

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 15:08:54
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 15:08:54

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Stephanie

Last_Name: Rainkie

Email: redhead745@aol.com

Phone Number: 718-217-6121

Comments: I think posting of calories is a good idea. Sometimes you just don't realize the amount of calories in something that you order.

Look at how many calories McDonalds have, even the salads if you use the noodles and regular dressings.

I think it would be a good idea if chains like McDonalds had a choice of Sugar free Products as well...like the pancake syrup.

I'm a diabetic and would love sugar free syrup.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 15:10:01
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 15:10:01

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Ulli

Last_Name: Stachl

Email: foodgoddess1@aol.com

Comments: great idea
can we vote online ?
certainly a step in the right direction.
thank you
ulli

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 15:21:33
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 15:21:32

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Yvonne

Last_Name: Albino

Email: momcat8790@msn.com

Phone Number: 718-369-1239

Street Address: 337 40th Street

City: Brooklyn

State: NY

Zip Code: 11232

Comments: I think having the nutritional information where I can see them in fast food restaurant is great. I'm trying to lose weight and control my blood pressure. I can then make better choices if I can compare calories, etc.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 15:23:14
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 15:23:14

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Elizabeth

Last_Name: Vitale

Email: elizabeth.vitale@avon.com

Comments: Dear Sir or Madam,

In today's world there are so many more concerns than ever from yesterday's world. Obesity certainly is a major concern and health risk for the country. However, another concern that I would like to make you aware of now, more than ever is the growing percentage of allergies among Americans. Now more than ever, it is crucial that we list nutritional information for our consumers. Not only for the calories - but for ingredients that can prove dangerous and even deadly to many Americans.

I beg you to take this into consideration for this proposal.

Thank you kindly,
A concerned parent of a child with allergies

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 16:35:25
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 16:35:25

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: marcie

Last_Name: schneider

Email: mschneidermd@optonline.net

Phone Number: 9146933479

Title: MD

Street Address: 30 park avenue

City: ardsley

State: NY

Zip Code: 10502

Comments: As an adolescent medicine physician dealing often with obesity, I support the idea of having calories posted so people can choose their meals in an informed manner.

From: mschneidermd@optonline.net **Sent:** Wed
10/24/2007
04:40 PM
To: RESOLUTIONCOMMENTS@HEALTH.NYC.GOV
CC:
Subject: calorie posting comment
Attachments:

I support the Notice of Intention to Amend arc1el 81.50 of the NYC health code. As an adolescent medicine physician often dealing with obesity, posting calories will enhance the ability for people to choose their food choices in these restaurants in a more informed manner. Hopefully, with the knowledge of the calories in the food, wiser choices will be made, leading to a decrease in obesity.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 16:54:52
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 16:54:52

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: June

Last_Name: Shapiro

Email: June.Shapiro@JuneShapiroPhD.com

Phone Number: 7182826819

Title: Clinical Psychologist

Organization: (Private Practice)

Comments: I agree with the amendment to Article 81.50 of The New York City Health Code. Calorie posting allows consumers to make more educated decisions. It may not cause great changes in people's diets, but it may change eating patterns. (For example, if an individual realizes that they have eaten almost their complete daily recommended caloric intake by eating a restaurant meal, they may opt for lower calorie meals for the rest of the day.) This may serve to reduce the health risks related to obesity and simultaneously not deprive the individual of desired food items.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov

Sent: 10/24/2007 17:05:40

To: sbladmp@customerservice.nyc.gov

Subject: < No Subject >

From: ()

Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by

() on Wednesday, October 24, 2007 at 17:05:39

This form resides at

<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Ian

Last_Name: Pratt

Email: ianpratt@aim.com

City: Brooklyn

State: NY

Comments: I am in support of this proposal for the following reasons:

1) The public may not be aware of what they are eating and should be given access to information that would lead to eating decisions. Whether such decision making is related to any philosophy or program is irrelevant. Simply listing ingredients is not enough; nutritional information should be made immediately available in the same manner as nutritional information provided on the sides of cans and boxes of canned and dry foods.

2) Having calorie count information made immediately available to the public would create new market forces based on consumer decision-making and demand. The present restaurant system, not only those that are chain owned, determine the eating habits of their customers by limiting their respective menus to their customers. But most low-cost restaurants are in collusion by limiting their fare that are high in fat and sugar. If customers were given calorie information, then they could make decisions relatively based on the information provided with the menu, or choose to get more information.

Any special interest that tries to block information getting to consumers in a convenient matter is not working in the public interest and is possibly working towards creating and maintaining a market that is based in consumer ignorance selling cheap, highly addictive foods.

In regards to the city's jurisdiction in this matter it is clear by common sense that New York City is acting in the public interest with the support of its people. The city is also using scientifically proven data and readily available statistics to support its claims. The city makes law in the interest of the people.

Thank you,

Ian Pratt

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 17:23:50
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-12 - sous vide

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 17:23:50

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-12-1007.shtml>

First_Name: Mary

Last_Name: Hedge

Email: seagarden295@msn.com

Comments: I support this proposal. I eat out frequently and find it very difficult to estimate the calories I intake daily, compared with my desire to stay under 1700. If this proposal went into effect, it would become educational and would allow one to make better judgments about calorie content in meals at non-chain restaurants. This would be very positive in my view. Even better would be a nutrition listing for meals, like the listings on packaged foods, so that I would know, e.g., if a meal provides calcium or iron or any other mineral or vitamin.

Thanks for considering this proposal and making it available for comment.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 17:57:16
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 17:57:14

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Ira
Last_Name: Gershenthorn
Email: ira@gershenthorn.com
Phone Number: 917 848 4283
Street Address: 320 Riverside Drive
City: New York
State: NY
Zip Code: 10025

Comments: The plan to require certain restaurants to post calorie counts on meals is ludicrous and pretentious and will have no bearing on the obesity issue.

It almost seems like the regulation's true purpose is to rid the city of chain restaurants by giving them regulations that are either highly expensive or impossible to correctly follow. While I can't say I disagree with the goal, I think it's a very false way to go about it.

The posting of calorie counts can have two possible outcomes.

1. It will inform people of the blunder they are about to make in eating at one of these restaurants.
2. It will inform the purveyors of food that that their offerings should have fewer calories.

Outcome 1. If people are informed, will they change their ways? Will it translate to fewer visits to the restaurant? Is this conjecture or proven fact? If they visit less, will the purveyors be encouraged to lower their calorie counts?

Outcome 2. The purveyors will reduce their calorie counts (assuming they can) before they start losing business or out of shame?

This is a total waste of public money.

What is this costing the public?

What is the estimated dollar benefit to the public?

Will people make fewer hospital visits?

Will they live longer?

If they live longer, will they die slower deaths and result in an even greater load on the hospital system at a later and longer time of their lives?

Why not put this money into positive inducements for healthy pursuits?

How about money for adult-oriented playgrounds?

If I could vote on this, I'd put the money spent on this pursuit into positive recreational facilities.

If I could, I'd fire the Commissioner of Health or rename him as the Commissioner of Unintended Consequences.

From: Ira Gershenhorn <ira@gershenhorn.com>
Sent: Wed 10/24/2007 06:00 PM
To: HealthRC@health.nyc.gov
CC:
Subject: HC 81.50 - calorie posting
Attachments: commentsOnPlanToPostCalorieCountsInRestaurants-2007-1024.doc

(Also attached) And thank you for soliciting public comments in this format.

Notice of Intention to Amend Article 81.50 of The New York City Health Code

Comments of Ira Gershenhorn

The plan to require certain restaurants to post calorie counts on meals is ludicrous and pretentious and will have no bearing on the obesity issue.

It almost seems like the regulation's true purpose is to rid the city of chain restaurants by giving them regulations that are either highly expensive or impossible to correctly follow. While I can't say I disagree with the goal, I think it's a very false way to go about it.

The posting of calorie counts can have two possible outcomes.

1. It will inform people of the blunder they are about to make in eating at one of these restaurants.
2. It will inform the purveyors of food that that their offerings should have fewer calories.

Outcome 1. If people are informed, will they change their ways? Will it translate to fewer visits to the restaurant? Is this conjecture or proven fact? If they visit less, will the purveyors be encouraged to lower their calorie counts?

Outcome 2. The purveyors will reduce their calorie counts (assuming they can) before they start losing business or out of shame?

This is a total waste of public money.

What is this costing the public?

What is the estimated dollar benefit to the public?

Will people make fewer hospital visits?

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If they live longer, will they die slower deaths and result in an even greater load on the hospital system at a later and longer time of their lives?

Why not put this money into positive inducements for healthy pursuits?

How about money for adult-oriented playgrounds?

If I could vote on this, I'd put the money spent on this pursuit into positive recreational facilities.

If I could, I'd fire the Commissioner of Health or rename him as the Commissioner of Unintended Consequences.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 18:28:02
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 18:28:02

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Beth

Last_Name: Walker

Email: rtknyc@hotmail.com

Street Address: 45 W 87th Street

City: NY

State: NY

Zip Code: 10023

Comments: Terrific idea, should have been implemented years ago. With obesity at an all time high in America, we should all have as much information as possible about the food we eat. With knowledge comes the power to make responsible choices.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 19:39:11
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 19:39:11

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Barbara

Last_Name: Patzer

Email: MsLuckner@aol.com

Street Address: 1403 East 68 Street

City: Brooklyn

State: NY

Zip Code: 11234

Comments: Here, here. I think it's a great idea because many menu options are misleading to the ignorant consumer as they lead you to believe that you are making healthy choices and you really are not. For eg. TGIF's cobb salad or pecan crusted chicken salad lead you to believe they are healthy choices because they are "salad", when in fact they are loaded with calories and fat.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 19:53:42
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 19:53:42

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Alan

Last_Name: Saly

Email: asaly@panix.com

Phone Number: 718-686-6229

Street Address: 570 44th Street

City: Brooklyn

State: NY

Zip Code: 11220

Comments: This is an excellent idea. Who could be against it apart from restaurateurs who want to deceive the public?

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 20:50:37
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 20:50:37

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Kenneth

Last_Name: Volpe

Email: kjvolpe1@verizon.net

Phone Number: 8456794008

Street Address: 104 Route 375

City: Woodstock

State: NY

Zip Code: 12498

Comments: I believe it is in the health interest of all New Yorkers that are concerned have caloric and ingredient information be available to them, in the same vain as the smoking ban, after a fashion all will be healthier for it, I hope it is enacted through out NY. California is far ahead of our state about providing nutritional and caloric information to consumers. The NYS Restaurant Association's only interest is financial and without regard to consumers health interest's, it's shameful. Please continue to press for this law.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 20:58:33
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 20:58:33

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Kenneth

Last_Name: Volpe

Email: kjvolpe1@verizon.net

Phone Number: 8456794008

Street Address: 104 Route 375

City: Woodstock

State: NY

Zip Code: 12498

Comments: I believe it is in the health interest of all New Yorkers that they are presented with caloric and ingredient information prior to the sale of food to them ie; on the menu, so informend choices can be made. In the same vain as the smoking ban, after a fashion all will be healthier for it, I hope it is enacted through out NY State, California is far ahead of our state about providing nutritional,ingredient and caloric information to consumers. The NYS Restaurant Association's only interest is financial and without regard to consumers health, it's shameful. Please continue to press for enactment of this law, and it should apply to all food establishments including street vendors.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 22:55:07
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 22:55:07

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Lisa

Last_Name: Young

Email: lisa.young@nyu.edu

Phone Number: 2128604776

Title: Adjunct Professor

Organization: New York University

Street Address: 401 E 88 Street Ste 10E

City: New York

State: NY

Zip Code: 10128

Comments: I am in support of restaurant labeling regulations in NYC.

I am in support of New York City's Health Department proposal to require chain restaurants to display the calorie content of standard food items on menu boards. Restaurants should post calorie information in a manner that is easy for consumers to read and use as part of their purchasing decisions. Without clear, easy-to-use nutrition information, it's difficult to make informed choices while eating out. Because Americans are eating out more today than ever before, restaurant labeling regulations would give the citizens of New York City important information to help them eat well and take responsibility for their own health.

Obesity is currently a major public health concern in New York City and elsewhere in the U.S and is associated with an increased risk for a variety of medical conditions including type 2 diabetes, hyperlipidemia, and hypertension. It is caused by an imbalance of energy intake (calories in) and energy expenditure (calories out). People tend to eat more calories when they eat out than when they eat at home. Posting the calorie content of foods directly on menu boards is an excellent idea as it would enable consumers to see how many calories are in the foods they are planning to eat. Few people have a clue how many calories are in foods prepared by restaurants. In a study I conducted with colleagues at New York University and the Center for Science in the Public Interest (CSPI), we found that not even trained nutritionists were able to determine the calories in restaurant meals. Without knowing how much a food weighs and how a food is prepared, it is virtually impossible to ! correctly estimate its calorie count.

Particularly problematic is the fact that portion sizes have ballooned in recent years. And these large portions are providing consumers with many more calories. While conducting research on portion sizes, I found that the increase in the prevalence of obesity has occurred in parallel to an increase in the portion sizes of foods eaten away from home, suggesting that larger

portion sizes may be contributing to the obesity epidemic. Portion sizes offered by fast-food chains, for example, are often 2 to 5 times larger than their original size and have increased considerably since the 1970s. Large portions contain more calories than small portions and encourage people to eat more.

Posting calories on menu boards would enable consumers to compare the calorie counts of food portions available in several sizes, such as French fries and soda at fast-food establishments. While it seems obvious that large portions contain more calories than small portions, as a nutritionist counseling overweight individuals, I have found a huge disconnect between how difficult it is for people relate the size of a food to its calorie content. For example, while an 8 oz soda contains 100 calories, people are often shocked to hear that the 64-oz Double Gulp soda offered by 7-Eleven (eight times larger than the 8-oz cup) contains nearly 800 calories. If restaurants would post the calories of foods offered in various sizes, it would educate consumers on the relationship between portion sizes and calories, and perhaps encourage them to purchase smaller sizes.

