

February 9, 2016

United States House of Representatives
Washington, D.C. 20515

Support the Common Sense Nutrition Disclosure Act of 2015 (H.R. 2017)

Dear Representative,

As representatives of the restaurant and food retail sector employing 3.5 million people in grocery stores, 1.8 million people in convenience stores and more than a million people in 70,000 pizzerias in the United States, we seek your floor vote in support of H.R. 2017, the *Common Sense Nutrition Disclosure Act of 2015*, as approved with bipartisan support by House Energy and Commerce Committee to address problems with the Food and Drug Administration's (FDA's) final rule regarding menu labeling at restaurants and similar retail food establishments. The *Common Sense Nutrition Disclosure Act of 2015* maintains but modifies FDA's menu labeling regulations to provide nutritional information to customers in a more usable format, and to protect small businesses from overly burdensome costs.

FDA's final menu labeling regulations, published on December 1, 2014, require labeling of "restaurant-type foods" at chain restaurants and other establishments with 20 or more locations, including supermarkets, grocery stores, convenience stores, and general merchandise stores. These broad and prescriptive regulations provide little flexibility and expose tens of thousands of businesses and their employees to a range of liabilities for even minor oversights. The regulations also impact many foods that are not standardized and not on menus or menu boards. For a typical grocery store, the regulations will impact 100-250 items per store, many of them fresh produce or from bakery, dairy or seafood departments. The rules also do not provide workable compliance options for restaurants that receive most of their orders remotely, such as pizza delivery. With more than 90 percent of pizza delivery orders being placed over the phone or online, few customers would ever use nutrition information posted on a menu board. They are also challenging for convenience stores which often have significantly different footprints and store layouts even within the same chain. Recent draft guidance released by FDA reinforced the rigidity of the Final Rule, compelling the need for legislation to impart some common sense and lessen the confusion this rule has created for both businesses and consumers.

Our businesses and organizations support the *Common Sense Nutrition Disclosure Act of 2015* because it preserves local foods or fresh items that may only be sold at one or two restaurant or store locations; provides some flexibility on the placement and display of nutritional information where customers make their purchasing decisions; clarifies that an advertisement is not a menu; includes some liability protection; and allows reasonable time for businesses to comply with the law. The bill to be considered on the House floor does not exempt supermarkets, convenience stores or delivery operations from the menu labeling regulations but allows some practicality for providing nutritional information to customers based on the different ways that foods are prepared and sold across various venues and formats.

We seek your floor vote in support of H.R. 2017, the *Common Sense Nutrition Disclosure Act of 2015*, as approved by the House Energy and Commerce Committee. Our businesses want to provide customers with nutrition information. Adoption of the *Common Sense Nutrition Disclosure Act of 2015* is needed, however, to provide the critical flexibility needed to deliver information to customers effectively and limit the burden on small businesses.

Sincerely,

The undersigned businesses and organizations,

A&J Select Market
 A-B Petroleum, Inc.
 ADA Inc.
 Affiliated Foods Midwest
 AJ's Fine Foods Chandler AZ
 Alabama Grocers Association
 Albertsons Companies Inc.
 Alon Brands, Inc.
 American Pizza Community
 Anderson's Grocery
 Andy's Handy Mart
 Arizona Food Marketing Alliance
 Arkansas Oil Marketers
 Associated Food and Petroleum Dealers
 Associated Grocers, Inc.
 Associated Wholesale Grocers
 B&V Enterprises Inc.
 Bailey's IGA
 Baker's Management, Inc.
 Bashas' Chandler AZ
 Berts Markets Inc.
 Big Y Foods, Inc.
 Blackjack Pizza
 Bobby and Steve's Auto World
 Bonde's Quik Mart
 Breadeaux Pizza
 Burns and Burns
 Burns Oil
 Busch's Fresh Food Markets
 California Grocers Association
 California Retailers Association
 Callaway Oil, Inc.
 Casey's General Stores, Inc.
 Circle K Stores, Inc.
 Clifford Fuel Company
 Colorado Wyoming Petroleum Marketers
 Association
 Columbiana Foods Inc.
 Connecticut Food Association
 Cranford's
 CT Energy Marketers Association
 D & G, Inc.
 D&W Fresh Market
 Daughtridge Gas & Oil
 Delhaize America, LLC

Doc's Food Stores Inc.
 Domino's
 Douglas Distributing
 E.Z. Mart Stores, Inc.
 Ellwood City Save A Lot
 Englefield Oil Company
 Fairmount Grocery LLC
 Family Fare
 Family Fresh Market
 Fiesta Foods, Inc.
 Florida Petroleum Marketers and
 Convenience Store Association
 Food City
 Food Industry Alliance of NYS
 Food Industry Services, Inc.
 Food Marketing Institute
 Forest Hills Foods
 Fremin's Food and Furniture Inc.
 Fresh Grocer
 Friedman's Freshmarkets
 Georgia Association of Convenience Stores
 Georgia Food Industry Association
 GetGo
 GF Buche Co.
 Giant Eagle, Inc.
 Giant Food LLC
 Giant Food Stores LLC
 GLN Inc. DBA Nichols Dollar Saver &
 Country Mart
 Godfather's
 Granite Falls IGA
 Grolmus Enterprises
 GRUSS Inc. DBA Ralphs & Poulsbo Red
 Apple Markets
 GT Petroleum
 H.A.C. Inc. Homeland Stores
 Hannaford Supermarkets
 Harbor Wholesale Foods
 Harps Food Stores, Inc.
 Harvest Foods Marketing, LLC
 Hawaii Food Industry Association
 Hawaii Petroleum
 HEB
 Henny Penny Convenience Store Chain
 Homax Oil Sales, Inc.
 Humboldt Petroleum

