



May 16, 2012

President Barack H. Obama
First Lady Michelle Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President and Mrs. Obama:

We, the undersigned organizations, appreciate the efforts of your Administration to address nutrition, physical activity, and obesity. We strongly support your work to establish menu labeling at chain restaurants nationally. While we support many of the provisions of the proposed regulations for menu labeling, we urge you to revise several to bring them in line with the requirements set forth by Congress and to best serve the needs of the American public.

The Patient Protection and Affordable Care Act (Public Law 111-148) does not only require menu labeling at chain restaurants, but also at similar retail food establishments.

We strongly urge the Administration to adopt the definition of restaurants and similar retail food establishments used in the draft menu-labeling guidance that the Food and Drug Administration issued in the summer of 2010. The final rule should cover *all* retail food establishments that sell restaurant-type food, including supermarkets, convenience stores, movie theaters, casinos, bowling alleys, stadiums, cafes in superstores, and hotels.

Unfortunately, the definition of similar retail food establishments used in the proposed regulations would significantly limit the ability of consumers to make informed choices by reducing the number of venues providing calorie labeling. The definition also would be unfair, as some chains that provide ready-to-eat foods are covered and others are not. Many of the foods sold in the venues that the Administration has proposed exempting are essentially identical to foods that will be covered in restaurants. And with movie theaters selling containers of popcorn containing as many as 1,200 calories and cups of soda pop with 400 calories, consumers certainly need that information at theaters.

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We also encourage the Administration to include alcohol labeling in the final rule. To exempt it out would mean that consumers would not be provided with nutrition information for the *fifth-largest* source of calories in adults' diets. The *Dietary Guidelines for Americans* (DGA) recommends that people, "Monitor calorie intake from alcoholic beverages." If alcohol drinks are not labeled, how can adults monitor their calorie intake from them when eating out?

The Administration's proposed exemption of alcohol thwarts Congress' intention to require nutrition information for *all* items listed on menus and menu boards. Congress provided very specific and limited exemptions in Section 4205(b); alcohol is not one of those exemptions.

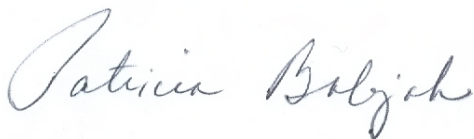
Alcoholic beverages sold at chain restaurants are required to be labeled in a number of jurisdictions. While some companies have objected to the requirement on the grounds that providing calorie information would be difficult or costly, chains can use nutrient databases and menu analysis software, without needing to rely on alcohol producers or to analyze each bottle of wine or microbrewed beer.

Finally, we are concerned about the proposed format for vending machine labeling. The Affordable Care Act requires that companies "shall provide a sign in close proximity to *each* article of food or the selection button" providing the calories for each vended item. It is essential that the nutrition information be easy to see and use when making a selection from a vending machine. A single sign next to, above, or below a vending machine is unlikely to be in a person's field of vision when making a selection, especially for banks of vending machines where several machines are placed next to each other, and such signs likely would become out of date and inaccurate.

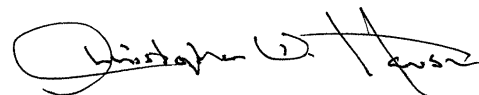
Again, we strongly support national menu labeling, but urge you to ensure that the final regulations best inform consumers, are fair to businesses, and fulfill the congressional intent of the Affordable Care Act.

Respectfully,

cc: Secretary Sebelius
Commissioner Hamburg



Patricia Babjak
Chief Executive Officer
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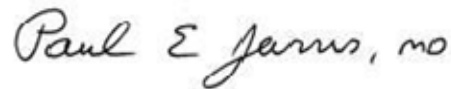
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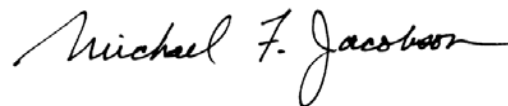
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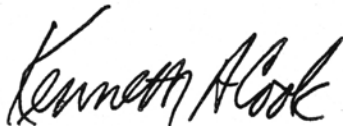
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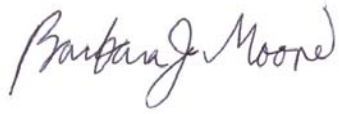
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