



October 16, 2023

Charles County - Healthy Meals for Children

Position: Oppose as Currently Drafted; Amendments Requested

Dear Board of Commissioners:

The Restaurant Association of Maryland opposes this bill as introduced and we respectfully request the following amendments to help make this legislation more workable for County restaurants that offer children's meals:

1. **Amendment #1 - strike the nutritional criteria specified in the bill on page 2, lines 26 through 42.**

Rationale:

Independent restaurants (local restaurants not associated with a corporate chain/brand) do not have access to the resources needed to calculate the specific nutrition values of their menu items. It can cost thousands to purchase the necessary software, or hire a company, to accurately calculate the nutritional values for even a limited number of menu items. Moreover, independent restaurants do not have the expertise of nutritionists or registered dietitians on staff to ensure that children's meals are compliant with these strict nutrition criteria, which is also necessary when ingredients change due to product availability.

It is significantly more feasible for independent restaurants to meet food group criteria (specified on page 3 & 4 of the bill) than specific nutrition criteria.

NOTE: *Federal menu labeling law requiring calorie information on menus, and additional nutrition information for menu items to be available upon request, applies only to restaurants and similar retail food establishments that are part of a chain with 20 or more locations. It would be overly onerous on independent restaurants to expend resources to calculate specific nutritional values to meet a children's meal requirement, given that they are not subject to federal menu labeling requirements for such information.*

(more)

2. **Amendment #2 - replace the ½ cup of unfried fruit or unfried vegetables on page 3, line 4 with ¼ cup instead.**

Rationale:

Restaurants often use pre-packaged fruit products to reduce the amount of food waste generated by unused product and to extend the shelf-life. Pre-packaged fruit products (e.g., apple slices, child-sized fruit cups, apple sauce cups or pouches) are most commonly available in sizes less than ½ cup. For children ages 4 to 8, ¼ cup of apple slices contributes about 25% of the daily recommended amount of fruit noted by the USDA MyPlate. For children ages 9 to 13, ¼ cup of apple slices contributes over 15% of the daily recommended amount of fruit noted by USDA MyPlate.

3. **Amendment #3 - strike the words “excluding juice” from the fruit exclusions on page 3, line 5.**

Rationale:

The USDA’s school meals program and Dietary Guidelines for Americans count 100% fruit juice as a fruit serving. According to the Dietary Guidelines for Americans, 100% juice has no added sugar and can fit into a balanced diet that provides important nutrients for children.

4. **Amendment #4 - expand the default beverage water options on page 3, lines 36 and 37 of the bill by removing the restrictions on flavors and carbonation.**

Rationale:

This is standard language regarding allowable water options in many laws/ordinances regarding default beverages for children’s meals. It is also the same language used in the default beverage requirements for children’s meals in Baltimore City, Montgomery County and Prince George’s County.

5. **Amendment #5 - strike the “unflavored” and “with no added natural or artificial sweeteners” restrictions on page 3, lines 39 through 41 to allow for flavored non-fat or 1% milk, or a non-dairy equivalent.**

Rationale:

The 2020-2025 Dietary Guidelines Advisory Committee found that 79% of those ages 9 to 13 that participate in the National School Lunch Program are not meeting the recommended intake of dairy foods. The USDA recently issued a [final rule](#) (published in the 2/7/2022 Federal Register) to allow school systems the option of offering flavored low-fat milk (1%) in the National School Lunch Program as a potential solution to improve milk consumption. This final rule will be in effect for at least two years.

In the final rule, USDA states that “Milk is a popular item among children and is an important source of calcium, vitamin D, and potassium—nutrients under consumed by the U.S. population. Flavored milk has received high palatability ratings from children and has been shown to encourage milk consumption among school-aged children. Studies indicate that children drink more flavored milk than unflavored milk, and that flavored milk served in the school meal programs is wasted less than unflavored milk.”

Skim flavored milk (Chocolate & Strawberry), in a maximum serving size of 8 ounces, are among the approved beverages for Charles County Public Schools.

6. **Amendment #6 - on page 3, lines 43 through 48 and page 4, lines 1 through 4, replace the 6-ounce limitation with 8 ounces instead, and also allow for 100% fruit and/or vegetable juice combined with water or carbonated water with no added natural or artificial sweeteners.**

Rationale:

Limiting the serving size of juice and juice/water combinations to 6 ounces creates an unnecessary burden because it would prohibit restaurants from using other commonly available and affordable serving sizes (i.e., 6.75 ounces and 8 ounces). Many juice boxes and pouches are available in 6.75 ounces. And juice bottles are commonly available in 8 ounces. No other state or local law limits such beverages to 6 ounces for children's meals. Similar laws enacted in Baltimore City, Montgomery County and Prince George's County also allow 8-ounce serving sizes for such beverages, and Charles County should be consistent.

Combining 100% fruit juice with water or carbonated water is a way to create an even lower-calorie juice option with less total sugar and without any added sugar. This is consistent with nearly every children's meal default beverage policy we have seen across the country.

7. **Amendment #7 – on page 4, strike lines 39 through 46, which would eliminate the requirement for eating and drinking establishments to submit a self-certification form.**

Rationale:

Restaurants are already one of the most heavily regulated industries in Maryland. They are often bogged down with paperwork that needs to be submitted annually to various local, state and federal regulatory agencies. While important and necessary in many cases, paperwork takes valuable time away from running a restaurant.

Further, the requirements of this form are not defined in the bill and leaves it up to the Charles County Health Department. It is difficult for us to take a position when we do not know what information restaurants would be required to submit. As mentioned in Amendment #1 (above), Independent restaurants (local restaurants not associated with a corporate chain/brand) do not have access to the resources needed to calculate the specific nutrition values of their menu items. If this information was required on a self-certification form, it would be impossible for our mom-and-pop shops to be compliant.

Finally, Montgomery County, Prince George's County and Baltimore City do not have a self-certification requirement in similar laws. They instead utilize existing code enforcement procedures and public complaints to ensure compliance.

Thank you for your consideration of these appropriate and reasonable amendments.

Sincerely,



Brendan J. Mahoney
Government Affairs &
Local Grassroots Manager