

MEMORANDUM

March 22, 2011

TO: Health and Human Services Committee

FROM: Amanda Mihill, Legislative Analyst *A. Mihill*

SUBJECT: Update - menu labeling

Today the Health and Human Services Committee will receive an update from the Department of Health and Human Services on the implementation of the County's nutrition labeling law. The following are expected to attend the worksession:

- Uma Ahluwalia, Director, Health and Human Services
- Dr. Ulder Tillman, County Health Officer
- Kenny Welch, Health and Human Services

Background

On November 17, 2009, the Council enacted, and Executive later signed, Bill 19-07, Eating and Drinking Establishments – Nutrition Labeling.¹ Bill 19-07, which is codified at Code §15-15A, requires that calories and other nutrition information be provided at restaurant chains with 20 or more locations nationwide (see ©1). On June 29, the Council approved Executive Regulation 7-10, which implements County law. On July 20, the Council enacted, and the Executive later signed, Bill 39-10, Eating and Drinking Establishments – Nutrition Labeling – Implementation, which codified the following implementation schedule for the County's nutrition labeling law:

- The nutrition labeling law took effect on July 1, 2010.
- The Department notified affected establishments during July of the applicable laws and regulations.
- Affected establishments were required to submit implementation plans by September 15.
- Full compliance was required by January 1, 2011, after which the Department could begin assessing penalties for noncompliance.

¹ On the same date, the Council also adopted Council Resolution 16-1194, which is a Board of Health regulation requiring nutrition labeling in certain eating and drinking establishments.

Implementation of County Law

On March 23, 2010, Congress enacted the Patient Protection and Affordable Care Act of 2010 (PPACA), which in part required certain chain restaurants in the Country to provide nutrition information. The PPACA preempts state and local governments from enforcing labeling requirements that are not identical to the federal law and as Committee members may recall, when the Council considered Bill 19-07, the Council was careful to closely mirror federal law.

The PPACA requires the Food and Drug Administration (FDA) to promulgate regulations to implement the menu labeling portion of the PPACA by March 23, 2011. In advance of those regulations, the FDA issued guidance in August 2010 that explained the effect of federal law on state and local menu labeling laws. In that guidance, the FDA stated, "State and local governments cannot directly or indirectly impose any nutrition labeling requirements that are different from, or not imposed by (or contained in)" the federal law or implementing regulations. In light of this guidance, the Executive decided to enforce the portions of the County law that are identical to the provisions in the PPACA and delay enforcement of provisions in County law that the FDA will address in federal regulations (©6). The FDA withdrew this guidance in January 2011, and the Office of the County Attorney is reviewing the effect of the FDA's rescission of this guidance.

The Department has prepared a memorandum for the Committee worksession detailing the implementation status of County law (©8). That memorandum stated that as of March 16, the Department conducted 183 inspections of restaurants that are required to comply with County law, which is approximately 25% of the total number of affected establishments. Of the 183 inspected establishments, 88 (48%) were not in total compliance with County law (41 (22%) were in partial compliance while 47 (26%) were not in compliance). According to the Department, when a restaurant is non-compliant, the restaurant is given a inspection report and 30 days to correct the violation. If the restaurant does not correct the violation within 30 days, the Department requests a compliance schedule and works with the restaurant to achieve compliance in a "reasonable time frame". To date, the Department has not issued any citations.

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Sec. 15-15A. Nutrition Labeling.

(a) *Legislative Findings.*

(1) Research reveals the strong link between diet and health and that diet-related diseases begin early in life.

(2) Increased caloric intake is a key factor contributing to the increase in obesity in the United States. According to the Centers for Disease Control and Prevention, two-thirds of American adults are overweight or obese, and the rates of obesity have tripled in children and teens since 1980. Data from the Maryland Behavioral Risk Factor Surveillance System indicated that 50.8 percent of Montgomery County residents were overweight or obese in 2005. According to the National Institutes of Health, obesity increases the risk for diseases such as diabetes, cardiovascular disease (heart disease and stroke), osteoarthritis, sleep disorders, and cancer. According to the Maryland Vital Statistics 2003 Annual Report, heart disease, cancer, stroke, and diabetes accounted for nearly 60 percent of all deaths in Maryland in 2003. The Report cites heart disease, cancer, stroke, and diabetes as the first, second, third, and fifth leading causes of deaths in Maryland in 2003. The United States Department of Health and Human Services cited that in 2000 the economic cost of obesity was \$117 billion in the United States.

