

## Healthy Menu Choices Act, 2015

# Application of the Act in Quick Service Restaurants

This document is intended to help food service premises owners and operators, public health stakeholders, and the general public understand, implement and enforce Ontario's menu labelling legislation as it may apply to quick service restaurants. This fact sheet should be used in conjunction with ***A Guide to Menu Labelling Requirements in Regulated Food Service Premises in Ontario***.

The *Healthy Menu Choices Act, 2015* and its accompanying regulation come into effect on January 1<sup>st</sup>, 2017 (with the exception of the revised contextual statement, which comes into effect January 1<sup>st</sup>, 2018). Owners and operators of regulated food service premises are required to comply with the menu labelling legislation as of January 1<sup>st</sup>, 2017.

## What is a standard food item?

A "standard food item" is any restaurant-type food or drink item that:

- is served or processed and prepared primarily in a regulated food service premises;
- is intended for immediate consumption without further preparation; and
- is standardized for portion and content.

## Where must calories be displayed?

Calories must be displayed on any written menu at or outside a regulated food service premises. A menu may include but is not limited to:

- Paper Menus;
- Electronic Menus (e.g. menus on tablets, self-order kiosks);
- Menu Boards;
- Drive-through Menus; and
- Online Menus/Applications, Advertisements (other than billboard, radio and television advertisements), and Promotional Flyers that list prices for standard food items and provide a method that a customer can use to order delivery or take away (e.g. phone number or website).

Where standard food items are put on display, calories must be displayed on labels or tags, regardless of whether the item is also listed on the menu.

Items that are on display and labelled with a Nutrition Facts table are exempt from the requirements of the legislation. However, if the item with a Nutrition Facts table is listed on a menu, then the calories for that standard food item must be displayed on the menu.

## How must the calorie information be displayed?

Calories for standard food items must be displayed:

- Adjacent (i.e. next to, above, or below) to the name or price of the standard food item;
- Unobstructed and legible to customers reading the menu, label or tag; and
- In the same font and format, and at least the same size and prominence as, **either** the name **or** the price of the standard food item (e.g. same colour, boldness, style, etc.).

If an owner or operator should choose to post calories based on the font size of the price, and the fonts in the price vary in size (i.e. different sized fonts are used for the dollar value and cents value), then calories must be in at least the same size as the largest font size in the price.

The term “Calories” or “Cals” must be displayed in the same size, font, and prominence as the calorie information and in one of the following two formats:

- Adjacent to the number of calories for each standard food item; or
- As a heading above a column listing the number of calories for each standard food item.

## Self-Serve Food and Beverages

For restaurant-type food or drink items that customers serve for themselves, calories must be posted on one or more signs that:

- include the name of the food or drink item;
- set out the number of calories of a serving of the food or drink item and the serving size used to determine the number of calories;
- include the term “Calories” or “Cals” in the same size, font, and prominence as the calorie information; and
- are in close proximity to and clearly associated with the item.

The sign or signs must be visible by and legible to any individual where they can serve themselves.

For self-serve beverages, as an alternative to the above approach, a sign can be posted that lists calorie ranges for each serving size of every category of beverage. The sign must be visible and legible and posted in close proximity to the dispenser. For restaurant-type beverages that are **not** self-serve, they are to be treated as standard food items (i.e. calories for each beverage listed must be posted).

