

Int. No.

By Council Member Kallos

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to setting nutritional standards for distributing incentive items aimed at children.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-198 to read as follows:

§ 17-198 Incentive items with restaurant food. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. "Incentive item" shall mean any toy, game, trading card, admission ticket or other consumer product, whether physical or digital, with particular appeal to children, which is provided directly by the restaurant, or any coupon, voucher, ticket, token, code or password which is provided directly by the restaurant and is redeemable for or grants digital or other access to any toy, game, trading card, admission ticket, or other consumer product with particular appeal to children.

2. "Meal" shall mean any combination of food and drink items offered together for a single price.

3. "Restaurant" shall mean any coffee shop, cafeteria, luncheonette, sandwich stand, diner, short order café, fast food establishment, soda fountain, and any other eating or beverage establishment, which gives or offers for sale food or beverages to the public, guests, members, or patrons, whether food or beverages are customarily consumed on or off the premises.

b. A restaurant shall not offer, for free or for a nominal price as determined by rule, an incentive item in combination with the purchase of a meal unless the meal meets the following nutritional standards:

i. Less than five hundred calories;

ii. Less than six hundred milligrams of sodium;

iii. Less than thirty-five percent of total calories from fat, except for fat contained in nuts, seeds, peanut butter, or other nut butter;

iv. Less than ten percent of total calories from saturated fats, except for saturated fat contained in nuts, seeds, peanut butter, or other nut butter;

v. Less than ten percent of total calories from added sugars and/or caloric sweeteners;

vi. Contains one half cup of fruit or vegetables or one serving of whole-grain products;

and

vii. A beverage, if included, that meets the criteria specified in subsection d of this section.

c. A restaurant shall not offer, for free or for a nominal price as determined by rule, an incentive item in combination with the purchase of a single food item unless the single food item meets the following nutritional standards:

i. Less than two hundred calories;

ii. Less than two hundred milligrams of sodium;

iii. Less than thirty-five percent of total calories from fat, except for fat contained in nuts, seeds, peanut butter, or other nut butter;

iv. Less than ten percent of total calories from saturated fats, except for saturated fat contained in nuts, seeds, peanut butter, or other nut butter;

- v. Less than ten percent of total calories from added sugars and/or caloric sweeteners; and
- vi. Contains one half cup of fruit or vegetables or one serving of whole-grain products.

d. A restaurant shall not offer, for free or for a nominal price as determined by rule, an incentive item in combination with the purchase of a beverage unless the beverage meets the following nutritional standards:

i. Less than one hundred fifty calories;

ii. Less than thirty five percent of total calories from fat;

iii. Less than fifteen percent of total calories from saturated fat;

iv. Less than ten percent of total calories from added sugars and/or caloric sweeteners;

v. No added non-nutritive sweeteners; and

vi. No caffeine, with the exception of trace amounts of naturally occurring caffeine substances.

e. Any person who violates any of the provisions of this section shall be liable for a civil penalty of not less than two hundred dollars nor more than five hundred dollars for a first violation thereof; not less than five hundred dollars nor more than one thousand dollars for a second violation thereof; and not less than one thousand dollars nor more than two thousand five hundred dollars for a third or subsequent violation thereof.

§ 2. This local law shall take effect one hundred and twenty days after its enactment into law, provided that the commissioner shall take all necessary action, including the promulgation of rules, prior to such effective date.