Finally, the portion distortion problem becomes compounded for sandwiches and mixed dishes because consumers rarely have a clue what ingredients--and exactly how much of each one--goes into the dish. Consider Burger King's BK Stacker sandwich. Available in four sizes, the largest size, called the Quad, contains 4 patties, 4 slices of cheese, 8 slices of bacon, a bun, and a special sauce. Who would ever guess that it contains 1000 calories, half of the calories recommended for an entire day for many subgroups of the population. Only by posting such information would consumers have a clue and perhaps begin to scale back.

Thank you.

Yours truly,

Lisa R. Young, PhD, RD
Author, *The Portion Teller Plan* (Broadway 2005)
Adjunct Faculty, NYU, Department of Nutrition, Food Studies, and Public Health
Nutritionist in Private Practice, NYC, NY

Email: lisa.young@nyu.edu
Website: www.portionteller.com
Phone: 212-860-4776

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 23:17:51
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 23:17:51

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Dan

Last_Name: Icolari

Email: dicolari@si.rr.com

City: Staten Island

State: NY

Comments: I believe that government, particularly in a city as large, diverse and dynamic as ours, must enact rules that safeguard citizens' health. The needs of the business owner must be considered and given due weight; but citizen health comes first.

I have read that obesity compounds the severity or increases susceptibility to a wide range of diseases--the explosion in what used to be described as 'adult-onset' diabetes among the children and adolescents of East Harlem is one example.

As with smoking and other threats to citizen health, the city is acting prudently, in my opinion, by trying to raise public consciousness about the issue and change behavior. This is no different from giving out free nicotine patches or condoms; providing free flu and pneumonia immunization to the groups most at risk; or requiring that food packaging display nutritional information, so people can make smarter purchase decisions.

In order to be effective, in my opinion, calorie-count information should be displayed as part of the illuminated menu that most customers, whether at the counter or idling in a drive-thru, read before ordering. It should be set in the same type and point size as the item description and price. Like this:

ITEM DESCRIPTION/PRICE/CALORIE COUNT

16-oz burger w/cheese and fries, 3.99, 950
Supersize-me soda (24 ozs), 2.25, 450

and so on.

The restaurant should not be permitted to determine what 'visible to the customer' means. If left to the restaurant manager, calorie-count information will be relegated to the same remote yet visible corner devoted to Heimlich Maneuver posters, operating licenses and OSHA mandate documents.

The restaurant owners will scream bloody murder, but it's a simple signage change, which is not a major expense. If the Health Department remains resolute about implementing the rule, the owners will adapt, as bar owners and customers have adapted to the no-smoking-indoors regulations.

I appreciate the opportunity to comment.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/24/2007 23:44:33
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, October 24, 2007 at 23:44:32

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Paul J

Last_Name: Gammarano

Email: Paul.Gammarano@Kingsborough.edu

Phone Number: 718-368-5696

Title: Professor

Organization: KCC / CUNY

Street Address: 2001 Oriental Blvd

City: Brooklyn NY 11235

State: NY

Zip Code: 11235

Comments: Re: BOARD OF HEALTH VOTES TO INVITE PUBLIC COMMENT ON NEW CALORIE LISTING PROPOSAL FOR CHAIN RESTAURANTS

Thank you for this www.nyc.gov link and the opportunity to forward open commentary.

If the expression "blind leading the blind" is the antithesis of what people need, we can venture to say that "the educated must lead those uneducated or uninterested in their own health".

Please continue the world-class initiatives which have characterized the NYC DOHMH over the recent years.

If placed on the referendum ballots in plain language, with all the advantages and positive implications, there is every likelihood that the sensible voters will enact such necessary legislation on developing smarter eating habits choices.

VTY,

(Prof.) P J GAMMARANO, M.A., J.D.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/25/2007 04:20:52
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Thursday, October 25, 2007 at 04:20:52

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Margot

Last_Name: Mann

Email: margotmann@aol.com

Comments: I applaud this new initiative to reduce New York City's incidence of obesity, diabetes and heart disease. Congratulations, De Frieden and Mayer Bloomberg for showing leadership in yet another way to protect our health!

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/25/2007 09:58:45
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Thursday, October 25, 2007 at 09:58:45

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Leah

Last_Name: Lax

Email: acclax@aol.com

Phone Number: 212-420-1999

Title: Education Director

Organization: Hand in Hand Development, Inc.

Street Address: 465 Grand Street

City: New York

State: NY

Zip Code: 10002

Comments: I believe that the proposal for restaurants to list the caloric intake of their food is an excellent one. As a provider of special education services to young children, childhood obesity is a significant contributor to children's gross and sometimes fine motor abilities. We need to enact regulations that provide better information to enable parents to make informed decisions benefitting the health of their children.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/25/2007 11:54:30
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Thursday, October 25, 2007 at 11:54:30

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Carol

Last_Name: Guasti

Email: creativeedit@aol.com

Comments: One cannot argue that knowledge is a good thing. Knowing calorie counts of fast food purchases can help you to choose a meal (and subsequent meals that day) that are informed choices. If I know that I am choosing an 800-calorie breakfast, I am more likely to choose a lower-calorie option for lunch or dinner. For those who don't want to know what the calorie counts are, don't look! But for those of us who do, I think this is a terrific idea.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/25/2007 14:11:01
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Thursday, October 25, 2007 at 14:11:01

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Deborah

Last_Name: Crawford

Email: ladysanchez1@aol.com

Phone Number: 718-924-8495

Street Address: 2260 Beaumont ave

City: Bronx

State: ny

Zip Code: 10457

Comments: I am 100% in total agreement for this article amendment to take place. I'm sure the chain restaurants would only disagree because they know of horrendous number of calories in the food they serve. I think everyone should be made more aware of how many calories are in their dishes. It would help us all be more cognicent of our weight and what we intake to our body daily. There are plenty of diet suggestions and healthy eating suggsstions made available to the public. But for those who just "have to have" that Big Mac, seeing the number of calories in the bun alone may make them take a step back and think twice about putting that into their system. It could mean less sales for the company but the health and well being of the customers should mean more. They may even adjust their recipes to be healthier.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/25/2007 15:17:24
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Thursday, October 25, 2007 at 15:17:24

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Michael

Last_Name: Heller

Email: mabboy@gmail.com

Comments: Reading about calories may allow people to make choices about which meals have more or less calories but it might not effect total calorie consumption during the rest of the day.

I propose that the the meals indicate the percentage of total calories any meal represents for total daily caloric intake based on weight. For instance, instead of 1400 calories for a Happy meal, it would state: Child (up to 100 lbs): 70%; adult (150 lbs) 60%; adult (200lbs): 50%

I believe this would increase the liklihood that those who ate less at the fast food restaurant would curtail taking back those calories at home.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/25/2007 15:47:48
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Thursday, October 25, 2007 at 15:47:48

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Nancy

Last_Name: Mickevich RN

Email: nmickev1@health.nyc.gov

Phone Number: 718-32000-8973

Title: JPHN

Organization: NYCDOHM school health nurse

Street Address: 1932 Arthur Ave

City: Bronx

State: ny

Zip Code: 104

From: Elba Flores-Guzman <eflores@health.nyc.gov> **Sent:** Thu 10/25/2007 03:59 PM
To: Resolution Comments <HealthRC@health.nyc.gov>
CC:
Subject: RE: Calories Debate
Attachments:

I COMPLETELY DISAGREE. OUR LIVES, OUR CHOICES. WE ARE FREE TO CHOOSE WHAT TO EAT.

INFORMATION IS THE KEY TO BETTER CHOICES FOR YOUR HEALTH. MCDONALD HAS COMPLETE MENU OF ITEMS WITH CALORIES ALREADY MENTIONED. FREE FOR ANYONE TO READ. THERE IS NO NEED FOR THIS BILL. IF A CUSTOMER WANTS THE INFORMATION...THE RESTAURANTS IF THEY CARE ABOUT THEIR BUSINESS WILL PROVIDE IT OF THEIR OWN FREE WILL.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/25/2007 16:29:17
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Thursday, October 25, 2007 at 16:29:17

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Gary

Last_Name: Cavallino

Email: gcavalli@health.nyc.gov

Phone Number: 718420-6071

Title: Supervisor PHA

Organization: DOH Health Access Improvement

Street Address: 51 Stuyvesant Place

City: Staten Island

State: NY

Zip Code: 10301

Comments: I agree with the Commissioner that all restaurants should have the calorie information available to all patrons that want to choose what they want to buy. I believe that a big cause to the problem we are having with obesity and diabetes is due largely to restaurants not being health conscience. If I were Commissioner, I would put more stringent regulations to have restaurants more geared to "Healthier choices". I hope this plan passes vote and will support further initiatives in this manner. Thank you.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/26/2007 07:09:09
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Friday, October 26, 2007 at 07:09:09

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: s

Last_Name: bergsma

Email: stephanie_bergsma@hotmail.com

Street Address: 139 emerson

City: brooklyn

State: ny

Zip Code: 11205

Comments: Requiring that all calories -calorie breakdown (sugar fat carbs) and ingredients be posted is an excellent idea that will contribute to newyorkers making healthy and informed decisions about their food choices. This will set an example for the rest of the country.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/26/2007 11:18:35
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Friday, October 26, 2007 at 11:18:35

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Linda

Last_Name: Ostriker

Email: lostriker@earthlink.net

Comments: These regulations could save tens of thousands of lives. It makes me very sad to see small obese children, knowing that they are probably going to get diabetes.

I've known several people who died of diabetes. They went in pieces -- a toe, then another couple of toes, then the leg, with terrible depression the whole way. It's a horrible disease, and too many people go blind, have to have dialysis, and/or die from it because they aren't able to change their eating habits.

It's hard to lose weight. All over the world people are getting obese. Anything the government can do to help is worth it. These regulations seem like a minimum that sane people can want to do to help each other live in good health.

I don't know why restaurants object. If people start choosing lower calorie meals, the restaurants will be able to go back to smaller portions and save money. Perhaps they can try using herbs and spices to add flavor, instead of grease and salt.

It doesn't seem like good business to kill your customers.

I'm looking forward to the new regulations. I'll probably go to fast food restaurants more often if I can find choices that are healthy.

Thank you for proposing these regulations.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/26/2007 11:52:28
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Friday, October 26, 2007 at 11:52:28

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: xiomara

Last_Name: Dorrejo

Email: xdorrejo@hotmail.com

Phone Number: 917-597-5454

Title: Supervising Public Health Advisor

Organization: NYC Department of Health and Mental Hygiene, Bureau of TB Control

Street Address: 674 W 161 Street Apt 2F

City: New York

State: NY

Zip Code: 10032

Comments: I regularly look at calorie information when food shopping and would like the
same option when dining out.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/26/2007 14:59:36
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Friday, October 26, 2007 at 14:59:36

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Daryl

Last_Name: Altman

Email: daltman@health.nyc.gov

Title: MD

Organization: NYCDOHMH School Health

Street Address: 12034 Queens Blvd FL 3

City: Kew Gardens

State: NY

Zip Code: 114151204

Comments: I am strongly in favor of this proposal. Posting calorie counts is a great start, but the City should also require fat, fiber, sodium, and nutritional information. New Yorkers should know when they're eating junk.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/26/2007 16:18:25
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Friday, October 26, 2007 at 16:18:25

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Heidi

Last_Name: Broome-Raines

Email: hbr@brown.edu

Phone Number: 401 256-9328

Organization: Brown University

Street Address: 202 Transit St

City: Providence

State: RI

Zip Code: 02906

Comments: I applaud New York City for working to protect its residents' health. I have very often wished that calorie information were readily available at restaurants. I, like many people, have struggled with obesity. When I realized that my lifestyle, which included eating at restaurants, was hurting my health, I completely stopped eating out and now practice calorie counting, and have lost over 85 lbs and am maintaining a healthy weight. I continue to avoid restaurants although I will sit with friends and family at a table while they eat. I consider unlabeled food (at a restaurant or grocery store) to be a danger to my health. Although there are many elements to good nutrition, calorie content of a plate of food is the most fundamental to dealing with the obesity epidemic. If I could have confidence that I knew how many calories were in the food, I would certainly eat at restaurants again, as I used to enjoy eating out. Just as I don't purchase foods with no nutritional information when traveling abroad, I don't feel any confidence that unlabeled restaurant meals have a place in the diet of someone who has struggled with obesity and will never be able to eat in a "carefree" manner again. Thank you so much for doing this, I hope other cities and states catch on. I for one will be taking my friends to eat out in New York City!

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/27/2007 09:53:46
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Saturday, October 27, 2007 at 09:53:46

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: R

Last_Name: Stark

Email: serviceprof@gmail.com

Comments: As a mental health professional with a specialty in eating disorders I think this is
an EXCELLENT action to take. Knowledge is power for consumers.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/29/2007 14:32:04
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Monday, October 29, 2007 at 14:32:04

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: MaryAnn

Last_Name: Whelan-Gales

Email: maryann.whelengales@msnyuhealth.org

Title: Nurse Practitioner

Organization: Mount Sinai Heart Hospital

Street Address: 1 Gustave Levy Place

City: Nwe York City

State: New York

Zip Code: 10029

Comments: I remember the controversey before nutrition information was placed on packaged food labels. For the most part, it did make a difference. School-age children are taught how to interpret this information - and isn't that where it should start?? It is important to have this info in restuarants as well. Some places already advertize the number of calories on the diet portion of the menu. Having this information will allow you to have even more information about what you are actually eating and perhaps you will make a healthier choice.

Mary Ann W Gales, DNP, RN

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 10/30/2007 09:14:00
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Tuesday, October 30, 2007 at 09:14:00

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Leiba

Last_Name: Frans

Email: LFrans22@aol.com

Phone Number: 917-685-7581

Street Address: 385 Argyle Road apt4E

City: Brooklyn

State: NY

Zip Code: 11218

Comments: Instead of leaving nutrition and calorie counting to be responsible decisions that individuals need to make, we are enabling individuals to simply not be responsible. We were created to think and make decisions, not to have decisions made for us at every turn.

