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 Recent draft guidance released by FDA reinforced the rigidity of the Final Rule, compelling the need for legislation to impart some common sense and lessen the confusion this rule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,
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
Kauene'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
Peninsula Petroleum
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