



New Added Sugars Warning Rule: What Chain Restaurants Need To Know

The NYC Council now requires chain restaurants to post a warning icon next to certain menu items that contain high levels of added sugars and a warning statement explaining the health risks of consuming high amounts of added sugars. The NYC Health Department is educating chain restaurants on how to comply and may issue a summons for violations, subject to a \$200 fine, beginning on October 4, 2025.

What are the new requirements?

This new rule requires chain restaurants to:

- Post a **warning icon** next to prepackaged food items — those with a Nutrition Facts label — that have 50 grams (g) or more of added sugars and food items identical to prepackaged food items that have 50 g or more of added sugars on menus (including print, electronic and online menus), menu boards and item tags. Menu items include combination meals.
- Post an added sugars **warning statement** at the point of purchase and on menus, menu boards and self-service food locations. The statement explains that items with the icon contain as much as or more than the daily recommended limit of added sugars per day and that consuming too much added sugar is a health risk.

Why do New Yorkers need to be warned about items high in added sugar?

The average adult in the U.S. consumes more than 13% of their total daily calories from added sugars (about 68 g or 270 calories). The [2020-2025 Dietary Guidelines for Americans](https://www.dietaryguidelines.gov/sites/default/files/2020-12/Dietary_Guidelines_for_Americans_2020-2025.pdf)¹ recommends consuming less than 50 g of added sugars per day (or 10 percent of total daily calories, based on a 2,000-calorie diet). Consuming too many added sugars is associated with increased risk of type 2 diabetes, weight gain and tooth decay.

Does this rule apply to my business?

This rule applies to food service establishments that are part of the restaurant grading program, require an NYC Health Department permit and are part of a chain. “Chain” refers to any establishment with 15 or more locations doing business in the U.S. under the same name and

¹ https://www.dietaryguidelines.gov/sites/default/files/2020-12/Dietary_Guidelines_for_Americans_2020-2025.pdf

offering the same, or almost the same, menu items. It does not apply to mobile food vending units.

What is a food item that is identical to a prepackaged food item?

Some food items that are offered by a chain restaurant are available in both prepackaged form with a Nutrition Facts label, such as a canned soda, and in non-prepackaged form, such as a self-service fountain soda. The prepackaged version may be available in a retail setting only or in both a retail setting and at a food service establishment.

If a food item is offered in prepackaged and non-prepackaged form under the same brand name and promoted, advertised or presented as substantially the same in either form, both forms are deemed identical.

What if a chain restaurant offers the identical non-prepackaged food item in a different size than the prepacked version offered elsewhere? How do I know whether the item offered at the restaurant has 50 g or more of added sugars?

Use the Nutrition Facts label to determine the added sugars in the non-prepackaged food item sold at the chain restaurant.

Example: A 20-ounce bottle of soda has 65 g of added sugars, and you are serving a 16-ounce glass of that soda.

Steps:

1. Calculate the added sugars per ounce in the packaged food item by dividing the grams of added sugars by the number of ounces in the item to find the number of grams of added sugars per ounce.

Example: 65 g of added sugars divided by 20 ounces equals 3.25 g of added sugars per ounce.

2. Multiply the grams of added sugars per ounce by the number of ounces in the identical non-prepackaged item.

Example: 3.25 g of added sugars per ounce multiplied by 16 ounces equals 52 g of added sugars.

Conclusion: This item would require a warning icon.



If you are unable to calculate the added sugars in a food item that is potentially identical to a prepackaged food item, email sugar@health.nyc.gov for assistance.

Where can I get the added sugars warning icon?

The icon at right is the one that must be posted on menus, menu boards and item tags. To download the icon, visit nyc.gov/health/added-sugar.



Can I design my own added sugars warning icon?

No, you cannot design your own icon. You must use the one provided by the NYC Health Department.

What size should the warning icon be?

The warning icon must always be as wide as it is tall. **Do not stretch or shrink the icon's shape.** The icon must also be equal in height to the largest letter of the food item's name as displayed on the menu, menu board or item tag.

Where must the warning icon be posted?

The warning icon must be posted **directly next to** any food item that is prepackaged or identical to a prepackaged food item and has 50 g or more of added sugars on a menu, menu board or item tag, including in combination meals, temporary menu items and variable menu items.


