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

Proposed rules April 2011

$388 million to implement

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- Expect detailed draft guidance in August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:

- calories for standard items (includes combo meals)
- calories on signs adjacent to foods on display and self-service foods
- succinct statement suggesting daily caloric intake
- statement of availability – written nutrition information is available upon request
- nutrition info in a written form, upon request
  - pamphlet, IPad, 3-ring notebook, kiosk that links to website
- employees should know where to direct guests to access it
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 multi-page menu and the bottom of the menu board, above, below, or beside the Statement of Availability

- Optional statements are permitted on children’s menus
Statement of Availability

Additional nutrition information available upon request

- required on menus and menu boards once
- must include the macronutrients currently required in the Nutrition Facts label on packaged goods
- 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:

- suppliers
- nutrient databases
- laboratory analysis
- Nutrition Facts labels on packaged goods
- cookbooks
- 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

Jeff Rossen, NBC
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

1. Have a plan
2. Choose a spokesperson
3. 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
  - 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
“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, its 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
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 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 . . .

- Match font type & size
- Ensure all candy is self serve
- Match font color
- Compile full nutritional information
- Round off calorie counts
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
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Rob Warnes, Show Biz Cinemas
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Jon Muscalo, Legends Hospitality
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
Allure Global...Exposure to Menu Labeling

- **Theaters & Exhibition**
  - 30+ Customers
  - Including
    - AMC
    - Regal

- **Stadiums, Ballparks, Arenas**
  - 40+ Customers
  - Including
    - Cubs
    - Suns
    - Bears
    - Plaza

- **Amusement Parks and Attractions**
  - 20+ Customers
  - Including
    - Universal Studios
    - SeaWorld
    - Busch Gardens

- **QSR, Restaurants**
  - 25+ Customers
  - Including
    - Coca-Cola
    - Arby's
    - McDonald's

- ** Emerging Business**
  - 25+ Customers
  - Including
    - Las Vegas
    - Field Museum

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Digital vs. Static

- Allows Flexibility
  - Beneficial as regulatory requirements change over time

- Reduced costs in changing menus (i.e. no re-printing static menus)
  - Day-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 *restaurant type food* - (grocery stores, restaurants, theaters, bowling alleys, etc.) that are part of a *chain of 20 or more* locations (applies to US locations only)
  - Doing 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 **December 31, 2016**
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

- Must 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

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
- Addition of caloric values to existing menus
- Complete menu redesign to allow for adherence with FDA regulations when required
- Menu optimization, testing, and deployment 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
  - Menu labeling regulation compliance
  - Review and verification of nutritional information
  - Nutritional information built ground up for every menu board item
  - A la cart services for client specific needs
### Before

<table>
<thead>
<tr>
<th>Item</th>
<th>Calories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Candy</td>
<td>Large: 4.0, Medium: 3.0, Small: 2.50</td>
</tr>
<tr>
<td>Popcorn</td>
<td>Large: 4.0, Medium: 3.0, Small: 2.50</td>
</tr>
</tbody>
</table>

### After

<table>
<thead>
<tr>
<th>Item</th>
<th>Calories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Candy</td>
<td>Large (550-800 Cal): 4.0, Medium (400-580 Cal): 3.0, Small (170-300 Cal): 2.50</td>
</tr>
<tr>
<td>Popcorn</td>
<td>Large (1200 Cal): 5.0, Medium (750 Cal): 4.0, Small (300 Cal): 3.50</td>
</tr>
</tbody>
</table>

**Addition of calories**

**Calories for each item**

**Font size and color matching**

**FDA disclaimer added**

A 2000 calories a day is used for general nutrition advice, but individual needs vary. Additional nutrition information available upon request.
### Before

#### Smoothies
- Maui Mango™ 230-390 cal
- Strawberry Sunrise™ 230-390 cal
- Strawberry Squash™ 230-390 cal
- Tropical Pineapple™ 230-390 cal
- Caribbean Craze™ 230-390 cal
- Strawberry Kiwi™ 230-390 cal
- Citrus Mango™ 230-390 cal
- Italian Ice™ 230-390 cal
- Jamaican Jammer™ 230-450 cal

#### High Protein
- Strawberry & Cream 320-500 cal
- Peanut Butter Protein 440-540 cal
- Low Cal 430-540 cal
- Mango Beach™ 50-120 cal
- Berry Breeze™ 230-450 cal
- MET-Rx Boosters
  - Protein+Peach+Strawberry
  - Protein+Peach+Grapefruit
  - Protein+Peach+Lemon
  - Protein+Peach+Blueberry

#### Crêpes
- Cheese Grilled or Multi-Grain Crêpe 5.99
- Savory Crêpes
  - Southwest 250-300 cal
  - Pesto Chicken 240-300 cal
  - Honey Mustard Chicken 370-450 cal

#### Breakfast Crêpes
- Denver 4.59 cal
- Egg White Florentine
- Sausage and Egg 350-410 cal

#### Salads
- Cheese and Raspberry Flax Flatbread 6.49
- Buffalo Chicken 6.49
- Grilled Chicken Caesar 6.49
- Market Strawberry 3.99

#### Create your own Salad
- Choose Your Greens 5.69
- Add Protein 1.19
- Add Toppings 0.49

### After

#### FDA disclaimer added

#### Font size and color matching

#### Modifications to accommodate calories
Questions & Answers