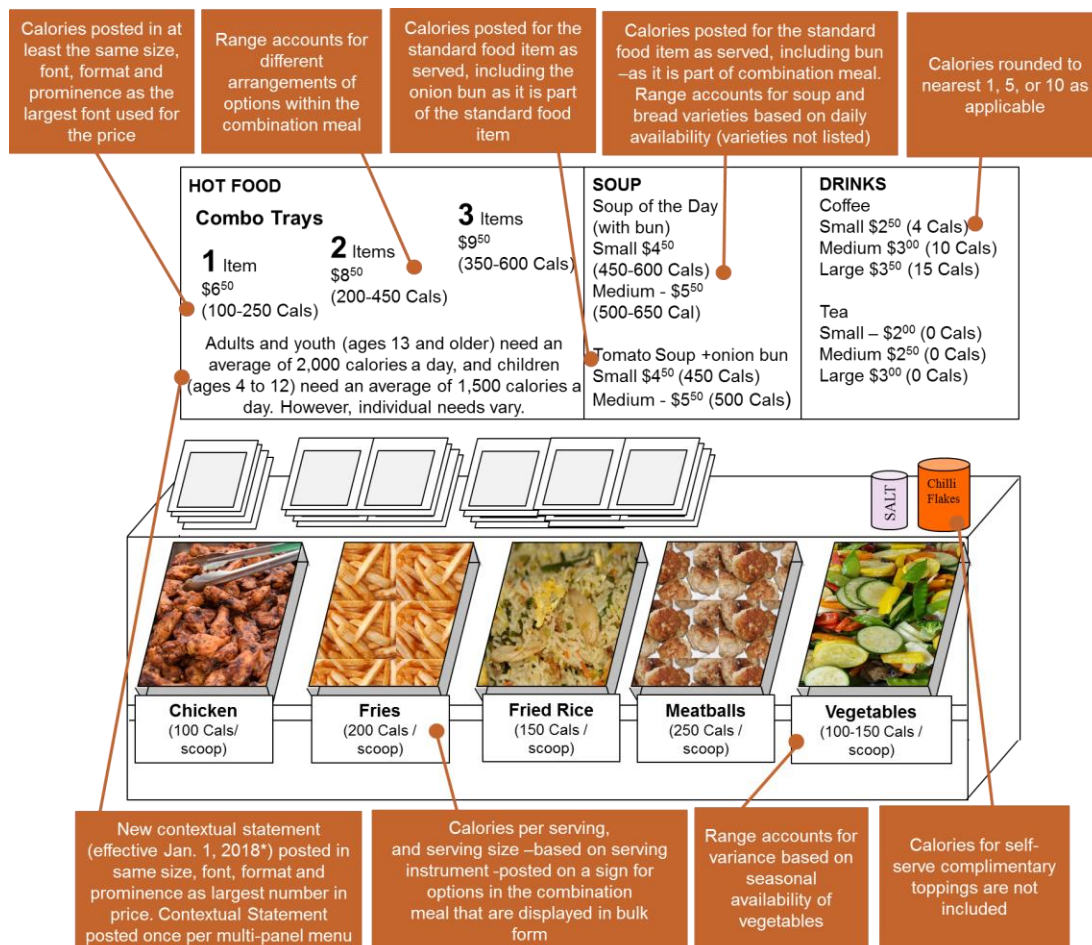
## How must the calorie information be posted for standard food items on display?

Where standard food items are on display, calories must be displayed on labels or tags, regardless of whether they are listed on a menu or not.

If the item is on display to the customer for purposes of choosing, but is displayed in a way that does not show the serving size (e.g. potato wedges displayed in bulk on a tray), a visible and legible sign must be posted that meets the signage requirements for self-serve items. The sign must:

- list the name of the item;
- list the number of calories for a serving of each item, and the serving size; and
- be clearly associated with the item.<sup>1</sup>

### Example #1: Displaying Calories for Variable Combination Meals on Display



\*For requirements regarding the contextual statement between January 1, 2017 and December 31, 2017, please refer to the Contextual Statement section in this document.

<sup>1</sup> A sign does not have to be posted if the information that is required to be posted on the sign is set out clearly on a label or tag associated with each food or drink item that complies with the requirements in subsection 6 (1) of the Regulation.

## **How must the calorie information be displayed for standard food items available in different flavours, varieties or sizes?**

Where a food or drink item is available in a number of flavours, varieties or sizes:

- If the menu, label or tag does **not** list the specific flavours, varieties or sizes, then the calorie range for all the available flavours, varieties or sizes of the item must be displayed.
- If the menu, label or tag lists specific flavours, varieties or sizes of the standard food item, the number of calories for each flavour, variety or size must be displayed.
- If the item is on display in bulk form (not portioned into their standard portion size) and the menu, label or tag does not list the available flavours, varieties, or sizes of the food item, then the number of calories per serving, and the serving size must be posted on a sign that is in close proximity to and clearly associated with the item. However, if the calories for the item in bulk are listed on a menu, label or tag, then premises would be exempt from posting this information on a sign.

## **How must the calorie information be displayed for combination meals?**

A combination meal should be treated as a single standard food item, and calories must be posted for the entire combination meal.

- For combination meals with two or more variable items, the number of calories for the combination meal must be displayed as a range between the lowest and highest calorie options of the combination meal that are available. If the options for the combination meal are individually listed, then the number of calories for each possible option must be displayed.
- If the options in a combination meal are displayed in bulk form (not portioned into their standard portion size), the number of calories per serving and the serving size must be posted on a sign that is in close proximity to and clearly associated with the item. However, if the calories for the options in a combination meal that are displayed in bulk are posted on a menu, label or tag, then premises would be exempt from posting this information on a sign.
- If the menu, label or tag includes an option to increase or decrease the size of a combination meal, the impact of the option on the overall number of calories of the combination meal must be declared for the increased or decreased size (e.g. Upsize your Combo - "Add 150 Cals").
- If the combination meal listed on a menu, label, or tag includes an item with a Nutrition Facts table, then the calories for the item with the Nutrition Facts table must be included in the total number of calories displayed for the combination meal.

## Example #2: Displaying Calories on a Menu Board

Calories posted adjacent to price.  
Calories posted in at least the same size, font, format and prominence as the price. "Cals" beside number

Calories posted for the entire combination meal as if it is one standard food item.

