

FDA NEWS RELEASE

For Immediate Release: Nov. 25, 2014

Media Inquiries: Jennifer Corbett Dooren, 301-796-2983, jennifer.dooren@fda.hhs.gov

Consumer Inquiries: 1-888-INFO-FDA

FDA finalizes menu and vending machine calorie labeling rules

The U.S. Food and Drug Administration today finalized two rules requiring that calorie information be listed on menus and menu boards in chain restaurants, similar retail food establishments and vending machines with 20 or more locations to provide consumers with more nutritional information about the foods they eat outside of the home. The rules are required by the 2010 Patient Protection and Affordable Care Act.

“Americans eat and drink about one-third of their calories away from home and people today expect clear information about the products they consume,” said FDA Commissioner Margaret A. Hamburg, M.D. “Making calorie information available on chain restaurant menus and vending machines is an important step for public health that will help consumers make informed choices for themselves and their families.”

The menu labeling final rule applies to restaurants and similar retail food establishments if they 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. Covered food establishments will be required to clearly and conspicuously display calorie information for standard items on menus and menu boards, next to the name or price of the item. Seasonal menu items offered for sale as temporary menu items, daily specials and condiments for general use typically available on a counter or table are exempt from the labeling requirements.

Some states, localities and various large restaurant chains are already doing their own forms of menu labeling. The 1990 Nutrition Labeling and Education Act, the law establishing nutrition labeling on most foods, did not cover nutrition labeling for restaurants and other ready-to-eat foods. In the years that followed, states and cities created their own labeling requirements for such foods. These federal standards will help avoid situations in which a chain restaurant subject to the federal requirements has to meet different requirements in different states.

The FDA considered more than 1,100 comments from stakeholders and consumers in developing these rules. In response to comments, the FDA narrowed the scope of foods covered by the rule to more clearly focus on restaurant-type food, made other adjustments such as ensuring the flexibility for multi-serving dishes like pizza to be labeled by the slice rather than as a whole pie, and provided establishments additional time to comply with the rule.

In addition, the menu labeling final rule now includes certain alcoholic beverages served in covered food establishments and listed on the menu, but still provides flexibility in how establishments meet this provision. The majority of comments supported including alcohol because of the impact on public health. The menu labeling rule also includes food facilities in entertainment venue chains such as movie theaters and amusement parks.

EMBARGOED UNTIL NOVEMBER 25, 2014, 12:01 A.M.

Restaurants and similar retail food establishments will have one year to comply with the menu labeling requirements.

To help consumers understand the significance of the calorie information in the context of a total daily diet, under the rule, menus and menu boards will include the statement:

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

The menu labeling final rule also requires covered establishments to provide, upon consumer request and as noted on menus and menu boards, written nutrition information about total calories, total fat, calories from fat, saturated fat, trans fat, cholesterol, sodium, total carbohydrates, fiber, sugars and protein.

The vending machine final rule requires operators who own or operate 20 or more vending machines to disclose calorie information for food sold from vending machines, subject to certain exceptions. Vending machine operators will have two years to comply with the requirements.

The two final rules are available in the Federal Register:

- Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments
- Calorie Labeling of Articles of Food in Vending Machines

For more information:

- [Menu and Vending Machine Labeling Requirements](#)
- Consumer Update: [How Many Calories? Look at the Menu](#)
- FDA Voice blog: [Helping Consumers Make More Informed Food Choices with Menu and Vending Labeling](#)

The FDA, an agency within the U.S. Department of Health and Human Services, protects the public health by assuring the safety, effectiveness, and security of human and veterinary drugs, vaccines and other biological products for human use, and medical devices. The agency also is responsible for the safety and security of our nation's food supply, cosmetics, dietary supplements, products that give off electronic radiation, and for regulating tobacco products.

###

EMBARGOED UNTIL NOVEMBER 25, 2014, 12:01 A.M.

FDA Fact Sheet

Menu Labeling at-a-Glance

In a nutshell

Americans eat and drink about one-third of their calories away from home. Making calorie information available on chain restaurant menus will help consumers make informed choices for themselves and their families.

As required by statute, the U.S. Food and Drug Administration's final rule for nutrition labeling in chain restaurants and similar retail food establishments will provide consumers with clear and consistent nutrition information in a direct and accessible manner for the foods they eat and buy for their families. Posting calories on menus and menu boards and providing other nutrient information in writing in chain restaurants and similar retail food establishments will fill a critical information gap and help consumers make informed and healthful dietary choices.

Covered establishments will list calorie information for standard menu items on menus and menu boards and a succinct statement about suggested daily caloric intake. Other nutrient information—total calories, calories from fat, total fat, saturated fat, trans fat, cholesterol, sodium, total carbohydrates, fiber, sugars, and protein—will have to be made available in writing on request.

In addition, covered establishments will also be required to post a statement on menus and menu boards about the availability of such additional written nutrition information. To be covered, an establishment must be a restaurant or similar retail food establishment, as defined in the final rule. In addition, such establishment must: (1) be part of a chain of 20 or more locations, (2) doing business under the same name, (3) offering for sale substantially the same menu items.

Examples of restaurant-type foods that are covered when sold by a facility that is part of a chain with 20 or more locations include:

- Meals from sit-down restaurants
- Foods purchased at drive-through windows
- Take-out food, such as pizza
- Foods, such as made-to-order sandwiches, ordered from a menu or menu board at a grocery store or delicatessen
- Foods you serve yourself from a salad or hot food bar
- Muffins at a bakery or coffee shop
- Popcorn purchased at a movie theater or amusement park
- A scoop of ice cream, milk shake or sundae from an ice cream store
- Hot dogs or frozen drinks prepared on site in a convenience or warehouse store
- Certain alcoholic beverages

Foods *not* covered include:

- Certain foods purchased in grocery stores or other similar retail food establishments that are typically intended for more than one person to eat and require additional preparation before consuming, such as pounds of deli meats, cheeses, or large-size deli salads.

Effective date: Based on comments, the FDA has extended the effective date from six months to one year after the date of publication of the final rule.

FDA Fact Sheet

Vending Machine Calorie Labeling at-a-Glance

In a nutshell

Americans eat and drink about one-third of their calories away from home. The U.S. Food and Drug Administration's final rule for vending machine calorie labeling, coupled with the requirements for menu labeling, aim to provide consumers with clear and consistent nutrition information in a direct and accessible manner for the foods they eat and buy for their families. Even though some foods sold from vending machines already bear calorie information, this labeling is not always visible before purchase. Calorie labeling of foods sold in vending machines will help make calorie information available to consumers in a direct, accessible, and consistent manner to enable them to make informed and healthful dietary choices.

The FDA is allowing two years from the date of publication of the vending machine labeling final rule for covered vending machine operators to comply with the requirements.

The FDA received approximately 250 comments on the vending machine labeling proposed rule issued on April 6, 2011. The FDA reviewed and considered each comment carefully before issuing the final rule.

What's required?

- Disclosing calorie information of foods sold in vending machines operated by a person owning or operating 20 or more machines, subject to certain exceptions.
- Calorie information may be placed on a sign (e.g., small placard, sticker, poster) near the article of food or selection button. Electronic or digital displays may also be used.
- Posting of calorie information for foods sold from bulk vending machines (e.g., gumball machines, mixed nut machines).
- Disclosing contact information of covered operators on the machines or otherwise with the required calorie declarations to enable the FDA to contact operators for enforcement purposes.