



COMMITTEE ON  
**ENERGY & COMMERCE**  
RANKING MEMBER FRANK PALLONE, JR.

DEMOCRATS

**FOR IMMEDIATE RELEASE**

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**Statement of Ranking Member Frank Pallone, Jr., as prepared for delivery  
House Energy and Commerce Committee  
Subcommittee on Health  
Hearing on “Examining H.R. 2017, the Common Sense Nutrition Disclosure Act of  
2015”**

Mr. Chairman, thank you for holding today’s hearing.

Increasing access to nutrition information can play an important role in fighting our nation’s battle against obesity and diet-related disease. Obesity in this country is far too common, affecting nearly 78 million adults and 13 million children. It is also a serious and costly public health problem, with obesity-related conditions such as heart disease, stroke, type 2 diabetes and others, being some of the leading causes of preventable death.

While there are many factors that may contribute to obesity, we know that overconsumption of calories is one of the primary causes. That is why I have supported efforts to provide access to nutrition information to consumers. Thanks to the Nutrition Labeling and Education Act, of which I was a co-sponsor, this information has long been available on packaged food items that you find on the shelves of your grocery store. But it has not always been available to American families when eating out away from home. This is a critical gap when you consider that American families are eating out twice as often as they have in the past and spend nearly half of their food dollars on food made outside of their home.

Congress sought to address this gap when it passed federal menu labeling requirements in 2010, as part of the Affordable Care Act. Under the law, restaurants and retail food establishments with 20 or more locations, doing business under the same name, and offering the same menu items are required to put calorie information on their menus and offer more detailed

nutritional information upon request. The availability of this information will help consumers make informed choices about the food they are purchasing for themselves or for their families.

This was not a new idea. Prior to the passage of federal menu labeling requirements, more than 20 states and localities had passed some type of menu labeling requirements, including in California, New York City, and even here in the DC area in Montgomery County, Maryland. These efforts, and widespread support from consumers for access to this information, led the restaurant industry to work closely with Congress to draft a strong federal menu labeling policy that would provide for consistent requirements for restaurants and retail food establishments, and clear information to consumers.

After much discussion, and much debate, FDA issued final regulations implementing the menu labeling requirements in December 2014. I know this was a challenging issue for the agency, and I want to acknowledge FDA for following the intent of the law, while also taking into consideration the concerns raised in the more than 1,000 comments received.

We will hear from our witnesses today that there are areas of the final rule where additional guidance may be warranted, such as what constitutes a menu and how to address the concerns of covered entities that offer prepared food items in various parts of their store, among others. I am sympathetic to these concerns and agree that further clarification is needed, particularly for establishments without prior menu labeling experience such as grocery stores or convenience stores. However, I do not believe legislative action is necessary.

FDA has worked to minimize the cost and burden for covered establishments, and worked closely with industry to address their areas of concern. I have no reason to believe, nor any evidence, that the agency will not continue to work with these stakeholders to address their concerns. Further, we know that FDA is currently working on a guidance document to clarify some of the outstanding issues that we will hear about today.

It is for these reasons that I do not support H.R. 2017, and instead would support providing covered establishments additional time to comply with the final menu labeling rule. I thank our witnesses for their work on this this issue and look forward to hearing more from them on the legislation before us.

Thank you.

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