(3) The National Institutes of Health identified saturated fat as the biggest dietary cause of high low-density lipoprotein cholesterol. High LDL cholesterol levels lead to the build up of cholesterol in arteries; the higher the level of LDL in a person's blood, the greater the risk of heart disease. In the United States, heart disease is the leading cause of death and a leading cause of disability among working adults. The American Heart Association estimated that the economic cost of heart disease and stroke in the United States in 2007 will be \$431.8 billion in health care expenditures and lost productivity. The Maryland Behavioral Risk Factor Surveillance System indicated that nearly 34 percent of Maryland adults were diagnosed with high cholesterol in 2003. Overweight or obese adults were more likely to have high cholesterol than normal weight adults. The Maryland Vital Statistics 2003 Report cited heart disease as the leading cause of death in Maryland during 2003, which accounted for over 27 percent of all deaths.

(4) The National Institutes of Health identified that excess dietary sodium will contribute to high blood pressure in people who are sensitive to sodium. High blood pressure can lead to congestive heart failure, kidney failure, and stroke. Nearly 1 in 3 American adults have high blood pressure. The Maryland Behavioral Risk Factor Surveillance System indicated that approximately 25 percent of Maryland adults were diagnosed with high blood pressure in 2003. As with high cholesterol, obese adults were more likely to have high blood pressure than normal weight adults.

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(5) Over the past 2 decades, there has been a significant increase in the number of meals prepared and eaten outside of the home. A study in the USDA Agriculture Information Bulletin reported that Americans consume approximately one-third of their calories on food purchased in eating and drinking establishments, and the National Restaurant Association estimated that Americans spend nearly 48 percent of total food dollars on food purchased from eating and drinking establishments. Studies in the USDA Agriculture Information Bulletin, the International Journal of Obesity, the American Journal of Public Health, and the American Journal of Epidemiology link eating out with obesity and higher caloric intake. Studies in the USDA Agriculture Information Bulletin and the American Journal of Epidemiology report that food from eating and drinking establishments is generally higher in calories and saturated fat and lower in nutrients, such as calcium and fiber, than home-prepared foods.

(6) The federal Nutrition Labeling and Education Act, in effect since 1994, requires nutrition labeling on packaged foods sold in retail stores. Using food labels is associated with healthier diets. The United States Department of Health and Human Services cited that three-quarters of American adults report using food labels on packaged foods, and a report from the Food and Drug Administration cited that 48 percent of people report that the nutrition information on food labels has caused them to change the food product they purchased. Nutrition information is required for food served in an eating and drinking establishment only if a nutrient content or health claim is made about the food. It is difficult for consumers to limit caloric intake at eating and drinking establishments because of the limited availability of nutrition information and the practice of serving food in larger-than-standard serving sizes. Studies in the Journal of Marketing and the American Journal of Clinical Nutrition show that people eat greater quantities of food when served more. A study in the Journal for Consumer Affairs indicated that people make healthier choices in eating and drinking establishments when provided with nutrition information at the point of purchase.

(b) *Definitions.* In this Section, the following words have the meaning indicated:

(1) “*Menu*” or “*Menu board*” means the primary writing of an eating and drinking establishment from which a consumer makes an order selection.

(2) “*Standardized menu item*” or “*menu item*” means a food or drink item as usually prepared and offered for sale. “*Standardized menu item*” does not include a food or drink item that:

(A) appears on the menu for less than 60 cumulative days per calendar year;

(B) is not listed on a menu or menu board, including an item that is placed on a table or counter for general use without charge;

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(C) is a test-market menu item that appears on the menu for less than 90 cumulative days per calendar year; or

(D) is a daily special.

(c) *Applicability.*

(1) Except as provided by (c)(2), this Section applies to an eating or drinking establishment that is part of a chain with at least 20 locations in the United States and that:

(A) does business under the same trade name, regardless of the ownership or individual locations; and

(B) offers substantially the same menu items.

(2) This Section does not apply to a:

(A) grocery store;

(B) convenience store; or

(C) movie theater.

(d) *Labeling Required.*

(1) An eating and drinking establishment must post the number of calories, calculated according to applicable federal law, for any standardized menu item on each menu or menu board adjacent to the name of that item.

