The New York City Sodium Warning

CASA

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NYCDOHMH
The Sodium Warning Rule

New York City Health Code 81.49 requires chain food service establishments to:

- Show which food items have more than the recommended limit (2300 mg) of sodium (salt) per day by placing a warning icon next to those items on menus, menu boards and item tags.

- Post the sodium warning statement at point of purchase. The statement explains that items with the icon have more than the recommended limit of sodium per day and that having too much sodium is a health risk.
Heart Disease is a Leading Killer in NYC

In NYC:

• 1 in 3 deaths are due to heart disease\(^1\)
• 36% of Black adults have been told by a health professional that they have high blood pressure, nearly 50% more than Whites (36.1% vs. 24.8%)\(^2\)

These figures were current when the rule was introduced to the Board of Health in 2015
As well as Nationally

67 MILLION
American adults have
high blood pressure

1 IN 3

High blood pressure
contributes to

~1,000
DEATHS/DAY
Heart Disease & Stroke Risk Factors: High Dietary Sodium

• Excess sodium intake is dangerous
  – Leads to high BP$^3$
  – Interferes with proper BP control$^4$
  – Increases risk of heart disease and stroke$^4$
Warnings about Sources of Excess Sodium Can Help New Yorkers

• Poor awareness of sodium recommendations and major sources of dietary sodium
  – > 80% of adults in NYC consume more sodium daily than the recommended limit\textsuperscript{5}
  – Black New Yorkers consume more sodium daily than White New Yorkers\textsuperscript{5}

• Too few consumers understand that high sodium intake is a serious health hazard\textsuperscript{6}
  – Limited awareness of link between sodium and heart disease/stroke\textsuperscript{7}
Information for informed decisions

- Consumers lack important information about risks
  - Some menu items contain more sodium than a person should consume in an entire day
  - Variability of sodium content
  - Difficult for consumers to make reliably healthy choices

<table>
<thead>
<tr>
<th>Chain</th>
<th>Product</th>
<th>Sodium Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company A</td>
<td>Smokehouse Turkey Sandwich</td>
<td>2590 mg</td>
</tr>
<tr>
<td>Company B</td>
<td>Roasted Turkey &amp; Avocado BLT Sandwich</td>
<td>960 mg</td>
</tr>
</tbody>
</table>
Guess the sodium?

Burger King Large Fries

a. 250 mg/Na
b. 500 mg/Na
c. 700 mg/Na
d. 900 mg Na
e. 1200 mg/Na

700 Mg/Na
- **Olive Garden** Grilled Chicken Flatbread Appetizer

  a. 500 mg/Na
  b. 750 mg/Na
  c. 1100 mg/Na
  d. 1500 mg/na
  e. 2200 mg/Na

**1100 mg/Na**
Guess the sodium?

Applebee Boneless Wing Appetizer

1. 1000 mg/Na
2. 560 mg/Na
3. 2700 mg/Na
4. 4800 mg/Na
5. 6900 mg/Na

4800 mg/Na
One last guess

Buffalo Wild Wings
Buffalo salad crispy chicken  mg/Na

a. 500 mg/Na
b. 1000 mg/Na
c. 1550 mg/Na
d. 2070 mg/Na
e. 2680 mg/Na

2070 mg/Na
Grilled 1550 mg/dl
Sources of Sodium

- Restaurant/processed food makes up majority of dietary sodium intake\textsuperscript{9}
- Restaurant food is more sodium dense than food prepared at home\textsuperscript{10}
Too many children are consuming way too much sodium, and the result will be risks of high blood pressure and heart disease in the future,” said former CDC Director Tom Frieden, M.D., M.P.H. “Most sodium is from processed and restaurant food, not the salt shaker. Reducing sodium intake will help our children avoid tragic and expensive health problems.” Children 4-8 years of age: no more than 1200 mg  Children 9-18: no more than 1500 mg per day
High Sodium Items in NYC Chain Restaurants

SODIUM PER ITEM IN 2014, BY RESTAURANT TYPE IN NYC

Source: MenuStat. 2014
Why warning labels?