Personally, I'm in seek of high calorie meals for health reasons, even though I seek high calorie meals, I have to seek out high calories but in healthy concentrations. I find it very difficult, in doing grocery shopping alone, to be able to find choices, which are not low calorie.

I say that we educate, and strategically use monitoring interventions.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/02/2007 11:26:30
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Friday, November 2, 2007 at 11:26:30

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Andrew

Last_Name: McMahan

Email: andrewmcmahan@gmail.com

Phone Number: 571-344-0567

Street Address: 74 E 7th St Apt 4F

City: New York

State: NY

Zip Code: 10003

Comments: I think the Calorie posting is a good idea. You are increasing the transparency of restaurants, and helping citizens make more informed decisions about the food they eat; at the same time you are not forcing them to eat healthier foods.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/05/2007 12:08:00
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Monday, November 5, 2007 at 12:08:00

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Johanna

Last_Name: Miller

Email: johanna.miller@gmail.com

Street Address: 68 Bayard Street

City: New York

State: ny

Zip Code: 10013

Comments: I am very much in support of this proposal. Despite available information most people have no idea how many calories are in fast food items, or choose to ignore that information. And when fast food giants introduce "healthier" choices like salads and yogurt, people have no reason to believe that they actually have as many or more calories than the burgers and fries. Posting calorie-counts on menu boards is a responsible and effective way to help New Yorkers make better choices for their health. The city cannot afford to ignore the obesity crisis because it might mean fewer Big Macs are sold.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/07/2007 15:19:42
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, November 7, 2007 at 15:19:42

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Thomas

Last_Name: VanEsley

Email: tomvanesley@gmail.com

Phone Number: 313-408-1124

Street Address: 12013 Tecumseh

City: Redford

State: MI

Zip Code: 48239

Comments: This proposed legislation is ridiculous, punitive to chain operators, and will not stem the tide of obesity by any measure. Normal functioning human beings can think for themselves. You drink to excess... you get drunk (and suffer consequences), you smoke (excessively or not)... you jeopardizes your health (lungs, heart, etc.), you eat foods laden with fat...you get fat, you go outside in the winter without a coat...you freeze. Nutritional information is available already in a many shapes and forms. Truth be told, those who need or want it seek it out. Those with serious questions call the corporate headquarters of fast food chains and get personal attention. The majority of people don't need it. In fact if they knew that the price of their food would be increased by adherence to these regulations, they'd say forget it (and it will, because everytime a menu board changes or a component is removed from or added to a food product the board will need to change). This ! cost money.

The only success you may have with your caloric charged menu boards is to drive people away to purchase pizza and burgers to units that are exempt from your regulations (where they feel less guilt about their purchases). This is blatant discrimination against chain restaurants. It is one more attempt to recover fines and fees from people already paying taxes that support your programs dealing with public health issues.

This information does not have to forced down the throats of the citizens of NY. What next?... nutritionist in store lobbies, or mandatory tatoos of the food pyramid on fast food employees' foreheads?

I do not want municipalities, states, or the US government directing my choices as closely as they evidently feel they need to.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/10/2007 13:37:20
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Saturday, November 10, 2007 at 13:37:20

This form resides at

<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Alice
Last_Name: Lichtenstein
Email: Alice.Lichtenstein@Tufts.edu
Phone Number: 617 556 3127
Title: Gershoff Professor of Nutrition Science and Policy
Organization: Tufts University
Street Address: 711 Washington Street
City: Boston
State: MA
Zip Code: 02111

Comments: I strongly support the New York City Department of Health and Mental Hygiene's proposal to require that calorie information of menu items be clearly visible to patrons at the time of ordering for menu items that are served in standardized portions for restaurants with 15 or more outlets.

Two-thirds of adult Americans are currently either overweight or obese, with the rates in children close behind. The department has proposed that the calorie content of food items be displayed as prominently as the price, at point of purchase. That allows people who may be wavering between placing an order for a medium or large serving, or choosing one or another of two items, to view the cost in terms of extra dollars and calories at the same time, where it can have the most impact. Because an ever increasing amount of food we eat is prepared outside the home even if this regulation covers just a small fraction of the food service establishments in New York City it can potentially have a tremendous impact on calorie intake, where the problem starts, when the food is purchase.

This proposal does not provide a surefire cure for the obesity epidemic but it would be one small step towards developing a multi-pronged approach to start attacking the problem. It would be particularly nice to see New York City lead the charge in this area.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/12/2007 14:33:04
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: Article 47 - Child Care Services

Below is the result of your feedback form. It was submitted by
() on Monday, November 12, 2007 at 14:33:04

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art47-1007.shtml>

First_Name: Nina
Last_Name: Piros
Email: npiros@universitysettlement.org
Phone Number: 2124534524
Title: Director of Early Childhood Programs
Organization: UniversitySettlement
Street Address: 184 Eldridge Street
City: New York
State: NY
Zip Code: 10002

Comments: 47.23(a) Constant supervision required. This section references "qualified staff" and staff included in the "staff/child ratios" as required to maintain direct line of sight, visual supervision of children at all times. Does this exclude properly screened volunteers, who work under the supervision of the Group Teacher but not included in the staff/child ratios, from supervising children during such routines as using the toilet, napping, hand-washing, outdoor play, etc. Please clarify.

Thank you,

**Comment for the New York City Board of Health Concerning Menu Labeling
Rudd Center for Food Policy and Obesity, Yale University (“The Rudd Center”)**

November 27, 2007

The Rudd Center’s mission is to improve the world’s diet, prevent obesity, and reduce weight stigma by establishing connections between sound science and public policy, developing targeted research and expressing a dedicated commitment to real change. We strive to improve practices and policies related to nutrition and obesity so as to inform and empower the public, to promote objective, science-based approaches to policy, and to maximize the impact on public health.

In New York City, more than one of every two adults is overweight or obese (34.9 percent and 19.9 percent, respectively).¹ In 2005, nearly three of every four deaths (71.4 percent) in New York City were due to diseases highly correlated with obesity: heart disease, diabetes, stroke and cancer.² The solutions to this epidemic must be science-based, positively alter the environment so they reach a multitude of people at once, and enable people to more easily practice healthy behavior. Menu labeling is one proposed approach. The practice has been endorsed by the United States Surgeon General, the Institute of Medicine, the United States Food and Drug Administration, and the American Medical Association.

Available scientific evidence supports the practice of menu labeling. Today, Americans spend almost one-half (47.9 percent) of their food budget³ and eat one-third of their calories in restaurants and from other food service vendors.⁴ Foods that are prepared and eaten outside the home tend to be higher in calories and nutritionally poorer than

¹ *Dept. of Health and Mental Hygiene, Board of Health, Notice of Intention to Repeal and Reenact §81.50 of the NYC Health Code*.p. 4.

² *Id.*

³ National Restaurant Association website, accessed 9/13/07. Available at: <http://www.restaurant.org/pressroom/pressrelease.cfm?ID=1348>

⁴ Guthrie JF, Lin BH, Frazao E. Role of food prepared away from home in the American diet, 1977-78 versus 1994-96: changes and consequences. *Society for Nutrition Education*. 2002; 34: 140-150.

foods made at home.⁵ Restaurant portion sizes have increased⁶ and studies show that people eat more when served larger portions.⁷ These portions can contain from 1100 to more than 2000 calories, which is anywhere from one half to more than an entire day's worth of the daily allowance of calories as recommended by the United States Department of Agriculture.⁸

Chain restaurants serve what is commonly referred to as fast food. Fast food is associated with higher levels of calories, saturated fat, carbohydrates, and added sugars per serving than other foods.⁹ Studies show that consuming fast food is positively associated with increased risk for obesity, insulin resistance, heart disease, and type 2 diabetes.¹⁰ In fact, those who eat at fast food restaurants more than twice a week gain an extra 10 lbs. compared to those who eat at them less than once a week.¹¹

The purpose of menu labeling is to promote informed consumer decision-making and prevent consumer confusion about calorie and nutrition content and appropriate portion sizes. There is consensus within the public health community that consumers are unable to correctly estimate the calorie, fat, saturated fat, and sodium content of foods and beverages, particularly at restaurants. Studies have found that 9 out of 10 people underestimate the calorie content of less-healthy items by an average of more than 600

⁵ Lin B, Guthrie J, Frazao E. (1999). Away from home foods increasingly important to quality of American diet. AIB-749, USDA, Economic Research Service.

⁶ Ello-Martin J, Ledikwe J, Rolls, B (2005). The influence of food portion size and energy density on energy intake: Implications for weight management. *American Journal of Clinical Nutrition* 82(suppl): 236S-41S.

⁷ Diliberti N, Bardi PL, Conklin MT, Roe LS, Rolls BJ. Increased portion size leads to increased energy intake in a restaurant meal. *Obes Res.* 2004;12(3):562-8.

⁸ Jacobson M.F. and Hurley, J.G. (2002). *Restaurant confidential*, Workman Publishing, New York.

⁹ Bowman SA, Vinyard BT. Fast food consumption of US adults: impact on energy and nutrient intakes and overweight status. *J Am College Nutr.* 2004; 23(2): 163-168.

¹⁰ Bowman SA, Gortmaker SL, Ebbeling CB, Pereira MA, Ludwig DS. Effects of fast-food consumption on energy intake and diet quality among children in a national household survey. *Pediatrics.* 2004;113(1):112-118; French SA, Harnack L, Jeffery RW. Fast food restaurant use among women in the Pound of Prevention study: dietary, behavioral and demographic correlates. *Int J Obes Relat Metab Disord.* 2000;24(10):1353-9; Pereira MA, Kartashov AI, Ebbeling CB, Van Horn L, Slattery ML, Jacobs DR Jr., Ludwig DS. Fast-food habits, weight gain, and insulin resistance (the CARDIA study): 15-year prospective analysis. *Lancet.* 2005;365:36-42 ; Stender S, Dyerberg J, Astrup A. Fast food: unfriendly and unhealthy. *Int J Obes.* 2007;31:887-890.

¹¹ Pereira M, Kartashov A., Ebbeling C., Van Horn L., Slattery M., Jacobs D., and Ludwig D. (2005) Fast food habits, weight gain, and insulin resistance (the CARDIA study) 15 year prospective analysis. *The Lancet*, 365: 36-42.

calories (almost 50% less than the actual calorie content).¹² Even professional nutritionists underestimate the calorie content of restaurant foods by 220 to 680 calories, as shown in a survey performed at an American Dietetic Association annual meeting.¹³ The current information gap has resulted in distorted perceptions of what are appropriate meals and portion sizes.

New York City found that “Calorie information provided at the time of food selection in [food service establishments] would enable New Yorkers to make more informed, healthier choices and can reasonably be expected to reduce obesity and the many related health problems which obesity causes.”¹⁴ This argument is supported by science. The 1990 National Labeling and Education Act was an important first step taken by the federal government to give consumers on-the-spot nutrition information on packaged foods. Three of every four adults read those food labels¹⁵ and as a result can change their food purchasing habits.¹⁶ In a recent study consumers presented with calorie content on the menu chose high-calorie items one-third less frequently.¹⁷ As more people purchase meals for consumption outside the home it is a logical next step that this information be provided at the point of purchase in fast food restaurants. Just as consumers need to know the cost of an item to make certain they can afford it, they need to know the calorie content of an item to know if they can afford it nutritionally.

New York City’s disclosure requirement would reflect information long known in the public health community. If consumers are entitled to know the calorie composition of their foods and beverages as a premise, it is important to know that they cannot guess

¹² Burton S, Creyer EH, Kees J, Huggins K. Attacking the obesity epidemic: the potential health benefits of providing nutrition information in restaurants. *Am J Public Health*. 2006; 96:1669-1675.

¹³ Backstrand J, Wootan MG, Young LR, Hurley J. *Fat Chance*, Washington, DC: Center for Science in the Public Interest, 1997.

¹⁴ See n. 1, p.3

¹⁵ US Department of Health and Human Services (US DHHS), Centers for Disease Control and Prevention, National Center for Health Statistics. *Healthy People 2000 Final Review*. 2001.

¹⁶ Levy AS, Derby BM. The Impact of NLEA on Consumers: Recent Findings from FDA’s Food Label and Nutrition Tracking System. Washington DC: Center for Food Safety and Applied Nutrition. Food and Drug Administration. 1996.

¹⁷ Burton S, Creyer EH, Kees J, Huggins K. Attacking the obesity epidemic: the potential health benefits of providing nutrition information in restaurants. *Am J Public Health*. 2006; 96:1669-1675.

this nutritional data for themselves. It is sensible therefore, to provide this information to consumers at the point of purchase which is likely to be most effective in promoting informed consumer decision-making and preventing consumer confusion.

We believe the menu labeling requirements to be considered by the New York City Board of Health are supported by good science and have the aim of informing consumers so they have the information necessary to make food choices according to their own personal goals and circumstances. Thank you for the opportunity to comment on this very important public health issue.

