn purchased at movie theaters and amusement parks



WHAT? Post on menu and menu boards:

access it

 calories for standard items (includes combo meals) calories on signs adjacent to foods on display and self-service foods o succinct statement suggesting daily caloric intake statement of availability – written nutrition information is available upon request o nutrition info in a written form, upon request o pamphlet, IPad, 3-ring notebook, kiosk that links to website • employees should know where to direct guests to



Menus and menu boards

- anywhere the name and price of the menu item is posted and can be used to place an order by the customer
 - Specialty menus, dessert, drink
 - Drive-through menu boards
 - Printed/Electronic menus



Exempt
custom orders
daily specials
consumer acceptance test up to 90 days
temporary items, run less than 60 days
general use condiments
foods not on menu



Beverages

 not self serve, calories based on the full volume of the cup served without ice, unless...

 you ordinarily sell a standard beverage fill or dispense a standard ice fill, then declare calories based on that standard fill

 self-serve: calories accompanied by "fluid ounces" and, if applicable, the description of the cup size (small, medium)



Alcohol?

YES, if on menu
NO, if on display
wine on racks
bottles behind bar
special order





Succinct Statement

2,000 calories a day is used for general nutrition advice, but calorie needs vary

 Must appear on the bottom of each page of multipage menu and the bottom of the menu board, above, below, or beside the Statement of Availability

Optional statements are permitted on children's menus



5K: 300 cal

Statement of Availability

Additional nutrition information available upon request

- o required on menus and menu boards once
- must include the macronutrients currently required in the Nutrition Facts label on packaged goods
- o prominent, clear, and conspicuous
- "...be posted prominently and in a clear and conspicuous manner in a type size no smaller than the smallest type size of any calorie declaration appearing on the same menu and in the same color or in a color at least as conspicuous as that used for the caloric declarations, and with the same contrasting background or a background at least as contrasting as that used for the caloric declarations."



Nutrient declarations

may come from a variety of sources

o suppliers

nutrient databases

- laboratory analysis
- Nutrition Facts labels on packaged goods
- cookbooks

o and other reasonable means

EXPECTATION "reasonable basis" for nutrient declarations

 must provide information substantiating the calorie claims upon request from the FDA





Food Labeling: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments

Submit questions... Menu Labeling CalorieLabeling@fda.hhs.gov

Vending Machine Labeling CalorieLabelingVend@fda.hhs.gov



Two you don't want to meet



David Ross, ABC





Don't be the headline

Looking for a story article, blog, tweet, TV expose



• The point of all this is healthier Americans.

- Expected story difference between calories posted and calories found by investigator
- Most likely?
 - highest and lowest calorie items on your menu



Top 3 communications strategies

Have a plan
 Choose a spokesperson
 Showcase your solutions



Have a plan

A strong platform helps you back up your claim

- Work with suppliers to create body of data
- Create product specs to limit variability
- Set up system to communicate changes
 - o ingredients, recipes, yields, products
- Standardize recipes to minimize error
 - A few extra croutons or a heavy hand on the dressing changes the calories
- "Secret shop" your store to test products and portions
 - Use to retrain on prep and portion control



Choose a spokesperson

ONE VOICE yields strongest communications
 ONE VOICE means everyone speaks the same message

WHO will speak on the company's behalf?
 If you're IT, what happens when you're out of the office?

- Prepare your spokesperson with talking points to be easily understood
 - Tell your dad
 - No jargon or gobbledygook
- Avoid a "clean up on aisle 2"
 - Damage control if employees don't follow protocol
 - Communicate policy to all employees. Then remind them!



Showcase your solutions

- The better employees are in assisting guests, the better you look.
- Staff should know where to find nutrition information and how to direct guests to it.
 - Identify "lighter" menu options for guests watching their calories
 - Steer those with food allergies or intolerances to safe options
 - Know which items are vegetarian

Solutions increase sales by filling the customer's need



Are you part of the problem or part of the solution?

Review, reformulate, resize
use lower fat cheese, sour cream, or Greek yogurt
offer baked chips rather than fried
resize item or reduce container size
"by decreasing the size of the meal, you save X calories"

Even a few examples on your menu points to being part of the solution



Words to use

 "Many people consider a movie to be a special occasion, so they may adjust their eating habits and activity throughout the week if they want to splurge on something."

