

ACS CAN Supports Implementation of the Federal Menu Labeling Requirement



Studies show a strong link between poor nutrition, physical inactivity, excess weight, and cancer. That's why the American Cancer Society Cancer Action Network (ACS CAN) supports the timely implementation of new federal menu labeling requirements for restaurants and other food establishments. Including food and beverage calorie information on menus and menu boards makes it easier for people to make healthy choices and reduce their cancer risk.

Menu Labeling is a Tool to Reduce Cancer Risk

Approximately 20 percent of all cancers can be attributed to excess weight, physical inactivity, and poor nutrition.¹ Being overweight or obese increases the risk for colon, endometrium, esophagus, gallbladder, kidney, pancreas, rectum, and postmenopausal breast cancer.² With approximately two-thirds of American adults overweight or obese,³ efforts to promote a healthy diet and a healthy weight – like providing nutrition information – are essential to long-term reductions in cancer risk across the population.

Menu Labeling Helps People Make Healthy Food Choices

Consumers want access to nutrition information that will help them make better decisions about food and beverages. A 2009 national survey found that 70 percent of consumers said they wanted calorie information on restaurant menus.⁴ A Centers for Disease Control and Prevention (CDC) study in 17 states found that among survey respondents who said they notice menu labeling in restaurants, 57 percent said they use the information in deciding what to order, at least some of the time.⁵

Because more people are eating meals away from home than in the past, providing nutrition information for ready-to-eat foods in restaurants and other establishments is more important than ever. In 2003-2006, individuals aged two and older consumed one-third of their calories away from home, up from 18 percent in 1977-1978.⁶ People who eat away from home consume more calories than those who eat at home. Each additional meal consumed away from home has been found to increase average caloric intake among adults by 134 calories, which could result in a two pound weight gain over the course of the year.⁷

Menu labeling can be an effective tool to help people make healthy food choices to reduce their cancer risk.^{8,9} In one study, parents of young children given a menu with calorie information were asked what they would order for themselves and their children if their next meal was at a popular fast food restaurant. This group of parents ordered 100 fewer calories for their kids than parents who were given standard menus.¹⁰ A New York City study found that customers who reported using menu labeling ordered at least 100 fewer calories when ordering a fast food lunch as compared to those who did not use menu labeling.¹¹

Certain consumers are more likely to use menu labeling, including women, individuals who are overweight and obese, and those earning higher incomes.¹² Research suggests that it is important for consumers to notice, understand, and want to use menu labeling information in order for it to influence their food and beverage choices.

Federal Law Requires Menu Labeling

Federal law requires chain restaurants and similar retail food establishments with 20 or more locations nationwide to display calorie information on menus and menu boards for standard items and make additional nutrition information available upon request. The law also requires vending machine operators who own or operate 20 or more vending machines to display calorie information for certain foods and beverages sold from vending machines. The menu and vending machine labeling requirements preempt state and local laws for chains of 20 or more. Chains of less than 20 locations, which may be subject to state or local menu labeling laws, have the option to “opt-in” to comply with the federal menu labeling requirements instead. In December 2014, the U.S. Food and Drug Administration (FDA) issued final rules that provided more information and clarity on these requirements.

The FDA’s final menu labeling rule took a strong stand for public health by requiring a variety of establishments, including many restaurants, supermarket cafes, convenience stores, superstores, stadiums, and movie theaters, to display calorie information for their ready-to-eat foods and beverages. It also provided guidance on presenting the calorie information in a consistent format that consumers will understand. When the final rule takes effect, consumers will have more nutrition information than ever before at their fingertips when they purchase ready-to-eat food and beverages. A provision in the FY 2016 appropriations bill and a subsequent announcement from FDA delayed the menu labeling compliance date until one year after FDA releases guidance for industry on the implementation of the law. To provide additional clarity on the menu labeling requirements, in April 2016 FDA released this final guidance. Menu labeling will take effect nationwide in May 2017.

ACS CAN’s Recommendations

ACS CAN supports providing people with useful information that will help them make healthy food and beverage choices when eating out as a way to reduce cancer risk. We applaud the FDA for applying the menu labeling requirements to a broad range of eating establishments and ready-to-eat foods and beverages - including alcoholic beverages listed on menus - and support their timely and complete implementation.

Despite the strong, public health-focused final rule, opponents are working to advance legislation that would amend the federal menu labeling requirement to make it more difficult for people to effectively use the menu labeling information to make healthier choices (see box). ACS CAN opposes this legislation or any effort to limit consumers’ access to and ability to use evidence-based tools and information to support their making healthy food and beverage choices that can reduce their cancer risk. Any effort designed to further delay implementation or undermine the menu labeling requirements in the law takes us a step further away from promoting public health and reducing suffering and death from cancer.

H.R. 772/S. 261 Undermines Public Health

Some Members of Congress are working to advance legislation that would change the current menu labeling requirements. H.R. 772 and S. 261, the “Common Sense Nutrition Disclosure Act of 2017,” would make it more difficult for consumers to access and use calorie information in their food and beverage purchase decisions. This legislation would:

- Make it more difficult to accurately compare calorie content across items by allowing calorie information to be presented in different formats – by serving size, by whole item, or per common unit subdivision – depending on the retailer and the item, which would make it harder for customers to make informed decisions about food choices.
- Limit some customers’ access to the calorie information by allowing restaurants to provide calorie content for only one “primary” menu, which could be online or in store, meaning that not all customers would have the information they need to make informed decisions about food choices.
- Make the calorie information less useful to customers by allowing restaurants to decide how to provide calorie information for combination items (such as a meal with an entrée, side and drink) or items that come in different flavors.
- Delay implementation of the updated menu labeling requirements, making customers wait at least two or three more years for calorie information at chain restaurants and retailers across the country.

We urge Congress to reject the Common Sense Nutrition Disclosure Act and allow menu labeling to take effect as scheduled.

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