(2) An eating and drinking establishment must make the following nutrition information available in writing on request on its premises:

(a) calories;

(b) calories from fat;

(c) total fat;

(d) saturated fat;

(e) cholesterol;

(f) sodium;

(g) total carbohydrates;

(h) complex carbohydrates;

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- (i) sugars;
- (j) fiber; and
- (k) protein.

(3) The required nutrition information must be clear and conspicuous and located adjacent to each menu item so as to be clearly associated with the menu item.

(4) *Self-Service Food.* For self-service food, an eating and drinking establishment must post a sign with the information required in (d)(1) per serving or per item adjacent to each food offered for sale. In this paragraph, “self-service food” includes:

- (A) items in a salad bar, buffet line, cafeteria line, or a similar self-service facility;
- (B) self-service beverages; and
- (C) food that is on display and visible to customers.

(5) *Range of Calorie Content Required for Different Flavors and Varieties.* If an eating and drinking establishment offers a standardized menu item in more than one flavor or variety and lists the item as a single menu item, (such as beverages, ice cream, pizza, or doughnuts), the establishment must post the range of nutrition information for each size offered for sale. The range must include the minimum and maximum values for each flavor or variety of that item.

(e) *Required statements.* An eating and drinking establishment must include the following statements on each menu and menu board:

- (1) a statement regarding suggested daily caloric intake as determined by the federal Department of Health and Human Services; and
- (2) a statement regarding the availability of the written information required in paragraph (d)(2).

(f) *Enforcement.* When an eating and drinking establishment is inspected under Section 15-3, the Director must verify that required nutrition information is posted. The Director is not required to verify the accuracy of the information provided, but may request the establishment to document its accuracy. If the Director requests the establishment to document the accuracy of the nutrition information posted, the establishment must provide verification of the accuracy of the posted information in 30 days. (2009 L.M.C., ch. 29, §§ 1, 2; 2010 L.M.C., ch. 40, § 1.)

Editor’s note—2009 L.M.C., ch. 29, § 2, as amended by 2010 L.M.C., ch. 40, § 1, states:

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(a) Effective Date. Section 15-15A, inserted by Section 1 of this Act, takes effect on July 1, 2010.

(b) Implementation. Section 15-15A must be implemented according to the following schedule:

(1) Between July 1 and July 31, 2010, the Department must notify all eating and drinking establishments subject to the requirements of Section 15-15A of the applicable laws and regulations.

(2) By September 15, 2010, an eating and drinking establishment must submit to the Department an implementation plan. As part of the implementation plan, an eating and drinking establishment must identify a date by which the establishment will comply with Section 15-15A.

(3) Any eating and drinking establishment subject to Section 15-15A must comply with the requirements of that Section by January 1, 2011.

BILL 19-07



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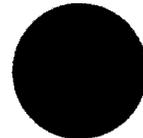
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ROCKVILLE, MARYLAND 20850

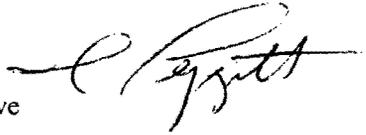
Isiah Leggett
County Executive

MEMORANDUM

December 13, 2010



TO: Valerie Ervin, President
County Council

FROM: Isiah Leggett 
County Executive

SUBJECT: Menu Labeling Law — Enforcement

DEC 15 11:00 AM '10

I am writing to inform the County Council of the approach the County will take regarding enforcement of the County's recently enacted menu labeling law, which is now codified in Section 15-15A of the County Code.

This law took effect on July 1, 2010, with an implementation schedule that required compliance by January 1, 2011. On March 23, 2010, the federal government also enacted menu labeling requirements as part of the Patient Protection and Affordable Care Act of 2010 ("PPACA"). The County Council, with regard to the County legislation, and the County Executive, with regard to Executive Regulation implementing that legislation, made every effort to conform the County's menu labeling requirements to the requirements of the PPACA.

The PPACA requires the Food and Drug Administration (FDA) to promulgate implementing regulations by March 23, 2011. In advance of those regulations, the FDA issued "Guidance for the Industry" regarding the effect of the PPACA on State and local menu and vending machine laws. The following excerpt from that guidance document specifically addresses the question of how the County's menu labeling law is impacted by the PPACA:

Under section 4205, State and local governments cannot directly or indirectly impose any nutrition labeling requirement on chain retail food establishments that are not "identical to" requirements imposed under section 4205. In other words, State and local governments cannot directly or indirectly impose any nutrition labeling requirements that are different from, or not imposed by (or contained in) section 4205, or the related implementing regulations. State and local laws that are "identical to" the federal requirements are not preempted by section 4205.

