

New York City Health Code Section 81.50 Requirement to Post Calorie Counts on Menus

As of May 5, 2008 covered food service establishments (FSE) in New York City are required to post calorie information to meet the criteria as outlined in this document.

Who is Affected?

Covered FSEs include restaurants located in NYC that:

- 1.) Belong to a group of 15 or more FSEs that operate under common ownership or are individually franchised, or do business under the same name.
- 2.) Are required to obtain a health department permit.
- 3.) Offer substantially the same menu.

What has to be labeled?

All menu items - any food or beverage items listed individually or in combinations that are listed for sale (includes alcoholic beverages).

What does not need to be labeled?

Menu items that appear on the menu for less than 30 days out of the calendar year.

Where?

	Description	Calorie Labeling Details
Menus	A printed list or periodical of foods for sale by a restaurant. Includes to go menus.	Calorie information must be legible and posted conspicuously in a size, color, and typeface that is as prominent or more prominent than that of the menu item name and/or price.
Menu Boards (includes drive through menu boards)	Any list or periodical display of food items for sale and their prices that is posted and visible within or outside of a restaurant for ordering purposes.	
Item Tags	A food tag or similar signage that displayed along with a menu item, or variety of menu items offered for sale.	
Other Signage	Any other list or periodical that displays a food item and price.	

Flavors, Varieties, and Combinations

For menu items that come in variations of a single listed item a range of calories may be listed.

Enforcement

Restaurants may be fined anywhere from \$200 - \$2,000 if they are found to be in violation of this ordinance. Violations will not count towards the restaurant's inspection score.

Nutrition Analysis

Calorie information must be generated from a reliable source including use of a nutrient database or laboratory testing.