- Evidence suggests that health warnings *INCREASE* knowledge and can *DECREASE* purchase and consumption of certain products\(^{12}\)

- Labels facilitate education
  - Can inform customers of the risks of consuming certain products
  - More than 1 million New Yorkers see calorie labels daily in restaurants\(^{13}\)

- Consumers find labels helpful
  - Nearly 80% of New Yorkers find calorie labels “useful”\(^{14}\)
What is the recommended limit of sodium per day?

It is 2,300 mg—about 1 teaspoon of salt.

- The average American adult consumes almost 50% more sodium than the recommended limit per day. Restaurant food tends to have more sodium than food prepared at home.
Why 2,300 mg?

- Leading scientific bodies recommend that no one’s daily sodium intake exceed 2,300 mg
  - Institute of Medicine, US Department of Health and Human Services, USDA\(^3,4\)

- Warnings on items that contain more sodium than a person should consume in an entire day

- Icon is simple and warns of risks
Authority of NYC Board of Health

• Federal labeling laws allow localities to require warnings about dangerous foods
  – Section 6(c) of Public Law 101-535
The Health Code

§81.49 Sodium warning.

(b) Required warning. A covered establishment that offers for sale any food item with a high sodium content must provide the following warning:

(1) An icon must appear on a menu or menu board next to a food item with a high sodium content, or on a tag next to any food on display that is a food item with a high sodium content:

The icon must be a black and white equilateral triangle as wide as it is tall and equal in height to the largest letter in the food item’s name, as displayed on the menu, menu board, or tag next to any food on display; and
Who does the rule apply to?

This rule applies to all food service establishments that require a Health Department permit and are part of a chain. “Chain” refers to any establishment with 15 or more locations doing business in the U.S. under the same name and offering the same, or almost the same menu items.
Who does the Rule Apply to?

An FSE will also be identified as a covered establishment even if it currently has no items on its menu that contains 2300 mg or more of sodium. It's simply identified because it is a chain restaurant.

**Important note:** Being identified as a chain FSE does not mean the FSE is required to have the warning posted. Only if there is one or more item(s) on its menu that contains 2300 mg or more of sodium, then it must post the icon and the warning statement.
Implementation and Enforcement

- Minimal compliance burden
  - Information already exists
  - Menu items in chain restaurants are standardized

- Inspection for guidance and compliance incorporated into the regular restaurant inspections

- Violations would incur $200 fine; would not impact letter grade or inspection frequency
Sodium Warning Labels

Identify high sodium items

- Icon on menu/menu boards identifies items containing ≥ 2,300 mg of sodium
Sodium Warning Labels

Warning: indicates that the sodium (salt) content in this item is higher than the total daily recommended limit (2,300 mg). High sodium intake can increase blood pressure and risk of heart disease and stroke.

Affects chain restaurants (≥ 15 locations nationwide)

1/3 of all restaurant traffic in NYC¹⁵
Enforcement

This rule went into effect December 1, 2015

- Between December 1, 2015 and February 29, 2016, there was a grace period. Violators only received a warning which went on the inspection report form.
Enforcement

As of June, 2016, the Department began issuing Notices of Violation’s (NOV’s).

Initial enforcement
- Targeted areas
- 5 Inspectors + 5 Supervisors
- Specific period of time
- Conduct ONLY Sodium inspections
Enforcement Observations

Day 1

- Significant number of FSEs that we inspected were compliant with the regulation.
How would BFSCS staff know that an FSE is subject to the new rule?

Establishments that are covered under this requirement are identified in FACTS II and in the inspectors Handheld on the Entity details screen.

There are 68 chains that are required to post sodium warnings.
Menu or menu board means...

- A printed list of the names or images of a food item or items, and the primary writing of a covered establishment from which a customer makes an order selection.

Menus include:
- breakfast, lunch, and dinner menus;
- dessert menus;
- beverage menus;
- children’s menus;
- other specialty menus;
- electronic menus; and menus on the internet

Menu boards include menu boards inside the establishment as well as drive-through menu boards outside the establishment.
Point of purchase means...

- *Point of purchase* means any place where a customer may order food within an establishment.
What about combination meals (meals with multiple food items)?

- If the entire combination meal contains 2,300 mg of sodium or more, the FSE must place the sodium warning icon next to the combination meal on the menu.
What about menu items that can be customized or have different toppings?

