



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 070153
(As Amended, 10/10/07)

Introduced March 1, 2007

Councilmembers Reynolds Brown and Ramos

**Referred to the
Committee on Public Health and Human Services**

AN ORDINANCE

Amending Title 6 of The Philadelphia Code, entitled "Health Code," by adding a new section requiring that chain restaurants obtain and display certain nutrition information for food, meal and beverage items offered for sale, and by making certain technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 6 of The Philadelphia Code is hereby amended to read as follows:

TITLE 6. HEALTH CODE.

CHAPTER 6-100. GENERAL PROVISIONS.

* * *

§6-102. Definitions.

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(6.1) Chain Restaurant. A restaurant or retail food establishment, including but not limited to a convenience store, deli, bakery, cookie counter, ice cream shop or coffee shop, that does business under the same trade name as used by ten (10) or more other establishments (whether such other establishments are located in the City or elsewhere and regardless of the type of ownership of each individual establishment).

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(32.1) Menu. A written or printed description, whether in the form of a pamphlet, folio, tablet, sign, board or other form, of food or beverage items offered for sale.

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§6-308. Menu Labeling Requirements. Chain restaurants shall provide nutrition information for all food, meal and beverage items offered for sale on menus as follows:

(1) The total number of calories, grams of saturated fat (including trans fat), grams of carbohydrates and milligrams of sodium, per an identified serving size shall be listed for all items listed on any menu;

(2) Such information shall be listed adjacent to each item on the menu or menu board in a size and typeface similar to price and other information provided about each menu item;

(3) When menu boards or signs are used, nutrition information for every item listed on the board or sign shall also be provided, in writing, to customers upon request, and every menu board or sign shall state in clear and conspicuous typeface “Detailed nutritional information for all menu items available upon request”;

(4) Every menu shall include, in clear and conspicuous typeface, a statement of the current U.S. Food and Drug Administration recommended limits for grams of saturated fat (including trans fat) and milligrams of sodium for a 2,000 calorie-per-day diet. Any other written nutrition information made available to customers shall likewise include such information;

(5) Nutrition information provided for self-service items offered on a menu, such as a salad bar, buffet line or similar self-service arrangement may be limited to the total number of calories per standard serving of such item, provided that the additional information required by subsection (1) for each separate type of food or beverage offered as part of the self-service arrangement shall be made available, in writing, to customers upon request;

(6) Any chain restaurant that delivers food or beverage items outside of the premises in wrappers or boxes shall provide the nutrition information required by subsections (1) and (4) on each wrapper and box in a clear and conspicuous manner;

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(7) *Nutritional Analyses.* Nutrition information must be based upon analytic methods and express nutrient content in a manner consistent with the Uniform Food, Drug, and Cosmetic Act and regulations implementing that Act. A label is out of compliance with this ordinance if any nutrition information on the menu for any particular item varies by more than 20% from a nutrient analysis of such menu item;

(8) *For menu items that come in different flavors and varieties but that are listed as a single item, such as soft drinks, ice cream, pizza, and doughnuts, the median value for calories or other nutrition information for all flavors or varieties shall be listed if the calorie or other nutrition information for all flavors or varieties are within 20% of the median. If the calories or other nutrition information are not within 20% of the median, then the range for all the flavors or varieties shall be listed from the lowest to the highest value. If an item that comes in different varieties is on display identified by separate name placards or similar signage, the calories per serving as-offered-for-sale shall be listed on the placard along with the name. If such a menu item is not on display or not separately identified by a placard or other signage, nutrition information for each individual flavor or variety shall be provided in writing to customers upon request, and menus offering such items shall state in clear and conspicuous typeface "Detailed nutritional information for all flavors or varieties available upon request."*

(9) *Exceptions.* Chain restaurants shall not be required to display or provide nutrition information for:

(a) *Items such as specials that appear on menus for less than thirty (30) days per year; and*

(b) *Condiments and other items placed on a table or counter for general use without charge.*

(10) *Penalties.* A violation of this section shall be punishable by a fine of up to five hundred dollars (\$500). For the purpose of enforcing the provisions of this Section, notices of violation shall be issued by authorized Health Department inspectors or any other persons authorized to enforce ordinances. Such notices of violation shall be issued under the procedures set forth in §1-112, except that the amount required to be remitted in response to a notice of violation shall be one hundred fifty dollars (\$150).

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SECTION 2. This ordinance shall take effect one hundred eighty (180) days after enactment.

Explanation:

Italics indicate new matter added.