

San Francisco Menu Labeling Ordinance Frequently Asked Questions

On March 24, 2008, the City and County of San Francisco amended the nutrition menu labeling regulation (Sections 468 through 468.8) in the San Francisco Health Code. The health code now requires chain restaurants with 20 or more locations in California to:

1. Print the total number of calories for every standard menu item on their menu boards and food tags;
2. Print the total amount of calories, saturated fat, carbohydrates and sodium for every standard menu item on their menus; and
3. Provide additional nutritional information on an 18"x24" poster displayed in a conspicuous place in the restaurant that is readily visible to customers.

The following information is intended to help San Francisco chain restaurants understand and comply with the new law:

Why is San Francisco requiring nutrition information on menus and menu boards?

The city has a responsibility to protect and improve public health. Obesity is a serious and growing public health crisis affecting states and localities across the country including the City and County of San Francisco. Studies show that consumers are unable to accurately estimate the nutritional content of restaurant food but that they will use nutritional information to make more informed choices when it is made available at the point of purchase. Providing basic nutrition information provides consumers with information to help them to make menu choices that are best for their health.

Do all San Francisco food establishments have to comply with the menu labeling law?

No. The law only applies to restaurants and food service establishments that meet the following criteria:

1. are one of a group of 20 or more restaurants in California that either (1) operate under common ownership or control; or (2) operate as a franchised outlet of a parent company; or (3) does business under the same name; and
2. offer for sale substantially the same menu items in servings that are standardized for portion size and content.

When does this law take effect?

The law requires covered chain restaurants to take specific actions by the following dates:

July 1, 2008	Electronic reporting of nutritional information due to San Francisco Department of Public Health (Section 468.5)
July 22, 2008	Nutritional Information must be displayed on (a) menus, (b) menu tags, and (c) posters (Section 468.8)
September 20, 2008	Nutritional Information must be displayed on menu boards (Section 468.8)

Does the menu labeling requirement apply to all food and beverage items?

No. Nutritional information is not required for (1) items placed on the counter for general use without charge such as condiments, (2) alcoholic beverages, and (3) items that are on the menu for less than 30 days. Section 468.3(h).

Where do chain restaurants have to display nutritional information?

The menu labeling ordinance requires disclosure of nutritional information for three types of media: (1) menus, (2) menu boards (including drive-through menus), and (3) food tags.

Additionally, chain restaurants covered by the ordinance must display nutritional information on a poster displayed in a conspicuous place and readily visible to customers.

What information is required on Menu Boards and Food Tags?

Total calories must be displayed for each menu item.

What information is required on Menus?

Four pieces of nutritional information must be provided on menus next to or beneath each menu item:

1. Total number of calories
2. Total number of grams of saturated fat
3. Total number of grams of carbohydrate
4. Total number of milligrams of sodium

In addition, the following statement must be included in the menu in a clear and conspicuous manner: *“Recommended limits for a 2,000 calorie daily diet are 20 grams of saturated fat and 2,300 milligrams of sodium”*.

Does nutritional information on Menus, Menu Boards and Food Tags need to be printed in a particular size?

- On menus, the nutritional information must be printed in a size and typeface that is clear and conspicuous
- On menu boards and food tags, the calorie information must be printed in a font and format that is at least as prominent in size and appearance as the name or price of the menu item.

What information is required on posters?

The following information is required on the poster:

- A. Heading titled “Nutrition Information” or equivalent heading acceptable to the Department of Public Health.
- B. Nutritional information:
 - a. Total number of calories
 - b. Total number of grams of protein
 - c. Total number of grams of carbohydrate
 - d. Total number of grams of total fat
 - e. Total number of grams of saturated fat
 - f. Total number of grams of transfat
 - g. Total grams of cholesterol
 - h. Total number of grams of fiber
 - i. Total number of milligrams of sodium

Where must the posters be displayed?

The posters must be displayed at one of the following locations: (1) at the point of sale, (2) near the front door, (3) near the host/hostess desk, (4) or at any point in or near the entryway or waiting area of the restaurant. The poster must be no smaller than eighteen (18) inches by twenty-four (24) inches.

What information needs to be reported in electronic format to the Department of Public Health?

Every year, each chain restaurant subject to this ordinance must report the following information for each menu item to the Department of Public Health in an electronic format.

1. Total number of calories
2. Total number of grams of protein
3. Total number of grams of carbohydrate
4. Total number of grams of total fat

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5. Total number of grams of saturated fat
6. Total number of grams of transfat
7. Total grams of cholesterol
8. Total number of grams of fiber
9. Total number of milligrams of sodium

How do I report nutritional information electronically?

