

**Opening Statement of the Honorable Fred Upton**  
**Subcommittee on Health**  
**Hearing on “Examining H.R. 2017, the Common Sense Nutrition Disclosure Act of 2015”**  
**June 4, 2015**

*(As Prepared for Delivery)*

Today we will discuss important, bipartisan legislation that seeks to provide some balance to the recently proposed menu labeling guidelines - H.R. 2017, the Common Sense Nutrition Disclosure Act of 2015.

This bipartisan effort is being spearheaded by Rep. Cathy McMorris Rodgers, and I commend the GOP Conference Chair for her ongoing work on this important issue. This bill seeks to bring much needed clarity and alleviate some of the burdensome and unnecessary requirements that the menu labeling final rule has placed on businesses across the country.

Take, for example, Dominos, a Michigan-based company. Dominos has 34 million different potential menu combinations. It has an online calculator that determines the nutrition information for your particular order and 91 percent of their orders are placed online. Requiring in-store information for for 34 million potential menu items would cost each store an average of \$4,700 per year– and it wouldn't address the ultimate goal of informing consumers.

There is no doubt that the U.S. should have a uniform national policy for menu labeling. However, we need to take a pragmatic approach. The goal is ensuring consumers have the information they need to make informed decisions. In order to do that, we need to also be sure that companies can reasonably comply with these requirements.

The current situation fails to address the realistic needs of consumers and places enormous burden on businesses all across the country. As it stands, restaurants and similar retail food establishments have until December 1 of this year to comply with the final rule, yet there are still a number of outstanding questions and issues. Complying with the final rule will take substantial time and resources, and FDA has made it even harder by failing to provide more clarity. Businesses need to know how to comply in order to do so; businesses need time to plan and put things in place. FDA's failure to provide clarity has made it impossible for these things to happen.

Today we will hear from stakeholders about the final rule and the challenges they face as they work toward compliance. I also hope we can discuss solutions to these problems. I would like to thank the panel for being here today to discuss this important topic. It is time we had a little more commonsense in the discussion on menu labeling.

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