



American Society for Nutrition
Excellence in Nutrition Research and Practice
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September 3, 2010

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

Re: Docket # FDA-2010-N-0298

Disclosure of Nutrient Content Information for Standard Menu Items Offered for Sale at Chain Restaurants

Dear Ms. June:

The American Society for Nutrition (ASN) is the professional scientific society dedicated to bringing together the world's top researchers, clinical nutritionists and industry to advance our knowledge and application of nutrition. Our 4,000 members cover an expansive area of nutrition, from the most critical details of research and application to the broadest applications in society, in the United States and around the world. ASN appreciates this opportunity to provide comment on implementation of Section 4205 of the Patient Protection and Affordable Care Act of 2010, which requires chain restaurants and similar retail food establishments with 20 or more locations doing business under the same name and offering for sale the same menu items to disclose nutrient content information for standard menu items appearing on restaurant menus and menu boards.

- **ASN believes that providing accurate, science-based nutrition information to consumers allows them to make healthy decisions when it comes to their diets.** In the case of disclosing nutrient content information on menus, ASN supports the requirement for chain restaurants to disclose calorie information. We also strongly suggest that careful monitoring and evaluation of consumer behavior be conducted in tandem with this initiative.
- **Recent research has shown the positive effects of providing calorie information at point-of-purchase.** A study in Pierce County, Washington, shows that when the nutrient content information is provided, 20% of patrons are more likely to order an item with fewer calories.¹ A similar study conducted in New York City finds that patrons who viewed calorie information purchased 52 fewer calories than those who did not.²

¹ Pulos E, Leng K. Evaluation of a voluntary menu-labeling program in full-service restaurants. *Am J Public Health.* 2010 Jun;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.

- **There remains a need, however, for more research on monitoring the usage of menu labels and determining whether the presence of nutrient content information translates into permanent behavioral change.** It is important to determine over time and through educational campaigns whether the usage of calorie labeling increases and whether it is being used appropriately.
- **ASN supports creation of education programs in this area aimed at all subgroups of the US population.** We also suggest consideration of incorporating the information about menu labeling into school curricula so that students and teachers will learn how to use the information to make healthful choices in restaurants, school, or the home.

We hope these comments are useful as implementation of Section 4205 moves forward. Please do not hesitate to contact John Courtney, ASN Executive Officer, by phone at (301) 634-7050 or by email at jcourtney@nutrition.org should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. Russell". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Robert M. Russell, MD
President