

## **Advocacy Provides the FDA with the Vending Machine and Restaurant Industries' Concerns with the Agency's Nutritional Disclosure Request for Comments**

On January 4, 2011, the Office of Advocacy (Advocacy) filed comments with the Food and Drug Administration (FDA) providing the agency with the vending machine and restaurant industries' comments on the paperwork burden associated with a forthcoming nutritional labeling rule. Advocacy also asked that the agency analyze economic impacts associated with any regulation pursuant to the requirements of the Regulatory Flexibility Act. A copy of Advocacy's letter may be accessed at <http://www.sba.gov/advo/laws/comments>.

- On November 5, 2010, the FDA published a notice in the *Federal Register* requesting public comment on the recordkeeping burden and mandatory third party disclosure requirements under section 4205 of the Patient Protection and Affordable Care Act of 2010 (75 Fed. Reg. 68361). The notice requested comment on its estimate of burden associated with the nutritional labeling of products offered at restaurants or contained in vending machines required under section 4205 of the PPACA.
- Small vending machine operators and restaurants, through their association with the National Automatic Merchandising Association and the National Restaurant Association, approached Advocacy and voiced support for the goal of reducing adult and childhood obesity in the U.S.; however, the stakeholders want to make sure that any new regulations would not have a significant impact on small businesses. The stakeholders asked Advocacy to provide the FDA with their comments and concerns.
- Advocacy also asked the agency to comply with the Regulatory Flexibility Act by analyzing any potential economic impacts associated with the nutritional disclosure regulation in light of its anticipated costs on small businesses.

For more information, visit Advocacy's web page at [www.sba.gov/advo](http://www.sba.gov/advo) or contact Linwood Rayford at (202) 205-6533.