



County of Sacramento

FDA Menu Labeling Requirements [21 CFR 101.11] For Restaurants and Similar Retail Food Establishments (SRFE)

Menu Boards and Menus

1. Calorie information posted for all standard menu items on menu boards, drive-thru menus, printed menus, and online menus (*seasonal items shown for less than 60 days and 90 days test items are exempt**)
2. Font size of the calorie declaration are not smaller than the size of the name or price of the menu item
3. The calorie counts are displayed adjacent to the menu item (*columns are acceptable*)
4. The colors used for calorie declaration must be in the same color or a color that is at least as conspicuous as that used for the name or price
5. The calories declaration area must be on the same or similar color background
6. Combo meals with two options are declared using a slash such as 150/250 calories
7. Combo meals with three or more options are listed in a calorie range such as 200-300 calories
8. Succinct statement is posted on the bottom of the menu **“2,000 calories a day is used for general nutrition advice, but calorie needs vary”** (*must appear on the bottom of each page of a multi-page menu*)
9. Statement of availability **“Additional nutrition information available upon request”** is included near succinct statement on the menu (*must appear on the first page of the menu besides the succinct statement*)
10. Nutritional information must be available in written form on the premises of the establishment and provided to the consumer upon request (*e.g., a pamphlet, using a tablet, a poster*)

Self-Service or On Display

1. Calories displayed on a sign(s) near the food per serving or per item (*e.g., 300 calories per muffin, 200 calories per scoop of potato salad, 120 calories per 12 fluid ounces [small]*)
2. The succinct statement and the statement of availability placed on a sign/menu board in close proximity

“Grab-and-Go” (*e.g., yogurt parfaits or prepared sandwiches*)

1. Calorie information posted for all “grab and go” packaged items
2. The succinct statement and the statement of availability placed on the label of the item, or on a sign/menu board in close proximity
3. If a “grab and go” item has a Nutritional Facts Label with all required nutritional information then additional written nutritional information is not required.

All-You-Can-Eat Buffet

1. Menu board or menu must include a statement next to the price **“See buffet for calorie declarations”**
2. The succinct statement and the statement of availability placed on a sign/menu board in close proximity

(continued on reverse)

Alcohol

1. Declare calories for alcoholic beverages that are standard menu items that are listed on a menu or menu board
2. The succinct statement and the statement of availability placed on a menu or menu board

Example of a menu

Cheese Pizza: small (12") 400 Cal, Medium (14") 650 Cal, Large (16") 900 Cal

Toppings	Added Cal (S/M/L)
Pepperoni.....	200-400
Sausage.....	250-450
Green Peppers....	15-25
Onions.....	20-30

Combo Meal

Cheeseburger Meal (550/600 Calories)..... \$5.99
(comes with medium sized fries or medium sized onion rings)

Large (adds 60/110 calories)..... \$7.99

Ice Cream Scoop: 210 -580 Cal

Toppings	Added Cal
Almonds.....	25
Fudge.....	50
Caramel.....	60
Strawberry Syrup.....	45

*Foods that are Exempt

- o **Custom orders**, which are prepared in a specific manner at the customer's request
- o **Daily specials**, foods that are not routinely listed on the menu and are promoted as a special menu item for that day
- o **Temporary menu items**, which appear on a menu or menu board for less than a total of 60 days per calendar year
- o **Customary market test items**, that are offered for fewer than 90 consecutive days to test consumer acceptance
- o **Condiments** available for general use, including those placed on the table or on or behind the counter
- o Foods that are not on a menu or menu board and are not on display or self-service (these foods are not considered "standard menu items")

Example of Restaurant-Type Foods

- o Meals served at sit-down or quick service restaurant
- o Food purchased at a drive-through
- o Take-out and delivery foods (*e.g., hot pizza at grocery and convenience stores that is ready to eat*)
- o Hot soup at a soup bar, and food from a salad bar
- o Foods ordered from a menu/menu board at a grocery store intended for individual consumption
- o Self-service foods and foods on display that are intended for individual consumption (*e.g., bagels, donuts, rolls offered for individual sale*)

Examples of Foods Not Considered Restaurant-Type Foods

- o Bulk foods (*e.g., dried fruit, nuts*)
- o Foods eaten over several eating occasions or stored for later use (*e.g., loaves of bread, whole cakes*)
- o Foods that are usually further prepared before consuming (*e.g., deli meats and cheeses*)
- o Foods that are not self-service and not intended solely for an individual consumption (*e.g., deli salads, items sold by weight*)

Facility Review: Is facility compliant with FDA menu labeling regulation?

Yes

No

Facility shall contact the permit holder or corporate office and make necessary changes. Failure to do so will result in a written notice of violations and potential penalties.

Questions

For more information on menu labeling, please contact the Environmental Health Division at (916) 875-8440, email emdinfo@saccounty.net, or visit the FDA website at: <http://www.fda.gov/menuandvending>

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