



Legislation Text

File #: Res 0442-2024, **Version:** *

Res. No. 442

Resolution calling on the U.S. Food and Drug Administration to require chain restaurants to include added sugars information in the nutrition information available to consumers on request.

By Council Members Powers, Schulman, Gennaro, Brannan and Hanif (in conjunction with the Manhattan Borough President)

Whereas, On November 17, 2023, the Council of the City of New York passed Local Law 150 for the year 2023 (“Local Law 150”) to amend the administrative code of the City of New York, requiring added sugar notifications for items in chain restaurants; and

Whereas, Local Law 150 mandates that covered establishments, defined as food service establishments with 15 or more locations under the same name offering substantially the same food items, notify consumers via warning icons and statements when certain food items exceed a specified level of added sugars; and

Whereas, Local Law 150 is scheduled to go into effect on December 1, 2024, but its requirement for covered establishments to post warning icons for added sugars in non-packaged food items that are not identical to a prepackaged food item will not be implemented until federal regulations are updated to mandate that chain restaurants include added sugars in the nutrition information available to consumers on request for such non-packaged food items; and

Whereas, Under the Patient Protection and Affordable Care Act, the U.S. Food and Drug Administration (FDA) requires chain restaurants with 20 or more locations offering similar menu items to provide calorie and nutrition information for standard menu items, aligning with the information required on Nutrition Facts labels under Title 21 of the United States Code; and

Whereas, In 2016, the FDA issued a final rule requiring added sugars to be included on the Nutrition Facts label, alongside existing requirements, but has yet to harmonize federal menu labeling requirements through further rulemaking; and

Whereas, The FDA released its Edition 2 draft of the Menu Labeling Supplemental Guidance for chain restaurants on December 13, 2023, outlining voluntary labeling for added sugars without addressing any updates regarding mandatory labeling regulations; and

Whereas, Local Law 150 cannot be fully implemented until the FDA updates federal menu labeling requirements through additional rulemaking; and

Whereas, Continued delay in action by the FDA may impede New York City consumers from realizing the full benefits of Local Law 150; now, therefore, be it

Resolved, That the Council of the City of New York calls on the U.S. Food and Drug Administration to require chain restaurants to include added sugars in the nutrition information available to consumers on request for standard menu items.

LS #12114
5/20/24
KF & MB