

Mandatory Calorie Labeling on Menus

ISSUE: Should restaurants be required to provide calorie counts on their menus?

As part of last year's Healthcare Reform Act, the United States Food and Drug Administration (FDA) issued two proposed regulations affecting calorie labeling on menus and menu boards in chain restaurants, retail food establishments, and vending machines. The proposal, titled the "Menu Labeling Rule," will apply to chains with 20 or more locations operating under the same name while offering the same menu items. Other businesses that will be impacted are bakeries, coffee shops, and certain grocery and convenience stores. However, exempt from this regulation will be businesses whose primary purpose is not to sell food (e.g., movie theaters and airplanes).

The primary reason for the proposed regulation is to address major obesity and health problems in the United States. A study by the journal of Health Affairs revealed medical costs of obesity have nearly doubled to \$147 billion within a 10-year period. Additionally, obesity accounts for 9.1 percent of national healthcare spending, which is up from 6.5 percent a decade ago. The average citizen is now 23 pounds overweight, according to the Centers for Disease Control and Prevention, and obesity rose by 37 percent between 1998 and 2006.

According to Michael Jacobson, director of the Center for Science in the Public Interest, "in an age of obesity, calorie information is probably the single most wanted piece of nutrition information and these new regulations will get that information out there." Consumers can find calorie and other nutrition information on most packaged foods, but it is not generally available in restaurants. This is important because Americans now consume about one-third of their total calories on foods prepared outside the home, according to the FDA Commissioner.

Proponents of the proposed rule believe that consumers have the right to know what they are eating. They point to the difficulty of trying to determine the calorie contents of the foods they consume when dining out. Cities that have passed similar regulations, such as New York City, claim that consumers armed with the appropriate information are now able to make wiser food choices. Choosing healthier options when dining out could significantly combat the obesity epidemic; the Los Angeles Department of Public Health has stated that if 10 percent of restaurant diners ate 100 fewer calories each meal, it would lower obesity rates by 39 percent. These regulations could also be a major help to people suffering from health problems, who can unhealthy foods.

On the other hand, opponents of the regulation, including many restaurants, have argued that it would impose significant costs on businesses with little to show for in return. Having to revamp menus is costly, and restaurants claim that it is difficult for them to keep calorie counts consistent and eliminates their ability to be spontaneous with their food preparation. Opponents also argue that information on menu items is already available online and in other places. Therefore, health-conscious consumers have many outlets in which to turn if they really want to know what they are eating. They also point to the fact that many restaurants already post information about their foods on posters or trays, and yet the obesity epidemic continues unabated. Indeed, several consumers have indicated that calorie content is not as important to them as the taste of the food when eating out. Finally, critics

believe that government intervention goes too far in “engineering” citizens’ personal choices. They argue it is each person’s responsibility to gather sufficient knowledge about what he or she is consuming.

The FDA’s proposal was submitted April 1, 2011, and the agency will issue final rules before the end of the year.

There are two sides to every issue:

1. Requiring food establishments to post calorie information on menus will help combat the obesity epidemic.
 2. Mandatory calorie labeling on menus will impose a mandatory burden on food establishments without slowing the obesity epidemic.
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