



**Testimony for SB 160: An Act Relative to Labeling
of Certain Food Products Submitted to the Joint Committee
on Community Development and Small Business**

May 3, 2005

The Massachusetts Public Health Association (MPHA) would like to thank Senator Richard Moore for filing Senate Bill 160, *An Act Relative to Labeling of Certain Food Products*, and for his leadership on the obesity prevention issue in the state. As you know, the country is experiencing a costly and debilitating public health problem with the rise in obesity and overweight. The problem now affects two-thirds of adults and since 1980, the number of obese and overweight children has doubled, and that number has tripled for teens. Type 2 diabetes, heart disease, cancer and depression are among the chronic diseases associated with overweight. Senate Bill 160 is an important part of a larger set of solutions that are being championed in our state, as well as other states.

MPHA requests that SB160 be amended to be applicable only to those food service chains with 20 or more units nationwide. We recommend that section 6B be replaced with the following language:

Section 1. Chapter 140 of the General Laws is hereby amended by inserting after section 6 the following new section:

Section 6B. Standard menu items offered by a restaurant or similar retail food establishment, which is identified with a chain having 20 or more locations nationally, doing business under the same trade name, regardless of the type of ownership of the individual restaurant locations, and offering predominantly the same types of meals, foods or menus, unless the menu lists next to each item on the menu, in a size and typeface similar to other information about each item, nutritional information including, but not limited to, the total number of: (1) calories; (2) grams of saturated fat plus trans fat; (3) grams of carbohydrates; and (4) milligrams of sodium per serving, as usually prepared and offered for sale.

If amended, the passage of this bill would contribute toward reversing the current public health problem of overweight and obesity experienced by the residents of the Commonwealth. In addition, Massachusetts would be joining in the fight against obesity with other states that have this year filed similar legislation including Arkansas, Connecticut, Hawaii, Illinois, Maine, New Jersey, New York, Pennsylvania, and Vermont.

Menu labeling at chain restaurants should be required for several compelling reasons:

More meals are being eaten out of the home than ever before. About 46 percent of total food dollars is being spent on food purchased from and/or eaten at restaurants and other food-service establishments. People tend to eat more calories, saturated fat and fewer nutrients like calcium and fiber at restaurants, than when they eat at home. A large milkshake at McDonald's, for example,

has over 1,000 calories, and Burger King's new "Enormous Omelet Sandwich" has 730 calories and 47 grams of fat, the latter of which is more than two-thirds of the recommended daily fat intake for a 2,000-calorie diet.

Supersizing in chain restaurants is considered a "value," but most people are unaware of the percent increase in calories, fat and sodium when they supersize their meals. For example, a patron supersizing from a McDonald's Quarter Pounder with cheese to a Medium Quarter Pounder with Cheese Extra Value Meal will spend approximately 61% more money (approximately \$1.41) but will add 125% more calories (660 extra.) Without nutrition information it can be difficult to compare options and make informed choices. A study conducted by the Center for Science in the Public Interest (CSPI) and New York University found that even well-trained nutrition professionals can't estimate the calorie content of popular restaurant meals. They consistently *underestimated* and the underestimations were substantial – by 200 to 600 calories. Menu boards giving such information would help consumers make informed choices.

The current voluntary system for nutrition labeling in restaurants is inadequate. Two-thirds of the largest chain restaurants don't provide any nutrition information to their customers. The approximately one-third of chain restaurants that do provide nutrition information do so on websites, which have to be accessed before leaving home, or on hard-to-find and difficult-to-read posters or brochures in their stores. It is unrealistic to think that most will consult a website before dining out, and few diners will leave their place in line to decipher a poster.

Two-thirds of Americans support requiring fast-food and other chain restaurants to display the calorie content of their foods on menus and menu boards, according to two national polls by CSPI and by the Harvard Forums on Health. People have become accustomed to having access to nutrition information in supermarkets; three-quarters of adults report using food labels on packaged foods.

The cost of nutrition labeling is not prohibitive for chain restaurants. The cost to have a product analyzed for calories is approximately \$50 to \$100 and about \$220 for full nutrition information. A restaurant chain with 80 menu items would incur a *one-time* cost of about \$18,000 to have all its menu items tested – less than ten dollars for each Denny's outlet. That cost is modest compared to the annual sales of many restaurant chains. Many of the largest chain restaurants already provide nutrition information on their websites and would not incur any new costs for analyzing their products. In addition, the cost of analysis and of redesigning menus would likely be borne by restaurant headquarters.

Menu labeling will make it easier for citizens of the Commonwealth to eat well, feed their families right, and maintain a healthy weight and could spur restaurants to reformulate and improve the nutritional quality of their offerings. MPHA encourages the committee to move swiftly to amend and approve SB160 *An Act Relative to Labeling of Certain Food Products*.

Thank you for your consideration of this matter.

Sincerely,

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