

Menu Labeling

Supplemental Draft Guidance for Industry

November 7, 2017

Supplemental Menu Labeling Guidance



- Addresses concerns raised by stakeholders regarding the implementation of the menu labeling requirements in covered establishments
 - Expanded and new policy interpretations
 - Identifies flexible and practical ways to comply with requirements
- 60 day comment period for feedback
- Plan to finalize the guidance quickly in time for May 7, 2018 compliance date

Topics Covered in Guidance



- Calorie Disclosure for Self-Service Foods
- Criteria for Distinguishing Between Menus and Marketing Materials
- Methods for Providing Calorie Disclosure Information
- Compliance and Enforcement
- Determining the Nutrient Content for Standard Menu Items
- Covered Establishments
- Standard Menu Items
- Alcohol

Topics Reviewing Today



- Criteria for Distinguishing Menus and Marketing Materials
- Calorie Disclosure for Self-service Foods
- Methods for Providing Calorie Disclosure
- Compliance and Enforcement

Criteria for Distinguishing Menus from Marketing Materials

- Marketing material generally would not be considered a menu or menu board and would not require calorie declarations
 - Pizza coupons
 - Posters in store windows
 - Signs on gas pumps
 - Billboards; banners
 - Newspaper inserts
- If the primary purpose of the materials listed above is to “entice” customers into the establishment, they would not meet criteria for a primary writing by which a customer would make an order selection



Example of a poster or banner in a window or on a gas pump that would not require a calorie declaration



Example of a marketing board that would not require calorie declarations

Calorie Disclosure for Self-Service Foods, Including Buffet Foods

- Calories for self-service foods and foods on display can be declared in a variety of ways
 - The consumer needs to view the name, calorie declaration, and serving or unit of a particular menu item while selecting that item
- Not required to have individual signs for each self-service food item or items on a buffet
- Menus and menu boards are not required at each self-service location



Example of declaring calories for multiple items on a self-service salad bar or a single sign attached to the sneeze guard



Example of declaring calories for self-service foods on individual signs that are interchangeable and are attached to the sneeze guard by permanent placard holders



Example of declaring calories for multiple items at a self-service buffet on a single sign hanging below the sneeze guard



Example of declaring calories for self-service foods on individual signs using gel clings on the sneeze guard



Donut	Calories
Boston Cream	320 Cal.
Cake Donut	290 Cal.
Chocolate Frosted Donut	280 Cal.
Donut with Sprinkles	290 Cal.
Glazed Chocolate Croissant Donut	320 Cal.
Glazed Croissant Donut	310 Cal.
Glazed Crumb Donut	380 Cal.
Glazed Donut	260 Cal.
Jelly Filled Iced Donut	300 Cal.
Powdered Donut	320 Cal.

2,000 calories a day is used for general nutrition advice, but calorie needs vary
Additional nutrition information available upon request



Example of declaring calories for multiple self-service items on a single sign



Example of a grab-and-go food that meets the calorie declaration requirements using a front-of-pack calorie declaration (e.g., a sticker) that can be viewed by the consumer before purchase

Methods for Providing Calorie Disclosure



- List calorie declarations adjacent to either the name or the price of the associated standard menu item
 - FDA expects that the name or price and the calorie declaration would be displayed such that the consumer can easily determine which calories are posted for each standard menu item
- The menu labeling regulation does not mandate that establishments have menu boards

Methods for Providing Calorie Disclosure for Build-your-own Pizza

- Calories may be declared in a range if there are 3 or more topping, crust, and sauce options for each size of the pizza
- Topping, crust and sauce options that have the same number of calories after rounding may be grouped together

CREATE YOUR OWN PIZZA CALORIES ARE LISTED PER SLICE

7/7/17-A

FDA

CHOOSE YOUR SIZE & CRUST

6 SLICES
S \$9.99

8 SLICES
M \$11.99

10 SLICES
L \$13.99

12 SLICES
XL \$15.99



PAN

THIN & CRISPY

ORIGINAL



CHEESE PIZZA

ORIGINAL	200-240 Cal.
THIN & CRISPY	150-190 Cal.
PAN	260-300 Cal.
GLUTEN FREE - SMALL ONLY	140 Cal.

CHOOSE YOUR SAUCE*



TOMATO SAUCE	10 Cal.
SPICY MARINARA	10 Cal.

WHITE GARLIC SAUCE	30-50 Cal.
BBQ	10-20 Cal.

CHOOSE YOUR TOPPINGS*

S \$1.00

M \$1.50

L \$2.00

XL \$2.25

2,000 CALORIES A DAY IS
USED FOR GENERAL
NUTRITION ADVICE, BUT
CALORIE NEEDS VARY

ADDITIONAL NUTRITION
INFORMATION AVAILABLE
UPON REQUEST

MEATS

BACON	45-60 Cal.
BEEF	40-45 Cal.
CHICKEN	15-20 Cal.
HAM	10-15 Cal.
PEPPERONI	25-35 Cal.
SALAMI	25-30 Cal.
SAUSAGE, ITALIAN	40-50 Cal.