 "Thank you for pointing that out, I will add my that to my investigation of my own restaurants which I do on a regular basis. "



Next steps

- FDA is looking for a "good faith effort"
- 2015 focused on education
- NAC, it's members, and affiliated trade groups working toward solutions
 - NATO conducted venue tours to educate FDA on how the law impacts theatre owners
 - Session at CinemaCon 2015
 - Article NAC, BoxOffice Pro, ShowTime



n food-service operations. The destination is to have a healthier population The clock is ticking to reprint menus, rebuild menu ooards, update websites, and develop on-site inform tion-delivery points. December 1, 2015, is the effective date for implementation. The seemingly short deadline ARE YOU PREPARING FOR MENU

LABELING? The clock is ticking

by Judy Barbe Registered Dictitian

attended the National Association of Conssionaires (NAC) and National Association of Theatre Owners (NATO) sponsored session. The How-to Guide for Compliance with the FDA Menu-Labeling Regulations, heard the alarm.

rie-rich culorits

Speed bump!

Along with other panelists, the Food and Drug Administration's (FDA) general health scientist, Clau dine Kavanaugh, PhD, reviewed the FDA food-service nenu-labeling requirements that are to be impleme by the end of the year

Because of Section 4205 of the Patient Protection and

balances the industry's need to make it

happen with the public health need for the

information. As Americans eat more food

away from home, this is part of the global

effort to help consumers identify the calo-

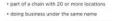
At the recent CinemaCon 2015 confer

ence in Las Vegas, slot machines weren't the

only bells ringing. Food-service operators,

concessionaires, and theater owners who

Who



· offering substantially the same menu items selling "restaurant-type food," which means food that is usually eaten on the premises, food: that are self-serve and intended for immediate



Those businesses that meet the criteria above must do the following:

 disclose calorie information on menus and menu boards for standard menu items (including combo meals)

· disclose calorie information on signs adjacent to foods on display and self-service foods that are standard menu items

· post a succinct statement concerning suggester daily caloric intake on menus and menu boards to help consumers put the information in the context of their daily diet on menus and menu boards. such as. "2.000 calories a day is used for general nutrition advice, but calorie needs vary'

 provide nutrition information upon request in a written form such as a pamphlet, iPad, three-ring notebook, or a kiosk that links to your websit

· post on menus and menu boards a statement that written nutrition information is available upor request; employees should know where to direct



NAC Webinar

• Claudine Kavanaugh, FDA

- NAConline.org
- Slides and recording







Thank you

Submit questions...

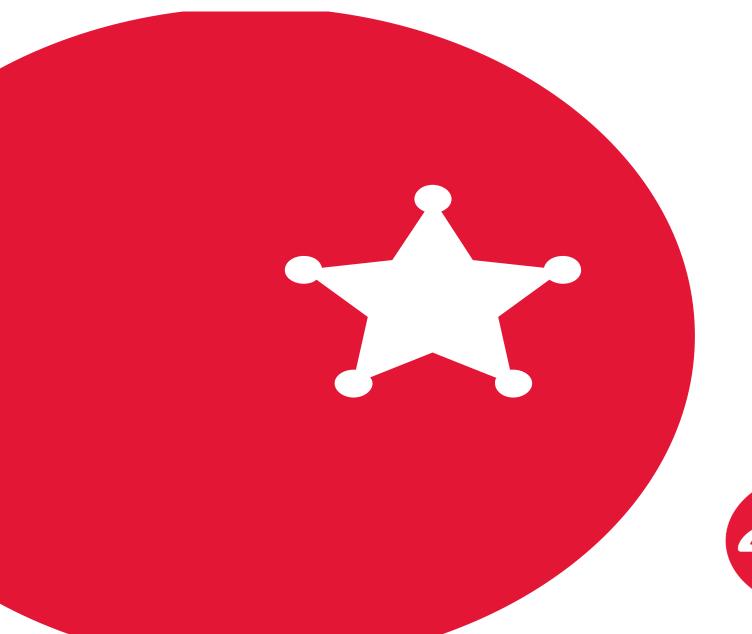
Menu Labeling CalorieLabeling@fda.hhs.gov

Vending Machine Labeling CalorieLabelingVend@fda.hhs.gov



www.LiveBest.info

*EMAIL Judy@LiveBest.info



AMC & Menu Labeling

NAC Concession & Hospitality Expo - 2015



AMC FAQs

- AMC operates 347 theatres with 4,972 screens across the United States
- We serve approximately 200 million guests each year with industry-leading guest satisfaction ratings
- AMC's food & beverage operations, including our dine-in theatres, represent a Top 60 U.S. restaurant chain
- AMC is headquartered in the metropolitan Kansas City area, where it has been since its founding in 1920





Menu board transformation







In order to comply with FDA rulings ...

