

## Menu Labeling Compliance Deadline is Today

Although the FDA has been talking to stakeholders about May 2017, that is when enforcement will begin.

WASHINGTON, D.C. – The Food and Drug Administration has issued a statement "clarifying" that the compliance deadline for the menu labeling rule is still **today, Thursday, December 1**, rather than the May 5, 2017, date when enforcement will begin. This is despite the fact that the FDA has been telling all stakeholders for months that they had until May 2017.

What this means is that while the FDA itself will still not be taking any enforcement actions until May, depending on where you live, state and/or local enforcement could begin today. This is particularly worrisome in California, that, as allowed by the FDA rule, passed their own state statute that mirrors the FDA rule. NACS is researching if any other states passed similar laws. This allows the state of California and the local health officials therein to begin enforcement actions as of today as well. The California Department of Public Health has apparently recommended that local officials only take "educational" action on this rule for the next six months, but that does not prohibit them from taking punitive action. The FDA announcement also opens the door for potential private lawsuits that could be brought against retailers for not being in compliance.

NACS has been and continues to be in contact with Congressional leaders to attempt to roll back the impact of this on the convenience store industry. We will keep you updated on the progress to enact the Common Sense Nutrition Disclosure Act, which would nullify the FDA's actions and any potential state or private claims that may arise in the meantime.

We encourage c-store operators to continue to prepare as they have been for the May 5 deadline and for NACS members to contact us if they find themselves subject to any form of action related to the menu labeling rule.

We also ask that you contact your Congressional representatives and senators and ask that they include the Common Sense Nutrition Disclosure Act in the continuing resolution that will fund the government into the first half of next year. That is the quickest and most efficient way for Congress to reverse the FDA's egregious actions and protect the industry from overly aggressive state and local regulators. In just a couple of minutes, you can use the [NACS system](#) to send those letters; please do so today.