

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
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CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

LATE TESTIMONY

In reply, please refer to:
File:

HOUSE COMMITTEE ON HEALTH

H.B. 1526, RELATING TO HEALTH

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health

February 3, 2009
8:30a.m.

- 1 **Department's Position:** The Department respectfully opposes this measure.
- 2 **Fiscal Implications:** As yet unquantified funding for the creation or enhancement of a section to
3 enforce nutritional labeling, staffing, office space, equipment, training, and additional expenditures.
- 4 **Purpose and Justification:** This bill amends Chapter 321 of the Hawaii Revised Statutes by adding a
5 new section, "Franchise retail food establishments; nutritional information." The bill will require
6 franchise retail food establishments with ten (10) or more establishments to provide nutritional
7 information on each standard menu item and provide this information to customers. The bill does not
8 speak to who will be required to implement or regulate the proposed policy. Currently the department
9 does not have a public enforcement role in nutrition and does not have the capacity or means to
10 implement and enforce a statewide nutrition labeling law at this time. Implementing such a program
11 will take away from resources needed for food safety in the prevention of food borne illnesses and from
12 all other environmental enforcement actions designed to prevent the spread of communicable diseases
13 and environmental contamination.

14 We respectfully request that this measure be held.

15 Thank you for the opportunity to provide testimony.

nishimoto2-Bryce

From: Michelle Forman [MForman@cspinet.org]
Sent: Tuesday, February 03, 2009 8:08 AM
To: HLTtestimony
Cc: Rep. Ryan Yamane; Rep. John Mizuno
Subject: Testimony -- HB1526

LATE

Dear Chairman Yamane and members of the Committee on Health:

On behalf of our 4,100 members and subscribers in Hawaii, the Center for Science in the Public Interest greatly appreciates Representative John M. Mizuno's efforts to bring menu labelling to Hawaii (HB1526).

Hawaiians have a right to nutrition information in chain restaurants. To be effective, nutrition information in restaurants must be simple, easy to use, and in a relatively consistent format at different restaurants. Only by posting nutrition information on menus and menu boards, including on drive thrus, is the information provided at the point of decision-making in a format that is easy to understand, easy to find and allows comparisons to be simply made, when the customer is actually choosing what to order. Furthermore, providing this information on menus and menu boards creates a standard that consumers can begin to rely on, familiarize themselves with, and easily use.

In order to clarify that HB1526 requires nutrition information on menus and menu boards, we feel that Subsection 321(B) should clearly state that:

(b) For restaurants that use menu boards, additional nutrition information shall be provided by means of an in-store brochure, booklet, kiosk, or other device that is easily accessible to customers at the point of decision making. The retail food establishment shall also inform customers of the availability of this information through signage.

We agree that there is not room for nutrition information other than calories on menu boards. However, Section 321(b) should make clear that the use of brochures, pamphlets, and other formats are to supplement calorie labeling on menu boards, not replace it.

In addition, it is crucial that calorie information be required on drive-thru menus as well as menu boards inside the store. The fast-food industry currently generates about 65% of revenues from drive-thru business. Drive-thru sales are on the rise. 89% of operators believe their drive-thrus will represent an even larger portion of sales next year. If most of their customers are ordering from the drive-thru menu, it is crucial that restaurants provide nutrition information there in addition to posting calorie information on indoor menu boards. Having the information only indoors is not helpful for customers at the drive-thru.

Last year New York City became the first jurisdiction to implement a menu labeling policy. A survey conducted by Technomic, Inc. showed that 86 percent of New Yorkers feel that menu labeling was a positive move. Seventy-five percent reported seeing the nutrition information on the menu and changing the way they ordered. Of those who considered the information, 90 percent made lower-calorie choices and 75 percent chose smaller portion sizes. An additional outcome of menu labeling has been product reformulation. A comparison of menu items in New York City before (March 2007) and after (June 2008) calorie posting requirements went into effect shows many decreases in calories in items at chain restaurants such as Starbucks, Cosi, and others.

Again, thank you for your commitment to addressing nutrition and obesity in Hawaii by working to provide residents with important nutrition information at restaurants. We hope you will amend HB1526 to make it clear that restaurants are required to post calories on their menus and menu boards, including on the drive-thru menus, but that additional nutrition information may be provided using other formats.

Respectfully,
Margo G. Wootan, D.Sc.
Director, Nutrition Policy