

## MENU LABELING

The purpose of this informational bulletin is to provide compliance assistance information to retail food facilities regarding Senate Bill (SB) 20 that was signed into law on October 2, 2011. SB 20 amends SB 1420 and brings California into compliance with federal regulations. SB 20 requires that all “chain” restaurants (with 20 or more establishments nationwide) provide consumers with nutritional information of calorie content for all standard menu items prepared and sold as part of their establishment.

SB 20 became effective on January 1, 2012. The County of San Bernardino Department of Public Health, Division of Environmental Health Services (DEHS) inspectors will be taking an educational approach with restaurants until which time federal regulations are adopted and a compliance date is set.

### Menu Boards



“Chain” restaurants with 20 or more facilities nationwide are required to provide the calorie content information for all standard menu items on all menus, menu boards, and display tags used by the food facility. The caloric information must be clearly associated with the standard menu item and the calories for variable menu items, such as combination meals, shall be displayed in ranges. If no menu board is used, the facility must provide the information in a clear and concise manner on either a brochure available on the table, on the menu next to standard menu items, in a separate index within the menu, in a menu insert, or on a table tent on the table.

### Drive-Through Menu Boards

If a food facility has a drive-through and uses a menu board to display standard menu items, it must display the caloric information next to the standard menu item.



### Buffet Lines & Salad Bars

The number of calories per item or per serving must be on a sign adjacent to self-service food and food on display. These items include food sold at salad bars, buffet lines, cafeteria lines or similar self-service facilities, in addition to self-service beverages and food on display that is visible to the consumer.

### Vending Machines

Operators of 20 or more vending machines are to provide signs disclosing the number of calories for food items in the machines when the “Nutrition Facts Panel” cannot be viewed by the purchaser.

## Frequently Asked Questions

**Q. Is my establishment considered a “chain” restaurant?**

A. The term “chain” refers to a restaurant or similar retail food establishment that is part of a chain with 20 or more locations doing business under the same name (regardless of ownership) and substantially the same menu items. This also includes Temporary Food Facilities (TFF) and Mobile Food Facilities (MFF) that are part of a chain (operate under common ownership or control and have the same name and offer for sale substantially the same menu items as the other facilities in the qualifying chain).

**Q. What is considered a standard menu item?**

A. A standard menu item is a food or beverage item offered for sale by a food facility for at least 180 days per calendar year.

**Q. What is considered a non-standard menu item?**

A. Non-standard menu items include: unsolicited customized food orders or items that are not on the menu board (such as condiments or other items placed on the table). Daily specials, temporary menu items appearing on the menu for less than 60 days per calendar year or items in a test market that appears on the menu for less than 90 days.

**Q. What is meant by nutritional information?**

A. Nutritional information refers to the dietary calorie content of the standard menu item.

**Q. Do movie theaters or bowling alleys fall under the SB 20 menu labeling law?**

A. Movie theaters and bowling alleys, whose primary purpose is not to sell food, may elect to “opt in” to the federal requirements by registering with the FDA every other year.

**Q. Are there any establishments that are exempt from menu labeling?**

A. The following food facilities are not required to comply:

- Certified Farmer’s Markets
- Commissaries
- Grocery stores, retail markets, convenience stores
- Licensed health care facilities
- Mobile support units
- School cafeterias
- Restricted food service facilities (Bed & Breakfast Inns)
- Retail stores in which a majority of sales are from a pharmacy

**Q. What happens after federal regulations are adopted?**

A. DEHS will transition from an educational approach to enforcement of all aspects of SB 20.