Respectfully submitted,

Roberta R. Friedman, ScM, Director of Public Policy
Jennifer L. Pomeranz, JD, MPH, Director of Legal Initiatives
Kelly D. Brownell, PhD, Director

Rudd Center for Food Policy and Obesity
Yale University
309 Edwards St.
Box 208369
New Haven, CT 06520
Ph: (203) 432-6700
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-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/16/2007 17:13:52
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Friday, November 16, 2007 at 17:13:51

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: David
Last_Name: Ludwig
Email: david.ludwig@childrens.harvard.edu
Phone Number: 617 355-4878
Title: Director, Optimal Weight for Life Program
Organization: Children's Hospital Boston
Street Address: 300 Longwood Ave
City: Boston
State: MA
Zip Code: 02115

Comments: I have been engaged in obesity and nutrition research for 15 years. Our research has shown that consumption of fast food and sugar-sweetened beverages promote excessive weight gain and increases risk for diabetes. Clearly, the combination of very large portion size, high energy density and poor nutritional quality has an especially adverse effect on health in children and adults. Calorie posting may produce a synergistic public health benefit in combination with ongoing efforts to improve nutritional quality (as for example by eliminating trans fatty acids). This legislation offers to provide the public with the tools that they need to make informed choices when dining outside the home.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/19/2007 17:17:10
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Monday, November 19, 2007 at 17:17:10

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Luisa

Last_Name: Sanchez

Email: LSanchez@cccnewyork.org

Phone Number: 212-673-1800 x16

Title: Senior Policy Associate for Health and Mental Health

Organization: Citizens' Committee for Children

Street Address: 105 E 22nd Street

City: New York

State: NY

Zip Code: 10040

Comments: The proposal to require disclosure of caloric information on restaurant menus or menu boards will allow parents to make better food choices that will improve their children's nutrition, reduce obesity and promote life-long healthy diets and lifestyles. Close to a quarter or 470,000 New York City children are obese, increasing the likelihood that they will develop chronic diseases, such as diabetes later, in life. With obesity rates in the city more than double the national average, it is critical that the Board of Health adopt the proposal that would require restaurant chains with 15 or more establishments to post calories on menus and menu boards.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/20/2007 07:54:05
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Tuesday, November 20, 2007 at 07:54:05

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Kevin

Last_Name: Grodnitzky

Email: kevingrodnitzky@yahoo.com

Title: Registered Dietitian

Comments: As a Registered Dietitian, I wholeheartedly support the proposed rule to require chain restaurants to list calories on menus. For children, adults and families to make healthier decisions when purchasing food, more information about the nutrient content of those foods is crucial. With the obesity epidemic at such alarming rates, shouldn't we provide citizens with as much information as possible to help them eat in a healthier way?

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/20/2007 10:01:32
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Tuesday, November 20, 2007 at 10:01:32

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Elisa

Last_Name: Zied

Email: nutritionmadeez@aol.com

Phone Number: 212-249-5078

Title: Registered Dietitian, Author

Street Address: 124 E 79th Street

City: New York

State: NY

Zip Code: 10075

Comments: Dear Members of the NYC Board of Health,

As resident of New York City, I wholly support the proposed rule to require chain restaurants to list calories and other pertinent nutritional information on menus.

Adults and children get about 1/3 of their total calorie intake each day from restaurants and other food service establishments, which is no surprise given people's harried lifestyles. However, few restaurants provide calorie and nutritional information at the point of decision making. While as a registered dietitian, I support having such information online or in brochures, it is not nearly the same as having such information readily available to customers at the restaurant at the point of purchase. Also, while most people have internet access, not all do, especially older people who don't cook and may increasingly rely on fast, easy food they can pick up at a local chain restaurant. Having such information at chain restaurants (and all restaurants, for that matter!) will provide people with important tools to compare items and ultimately make better food selections when they go to such establishments. With rates of obesity and type 2 diabetes at an all-time high in this co!

untry, and with a surge in other health problems associated with

obesity/overweight and unhealthy levels of body fat, it is imperative that food service establishments step up to the plate and provide clear nutrition information on their menus to better arm their customers to make better health choices and to raise awareness of what they are actually getting in terms of calories and nutrients when they make their selections. This is especially important since several studies have shown that the more fast food meals people consume, the more calories they take in and the fewer nutrients they get on any given day (there's also an association between more fast food and higher body mass index).

The Board of Health's proposed rule to require calorie disclosure on menus in chain restaurants is an excellent first step towards helping New Yorkers watch their weight and reduce health risks. I hope we can count on you to support this very important health measure.

Sincerely,

Elisa Zied, MS, RD, CDN
Registered Dietitian
Spokesperson, American Dietetic Association
MSNBC contributor
Contributing Editor, Redbook magazine
author, Feed Your Family Right! and So What Can I Eat?! (Wiley, 2007
and 2006, respectively)

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/20/2007 11:19:10
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Tuesday, November 20, 2007 at 11:19:10

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: R

Last_Name: Foroutan

Email: rforoutan@mac.com

Comments: As a nutrition counselor, I fully support this move by the DOH. This will help people be more aware of the food/meal choices they make, and may even encourage restaurants to provide more healthy options and provide an incentive for them to modify their current recipes with health in mind. This is a move in the right direction!

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/20/2007 20:31:46
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Tuesday, November 20, 2007 at 20:31:46

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Helen
Last_Name: Magrisso
Email: hmagrisso@yahoo.com
Phone Number: 718 229-7486
Street Address: 69-12 222 St
City: Bayside NY
State: NY
Zip Code: 11364

Comments: Has anyone noticed that hydrogenated soybean oil has been replaced by palm oil in every cookie, candy, cracker etc. We've been warned away by palm oil as long as I can remember. I thought it's the kind of calories that's important as well as the number.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/21/2007 13:08:31
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, November 21, 2007 at 13:08:31

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Francesca

Last_Name: Serra

Email: crandesca@aol.com

City: New York

State: NY

Zip Code: 10016

Comments: I am opposed to this proposal. I think that dining out is supposed to be an enjoyable experience, and I dont think it is fair to restaurants or customers to force nutritional info on them. I think it is unappetizing. Health education should come from the home and from school. This proposal reminds me of the movie, Thank You For Smoking. Restaurants arent here to educate customers. Neither are bars or bakeries. People dont go to Applebee's or Chili's to have a healthy meal.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/21/2007 14:01:03
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Wednesday, November 21, 2007 at 14:01:03

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Wahida
Last_Name: KarmallyDrPHRDCECLS
Email: wk2@columbia.edu
Title: Associate Research Scientist
Organization: Columbia University
Street Address: 622W 168th Street
City: New York
State: NY
Zip Code: 10032

Comments: Thank you Dr Frieden for being such a staunch advocate of weight management for NYC residents. Calorie counting is an important and significant strategy to help New Yorkers fight the huge obesity problem. Listing calories is a great tool to help make informed choices. Cutting back on 100 Calories each day can help prevent an additional weight gain of 10 pounds a year!

Wahida Karmally, DrPH, RD, CDE, CLS
Associate research Scientist
Columbia University, NY



75 9th Avenue, New York, NY 10011 tel: (212) 255-2400 fax: (212) 929-9588

November 21, 2007

To Whom It May Concern:

Hale and Hearty Soups strongly objects to the revised proposal by the NYC Health Dept to re-enact sec.81.50 forcing chain restaurants to display the calories of each item on the menu in the same size as the item itself.

First, it is quite clear that this law is intended to target fast food restaurants selling high calorific food, but due to its construction covers the rare chain like Hale and Hearty that sells healthy, home cooked food, much of which is suitable for people on diets such as weight-watchers. As the CEO of the company, I frequently correspond with weight-watchers clients about how healthy our soups and salads are.

The problem is that the heavy-handed implementation of this law requiring every restaurant to display the calories next to each item for each size served does not take into consideration what a nightmare it would be for a company such as ours that offers an enormous and ever changing variety of menu offerings. It is focused on the fast food companies who have limited and stable menus.

Our menu:

Our restaurants carry 18-20 soups per day, in three sizes. That is 60 items requiring calorie display, as defined by the proposed law. For salads, we offer 3 types of lettuce mix, each in 2 sizes, together with a choice of 38 different salad toppings, and 12 salad dressings-another 56 items. We also offer 18 sandwich flavors, each in two sizes (whole/half). Because of the huge variety we offer, we already struggle to display our menu boards legibly, but the impact of this new law would be a nightmare.

We would be required to display 152 separate 2 or 3 digit calorie numbers, or approx 456 individual digits on what are our already crowded menu boards! In fact, we have simply no idea how we could display all this information within the parameters of the new regulations, while keeping our menus legible.



What is more, our custom designed and manufactured menu boards cost us approx \$5,000 per location. **To meet the Health Dept's new law, we would have to spend at least \$100,000 to refit our 20 stores' menuboard**s, should even be able to figure out a way to do this so customers could still read the menus and know what they are paying for each item.

So the new law will

- a) make our menu boards virtually illegible to our guests. We are being penalized for offering such a huge variety.
- b) cost us a huge amount of money to comply, \$100,000.
- c) penalize a company that many nutritionists view as a pioneer in offering customers healthy food. Were there more Hale and Hearty's, this law would not even be under consideration.

Thus we wholly object to the proposed new regulations.

Yours sincerely,



Simon Jacobs

Attached are the New York State Department of Health's comments on the New

York City Department of Health and Mental Hygiene's intention to amend Article 81.50 of the New York City Health Code: Restaurant Menu Labeling.

Please feel free to contact me if you have any questions, or if additional information is needed.

Ellen Anderson
Director
Center for Community Health
New York State Department of Health
Empire State Plaza
Corning Tower
Room 695
Albany, New York 12237

eja03@health.state.ny.us
Phone: (518) 474-5073
Fax: (518) 473-8389

NEW YORK STATE DEPARTMENT OF HEALTH

Comments on New York City Department of Health and Mental Hygiene Notice of Intention to Amend Article 81.50 of the New York City Health Code: Restaurant Menu Labeling November 21, 2007

- Since 1970 the proportion of food dollars spent on meals away from home has nearly doubled to almost half of all food dollars; increasing from 26% in 1970 to 47.5% today.
- Experiments conducted in school cafeterias and college food services suggest that providing calorie or nutrient labeling at the point of selection does influence reported intent to purchase healthier options.
- Consumers purchasing food in restaurants are defenseless in making wise choices. Menu analyses indicate that items selected based on a reasonable consumer judgment about their healthfulness are often not a healthy choice. This inability to accurately judge nutrient or calorie content extends to health professionals including nutritionists. Without information about calorie content, consumers desiring to make healthful choices have little chance of achieving that objective.

Examples: Denny's Steakhouse Strip & Eggs Breakfast contains fewer calories than French Toast Slam (560 vs. 1180 kcal). Dunkin Donuts' Reduced-fat Blueberry Muffin or Wheat Bagel both contain more calories than a Chocolate Frosted Donut (400 or 330 kcal, respectively, vs. 230 kcal).

- The Food and Drug Administration commissioned the Keystone Forum on Away-From-Home Foods to prepare the report, *Opportunities for Preventing Weight Gain and Obesity*, issued in May 2006. The report assesses multiple issues, including but not limited to menu labeling, and utilizes several approaches including multi-sector surveys and literature reviews. Their recommendations, made by an expert panel, include the following:

Summary: While no causal link has been demonstrated between away-from-home food and obesity in adults or children, or between menu labeling for away-from-home food and obesity, the research literature demonstrates that presenting consumers with calorie, fat, sodium and other information alters their perception of foods as positive or negative and changes purchase intention. The literature also indicates that without this information consumers, and even experts, are unable to accurately assess the nutrition content of away-from-home food, typically, underestimating calories, fat, saturated fat and cholesterol.

November 27, 2007

To: New York City Board of Health

From: Margo Wootan, D.Sc., Director of Nutrition Policy, Center for Science in the Public Interest

Re: Comments in Support of Menu Labeling in Chain Restaurants (§81.50)

The Center for Science in the Public Interest (CSPI) is a nonprofit health-advocacy organization. Although we're based in Washington, D.C., we have more than 15,000 members and subscribers in New York City. Among other things, CSPI led the effort to win passage of the law requiring nutrition labeling on packaged foods, to add trans fat to those labels, and we are currently leading the national effort for menu labeling in chain restaurants.

The Board of Health made history last year with its first-in-the-nation requirement for calorie labeling on menus at certain restaurants. We were disappointed with Judge Holwell's decision back in September, but believe the amended menu labeling proposal before the Board of Health today is even stronger than the original proposal. We strongly urge the Board of Health to adopt this amendment.

Menu labeling would allow millions of New Yorkers to make informed decisions about their own health by providing them with information that is sorely lacking at most restaurants. With two-thirds of Americans overweight or obese, we need to give people a fighting chance at eating better and maintaining a healthy weight. Requiring calorie disclosure on menus is one effective, low-cost way to support healthy eating and help to address obesity.

Nutrition labeling in restaurants is needed because eating out is no longer an infrequent, special occasion. Americans are eating out twice as much as in the 1970s. Away-from-home foods now provide one-third of adults' and children's calorie intake, on average.

Restaurant meals tend to be less healthful than home-prepared meals. Studies link eating out with eating more calories and obesity (see Attachment 1). Also, restaurant meals typically are higher in saturated fat and lower in nutrients, such as calcium and fiber. The big portions at restaurants can not only blow a person's diet for a meal or a day, but for a whole week. Women who eat out more than 5 times a week eat 300 more calories on average *each day* compared to women who out less often.

The Center for Science in the Public Interest has done a series of studies which show that it is common for restaurant entrees to provide a half-a-day's worth of calories -- and that's without an appetizer or dessert. Certainly, no one thinks that cheese fries are a health food, but who would guess they have a day-and-a-half's worth of calories? Or that a large chocolate shake at McDonald's has more calories than four hamburgers?

Although restaurants provide a range of menu choices, without nutrition information, it can be difficult to compare options and make informed decisions. For example, at Starbucks your coffee might have anywhere from 10 to almost 800 calories. An ice cream at Haagen Dazs can cost you as little as 120 calories or more than 1,200 calories.

And few parents would guess that a chicken tenders dinner has more calories than the baby back ribs dinner from a typical children's menu.

People know that a small serving has fewer calories than a large one, but it is very difficult to accurately estimate the calorie contents of restaurant meals. A study conducted by CSPI and New York University found that even well-trained nutrition professionals cannot accurately estimate the calorie content of typical restaurant meals. They consistently underestimated the number of calories, and the underestimates were substantial – by 200 to 600 calories. For example, when shown a typical dinner-house hamburger and onion rings, the dietitians estimated that it had 865 calories, when it actually contained about 1,500 calories.

