



For Immediate Release

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Paper Critically Analyzes Nascent Movement Toward Compelled Menu Labeling

Concern about the U.S. population's weight gain has led to a number of policy proposals about the best way to combat what obesity activists term the "fattening of America." One such proposal that has received increased attention and scrutiny requires restaurants to publish certain nutritional information at the point of purchase on menus or menu boards. This policy's proponents contend that consumers are generally uninformed as to the "real" nutritional value of restaurants' menu items. But as a new Washington Legal Foundation (WLF) WORKING PAPER finds, recent scientific study does not support policymakers' and supportive activists' assumptions or their purported solutions.

This paper, *Nutrition Labeling on Menu Boards and Menus: A Recipe for Failure* was authored by **Professor Patrick Basham**, Founding Director at the Democracy Institute and professor at Johns Hopkins University; and **Dr. John C. Luik**, former professor of philosophy and management studies and former Senior Associate of the Niagara Institute of the Conference Board of Canada.

The policy proposal requiring nutrition labeling assumes that consumers are uninformed when it comes to the nutritional content of their restaurant meals and that providing this information would have a significant impact on consumer choice. Professor Basham and Dr. Luik argue that the research on consumer behavior, information provision, the use of warnings in general, and the use of warning specifically on menu labeling demonstrate that the assumptions are wrong. The authors assess the scientific evidence and observe that menu labeling is "impractical, ineffective, potentially counter-productive for consumers, and highly inappropriate."

Basham and Luik conclude that the existing evidence suggests that compelled speech on menus is in fact aimed at changing supplier and consumer behavior, not providing information for "informed choices." Labeling, they argue, is a means of softly stigmatizing certain foods as "bad" or even "illegitimate." It is critical, they add, for policymakers to question the motivation of those advancing compelled labeling, as well as the empirical support that they offer for their solutions.

Copies of this educational paper, WLF WORKING PAPER, Number 154 (December 2007), can be obtained by forwarding a request to: Publications Department, Washington Legal Foundation, 2009 Massachusetts Avenue, NW, Washington, D.C. 20036, or calling (202) 588-0302.