

Menu and Vending Machine Labeling – Final Rule Finally Released

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On December 1, 2014, to implement the nutrition labeling provisions of the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act), FDA issued a final rule that requires disclosure of certain nutrition information for standard menu items in certain restaurants and retail food establishments (“[Food Labeling: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments](#)”) and a final rule that requires calorie declarations for food sold from certain vending machines (“[Food Labeling: Calorie Labeling of Articles of Food in Vending Machines](#)”). These rules were in progress for years (the comment periods for both rules closed in July 2011).

The final menu labeling rule applies to restaurants and similar retail food establishments (deemed by FDA to include supermarkets, convenience stores and coffee shops) with 20 or more locations, doing business under the same name, offering for sale substantially the same menu items and offering for sale restaurant-type foods. Establishments included in the final rule will have one (1) year to comply. Calories will have to be displayed prominently on all menus, including table menus and drive-thrus, and more complete nutrition information must be made available on request.

The final vending machine rules requires operators who own or operate 20 or more vending machines to disclose calorie information for food sold from vending machines, subject to certain exemptions. Vending companies covered under the regulations have two (2) years to comply.

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