

# Grocery stores slow to embrace Obamacare labeling

By Sarah Kliff, Washington Post

Back when it was passed just over three years ago, the Affordable Care Act included a provision to add calorie information to all chain restaurant menus.

Fast forward to 2013, and that requirement still has not gone into effect. While some restaurants took preemptive action and have posted calorie information on their menus, there's no final regulation that requires such information to be provided. What gives?

Bloomberg News' Stephanie Armour did some digging and came up with an answer: Big grocers have some big problems with the proposed requirement.

"The lobbyist for grocers including Kroger and Safeway is calling on President Barack Obama to curtail a U.S. health law provision that mandates the companies display the calorie content of all their foods," Armour reported.

The Food Marketing Institute, which lobbies on behalf grocery stores, is supporting legislation that would limit the requirement to "only apply to stores that get more than half of their total revenue from restaurant-style food prepared on site."

A while back, I spoke with Brendon Cull, who handles government affairs for the Krogers chain, for a story that never quite got finished. The case he made to me was that grocery stores aren't fast food restaurants, even those that have small sit-down areas where consumers can purchase and eat prepared food.

Cull said if forced to comply, Krogers would need to spend \$20 million to come into compliance with the new regulations. And it's not just about buying poster board and listing calorie counts. It's about figuring out how many calories each item has to begin with.

"All those items have to be sent out to a nutrition lab," Cull told me. "That's a pretty big undertaking."

It's worth noting that the draft regulation, in its multitude of pages, included an option where grocers would not be included among the locations required to post calorie information; the regulations would apply only to a "restaurant or similar food establishment."

That's where Krogers would like to see the administration land.

"These regulations make sense for a restaurant, but that's not the case for a bakery in a grocery store," Cull said. "We might have thousands of SKUs for birthday cakes and thousands of types of prepared pizza. The problem is it forces us to label all of that, down to the olive bars and salad bars."

The final regulations are supposed to be finished this year. Then we'll know more about whether big grocers score a big victory.