



COUNTY OF SAN LUIS OBISPO HEALTH AGENCY

ENVIRONMENTAL HEALTH SERVICES DIVISION

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MENU NUTRITIONAL LABELING REQUIREMENTS

Americans consume about a third of their daily calories away from home. In an effort to help consumers make informed choices, California has adopted federal menu labeling requirements which go into effect May 7, 2018. At that time, restaurant chains or similar retail food establishments with 20 or more locations, doing business under the same name, and offering substantially the same menu items, must provide the following information on all menus, menu boards and drive-thru menu boards:

- List the **number of calories for each menu item**, in a clear manner.
- A **statement regarding daily calorie intake**—"2,000 calories a day is used for general nutrition advice, but calorie needs vary".
- A **statement regarding the availability of additional nutrition information**—"additional nutritional information available upon request".

The **additional nutritional information shall include**: total calories (cal), calories from fat (fat cal), total fat (g), saturated fat (g), trans fat (g), cholesterol (mg), sodium (mg), total carbohydrate (g), dietary fiber (g), sugars (g), protein (g).

On or Before July 26, 2018, Any Person Engaged in Operating 20 or More Vending Machines Shall...

- * Allow a perspective purchaser to examine the Nutrition Facts Panel for each item offered for sale in the vending machine
- OR**
- * Provide a sign/sticker/electronic display in close proximity to each article of food or the selection button that discloses the calories contained in each item offered for sale.

Examples of Restaurant-Type Foods Subject to Labeling Requirements Include:

- ◇ Menu items from sit-down restaurants
- ◇ Foods purchased at drive-through windows
- ◇ Take-out food, such as pizza
- ◇ Foods, such as made-to-order sandwiches, ordered from a menu or menu board at a grocery store or deli
- ◇ Foods you serve yourself from a salad or hot food bar at a restaurant or grocery store
- ◇ A muffin at a bakery or coffee shop
- ◇ Popcorn purchased at a movie theater or amusement park
- ◇ A scoop of ice cream, milk shake or sundae from an ice cream store
- ◇ Alcoholic beverages that are a standard menu item that are listed on a menu or a menu board

HOW TO DETERMINE THE NUTRITION VALUES FOR FOOD

An establishment covered by the menu labeling rule must have a reasonable basis for determining the values for calorie and other nutrient information provided. These values may be determined by calculations based on nutrient databases, cookbooks, laboratory analyses, the Nutrition Facts on labels of packaged foods, and other reasonable means. In addition, reasonable steps must be taken to ensure that the method of preparation and amount of a standard menu item adheres to the factors on which nutrient values were determined. You can round calories as listed below:

Food contains fewer than 5 calories	Round to 0 or 5 calories
Food contains 5-50 calories	Round to nearest 5 calorie increment
Food contains more than 50 calories	Round to nearest 10 calorie increment

The Following Types of Facilities are **NOT** Subject to Labeling Requirements

- ◆ Food Trucks
- ◆ Bed & Breakfasts
- ◆ Private and Public Schools
- ◆ Temporary Events or Certified Farmers Markets
- ◆ Licensed Health Care Facilities with in-patient only food service
- ◆ Retail Stores (where majority of sales are not from food)

The Following Items Are **NOT** Subject to Labeling Requirements:

- Daily Specials
- Custom food orders
- General use condiments
- Temporary Menu Items (sold less than 60 days per year)
- Customary Market Test Menu Items (offered for less than 90 consecutive days)

HELPFUL LINKS

- CFR Title 21:**
<http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?FR=812.2>
- FDA Information:**
<http://www.gpo.gov/fdsys/pkg/FR-2014-12-01/pdf/2014-27833.pdf>
- FDA Guidance, Compliance, Regulatory Information:**
<http://www.fda.gov/Drugs/GuidanceComplianceRegulatory-Information/default.htm>
- USDA nutrient Database:**
<http://ndb.nal.usda.gov/>
- Personal caloric intake recommendations:**
<http://www.choosemyplate.gov/>

For additional information, please contact our office at (805)781-5544 or visit our website at www.slocounty.ca.gov/ehs