

# FACTS

## Downsizing the Epidemic

### Menu Labeling in Restaurants

#### OVERVIEW

Too many Americans are overweight or obese.<sup>1,2</sup> Too many people have unhealthy diets and do not get enough physical activity,<sup>2,3</sup> both of which can affect risk of cardiovascular disease,<sup>2</sup> diabetes,<sup>4,5</sup> and early mortality.<sup>6,7</sup> The American Heart Association believes that educated consumers, armed with the right nutrition information, can make healthier choices when they are eating out. Better menu labeling can also inspire restaurant industry innovation. While the Nutrition Facts Label on packaged foods has been available since 1994,<sup>8</sup> the same details are not provided on restaurant menus or fast food boards.<sup>9</sup>

That is changing. With the passage of the Affordable Care Act, restaurants with 20 or more locations are required to post calories on menus and menu boards, including boards at drive through service, and make other nutrition information available in the restaurant.<sup>10</sup> To put this information in context with overall diet, chain restaurants are required to include a daily calorie intake statement.<sup>10</sup> In addition, vending machine operators with more than 20 machines must also post calories on or next to the machines.<sup>10</sup>

The AHA has advocated for swift, strong implementation of these regulations. Ultimately, it would be in the best interest of public health to have calorie labeling mandated in all restaurants. Restaurants not covered by the federal law remain subject to any state and local regulations, and the association will work to ensure that restaurants with fewer than 20 locations adopt menu labeling as well.

#### MORE AMERICANS ARE EATING OUT

Americans spend nearly half (49%) of their food budget on foods eaten away from home.<sup>11</sup> As a result, it is all the more important for consumers to have nutritional information available in order to make healthy food choices at restaurants, just as they do in a grocery store. Some of the factors driving this need include:

- Many restaurant meals are high in calories, sodium, and saturated fat, and the portion size is large.<sup>12,13,14</sup>

- Mandatory menu labeling has been associated with healthier food choices.<sup>15</sup>
- Without menu labels, consumers often underestimate the caloric content of fast food meals – especially large meals.<sup>16</sup>
- Menu labeling may help parents choose lower-calorie restaurant meals for their children.<sup>17</sup>
- Although it may not affect the nutritional content of fast-food options, menu labeling may motivate increased availability to healthier options.<sup>18</sup>

Additional research upon implementation of the Affordable Care Act will reveal more about the impact of menu labeling on consumer choices and industry innovation.

#### SERIOUS HEALTH CONSEQUENCES

Research documents the link between more frequent eating out and obesity.<sup>19</sup> Although Americans consumed fewer calories away from home from 2005 to 2010,<sup>20</sup> the frequency is still too high and most are still not consuming enough fruits, vegetables and whole grains.<sup>2</sup>

#### SETTING A STELLAR EXAMPLE

State and local governments that have already implemented similar menu-labeling laws can serve as an example for implementation of the federal requirements. New York City (NYC) launched a robust menu labeling initiative in late spring of 2008, which required all restaurant chains with at least 15 stores to list calories per serving next to each food item on the menu or menu board.<sup>21</sup>

Similar initiatives have been passed in locales such as King County, WA (which includes Seattle),<sup>22</sup> Philadelphia,<sup>23</sup> and states such as California,<sup>24</sup> Oregon,<sup>25</sup> and Maine.<sup>26</sup> Initial research on the King County, WA regulation showed significant increases in calorie information awareness and use.<sup>27</sup>

#### MAKING IT HAPPEN

Standardizing calorie information on menus may be easier for larger fast food chains, where food preparation and portion sizes are highly controlled.

However, accurate nutrient composition databases and software for labeling are widely available which can make it easier for all restaurants to calculate calorie content in menu offerings.<sup>28</sup> No matter which restaurant customers choose, they need and deserve the calorie and nutrition information.

## **ACTION PLAN FOR MENU LABELING**

The American Heart Association will advocate for:

- Robust and timely implementation of the federal menu labeling law;
- An accompanying consumer education campaign to help people understand how many calories they should eat in a day to achieve or maintain a healthy weight.
- Monitor and evaluate menu and vending machine labeling initiatives; track consumer purchasing and consumption, industry innovation, and the impact on public health; and.
- Assuring that menu labeling at the state and local level that addresses all restaurants not covered by the federal law display calorie counts on their menus and menu boards and offer nutrition information in a manner consistent with federal law.

<sup>1</sup> Ogden, C., et al. Prevalence of childhood and adult obesity in the United States, 2011- 2012. 2014. JAMA 311(8): 806-814.

<sup>2</sup> Mozaffarian, D., et al. Heart disease and stroke statistics-2015 update: a report from the American Heart Association. Circulation. 2015. 131(4): e29-e322.

