

One Minute Memo®



FDA Delays Calorie Disclosure and Menu Labeling Compliance for One Year

By Robert B. Milligan and D. Joshua Salinas

Restaurants now have an additional year to revise their menu boards to comply with the Food and Drug Administration's new menu labeling rules. The FDA had previously finalized new menu labeling rules in connection with the Affordable Care Act to make calorie and nutrition information more available for consumers when dining out. Our prior One Minute Memo highlighting the key requirements under the FDA's new menu labeling requirements is available [here](#). The nationwide compliance deadline for the new rules has been extended to **December 1, 2016**.

The FDA has engaged in extensive dialogue with restaurants and other covered business since it first issued its menu labeling final rules on December 1, 2014. After receiving extension requests from industry, trade, and other associations, the FDA agreed that "additional time is necessary for the agency to provide further clarifying guidance to help facilitate efficient compliance across all covered businesses and for covered establishments to come into compliance with the final rule."

One concern is whether delaying the rules until after the 2016 presidential election would give the next president the opportunity to ultimately block the rules.

The new menu labeling requirements have been subject to attack from their inception. Restaurants and other business in the industry covered by the rules, including small businesses, have reiterated their position that they need appropriate time to plan, prepare for, and ensure compliance with the new rules.

Covered restaurants and businesses now have an extra year to ensure compliance.

[Robert B. Milligan](#) is partner and [D. Joshua Salinas](#) is an associate in Seyfarth's Los Angeles office who regularly provide food and beverage advice to clients concerning legal requirements. If you have any questions, please contact your Seyfarth Shaw LLP attorney, Robert B. Milligan at rmilligan@seyfarth.com or D. Joshua Salinas at jsalinas@seyfarth.com.

www.seyfarth.com

Attorney Advertising. This One Minute Memo is a periodical publication of Seyfarth Shaw LLP and should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general information purposes only, and you are urged to consult a lawyer concerning your own situation and any specific legal questions you may have. Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)

Seyfarth Shaw LLP One Minute Memo® | August 6, 2015

©2015 Seyfarth Shaw LLP. All rights reserved. "Seyfarth Shaw" refers to Seyfarth Shaw LLP (an Illinois limited liability partnership). Prior results do not guarantee a similar outcome.