

March 2, 2018

We, the undersigned organizations, write to ask you to oppose any further attempts to weaken or delay implementation of the national menu labeling law (set to go into effect May 2018) in the FY2019 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act or spending bill.

Over 80 percent of Democrats, Republicans, and Independents support menu labeling. Further, over 80 percent think chain supermarkets, convenience stores, and pizza restaurants/chains (like Domino's) should be held to the same standard for labeling calories as chain restaurants.

The Food and Drug Administration (FDA) has made it clear that menu labeling is here to stay. The agency is taking a sensible approach that carries out the law as required by Congress, while providing significant flexibility for companies. The FDA Commissioner Scott Gottlieb stated that FDA will not reopen the menu labeling rule and recently issued new draft guidance, answering industry questions about how to comply. The FDA also stated that within the first year the agency would not levy any fines and would focus on technical assistance and education to support industry.

The vast majority of chains already are providing calorie labeling. The nation's top 50 restaurant chains already provide calorie information (either online or in the restaurant), and so do many of the top supermarket and convenience store chains. Despite this progress, some industry groups are pushing to weaken and delay menu labeling, which would further stall and undercut the administration's plans for implementation, undermine the vast majority of chains that are already labeling, and impede people's access to menu labeling.

At this time of record high obesity rates, menu labeling allows Americans to make their own, informed choices about how many calories to eat. A Harvard study found that restaurant menu labeling could prevent up to 41,000 cases of childhood obesity and could save over \$4.6 billion in healthcare costs over ten years.¹ The FDA estimates that menu labeling would generate \$9.2 billion in benefits to consumers over 20 years, according to its regulatory impact analysis for the 2014 final rule.²

Thank you for your support for providing consumers with nutrition information at chain food service establishments by opposing any attempts to weaken or delay menu labeling in the FY2019 appropriations bill.

¹ Gortmaker SL, Wang YC, Long MW, et al. Three Interventions that Reduce Childhood Obesity Are Projected to Save More Than They Cost to Implement. *Health Aff.* 2015;34:1932-9. doi:10.1377/hlthaff.2015.0631

² Food and Drug Administration. Final Regulatory Impact Analysis: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishment, November 2014. Accessed at: <https://www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/UCM423985.pdf>.

Sincerely,

American Association of Justice
American Diabetes Association
American Heart Association
Center for Science in the Public Interest
Consumer Federation of America
Consumers Union
Earthjustice
Food Policy Action
Food Policy Action - Education Fund
MomsRising
National Association of County and City Health Officials
Public Health Advocates
Trust for America's Health