“Menu” and “menu board”:

- Include online menus used for self-ordering or placing orders through the establishment's online menu
- Are defined the same way as in the sodium warning rule — review Section 81.49 of the NYC Health Code at on.nyc.gov/article-81-health-code

If you have trouble meeting this requirement, the NYC Health Department may consider individual requests for modifications. To request a modification, email sugar@health.nyc.gov.

What is the warning statement?

This warning statement is as follows:

Warning:  indicates that the added sugars content of this item is equal to or higher than the total daily recommended limit of added sugars for a 2,000 calorie diet (50 g).

Eating or drinking high amounts of added sugars over time can increase risk of type 2 diabetes, weight gain and tooth decay.

Where must the warning statement be posted?

The warning statement must be posted in a clearly visible place at the point of purchase and on menus, menu boards and self-service food locations.

Does the warning statement need to be placed on every page of a menu?

No, but the warning statement must be posted in a clearly visible part of the menu. Posting the warning statement on the same menu pages where the added sugar warning icon appears is one way to meet this requirement.

Do I have to post the warning icon next to meals with multiple food items (such as combination meals)?

If a combination meal includes pre-packaged or identical food items that together total of 50 g or more of added sugars, you must post the warning icon next to the combination meal on the menu, menu board or self-service location. For example, if a combination meal contains a fountain soda that has 20 g of added sugars and a pre-packaged dessert that has 35 g of added sugars, then the meal has a total of 55 g of added sugars and must have a warning icon next to it.

Do I have to post the warning icon next to food items that can be customized or have different toppings?

If any possible version of a food item has 50 g or more of added sugars, you must post the warning icon next to it on the menu or menu board.

My chain restaurant does not offer any prepackaged food items or food items identical to prepackaged food items that have 50 g or more of added sugars. Do I still need to post the warning statement?

No, you do not need to post the warning statement in this case.

Do I have to post the warning icon next to pre-packaged or identical food items that contain multiple servings?

Some pre-packaged or identical food items contain multiple servings and are intended to be shared by more than one person. For example, a tub of ice cream, or a cake or pie that might be divided into slices. For these items:

- If the serving unit has **less than 50 g of added sugars**, you **do not** have to post the warning icon next to the food item on the menu or menu board, even if all servings combined total 50 g or more of added sugars.
- If each serving unit has **50 g or more of added sugars**, you **must** post the warning icon next to the food item on the menu or menu board.

The icon may be posted next to the listing for the entire food item or next to the individual serving (for example, a slice), depending on how the item is listed on the menu or menu board. Food items served on one person's plate are not multiple servings.

Does this rule apply to food items that are promotional or only temporarily available?

Yes, this rule applies to all prepackaged food items and food items identical to prepackaged food items that have 50 g or more of added sugars, even if they are only offered for a short period of time.

If I add or change a food item and it meets the criteria for the added sugars warning, how soon do I need to post the warning icon and warning statement?

You must post the warning icon and warning statement as soon as you begin to offer any prepackaged food item or food item that is identical to a prepackaged food item that has 50 g or more of added sugars.

Can the NYC Health Department review my menu or menu board mock-up?

Yes, the NYC Health Department invites you to email your request to review your menu or menu board mock-ups or other images to sugar@health.nyc.gov. The NYC Health Department will provide feedback on your proposed menu or menu board as quickly as possible.

What are some other resources I can read?

Local Law 33 of 2022 (available at bit.ly/nyc-ll33-2022) requires the added sugars warning icon and warning statement be posted for prepackaged food items at chain restaurants in NYC.

Local Law 150 of 2023 (available at bit.ly/nyc-ll150-2023) requires the added sugars warning icon and warning statement also be posted for non-prepackaged food items that are identical to prepackaged food items at chain restaurants in NYC.

Chapter 39 (available at nyc.gov/health/healthcode) is the NYC Health Department regulation implementing these local laws.

For more information and to read this guidance in other languages and the new NYC Health Code regulation on the added sugars warning, visit nyc.gov/health/addedsugar. To ask about the added sugars warning, email sugar@health.nyc.gov or call **311**.