

FDA sets menu rules for food chains, other eateries

Bruce Horovitz, USA TODAY 8:33 p.m. EST November 24, 2014

Consumers will no longer have to guess how many calories are in most of the foods they buy when they eat out.

On Tuesday, the U.S. Food and Drug Administration will announce that it is making final two rules that require calorie information be listed on menus and menu boards at chain restaurants, grocery store take-out counters, convenience stores, theaters, amusement parks and vending machines with 20 or more locations. These rules do not apply to independent restaurants.

The rules are required under the Affordable Care Act.

The restaurant rules take effect in one year and the vending machine rules in two years.

The rules come as consumers increasingly demand more information about foods and beverages. Some restaurant chains, including Panera and McDonald's, have supplied the calorie information for some time, but the new rules formalize the labeling for the entire industry. They will not apply to seasonal items carried for less than 60 days.

A big driver for the new rules is that consumers buy so much prepared food. "Americans eat and drink about one-third of their calories away from home, and people today expect clear information about products they consume," said FDA Commissioner Margaret Hamburg in a conference call with reporters.

Consumer advocates long have sought this move. "This is a really good thing for consumers," said Margo Wootan, director of nutrition at the Center For Science in the Public Interest. Prepared foods are not only a growing part of our diet, "but a problematic part with all the giant portion sizes at restaurants," she said in a phone interview.

The rules have been more than four years in the making. While there has been strong opposition from some pizza chains, theater chains and convenience store chains, the rules have strong support from the National Restaurant Association uniformity instead of state-by-state

regulations, which drove many chains crazy.

"We believe that the Food and Drug Administration has positively addressed the areas of greatest concern with the proposed regulations and is providing the industry with the ability to implement the law in a way that will most benefit consumers," said Dawn Sweeney, president of the National Restaurant Association, in a statement.

Food establishments will be required to clearly and conspicuously display calorie information for standard items on menus and menu boards, next to the name or price of the item. The rule also applies to certain alcoholic beverages served in food establishments.

Salad bars will require calorie counts as will individual — but not bulk — items sold at deli counters.

The rules do not apply to food trucks or food served on airplanes.

The FDA received more than 1,100 comments from stakeholders and consumers in developing the rules, said Hamburg. "It was much more complicated than we originally thought it would be," she said.