



The National Automatic Merchandising Association  
Serving the Vending, Coffee Service and Foodservice Management Industries

March 25, 2010

## **SPECIAL LEGISLATIVE BULLETIN NO. 10 – 03**

### **CONGRESS PASSES CALORIE DISCLOSURE IN VENDING** *Vended Items Have To Post Calories For Each Item*

As has been widely reported by NAMA, included in all federal healthcare reform legislation was language which requires calorie disclosure in vending. Congress passed this legislation on Sunday evening, March 21, and President Obama signed the legislation into law Tuesday, March 23, 2010.

The legislation will require vending machine operators with more than 20 machines to post calorie information for food and beverage products sold through vending machines. The vending language is as follows:

"VENDING MACHINES.—

“(I) IN GENERAL.—In the case of an article of food sold from a vending machine that—

“(aa) does not permit a prospective purchaser to examine the Nutrition Facts Panel before purchasing the article or does not otherwise provide visible nutrition information at the point of purchase; and

“(bb) is operated by a person who is engaged in the business of owning or operating 20 or more vending machines,

“the vending machine operator shall provide a sign in close proximity to each article of food or the selection button that includes a clear and conspicuous statement disclosing the number of calories contained in the article.”

At this point, the Food and Drug Administration (FDA) has one year to propose regulations and implementation requirements. Those regulations will be finalized through a formal rulemaking process, and FDA must make quarterly reports to Congress on its progress. NAMA will have a seat at the table.

**Vending machines will not be required to label food or beverages, until FDA finalizes regulations, which will take at least 12 months, and potentially 18 months.**

Our coalition has already talked with Congressional staff about their support for our positions:

- flexibility in how we disclose,
- potential support for one "menu" for a bank of machines,
- implementation time to reduce costs, and
- legal protection for mistakes in stocking the machine.

The National Automatic Merchandising Association. [www.vending.org](http://www.vending.org)

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NAMA has been working for several years on the federal and state nutritional disclosure issues. We are working now to impact the proposed vending regulations as set forth above. We are continuing our contacts with allies, industry partners, administration officials and with Members of Congress. NAMA and the industry are viewed favorably on the issue of obesity and nutrition thanks to our very successful Fit Pick program. We anticipate this will provide us an opportunity to address implementation of the proposed legislation.

Please let me know if you have any questions, and we will keep you informed as the rule writing process begins. We will also provide updates during our legislative sessions during the NAMA OneShow. Be assured that your team is effectively working to represent our industry on this costly issue.

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