United States menu labelling requirements to include exemptions for alcohol and popcorn

Alcoholic beverages in restaurants, popcorn in movie theatres and snacks provided in airplanes and amusement parks are among items that will be exempt from menu-labelling requirements in the United States under proposed Food and Drug Administration (FDA) regulations.

The regulations, expected to take effect in 2012, would see chain restaurants, coffee shops, convenience stores and other food establishments with 20 or more locations prominently displaying calorie information on menus and menu-boards, including those at drive-throughs. Other nutritional information, including fat and sodium content, would have to be made available upon request (www.fda.gov/downloads/Food/Labeling/Nutrition/UCM249276.pdf).

The FDA had proposed more stringent labelling requirements while unveiling a draft of the regulations in August 2010. But jurisdictional concerns and industry opposition appear to have caused the agency to pull in some reins.

In the case of alcohol, the FDA does not have jurisdiction to introduce labelling regulations, Michael Herndon, spokesman for the agency, writes in an email. "It is not clear that the law was intended to cover alcoholic beverages."

But the exemption for alcoholic beverages will likely end up misleading consumers, says Margo Wootan, director of nutrition policy at the Washington, DC-based Center for Science in the Public Interest.

"It will be confusing for people if there are calories listed for Coke and Sprite and lemonade, but not for beer, wine and other alcoholic beverages," she says. "I think it will make those beverages look like better choices."

Calorie disclosure was mandated in the US as part of President Barack Obama's 2010 health reform initiative. A preliminary draft of the labelling

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Popcorn in movie theatres is among items that will be exempt from new menu-labelling requirements in the United States.

requirements had included movie theatres, along with bowling alleys, hotels, amusement parks and airplanes, as sites that would be required to provide calorie disclosure.

But after industrial associations, such as the National Association of Theatre Owners, protested that they should not be subject to the regulations because their primary purpose isn't to sell food, the FDA retreated.

Under the revised regulations released Apr. 1, businesses that use less than 50% of their floor space to sell food are not subject to the regulations.

The exemption of movie theatres is particularly problematic, says Wootan. "People think of the foods at movie theatres as snacks when, in fact, those snacks often pack the calories of a whole meal."

As evidence of that, Wootan cites a study commissioned by the Center for Science in the Public Interest that found that a medium popcorn and soda combo at a major American movie the-

atre chain, can contain up to 1610 calories and three days' worth — 60 grams — of saturated fat.

"It would be very easy for movie theatres to provide nutrition information," Wootan says, adding that movie theatres in New York City, New York, have been obligated to disclose calorie data under local menu-labelling laws since 2008.

Several US jurisdictions, including New York City and the state of California, have had menu-labelling laws in place for years and some studies indicate that calorie labelling promotes awareness, more judicious menu selections and as much as 6% decrease in calories consumed per transaction (*AEJ: Economic Policy* 2011; 3:91–128).

But two studies of local calorie disclosure laws published earlier this year, one of calorie disclosure in a Washington state taco chain and another studying adolescent fast-food choice in New York City, found no significant change in calorie intake. In the New York study,

only 9% of 349 teenagers took calorie information into consideration when ordering food. Many cited taste as the most important factor in meal selection (*Int J Obes* 2011; 35:493-500).

Although the literature has demonstrated that caloric posting has limited impact on food consumption, consumers still have a right to know about the food they're eating, says Kelly

Brownell, director of the Yale Rudd Center for Food Policy and Obesity in New Haven, Connecticut.

"There are so many things that contribute to low health that expecting any one thing to change the picture is wishful thinking," he says. "But you won't know until you do it and that information is out there for a longer period of time."

The FDA estimates roughly 280 000

establishments will be affected by the new labelling requirements. A restaurant with an average of 80 menu items will have to pay anywhere between US\$22 000 and US\$69 300 for a nutritional analysis of its items, according to FDA projections. — Lauren Mitsuki, Ottawa, Ont.

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