Background

• Obesity in the U.S.
  – Over 2/3 of adult Americans are obese or overweight
    • About 1/3 of adult Americans are obese
  – Among Americans age 6-19, 18% are obese
  – Increased burden of chronic disease
    • Heart disease, stroke, type 2 diabetes, some cancers
  – Increased economic burden
    • Annual health care costs ~$147 billion
Energy consumption

Energy expenditure
Menu Labeling

- Is there an information gap?
  - Consumers inaccurately estimate calories
    - Particularly true for restaurant foods
  - Consumers have indicated that they are interested in having access to information about foods consumed while away from home
  - Could point-of-purchase nutrition information change purchasing and consumption behaviors in restaurants?
Menu Labeling

Omelettes

Our hearty omelettes are made with a splash of our famous buttermilk and wheat pancake batter for extra fluffiness and are served with three buttermilk pancakes.

The Big Steak Omelette
Tender strips of steak, hash browns, green peppers, onions, mushrooms, tomatoes and Cheddar cheese. Served with salsa 10.59 (1490 Cal.)

Colorado Omelette
A meat lover’s delight. Bacon, pork sausage, shredded beef, ham, onions, green peppers and Cheddar cheese. Served with salsa 10.59 (1470 Cal.)

Country Omelette
A delicious blend of ham, cheese, onions and hash browns. Topped with sour cream 9.99 (1380 Cal.)

Garden Omelette
An abundance of fresh green peppers, mushrooms, onions, tomatoes and cheese 10.59 (1150 Cal.)

Chicken Fajita Omelette
Seasoned chicken, onions, green peppers, tomatoes, mushrooms, salsa and a blend of cheeses. Topped with sour cream 10.59 (1360 Cal.)

Corned Beef Hash & Cheese Omelette
Home-style corned beef hash and plenty of cheese 9.99 (1110 Cal.)

Big Bacon Omelette
Loaded with six strips of chopped hickory-smoked bacon, onions, diced tomatoes, Parmesan and Swiss cheeses. Topped with sour cream 9.99 (1430 Cal.)

Supreme Ham & Three Cheese Omelette
Our hearty omelette loaded with diced ham, Cheddar, Jack and Swiss 9.99 (1280 Cal.)

Spinach & Mushroom Omelette
Fresh spinach, mushrooms, onions and Swiss cheese rolled in a fluffy omelette. Topped with rich hollandaise and diced tomatoes 9.99 (1210 Cal.)

Create Your Own Omelette
Begin with our hearty omelette and your choice of cheese 6.99 (920 Cal.)

Then add your favorite ingredients 1.59 each
- Ham (35 Cal.)
- Bacon (130 Cal.)
- Pork Sausage (170 Cal.)
- Extra Cheese (190-230 Cal.)
- Mushrooms (15 Cal.)
- Green Peppers (20 Cal.)
- Tomatoes (10 Cal.)
- Spinach (10 Cal.)
- Salsa (10 Cal.)

Buttermilk Frescuit™
Choose bacon or sausage
420-580 cal.
$2.19 $3.49

Maple Baked Frescuit™
Choose bacon or sausage
440-610 cal.
$2.39 $3.69

Big Breakfast Sandwich
With bacon and sausage
580 cal.
$2.69 $3.99

Grande Burrito
Served with hot sauce
740-760 cal.
$2.49 $3.99
Menu Labeling: Local Innovation

• Local governments take the lead

• **2006:** NYC Department of Health adopts menu labeling regulation

• **2007:** New York State Restaurant Association sues
  • First Amendment and preemption claims
  • Similar lawsuits were filed in California

• **2008:** New York City begins requiring restaurants with 15 or more locations to engage in menu labeling
Menu Labeling: Federal Uptake

- **Patient Protection and Affordable Care Act (ACA)**
  - Passed in 2010
  - Requires restaurants with 20 or more locations to provide calorie information for standard menu items
  - Calorie information must appear on menus and menu boards
  - Must include statement about suggested daily caloric intake
  - Additional nutritional information must be provided upon request
  - Other restaurants can volunteer to be subject to the ACA requirements
Menu Labeling: Federal Uptake

- Predicted outcomes of federal menu labeling:
  - Increased awareness of the calorie content of restaurant foods
  - Increased interest among consumers in lower calorie options
  - *This may lead restaurants to:*
    - Reformulate existing items to reduce their calorie content or portion size
    - Provide additional lower-calorie items
Food Labeling: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments

Unified Agenda current as of Spring 2013

SUMMARY
FDA published a proposed rule in the Federal Register to establish requirements for nutrition labeling of standard menu items in chain restaurants and similar retail food establishments. FDA also proposed the terms and conditions for restaurants and similar retail food establishments registering to voluntarily be subject to the Federal requirements. FDA is issuing a final rule, and taking this action to carry out section 4205 of the Patient Protection and Affordable Care Act.

TIMELINE
3 actions from April 6th, 2011 to September 2013

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Menu Labeling: Federal Uptake

• U.S. Food and Drug Administration will address:
  – What is a restaurant?
  – Does menu labeling apply to alcoholic beverages?
  – What is the precise language of the statement about suggested daily caloric intake?
  – When will the FDA regulations become effective?
  – How should calorie information be displayed (e.g., type size)?
Menu Labeling: Evaluations

- Findings have been mixed

- Is calorie information difficult to understand?

- Possible alternatives to consider:
  - Percentage of total daily recommended intake
  - List menu items from lowest calorie to highest calorie
  - List healthier choices on the front of the menu
  - Physical activity equivalent

Hamburger.............................................$6.95
450 calories or 79 minutes of running

French fries...........................................$4.00
350 calories or 62 minutes of running
Menu Labeling: Emerging Opportunities

ACA preempts state and local menu labeling laws for:

- Restaurants with 20 or more locations
- Restaurants that volunteer to be covered by the ACA
Menu Labeling: Emerging Opportunities

- What can state and local governments do?
Menu Labeling: Emerging Opportunities

• What can state and local governments do?

Impose menu labeling requirements identical to those in the ACA
Menu Labeling: Emerging Opportunities

- What can state and local governments do?

- Impose menu labeling requirements identical to those in the ACA
- Enact menu labeling laws for restaurants not covered by the ACA
References