<sup>3</sup> Lloyd-Jones, D M., et al. Defining and setting national goals for cardiovascular health promotion and disease reduction the American Heart Association's Strategic Impact Goal through 2020 and beyond. 2010. Circulation 121.4: 586-613.

<sup>4</sup> Barclay, AW., et al. Glycemic index, glycemic load, and chronic disease risk—a meta-analysis of observational studies. 2008. The American Journal of Clinical Nutrition 87.3: 627-637.

<sup>5</sup> Hamman RF, et al. Effect of weight loss with lifestyle intervention on risk of diabetes. 2006. Diabetes Care:29:2102-2107.

<sup>6</sup> Murray, C.J., et al. The state of US health, 1990-2010: burden of diseases, injuries, and risk factors. 2013. JAMA 310(6): 591-608.

<sup>7</sup> Schoenborn CA, et al. Adherence to the 2008 adult physical activity guidelines and mortality risk. 2011. Am J Prev Med 40:514-521.

<sup>8</sup> Nutrition Labeling and Education Act of 1990, Pub. L. No. 101-535, 1990: 104 Stat. 2353

<sup>9</sup> FDA. Overview of FDA Labeling Requirements for Restaurants, Similar Retail Food Establishments and Vending Machines. 2015. Available at: <http://www.fda.gov/Food/IngredientsPackaging/Labeling/LabelingNutrition/ucm248732.htm>. Accessed on April 7, 2015.

<sup>10</sup> Patient Protection and Affordable Care Act (PPACA), Pub. L. No. 111-148, : 124 Stat. 573.

<sup>11</sup> United States Department of Agriculture. Food Expenditure Series. Food CPI and Expenditures. 2014. Available at : <http://www.ers.usda.gov/data-products/food-expenditures.aspx>. Accessed on April 9, 2015.

<sup>12</sup> Scourboutakos, MJ., et al. Restaurant Meals: Almost a Full Day's Worth of Calories, Fats, and Sodium. 2013. JAMA Intern Med: 1-2.

<sup>13</sup> Kirkpatrick, SI., et al. Fast-food menu offerings vary in dietary quality, but are consistently poor. 2013.Public Health Nutr. 1-8.

<sup>14</sup> Wu, HW., et al. What's on the menu? A review of the energy and nutritional content of US chain restaurant menus. 2013. Public health nutrition 16.01: 87-96.

<sup>15</sup> Auchincloss, AH., et al. Customer Responses to Mandatory Menu Labeling at Full-Service Restaurants. 2013. Am J Prev Med.45(6): 710-719.

<sup>16</sup> Block, JP., et al. Consumers' estimation of calorie content at fast food restaurants: cross sectional observational study.2013. BMJ:British Medical Journal 346.

<sup>17</sup> Tandon PS, et al., Nutrition menu labeling may lead to lower-calorie restaurant meal choices for children. 2010. Pediatrics. 125(2):244-248.

<sup>18</sup> Namba, A. Exploratory Analysis of Fast-Food Chain Restaurant Menus Before and After Implementation of Local Calorie-Labeling Policies, 2005-2011.2013. Prev Chronic Dis: 10.

<sup>19</sup> Fulkerson, JA, et al. Away-from-Home Family Dinner Sources and Associations with Weight Status, Body Composition, and Related Biomarkers of Chronic Disease among Adolescents and Their Parents. 2011. Journal of the American Dietetic Association, 111(12), 1892-1897.

<sup>20</sup> US Department of Agriculture, Changes in Eating Patterns and Diet Quality Among Working-Age Adults, 2005-2010. 2014. Available at <http://www.ers.usda.gov/media/1259670/err161.pdf> April 9, 2015.

<sup>21</sup> Rules of the City of New York, Title 24, New York City Health Code x81.50.

<sup>22</sup> King County Board of Health. BOH10-02. i. 2010.

<sup>23</sup> The Philadelphia Code. § 6-308, Menu Labeling Requirements for Chain Establishments.

<sup>24</sup> California Health and Safety Code. Chapter 4, Article 8, § 114094.

<sup>25</sup> Oregon. Rev. Stat. 624.10.

<sup>26</sup> Maine..Rev. Stat. Ann. tit. 22, §2500-A.

<sup>27</sup> Chen, R, et al. Changes in Awareness and Use of Calorie Information After Mandatory Menu Labeling in Restaurants in King County, Washington. 2015. American Journal of Public Health 0: e1-e8.

<sup>28</sup> U.S. Food and Drug Administration, Calories Count: Report of the Working Group on Obesity. 2004. Available at:

<http://www.fda.gov/food/foodscienceresearch/consumerbehaviorresearch/ucm081696.htm>. Accessed on April 10, 2015.