Pizza	HOT FOODS		Large Popcorn, Large Drink	Large Popcorn, 2 Large Drinks	Large Popcorn, 2 Large Drinks, 2 Large Candy
740 - 780 Cal 7.7	5 Pizzo / 740-780 Cal	7.75	905-2030 Cal \$13.49	950-3110 Cal \$19.29	950-3110 Cal \$19.99
	Chicken Tenders / 530 Cal	7.75			Const Constantion
	Chicken Sliders / 915 Cal	9.75	2. Carl		
	Mozzarella Sticks / 490 Cal	6.75	S.	Spri 301	Spr
And the second	Jalapeno Poppers / 600 Cal	6.75	200		
	All-Beef Hot Dog / 629 Cal	4.75		the second s	
the Balance	MovieNachos / 1390 Cal	7.00	Two Hot Dogs, Large Drink	MovieNachos, Large Drink	Pizza, Large Drink
	Gourmet Pretzel / 480 Cal	5.00	629-1710 Cal \$10.24	3 1390-2470 Cal \$12.54	740-1820 Cal \$13.08
	Fries / 480 Cal	5.00			
Califa .	Extro Cheese / 760 Cal	1.75			Strue
make it a combo	Kid's Pack / 335-557 Cal	6.75		Ser and	
add a large drink			A 2000 calories a day is used for general nutrition advice, but individual needs vary. Additional nutrition information available upon request.		

Match font type & size

Match font color

Round off calorie counts

Ensure all candy is self serve

Compile full nutritional information



33

Contact Information

Denise de Zutter ddezutter@amctheatres.com 816-215-4855

MenuTrinfo, LLC Claire Willis Director of Culinary Nutritionists Claire@MenuTrinfo.com 888-767-6368





Are You Ready for FDA Menu Labeling Regulations?

Rob Warnes, Show Biz Cinemas



Are You Ready for FDA Menu Labeling Regulations?

Jon Muscalo, Legends Hospitality



R

The How-To Overview for Compliance with the FDA Menu Labeling Regulations





Agenda



Quick Allure Global Intro

FDA Regulation

Allure Global Service Offering

Updated Menu Board Examples

Information contained within this presentation is considered proprietary and confidential by Allure Global Solutions, Inc. ©2015

and the second

Allure Global...Exposure to Menu Labeling





Digital vs. Static

- Allows Flexibility
 - Beneficial as regulatory requirements change over time
- Reduced costs in changing menus (i.e. no re-printing static menus)
 - Oay-part ability (i.e. LTOs)
 - Easily test menu variations for optimization
- Integration to POS and Databases (assured accuracy)
- Updating detailed caloric information via web







Who Must Comply



- Establishments must adhere to the regulations if they meet the criteria listed below:
 - Establishment serving <u>'restaurant type food'</u> (grocery stores, restaurants, theaters, bowling alleys, etc.) that are part of a <u>chain of 20 or more</u> locations (applies to US locations only)
 - Ooing business under the same name (regardless of ownership)
 - *'Offering substantially the same menu items'*
 - Selling food intended for immediate consumption

Adherence to the rule is required by <u>December 31, 2016</u>



Menu Board Guidelines



Menu copy must be treated as follows:

- Calories must be adjacent to the food name or price
- No smaller than the price or name (whichever is smallest)
- "Same color, or a color at least as conspicuous as the name" same contrasting background
- Oust include the following disclaimers

 "A 2000 calorie daily diet is used as the basis for general nutrition advice, however, individual calorie needs may vary. Additional nutrition information is available upon request"

Exemptions From Regulations



O Menu items exempt from permanent caloric listing:

- Custom orders if the customer requests a unique, off-the-menu order, compliance is not required. (Example – Turkey and Cheddar Cheese on menu, but customer orders Turkey, Swiss, and Ham)
- Daily specials Items that are not regularly on the menu, but are featured for less than 60 days per year.
- Market Test A newly introduced item that is featured for less than 90 days to determine if it will become part of the regularly offered menu.

Allure Menu Labeling Service Offerings



- Assistance with interpretation and application of FDA regulations to current and future menus board
- Consultation and planning to maintain adherence to regulations
- Output Addition of caloric values to existing menus
- Complete menu redesign to allow for adherence with FDA regulations when required
- Output Services
 Output Services
- Strategic partnerships to provide content certification and food caloric value verification

Food Caloric Content & Value Verification



- Partnership with nationally recognized nutritional specialist to offer customizable needs-based packages
 - O Menu labeling regulation compliance
 - Review and verification of nutritional information
 - Nutritional information built ground up for every menu board item



Before





After



Before









Doug Starr (678) 438-9108 (cell) dstarr@allureglobal.com Allure Global Solutions, Inc. 400 Embassy Row, Suite 200 Atlanta, GA 30328 <u>www.allureglobal.com</u>





Questions & Answers