Given this FDA Guidance, I have concluded that the most prudent course of action is to proceed with enforcing the components of County law that are identical to the PPACA and delay enforcement of those components of County law that relate to provisions of the PPACA that the FDA will address in federal regulations. Beginning January 1, 2011, the County will enforce the following components of County law:

1. Disclosure of the number of calories for each standard menu item on menus and menu boards (County Code §15-15(A)(d)(1));
2. Providing written nutrition information to consumers upon request (County Code §15-15(A)(d)(2));
3. Providing a “prominent, clear, and conspicuous” statement on menus and menu boards about the availability of the written nutrition information (County Code §§ 15-15(A)(d)(3) and 15-15(A)(e)(2)); and
4. Providing calorie information (per serving or per food item) for self-service items and food on display, on a sign adjacent to each food item (County Code §15-15(A)(d)(4).

The following components of County law will not be enforced until the FDA finalizes regulations implementing the PPACA:

1. Posting of caloric information for different flavors and varieties of certain menu items (County Code §15-15(A)(d)(5));
2. Posting of statement regarding suggested daily caloric intake as determined by federal Department of Health and Human Services (County Code §15-15 A(e)(1); and
3. Posting of nutritional information for alcoholic beverages listed on a menu or menu board (COMCOR §15-15 A.01.04 D).

The Department of Health and Human Services (DHHS) will continue to monitor the development of federal regulations and make further enforcement decision regarding the three components listed above after reviewing the final federal regulations issued by the FDA. DHHS has provided specific instructions about the County’s enforcement decision to restaurant owners impacted by the County menu labeling law in order to ensure timely compliance. DHHS will continue to work cooperatively with them so that they can share the required nutritional information with their customers.

Executive staff are prepared to respond to any questions you may have about this matter.

cc: Uma S. Ahluwalia, Director, Department of Health and Human Services

Implementation Status of Menu Labeling Law

On July 30, 2010, immediately following enactment of Expedited Bill 39-10, written notice from the Director was sent to all affected establishments outlining the implementation process and providing additional information and guidance regarding compliance with the law. Staff in Licensure and Regulatory Services began working directly with restaurants and the Maryland Restaurant Association assisting them with review and advice regarding revisions to menus and menu boards.

In August 2010, the FDA issued guidance regarding the effect of Section 4205 of the Patient Protection and Affordable Care Act of 2010 on state and local menu and vending machine labeling laws. Based on that guidance, the County Executive issued a memorandum on December 8, 2010 outlining the enforcement strategy to be followed by the county, pending issuance of final federal regulations in this area. The Department is following the procedures described in that memorandum.

Written notice of delayed enforcement of certain elements of the legislation and regulation was sent to all affected establishments on December 16, 2010. The elements of the law not being enforced pending federal regulatory guidance are: 1) requirements for a statement on the menu or menu board that puts the calorie information in the context of a total daily caloric intake, and 2) standards for determining and disclosing the nutrient content for standard menu items that come in different flavors, varieties or combinations, but which are listed as a single menu item (ranges).

The FDA has since rescinded the August 2010 guidance. The County Attorney's office is reviewing the effect of such action. DHHS continues to proceed with the existing enforcement policy issued in December until advised otherwise and County Attorney agrees with this course of action while the issue is under review.

Licensure and Regulatory Services staff have been trained regarding the law, executive regulation, and enforcement practices. The allowable portions of the local law and regulation are now part of the routine restaurant inspection process. The menus and menu boards of affected restaurants are being inspected and facilities with deficiencies are being advised of compliance requirements and asked to make corrections with the next printing of their menus.

A small number of chain restaurants have notified the Department that they will not be able to meet the compliance deadline due to unforeseen delays or complications in the printing process. These facilities are being required to present a corrective action plan with reasonable dates for full compliance. Complaints of non-compliance are

inspected as soon as possible. Non-compliance is noted in the inspection record with a corrective action plan. To date no citations for non-compliance have been issued.

