



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

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HEALTH COMMISSIONER DR. MARY T. BASSETT ISSUES STATEMENT REGARDING CALORIE LABELING AGREEMENT

Today Health Commissioner Dr. Mary T. Bassett issued the following statement about the agreement between the Health Department and the National Association of Convenience Stores regarding calorie labeling:

“The City has reached an agreement that preserves calorie labeling in NYC chain restaurants and secures the public posting of the same calorie information New Yorkers have seen for nearly 10 years. In addition, chain food retailers covered by the expanded NYC rule will work towards compliance, and the City will continue to educate these retailers through next May. Several of these previously unregulated chains have already begun providing this information. Their patrons want it and the businesses have obliged. We hope this trend continues. We are pleased that, after our advocacy, the FDA today [released a statement](#) announcing additional actions they will take toward a nationwide compliance date of May 2018. We take the FDA at its word. Should the FDA fail to live up to this commitment, this case remains before the Court. The City is prepared to defend its right, independent of FDA action, to enforce its requirements that give New Yorkers the information they need to make informed dietary decisions,” said **Health Commissioner Dr. Mary T. Bassett**.

Background

- The national nutrition labeling regulations, mandated by the Affordable Care Act, were announced in December 2014 and originally scheduled to take effect in December 2015. The FDA has delayed implementation of the rule three times.
- 13.7% of NYC food service establishments are covered by the current Health Code rule - over 3,400 establishments. Compliance is high in NYC; there were only 97 violations in 2016 (2% of covered establishments).
- New Yorkers are overwhelmingly in favor of calorie labeling. A 2011 public opinion poll reported that 79% of New Yorkers found calorie labeling in restaurants useful. National polls mirror this support – a national poll conducted in 2012 found that 68-81% of respondents favored having restaurants and other food establishments post calories on menus and menu boards.

- The Health Department and the Department of Consumer Affairs began educating businesses on the updated calorie labeling rule (which aligns with the FDA's rule) during regular inspections on May 22, 2017. The Departments provided chain restaurants and retail establishments with a compliance guide, as well as dedicated email address to send all inquiries related to the calorie labeling rule. The Departments also extended an opportunity to submit calorie labeling mock ups for the Departments' review and engaged in several tele-conferences with food retailers.
- The compliance guide for chain food retail establishments (grocery stores and convenience stores) is available [here](#). The compliance guide for chain restaurants is available [here](#).

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