Statewide surveys in California and Connecticut show that identifying healthier choices at restaurants is very difficult for consumers. The California poll found that two-thirds (68%) of respondents were unable to answer even one question (of four questions) correctly, and scores were equally poor regardless of education or income levels. Importantly, other research indicates that the provision of nutrition information for restaurant foods helps people to make healthier choices (see Attachment 2).

In addition to providing consumers with information to help them make informed decisions, menu labeling would provide an incentive for restaurants to add new menu items and reformulate existing options to reduce calories. For example, the food industry initially opposed trans fat labeling when I first started working on it in the early 1990s. However, over the last several years, many companies have lowered or eliminated trans fat in response to the FDA's requirement for trans-fat labeling.

The current system of voluntary labeling at restaurants is not working. Half of the largest chain restaurants don't provide any nutrition information to their customers. The restaurants that do provide information generally provide it on websites, which have to be accessed before leaving to eat out, on hard-to-find, difficult-to-read posters or brochures, or on tray liners or fast-food packages, which people don't see until after they order.

Yet restaurants know that providing information on menus is the most effective way of sharing information with its customers. The Burger King Corporation wrote that “the menu board is the single most valued piece of real estate in a Burger King restaurant. It is the most important way we communicate with our customers in the store about the products we offer and their price; it is what our customers look at, and it is what stimulates their decision to buy.”

Menu boards are what customers read while they are standing in line to place their orders and where they get virtually all of their information about what to order, including a listing of menu options, product descriptions, and price. We are pleased that the New York City proposal would require nutrition information to be on menus or menu boards, since that it is the most effective way to communicate the information with the customer.

CSPI did a study of McDonald's provision of nutrition info in Washington, D.C. Even at McDonald's, the largest chain restaurant in the country and the restaurant with probably the strongest corporate tradition of providing nutrition information in its

restaurants, we found that nutrition information at the point of decision-making is often difficult to find or completely absent. Only 60% of McDonald's outlets provided in-store nutrition information for the majority of their standard menu items, and in most cases it was necessary to ask two or more employees in order to get a copy of that information.

To be effective, nutrition information in restaurants must be simple, easy to use, and in a relatively consistent format at different restaurants. Only by posting calories on menus and menu boards is the information provided at the point of decision-making in a format that is easy to understand, easy to find and allows comparisons to be simply made, when the customer is actually choosing what to order. Furthermore, providing this information on menus and menu boards creates a standard that consumers can begin to rely on, familiarize themselves with, and easily use. If some restaurants have posters, others brochures, others kiosks, stanchions, and trayliners, customers will have trouble tracking down nutrition information even if the restaurant provides it.

Although the provision of nutrition information at restaurants is spotty, the fact that approximately half of chain restaurants do have it shows that providing nutrition information for restaurant foods is feasible, practical, and affordable – despite some restaurants' claims to the contrary. If a restaurant can provide nutrition information on a website, it should be able to put those calorie numbers on their menu boards and menus, where people can find them and use them when ordering.

People have grown accustomed to having nutrition information on packaged foods in supermarkets and they want it on menus. National polls show that 80% of Americans want restaurants to provide calorie information on menus and menu boards. Menu labeling policies have been introduced in over 20 states and cities across the country, as well as in the U.S. Congress.

I hope you will pass the proposal before you today to give New Yorkers this important tool to help them watch their weight from what is a growing and all-too-often problematic part of their diets. Thank you for the opportunity to testify and I would be happy to answer any questions or provide additional information.

Research Regarding the Association of Away-from-Home Foods and Body Weight

Overall studies show:

- Eating out more frequently is associated with obesity, higher body fatness or higher BMI (Pereria et al., 2005; Taveras et al., 2005; Thompson et al., 2004; Binkley et al., 2000; Jeffery & French, 1998; Ma et al., 2003; McCrory et al., 2000; McCrory et al., 1999).
 - For example, women who eat out more often (more than 5 times a week) consume about 290 more calories on average each day than women who eat out less often (Clemens et al., 1999).
- Eating more fast-food meals is linked to eating more calories, more saturated fat, fewer fruits and vegetables, and less milk (Taveras et al., 2005; Schmidt et al.,

2005; Bowman & Vinyard, 2004; Paeratakul et al., 2003; French et al., 2001; Jeffery & French, 1998; McNutt et al., 1997).

The following is a brief annotated bibliography of sources regarding the association between away-from-home foods and overweight/obesity, as reviewed in a presentation by Dr. Alice Lichtenstein of Tufts University at the April 26-27, 2005 meeting for the Food and Drug Administration (FDA) for the Keystone Forum on Away-From-Home Foods: Opportunities for Preventing Weight Gain and Obesity. Please note that studies use different terms for away-from-home foods establishments; including “restaurants,” “away-from-home food outlets,” and “quick-service” or “fast-food restaurants.” Furthermore, researchers may define these terms differently. Thus, one should consult the individual studies for more detail and clarity.

1. Binkley, JK et al. “The Relation between Dietary Change and Rising U.S. Obesity.” International Journal of Obesity 2000;24:1032-1039. Using CSFII data from 1994 to 1996, the researchers found that source of food is a significant determinant of Body Mass Index (BMI). This association was shown for both restaurants generally and fast-food outlets specifically. For females, the correlation was significant for fast-food outlets only but for males, the correlation was significant for restaurants generally as well as fast-food outlets specifically.
2. Bowman, SA et al. “Effects of Fast-Food Consumption on Energy Intake and Diet Quality among Children in a National Household Survey.” Pediatrics 2004;113:112-132. Using CSFII data from 1994 to 1996 and the Supplemental Children’s Survey from 1998, the researchers found for four to nineteen year olds, thirty percent (30%) of the sample population consumed fast food on a typical day. Those who ate fast food consumed more calories per gram of food and had poorer diet quality. The higher fast food consumption was associated with males, older children, higher household income, non-Hispanic Afro-Americans, and residence in the South.
3. Bowman, SA et al. “Fast-Food Consumption of U.S. Adults: Impact on Energy and Nutrient Intakes and Overweight Status.” American College of Nutrition 2004;23:163-168. Using CSFII data from 1994 to 1996, the researchers found that 25% of adults reported eating fast food. The study found that such fast food provided greater than 33% of total calorie intake and found a positive association between fast-food consumption and overweight status.
4. Clemens, LH et al. “The Effect of Eating Out on Quality of Diet in Premenopausal Women.” Journal of the American Dietetic Association 1999: 99:422-444. The study group was composed of premenopausal women. Groups were categorized as “low eating out” for meals consumed out five times or less per week and “high eating out” for meals consumed out six to thirteen times per week. The researchers found eating out frequency associated with higher intakes of calories, fat, and sodium.
5. Ebbeling, CB et al. “Compensation for Energy Intake from Fast Food among Overweight and Lean Adolescents.” JAMA 2004: 291:2828-2833. In the first part of this study, the participants were instructed to eat as much or little as they desired in a one-hour period in a food-court setting. The participants, thirteen to seventeen years old, had large caloric intake (1652 calories) and overweight participants ate more than leaner counterparts in both absolute terms as well as in estimated daily calorie requirements. In the second part of this study, caloric intake was determined for participants under “free-living” conditions for two days when fast food was eaten and

not eaten. The researchers found that overweight adolescents consumed significantly more total calories on fast food days (almost 18% more). Lean adolescents had no significance difference in total calorie intake between fast food and non-fast food days.

6. French, SA et al. "Fast Food Restaurant Use among Women in the Pound of Prevention Study: Dietary, Behavioral and Demographic Correlates." International Journal of Obesity 2000;24:1353-1359. This three year prospective intervention trial found that frequency of fast-food restaurant use was associated with higher caloric intakes and higher fat intake (as percent of calories) and lower consumption of fiber and fruit. The frequency of fast-food restaurant use was also positively associated with younger women, those with lower income, and those with non-White ethnicity.
7. Guthrie, JF et al. "Role of Food Prepared Away from Home in the American Diet, 1977-78 Versus 1994-96: Changes and Consequences." Society for Nutrition Education 2002;34:140-150. Using data from 1977-78 NFCS and 1994 to 1996 CSFII data, the researchers found changes in source of calories consumed over time. Food prepared away from home (restaurants, schools, daycare, or other) increased from 18% to 34% of total calories. Meals and snacks prepared away from home contained more calories per eating occasion and those meals and snacks were higher in fat and saturated fat and lower in fiber, calcium and iron per calorie consumed.
8. Jeffery, RW and French SA. "Epidemic Obesity in the United States: Are Fast Foods and Television Viewing Contributing?" American Journal Public Health 1998: 88:277-280. The study considered the correlation between fast-food intake and energy intake and body mass (the study also looked at TV, VCR, and cable TV watching). Recruitment was done via the USDA Women, Infants, and Children program (WIC) for those not pregnant one year prior to or following WIC enrollment. Total calorie intake and BMI were positively associated with fast-food consumption.
9. Lin, BH et al. Diets of America's Children: Influence of Dining Out, Household Characteristics, and Nutrition Knowledge. Washington, DC: USDA, 1996. Ag Economic Report No. 726. Using data from USDA's 1989-91 Continuing Survey of Food Intakes by Individuals and the Diet and Health Knowledge Survey, USDA researchers found that the foods that children eat from fast-food and other restaurants are higher in fat and saturated fat and lower in fiber, iron, calcium, and cholesterol than foods from home.
10. Maddock, J. "The Relationship between Obesity and the Prevalence of Fast-Food Restaurants: State-Level Analysis." American Journal of Health Promotion 2004: 19:137-143. The researchers consider state-level data on percent of population which is obese, fast-food restaurants per square mile, and self-reported behaviors from physical activity to fruit and vegetable consumption. The study found state levels of obesity inversely related to the number of residents per fast-food restaurant density and the number of square miles per fast food establishment. Other factors associated with obesity were income, fruit and vegetable intake, and percentage population of African-Americans.
11. Manchino, L et al. "The Role of Economics in Eating Choices and Weight Outcomes." USDA, Economic Research Service, WDC 2004. Ag Info Bulletin No. 791. The researchers used data from USDA's 1994-96 Continuing Survey of Food Intakes by Individuals and the 1994-96 Diet and Health Knowledge Survey. The

researchers found that overweight and obese women go significantly longer intervals between meals than healthy-weight women, and receive more of their daily calories from fast-food restaurants.

12. McCrory, MA et al. "Overeating in America: Association between Restaurant Food Consumption and Body Fatness in Healthy Adult Men and Women Ages 19 to 80." Obesity Research 1999; 7:564-571. The study group was comprised of "healthy" men and women. Restaurant consumption averaged 7.5 times per month. After controlling for age and gender, frequency of restaurant consumption was associated positively with body fatness (as measured by underwater weights). The association was unaltered after controlling for education, smoking status, and alcohol intake. The association increased after controlling for physical activity.
13. Paeratakul, S et al. "Fast-food Consumption among U.S. Adults and Children: Dietary and Nutrient Intake Profile." Journal of the American Dietetic Association 2003;103:1332-1338. Using data CSFII from 1994 to 1996 and 1998, the researchers found that 37% of adults and 42% of children reported eating in fast-food establishments. On the basis of two non-consecutive twenty-four hour diet recalls, adults and children who reported eating fast foods had higher intakes of calories, fat, saturated fat, sodium, and soft drinks and lower intakes of vitamins A and C, milk, fruits and vegetables than people who did not eat fast food.
14. Pereira, MA et al. "Fast-Food Habits, Weight Gain, and Insulin Resistance (The CARDIA Study): 15-year Prospective Analysis." Lancet 2005;365:36-42. This study used data from the Coronary Artery Risk Development in Young Adults (CARDIA) study. The CARDIA study included 3031 females and males from eighteen to thirty years of age in 1985/86, and included a follow-up fifteen years later. The analysis found that change in fast-food frequency was positively associated with changes in body weight. Those who frequented fast-food restaurants more than two times per week at baseline and follow-up gained an additional 4.5 kg (about 10 pounds) over the fifteen years and had a two-fold greater increase in insulin resistance.
15. Satia, JA et al. "Eating at Fast-Food Restaurants is Associated with Dietary Intake, Demographic, Psychosocial, and Behavioral Factors among African Americans in North Carolina." Public Health Nutrition 2004;7:1089-1096. This study considered a cross-sectional sample of 658 African-Americans from twenty to seventy years of age in North Carolina. The study found eating in fast-food restaurants to be associated with higher total fat intake, saturated fat intake, and lower vegetable intake. Frequent eaters in such establishments were more likely to be younger, never married, obese, and/or physically inactive.
16. Schmidt, M et al. "Fast-Food Intake and Diet Quality in Black and White Girls." Archives of Pediatric and Adolescent Medicine 2004;159:626-631. In a longitudinal multicenter cohort study of 2379 girls (ages 9 to 19 years), increased fast-food intake was associated with increased intake of energy and fat and saturated fat intake (as a percent of calories).
17. Thompson, O M et al. "Food Purchased Away From Home as a Predictor of Change in BMI z-score Among Girls." International Journal of Obesity 2004; 28:282-289. The researchers conducted a longitudinal growth study with girls eight to twelve years of age as the baseline with a follow-up when they were eleven to nineteen years of age. The study showed that at baseline, eating at quick service restaurants more

often was associated with increases in BMI. This was most evident when quick service frequency was two times a week or greater.

18. Zoumas-Morse, C et al. "Children's Patterns of Macronutrient Intake and Associations with Restaurant and Home Eating." Journal of the American Dietetic Association 2001;101:923-925. This study combined data from two populations: 1) 376 children, seven to eleven years old; and 2) 435 adolescents, twelve to seventeen years old. It found that the largest consumption of calories took place in restaurants. The study found that children typically eat almost twice as many calories when they eat a meal at a restaurant (765 calories) compared to an average meal at home (425 calories). Children and adolescents also ate more energy from fat and saturated fat when eating at a restaurant compared to at home.

