



Consumer Federation of America

January 8, 2018

The Division of Dockets Management
HFA-305
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 2085

Re: Docket No. FDA-2011-F-0172; Menu Labeling: Supplemental Guidance for Industry; Draft Guidance

To Whom It May Concern:

Consumer Federation of America (CFA) respectfully submits these comments on the Food and Drug Administration's (FDA) proposed Menu Labeling: Supplemental Guidance for Industry, referenced above. CFA supports FDA's implementation of menu labeling rules without further delay. By reaffirming interpretations of the menu labeling law's requirements that FDA has made through rulemaking, previous guidance, and technical assistance, the draft Guidance should position the agency to begin timely enforcement of menu labeling requirements with minimal uncertainty. We encourage the agency to finalize the draft Guidance quickly to facilitate timely implementation of menu labeling rules on May 7, 2018.

Nearly eight years have passed since Congress mandated calorie labeling on menus at food service establishments in the Patient Protection and Affordable Care Act. Such a delay is unacceptable. Congress passed the menu labeling law because consumers have a right to information that enables them to protect their health and well-being, and because over half of large chain restaurants were failing to provide any nutrition information to consumers. Congressional findings show that, when eating out, people eat more saturated fat and fewer nutrients, and that children eat almost twice as many calories as compared to when they eat at home. A large body of research studies, moreover, demonstrates that providing nutrition information to restaurant patrons leads to healthier food choices.

Fortunately, most restaurant, supermarket, and convenience store chains had already begun labeling calories on menus when FDA issued its Interim Final Rule last year delaying implementation of the rule's requirements. As we noted in our comments on that rule, the delay made little sense, as it was announced the day before the compliance deadline for retailers, and thus the vast majority of covered retailers had

already incurred the cost of complying with the rule. FDA needs to act swiftly to level the playing field.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Gremillion', with a stylized flourish extending to the right.

Thomas Gremillion
Director, Food Policy Institute
Consumer Federation of America