



Written by [Selwyn Duke](#) on April 24, 2018

## New Federal Regulations Aren't Making Pizza Great Again

The latest addition to your favorite restaurant's menu is not some delectable delight but new regulations, set to take effect May 7, that can cost you money. Born during the Obama administration and implemented by current FDA Commissioner Scott Gottlieb, the new rules require restaurants with 20 or more locations to post in-store menu boards providing exhaustive nutritional information on virtually every item sold.



If consumer advocates are cheering, consider that Domino's Pizza, for example, has over 5,500 stores in the United States alone and offers consumers *34 million different combinations of pizza*. How can it possibly provide soup-to-nuts nutritional information on all of them? If it doesn't, however — or if a given pie has somewhat more sauce or cheese — it could conceivably be sued. This is great for trial lawyers. It's not so great for customers who'll shoulder the costs of legal compliance or who may be denied choice if restaurants have to simplify their menus.

And the penalties can be steep. As Jim Gerety, owner of 18 Domino's stores in Texas, [writes](#) today at *Washington Examiner*, "Gottlieb's rule exposes my employees and me to civil and criminal penalties of up to one year in prison and/or a \$100,000 fine for inadvertent violations." It's a bit like *1984* meets *The Joy of Cooking*.

Gerety points out that he cares about his customers and stresses quality and service, but also emphasizes that the new regulations create great burden with no real payoff (except to lawyers). He asks, referencing his chain's 34 million combos, "Can you imagine yourself in a small store in Midland or Odessa, Texas, plastered with menu boards, trying to calculate all of these possible combinations?"

Gerety also informs, "In addition, Domino's customers do 90 percent of their ordering remotely — either online (Web and app) or by phone. I estimate that I will have to spend approximately \$5,000 annually per store to put up compliant menu boards. I'm talking possibly \$90,000 to invest in signage that less than 10 percent of my customers actually will see, and less than that actually will use."

The kicker is that Domino's, responding to market demand, already offers an online tool called the Cal-O-Meter, which enables users to calculate the calorie content of a given type of pizza.

To get a glimpse into the new regs' burdens, and the labyrinthine world of government micromanagement in general, just consider a paragraph from the recent *Fast Casual* [article](#) "5 tips to help restaurateurs master menu labeling before May 7 deadline":

**1. Get your rounding right.** Did you know that each nutrient has different rounding rules and different insignificant values? And did you know that to a trained eye, it's really obvious when this isn't done correctly? Rounding is such an easy thing to watch for, it wouldn't be surprising if that's what inspectors hone in on. This guide can be used to help you or, better yet, an accredited third-party consultant can give you your values already rounded to perfection.

A "third-party consultant"? I expect restaurants I frequent to spend money on quality ingredients and



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good chefs, not dietician-cum-regulation-compliance experts. And I'd like my government to perform its basic functions well, not get involved in unconstitutional health-Nazi schemes.

Here's one more paragraph from *Fast Casual*:

**2. Know your reasonable basis.** The FDA has not defined an allowable variance regarding the accuracy of posted nutritional values. Rather, they are requiring a "reasonable basis" behind a covered establishment's numbers. You need to know how your analysis was done, and why your numbers are what they are. While you don't need every detail of the analysis on hand, if the FDA requests specifics as to how your numbers were derived you'll be required to give them a detailed explanation.

Huh? This sounds like the proctology-exam version of government intrusion.

These regulations reflect our Cult of the Body, the materialism-born obsession with health and beauty that besets a faithless society. And, honestly, the effort to inform people about the relative unhealthfulness of fast food ranks up there with the "Do not eat" warning on desiccant pouches. Isn't this a Captain Obvious moment? Does anyone really think pizza, Big Macs, hot dogs, or French fries are health food?

Grasping a given food's goodness isn't rocket science. Something is high in fat if it's creamy or greasy, sodium content if it's salty, and sugar in some form if it's sweet. The health-oriented know this; the notion that the average restaurant patron needs anal-retentive specifics on nutritional content is like thinking that knowing the precise number of mosquitoes at an obviously infested pond is relevant to a decision to camp there. This obsession is more unhealthful than anything in the food, and anyone thus inclined should probably be eating at home.

Note that chains such as McDonald's have long offered healthful selections, without government prodding, to satisfy their market. Also note that insofar as pizza goes, 65 percent of pizzerias are independent, according to the data [here](#), meaning they're too small to be subject to the regulations. How will their patrons survive without the spirit of Michelle Obama watching over them?

Gerety also points out that President Trump has the power to scrap the FDA intrusion. And he should do so because "Gottlieb is working at cross-purposes with Trump's efforts to unshackle Main Street from the burdens of unnecessary, outmoded, and counterproductive regulations," as Gerety puts it.

In fact, Gottlieb should be scrapped himself if he can't grasp that unconstitutional, swamp-creature regulations are a recipe for disaster — in the restaurant business and everywhere else.



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