- If any possible version of the item contains 2,300 mg of sodium or more, the FSE must place the sodium warning icon next to the item on the menu.
What about menu items with multiple servings?

Some menu items contain more than one serving and are intended to be shared by more than one person – for example, if the menu says “family-size” bucket of chicken or a sharable pizza pie divided into eight slices. If the menu does not indicate that it is sharable or family size or for a group then the entire item is considered to be one serving.
<table>
<thead>
<tr>
<th>RestaurantID</th>
<th>MenuName</th>
<th>SodiumContent</th>
<th>SodiumDescription</th>
<th>NumberOfServ</th>
<th>ServingDescription</th>
<th>IsCombined</th>
<th>IsShareable</th>
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<td>1</td>
<td>VERDE BEER MACHOS, APPETIZERS</td>
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<td>33</td>
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<td>3750</td>
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<td>APPLEBEE'S</td>
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<td>CLASSIC &amp; SIGNATURE LUNCH COMBO W/ CHICKEN FAJITA ROLLUP (2440) &amp; FIESTA CHICKEN CHOPPED SALAD (870), HI</td>
<td>3310</td>
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<td>35</td>
<td>APPLEBEE'S</td>
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<td>SIGNATURE &amp; SIGNATURE LUNCH COMBO W/ FRENCH ONION SOUP (1470) &amp; FIESTA CHICKEN CHOPPED SALAD (870), HI</td>
<td>2340</td>
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</tbody>
</table>
Conducting Field Inspections

- PHS selects *up to 5 high sodium menu items or 20%, rounded up (whichever is greater)* of menu items that are subject to the sodium warning and that are on the spreadsheet.
- Check these items for compliance
- Check the establishments menu or menu board to see if those items are on the menu.
- Check that the salt icon is placed directly on the menu, menu board or item tag next to any food item that has 2,300 mg of sodium or more.
- Check that the icon is as wide as it is tall. (An FSE must not stretch or shrink the icon’s shape).
Conducting Field Inspections

- Check that the icon is equal in height to the largest letter in the food item’s name as displayed.
- Check that the icon is clearly visible.
- Check that the sodium warning statement is clearly visible and at the point where customers place their order.
- Cite the item that is not in compliance.
- Again, only look for food items from the provided list.
- If none of the items from the spreadsheet appear on the menu or menu board, PHS’s should select “yes” – premise is in compliance with the Sodium Warning.
Acceptable Icon placements

<table>
<thead>
<tr>
<th>Sample of Items in Question</th>
<th>Sodium (mg) Content Per Serving</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIESTA BURGER_BURGERS</td>
<td>3598</td>
</tr>
<tr>
<td>HICKORY BARBECUE BACON CHEESEBURGER_BURGERS</td>
<td>3334</td>
</tr>
<tr>
<td>ORIGINAL LEGENDARY BURGER_BURGERS</td>
<td>2859</td>
</tr>
<tr>
<td>THE BIG CHEESEBURGER_BURGERS</td>
<td>2383</td>
</tr>
</tbody>
</table>

1. Next to “Burgers” heading
2. Next to specific combo item
Violations

FSE’s that are observed to be non-compliant with the sodium warning regulations are subjected to one or more of the following citations:

I. 16J - NYCHC 81.49(b)(1) Sodium Warning - Icon not posted
II. 16K - NYCHC 81.49(b)(1) Sodium Warning - Icon Not Compliant
III. 16L - NYCHC 81.49(b)(2) Sodium Warning - Statement
Menu Changes

One very positive result of this regulation is that FSE’s changed the formulation of their recipes and changed their menus to comply with the regulation

- California Pizza Kitchen
- Domino
- White Castle
- Olive Garden
- Moe’s Southwestern Grill
- Subway
Our inspections are now part of the Annual inspections, so the probability of inspecting one of these chains has decreased significantly. They have also come into compliance with the regulation with the exception of a few outliers.
What if an FSE claims that it no longer has a food item on its menu?

- If there are items that an FSE believes should be removed, they must send an email to: salt@health.nyc.gov
- DOHMH will review
Questions ?
REFERENCES


15. The NPD Group / CREST (marketing research data).