



Menu Labeling

- State and local policymakers around the nation are successfully enacting menu labeling laws, resulting in a growing patchwork of mandates. To date, California and several counties and cities, including New York City, have passed nutrition labeling regulations. A number of states have menu labeling bills on their dockets, although efforts in Maryland, which included an exemption for movie theaters, and West Virginia recently failed to pass.
- Even though these mandates typically target restaurants, movie theaters can unfortunately get swept into forced compliance with the costly obligations associated with updating menu boards and menus.
- Our patrons do not go to movies intending to consume “meals” or otherwise satisfy nutritional requirements. It is escapist entertainment. Movie theaters should be exempt from nutrition labeling legislation at the federal, state, and local level.
- Traditional concessions sales are incidental to the primary service of motion picture entertainment. The average person in the United States attended the movies about 4 times in 2008, and even a smaller percentage patronized the concessions stand. According to Regal Entertainment Group, the largest theater circuit in the world, only 51 percent of their loyalty program members visit the concessions stand. Of that number, many only purchase bottled water, and many more purchase pre-packaged snacks that already list nutritional information on the package in compliance with the Nutrition Labeling and Education Act (NLEA) of 1990.
- NATO state and regional units have been actively educating and lobbying lawmakers around the country as to why directing scarce resources, public and private, at moviegoers is not prudent. NATO members have successfully lobbied to get movie theaters exempted from menu labeling ordinances in enacted King County (Seattle) Washington, Multnomah County (Portland) Oregon, and Davidson County (Nashville) Tennessee.
- Forcing food service establishments to comply with these mandates that vary from jurisdiction to jurisdiction unnecessarily increases operating expenses and exposes them to frivolous lawsuits.
- National legislation is being considered that would stem this growing patchwork of disclosure mandates at the local level. The Labeling Education and Nutrition (LEAN) Act, one of two previously considered menu labeling bills, has been reintroduced in the 111th Congress.
- The LEAN Act would give food service establishments with 20 or more locations nationally a number of alternatives in how they post calorie information for standard food items. The bill would require additional information on other nutritional ingredients to be available to consumers on request. The bill’s national standard would pre-empt regulations in any state or municipality.
- Nutrition advocates, however, support the MEAL Act, which has been introduced in the House and Senate several times over the last five years but is not under current consideration. That bill would require food service establishment with 20 or more locations nationally to post calories as well as saturated fat, trans fat and sodium content directly on menus or menu boards. Unlike the LEAN Act, the MEAL Act would not preempt menu labeling regulations in individual states. NATO opposes the MEAL Act.