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(Original Signature of Member)

108TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Ms. DELAURO introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to
ensure that consumers receive information about the nu-
tritional content of restaurant foods.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*



1 **SECTION 1. SHORT TITLE; REFERENCES.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Restaurant Information Act of 2003”.

4 (b) **REFERENCES.**—Whenever in this Act an amend-
5 ment or repeal is expressed in terms of an amendment
6 to, or repeal of, a section or other provision, the reference
7 shall be considered to be made to a section or other provi-
8 sion of the Federal Food, Drug, and Cosmetic Act.

9 **SEC. 2. FINDINGS.**

10 The Congress finds as follows:

11 (1) Research continues to reveal the strong link
12 between diet and health, and that diet-related dis-
13 eases start early in life.

14 (2) Increased caloric intake is a key factor con-
15 tributing to the alarming increase in obesity in the
16 United States. According to the Centers for Disease
17 Control and Prevention, two-thirds of American
18 adults are overweight or obese, and the rates of obe-
19 sity have doubled in children and tripled in teens
20 since 1980. Obesity increases the risk of diabetes,
21 heart disease, stroke, and other health problems.
22 Each year obesity costs families, businesses, and
23 governments \$117 billion.

24 (3) Excess saturated fat intake is a major risk
25 factor for heart disease, which is the leading cause
26 of death in the United States. While it is often

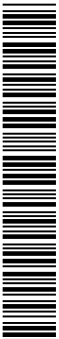


1 thought to primarily affect men and older people,
2 cardiovascular disease is the leading killer of women
3 and kills 61,000 people between the ages of 45 and
4 64 each year. Heart disease is also a leading cause
5 of disability among working adults and its impact on
6 the U.S. economy is significant, estimated in 2001
7 to total \$298 billion in health care expenditures and
8 lost productivity.

9 (4) Increased sodium intake is associated with
10 increased risk of high blood pressure, or hyper-
11 tension, a condition that can lead to cardiovascular
12 disease, especially stroke. The proportion of Ameri-
13 cans with high blood pressure is 45 percent at age
14 50, 60 percent at age 60, and over 70 percent at age
15 70.

16 (5) Over the past two decades, there has been
17 a significant increase in the number of meals pre-
18 pared and/or eaten outside the home, with an esti-
19 mated one-third of calories and almost half (46 per-
20 cent) percent of total food dollars being spent on
21 food purchased from and/or eaten at restaurants and
22 other food-service establishments.

23 (6) While nutrition labeling is currently re-
24 quired on most processed foods, such information is



1 required only for restaurant foods for which nutrient
2 content or health claims are made.

3 (7) Three-quarters of American adults report
4 using food labels on packaged foods, which are re-
5 quired by the Nutrition Labeling and Education Act
6 of 1990. Using food labels is associated with eating
7 more healthful diets, and approximately half (48
8 percent) of people report that the nutrition informa-
9 tion on food labels has caused them to change their
10 minds about buying a food product.

11 (8) It is difficult for consumers to limit their in-
12 take of calories at restaurants, given the limited
13 availability of nutrition information, as well as the
14 popular practice by many restaurants of providing
15 foods in larger-than-standard servings and “super-
16 sized” portions. Studies show that people eat greater
17 quantities of food when they are served more.

18 **SEC. 3. NUTRITION LABELING OF RESTAURANT FOODS.**

19 (a) NUTRITION LABELING FOR FOODS EATEN IN
20 RESTAURANTS AND SIMILAR RETAIL FOOD ESTABLISH-
21 MENTS.—Section 403(q)(5)(A)(i) (21 U.S.C.
22 343(q)(5)(A)(i)) is amended by adding at the end the fol-
23 lowing: “except that food, beverages, and meals served in
24 restaurants and similar retail food establishments that are
25 part of a chain with 20 or more outlets doing business



1 under the same trade name, regardless of the type of own-
2 ership of the restaurant locations, shall list, adjacent to
3 each food item listed, on menus, menu boards, and other
4 signs, the total number of calories, grams of saturated
5 plus trans fat, and milligrams of sodium per serving, as
6 offered for sale, in a clear and conspicuous manner.”.

7 (b) NUTRITION LABELING FOR FOODS PREPARED IN
8 RESTAURANTS AND SIMILAR RETAIL FOOD ESTABLISH-
9 MENTS BUT NOT FOR IMMEDIATE CONSUMPTION.—Sec-
10 tion 403(q)(5)(A)(ii) (21 U.S.C. 343(q)(5)(A)(ii)) is
11 amended by adding at the end the following: “except that
12 such food, beverages, and meals when it is processed and
13 prepared primarily in a retail establishment that is part
14 of a chain with 20 or more outlets doing business under
15 the same trade name, regardless of the type of ownership
16 of the restaurant locations, shall list, adjacent to each food
17 item listed, on menus, menu boards, and other signs, the
18 total number of calories, grams of saturated plus trans
19 fat, and milligrams of sodium per serving, as offered for
20 sale, in a clear and conspicuous manner,”.

21 (c) VENDING MACHINES; RESTAURANT MENU
22 BOARDS.—Section 403(q)(5)(A) (21 U.S.C. 343(q)(5)(A))
23 is amended by adding after and below subclause (v) the
24 following:



1 “For purposes of the exceptions described in subclauses
2 (i) and (ii), nutrition labeling may be limited to the total
3 number of calories for foods, beverages and meals offered
4 for sale in vending machines and posted in restaurants
5 on menu boards.”.

6 (d) REGULATIONS.—

7 (1) IN GENERAL.—The Secretary of Health and
8 Human Services shall issue proposed regulations to
9 implement the amendments made by this section
10 within 12 months after the date of the enactment of
11 this Act. Such regulations shall require the required
12 information to be conveyed to the public in a man-
13 ner that enables the public to understand its relative
14 significance in the context of a total daily diet. Not
15 later than 24 months after the date of the enact-
16 ment of this Act, the Secretary shall issue final reg-
17 ulations to implement the requirements of such sub-
18 section.

19 (2) FAILURE TO PROMULGATE FINAL REGULA-
20 TIONS BY REQUIRED DATE.—If the Secretary of
21 Health and Human Services does not promulgate
22 final regulations under paragraph (1) upon the expi-
23 ration of 24 months after the date of the enactment
24 of this Act, the proposed regulations issued in ac-
25 cordance with paragraph (1) shall be considered as



1 the final regulations upon the expiration of such 24
2 months. There shall be promptly published in the
3 Federal Register notice of the new status of the pro-
4 posed regulations.

5 **SEC. 4. VOLUNTARY PROVISION OF NUTRITION INFORMA-**
6 **TION; STATE REGULATION OF NUTRITION IN-**
7 **FORMATION FOR RESTAURANT FOOD.**

8 (a) **RETAIL FOOD ESTABLISHMENTS.**—Nothing in
9 this Act precludes restaurants and similar retail food es-
10 tablishments from providing additional nutrition informa-
11 tion, voluntarily, provided that such information complies
12 with the nutrition labeling requirements contained in sec-
13 tion 403(q)(1) of the Federal Food, Drug, and Cosmetic
14 Act.

15 (b) **STATE OR LOCAL REQUIREMENTS.**—Nothing in
16 this Act precludes any State or political subdivision of a
17 State from requiring that restaurants and similar food es-
18 tablishments provide additional nutrition information be-
19 yond the requirements of this Act.

