

Opinion Editorial – 6—3-15

Reasonable Menu Labeling Requirements and Clarity Needed for Supermarkets

On Thursday a US House Committee will hold a hearing on an important piece of legislation that could have a big impact on Ohio's supermarkets. Appropriately named, the Common Sense Nutrition Disclosure Act, was introduced by a bipartisan group of Representatives to address a problematic Food and Drug Administration (FDA) regulation that applied chain restaurant calorie labeling standards to supermarkets and other establishments.

On December 1 of last year the FDA finalized a long awaited regulation requiring chain restaurants and similar retail food establishments with 20 or more locations to provide the calorie information on its menu and menu boards. If left unchanged, this burdensome and costly regulation—estimated by the Obama Administration to be the third most burdensome in 2010—will go into effect on December 1, 2015, potentially forcing supermarkets to eliminate many of the local products and non-standardized recipes available today. This rule will cause confusion for the industry, and ultimately in the marketplace. Unfortunately, even the FDA is confused as to how its own regulations should be implemented in supermarkets.

Unlike supermarkets, virtually all chain restaurants have a menu board with a limited selection of standard items. That hamburger you buy in California will be the same one offered in Ohio. The same isn't true for supermarkets. Supermarkets often tailor the items offered at each store to the community it serves; many prepared food items sold in our stores are not standardized, and recipes, even for the same item, may vary from store to store based on customer demand.

There is positive, bipartisan work taking place in Congress to provide clarity for supermarket operators and other small businesses captured under this rule. Along with the introduction of the Common Sense Nutrition Disclosure Act, a letter, which was signed by Senator Sherrod Brown and more than 30 Democrat and Republican Senators, was recently sent to the FDA urging them to delay the final rule for a year and provide clear and consistent guidance.

Ohio's supermarkets are in the business of meeting customer demands and have long been committed to providing customers with a wide variety of information on products sold in our stores—in fact around 95 percent of the food items sold in stores already contain nutritional labeling. Applying regulations that fit the chain restaurant business model to supermarkets simply won't work.

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