As of March 16, 2011, 183 inspections of affected restaurants have been completed. This represents approximately 25% of the total 800 affected establishments in Montgomery County. Forty-seven (47) or 26% were non-compliant with the regulations. Forty-one (41) or 22% were partially compliant. This represents a total of eighty-seven (88) or 48% of those restaurants affected by the law had some type of compliance issue.

Reasons for partial compliance were as follows:

- Incomplete menu or menu board (24 facilities)
- Missing required statements (13 facilities)
- Kids menu not compliant (1 facility)
- Late lab results (1 facility)
- Printing delay (2 facilities)

Non-compliant facilities are given an inspection report with the violation noted. Each facility is given 30 days to correct the violation. If the establishment is unable to correct the violation within 30 days a compliance schedule is requested and L&R works with the establishment to achieve compliance within a reasonable time frame.

Summary of Restaurants Affected and Inspected for Compliance with Menu Labeling Requirements

Dates: January 1, 2011 to March 16, 2011

Facilities Affected:

Approximately 800 total outlets

Inspections Completed:

Approximately 200 inspected with 183 reports completed to date. This represents approximately 25% of the 800 total. We anticipate completing 200 inspections per calendar quarter and should have visited all 800 by 12/31/2011.

Non-compliant: 47 facilities 26%

Partially compliant: 41 facilities 22%

Total 88 facilities out of compliance 48%. Each received a violation notice. All establishments were given 30 days to correct violation.

Corrective Actions taken:

Facilities are given 30 day to correct a violation. If facility is unable to a correct violation within 30 days, a compliance schedule is requested, and L&R will work with establishment to achieve compliance within reasonable time frame

Reasons for partial compliance:

- Incomplete menu board (24)
- Missing required statement (13)
- Kids menu not compliant (1)
- Late lab results (1)
- Printing delay (2)

FACILITY**COMPLIANCE****INSPECTIONS**

AUNTIE ANNE'S	in compliance	2
BAJA FRESH	in compliance	1
BLIMPIE SUBS AND SALADS	in compliance	1
CALIFORNIA PIZZA KITCHEN	in compliance	1
CHEEBURGER CHEEBURGER	in compliance	1
CHICK-FIL-A	in compliance	4
CORNER BAKERY CAFÉ	in compliance	1
COSI	in compliance	1
COURTYARD BY MARRIOTT	in compliance	1
DAILY GRILL	in compliance	1
DAIRY QUEEN	in compliance	1
FAMOUS DAVE'S	in compliance	1
FRIENDLY'S RESTAURANT	in compliance	1
GORDEN BIERCH	in compliance	1
HONEYBAKED HAM	in compliance	1
HOOTERS	in compliance	1
ICHIBAN RESTAURANT	in compliance	1
IHOP	in compliance	2
LONGHORN STEAK HOUSE	in compliance	1
NORDSTROM EXPRESSO BAR	in compliance	1
POLLO CAMPERO	in compliance	1
QUIZNO'S	in compliance	6
RED LOBSTER	in compliance	1
RED ROBIN AMERICA'S BURGER AND SPIRITS	in compliance	1
RITA'S WATER ICE	in compliance	1
RUBY THAI	in compliance	1
RUTH CHRIS STEAK HOUSE	in compliance	1
TACO BELL	in compliance	3
TARGET	in compliance	2
TGI FRIDAY'S	in compliance	1
APPLEBEES	in compliance	2
ARBY'S	in compliance	1
BERTUCCI'S	in compliance	1
BOB EVANS FARMS	in compliance	1
BUFFALO WILD WINGS	in compliance	1
CALIFORNIA TORTILLA	in compliance	2
CHEESE CAKE FACTORY	in compliance	1
CHILLI'S	in compliance	1
CHUCK E. CHEESE	in compliance	1
DAVE AND BUSTERS	in compliance	1
DOMINO'S PIZZA	in compliance	3
EINSTEIN BROS. BAGELS	in compliance	1
JERRY'S SUB SHOP	in compliance	5
LEGAL SEAFOOD	in compliance	1
MCCORMICK & SCHMICK SEAFOOD	in compliance	1
MCDONALD'S	in compliance	6
MORTON'S STEAKHOUSE	in compliance	1
MRS. FIELDS COOKIES	in compliance	1