Research Regarding the Association of Away-from-Home Foods and Body Weight

Overall studies show:

- Eating out more frequently is associated with obesity, higher body fatness or higher BMI (Pereria et al., 2005; Taveras et al., 2005; Thompson et al., 2004; Binkley et al., 2000; Jeffery & French, 1998; Ma et al., 2003; McCrory et al., 2000; McCrory et al., 1999).
 - For example, women who eat out more often (more than 5 times a week) consume about 290 more calories on average each day than women who eat out less often (Clemens et al., 1999).
- Eating more fast-food meals is linked to eating more calories, more saturated fat, fewer fruits and vegetables, and less milk (Taveras et al., 2005; Schmidt et al., 2005; Bowman & Vinyard, 2004; Paeratakul et al., 2003; French et al., 2001; Jeffery & French, 1998; McNutt et al., 1997).

The following is a brief annotated bibliography of sources regarding the association between away-from-home foods and overweight/obesity, as reviewed in a presentation by Dr. Alice Lichtenstein of Tufts University at the April 26-27, 2005 meeting for the Food and Drug Administration (FDA) for the Keystone Forum on Away-From-Home Foods: Opportunities for Preventing Weight Gain and Obesity. Please note that studies use different terms for away-from-home foods establishments; including "restaurants," "away-from-home food outlets," and "quick-service" or "fast-food restaurants." Furthermore, researchers may define these terms differently. Thus, one should consult the individual studies for more detail and clarity.

19. Binkley, JK et al. "The Relation between Dietary Change and Rising U.S. Obesity." International Journal of Obesity 2000;24:1032-1039. Using CSFII data from 1994 to 1996, the researchers found that source of food is a significant determinant of Body Mass Index (BMI). This association was shown for both restaurants generally and fast-food outlets specifically. For females, the correlation was significant for fast-food outlets only but for males, the correlation was significant for restaurants generally as well as fast-food outlets specifically.
20. Bowman, SA et al. "Effects of Fast-Food Consumption on Energy Intake and Diet Quality among Children in a National Household Survey." Pediatrics 2004;113:112-

132. Using CSFII data from 1994 to 1996 and the Supplemental Children's Survey from 1998, the researchers found for four to nineteen year olds, thirty percent (30%) of the sample population consumed fast food on a typical day. Those who ate fast food consumed more calories per gram of food and had poorer diet quality. The higher fast food consumption was associated with males, older children, higher household income, non-Hispanic Afro-Americans, and residence in the South.
21. Bowman, SA et al. "Fast-Food Consumption of U.S. Adults: Impact on Energy and Nutrient Intakes and Overweight Status." American College of Nutrition 2004;23:163-168. Using CSFII data from 1994 to 1996, the researchers found that 25% of adults reported eating fast food. The study found that such fast food provided greater than 33% of total calorie intake and found a positive association between fast-food consumption and overweight status.
22. Clemens, LH et al. "The Effect of Eating Out on Quality of Diet in Premenopausal Women." Journal of the American Dietetic Association 1999: 99:422-444. The study group was composed of premenopausal women. Groups were categorized as "low eating out" for meals consumed out five times or less per week and "high eating out" for meals consumed out six to thirteen times per week. The researchers found eating out frequency associated with higher intakes of calories, fat, and sodium.
23. Ebbeling, CB et al. "Compensation for Energy Intake from Fast Food among Overweight and Lean Adolescents." JAMA 2004: 291:2828-2833. In the first part of this study, the participants were instructed to eat as much or little as they desired in a one-hour period in a food-court setting. The participants, thirteen to seventeen years old, had large caloric intake (1652 calories) and overweight participants ate more than leaner counterparts in both absolute terms as well as in estimated daily calorie requirements. In the second part of this study, caloric intake was determined for participants under "free-living" conditions for two days when fast food was eaten and not eaten. The researchers found that overweight adolescents consumed significantly more total calories on fast food days (almost 18% more). Lean adolescents had no significance difference in total calorie intake between fast food and non-fast food days.
24. French, SA et al. "Fast Food Restaurant Use among Women in the Pound of Prevention Study: Dietary, Behavioral and Demographic Correlates." International Journal of Obesity 2000;24:1353-1359. This three year prospective intervention trial found that frequency of fast-food restaurant use was associated with higher caloric intakes and higher fat intake (as percent of calories) and lower consumption of fiber and fruit. The frequency of fast-food restaurant use was also positively associated with younger women, those with lower income, and those with non-White ethnicity.
25. Guthrie, JF et al. "Role of Food Prepared Away from Home in the American Diet, 1977-78 Versus 1994-96: Changes and Consequences." Society for Nutrition Education 2002;34:140-150. Using data from 1977-78 NFCS and 1994 to 1996 CSFII data, the researchers found changes in source of calories consumed over time. Food prepared away from home (restaurants, schools, daycare, or other) increased from 18% to 34% of total calories. Meals and snacks prepared away from home contained more calories per eating occasion and those meals and snacks were higher in fat and saturated fat and lower in fiber, calcium and iron per calorie consumed.

26. Jeffery, RW and French SA. "Epidemic Obesity in the United States: Are Fast Foods and Television Viewing Contributing?" American Journal Public Health 1998: 88:277-280. The study considered the correlation between fast-food intake and energy intake and body mass (the study also looked at TV, VCR, and cable TV watching). Recruitment was done via the USDA Women, Infants, and Children program (WIC) for those not pregnant one year prior to or following WIC enrollment. Total calorie intake and BMI were positively associated with fast-food consumption.
27. Lin, BH et al. Diets of America's Children: Influence of Dining Out, Household Characteristics, and Nutrition Knowledge. Washington, DC: USDA, 1996. Ag Economic Report No. 726. Using data from USDA's 1989-91 Continuing Survey of Food Intakes by Individuals and the Diet and Health Knowledge Survey, USDA researchers found that the foods that children eat from fast-food and other restaurants are higher in fat and saturated fat and lower in fiber, iron, calcium, and cholesterol than foods from home.
28. Maddock, J. "The Relationship between Obesity and the Prevalence of Fast-Food Restaurants: State-Level Analysis." American Journal of Health Promotion 2004: 19:137-143. The researchers consider state-level data on percent of population which is obese, fast-food restaurants per square mile, and self-reported behaviors from physical activity to fruit and vegetable consumption. The study found state levels of obesity inversely related to the number of residents per fast-food restaurant density and the number of square miles per fast food establishment. Other factors associated with obesity were income, fruit and vegetable intake, and percentage population of African-Americans.
29. Manchino, L et al. "The Role of Economics in Eating Choices and Weight Outcomes." USDA, Economic Research Service, WDC 2004. Ag Info Bulletin No. 791. The researchers used data from USDA's 1994-96 Continuing Survey of Food Intakes by Individuals and the 1994-96 Diet and Health Knowledge Survey. The researchers found that overweight and obese women go significantly longer intervals between meals than healthy-weight women, and receive more of their daily calories from fast-food restaurants.
30. McCrory, MA et al. "Overeating in America: Association between Restaurant Food Consumption and Body Fatness in Healthy Adult Men and Women Ages 19 to 80." Obesity Research 1999: 7:564-571. The study group was comprised of "healthy" men and women. Restaurant consumption averaged 7.5 times per month. After controlling for age and gender, frequency of restaurant consumption was associated positively with body fatness (as measured by underwater weights). The association was unaltered after controlling for education, smoking status, and alcohol intake. The association increased after controlling for physical activity.
31. Paeratakul, S et al. "Fast-food Consumption among U.S. Adults and Children: Dietary and Nutrient Intake Profile." Journal of the American Dietetic Association 2003;103:1332-1338. Using data CSFII from 1994 to 1996 and 1998, the researchers found that 37% of adults and 42% of children reported eating in fast-food establishments. On the basis of two non-consecutive twenty-four hour diet recalls, adults and children who reported eating fast foods had higher intakes of calories, fat, saturated fat, sodium, and soft drinks and lower intakes of vitamins A and C, milk, fruits and vegetables than people who did not eat fast food.

32. Pereira, MA et al. "Fast-Food Habits, Weight Gain, and Insulin Resistance (The CARDIA Study): 15-year Prospective Analysis." Lancet 2005;365:36-42. This study used data from the Coronary Artery Risk Development in Young Adults (CARDIA) study. The CARDIA study included 3031 females and males from eighteen to thirty years of age in 1985/86, and included a follow-up fifteen years later. The analysis found that change in fast-food frequency was positively associated with changes in body weight. Those who frequented fast-food restaurants more than two times per week at baseline and follow-up gained an additional 4.5 kg (about 10 pounds) over the fifteen years and had a two-fold greater increase in insulin resistance.
33. Satia, JA et al. "Eating at Fast-Food Restaurants is Associated with Dietary Intake, Demographic, Psychosocial, and Behavioral Factors among African Americans in North Carolina." Public Health Nutrition 2004;7:1089-1096. This study considered a cross-sectional sample of 658 African-Americans from twenty to seventy years of age in North Carolina. The study found eating in fast-food restaurants to be associated with higher total fat intake, saturated fat intake, and lower vegetable intake. Frequent eaters in such establishments were more likely to be younger, never married, obese, and/or physically inactive.
34. Schmidt, M et al. "Fast-Food Intake and Diet Quality in Black and White Girls." Archives of Pediatric and Adolescent Medicine 2004;159:626-631. In a longitudinal multicenter cohort study of 2379 girls (ages 9 to 19 years), increased fast-food intake was associated with increased intake of energy and fat and saturated fat intake (as a percent of calories).
35. Thompson, O M et al. "Food Purchased Away From Home as a Predictor of Change in BMI z-score Among Girls." International Journal of Obesity 2004: 28:282-289. The researchers conducted a longitudinal growth study with girls eight to twelve years of age as the baseline with a follow-up when they were eleven to nineteen years of age. The study showed that at baseline, eating at quick service restaurants more often was associated with increases in BMI. This was most evident when quick service frequency was two times a week or greater.
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-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/23/2007 15:01:08
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Friday, November 23, 2007 at 15:01:08

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Kiyah

Last_Name: Duffey

Email: kduffey@unc.edu

Phone Number: 9199661735

Title: PhD Candidate

Organization: University of North Carolina- Chapel Hill

Street Address: 123 W Franklin St CB 8120

City: Chapel Hill

State: NC

Zip Code: 27516

Comments: I commend the NY City Health Department for their efforts to increase awareness regarding calorie content of foods purchased at NYC restaurants by providing nutrition information on menu boards. Consumption of foods prepared away-from-home is becoming increasingly common and provides a considerable source of daily calories for certain population subgroups (French et al, 2001, Guthrie et al, 2002). These foods are typically higher in total calories, total fat, saturated fat, added sugar, cholesterol and sodium than foods prepared at home (Guthrie et al., 2002; Paeratakul et al., 2003), and the portion sizes are larger now than 10 years ago (Nestle, 2003). In addition to the link between total calories (energy imbalance) and weight gain, dietary fat and cholesterol are associated with hyperlipidemia and some cancers (Binukumar Matthew,2005; Lopez et al.,2005), added sugar to Type II Diabetes (e.g. Akgun Ertel 1981), and sodium to hypertension (Geleijnse et al., 200!

5; Delichatsios et al., 2005). Furthermore, studies have shown that regular consumption of food obtained away-from-home is associated with greater weight gain (Duffey et al., 2007) and increased risk of incident obesity and metabolic syndrome (Duffey et al., unpublished findings [in press]). Finally, provision of nutrition information has

been shown to impact peoples' food choices (Caputo Mattes, 1993, Shide Rolls, 1995). Between 60 and 80% of consumers report that they read nutrition labels before buying a new food item, and that label information influenced their decision to purchase or not (Philipson, 2005). If consumers are expected to make healthy decisions for themselves with respect to the foods they eat- for example by following the Dietary Guidelines For Americans and maintaining energy needs that balance individual energy expenditure- they need to be supported with nutrition information at all places where food decisions are made.

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Binukumar B Matthew A. Dietary fat and risk of breast cancer. *World J Surg Oncol*. 2005; 18(3):45

Caputo FA. Mattes RD. Human dietary responses to perceived manipulation of fat content in a midday meal. *International J of Obesity*, 1993. 17: 2347-240.

Delichatsios HK, Welty FK. Influence of the DASH Diet and Other Low-fat, High-carbohydrate Diets on Blood Pressure. *Curr Atheroscler Rep*. 2005;7(6):446-54.)

Duffey KJ, Gordon-Larsen P, Jacobs DR, Jr., Williams OD, Popkin BM. Differential associations of fast food and restaurant food consumption with 3-y change in body mass index: the Coronary Artery Risk Development in Young Adults Study. *Am J Clin Nutr*. Jan 2007;85(1):201-208.

Duffey K, Gordon-Larsen P, Steffen LM, Jacobs DJ, Popkin BM. Longitudinal associations of restaurant and fast food consumption with 13-year changes in weight, glucose and metabolic status: The CARDIA Study. unpublished findings.

French S, Story M, Neumark-Sztainer D, Fulkerson J, Hannan P. Fast food restaurant use among adolescents: associations with nutrient intake, food choice, and behavioral and psychosocial variables. *Int J Obes*. 12/10/03 2001;25:1823-1833.

Geleijnse JM, Grobbee DE, Kok FJ. Impact of dietary and lifestyle factors on the prevalence of hypertension in Western populations. *J Hum Hypertens*. 2005;19 Suppl 3:S1-4.

Guthrie J, Lin B, Frazao E. Role of food prepared away from home in the American diet, 1977-78 versus 1994-96: changes and consequences. *J Nutr Educ Behav* 2002;34:140-50.

Lopez-Garcia E, Schulze MB, Meigs JB, Manson JE, Rifai N, Stampfer MJ, Willett WC, Hu FB. Consumption of trans fatty acids is related to plasma biomarkers of inflammation and endothelial dysfunction. *J Nutr*. 2005;135(3):562-6.

