



June 15, 2011

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Re: Docket No. FDA-2011-F-0172/RIN 0910-AG57

Proposed Rule on Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments

To Whom it May Concern:

The American Society for Nutrition (ASN) appreciates the opportunity to provide comment on the proposed rule for nutrition labeling of standard menu items in restaurants. This proposed rule requires that restaurants and similar retail food establishments with 20 or more locations doing business under the same name and offering for sale mainly the same menu items disclose calorie information for standard menu items appearing on restaurant menus and menu boards, as well as foods on display and self-service food. This labeling approach is in line with ASN's focus on encouraging Americans to make small changes in diet and physical activity in order to enhance America's efforts to balance energy intake and prevent overweight and obesity. ASN, with over 4,200 members in the United States and around the world, is dedicated to bringing together the world's top researchers, clinical nutritionists and industry to advance our knowledge and application of nutrition.

ASN supports making calorie information available to all segments of the U.S. population and strongly supports the requirement for chain restaurants to disclose calorie information for all food and beverage items on menus and menu boards.

ASN recognizes that providing accurate, science-based nutrition information to consumers allows them the opportunity to make healthy decisions regarding their diets. Studies have shown the positive effects of providing calorie information at point-of-purchase. For example, when nutrient content information is provided, approximately 20% of patrons are more likely to order an item with fewer calories¹ and patrons who viewed calorie information purchased fewer calories.²

¹ Pulos E, Leng K. Evaluation of a voluntary menu-labeling program in full-service restaurants. *Am J Public Health*. 2010 June; 100(6):1035-9.

² Bassett MT, Dumanovsky T, Huang C, Silver LD, Young C, Nonas C, Matte TD, Chideya S, Frieden TR. Purchasing behavior and calorie information at fast-food chains in New York City, 2007. *Am J Public Health*. 2008 Aug; 98(8):1457-9.

ASN strongly encourages the development and dissemination of educational and promotional efforts, such as public service campaigns, to raise awareness of the availability and usefulness of calorie information, particularly among those who do not use the information. Increased awareness of the availability and usefulness of calorie information at point-of-purchase and other nutrition information upon request can further increase the number of consumers who utilize such information. ASN suggests that educational efforts also place an emphasis on the importance that Americans "know their number", i.e., know how many calories they should consume each day in order to balance energy intake and prevent overweight and obesity. Such an educational campaign would place nutrition labeling of standard menu items in restaurants within a practical context for Americans, allowing them to link the labeled calorie content of foods with the knowledge of how many calories they should consume each day. ASN also supports educational and technical assistance incentives, including a help line, free access to reputable nutrient analysis/calculation software, and training such as online tutorials, webinars, and in-person seminars, to assist restaurants *without* 20 or more locations in voluntarily providing calorie information to consumers at point-of-purchase and in making other nutrition information available upon request. **ASN encourages incorporating education about menu labeling into school curricula so that students, parents and teachers will understand how to use the information to make healthful choices when eating out of the home.**

ASN strongly recommends that facilities within larger establishments, such as superstores, school or hospital cafeterias, and movie theaters, sporting events, amusement parks, and other entertainment-type venues, should NOT be excluded from menu labeling requirements. Accurate, science-based nutrition information should be available in all establishments where consumers make food choices in order to enable consumers to make healthy decisions that may translate into permanent behavior change. Therefore, ASN does not support the alternative definition of restaurants which would exclude grocery stores and convenience stores that sell foods in their cafes, delicatessens, or other facilities for immediate consumption from providing calorie information at point-of-purchase and other nutrition information upon request. The Food Marketing Institute (FMI) 2010 U.S. Grocery Shopper Trends report notes that the proportion of U.S. grocery shoppers who express interest in supermarket ready-to-eat foods is at its highest point in four years (55% of 2,002 shoppers), especially with regards to: freshly prepared, heat-and-serve food to take home (47%); made-to-order sandwiches (37%); extensive salad bars (37%); prepared hot food buffets/ bars (34%); and restaurant/ sit-down areas in-store (23%). ASN also supports menu labeling requirements for alcoholic beverages, as they are standard menu items in some restaurants.

ASN supports providing calorie information for each component of variable menu items and for single serving sizes rather than for an entire menu item when that item comes in multiple servings. ASN suggests that providing calorie information for

common, single serving sizes rather than for the entire menu item, when that item comes in multiple servings such as a pizza, will be most helpful to consumers. Calorie information for a serving size may be easier for consumers to understand, and add up if necessary, rather than doing calculations to determine what percentage of the total calories they consumed from an entire pizza. ASN recommends that calorie information for both an entire menu item and a single serving of that menu item be provided when space allows, such as on a website. ASN also supports Option 2 in the proposed rule for listing calorie and other nutrition information for each component of variable menu items, such as combination meals, as this option provides consumers with all the necessary nutrition information in a format that allows for ease of use and comparison. ASN agrees that a consistent format for calorie presentation will likely be easiest to understand and to provide education on, whatever that format will be.

ASN supports language similar to the proposed succinct statement on menus and menu boards: “Consumption of 2,000 calories each day is used as the basis for general nutrition advice; however, individual daily calorie needs may be higher or lower.” ASN suggests that portions of menus tailored to children include a different succinct statement that lets parents know that children’s caloric needs vary depending on age, sex, and level of activity (typically 1,000-1,400 calories for 2-3 year old children, up to 2,200-2,700 calories for 14-18 year old active boys). ASN supports language with a recommended daily caloric range for children so parents and caregivers have adequate information to make healthy meal decisions for children.

ASN strongly suggests that more consumer research, such as careful monitoring and evaluation of consumer behavior, be conducted in tandem with this initiative.

ASN supports the FDA’s decision to conduct consumer research to determine which presentation of caloric information (ranges vs. averages, etc.) is most helpful to consumers before issuing the final rule, although we recommend an expedited study so that menu labeling can be implemented as soon as possible. There remains a need for more research on the usage of menu labels by consumers and whether the presence of readily available nutrition information translates into permanent behavior change, and ultimately lowers the rates of overweight and obesity in the U.S. It is important to determine over time, and in tandem with educational campaigns, the actual usage of calorie labeling on menus in decision making and whether calorie labeling increases the frequency that consumers select healthier menu options. Evaluation of the impact of menu labeling rules on behavior change and menu item development (menu items developed with less calories, smaller portion sizes, etc.) is crucial following implementation.

ASN hopes these comments are useful as implementation of nutrition labeling of standard menu items in restaurants and similar retail food establishments moves forward. We look forward to the opportunity to assist the FDA in any other way deemed appropriate.

Please contact Sarah Ohlhorst, M.S., R.D., Director of Government Relations, if ASN may provide further assistance at 301.634.7281 or sohlhorst@nutrition.org.

Sincerely,

A handwritten signature in cursive script that reads "Sharon M. Donovan".

Sharon M. Donovan, Ph.D., R.D.
President, American Society for Nutrition