

DECISION TREE SUMMARIZING THE FOODSERVICE MENU LABELING REGULATIONS AS OF APRIL, 2011

DOES THIS LAW APPLY TO YOUR FOODSERVICE?
Section 4205 of the Patient Protection and Affordable Care Act of 2010 on State and Local menu and Vending Machine Labeling Laws.

STEP #1

Has your establishment publicly presented itself as a restaurant?

NO

Is more than 50% of your establishment's gross floor space used for the preparation, purchase, service, consumption, or storage of food?

NO

This law does NOT generally apply to you (such as Movie Theaters, Amusement Parks, Trains, Hotels, Planes, Schools, Hospitals)

YES

YES

This law probably affects you. Go to step #2

STEP #2

Is your establishment part of a chain with 20 or more locations?

NO

Does your establishment(s) do business under the same name?

NO

Does your establishment(s) offer for sale substantially the same menu items?

NO

Have you voluntarily elected to be subjected to the new federal requirements by registering with the FDA?

NO

YES

YES

YES

YES

This law affects you. Effective March 23, 2010, You MUST visibly display CALORIE information on the menu or menu board or outer package before customer purchase for select foods or menu offerings. Additional nutrition information MUST be available in writing upon request. Go to step #3

This law does not apply to you.

Which foods must be labeled?

STEP #3

Is the item on the menu 90 or more consecutive days?

NO

Is the item offered "routinely" on the menu (for example, every Monday)?

NO

Is the item on the menu any 60 or more days in a calendar year, such as a seasonal food?

NO

Is this a test market item that is on the menu for less than 90 days?

YES

YES

YES

YES

NO

This menu item does not require labeling

1. Calories must be visible at point of order. (For example, displayed on menu or menu board)*
2. Additional nutrition information must be available upon request
(AT A MINIMUM: Total calories, calories from fat, total fat, saturated fat, trans fat, cholesterol, sodium, total carbohydrates, sugars, dietary fiber, and protein).*
BUSINESSES WILL HAVE SIX (6) MONTHS TO COMPLY ONCE REGULATIONS ARE FINALIZED UNLESS FDA CHANGES THIS EFFECTIVE DATE
*Please refer to Proposed regulations for Section 4205 of the Patient Protection and Affordable Care Act of 2010 as well as State and Local for more details and information regarding labeling requirements and specifications. <http://edocket.access.gpo.gov/2011/2011-7940.htm>

