

A Guide to Menu Labeling
Requirements at Food
Establishments in
Philadelphia:

*Understanding Philadelphia's
Menu Labeling Law*

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Beginning January 1, 2010, Philadelphia's menu labeling ordinance will require chain restaurants or retail food establishments with 15 or more locations (locally or nationally) to post nutritional information for all food or beverage items listed for sale on their menus, menu boards or food tags.

The law is intended to help customers make informed nutritional choices when eating out. The number of children and adults who are overweight or obese has become one of the nation's greatest health challenges. In addition, many people suffer from chronic disease which can be worsened by an unhealthy diet. With calories and other nutritional information available when ordering food, people will be better able to manage their weight and reduce the risk of obesity, heart disease, high blood pressure and other serious health conditions.

Specifically, the law requires restaurants to:

1. Print the total number of calories, grams of saturated fats, grams of trans fat, grams of carbohydrates, milligrams of sodium for every standard menu item on their menus;
2. Print the total number of calories for every standard menu item on their menu boards and food tags, and make available in writing upon request the grams of saturated fats, grams of trans fat, grams of carbohydrates, milligrams of sodium for every standard menu item on their menus.

Food establishments which must comply with the law include, but are not limited to, restaurants, fast food establishments, convenience stores, delicatessens, bakeries, cookie counters, ice cream shops and coffee shops.

Requirements of Nutritional Information Display

The law recognizes that restaurants display information about food and beverages for sale in several different ways. As a result there are slightly different requirements depending on whether menus, menu boards or food tags are used.

Menu Requirements

Restaurants with menus must provide customers with information stating the total calories (rounded to the nearest 10 calories), grams of saturated fat, grams of trans fat, grams of carbohydrates and milligrams of sodium for each food and beverage item on the menu. Nutrition information must be listed adjacent to

each standard menu item in a clear and conspicuous typeface that is similar to the price and other information provided about each menu item.

A menu is defined as a written or printed description of food or beverages for sale. It may be in the form of a pamphlet, tablet, placemat, or sign.

Menu Board or Food Tag Requirements

Menu boards or food tags which are used instead of a menu may be limited to the total number of calories of each item. However, the additional nutritional information listed above (grams of saturated fat, grams of trans fat, grams of carbohydrates and milligrams of sodium) must be available in writing to customers upon request. A sign on or near the menu board or food tag must be posted which states in a clear and conspicuous typeface "Additional information for all menu items is available upon request."



An example of a menu board is the display which lists food and beverage items for sale in a drive-through establishment. Other menu board examples include back-lit marquee signs at the point of sale, and chalk boards.



A food tag is a written or printed description of a food or beverage item in the vicinity of the item such as a label or placard identifying a type of dessert.

Food Delivery

Each food or beverage item should indicate the required nutritional information in a clear and conspicuous typeface on its wrapper or box. This information can be provided by means of a sticker or label.

Additional Required Information

In addition to nutritional information, all printed information provided to a customer, either in the form of a menu, or in the case of a menu board or food tag and provided upon request must include the following:

- A statement indicating the current limits of saturated fat (including trans fat) and milligrams of sodium as recommended by the Food and Drug Administration for a 2000 calorie-per-day diet; and
- The statement: “A 2000 calorie daily diet is used for the basis of general nutrition advice; individual calorie needs, however, may vary.”

Menus, menu boards or food tags may also include the following, or a similar statement: “This nutrition information is based on standard recipes and product formulations; however, variations may occur due to differences in preparation, serving sizes, ingredients, or special orders.”

Nutrition Analysis

Nutrition information must be based upon analytic methods and express nutrient content in a manner consistent with the U.S. Food and Drug Administration. A menu will be out of compliance if the nutrition values of any item vary more than 20% of a representative sample of the menu item.

Special Situations: What Food Items to Include

Combination (“Combo” or “Value”) Meals on Menus or Menu Boards

When meals are sold as “combination meals” made up of standard menu items, then no additional information will be required as long as each item has all the required nutrition information listed in an approved manner consistent with the ordinance.

Component Meals on Menus or Menu Boards

Some standard menu items such as burritos, rice bowls or choice of entrees with sides, may require consumers to choose different components that are made

from standard recipes. For example, when ordering a burrito, consumers may choose the type of meat, rice, beans, bread and/or a sauce for a standard menu item that has a range of calories. Required nutrition information must be listed for each component of the meal in an approved manner consistent with the ordinance.

Buffets or Multi-Serving Dishes

Foods sold at buffets or as family style meals are required to do the following:

- Calorie and nutrition information must be provided for each food item consistent with the ordinance.
- For buffets, a serving size, consistent with the Food and Drug Administration regulations, must be posted in a manner consistent with the ordinance's requirements for calorie values.
- For Multi-Serving Dishes, (e.g., family-style meals, appetizers, desserts, etc.) the following must be posted:
 - the total number of servings
 - a total caloric value for the entire dish
 - the nutritional values per serving
 - the recommended serving size, consistent with the Food and Drug Administration regulations

Single Item with Different Flavors and Varieties

In some cases items which come in different flavors or varieties may be listed as a single item. Examples include soft drinks, ice cream, pizza and doughnuts. In these cases, the median value for calories or other nutritional information for all flavors or varieties may be listed in cases where the information of each individual item is within 20% of the median. If the varieties and flavors are not within 20% of the median, a range for all items may be listed. In the case where food tags are used to identify different varieties of similar items, the actual calories per serving of each item should be listed on the food tag.

Alcoholic Beverages

Philadelphia's menu labeling law includes requirements to include nutritional information of all beverages including alcoholic drinks. This includes beer, wines, spirits and any mixed drinks that contain alcohol.

Foods Not Requiring Posting of Nutritional Information

Posting of nutrition information for the following items is *not* required for:

- Condiments or other items placed on a table or counter for general use without charge;

- items sold in a manufacturer's original sealed packaging with nutrition information required by federal law;
- Custom-orders not appearing on menus, menu boards or food tags; or
- Specials or limited time offerings that appear on the menu for less than 30 days per year.

Variances

The law permits a restaurant to propose a different method of nutrition labeling not identified in the ordinance for approval by the Philadelphia Board of Health. Variances may be requested for a variation in the method of presentation of the required nutrition information, providing:

- The method is appropriate for the protection of the public health.
- The method supplies the required information to the consumer at point of decision making as to a food order.

To submit an application for a variance, please contact the Philadelphia Department of Health's Office of Food Protection at 215-685-7495 or visit www.phila.gov/health.

Enforcement

In order to provide additional time for food establishments to prepare the Department will phase in enforcement of the menu labeling law:

February 1, 2010 Calorie information must be posted on a) menu boards and b) food tags:

April 1, 2010 Written additional nutritional information in restaurants using menu boards or food tags must be available and a sign on or near the menu board or food tag must be posted which states: "Additional information for all menu items is available upon request."

or,

All required nutritional information must be displayed on menus.

For More Information

To learn more about the nutrition labeling ordinance in Philadelphia, please visit www.phila.gov/health or call the Philadelphia Department of Health's Office of Food Protection at 215-685-7495..