

“Restaurant-Type” Foods, FDA, & Labeling in 2018



Calorie counts on restaurant menus have become an increasingly more common occurrence today as consumers and regulators alike focus on healthy options and being transparent. Data has supported customer desire for healthier options like fruit, produce or low-calorie meals. And regulators have focused on consumers having more nutritional information available to consumers. The thought being, that if consumers were made aware of the nutritional content of their ready-made meals, they would be enabled to make more informed choices about what they regularly eat. Towards that end, the FDA has published its most recent [draft guidance on nutritional labeling of foods](#).

This new requirement is not just limited to restaurants; some retail grocers are now going to have to label some of the food items offered to customers in their stores. Effective May 7th 2018, establishments that meet all 3 of the following criteria will have to post calorie information about the product at the place of order:

1. Restaurants and similar retail food establishments that are part of a chain with 20 or more locations doing business under the same name (regardless of the type of ownership of the locations)
2. offering for sale substantially the same menu items (chain retail food establishment)
3. offer “restaurant-type food”

Where in the grocery store are we talking about?

Well, anywhere the product is made in-house or labeled “in-house” is merchandised, but primarily in the store perimeter - any location that offers a “restaurant-type food.” Restaurant-type food is generally considered to be foods that are usually eaten on the premises, while walking away, or soon after arriving at another location in a single sitting.

Examples: Hot buffet food, hot soup at a soup bar, and food from a salad bar; foods ordered from a menu/menu board at a grocery store intended for individual consumption (e.g., soups, sandwiches, and salads); self-service foods and foods on display that are intended for individual consumption (e.g., sandwiches, wraps, and paninis at a deli counter; salads plated by the consumer at a salad bar; cookies from a bakery, bagels, donuts, rolls offered for individual sale), produce snack-type packages made in store, etc.

What will need to be labeled and with what type of labels?

The rule applies to standard menu items offered for sale. “Standard menu item” means a restaurant-type food that is routinely included on a menu or menu board or routinely offered as a self-service food or food on display. This doesn’t apply to condiments, daily specials, temporary menu items, custom orders, and food that is part of a customary market test; and self-service food and food on display that is offered for sale for less than a total of 60 days per calendar year or fewer than 90 consecutive days in order to test consumer acceptance.

Calories per serving will need to be located clearly and prominently on the menu or menu board. For self-service foods, calories will need to be shown on signs (clings, placards, scale labels, etc.) near the foods.

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In addition, there will need to be a statement made on menu and menu boards: *“2,000 calories per day is used for general nutrition advice, but calorie needs vary.”*

Finally, you will need to provide further written information on the covered menu items. This information must include: total fat, calories from fat, saturated fat, *trans* fat, cholesterol, sodium, total carbohydrates, dietary fiber, sugars and protein. There are a number of ways that this information can be written (posters, booklets, tray liners, signs, counter cards, handouts, computers etc.), but it must be available to consumers upon request.

So, what does this mean for you, if your establishment is one of less than 20 locations? Answer: not much. However, if your company banner is 20 or more, then it’s time to get moving:

- Examine your “restaurant-type food” in all categories. Create a list of all of them.
- Locate the ingredients and/or nutritional information of the products. Use the supplier nutritionals, have the product tested or use an on-line recipe program. Obtain all of the needed nutritional information, not just the calories.
- Once you have the information, then it’s time to get with your marketing professional and your operations professional to develop new customer-facing menus. These could be menu boards, clings, package labels or cooler shelf tags.
- Use the additional nutritional information to develop your content for the written nutritional information which must be made available to customers upon request.
- Meet up again with your marketing professional and operations professional to determine the best method for delivering this information to consumers.
- Turn them loose to execute.
- Once developed, verify that the required content is displayed on the marketing materials and written information.
- Verify that the marketing materials are present in your establishment.
- Finally, meet with your retail team members and train them on the changes: What, Why, When and for Whom

The Bottom Line Benefit:

While this is a lot of work to undertake, consumers want transparency in the food they eat and they look to the places where they purchase their food to get that information. The more we can do to provide them the information they are looking for, the more trustworthy our stores and brands become.

Source:

https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm583487.htm?utm_campaign=CFSANConstituentUpdate_11072017_MenuLabelingSupplemental%20Guidance&utm_medium=email&utm_source=Eloqua&elqTrackId=859cea8726dc4e68b2e4f6adc9b9b1c6&elq=05420d864bea4ff6bdb336bbfe72e804&elqaid=1245&elqat=1&elqCampaignId=736