Nestle M. Increasing portion sizes in American diets: More calories, more obesity *J Am Diet Assoc*. 2003;103(1):39-40

Paeratakul S, Ferdinand DP, Champagne CM, Ryan DH, Bray GA. Fast-food consumption among US adults and children: dietary and nutrient intake profile. *J Am Diet Assoc* 2003;103:1332-8.

Philipson T. Government perspective: food labeling. *Am J Clin Nutr*. Jul 2005;82(1 Suppl):262S-264S

Shide D Rolls B. Information about the fat content of preloads influences energy intake in healthy women. J Am Diet Assoc. 1995. 95: 993-998.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/24/2007 14:07:45
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Saturday, November 24, 2007 at 14:07:45

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Keri
Last_Name: Gans
Email: kmgans@aol.com
Title: President
Organization: NY State Dietetic Association
Street Address: 430 West 24th Street
City: New York
State: NY
Zip Code: 10011

Comments: To Whom It May Concern:

On behalf of the New York State Dietetic Association (NYSDA) I am responding to the proposed legislation for Calorie Listing on NYC Chain Restaurants. NYSDA, a state affiliate of the American Dietetic Association, with over 5,300 members is the largest group of nutrition professionals in New York State.

Nutrition is a critically important issue to every person in New York. We commend the New York City Department of Health and Mental Hygiene for directing attention to nutrition and health and looking for strategies to create a healthier NY. As your department's 2004 Community Health Survey documented, more than half of adult New Yorkers (56%) are overweight or obese. More specifically, 34.4% are overweight and 21.7% are obese.

NYSDA favors actions that can successfully address the incidence of overweight and obesity, knowing that the problem is complex and it defies easy cures. Research by the American Dietetic Association shows many people have no idea of their nutritional status, weight or diet. Few among us can even approximate the number of calories we need each day to be healthy.

Let me stress the significance of that last statement. If a person is not aware of his or her daily calorie requirements, then knowing the amount of calories in a particular food item is not especially helpful. So this legislation cannot, on its own, be successful.

What needs to be available in our city is the educational tools to teach New Yorkers to make healthy decisions when it comes to food choices. Every person needs to know about the type of foods he or she should be including in their diet: fruits, veggies, whole grains, low-fat dairy, lean protein and healthy fats. And furthermore, they need to be educated on portion sizes.

In other words, the obesity problem in NYC begins long before the consumer walks into a restaurant or fast food chain. The problem begins when people are not taught at home or in the schools about what it takes to be healthy. NYSDA recommends we focus on nutrition education for all, nutritional counseling by Registered Dietitians for addressing health problems, and assuring reimbursement by health insurance companies for people to get qualified care.

Sincerely,

Keri M. Gans, MS, RD, CDN
President, New York State Dietetic Association

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/26/2007 08:01:10
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Monday, November 26, 2007 at 08:01:10

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Marie-Pierre

Last_Name: St-Onge

Email: ms2554@columbia.edu

Phone Number: 2125233564

Title: Research Associate

Organization: New York Obesity Research Center

Street Address: 1090 Amsterdam Avenue suite 14D

City: New York

State: NY

Zip Code: 10025

Comments: I am in favor of the New York City Board of Health proposal to mandate caloric information display in chain restaurants. This will make it easier for consumers to make informed decisions on their food purchases. In light of the high prevalence of obesity, it is of great importance that consumers be informed of the calories that they are consuming in restaurants. New Yorkers are known to eat out a lot and this can have a major impact on food choices. Displaying calories will give consumers the tools they need to take an active role in their weight management. It is nice to see New York City take such a proactive approach in health regulations and I hope this proposal will be accepted.



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**Public Health Association of New York City
New York State Association of Public Health**

**Statement for the NYC Department of Health and Mental Hygiene Board of Health
Public Hearing on Notice of Intention to Repeal and Reenact
§81.50 of the New York City Health Code
November 27, 2007**

Good morning. My name is Amy J. Schwartz, and I am the Executive Director of the Public Health Association of New York City. I am pleased to deliver this testimony of support on behalf of both PHANYC and the New York State Public Health Association, each an independent affiliate of the American Public Health Association, the national organization of public health professionals. Together, we are the largest representation of public health professionals devoted to promoting and protecting the public's health throughout New York City and New York State. We would also like to recognize and thank the New York State Healthy Eating and Physical Activity Alliance for contributing to this testimony.

The Public Health Association of New York City and the New York State Public Health Association enthusiastically support New York City's proposal to repeal, modify and reenact §81.50: Calorie Posting.

Growing rates of obesity and its associated epidemic of obesity threaten to undermine health gains made in New York City in recent years. Some experts even warn that absent intervention, the rising rates of obesity and diabetes may shorten the lifespan of our children and grandchildren. While no single intervention can by itself reverse these alarming trends, each specific measure helps to create an environment that supports efforts by New Yorkers to reduce their consumption of unhealthy food. Posting calories in chain restaurants will help consumers make more informed, healthier choices for themselves and their families. It is a common sense measure that poses no risk to anyone and imposes only minimal responsibilities on food service businesses that have long profited from promoting unhealthy foods.

Since 1977, adult caloric intake has increased 200 calories per day. Recent research reports show that chain restaurants are an important and growing source of the types of food most often associated with increased caloric intake and obesity. Because people

consume one-third of their daily calories away from home and because chain restaurants are the most popular destination for diners, it's important that calories be posted clearly and prominently at chain restaurants.

Studies have shown that providing easy-to-access calorie information at point of purchase affects the choices people make, causing them to consume 15% fewer calories. By providing calorie information prominently at New York City chain restaurants, the proposed legislation will help reduce the incidence of obesity and other health problems caused by poor nutrition, thus benefiting New York City children, their parents and the tax payers who now pay the medical costs associated with obesity. Thus, on behalf of New York's public health professionals the Public Health Association of New York City and the New York State Public Health Association enthusiastically support §81.50: Calorie Posting, and support New York City's efforts to protect the health and well-being of its residents.

For more information on this testimony or the Public Health Association of New York City, please contact Amy J. Schwartz, PHANYC Executive Director at (212) 722-1063 or info@phanyc.org , or Nicholas Freudenberg, Distinguished Professor of Public Health, Hunter College and PHANYC President at nfreuden@hunter.cuny.edu . For additional information on diabetes, obesity and physical activity, please see our policy reports: "Reversing the Diabetes and Obesity Epidemics in New York City", "Steps to Get New Yorkers Moving: Policy recommendations to improve opportunities for physical activity" and "Nutrition and Physical Activity in New York City: Defining a Common Policy Agenda" at www.phanyc.org , publications page.

For more information on the New York State Public Health Association, please contact (518) 427-5835 www.nyspha.org or info@nyspha.org.



November 26, 2007

Dear Members of the New York City Board of Health:

The American Diabetes Association is the nation's leading voluntary health organization supporting diabetes research, information, and advocacy. As President of Medicine and Science at the American Diabetes Association, I am writing to convey the Association's support for the proposal of the Department of Health and Mental Hygiene to require chain restaurants to prominently display caloric information for consumers through menus or menu boards.

The calorie labeling proposal has great relevance to diabetes – a disease affecting a staggering number of New York City residents that is strongly associated with the obesity epidemic.. Some statistics about diabetes provide the context for why the department's proposals are so important:

- **Incidence:** A 2003 report from the New York City Community Health Survey noted that one in 13 adults interviewed reported having diabetes, a figure that had doubled in an eight year period, increasing from 4% to 8% of adults. A significant portion of the population is also affected by pre-diabetes and undiagnosed diabetes. When including undiagnosed diabetes, estimates have risen to as high as 800,000 for the number of adults in the city with diabetes, or more than 1 of 8. It is the only major disease that is growing in New York City.
- **Mortality:** In 2003, diabetes was determined to be the cause of death for 1,891 city residents, increasing 11% from the prior year and climbing from the sixth leading cause of death in the city, to the fourth leading cause. (Approximately two-thirds of diabetes related deaths result from heart disease or stroke, which are significant medical complications affiliated with diabetes. Other complications include blindness, limb amputation, and kidney failure.)
- **Cost:** In 2002, it was estimated that direct medical costs for diabetes exceeded \$90 billion in the U.S., with an additional \$40 billion in indirect costs. In 2000, there were over 354,000 diabetes-related hospital discharges in New York State. These medical costs are ultimately borne not only by the person with diabetes, but by employers and by taxpayers who financially support health insurance for public employees and low-income residents.
- **Estimates for the Future:** The Center for Disease Control and Prevention has estimated that of the U.S. children born in the year 2000, one in three will someday develop diabetes if current trends persist. These figures climb for minority groups, with one in two Hispanic children and two in five African-American children predicted to develop diabetes in their lifetime.

The Mission of the American Diabetes Association is to prevent and cure diabetes and to improve the lives of all people affected by diabetes. **Diabetes Information** call 1-800-DIABETES (1-800-342-2383) online www.diabetes.org The Association gratefully accepts gifts through your will. **National Office** 1701 North Beauregard Street Alexandria, VA 22311 Tel: 703-549-1500

- **In light of these facts, the American Diabetes Association supports the proposal to require chain restaurants to clearly list caloric information.** It is undeniable that New York City and the country as a whole face an epidemic of overweight and obesity. According to data from the Centers for Disease Control and Prevention, approximately two-thirds of Americans are overweight or obese (30% of adults over 20 are obese). With regard to younger people, the percent who are overweight has tripled since 1980.

Overweight and obesity are very significant contributors to the development of type 2 diabetes, the most common form of diabetes. In essence, the overweight and obesity epidemic is playing a substantial role in driving a type 2 diabetes epidemic. With moderate lifestyle changes, such as consuming fewer calories and increasing physical activity, the risk for type 2 diabetes can be significantly decreased for New York City residents.

The department's proposal to require the display of caloric information would play an important role in assisting city residents with making moderate changes in their diet to lower their risk of developing diabetes. While pre-packaged foods are already labeled with caloric information, Americans increasingly receive more of their calories via restaurant meals, where such information can be difficult to review. Additionally, at least one recent study has shown that people significantly underestimate the number of calories in food items, further highlighting the need for better access to such information to encourage healthier choices. The American Diabetes Association applauds the initiative that the New York City Department of Health and Mental Hygiene has shown in developing sensible and practical solutions to addressing diabetes and other diseases. **The Association strongly encourages the Board's adoption of the menu labeling proposal to address rising health care costs, the growing incidence of diabetes, and the death and disability affiliated with diabetes.**

Sincerely,
John Buse, MD
President, Medicine & Science

Please find attached for submission to the New York City Board of Health, written comments on behalf of Wendy's International, Inc. regarding the proposal to Repeal and Reenact Section 81.50 of Health Code, the proposed chain restaurant menu board labeling mandate.

Thank You.

Kevin M. Lundy

Director, Government Relations

Wendy's International, Inc.

One Dave Thomas Boulevard

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Written Comments to New York City Board of Health
Submitted by
Mark S. Inzetta
November 27, 2007

Good morning, I'm Mark Inzetta, Vice President, Assistant General Counsel and Chief Corporate Compliance Officer for Wendy's International, Inc. Today I offer comments on the proposed menuboard labeling mandate consistent with the testimony I offered on this same issue last year.

Wendy's has been providing complete nutrition information in stores for almost 30 years. We exceed what is currently required and have no objection to providing information in our stores to our customers.

Nothing in this new proposal is substantially different from the one considered last December. This remains a burden for business and discriminates against only a few of the City's restaurants. It's burdensome in that it requires redesign, manufacture and installation of new menuboards in all NYC restaurants. The provision of nutrition information to customers is not an issue. The issue is the unreasonable one and only means for disclosure that has been selected by the Board of Health.

On numerous occasions, we have submitted to the Department of Health alternative means of placing full and complete nutritional information for all of our menu items at the point of sale. On each occasion, the Department of Health has rejected the proposal with no basis for the rejection other than to say that it is not on the menuboard itself, despite the fact that the information is at the point of sale and easily visible.

At no time during the debate on this issue has the Department of Health presented research suggesting that their proposal is more effective than our nutritional information posters that are currently near the point of sale in all of our stores. It is our understanding that the Board of Health does not have scientific research or any other basis that demonstrates this proposed regulation will achieve its stated goal any better than allowing us to display more complete nutritional information via our complete nutrition posters at the point of sale. The Board of Health should not be enacting public policy based upon a hunch nor rejecting proposals that would give the public more nutritional information such as those we have submitted without a sound scientific basis.

We agree that restaurant customers deserve information about the nutritional profile of restaurant menu items. Any regulation however should apply to all restaurants and needs to include an allowance for alternative means of providing the information in the restaurant. This allowance for alternative means of compliance will help ensure that restaurant customers receive

accurate, complete and effective nutritional information for the menu items they order.

We ask that the Board of Health decide whether it is interested in passing baseless, punitive mandates that the City has acknowledged will not solve the problem, or passing good public policy that provides customers appropriate means for obtaining complete nutritional information in all restaurants.

Thank You.



University Hospital of
Columbia University College
of Physicians & Surgeons

Xavier Pi-Sunyer, M.D.
Chief, Division of Endocrinology,
Diabetes and Nutrition
Professor of Medicine

St. Luke's-Roosevelt Hospital Center

1111 Amsterdam Avenue, WH 1020
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November 26, 2007

Rena Bryant, Secretary to the Board of Health
125 Worth Street, CN-31
New York, New York 10013
Phone: (212)788-5010
Fax: (212)788-4315

Dear Secretary;

In regards to the amendment of Article 81.50 I would like to say that "I endorse the proposal to amend Article 81.50 of the New York City Tax Code that would require chain restaurants to prominently display Calorie information on their menus and menu boards. This could be of great help in guiding consumers to informed food choices" Xavier Pi-Sunyer, MD; St. Luke's-Roosevelt

Sincerely,

A handwritten signature in black ink that reads "Xavier Pi-Sunyer".

Xavier Pi-Sunyer, MD

Continuum Health Partners,
Inc.