Hungry Howie's
Hy-Vee
Idaho Retailers Association

Illinois Food Retailers Association

Indiana Grocery & Convenience Store
Association

Indiana Retail Council

International Dairy Foods Association

International Pizza Hut Franchise Holder
Association

Jody's IGA
K-VA-T Food Stores, Inc.
Kanawha Terrace Supermarket

Kansas Food Dealers Association

Kaune's Neighborhood Market
Keith's Foods
Kentucky Grocers Association
Kentucky Association of Convenience Stores
Krasdale Foods, Inc.
The Kroger Co.
Kum & Go, L.C.
Kwik Check
Kwik Trip, Inc.
Little's Village IGA
Louisiana Retailers Association
Love's Travel Stops and Country Stores
Maine Grocers & Food Producers Association

Martin's Super Markets, Inc
Maryland Retailers Association
Massachusetts Food Association
Maverik, Inc.
Meijer
Michigan Association of Convenience Stores
Michigan Petroleum Association
Michigan Grocers Association
Mid Atlantic Petroleum Distributors'
Association
Midtex Oil, LP
Miller's
Minnesota Grocers Association

Mississippi Petroleum Marketers &
Convenience Store Association
Mississippi Retail & Grocers Association
Missouri Grocers Association
Missouri Retailers Association
National Association of Convenience Stores
National Grocers Association
National Petroleum
NATSO: Representing America's Travel Plazas
and Truck Stops

Nebraska Grocery Industry Association

New Hampshire Grocers Association
New Jersey Food Council

New Mexico Petroleum Marketers Association

New York Association of Convenience Stores
Niemann Foods

North Carolina Petroleum & Convenience
Marketers

North Dakota Grocers Association
Nutricion Fundamental, Inc.
Nyquist Convenience Stores
O. V. SMITH & SONS Inc.
Ohio Association of Convenience Stores
Ohio Council of Retail Merchants
Ohio Grocers Association
Oklahoma Grocers Association
Papa John's
Papa's Pizza To-Go
Papa Romano's
Paradise Tomato Kitchen
Peninsula Petroleum
Pennsylvania Food Merchants Association
Pester Marketing
Petroleum & Convenience Marketers of
Alabama

Petroleum Marketers Association of America

Petroleum Marketers and Convenience Store
Association of Iowa

Petroleum Marketers and Convenience Store
Association of Kansas
Pilot Flying J

Pizza Factory
Potash Markets
Potter's Piggly Wiggly
Price Chopper Supermarkets
Price-Rite
Ragland Bros Retail Cos., Inc.
Redwood Oil Company
Reid Stores Inc. d/b/a Crosby's
REM Markets
Retail Association of Nevada
Retail Grocers Association of Greater Kansas
City
Rhode Island Food Dealers Association
Rickers
Ried's Market, Inc.
Rocky Mountain Food Industry Association
Rosauers Supermarkets
Rosauers Supermarkets, Inc.
Rotten Robbie/ Robinson Oil Company
Royal Buying Group, Inc.
Rutter's Farm Stores
Schnucks Markets, Inc.
Sendik's Food Markets
Sheetz, Inc.
ShopRite
Society of Independent Gasoline Marketers of
America (SIGMA)
South Dakota Petroleum and Propane Marketers
Association
South Pacific Petroleum Corporation
SpartanNash Company
St. Petersburg Enterprises, LLC
Stepherson Inc. DBA Superlo Foods
Stolz Northwest, Inc.
The Stop & Shop Supermarket Company LLC
Stop'nGo of Medina Inc.
Stormans Inc.
Strough's IGA
Supermarket Operations Inc.
Tennessee Grocers & Convenience Store
Association
Tennessee Retail Association
Texas Retailers Association
The Convenience Group, LLC
The Hub Convenience Stores, Inc.

The Myers Group
Town and Country Markets
Tybee Market Inc. IGA
Unified Grocers
URM Stores Inc.
Utah Food Industry Association
Utah Petroleum Marketers & Retailers
Association
Utah Retail Merchants Association
Valley Petroleum
Vermont Retail & Grocers Association
Virginia Petroleum, Convenience, and Grocery
Association
Virginia Retail Merchants Association
Walla Walla's Harvest Foods
Washington Food Industry Association
Wawa, Inc.
West Virginia Oil Marketers and Grocers
Association
Williams Inland Distributors
Wisconsin Grocers Association
Wisconsin Petroleum Marketers and
Convenience Store Association
WMDA Service Station & Automotive Repair
Assoc.
Wray's Marketfresh IGA
Y A Whitehills, Inc.
Youngstown Area Grocers Association