

Food for Thought 2009: Consumers Gaining Ground in Nutrition Disclosure Wars

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People who care about health want information when they purchase food. Knowledge of what you're actually putting in your body is important to an increasing percentage of the population. Getting various segments of the food industry to provide more information has kept advocate groups busy for many years. It appears their hard work is paying off, and consumers will be the winners.

On the Package

In fall 2008, after six years of industry-driven delays and political wrangling, country-of-origin labeling (COOL) laws originally passed in 2002 finally went into effect, with a six-month transition period set to expire in March 2009. Beef, pork, chicken, lamb, and fresh and frozen fruits and vegetables, along with selected nuts (peanuts, pecans, macadamias) and whole ginseng must be labeled to disclose where they came from. In the case of animal products, they cannot carry a USA label unless the livestock was born, raised and slaughtered here. Since products like hamburger often contain a mixture of beef from more than a single source, the package must disclose it.

This law was opposed by industry because they said it would cost millions of dollars to make labels. The USDA opposed it for the same reason. Conversely, a recent poll showed that 95 percent of U.S. consumers feel they have a right to know the origin of food products they purchase.¹

There are loopholes in the law. For example, packaged vegetables containing more than one type (e.g., broccoli and cauliflower) are exempt because they are considered a processed food. Meats that are marinated or precooked in some manner are also excluded. A raw peanut must show country of origin, but if it is dry-roasted, it becomes processed and is immune from the law. Pork must have a label of origin, but once it's processed into bacon or ham, the exemption kicks in.

On the Menu

When New York City banned restaurants from using trans fats two years ago, I would have been just as satisfied with a forced disclosure of all nutrition information rather than simply pronouncing a single ingredient illegal. This is not to insinuate trans fats are healthy (they aren't), but rather that they aren't the only ingredient restaurants use that can be unhealthy for some people. For example, a person may think twice before ordering an entrée if they know it contains more than 50 grams of fat or 3,000 milligrams of sodium.

Menu disclosure will not only help people who want information make better choices, but also will motivate some establishments to rework recipes and make them healthier. Even though polls and surveys show nutritional information on menus is favored by a great majority of the people, it has taken force in the form of legislation to get the industry to disclose what the public feels it has the right to know.

Menu Laws Are Spreading

Currently, more than 20 cities and states have passed laws that require restaurants (mostly large chains ranging from 10-20 or more outlets) to publish nutrition facts on their menus. These vary from calories only (in New York City) to calories, saturated fat, trans fat, carbohydrates and sodium on menus (in Philadelphia). The groundswell of new and upcoming requirements has caused the National Restaurant Association (NRA) to modify its position on the issue. This is after years of using every excuse imaginable, including the following:

- The cost of printing new menus is too significant.
- Lawsuits may be filed (if preparation differences make what is published differ from what is analyzed*).
- People who dine out don't care about, or want to read, nutritional information on a menu.
- It is too expensive to calculate nutrition facts.

*Most laws take into consideration variation by publishing a range (item X is 500-550 calories) or state totals are within a given percentage and do not include extras.

The NRA realized the public, lawmakers and public health advocates were not buying their disingenuous arguments. Furthermore, the true reason for opposition (fear of losing business) hasn't occurred in New York City since it became the first municipality to mandate that in restaurants with 15 or more locations, the total calories for each item appear on the menu. Lobbyists employed by the industry are now promoting the Labeling Education and Nutrition Act (LEAN), a bill that sets national standards for nutrition information on menus for restaurant chains with 20-plus outlets. LEAN will also supersede the growing number of local mandates, the most recent of which was approved in California. [See "Calif. Mandates Nutritional Info on Menus," in the Nov. 18 issue of *DC (Nutritional Wellness)* section].

The NRA realized it will cost much less to follow one set of rules rather than different guidelines across the nation. The exact regulations of LEAN will undoubtedly be modified after consumer groups review the fine print.

Preliminary Feedback

An online survey of 299 New Yorkers was conducted by a Technomic, Inc., a restaurant industry research group, on Aug. 27-29, 2008, to measure consumers' reaction to calorie disclosure on menus four months following implementation.^{1,2} The results were as follows:

- 86 percent approved of calorie information on menus.
- 64 percent had been to at least one establishment that was affected by the law.
- 84 percent read the calorie information.
- 84 percent of those who read the data were surprised.
- 97 percent of the surprised people said the calories were higher than expected.
- 75 percent said the calorie disclosure had some effect on their ordering choices.

Whether or not the food industry discloses information about products by choice or by force, it is quite clear that customers feel information should be provided. I believe that COOL and LEAN are steps in the right direction and establish a base to build upon. As consumers come to expect product information, food sellers not covered by legislation will voluntarily comply if their information blackout costs them business.

Hopefully, the food industry will realize that providing information will not hurt them unless it shows what they sell is harmful to their customers. Since businesses that sell food would never want to harm their clients, the way to build goodwill and protect the public at the same time is to disclose data sooner rather than later.

References

1. Zogby International survey, Aug. 9, 2007.
2. Consumer Reaction to Calorie Disclosure on Menus/Menu Boards in New York City. Online survey by Technomic, Inc.

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