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**Menu Education and Labeling Act (Introduced in House)**

HR 3444 IH

108th CONGRESS

1st Session

**H. R. 3444**

To amend the Federal Food, Drug, and Cosmetic Act to ensure that consumers receive information about the nutritional content of restaurant foods.

**IN THE HOUSE OF REPRESENTATIVES****November 5, 2003**

Ms. DELAURO (for herself, Mr. WAXMAN, Mr. BROWN of Ohio, Ms. ESHOO, Mr. EMANUEL, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, and Mr. OWENS) introduced the following bill; which was referred to the Committee on Energy and Commerce

**A BILL**

To amend the Federal Food, Drug, and Cosmetic Act to ensure that consumers receive information about the nutritional content of restaurant foods.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; REFERENCES.**

(a) SHORT TITLE- This Act may be cited as the 'Menu Education and Labeling Act'.

(b) REFERENCES- Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

## SEC. 2. FINDINGS.

The Congress finds as follows:

- (1) Research continues to reveal the strong link between diet and health, and that diet-related diseases start early in life.
- (2) Increased caloric intake is a key factor contributing to the alarming increase in obesity in the United States. According to the Centers for Disease Control and Prevention, two-thirds of American adults are overweight or obese, and the rates of obesity have doubled in children and tripled in teens since 1980. Obesity increases the risk of diabetes, heart disease, stroke, and other health problems. Each year obesity costs families, businesses, and governments \$117 billion.
- (3) Excess saturated fat intake is a major risk factor for heart disease, which is the leading cause of death in the United States. While it is often thought to primarily affect men and older people, cardiovascular disease is the leading killer of women and kills 61,000 people between the ages of 45 and 64 each year. Heart disease is also a leading cause of disability among working adults and its impact on the U.S. economy is significant, estimated in 2001 to total \$298 billion in health care expenditures and lost productivity.
- (4) Increased sodium intake is associated with increased risk of high blood pressure, or hypertension, a condition that can lead to cardiovascular disease, especially stroke. The proportion of Americans with high blood pressure is 45 percent at age 50, 60 percent at age 60, and over 70 percent at age 70.
- (5) Over the past two decades, there has been a significant increase in the number of meals prepared and/or eaten outside the home, with an estimated one-third of calories and almost half (46 percent) of total food dollars being spent on food purchased from and/or eaten at restaurants and other food-service establishments.
- (6) While nutrition labeling is currently required on most processed foods, such information is required only for restaurant foods for which nutrient content or health claims are made.
- (7) Three-quarters of American adults report using food labels on packaged foods, which are required by the Nutrition Labeling and Education Act of 1990. Using food labels is associated with eating more healthful diets, and approximately half (48 percent) of people report that the nutrition information on food labels has caused them to change their minds about buying a food product.
- (8) It is difficult for consumers to limit their intake of calories at restaurants, given the limited availability of nutrition information, as well as the popular practice by many restaurants of providing foods in larger-than-standard servings and 'super-sized' portions. Studies show that people eat greater quantities of food when they are served more.

## SEC. 3. NUTRITION LABELING OF RESTAURANT FOODS.

(a) NUTRITION LABELING FOR FOODS EATEN IN RESTAURANTS AND SIMILAR RETAIL FOOD ESTABLISHMENTS- Section 403(q)(5)(A)(i) (21 U.S.C. 343(q)(5)(A)(i)) is amended by adding at the end the following: 'except that food, beverages, and meals served in restaurants and similar retail food establishments that are part of a chain with 20 or more outlets doing business under the same trade name, regardless of the type of ownership of the restaurant locations, shall list, adjacent to each food item listed, on menus, menu boards, and other signs, the total number of calories, grams of saturated plus trans fat, and milligrams of sodium per menu item, as offered for sale, in a clear and conspicuous manner,'.

(b) NUTRITION LABELING FOR FOODS PREPARED IN RESTAURANTS AND SIMILAR RETAIL FOOD ESTABLISHMENTS BUT NOT FOR IMMEDIATE CONSUMPTION- Section 403(q)(5)(A)(ii) (21 U.S.C. 343(q)(5)(A)(ii)) is amended by adding at the end the following: `except that such food, beverages, and meals when it is processed and prepared primarily in a retail establishment that is part of a chain with 20 or more outlets doing business under the same trade name, regardless of the type of ownership of the restaurant locations, shall list, adjacent to each food item listed, on menus, menu boards, and other signs, the total number of calories, grams of saturated plus trans fat, and milligrams of sodium per menu item, as offered for sale, in a clear and conspicuous manner,'.

(c) VENDING MACHINES; RESTAURANT MENU BOARDS- Section 403(q)(5)(A) (21 U.S.C. 343(q)(5)(A)) is amended by adding after and below subclause (v) the following:

`For purposes of the exceptions described in subclauses (i) and (ii), nutrition labeling may be limited to the total number of calories for foods, beverages and meals offered for sale in vending machines and posted in restaurants on menu boards.'.

(d) REGULATIONS-

(1) IN GENERAL- The Secretary of Health and Human Services shall issue proposed regulations to implement the amendments made by this section within 12 months after the date of the enactment of this Act. Such regulations shall require the required information to be conveyed to the public in a manner that enables the public to understand its relative significance in the context of a total daily diet. Not later than 24 months after the date of the enactment of this Act, the Secretary shall issue final regulations to implement the requirements of such subsection.

(2) FAILURE TO PROMULGATE FINAL REGULATIONS BY REQUIRED DATE- If the Secretary of Health and Human Services does not promulgate final regulations under paragraph (1) upon the expiration of 24 months after the date of the enactment of this Act, the proposed regulations issued in accordance with paragraph (1) shall be considered as the final regulations upon the expiration of such 24 months. There shall be promptly published in the Federal Register notice of the new status of the proposed regulations.

## **SEC. 4. VOLUNTARY PROVISION OF NUTRITION INFORMATION; STATE REGULATION OF NUTRITION INFORMATION FOR RESTAURANT FOOD.**

(a) RETAIL FOOD ESTABLISHMENTS- Nothing in this Act precludes restaurants and similar retail food establishments from providing additional nutrition information, voluntarily, provided that such information complies with the nutrition labeling requirements contained in section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act.

(b) STATE OR LOCAL REQUIREMENTS- Nothing in this Act precludes any State or political subdivision of a State from requiring that restaurants and similar food establishments provide additional nutrition information beyond the requirements of this Act.

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