



## Senate Bill 142

### Public Health - Chain Restaurants - Nutrition Information Labeling

February 19, 2009

#### **POSITION: Oppose**

Mr. Chairman and Members of the Senate Finance Committee:

The *Restaurant Association of Maryland* (RAM) strongly opposes Senate Bill 142, which requires all chain restaurants to display nutrition information directly on restaurant menus. This legislation would apply to chain restaurants with 15 or more locations nationwide, operating under the same trade name and offering predominantly the same menu, regardless of the type of ownership.

In the last two years, the restaurant industry has become even more serious about supporting active and healthy lifestyles. In fact, RAM is a member of the *Maryland Healthy Eating & Active Lifestyle Coalition*, which is a coordinated effort by the Maryland Department of Health and Mental Hygiene to increase the number of Maryland residents who eat healthfully and engage in physically-active behavior. RAM also supported the creation of *Healthy Howard Restaurants*, which is a program in which the Howard County Health Department recognizes and promotes restaurants that voluntarily identify and provide nutrition information for selected menu items. RAM recently supported the creation of the *Charm City Restaurant Award*, which is a similar voluntary program in Baltimore City. RAM is also a member of the *Baltimore City Salt Task Force* and the *National Restaurant Association Salt Task Force*, both of which work toward reducing sodium chloride (salt) in restaurant and processed foods. RAM is a member of the *Coalition for Responsible Nutrition Information*, which supports expanding the *Nutrition Labeling and Education Act* (NLEA) to include food sold by foodservice establishments.

One of the biggest problems with Senate Bill 142 is that it contributes to a growing patchwork of different menu labeling regulations that prove to be challenging for businesses operating in multiple states. For example, while Maryland aims to require display of calorie, saturated fat, sodium and carbohydrate content, another state may decide to omit carbohydrates or require only calories. A chain restaurant operating in multiple states under such regulations would have to design different menus for each state, which increases costs and creates logistical challenges. Imagine the difficulty for food processors if each state had different requirements for grocery product labels.

The restaurant industry should be allowed more flexibility in how we provide such information to customers. This flexibility will also allow restaurants to provide more comprehensive nutrition information that addresses a broader range of dietary concerns.

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On the federal level, we are a proud supporter of the *Labeling Education and Nutrition Act* (LEAN), which would require chain restaurants with 20 or more locations nationwide to provide nutrition information in one of several formats. The bill also recognizes the need to provide such nutrition information prior to the point of sale and significantly limits where such information may be displayed. The *National Restaurant Association* and most of our chain restaurant partners also support the bill. Although LEAN was introduced late in the previous Congress, it enjoyed bipartisan support. The sponsors of this legislation are currently seeking cosponsors for the bill's reintroduction in this Congress. Our industry has made passage of this federal legislation a top priority. Such a success at the federal level will eliminate the need for a patchwork of state laws on this issue.

We hope that you will give our industry a chance to work toward this federal solution before considering the adoption of a statewide measure. For these reasons, we oppose SB 142 and request that you give this legislation an unfavorable report.

Respectfully submitted,



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*For your information, we have attached copies of last year's LEAN legislation and summary. We have also attached a copy of a survey that gauged voter attitudes about menu labeling, and a press release from the National Restaurant Association in which they applaud the introduction of the LEAN bill.*

[LEAN Act 2008 Version](#)  
[LEAN Act Document](#)  
[LEAN Act Press Release – September 2008](#)  
[LEAN Act National Survey](#)