

# One Minute Memo<sup>®</sup>



## Hold That Order! FDA Freezes Menu Labeling Rules Until 2018

*By Robert B. Milligan and D. Joshua Salinas*

The Food and Drug Administration (“FDA”) has extended the compliance date for its menu labeling rules just days before the final rules were set to take effect. The FDA had previously finalized menu labeling rules in connection with the Affordable Care Act to make calorie and nutritional information more available to consumers dining at restaurants and other similar food establishments. The FDA has extended the compliance deadline to May 7, 2018.

The extended compliance date was in response, in part, to a last minute petition by a group of major grocers and retailers who argued that the menu labeling rules were overly broad and encompassed too many businesses, did not properly clarify what constitutes a “menu,” and were expected to cause significant costs for compliance.

The FDA reasoned that the new extension “allows for further consideration of what opportunities there may be to reduce costs and enhance the flexibility of these requirements beyond those reflected in the interim final rule.” The FDA has proposed an interim final rule and opened it for public comment. Additional information is available at the [Federal Register Notice Announcing the May 7, 2018 Compliance Date](#).

If you have any questions or would like to discuss the FDA’s menu labeling rules in further detail, please reach out to Robert B. Milligan or D. Joshua Salinas. [Robert Milligan](#) is a partner and [D. Joshua Salinas](#) is a senior associate in the firm’s Los Angeles office. If you have any questions, please contact your Seyfarth attorney, Robert Milligan at [rmilligan@seyfarth.com](mailto:rmilligan@seyfarth.com), or D. Joshua Salinas at [jsalinas@seyfarth.com](mailto:jsalinas@seyfarth.com).

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