



## **Nutrition Labeling Stakeholder Meeting Notes**

**9:30 - 11:30 October 15**

**University Village QFC community room**

### **Attendees:**

**Industry:** Josh McDonald, WRA; Ken Herring, Scott's Dairy Freeze; Holly Chisa NW Grocers; Wes Benson, Taco Time; Becki Holmes, Shannon Boldizar & Nathan Judah, Starbucks; Doug Townsend, McDonalds; Jacki Camacho, Shari's; Jane Dale, QFC; Bruce Gardiner, Theaters Exec Director;

**On the phone:** Margaret Grant (Denny's); Matt Lathram (Yum Brands)

**Health Organizations:** Lucy Culp, American Heart Association; Laura Keller, American Diabetes Association

**Public Health:** Donna Oberg, Mark Rowe, Dennis Worsham, Leonard Winchester, Nadine Chan, Morgan Barry

### **Support Information:**

Matrix comparing KC regulation to proposed federal legislation

Comparison of National Nutrition Labeling to Other Nutrition Labeling Policies

[http://cspinet.org/new/pdf/comparison\\_of\\_ml\\_policies\\_6-9.pdf](http://cspinet.org/new/pdf/comparison_of_ml_policies_6-9.pdf)

US Map of Nutrition Labeling:

[http://cspinet.org/new/pdf/ml\\_map.pdf](http://cspinet.org/new/pdf/ml_map.pdf)

National Nutrition Labeling Legislation in Senate and House Health Care Reform:

link to the senate bill **begins on page 399**: [http://help.senate.gov/BAI09A84\\_xml.pdf](http://help.senate.gov/BAI09A84_xml.pdf)

Nutrition Labeling Education Campaign: **"Be Informed Be Healthy"** education campaign webpage:

<http://www.kingcounty.gov/healthservices/health/nutrition/healthyeating/menu.aspx>



Menu Labeling Matrix  
- LEAN Updated.xls



dietary statement  
variance fin...

## **Updates on Nutrition Labeling in King County:**

### **Compliance Update:** Last Qtr Report

- Trans Fat – yr to date 9,000 inspections – non-compliance 3.5 %; Biggest # of violations – no nutrition facts panel
- Numbers of establishments required to follow Nutrition Labeling regulation: 165 chains with 1480 locations in King County
- There was 12% non compliance rate by the end of 2<sup>nd</sup> quarter
- Industry has received customers' comments of support and public health received 40 complaints about restaurants not in compliance.
- Public Health approved a *general variance* (see above) for use of an alternative Dietary Statement than the one stated in the regulation. Under the variance, Dietary Statements will now be in compliance as long as the following 3 elements are included:
  - For an adult eating 2000 calories a day
  - Recommend limiting sodium to 2300 milligrams daily

**Education Campaign** : “Be informed, be healthy!” materials in English and Spanish are available on the web, ready to be downloaded and used!  
<http://www.kingcounty.gov/healthservices/health/nutrition/healthyeating/menu/campaign.aspx>

- Posters and fliers on making healthy choices
- The Fast Food Challenge game for parents of young children to play, for teens to play, for anyone interested in learning more about the food choices they make, and low calorie options at quick serve restaurants.
  - Media campaign: *early 2009*, bus cards inside and outside the busses on some routes. Radio public service announcements in English and Spanish on 3 radio stations. Hear the spots on the web site listed above Recommend limiting saturated fat to 20 grams a day

**Evaluation:** Nadine Chan, evaluation coordinator

- several methods are being used for a comprehensive evaluation.
  - A “point of purchase” (POP) survey was conducted at the 10 most common fast food chains in KC both last fall before the legislation went into effect, and this past spring after the

