# Menu Labeling Rule Key Facts for Industry





# **Declaring Calories**

#### Standard Menu Items

Standard menu items are restaurant-type foods that are routinely included on a menu or menu board or routinely offered as self-service foods or foods on display. The menu below shows examples of standard menu items with calorie declarations.

When declaring calories on menus or menu boards, covered establishments are required to:

- Display the calories adjacent to the name or price of the menu item in a type size no smaller than that of the name or price of the menu item, whichever is smaller, with certain color and contrast requirements. For information about certain size and color requirements please see the menu labeling final rule or Menu Labeling Guidance for Industry;
- Identify the calories with the term "Calories" or "Cal";
- If you choose to use an optional column format, use the term "Calories" or "Cal" as a heading above the column.



#### Variable Menu Items

Variable menu items are standard menu items that come in different flavors, varieties, or combinations and are listed as single menu items (e.g., soft drinks).

If the menu or menu board lists:	Then declare the calories:
Each variety	For each variety
Two options for the variable menu item	For each option, with a slash between the two declarations. As shown on the menu board below for the chicken "sandwich only" item, the calorie declarations for the grilled chicken sandwich and for the crispy chicken sandwich are separated by a slash (Cal 400/550).
More than two options for a variable menu item	As a range. As shown on the menu board below for the Burger Combo (Cal 850-1150)



#### **Combination Meals**

Combination meals are standard menu items that consist of more than one food item. Some combination meals may include a variable menu item.

In the example menu board here, the burger, cheeseburger, and sandwich combos are combination meals that contain variable menu items. Since these combination meals include the option of a soft drink and the soft drink is a variable menu item with more than two options, calories for these combination meals are listed as ranges.

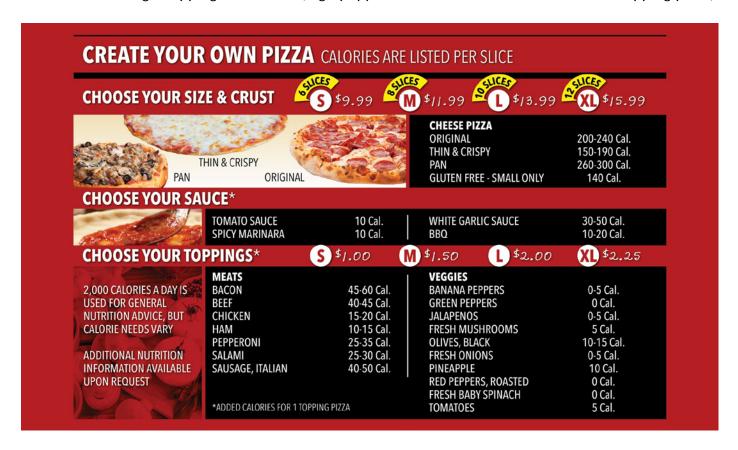
## Multiple-Serving Menu Items

For multi-serving foods list calories:

- Per individual unit (e.g., slice of pizza) if the total number of units is included and the menu item is normally prepared and served in discrete units (e.g., Whole pizza served by the slice (e.g., 100 cal/slice, 8 slices per pizza).
- If the standard menu item is not normally prepared and served in discrete units, the calories must be declared for the entire standard menu item (e.g., 800 cal/family-style salad). FDA would not object if the establishment also provided the number of calories per serving and a suggested number of servings in addition to the total calories in the standard menu item.

## Variable Menu Items Offered for Sale with the Option of Adding Toppings

- Declare calories separately for each topping listed on the menu or menu board and indicate that the calories for each topping are added to the calories in the basic preparation of the menu item.
- If toppings have the same calorie declarations, use a single calorie declaration and specify that the calorie amount listed is the amount for each individual topping.
- Declare calories for each topping listed on the menu for each size of the menu item.
- If there are only two sizes of the menu item, declare calories for each topping using a slash (e.g., adds 150/250 cal); or if there are more than two sizes, declare calories as a range (e.g., adds 100-250 cal).
- When the amount of the topping decreases based on the total number of toppings ordered for the menu item, declare the number of calories and amount of nutrients for each topping when added to a single topping menu item (e.g., pepperoni, 200 added calories for a one-topping pizza).



## Self -Service Foods and Foods on Display

Self-service foods are restaurant-type foods that are available at a salad bar, buffet line, cafeteria line, or similar self-service facility and that the customers serve themselves. Self-service foods also include self-service beverages and grab-and-go foods.

Foods on display are restaurant-type foods that the customer can see before selecting.

Calorie information for self-service foods or foods on display must be on:

- A sign adjacent to and clearly associated with the food;
- A sign attached to the sneeze guard; or
- A sign or placard listing the calorie declaration for several food items along with the names of the food items, so long as the sign or placard is located where a customer can see the name, calorie declaration, and serving size or unit while making a selection.

For grab-and-go foods, calories may also be declared on:

- The food package itself (calories must be declared for the entire package as that is how the food is normally prepared and offered for sale); or
- A Nutrition Facts label that meets the requirements of 21 CFR 101.9 and that the customer can see before selecting the food.



### Beverages, Not Self-Service

- Declare calories based on the full volume of the cup as served without ice; or
- Declare calories based on standard beverage fill or standard ice fill if the establishment dispenses and offers for sale a standard beverage fill or dispenses a standard ice fill.

### **Alcoholic Beverages**

In general, covered establishments must disclose calories and other nutrition information for alcoholic beverages that are standard menu items:

- For wine sold by the glass, declare calories by the glass. For wine sold by the bottle, but served by the glass, declare calories for the entire bottle or per glass if the number of glasses in the bottle is also included.
- For alcoholic beverages that have the same calorie declaration and are grouped together, you may use a single calorie declaration.
- A voluntary serving facts statement or statement of average analysis (consistent with Alcohol and Tobacco Tax and Trade Bureau (TTB) rulings is an acceptable reasonable basis for determining calorie declarations and additional written nutrition information.
- For a beverage served in its container (e.g., bottle or can) that bears a voluntary serving facts statement or a statement of average analysis (consistent with TTB rulings), you may use the same calorie declaration on the menu or menu board, even if the calorie declaration is not rounded to the nearest 5-calorie or 10-calorie increment.

# **Exempt Alcoholic Beverages**

Alcoholic beverages are exempt from the menu labeling requirements if they are on display behind the bar and are not listed on the menu or menu board or are not self-service. This includes:

- Bottles of alcohol that the bartender uses to prepare drinks
- Mixed drinks and rail drinks that the bartender prepares upon customer request
- Beers on tap

#### More Information

- The Final Rule: https://www.gpo.gov/fdsys/pkg/FR-2014-12-01/pdf/2014-27833.pdf
- · Guidance for Industry:
  - A Labeling Guide for Restaurants and Retail Establishments Selling Away-From-Home Foods-Part II (Menu Labeling Requirements in Accordance with 21 CFR 101.11) https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm461934.htm
  - Menu Labeling Supplemental Guidance
     https://www.fda.gov/downloads/Food/GuidanceRegulation/
     GuidanceDocumentsRegulatoryInformation/UCM583492.pdf
  - Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments; Small Entity Compliance Guide https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm437403.htm
- The FDA Menu Labeling Webpage: https://www.fda.gov/menuandvending

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