VEGGIES

BANANA PEPPERS	0-5 Cal.
GREEN PEPPERS	0 Cal.
JALAPENOS	0-5 Cal.
FRESH MUSHROOMS	5 Cal.
OLIVES, BLACK	10-15 Cal.
FRESH ONIONS	0-5 Cal.
PINEAPPLE	10 Cal.
RED PEPPERS, ROASTED	0 Cal.
FRESH BABY SPINACH	0 Cal.
TOMATOES	5 Cal.

*ADDED CALORIES FOR 1 TOPPING PIZZA

Example of declaring calories per slice for a build-your-own pizza
using a column format

CREATE YOUR OWN PIZZA

CALORIES ARE LISTED PER SLICE

7/7/17-B

FDA

CHOOSE YOUR SIZE & CRUST

6 SLICES
S

\$9.99

8 SLICES
M

\$11.99

10 SLICES
L

\$13.99

12 SLICES
XL

\$15.99



CHEESE PIZZA

ORIGINAL (200-240 Cal.), THIN & CRISPY (150-190 Cal.),
PAN (260-300 Cal.), GLUTEN FREE† (140 Cal.)

†ONLY AVAILABLE IN SMALL

CHOOSE YOUR SAUCE*



TOMATO SAUCE (10 Cal.), SPICY MARINARA (10 Cal.), WHITE GARLIC SAUCE (30-50 CAL.), BBQ (10-20 Cal.)

CHOOSE YOUR TOPPINGS*

S \$1.00

M \$1.50

L \$2.00

XL \$2.25



MEATS

BACON (45-60 Cal.), BEEF (40-45 Cal.),
CHICKEN (15-20 Cal.), HAM (10-15 Cal.),
PEPPERONI (25-35 Cal.), SALAMI (25-30 Cal.),
ITALIAN SAUSAGE (40-50 Cal.)

VEGGIES

BANANA PEPPERS (0-5 Cal.), GREEN PEPPERS (0 Cal.),
JALAPENOS (0-5 Cal.), FRESH MUSHROOMS (5 Cal.),
BLACK OLIVES (10-15 Cal.), FRESH ONIONS (0-5 Cal.),
PINEAPPLE (10 Cal.), ROASTED RED PEPPERS (0 Cal.),
FRESH BABY SPINACH (0 Cal.), TOMATOES (5 Cal.)

2,000 CALORIES A DAY IS USED FOR GENERAL NUTRITION ADVICE, BUT CALORIE NEEDS VARY
ADDITIONAL NUTRITION INFORMATION AVAILABLE UPON REQUEST

*ADDED CALORIES FOR 1 TOPPING PIZZA

Example of declaring calories per slice for a build-your-own
pizza using a string format



7/7/17-C

CREATE YOUR OWN PIZZA

CALORIES ARE LISTED PER SLICE

CHOOSE YOUR SIZE & CRUST

6 SLICES

S

\$9.99

8 SLICES

M

\$11.99

10 SLICES

L

\$13.99

12 SLICES

XL

\$15.99



THIN & CRISPY



PAN



ORIGINAL

CHEESE PIZZA
ORIGINAL (200-240 Cal.),
THIN & CRISPY (150-190 Cal.),
PAN (260-300 Cal.),
GLUTEN FREE* (140 Cal.)

*ONLY AVAILABLE IN SMALL

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TOMATO SAUCE (10 Cal.), SPICY MARINARA (10 Cal.),
WHITE GARLIC SAUCE (30-50 CAL.), BBQ (10-20 Cal.)

CHOOSE YOUR TOPPINGS*

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MEATS
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BANANA PEPPERS (0-5 Cal.), GREEN PEPPERS (0 Cal.),
JALAPENOS (0-5 Cal.), FRESH MUSHROOMS (5 Cal.),
BLACK OLIVES (10-15 Cal.), FRESH ONIONS (0-5 Cal.),
PINEAPPLE (10 Cal.), ROASTED RED PEPPERS (0 Cal.),
FRESH BABY SPINACH (0 Cal.), TOMATOES (5 Cal.)

2,000 CALORIES A DAY IS USED FOR GENERAL NUTRITION ADVICE, BUT CALORIE NEEDS VARY
ADDITIONAL NUTRITION INFORMATION AVAILABLE UPON REQUEST

*ADDED CALORIES FOR 1 TOPPING PIZZA

Additional example
declaring calories for a
build-your-own pizza using
a string format

Compliance and Enforcement



- FDA plans to work cooperatively with covered establishments to come into compliance with the menu labeling requirements
 - Education and outreach will continue, especially in the first year
- If menus or menu boards are not in compliance, FDA will work flexibly and cooperatively with individual establishments making a good-faith effort to comply
 - We will work with an establishment on an appropriate time-frame in which to make the correction

Compliance and Enforcement



- FDA does not intend to penalize or recommend the use of criminal penalties for minor violations
- Examples of minor violations:
 - Inadvertently missing a calorie declaration for a standard menu item on a buffet when other items are labeled
 - Minor discrepancies in the type size/color contrast of calorie declarations, provided that they are readable
 - Minimal variations or inadvertent error that would only minimally impact the calorie declaration or other nutrition information, such as adding extra slices of pepperoni on a pizza or adding an extra dollop of ketchup on a hamburger when not typically added

Comments

- Requesting feedback on the draft guidance for 60 days
- Please provide feedback by January 8, 2018 through the docket FDA-2011-F-0172 on www.regulations.gov

