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February 5, 2018

Dear Congressman X:

On behalf of the American Heart Association, the American Stroke Association, and more than 30 million volunteers, I am writing to express our concerns about H.R. 772, the so-called Common Sense Nutrition Disclosure Act.

We believe the bill would weaken provisions in current law that enable consumers to make better choices when they purchase food in chain restaurants or other similar locations. Healthy eating can prevent and reduce the risk of cardiovascular disease – our nation’s number one killer and most costly chronic disease. Providing accurate information about calorie counts and nutritional information empowers consumers to eat smarter. Since Americans spend nearly half of their food budget eating out, it is essential for them to have consistent nutrition information that will help support better eating habits overall.

H.R. 722 would roll back parts of the law that are necessary for consumers to make informed and healthy choices:

- The bill would allow retailers to fabricate their own serving sizes. For example, a bakery could post the calories for a muffin as 200 calories. However, the retailer would not be required to disclose that those 200 calories are for one-third of the muffin, while the entire muffin would be 600 calories.
- The off-premise and primary listing provisions would allow pizza chains and other fast-food and chain restaurants to choose not to display calorie information inside the location, thus denying customers access to that information when ordering inside. For example, a restaurant could choose to either list calories inside the restaurant *or* on the drive-thru menu, withholding calorie information to a large number of customers.
- The bill would exempt food establishments from providing calorie information inside their restaurants even if 49 percent of orders are placed from in-store menus or menu boards (versus ordering online). Online menus are unlikely to help a customer who is ordering in the store.

- Under this bill, a retailer could decide to post calorie information at the cash register, which is unhelpful to customers who need to have the information at the point of decision making.
- The national uniformity provision would hamper state and local control, by preventing states and localities from petitioning the Food and Drug Administration (FDA) for any variations from the federal nutrition labeling approach. For example, Philadelphia has petitioned the FDA to continue to use their already-in-place menu labeling law, which studies have shown to be effective.
- The certification provision would hamper enforcement by not requiring restaurants and other food establishments to keep records on nutrition information. Thus, there would be no way to substantiate the accuracy of the calorie and other nutrition information provided to the consumer.

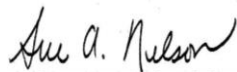
Concerns about the national menu labeling law raised by industry around advertising and enforcement have been addressed through several guidance documents from the FDA. The most recent guidance was released in November of 2017, and we are confident that any further concerns can be addressed through technical assistance.

Studies have shown that menu labeling can help people make lower-calorie choices, and one found that menu labeling could prevent up to 41,000 cases of childhood obesity and save more than \$4.6 billion health care costs over ten years.

States and cities around the country already require menu labeling and the federal law will help industry streamline compliance. Nationally, many restaurants, grocery stores, convenience stores, and other food retailers are already complying with the law. Furthermore, consumers want menu labeling. A recent poll found that 80 percent surveyed support menu labeling, and that support is consistent regionally and across political party. Finally, more than 100 public health organizations and health professionals oppose H.R. 772.

Americans waited nearly eight years for menu labeling to be fully implemented. Considering the enormity of the obesity and chronic disease crisis in this country, it would be shortsighted not to give consumers the nutrition information they need to make healthier choices. The American Heart Association strongly opposes H.R. 772 and urges you to do the same.

Sincerely,



Sue Nelson
VP, Federal Advocacy
American Heart Association