

September, 2009

Dear Owner/Operator:

Enclosed please find Ulster County Local Law No. 1 of 2009, *A Local Law Requiring Chain Food Service Operators To Post Calorie Information On Menus*. This law was adopted by the Ulster County Legislature on April 7, 2009 and takes effect October 5, 2009. Pursuant to this law, chain food establishments shall post on menu boards, menus and food display tags the calorie content values (in kcal) for each menu item. Also enclosed is *Frequently Asked Questions About Ulster County Local Law No. 1 of 2009*, which should assist you in complying with this local law.

For additional information, please contact Cory Kassler, Public Health Sanitarian at the Ulster County Health Department at (845) 340-3036.

Sincerely,

Nereida Veytia, RN, MSN  
Acting Public Health Director

Beatrice Havranek  
County Attorney

NV:CM  
Enclosure

## **Frequently Asked Questions About Ulster County Local Law No. 1 of 2009**

### **Local Law No. 1 of 2009 - A Local Law Requiring Chain Food Service Operators To Post Calorie Information on Menus**

1. **Question:** What is the effective date of the Local Law No. 1 of 2009?

**Answer:** Local Law No. 1 of 2009 becomes effective October 5, 2009.

2. **Question:** Where can I get a copy of Local Law No. 1 of 2009 and the Frequently Asked Questions?

**Answer:** Currently, Local Law No. 1 of 2009 can be found at <http://www.co.ulster.ny.us/resolution-archives/2009/LL%20No.%201%20of%202009.pdf> and Frequently Asked Questions About Ulster County at <http://www.co.ulster.ny.us/health/enviro.html>

3. **Question:** Can a food service establishment use a separate drive-through stanchion containing the name of each item offered and its calorie content adjacent to the menu board and in close proximity to the menu and drive-through window?

**Answer:** Yes. The stanchion must be clearly visible and in close proximity to the menu and drive-through window. Should a food service establishment choose to place a stanchion next to a menu board, the operator of the food service establishment must obtain written approval from the Ulster County Health Department Environmental Sanitation Division prior to its placement. \*

\* The placement and construction of any stanchion/menu board shall be subject to all local municipal building, zoning, and other applicable laws, rules and regulations. It is the responsibility of the food service establishment to ensure its compliance with same.

4. **Question:** Does a food service establishment need to inform the Health Department of the placement, replacement or relocation of menu boards?

**Answer:** Yes. During the permit process of any existing food service establishment or any new construction of a food service establishment the operator must submit a plan for approval by the Ulster County Health Department Environmental Sanitation Division prior to its construction. Additionally, any renovation or alteration to an existing food service establishment including the placement of a menu board, which does not take place during the permit process, must receive prior written approval from the Ulster County Health Department Environmental Sanitation Division.

5. **Question:** Are marketing materials, including posters and/or banners, exempt from the calorie posting requirements in Local Law No. 1 of 2009?

**Answer:** Yes. Marketing materials are exempt provided they do not contain a menu item along with the price.

6. **Question:** Are there any exemptions for items on the menu for a limited time, e.g. less than 90 days?

**Answer:** No. If the product is listed on the menu, menu board or food display tag, the calorie content must be listed.

7. **Question:** Are condiments and dipping sauces exempt under the current legislation?

**Answer:** No. As per Local Law No. 1 of 2009, Section 1, Item B, “For Menu items that come in different flavors and varieties but that are listed as a single menu item, such as, but not limited to, soft drinks, ice cream, pizza and doughnuts, the median value for calories for all flavors or varieties shall be listed on menus and menu boards if the calorie values for all flavors or varieties are within 20% of the median.”

8. **Question:** In addition to calorie content, what additional nutritional information are food service establishments required to provide?

**Answer:** Pursuant to Local Law No. 1 of 2009, food service establishments are only required to provide calorie content values.

9. **Question:** Can a food service establishment post calories per serving if it is selling buckets of chicken or whole pizzas?

**Answer:** Calorie information must be posted for the entire menu item e.g., a bucket of chicken must list the calories for the entire bucket.

10. **Question:** Who can we contact for additional information and/or to review our menu board plans?

**Answer:** All questions can be directed to Cory Kassler, Public Health Sanitarian at the Ulster County Department of Health at (845) 340-3036 Monday - Friday 9 a.m. - 5 p.m.