



## Free Market Coalition to Congress: Support H.R. 2017 to Reform Menu Labeling Rule

November 4, 2015

Dear Representatives,



Several years into implementation, President Obama's health care law continues to provide a stark example in the law of unintended consequences. The controversial White House menu-labeling law is a disappointing example of what happens when out-of-touch bureaucrats write overly broad and inflexible rules—rules Congress must address.



The Common Sense Nutrition Disclosure Act (H.R. 2017) seeks to remedy this glaring instance of the ever-growing regulatory state that continually burdens so many businesses, including restaurants, convenience stores, and grocery stores, with unnecessary and expensive red tape. Although some larger chains appear to welcome new regulations they often do so because expensive regulations disadvantage smaller competitors. We believe that Members should support market-based competition and reject the crony capitalism driving much of the opposition to H.R. 2017.



H.R. 2017 would benefit thousands of businesses, regardless of their size or scope. The fact that some of the largest restaurant chains are actively lobbying Congress in favor of these onerous costly rules is due largely to that fact that expensive regulations gives them a competitive advantage over their smaller competitors.



Legislation to reduce regulatory burdens has become all the more necessary since the Food and Drug Administration (FDA) issued its final, flawed regulations late last year. The FDA failed to differentiate between the different models present in the restaurant industry and instead advocated for a one-size-fits-all solution that is, unfortunately, typical of regulatory agencies.



In addition to failing to account for the variety of businesses which fall under this new regulation, the FDA also vastly expanded its own definition of a menu. The FDA indicates that it now believes any and all materials that include a photo of an item and a phone number to be a

menu. This vague and overly broad definition will cause a great deal of confusion among many small business owners, and will likely do little to enhance consumer education.

Finally, the final rules do not do enough to protect businesses from excessive fines and other penalties that could result from an honest mistake on the part of an employee. Not only would H.R. 2017 correct these egregious problems, but it would also level the playing field between businesses of all sizes.

Members of Congress should combat bloated government red tape which stymies innovation and excellence in the marketplace. We encourage all Members to fight crony capitalism by supporting the Common Sense Nutrition Disclosure Act.

Sincerely,

Brent Gardner, Vice President of  
Government Affairs  
Americans for Prosperity

Sean Noble, President  
American Encore

Coley Jackson, President  
Americans for Competitive Enterprise

Peter J. Thomas, Chairman  
Americans for Constitutional Liberty

Scot Mussi, President  
Arizona Free Club

Norm Singleton, Senior Vice President  
Campaign for Liberty

Tom Brinkman Jr, Chairman  
COAST (Coalition Opposed to  
Additional Spending and Taxes)

Greg Conko, Executive Director  
Competitive Enterprise Institute

Andrew Clark, President  
Generation Opportunity

Pete Sepp, President  
National Taxpayers Union

Amy Ridenour, Chairman  
National Center for Public Policy  
Research

David Williams, President  
Taxpayers Protection Alliance

Judson Phillips, Founder  
Tea Party Nation