



NEW YORK CITY DEPARTMENT OF HEALTH
AND MENTAL HYGIENE
Mary T. Bassett, MD, MPH
Commissioner

FOR IMMEDIATE RELEASE
Tuesday, August 15, 2017
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STATEMENT FROM HEALTH COMMISSIONER DR. MARY T. BASSETT ON FOOD AND DRUG ADMINISTRATION'S OPPOSITION TO CALORIE LABELING ENFORCEMENT

Commissioner to attend Southern District calorie labeling lawsuit arguments tomorrow, Wednesday, August 16 at 8:00 AM (Press advisory below)

August 15, 2017 – “We are disappointed that the Food and Drug Administration (FDA) has filed a Statement of Interest opposing the City’s enforcement of its calorie labeling requirements. Though chain restaurants in New York City have been providing this information for nearly 10 years, and federal disclosure requirements have been in effect since 2010, the FDA has taken the position that chains can stop providing customers with critical nutrition information. Poor nutrition is fueling an epidemic of chronic diseases, and this basic information should be accessible and transparent to all. We feel confident that the court will support this common sense policy. New Yorkers shouldn’t have to wait and see if the FDA decides to enforce menu labeling nationally.”

Background

- Seven years ago, the Affordable Care Act required that chain restaurants and restaurant-like establishments throughout the country post calorie information and have other nutrition information on site so that diners can make informed decisions about the food they eat.
- In 2015, New York City updated its longstanding Health Code rule requiring chain restaurants to post calorie information for menu items, but delayed enforcement in anticipation of an identical federal rule that would make calorie information available in chain restaurants and chain food retailers nationwide.
- In early May, the federal government announced it would delay enforcement of these rules for a year, and the City decided to enforce its updated calorie labeling rules as planned.
- On May 18, [Mayor de Blasio announced](#) that all New York City chain food retailers offering prepared foods, or “restaurant-type foods,” will be required to post calorie counts on menu boards. In addition, chain restaurants and retailers will be required to have full nutritional information — not just calories — for standard menu items available on site, and they will have to post a statement about the daily recommended caloric intake of 2,000 calories. The rule is required for all chain restaurants with 15 locations or more nationwide, affecting approximately 3,000 restaurants and about 1,500 food retailer chains.
- On May 22, the Departments of Health and Consumer Affairs began enforcing the updated calorie labeling rules by educating businesses during regular inspections.
- On August 21, both agencies will start to issue notices of violation subject to fines for not following the updated rule. Chain restaurants and food retailers that are not in compliance will be subject to fines ranging from \$200 to \$600.

****MEDIA ADVISORY****

****SOUTHERN DISTRICT COURT CALORIE LABELING LAWSUIT ARGUMENT DETAILS****

Tomorrow, the Health Commissioner will attend the calorie labeling lawsuit arguments, and she will have availability outside the courthouse immediately following the conclusion of the hearing.

When: Wednesday, August 16

Time: 8:00 AM

Where: Southern District Court
500 Pearl Street
New York, NY

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