

Legislation Text

File #: 180001-A, **Version:** 2

Amending Title 6 of The Philadelphia Code, entitled "Health Code," by adding a new Chapter 6-310, entitled "Sodium Safety Warning Labeling for Chain Restaurants."

WHEREAS, excess sodium is associated with elevated rates of hypertension, leading to an increased risk of stroke, heart disease, and premature mortality, according to numerous studies, including a 2013 meta-analysis published in *BMJ*;

WHEREAS, Philadelphia has extraordinarily high rates of hypertension and the highest rate of premature death from heart disease of the ten largest U.S. cities, according to the Behavioral Risk Factor Surveillance System and the National Center for Health Statistics Interactive Atlas of Heart Disease and Stroke;

WHEREAS, African-American Philadelphians have even higher rates of hypertension (48%) and premature death from heart disease (69.1/100,000) than Philadelphians as a whole, according to the 2014/2015 Public Health Management Corporation Household Health Survey and the Department of Public Health's 2012 Vital Statistics Report;

WHEREAS, average daily sodium intake in the United States is approximately 3,400 milligrams (mg), according to a 2010 study published in the *New England Journal of Medicine*, while the Institute of Medicine has established a tolerable upper intake limit for sodium of 2,300 milligrams (mg);

WHEREAS, decreasing sodium intake has the potential to decrease hypertension rates by 25%, according to a 2010 study published in the *New England Journal of Medicine*;

WHEREAS, 77% of sodium comes from processed and restaurant foods, and many individual restaurant food items contain more than a day's worth of sodium at the tolerable upper intake level of 2,300 milligrams (mg), according to the Centers for Disease Control and Prevention and 2009 study published in the *Journal of Retailing*; and

WHEREAS, Philadelphians currently have no reliable and readily available way to identify restaurant food items containing high levels of sodium; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

TITLE 6. HEALTH CODE.

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CHAPTER 6-100. GENERAL PROVISIONS.

* * *

§ 6-102. Definitions.

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(6.2) 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 fifteen (15) or more other establishments *that offer for sale substantially the same menu items* (whether such other establishments are located in the City or elsewhere and regardless of the type of ownership of each individual establishment).

* * *

(13.1) Discrete Serving. *The separated or easily separable uniform portion or portions of a Menu Item comprising a reasonable estimate of one person's share of the Menu Item. For example, a pizza with eight (8) slices that is reasonably estimated to serve two (2) people contains two (2) Discrete Servings. Menu Items without separated or easily separable uniform portions do not contain Discrete Servings.*

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(32.3) Menu Item. *A food item or combination of food items that is displayed as an individual menu item, except a special food item or combination of food items that will be available for fewer than sixty (60) days.*

* * *

(49.1) Sodium Warning Label. *The following icon displayed in either red or black, which the Department of Public Health shall make available for download, the size of which may be proportionally scaled to a height no less than the height of the name of the food item or combination of food items next to or under which the icon appears when its display is required by Section 6-310. The icon may be displayed using a different font if the font is legible and each letter and the triangle remain of uniform height.*

(49.2) Sodium Warning Statement. *The following statement:*

: Sodium content higher than daily recommended limit (2,300 mg). High sodium intake can increase blood pressure and risk of heart disease and stroke.

* * *

CHAPTER 6-300. FOOD.

* * *

§ 6-310. *Sodium Safety Warning Labeling for Chain Establishments.*

(1) *On all Menus, Menu Boards, and Food Tags, except as provided in Section 6-310(2), Chain Restaurants must display a Sodium Warning Label next to or directly under the name of each Menu Item containing 2,300 or more milligrams (mg) of sodium, including each Menu Item that provides for variations containing fewer than 2,300 milligrams (mg) of sodium if any variation containing 2,300 or more milligrams (mg) of sodium is offered on the Menu, Menu Board, or Food Tag. Variations include any combination of customization options offered for a Menu Item on the Menu, Menu Board, or Food Tag, but do not include the results of unsolicited requests from consumers to customize a Menu Item. The name of a Menu Item next to or directly under which a Sodium Warning Label may be required (e.g., “Roast Beef Sandwich”) does not include names of categories to which the Menu Item belongs (e.g., “Sandwiches”) and does not include names of customization options for the Menu Item (e.g., “Whole Wheat Bread”).*

(1.1) *For Menus that allow customization of a Menu Item through interactivity with consumers, including interactive electronic Menus, Chain Restaurants may, instead of displaying a static Sodium Warning Label in accordance with subsection (1), display a Sodium Warning Label dynamically so that it appears when the consumer makes a choice that would increase the sodium content of the Menu Item to 2,300 or more milligrams (mg) of sodium, and disappears when the consumer makes a choice that would decrease the sodium content of the Menu Item to fewer than 2,300 milligrams (mg) of sodium.*

(1.2) *For Menus that allow customization of a Menu Item through interactivity with consumers, including interactive electronic Menus, Chain Restaurants may, instead of displaying a static Sodium Warning Label in accordance with subsection (1), display a Sodium Warning Label next to or directly under the name of each Menu Item containing 2,300 or more milligrams (mg) of sodium and display, for Menu Items that allow customization on interactive electronic Menus that could result in the Menu Item containing 2,300 or more milligrams (mg) of sodium, the Sodium Warning Label and Sodium Warning Statement on an interpolated screen after selection and before customization of the Menu Item. Such interpolated screen shall be dedicated exclusively to the purpose of communicating information related to the requirements of this Section, shall communicate to the consumer that some variations of the selected Menu Item contain more than 2,300 milligrams (mg) of sodium, and shall explain how the consumer can procure more detailed nutritional information.*

(2) *A Menu Item intended for sharing that consists of more than one Discrete Serving (e.g., a pizza) requires a Sodium Warning Label only if each Discrete Serving contains 2,300 or more milligrams (mg) of sodium.*

(3) *Chain Restaurants required to display at least one Sodium Warning Label must make Sodium Warning Statements clearly visible and legible on any Menus, on or near any Menu Boards, and on or near any Food Tags on which at least one Sodium Warning Label appears. A Sodium Warning Statement need not appear on each page of a Menu, but shall be displayed so that a consumer would reasonably be expected to see it before selecting a Menu Item.*

(4) *Upon request by a Chain Restaurant, the Department may issue by letter determinations regarding requests for variations in the display requirements of this Section, which may include only permission for variations in location, color, or size of the Sodium Warning Label and Sodium Warning Statement display requirements.*

(5) Compliance with this Section shall be required twelve (12) months after the effective date. Upon request of a Chain Restaurant, the Department may grant an additional compliance delay of up to six (6) months.

(6) 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 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 two hundred fifty dollars (\$250).

SECTION 2. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.