

## Menu Compliance Counts Starting May 5th

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Restaurant calorie labeling: Starting next month, it's not just for McDonald's anymore.

In an issue [Barley Snyder](#) has been tracking for years, the Food and Drug Administration is poised to begin enforcement of its [Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments](#) final rule starting May 5th.

Facing consequences of fines or jail time, food establishments with 20 or more locations will be required to post calorie counts and other similar nutrition information for each food item available on menus. Suggested daily intake values must also be posted, and more detailed written nutrition information must be made available to customers. The FDA will require all claims of nutrient content to be substantiated. The federal food watchdog believes that allowing consumers easy access to nutrition information will help consumers make informed, healthier food choices.

The rule applies to restaurants and retail food establishments with the same name that serve substantially the same menu items at 20 or more locations. Self-serve and prepared foods at places like a grocery store deli or prepared food offerings are also subject to the labeling requirements. In addition, restaurants and retail food establishments that are not required to provide nutrition information may elect to do so by registering with the FDA every other year. Nutrition information must be available on in-store marketing materials as well as vending machines.

The National Grocers Association and the National Association of Convenience Stores filed a petition April 7 for a stay asking the FDA to reconsider the rule, citing constitutional and difficulty-of-compliance arguments. However, this petition may be too late, filed long after the post-30-day deadline from after the rule's finalization in 2014. The FDA has responded only that the agency is considering requests for extension, and will make an announcement if the date changes.

If you have any concerns about the application of the menu labeling requirements, please contact [Barley Snyder's Food & Agribusiness Group](#).

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