



Signature Report

July 23, 2007

R&R

Proposed No. BOH07-01.2

An amendment for the protection of the public health through the nutrition labeling of food; adding new sections to the Code of the King County Board of Health, BOH Chapter 5.10; enacted pursuant to RCW 70.05.060, including the latest amendments or revisions thereto.

BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

NEW SECTION. SECTION 1. There is hereby added to BOH Chapter 5.10 a new section to read as follows:

Chapter definitions. In addition to the definitions in BOH Chapter 5.04, the definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Chain food establishment" means any one of at least ten food establishments within the United States doing business under the same name and collectively having at least one million dollars in gross annual sales and offering for sale substantially the same menu items, regardless of whether the food establishments are subject to the same ownership or type of ownership.

B. "Condiment" means a sauce or seasoning including but not limited to ketchup, mustard, hot sauce, tartar sauce and similar items offered for general use with or without charge.

C. "Standard menu item" means food offered for sale for more than sixty days per year, except for foods offered in a salad bar, buffet line, cafeteria service or similar self-serve arrangement, and condiments.

NEW SECTION. SECTION 2. There is hereby added to BOH Chapter 5.10 a new section to read as follows:

Food nutrition labeling requirements. A. Nutrition labeling of food required. Each chain food establishment shall make nutrition labeling of food available to consumers for all standard menu items as required by this section. The nutrition labeling of food shall include, but not be limited to, the total number of calories and nutrients as follows, per standard menu item, as usually prepared and offered for sale:

1. Total number of calories;
2. Total number of grams of trans fat;
3. Total number of grams of saturated fat;
4. Total number of grams of carbohydrate; and
5. Total number of milligrams of sodium.

B. Nutrition labeling of food on menus. Each chain food establishment that provides a menu shall provide the nutrition labeling of food required under subsection A of this section next to each standard menu item on the menu in a size and typeface similar to other information about each standard menu item. The menu shall include, in a clear and conspicuous manner, the following statement: "Recommended limits for a 2,000 calorie

daily diet are 20 grams of saturated fat and 2,300 milligrams of sodium." Each chain food establishment offering standard menu items containing artificial trans fat shall addend the statement to include: "Eating artificial trans fat increases risk of heart disease."

C. Nutrition labeling of food on menu boards. Each chain food establishment that uses a menu board shall post on the menu board the total number of calories per standard menu item in a size and typeface similar to other information on the menu board about the item. This type of chain food establishment shall make the other nutrition labeling of food required under subsection A and the statement under subsection B of this section available on printed menus, pamphlets, brochures, posters or similar documents that are plainly visible to consumers at the point of ordering.

D. Additional nutrition labeling of food permitted. Nothing in this section precludes food establishments from providing additional nutrition labeling of food voluntarily.

E. Substantially equivalent methods of providing notice to consumers of nutrition information. The health officer may allow chain food establishments to provide nutrition labeling of food in a format that, in the discretion of the health officer, provides substantially equivalent notice to consumers, at the point of ordering, of nutrition information as is required by subsections B or C of this section.

F. Standards for nutrient analysis. Chain food establishments shall perform or obtain the required calorie and nutrient analysis using reasonable bases, including nutrient data bases, cookbooks, or other analyses that assure the accuracy of the nutrition labeling. Chain food establishment owners or operators shall provide to the health officer, if requested, information documenting the accuracy of the nutrition labeling provided to consumers. A nutrition label shall be deemed out of compliance with this

section if it bears, for calories or any nutrient for which labeling is required under subsection A of this section, a total number value that is more than twenty percent lower or higher than nutrient analysis shows as the content of the menu item.

G. Disclaimer for nutrition content variation. The nutrition labeling of food required under subsection A of this section may be presented with a disclaimer stating that there may be variations in nutrition content across servings, based on slight variations in overall serving size or quantity of ingredients, or based on special ordering.

NEW SECTION. SECTION 3. There is hereby added a new section to BOH chapter 5.10 to read as follows:

Enforcement – Nutrition labeling. The director of the Seattle-King County Department of Public Health or his or her authorized representative is authorized to enforce the nutrition labeling requirements of this chapter in accordance with the food establishment inspection and other enforcement provisions of chapters 5.02 and 5.60 of this title.

SECTION 4. Severability. If any provision of this rule or its application to any person or circumstance is held invalid, the remainder of the rule or the application of the provision to other persons or circumstances is not affected.

SECTION 5. Effective date. This rule takes effect August 1, 2008.

SECTION 6. Reporting. The Seattle-King County Department of Public Health shall report to the Board of Health on the development of implementation guidelines

related to this rule and regulation on, at a minimum, a quarterly basis through August 1, 2009.

R&R was introduced on 7/19/2007 and passed by the Board of Health on 7/19/2007, by the following vote:

Yes: 12 - Mr. Ferguson, Ms. Lambert, Ms. Patterson, Mr. Conlin, Ms. Clark, Mr. Rasmussen, Mr. Hutchinson, Ms. Frisinger, Dr. Nicola, Dr. Counts, Mr. Phillips and Mr. Gossett

No: 0

Excused: 3 - Mr. von Reichbauer, Mr. Dunn and Ms. Manning

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Julia Patterson, Chair

ATTEST:

Anne Noris, Clerk of the Board

Attachments None