Testimony of Dr. Sharon R. Akabas, Associate Director
Institute of Human Nutrition, Columbia University
November 27, 2007

My name is Dr. Sharon Akabas and I am the Associate Director of the Institute of Human Nutrition, Columbia University. Thank you for this opportunity to submit testimony regarding the proposal to Repeal and Reenact §81.50: Calorie Posting.

On the surface, obesity can be simply explained by an imbalance between energy intake and output. Despite this apparently simple relationship, obesity rates in adults have risen at an alarming level, and even more so in children. Correcting an imbalance once it occurs is difficult if not impossible for many people and we have few successful interventions for long term maintenance of weight loss. The intractability of obesity once it develops, combined with its comorbidities, make the task of prevention that much more essential. The challenge is especially difficult in communities where the highest rates of obesity coexist with high rates of poverty.

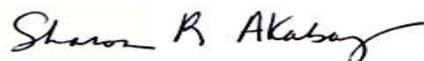
In other's testimony, the alarming increase in the prevalence of adult and childhood obesity, as well as the increasing amount of food dollars spent in restaurants have been cited. The comorbidities associated with obesity are well documented and it is now not uncommon to see children as young as 10 years old with type II diabetes, previously referred to as Adult Onset Diabetes.

The proposed legislation "to require that food service establishments that make available information about calorie content of individual menu items post such information on menu boards and menus to enable consumers to make informed choices among such items at the time of ordering" is an important link in the broad public health initiative and partnership with the private sector that will be required to stem the tide of the obesity epidemic. Many initiatives are currently underway throughout the city to educate children and families about making more healthful choices. Information about the caloric content of foods posted in restaurants will assist in making better choices at the point of purchase. The presence of the information on the package has the potential to make the consumer aware of the nutritional content for future purchases.

I support this legislation; I also support the parallel initiatives by the Department of Health that will help people to integrate the information at the point of food purchase. If we do not help people to understand how to best use the information, we run the risk of putting more personal responsibility on the individual who is already at the greatest disadvantage. To ensure that we are achieving the goal of helping people make more healthful decisions at the point of purchase, studies or programs should also be implemented **to work with the individuals who are not currently making those choices, to understand what factors are contributing to their making the less healthful choices.** We need to hear from, and learn more from the mothers who are still buying large fries for their young children, or the person with Type II diabetes who is consuming one day's worth of calories at one meal.

In summary, I fully support the proposed calorie labeling legislation. It has the potential of initiating important public-private sector dialogues and partnerships which will be critical in our future attempts to stem the tide of the obesity epidemic. The kinds of initiatives that the Department of Health is undertaking in bodegas, and to increase physical activity throughout the city, are also critical to making more healthful options available to segments of the community where too often their environment and food choices undermine the best of intentions.

Sincerely,



Sharon R. Akabas, PhD
Associate Director
Institute of Human Nutrition

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-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/27/2007 10:40:02
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Tuesday, November 27, 2007 at 10:40:02

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Lauren
Last_Name: Sartorio
Email: lsartorio@gmail.com
Street Address: 200 Water Street
City: New York
State: NY
Zip Code: 10038

Comments: As a Dietetics student, this article is of utmost importance to the future of our practice as professionals. We calculate caloric needs for clients and tell them to healthier, but none of this means anything unless people have a realistic idea of what they are consuming in a meal. With so many people eating out at chain restaurants these days, being aware of what we are consuming as far as calories, fat, and sodium is hugely important, especially considering the current obesity epidemic and the diseases such as hypertension, heart disease, and diabetes that are often found in conjunction with it. If calorie information as well as sodium and fat contents are listed on menus when customers go out to eat, they can readily see that this food is "better" for me, or this one is "worse" for me because it has too much sodium, etc. The passing of this Article would make application of general nutrition education much more feasible for everyone when deciding which foods to consume when eating out. Therefore, it is for these reasons that I support the passing of this Article.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 11/27/2007 14:22:14
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: ()
Subject: HC 81-50 - calorie posting

Below is the result of your feedback form. It was submitted by
() on Tuesday, November 27, 2007 at 14:22:14

This form resides at
<http://www.nyc.gov/html/doh/html/notice/comment-form-hc-art81-50-1007.shtml>

First_Name: Eric

Last_Name: Schlosser

Email: atlanticschloss@aol.com

Title: author, FAST FOOD NATION

Comments: I strongly support reenacting 81.50 of the New York City Health Code.

The posting of calorie information on the menu boards at chain restaurants will have a meaningful impact on the health of New York consumers--without harming the sales of those restaurants in the least. Indeed, I am quite surprised by the New York Restaurant Association's opposition to this proposal. The leading fast food chains have in recent years made a major commitment to offering and marketing healthier items on their menus. Providing calorie information on the menu boards will help these fast food chains sell more of the healthier meals that they have lately spent so much money introducing.

Chain restaurants are ideal for the provisions of HC 81.50. For the most part, their meals are not made from scratch each day in the back of the kitchen. They are manufactured at enormous processing facilities that distribute standardized portions nationwide. Indeed the foods sold at chain restaurants are almost indistinguishable from the processed foods that are sold at supermarkets and that under federal law must carry labels disclosing nutritional information. Many of the foods sold at chain restaurants and supermarkets--such as chicken nuggets and french fries--are made at exactly the same factories. Their calorie content can easily and reliably be ascertained. The success of chain restaurants is in large part due to their ability to distribute mass-produced, standardized meals. And that is why chain restaurants are uniquely capable of publicizing the calorie content of their meals.

I have heard that some in the restaurant industry fear that HC 81.50 will give an unfair advantage to small, family-owned restaurants which will not be required to post calorie information on their menu boards.

I can not imagine how that would be the case. Chain restaurants have a long list of competitive advantages over independent ones. The chains benefit from economies of scale, multi-billion dollar national ad campaigns, and brand loyalties that have been cultivated since childhood. A requirement that chain restaurants post their calorie information seems insignificant compared to those economic and marketing advantages. Moreover, the argument that HC 81.50 will somehow reduce the sales of chain restaurants rests on the flawed assumption that chains can only profit by selling unhealthy food and keeping their customers in the dark. I don't believe that is the case. In fact, the reenactment of HC 81.50 will encourage all restaurants to provide more information to !

their customers. People want to know what they are eating--and will patronize restaurants that tell them.

I have been investigating and writing about the fast food industry for almost a decade. I've been impressed by the industry's ability to evolve quickly and adapt to consumer demand. For example, who would have thought, just a few years ago, that McDonald's would emerge as one of the nation's leading outlets for premium coffee? Providing calorie information on menu boards is not going to hurt chain restaurants. It's going to reward the chain restaurants that sell healthy meals. That is how the free market is supposed to work: millions of consumers choosing to spend their money on the goods they want, based on adequate information. The number of calories that a meal contains is an important part of that choice. The New York City Department of Health was not created to protect large companies that are selling harmful products. It was created to protect and improve the health of ordinary New Yorkers. I think HC 81.50 admirably pursues that aim.

Eric Schlosser
author, FAST FOOD NATION



Michael D. Maves, MD, MBA, Executive Vice President, CEO

November 27, 2007

Ms. Rena Bryant
Secretary to the New York City Board of Health
125 Worth Street CN-31
New York, New York 10013

Dear Ms. Bryant:

On behalf of the American Medical Association's (AMA) physician and resident members, we share New York City's disappointment with the recent decision in *New York State Restaurant Association v. New York City Board of Health*, which struck down the health code regulation requiring restaurants that have analyzed and publicized the caloric content of their standard menu items to list that information on menus and menu boards. In the ruling, however, the judge provided a framework for the New York Board of Health to rewrite the rules without violating federal law. We applaud the efforts of New York City's Department of Health and Mental Hygiene to revise the menu labeling regulation to comport with the federal court's guidelines.

AMA policy strongly supports rules requiring restaurants that have items common to multiple locations to provide standard nutrition labels for all applicable items, available for public viewing. By increasing consumers' awareness of what they eat, it is our hope that consumers will be more likely to choose healthy foods and that they will think twice about eating unhealthy foods.

The revised regulation will enable consumers to make more informed health choices. We urge the New York City Council to pass this important public health measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Maves", is written over a faint, larger version of the signature.

Michael D. Maves, MD, MBA

cc: Rick Abrams

Testimony of
The FGE Food and Nutrition Team
Fern Gale Estrow, MS, RD, CDN
To the
New York City
Department of Health and Mental Hygiene
On
Proposed Amendment of
Article 81 of the New York City Health Code with the
Proposed Repeal and Reenactment of the
§81.50 – Calorie Labeling
Tuesday, November 27, 2007

Good Morning. I want to thank Commissioner Frieden and the New York City Department of Health and Mental Hygiene for taking the step to repeal and reenact these important changes to this city's access to information that are the focus of these hearings. I am Fern Gale Estrow, founder of The FGE Food and Nutrition Team, a registered dietician who formerly ran corporate dining rooms and consulted to food service operations. Currently my organization works with at risk populations that include Head Start Programs, low-income communities and older adults. My team works with agencies, organizations, educational institutions and communities focusing on improving health and quality of life through integration of food programs, nutrition education, clinical support, media literacy, and policy development and practice using a food systems approach. As a former food service operator I ran corporate food operations locally and nationally. My background is important as my testimony will address some of the populations I currently work with and some of the questions and concerns I have heard raised over the past few years. I would like to acknowledge while I am not speaking on behalf of any of these organizations I am an active member of the Food Systems Network NYC, New York City Nutrition Education Network, American Dietetics Association, Society for Nutrition Education and the American Public Health Association .

Please take a moment to listen to a brief story...It was the evening of Rosh Hashanah and while I knew there was a large meal coming my lunch had been too light and my stomach was rumbling so I decided to see if there was something that would hold me over until the holiday meal. I stopped in a national coffee chain and began to look at the selection – noting a number of items listed as low-fat but not low sugar. I proceeded to inquire what the calorie content was on some of these items (please note this was not planned) and was told it would be located in the book by the register...I went there and several items were missing so proceeded to ask for the manager – it took another 2 to 3 minutes to locate the manager and when asked for the missing calorie information he too indicated it should be “in the book” and when I indicated it wasn't he acted surprised saying – well – we have had them a while – maybe a page is missing.

As many of you know low fat does not mean low calorie but the manager could offer no guidance. So much for consumer access.

I would like to go on record as supporting the proposed repeal and reenactment of Article 81 of the New York City Health Code (Health Code). Section 81.50 that would require:

- New York City (NYC) food service establishments' information on calorie content values of menu items be clearly visible to patrons at such venues at the time of ordering for menu items that are served in portions, the size and content of which are standardized,
- And that this take place at food service establishments in the City of New York which are one of a group of fifteen or more food service establishments doing business nationally under the same name, and offering for sale substantially the same menu items.

The Health Department has done an excellent job of documenting current statistics, research and experiences when offering opportunities for industry self-monitoring. I will focus on health statistics associated with the New York City Head Start population. A study conducted by the Health Department and New York City Administration for Children's Services in October 2004, collected measured height and weight data for over 16,000 Head Start children in New York City. It is important to note the survey found that *

- 27% of Head Start children were obese and an additional
- 15% were overweight
- about 1 in 4 Head Start children is obese at age 2
- by age 4, almost 1 in 3 is obese

*(Please note in NYC the term obese is equivalent to the Center for Disease Control (CDC) term "overweight" and overweight is equivalent to the CDC term at "risk for overweight".)

This means that more than 40% of our Head Start children are overweight or obese, and data reflects our Hispanic and African American children are at greatest risk. Health conditions associated with weight include diabetes, heart disease, stroke, high blood pressure, arthritis, and cancer. As noted in background provided by the Health Department, diabetes more than doubled over the last decade The Hispanic and African American populations suffer disproportionately from this and several other the conditions mentioned.

Diabetes now affects almost three quarters of a million New Yorkers and we have seen an increase in the incidence of diabetes among children. There was a time we called Type 2 diabetes adult-on-set diabetes, but given the current incidence among children this is no longer the case. As a professional working in the Head Start community I see the impact, and educating the public on how to make choices.

Having menus with calorie information easily accessible prior to purchase is critical for the public to make informed decisions. I also believe it important to point out the technology access bias in the approach of many companies. Low-income populations, some of those at greatest risk, are least likely to have access to computer-based information, which is where many companies note the

information is available. It is also in these communities that we have the highest density of chain/fast food outlets operated by companies with an internet presence. Putting this data on a wrapper, at the bottom of the package/carton or on a placemat is not sufficient.

The argument offered by some in the food service industry is that standardized recipes would be required to provide information. The proposed amendment addresses this with focusing on standardized menu items of establishments with 15 or more national outlets. If a company is posting this information to the public they should have based it on standardized recipes. In addition, I assure you that from a perspective of economics (the bottom line) food service establishments with multiple outlets want standardization and need it to maintain tight production controls and to maintain a profit for their shareholders – their primary function.

From an education perspective having this information available at major food outlets offers a point of reference for our public. Given the concentration of some food outlets in low-income communities this would offer a valuable education opportunity (see appendix “Where to Grab a Bite” from *City Limits* 7/04)*.

Generalizing knowledge and questioning the caloric content of foods not subject to the amendment would be a very positive outcome and one nutritionists and nutrition educators should, and I hope would, encourage. On-going Community food assessments being conducted by the District Public Health Offices (DPHOs), City Harvest and the New York City Coalition Against Hunger will be helpful in further assessing the concentration of food outlets, including fast food and chain restaurants. I am proud to be a citizen of a city that is a leader when it comes to the health of the public.

I urge the Department to retract and reenact this proposal in its entirety in accordance with its rule-making authority to protect consumers throughout New York City and to prevent and control diseases in the population.

Thank you.

Appendix

Where to Grab a Bite: City Limits' Guide to Food Access in New York City -
part of *The Action Diet: Get Better Food in Your Neighborhood* by Tracie
McMillian – *City Limits* July/August 2004 - (accessed 11/27/07)
http://www.citylimits.org/images_pdfs/pdfs/CityLimits.FoodGuide.pdf

Contact Information:

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