NOODLES & COMPANY	in compliance	1
NORDSTROM CAFÉ	in compliance	1
POPEYE'S	in compliance	3
POTBELLY SANDWICH WORKS	in compliance	2
SBARRO	in compliance	1
VOCELLI PIZZA	in compliance	1
WENDY'S	in compliance	4
WETZEL PRETZEL	in compliance	1
STARBUCKS	in compliance	7
CHIPOTLE MEXICAN GRILL	NOT in compliance; additional information statement not posted on menu board	3
FIVE GUYS	NOT in compliance; additional information statement not posted on menu board	5
QDOBA MEXICAN GRILL	NOT in compliance; additional information statement not posted on menu board	3
BOSTON MARKET	NOT in compliance; additional information statement not posted on menu board	2
PANERA BREAD	NOT in compliance; no required information provided	1
SUBWAY	NOT in compliance; no required information provided	8
BASKIN ROBBINS	NOT in compliance; partial menu board compliance	3
DUNKIN DONUTS	NOT in compliance; partial menu board compliance	5
MARRIOTT	NOT in compliance	2
LEDO PIZZA	NOT in compliance (received results from Silker Labs week of 3/14)	2
NOBLE ROMANS & TUSCANS	NOT in compliance; additional information not available	1
RUBY TUESDAY	NOT in compliance; additional information not available	1
SMOOTHIE KING	NOT in compliance; additional information not provided	1
PIZZA HUT	NOT in compliance; additional information statement not posted on menu	4
OUTBACK STEAKHOUSE	NOT in compliance; additional information statement not posted on menu	1
ROMANO'S MACARONI GRILL	NOT in compliance; additional information statement not posted on menu	2
BURGER KING	NOT in compliance; additional information statement not posted on menu board	3
CHECKERS	NOT in compliance; additional information statement not posted on menu board	1
LA MADELINE FRENCH BAKERY	NOT in compliance; kids menu	1
ROY ROGERS	NOT in compliance; missing calories posted on menu board	2
COLDSTONE CREAMERY	NOT in compliance; missing calories posted on menu board	1
FUDDRUCKERS	NOT in compliance; missing calories posted on menu board	2
GODIVA	NOT in compliance; missing information on tags	1
JASMINE SMOOTHIE	NOT in compliance; no information	1

DOUBLETREE	NOT in compliance; no nutritional labels on buffet line	1
SODEXO	NOT in compliance; no nutritional labels on buffet line	2
ACE SUSHI	NOT in compliance; no required information provided	2
AFC SUSHI	NOT in compliance; no required information provided	2
BUGABOO CREEK STEAK HOUSE	NOT in compliance; no required information provided	1
DAZBOG	NOT in compliance; no required information provided	3
KENTUCKY FRIED CHICKEN	NOT in compliance; no required information provided	1
SAKURA JAPANESE STEAK HOUSE	NOT in compliance; no required information provided	1
DIPPIN DOTS	NOT in compliance; no required information provided	1
DON POLLO	NOT in compliance; no required information provided	1
EDIBLE ARRANGEMENTS	NOT in compliance; no required information provided	2
EUREST DINING SERVICES	NOT in compliance; no required information provided	1
PANDA EXPRESS	NOT in compliance; no required information provided	5
PAPA JOHN'S PIZZA	NOT in compliance; no required information provided	1
PIZZA BOLIS	NOT in compliance; no required information provided	1
RED HOT AND BLUE	NOT in compliance; no required information provided	2
ROBEKS	NOT in compliance; no required information provided	1
Z PIZZA	NOT in compliance; no required information provided (ordered)	1
HAAGEN DAZS	NOT in compliance; nutritional information missing on buffet line and no additional information provided.	1
EUREST CAFÉ	NOT in compliance; partial menu compliance	1
P. F. CHANG CHINA BISTRO	NOT in compliance; printing	1
Total Inspected March 16, 2011		183

ASIAN BISTRO
 BEN AND JERRY'S
 BUFFALO WINGS AND BEER
 CARIBOU COFFEE
 CINNABON
 COOKIES BY DESIGN
 COSTCO
 GREAT HARVEST BREAD
 HERSHEY ICE CREAM

HOLIDAY INN
RESIDENCE INN
SEATTLE'S BEST COFFEE
WINGSTOP

All establishments have thirty (30) days to correct the violation. We are dilligently working with each facility to get compliance. If a food service facility would not be able to correct the violation within the 30 day time frame we are to asking them for a compliance schedule and we will work with each establishment independently to enforce compliance within a reasonable time frame.