

Understanding Philadelphia’s Sodium Warning Law: What Chains Need to Know

Philadelphia’s sodium warning law¹ requires chain restaurants to:

- Display a sodium warning label next to each menu item containing 2,300 mg of sodium or more; and
- Display a sodium warning statement on any menu, on or near any menu board, and on or near any food tag on which at least one sodium warning label appears.

What is a “chain restaurant”?

For purposes of the sodium warning law, a “chain restaurant” includes any retail food establishment (including, but not limited to, a restaurant, convenience store, deli, bakery, grocery store food counter, and coffee shop) that does business under the same trade name as fifteen (15) or more other establishments nationwide that offer for sale substantially the same menu items. Please note University, Sports Stadium, and Airport locations of foodservice restaurant chains count towards the 15 or more nationwide locations for a chain.

Does this law apply to my business?

If your business is a “chain restaurant,” and you sell prepared food, any of which contains 2,300 or more milligrams of sodium, via a menu, menu board, or food tag, this law applies to you.

Why do foods with 2,300 mg or more of sodium need sodium warning labels?

The average American consumes 3,400 mg of sodium per day, well above the recommended upper limit of 2,300 mg. High sodium intake can lead to high blood pressure, which increases stroke and heart disease risk. Restaurant foods tend to have high levels of sodium; in fact, some menu items contain well over the recommended daily limit.

When does the sodium warning law go into effect?

The law goes into effect on September 14, 2018, and compliance will be required beginning on September 14, 2019. The Health Department will issue no-fine warnings until December 14, 2019, after which date the Health Department will

¹ Philadelphia Code § 6-310.

issue tickets. If you are unable to meet the compliance deadline, you may request a six-month compliance extension by e-mailing health-sodium@phila.gov with a justification for your request.

Where can I download the sodium warning label and statement?

You may download the sodium warning label and statement at www.foodfitphilly.org/sodiumwarning.

Where must the sodium warning label be placed?

The sodium warning label must be placed next to or directly under the name of each menu item containing 2,300 mg of sodium or more on all menus, menu boards, and food tags. See examples below:

ENTRÉES

CAJUN SHRIMP & CHICKEN PASTA (1110 calories)

⚠ SODIUM WARNING

Sautéed all-natural chicken, shrimp and red bell peppers tossed with fettuccine ribbons in a spicy Cajun Alfredo sauce.

BRUSCHETTA CHICKEN PASTA (860 calories) ⚠ SODIUM WARNING

Fettuccine tossed in garlic, basil and Roma tomato marinara. Topped with strips of garlic-marinated all-natural chicken breast. Finished with balsamic glaze and Parmesan shavings.

Where must the sodium warning statement be placed?

The sodium warning statement must be clearly visible and legible and placed on any menu, on or near any menu board, and on or near any food tag that has at least one item that requires a sodium warning label. The sodium warning statement appears below:

⚠ SODIUM WARNING: Sodium content higher than daily recommended limit (2,300 mg). High sodium intake can increase blood pressure and risk of heart disease and stroke.

Does the sodium warning statement need to be placed on every page of a menu?

Not necessarily, but the sodium warning statement must be displayed so that consumers are likely to see it before ordering.

What are the requirements for the size and color of the warning label?

The sodium warning label may be displayed in either red or black and must be proportionally scaled to the same height as the name of the menu item. The label may be displayed using a different font if the font is legible and each letter and the triangular icon are of uniform height. You may also send requests for limited variations in the location, color, or size of the sodium warning label and statement to health-sodium@phila.gov for consideration.

When does a combination meal require a sodium warning label?

If a combination meal (that is, a group of foods that is sold as a single menu item) (e.g., a sandwich and fries, or an entrée and sides) contains 2,300 mg of sodium or more, a label must be placed next to or directly under the name of the menu item. Some combination meals include a variety of options and sizes. If any variation of the combination meal has 2,300 mg of sodium or more, the menu item requires a sodium warning label.

Does sodium in beverages count toward a combination meal's total sodium?

Yes, if the beverage is included in the combination meal, it should be included when determining the applicability of the sodium warning label.

What about a menu item that is intended to be shared, like a large pizza or a bucket of chicken?

If a menu item intended for sharing consists of more than one discrete serving, the menu item requires a warning label only if each discrete serving contains 2,300 mg or more of sodium. A discrete serving consists of the separated or easily separable uniform portion or portions of a menu item comprising a reasonable estimate of one person's share of the menu item. For example, if a pizza has eight slices and a reasonable estimate of one person's share is four slices, the pizza has

two discrete servings. If those four slices together have 2,300 mg or more of sodium, the pizza would require a sodium warning label. Keep in mind that a menu item that does not have separated or easily separable portions does not contain discrete servings, even if it is meant for sharing.

Do the sodium warning label and statement need to appear on websites and mobile applications?

Yes, if the establishment takes orders using these methods, the sodium warning label and statement must appear. The sodium warning label and statement are not required on third-party sites (e.g., Uber Eats, Caviar, Grubhub).

Do the sodium warning label and statement need to appear on electronic ordering kiosks or other interactive displays used for ordering?

Yes. There are two additional options for such displays.

(1) Establishments may display the warning label and statement dynamically, so they appear when the consumer makes a choice that would increase the sodium content of the menu item to 2,300 mg or more of sodium, and disappear when the consumer makes a choice that would decrease the sodium content of the menu item to fewer than 2,300 mg of sodium.

(2) Establishments may display the warning label and statement on an interpolated screen after a consumer selects a customizable menu item and before the consumer begins customizing. The screen must be dedicated exclusively to the purpose of communicating information related to sodium warning law, must communicate to the consumer that some variations of the selected menu item contain more than 2,300 milligrams (mg) of sodium, and must explain how the consumer can procure more detailed nutritional information.

Do I need to post the sodium warning statement if I don't have any menu items or combination meals with 2,300 mg of sodium or more?

No. If you do not offer any menu items that contain 2,300 mg of sodium or more, you are not required to display sodium warning labels, and therefore you are not required to display a sodium warning statement.

If I add or change a menu item, and the new or updated menu item needs a sodium warning label, how soon do I need to add the warning?

The sodium warning label and statement must be added to the menu, menu board, or food tag as soon as that menu item is available for customers to order.

What about temporary menu items?

A special food item or combination of food items that will be available for fewer than sixty (60) days does not require a sodium warning label.

Is the Health Department able to review my menu?

Yes. The Health Department can review menus and provide feedback. Please send requests, along with your menu, menu board, or food tag mock-up or other images, to health-sodium@phila.gov.

If my menu complies with the federal menu labeling rule, do I also have to display sodium warning labels?

Yes.

What if I disagree with the Health Department's determination that a menu item requires a sodium warning label?

Please e-mail health-sodium@phila.gov if you disagree with the Health Department's determination that a menu item requires a sodium warning label.

Are the sodium warning label and statement available in other languages?

Yes, please contact health-sodium@phila.gov if you would like the label and statement in other languages.

Where can I find additional information about the sodium warning label?

Please visit www.foodfitphilly.org/sodiumwarning for more information, and feel free to contact health-sodium@phila.gov with any questions.