



RETAIL MENU LABELING AND NUTRITIONAL INFORMATION REQUIREMENTS



California Health and Safety Code Section 114094, establishes provisions for menu labeling requirements in California that conform with the existing federal law and U.S. Food and Drug Administration (FDA) menu labeling regulations that were promulgated under the Patient Protection and Affordable Care Act. The federal menu labeling requirements in Title 21, United States Code (USC) Section 343(q)(5)(H), requires chain restaurants with 20 or more locations operating under the same business name with substantially the same menu, and “other similar” eating establishments, to provide nutrition information related to standard menu items.

The Food and Drug Administration (FDA) has delayed finalizing the rule requiring calorie information to be listed on menus and menu boards in chain restaurants and similar retail food establishments and vending machines. This rule applies to restaurants and similar retail food establishments if they are part of a chain of 20 or more locations, doing business under the same name, offering for sale substantially the same menu items and offering for sale restaurant-type foods. The total number of establishments is based on number located within the United States. Chains with less than 20 locations in California but 20 or more throughout the United States are subject to the rule and enforceable in California.

Compliance with the menu labeling requirements for those qualified restaurants and similar food businesses has now been extended to May 7, 2018. CDPH is recommending that local enforcement agencies use this extended time period to work with and educate restaurants and other covered food facilities to come into compliance. Additional information on the rule and the extension of the compliance date can be viewed in the [Federal Register](https://federalregister.gov/d/2017-09029) (<https://federalregister.gov/d/2017-09029>.)

The FDA has published “A Labeling Guide for Restaurants and Retail Establishments Selling Away-From-Home Foods – Part II - Guidance for Industry” and can be downloaded from the [FDA website](http://www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/UCM461963.pdf) (<http://www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/UCM461963.pdf>). The document provides information on the nutrition labeling requirements under the FDA Menu Labeling rule.