

## Food and Facilities Program

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[www.kingcounty.gov/health](http://www.kingcounty.gov/health)

June 10, 2010

Re: Amended King County Nutrition Labeling Regulation

Dear Stakeholder

We are writing to inform you that the King County nutrition labeling regulation was amended by the King County Board of Health (BOH) on May 20 (BOH R&R 07-01) and will go into effect June 19, 2010, which will require you to continue nutritional labeling. The BOH voted to align the former King County regulation with the new Federal statute and provide a transition period until the Food and Drug Administration (FDA) completes the rule making process. It's anticipated that the rulemaking process will take up to 3 years.

### **Transition Period in King County:**

The transition period will allow you to continue providing menu labeling as described in the original BOH 5.10.015 and 5.10.022 while preparing to comply with the new requirements. This transition period will end the day implementation of the FDA regulation becomes effective. That date has not yet been specified.

### **Aligning with National Nutrition Labeling:**

In King County's regulation a "chain restaurant" is defined as one of 15 or more locations in the United States doing business under the same name, regardless of ownership, and offering substantially the same standard menu items. Aligning with national nutrition labeling, King County's amended regulation has 3 basic requirements for chain restaurants:

- Calories must be posted on the menu, menu board and drive thru menu board, next to each standard menu item.
- A dietary statement must be on the menu, menu board, and the drive-through menu board. The statement must include the suggested daily caloric intake. The statement must be posted prominently on the menu, menu board, and drive-through menu board and is designed to enable the public to understand, in the context of a daily diet, the significance of the caloric information that is provided on the menu or menu board.
- Additional nutrition information must be available to customers in written form in the establishment. There are 9 required nutrients: total fat, saturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, dietary fiber, and total protein for each serving size or unit of measure. Chains must post *a prominent, clear, and conspicuous statement regarding the availability of this additional nutritional information on the menu, menu board, and drive-through menu board.*

King County's amended nutritional labeling regulation does not apply to:

- Items that are not listed on a menu or menu board, such as condiments and other items placed on the table or counter for general use;
- Daily specials, temporary menu items appearing on the menu for less than 60 days per calendar year or custom orders;

- Any other food that is part of a customary market test and on the menu for less than 90 days.

Attached is a chart to help you understand and implement the King County BOH's amended nutrition labeling regulation during the transitional period. The chart is both a checklist and an explanation of options available that will help you understand the amended regulation and be in compliance.

For any questions, please contact us at [MLandTF@kingcounty.gov](mailto:MLandTF@kingcounty.gov) or call 206-205-3349. And please review the new King County Board of Health Nutrition Labeling regulation at: <http://www.kingcounty.gov/healthservices/health/nutrition/healthyeating.aspx>

Sincerely,

Mark Rowe  
Food Protection & Living Environment Section Manager

Public Health - Seattle & King County  
Division of Environmental Health

**Enclosure:** Nutritional labeling checklist