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On

Senate Bill 686: An Act Concerning Access to  
Nutritional and Health Information in Restaurants

Joint Committee on Public Health

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Senator Handley, Representative Sayers and members of the committee, thank you for this opportunity to testify in support of SB 686, An Act Concerning Access to Nutritional and Health Information in Restaurants, which I have co-introduced along with Senator Handley and Senator Harp.

With passage of this bill, certain Connecticut restaurants will be required to post the calorie content of all standardized menu items directly on their menu boards—easily visible—so that consumers can know how many calories are in an item *before* they order. Certain restaurants with printed menus, as opposed to menu boards, will be required to list not only the calories but also the amounts of fat, carbohydrates and sodium for each standard menu item.

This requirement will be for restaurants that are part of a chain with 10 or more locations nationally. Significantly, at least half of these chains have *already* computed the calorie levels and other detailed nutritional information for their standard menu items, and have already posted this detailed information on their websites.

Unfortunately, however, most consumers—while standing in line to order—don't have the ability to call up these websites on their laptops. Nor do they have the time to hunt down whatever nutritional fact sheets these restaurants either keep behind the counter or have posted in small print off to the side somewhere—if they even know this information is available at all. **This common-sense bill will simply ask restaurants with menu boards to list one of these pieces of information—the number of calories—on those boards in print large enough for the consumer to see before ordering.**

Simply, this will allow consumers in those Connecticut restaurants to enjoy the kind of information, and educated decision-making, they enjoy in supermarkets when buying packaged foods.

As we all know and are familiar with, since 1994 federal law has required packaged foods to be labeled with detailed nutritional information. **Studies show that 75% of adults use these nutrition labels when buying packaged food.** Nearly half of consumers have changed their mind about buying a food product based on this information. Moreover, the calorie section is the most frequently consulted part of the nutrition label—**67% of consumers report that they look at calorie information when buying packaged food.**

For some reason, though, the federal nutrition labeling law does not cover restaurants. Probably because they are so used to relying on nutrition labels in supermarkets, **poll after poll has shown that Americans are overwhelmingly in favor of receiving calorie counts and other nutritional information when in restaurants.**

That Connecticut consumers are uninformed by their restaurants has become especially troubling as residents increasingly rely on restaurants to feed themselves and their families. Studies show that American adults and children consume about one third of their calories from restaurants and other food service establishments, and that the food people eat in restaurants is generally higher in calories than home prepared foods. Shockingly, **one study demonstrated that children eat almost twice as many calories when they eat a meal in a restaurant (770 calories), compared to a meal at home (420 calories).** Other studies link eating out more frequently with greater levels of obesity, body fat and BMI.

This is not surprising. We all can see that restaurant portions have gotten larger and larger over the years. Interestingly, though, studies also show that Americans—in the absence of caloric information—massively underestimate the amount of calories in a typical restaurant menu item. A 2003 laboratory study showed that actual calorie levels for some popular menu items *were double what consumers estimated they were.* A 2006 study showed that consumers in fast food restaurants in shopping malls underestimate calorie levels by 40%. Another study showed that even trained dietitians significantly underestimate the calories in restaurant items.

**So, what we are talking about here is providing basic information to Connecticut consumers, so they can make an educated decision about what to order in chain restaurants. We all have a right to know this information.**

A version of this requirement recently became law in New York City. Beginning on July 1, 2007, many chain restaurants in New York City will be required to post calorie information on their menu boards and printed menus. So, by the time Connecticut's law goes into effect, many of the affected restaurants will already have figured out how to rework their menus, and will simply be able to replicate this in their Connecticut

locations. There's certainly no reason our citizens should have less information about what they are eating than New York consumers.

Moreover, I support several of the details included in the New York regulation, and also some of the written guidance that has been published by the New York Board of Health. For example, for menu items that come in different flavors and varieties but that are listed as a single menu item, such as beverages, ice cream, pizza or donuts, the law should be satisfied by posting the *range* of calorie content values showing the minimum to maximum number of calories for all flavors or varieties of that item (as opposed to the median amount, which could be misleading and much more difficult for the restaurant chain to calculate). Also, I agree with the New York Board of Health that restaurants should be allowed to include a disclaimer somewhere on the menu board or printed menu indicating that "actual calorie values may vary slightly from those listed due to individual preparations." The required calorie information should be for the *standard* ingredients and preparation of each item.

However, I disagree with the New York Board of Health in one respect. New York limited its regulation to the chains that already make their nutritional information *public*, like McDonald's, Chili's, Starbucks, Panera Bread, and the like. Our proposed legislation, however, will apply to *all* chains with 10 or more locations. Apparently, there are some large chains that don't post their information anywhere. We should not reward these less responsible corporate citizens by exempting them from the law. Instead, we should require that they do what they easily can—calculate the calorie levels and other nutritional content for their standard menu items, and post that information in a highly visible manner at the point of sale. If the restaurants listed above can calculate their nutritional information and make it public, so can their competitors. It's only fair.

Thank you. I look forward to working with you this session on this important piece of legislation.