- regulation went into effect. 2500 questionnaires were completed in each survey.
- The survey questions and locations were the same both fall and spring. In addition, surveyors gathered the receipts to record what was ordered. This information was entered into a data base and will be analyzed.
  - For both surveys, surveyors collected the customers' receipt to determine calories purchased and asked if actually eaten all.
  - 50% of chains in the "POP" survey in KC were in diverse, low income communities and 50% were in other communities.
  - Results will be available January or February, and Nadine plans to work with industry around interpreting the results.
  - "Drive throughs" were not included in the POP's.
  - Thanks for all of your help to make this possible.
  - Applied for grant to do a 3<sup>rd</sup> round of "point of purchase" evaluation in 2010. Is there a difference 1 year later after a regulation has been in place.?
- A qualitative research process of interviewing key informants is underway. 15 have been completed: 4 restaurants; 4 Board of Health members; 5 Public Health employees, 1 lobbyist and 1 from the Prosecuting Attorney's Office. Customers of fast food restaurants, particularly teenagers and parents of young children, are being interviewed. The goal is to interview at least 3 or 4 more people from the restaurant industry. *Stakeholders were encouraged to contact Molly McNeas if they can or want to participate.* [Molly.mcneas@kingcounty.gov](mailto:Molly.mcneas@kingcounty.gov)
  - Telephone survey, part of the annual KC health survey. Nutrition labeling questions were added starting in May 2008: did you see the calories nutrition information? Did you use the information to make a decision?
  - Menu audit: Menus were collected from each of the chains in King County before the regulation and after. Questions: Are restaurants promoting menu items any differently? Doing price promotions for healthier options? Offering incentives for healthy options? The audit has been completed, and currently working to analyze data.
  - Request for Stakeholders meeting on evaluation results
  - A recent study by NY University; customers in restaurants in low income, minority sections of NYC(regulation) and NJ (no regulation) were surveyed 2 weeks prior, then 4 wks after the regulation was implemented in NYC.
    - Findings: 16% of the people saw the information before the implementation and 54% of the people after implementation.

Of the people who saw the information, 88% said they used it to order lower calories.

- Public Health will hold a stakeholder meeting to share the results of the evaluations.

**Panel** Josh McDonald and Dennis Worsham on National Nutrition Labeling proposed legislation compared to King County's Nutrition Labeling regulation

Status and process for federal legislation: *Caveat by Josh: what the bill and status look like today could change at any time. The information presented today (October 15, 2009) is only for today. If and when the legislation does pass, there will be a “ton” of rule making to be done before being implemented.*

Proposed legislation, Josh McDonald, WRA: As of October 15, The *Label Education and Nutrition Act (LEAN)* is tucked into the Health Care Legislation in both the House and the Senate proposed language. The LEAN language is identical in both. The Senate Finance Committee was the final committee needed to pass LEAN. Next, the bills will go through a process to be combined into one final bill that both Houses can agree on.

This legislation is in response to the myriad of regulations, passed and proposed, across the country. Meeting each jurisdiction's different criteria is very expensive for industry. A national bill will create uniformity and therefore, makes good business sense. There's strong agreement between the National Restaurant Association and local chapters on what this bill contains – other areas of the food industry, like grocery stores, do not agree with and are confused by the lack of clarity and definitions in the present proposed legislation.

Some of the differences between KC's regulation and the LEAN are below. For a more complete description of the comparisons, please see the matrix (listed above under support information) of the similarities and differences produced by Josh McDonald.

- Federal standard to qualify as a chain is 20 locations rather than the 15 locations in KC's regulation
- Standard menu items will be those on the menu for 60 days, not the 90 days in the KC regulation. Like KC, it does not include specials or test marketing products as standard menu items
- Basis for accuracy is “reasonable basis” - the same as KC
- Trans fat labeling is likely to be included; FDA is expected to require it on menu boards and menus
- Unlike KC, calories only on menu and menu board; other nutrition information will be available “on request”

- Alcohol, in KC, is standardized statement. LEAN does not address it, and that is not expected to change
- National bill is much broader than KC's, and at this point, includes buffet salad bar, grocery stores and "quick serve" establishments
- If the legislation passes, there will be a 20 to 30 month rulemaking process by FDA, that will include a stakeholder process, until it becomes effective.
- WRA will work with local PH departments and their members on meeting the national standards.

Public Health Seattle & King County, Dennis Worsham:

- If the legislation passes, KC, NYC, CA and all other jurisdictions with a nutrition labeling regulation will be preempted as soon as it is signed into law by the President.
- If the national regulation passes, KC's priority will be to propose a new regulation to the Board of Health that aligns KC's regulation with the federal regulation.
- Once the federal bill passes, PH will work closely with Stakeholders, and the BOH to align the KC regulation with the Federal legislation.
- Until there is a federal LEAN law, PHSKC will continue to enforce the KC regulation.

Grocery stores are included in LEAN. Grocer associations are trying to get more clarification about what the language in LEAN is proposing for their members. For example, are the bakery & deli to be regulated or not? The associations noted that all the other jurisdictions with nutrition labeling regulations in place or proposed "saw the wisdom" of not including them. NW Grocers and other grocer associations are working in D.C. for clarifications, and advised the Stakeholder group to "Expect amendments."

A final reminder: Josh reminded the Stakeholder group that there is still both a Senate and House Bill, and that the process of those bills becoming one is complicated, can take time, and that the end result can be quite different from what is there today.

**Next steps**

- Updates as LEAN continues through the process (email)
- Updates on what PHSKC is doing (email)
- Meetings:
  - Evaluation update
  - Stakeholder process for KC process to align with LEAN after passed