Instructions for electronic reporting are attached at Appendix A. Nutritional information should be entered into a spreadsheet following the instructions. A spreadsheet template should be downloaded from the DPH website at:

<http://www.sfdph.org/dph/comupg/oprograms/EHS/sfmenu>

The completed spreadsheet should be emailed to the following website:

menulabeling.dph@sfdph.org

Do customers need to purchase food to obtain nutritional information on menu items?

No. Customers must be able to obtain nutrition information without the necessity of purchasing food.

How can restaurants conduct nutritional analysis of their menu items?

- **Nutritional Analysis Software**
Using software to conduct nutritional analysis is an acceptable method for determining the nutrition information for foods sold in chain restaurants in San Francisco. Accurate nutritional analysis with software is dependent on training and knowledge about food preparation methods and ingredients. The City cannot endorse specific resources that provide nutritional analysis for the food industry. A sample list of software appears in Appendix B. This list does not constitute an endorsement by the City of these companies.
- **Nutritional Analysis Companies**
In order to ensure accurate nutrition information regarding standard menu items, it may be helpful to have someone knowledgeable in food science and trained in nutritional analysis conduct the nutritional analysis. Registered Dietitians, Registered Dietetic Technicians and Certified Nutritionists are examples of trained professionals available to provide this service. The City cannot endorse specific resources that provide nutritional analysis for the food industry. A sample list of

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companies appears in Appendix C. This list does not constitute an endorsement by the City of these companies.

- **Laboratory Nutritional Analysis**

Nutritional analysis using laboratory analysis is also an acceptable method for providing nutrition menu labeling information by San Francisco chain restaurants.

What if the nutritional content varies slightly for the same menu item?

The ordinance recognizes that the reality of food preparation may result in some variation of nutritional content among the same menu item. To remain in compliance with the menu labeling ordinance, the provided nutritional information for a prepared menu item should vary no more than 20% from what the actual analysis shows to be the nutritional content of the item.

APPENDIX A:

Instructions for Electronic Reporting

Key Date: July 1, 2008 – and July 1st of every year thereafter, Chain Restaurants shall report to the Department of Public Health the information required in Section 468.5 in an electronic format.

Format: The Department of Public Health requires that each restaurant submit nutritional information in the following format for each menu item. Each menu item should be entered as a separate line item in the spreadsheet. Please download this template from the DPH website at the following address:

<http://www.sfdph.org/dph/comupg/oprograms/EHS/sfmenu>

The required nutritional information should be entered into the downloaded spreadsheet and sent via email to the following address:

menulabeling.dph@sfdph.org

Please use the following format to report the nutritional information for each menu item.

Column Number	Column/Field Name	Instructions for entering information
1	ID	Enter the number found on the last line of your mailing label
2	Restaurant Name	Enter the name of your restaurant
3	Address	Enter your address
4	Phone	Enter your phone number
5	Menu Item Type	Enter/Select "Food" or "Drink"
6	Menu Item	Enter the name of the menu item
7	Serving Size	Enter a number – enter grams for food, and ounces for drinks
8	Calories (kcal)	Enter a number
9	Total Fat (grams)	Enter a number
10	Saturated Fat (grams)	Enter a number
11	Transfat (grams)	Enter a number
12	Cholesterol (mg)	Enter a number
13	Sodium (mg)	Enter a number
14	Carbohydrate (grams)	Enter a number
15	Fiber (grams)	Enter a number
16	Protein (grams)	Enter a number

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APPENDIX B:

This resources list of nutrition software is neither exclusive nor endorsed.

Nutritional Analysis Software:

Axya Systems

<http://axyya.com/>

Nutritionist Pro: Food Labeling

ESHA – Genesis R&D SQL

<http://www.esha.com/>

ESHA – Food Processor SQL

<http://www.esha.com/>

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APPENDIX C:

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Brooker Laboratories

Contact: Daniel Brooker

1-877-545-3207

<http://www.brookerlaboratories.com>

Energyent, Inc.

Contact: Jinny Elder

760-632-0732

energyent@aol.com

www.energyent.com

Food Consulting Company

Contact: Karen C. Duester

1-800-793-2284

www.foodlabels.com

Lawrence-Allen Group NutriLABEL

(800) 345-2909 outside of California, or (650) 345-2909 within California

<http://www.nutrilabel.com/>

National Restaurant Association

Contact: Erica Bohm

1-800-953-3463

<http://www.healthydiningfinder.com/site/operators/related/index.htm>

Nutritional Computing Concepts

Contact Madelyn L. Wheeler MS, RD, CDE, FADA, CD

mlwheeler@ncconcepts.com

Palate Works

Contact: Carol Harvey

415-455-5450

www.palateworks.com

TMO Menu & Nutrition Resources, Inc.

Contact Terri Oleksyn, R.D.

Phone: 585-354-0162

<http://menunutrition.com/>