

FACTS

Downsizing the Epidemic

Menu Labeling in Restaurants

OVERVIEW

Our nation is in the grips of an obesity epidemic. Too many people are taking in too many calories and do not get enough physical activity. The combination can be deadly, leading not only to obesity, but a higher risk of cardiovascular disease, diabetes, cancer, and early death or disability. 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, the same details are not provided on most restaurant menus, menu boards, or foods sold in venues for immediate consumption, such as movie theaters, sport arenas, and grocery store delis.

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.¹ To put this information in context with overall diet, chain restaurants are required to include a daily calorie intake statement. In addition, vending machine operators with more than 20 machines must also post calories on or next to the machines.

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 (46%) of their food budget on foods eaten away from home.^{2,3} 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:

- Foods eaten away from home are typically served in larger portion sizes and usually have more calories than those eaten at home.^{4,5}
- The menu labeling required by the

Affordable Care Act increases consumer knowledge, which leads to healthier food choices.^{1,6,7}

- Without menu labels, consumers underestimate the caloric content of restaurant meals.⁸
- Adding caloric and nutrient information on the menus at full-service restaurants resulted in consumers purchasing entrees lower in calories, fat, and sodium.⁷
- Menu labeling may lead to parents choosing lower-calorie restaurant meals for their children.⁹
- Although it doesn't decrease unhealthy options, mandatory menu labeling leads to more healthy options at fast food restaurants.¹⁰

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.¹¹ Obesity is not only a major health risk factor but it threatens to reverse all of the improvements in cardiovascular health made over the last fifty years.¹² Although Americans have begun consuming a decreasing percentage of their daily caloric intake away from home,¹³ the frequency is still too high and adverse health consequences – such as Type 2 diabetes, high cholesterol and high blood pressure – are still a big problem.¹⁴

SETTING A STELLAR EXAMPLE

Other states and cities 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 2008,¹⁵ 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. NYC conducted an accompanying education campaign to teach consumers about calories and continues to monitor and evaluate the program.

Similar initiatives have been passed in cities such as Philadelphia,¹⁶ and states such as California,¹⁷ Oregon,¹⁸ and Maine.¹⁹ Initial research in NYC about the impact on consumer behavior and

industry response seemed to provide favorable consumer reactions health outcomes:

- 86% of consumers thought it was a positive move;
- 84% said they read the calories on menus;
- 97% said that calories were higher than they expected; and
- 77% said that restaurants have a responsibility to respond to consumers' nutritional concerns.²⁰

However, more recent research has shown that the New York City law has had an insignificant effect on fast food consumption and likely only has an influence on those who are already motivated to read nutritional information.²¹ Additionally, research on the law passed in Philadelphia showed that even among consumers who used the nutritional information, caloric consumption was still excessive.²² Clearly, additional consumer education will be needed to ensure that menu labeling requirements lead to broader changes in consumer behavior.

MAKING IT HAPPEN

Standardizing calorie information on menus is 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 and it is easier than ever before for all restaurants to calculate calorie content in menu offerings.²³ No matter which restaurant customers choose, they need and deserve the calorie and nutrition information.

The ability of customers to customize ingredients in some of their meal selections does pose a challenge. However, for most food items, a close estimate of calories will provide consumers the information they need to make an informed and healthy choice.

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.

¹ Patient Protection and Affordable Care Act (PPACA), Pub. L. No. 111-148, 2010: 124 Stat. 573.

² Poti J, Popkin B. Trends in energy intake among US children by eating location and food source, 1977-2006. *J Am Diet Assoc* 2011; 111(8): 1156.

³ Cohen, DA, & Bhatia, R. Nutrition standards for away-from-home foods in the USA. *Obesity Reviews*, 2012; 13(7):618-29.

⁴ Scourboutakos, M. J., et al. Restaurant Meals: Almost a Full Day's Worth of Calories, Fats, and Sodium. *JAMA Intern Med*: 2013; 1-2.

⁵ Kirkpatrick, S. I., et al. Fast-food menu offerings vary in dietary quality, but are consistently poor. *Public Health Nutr*: 2013; 1-8.

⁶ Krieger, J. W., et al. Menu Labeling Regulations and Calories Purchased at Chain Restaurants. *Am J Prev Med*: 2013; 44(6): 595-604.

⁷ Auchincloss, A. H., et al. Customer Responses to Mandatory Menu Labeling at Full-Service Restaurants. *Am J Prev Med*: 2013; 45(6): 710-719.

⁸ Block, J. P., et al. Consumers' estimation of calorie content at fast food restaurants: cross sectional observational study. *BMJ*: 2013; *British Medical Journal* 346.

⁹ Tandon PS, et al., Nutrition menu labeling may lead to lower-calorie restaurant meal choices for children. *Pediatrics*. February 2010. 125(2):244-248.

¹⁰ Namba, A. Exploratory Analysis of Fast-Food Chain Restaurant Menus Before and After Implementation of Local Calorie-Labeling Policies, 2005-2011. *Prev Chronic Dis*: 2013; 10.

¹¹ 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. *Journal of the American Dietetic Association*, 2011; 111(12), 1892-1897.

¹² Levy, D. Combating the Epidemic of Heart Disease Combating the Epidemic of Heart Disease. *JAMA*, 2012; 308(24), 2624-2625.

¹³ US Department of Agriculture, Economic Research Service. Changes in Eating Patterns and Diet Quality Among Working-Age Adults, 2005-2010. 2014. Available at <http://www.ers.usda.gov/publications/err-economic-research-report/err161.aspx>. Accessed on January 22, 2014.

¹⁴ Lichtenstein AH, et al.. Diet and lifestyle recommendations revision 2006, *Circulation*. 2006; 114: 82-96.

¹⁵ Rules of the City of New York, Title 24, New York City Health Code x81.50.

¹⁶ The Philadelphia Code. Menu Labeling Requirements for Chain Establishments. S6308. 2014. Available at [http://www.amlegal.com/nxt/gateway.dll/Pennsylvania/philadelphia_pa/thephiladelphiacode?f=templatesSfn=default.htm\\$3.0\\$vid=amlegal:philadelphia_pa](http://www.amlegal.com/nxt/gateway.dll/Pennsylvania/philadelphia_pa/thephiladelphiacode?f=templatesSfn=default.htm3.0vid=amlegal:philadelphia_pa). Accessed on January 23, 2014.

¹⁷ California Health and Safety Code. SB 1420. 2008. Available at http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_1401-1450/sb_1420_bill_20080903_enrolled.html. Accessed on January 23, 2014.

¹⁸ Or. Rev. Stat. 624.10. (2009).

¹⁹ Me. Rev. Stat. Ann. tit. 22, §2500-A (2010).

²⁰ Technomic, Inc. Executive Summary. Consumer Reaction to Calorie Disclosure on menus/menu boards in New York City. Project Number 13109. September 2008. Vadiveloo, M. K., et al. Consumer purchasing patterns in response to calorie labeling legislation in New York City. *International Journal of Behavioral Nutrition and Physical Activity*:2011; 8(1): 51.

²² Auchincloss, A. H., et al. Customer Responses to Mandatory Menu Labeling at Full-Service Restaurants. *Am J Prev Med*: 2013; 45(6): 710-719.

²³ U.S. Food and Drug Administration, Calories Count: Report of the Working Group on Obesity (July 1, 2009), accessed at: <http://www.fda.gov/Food/LabelingNutrition/ReportsResearch/ucm081770.htm>