

October 29, 2015

The Honorable Angus S. King
United States Senate
Washington, D.C. 20510

Re: Support the Common Sense Nutrition Disclosure Act of 2015 (S. 2217)

Dear Senator King,

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 support the *Common Sense Nutrition Disclosure Act of 2015* (S. 2217) 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 bill would maintain but modify 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 Recent draft guidance released by FDA reinforced the rigidity of the Final Rule, compelling the need for legislation to impart some common sense and lessen the confusion this rule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.

All of our businesses and organizations support the *Common Sense Nutrition Disclosure Act of 2015* (S. 2217) 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 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.

Our businesses want to provide customers with nutrition information. Passage 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.

We appreciate your co-sponsorship of the introduction of the *Common Sense Nutrition Disclosure Act of 2015* (S. 2217), and we support moving this legislation forward as soon as possible.

Sincerely,

The undersigned businesses and organizations,

A&J Select Market	Delhaize America, LLC
A-B Petroleum, Inc.	Doc's Food Stores Inc.
ADA Inc.	Domino's
Affiliated Foods Midwest	Douglas Distributing
AJ's Fine Foods Chandler AZ	E.Z. Mart Stores, Inc.
Alabama Grocers Association	Ellwood City Save A Lot
Albertsons Companies Inc.	Englefield Oil Company
Alon Brands, Inc.	Fairmount Grocery LLC
American Pizza Community	Family Fare
Anderson's Grocery	Family Fresh Market
Andy's Handy Mart	Fiesta Foods, Inc.
Arizona Food Marketing Alliance	Florida Petroleum Marketers and Convenience Store Association
Arkansas Oil Marketers	Food City
Associated Grocers, Inc.	Food Industry Alliance of NYS
Associated Wholesale Grocers	Food Industry Services, Inc.
B&V Enterprises Inc.	Food Marketing Institute
Bailey's IGA	Forest Hills Foods
Baker's Management, Inc.	Fremin's Food and Furniture Inc.
Bashas' Chandler AZ	Fresh Grocer
Berts Markets Inc.	Friedman's Freshmarkets
Big Y Foods, Inc.	Georgia Association of Convenience Stores
Blackjack Pizza	Georgia Food Industry Association
Bobby and Steve's Auto World	GetGo
Bonde's Quik Mart	GF Buche Co.
Breadeaux Pizza	Giant Eagle, Inc.
Burns and Burns	Giant Food LLC
Burns Oil	Giant Food Stores LLC
Busch's Fresh Food Markets	GLN Inc. DBA Nichols Dollar Saver & Country Mart
California Grocers Association	Godfather's
California Retailers Association	Granite Falls IGA
Callaway Oil, Inc.	Grolmus Enterprises
Casey's General Stores, Inc.	GRUSS Inc. DBA Ralphs & Poulsbo Red Apple Markets
Circle K Stores, Inc.	GT Petroleum
Clifford Fuel Company	H.A.C. Inc. Homeland Stores
Colorado Wyoming Petroleum Marketers Association	Hannaford Supermarkets
Columbiana Foods Inc.	Harbor Wholesale Foods
Connecticut Food Association	Harps Food Stores, Inc.
Cranford's	Harvest Foods Marketing, LLC
CT Energy Marketers Association	Hawaii Food Industry Association
D & G, Inc.	Hawaii Petroleum
D&W Fresh Market	
Daughtridge Gas & Oil	

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 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	Strough's IGA Supermarket Operations Inc.
Petroleum Marketers and Convenience Store Association of Kansas	Tennessee Grocers & Convenience Store Association
Pilot Flying J	Tennessee Retail Association
Pizza Factory	Texas Retailers Association
Potash Markets	The Convenience Group, LLC
Potter's Piggly Wiggly	The Hub Convenience Stores, Inc.
Price Chopper Supermarkets	The Myers Group
Price-Rite	Town and Country Markets
Ragland Bros Retail Cos., Inc.	Tybee Market Inc. IGA
Redwood Oil Company	Unified Grocers
Reid Stores Inc. d/b/a Crosby's	URM Stores Inc.
REM Markets	Utah Food Industry Association
Retail Association of Nevada	Utah Petroleum Marketers & Retailers Association
Retail Grocers Association of Greater Kansas City	Utah Retail Merchants Association Valley Petroleum
Rhode Island Food Dealers Association	Vermont Retail & Grocers Association
Rickers	Virginia Petroleum, Convenience, and Grocery Association
Ried's Market, Inc.	Virginia Retail Merchants Association
Rocky Mountain Food Industry Association	Walla Walla's Harvest Foods
Rosauers Supermarkets	Washington Food Industry Association
Rosauers Supermarkets, Inc.	Wawa, Inc.
Rotten Robbie/ Robinson Oil Company	West Virginia Oil Marketers and Grocers Association
Royal Buying Group, Inc.	Williams Inland Distributors
Rutter's Farm Stores	Wisconsin Grocers Association
Schnucks Markets, Inc.	Wisconsin Petroleum Marketers and Convenience Store Association
Sendik's Food Markets	WMDA Service Station & Automotive Repair Assoc.
Sheetz, Inc.	Wray's Marketfresh IGA
ShopRite	Y A Whitehills, Inc.
Society of Independent Gasoline Marketers of America (SIGMA)	Youngstown Area Grocers Association
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.	