Range accounts for different drinks in the combination meal (i.e. combo with lowest calorie drink to combo with highest calorie drink)

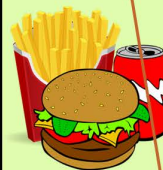
Calories posted for item added

Calories posted for the standard food item as served, including sauce as it is part of standard food item


Calories posted for each additional topping that can be added because each topping option is listed

"Cals" appears as a heading above a column listing calories for each item and in the same size, font and prominence as the numbers


### Combo Meals



**Cheeseburger, Medium Fries & Drink**  
\$5.99  
(930-1170 Cals)



**Beef Taco Medium Fries & Drink**  
\$6.99  
(900-1050 Cals)



**FAMILY MEAL**  
**Bucket of Chicken & 1L Root Beer**  
\$9.99  
(3380 Cals, Serves 3)

**Upgrade your combo to large fries for**  
**\$1.99**  
(add 50 Cals)

**Beef Taco** \$5.99  
(700 Cals)  
Ground beef, lettuce, tomatoes and cheddar cheese  
**Add Guacamole** \$1.99  
(add 100 Cals)

**Classic Burger** \$3.99  
(690 Cals)  
A beef burger with lettuce, tomato, onion and pickles. Topped with ketchup, mustard and chipotle mayonnaise.

**Add extra Toppings!**  
\$0.99 each  
Cheddar Cheese (100 Cals) Swiss Cheese (120 Cals) Sautéed Mushrooms (50 Cals) Barbeque Sauce (60 Cals) Bacon (170 Cals)

**Bucket of Chicken (9 pc.)** \$3.99  
(Serves 3, 290 Cals per serving)  
Fried chicken drumsticks with barbeque sauce dip.

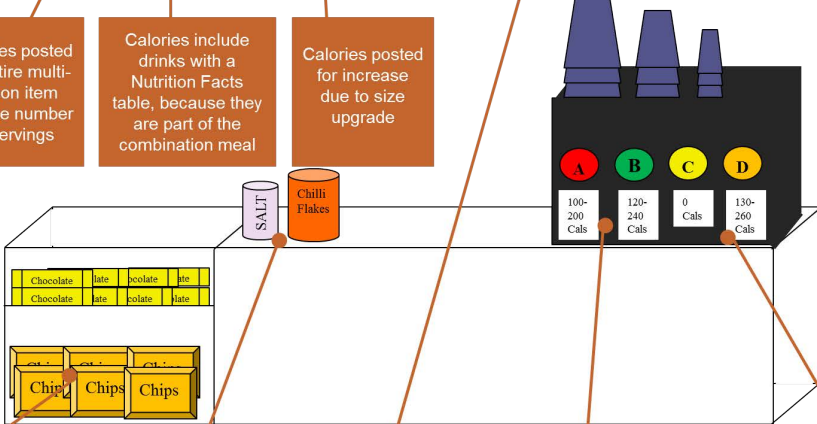
Sides			Drinks		
	Price	Cals		Price	Cals
<b>Fries</b>			<b>Water</b>	\$1.99	0
Small	\$1.25	150	<b>Pop (Can)</b>		
Medium	\$1.75	200	Diet Pop	\$1.99	0
Large	\$2.25	250	Orange Pop	\$1.99	150
<b>Onion Rings</b>	\$2.50	300	Lime Pop	\$1.99	120

Adults and youth (ages 13 and older) need an average of 2,000 calories a day, and children (ages 4 to 12) need an average of 1,500 calories a day. However, individual needs vary.

Calories posted for entire multi-person item and the number of servings

Calories include drinks with a Nutrition Facts table, because they are part of the combination meal

Calories posted for increase due to size upgrade



Calories for items with a Nutrition Facts table on display are not included

Calories for self-serve complimentary toppings are not included

New contextual statement (effective January 1 2018\*) posted in same size, font, format and prominence as price of item and clearly associated with menu items. Contextual Statement posted once per multi-panel menu

Calories displayed for beverage dispenser (not self-serve) as dispenser is visible to the customer, and menu displays the different varieties/flavours available (e.g., a logo) which allows customers to make a choice

Range accounts for different sizes of drinks; since sizes are not listed

\*For requirements regarding the contextual statement between January 1, 2017 and December 31, 2017, please refer to the Contextual Statement section in this document.



## How must calories be displayed for menu items intended to be personalized?

For items that are assembled based on customer preferences (i.e. variable or customizable items), calories must be displayed for:

- The basic preparation of the item (i.e. default);
- Each available supplementary item (e.g. dressings, sauces, toppings, flavourings); and
- Each available supplementary item for each size of the standard food item it complements (this may also be displayed as a range).

A statement must also be included that indicates that the calories of supplementary items are additional to the calories displayed for the basic preparation.


Example #3: Displaying Calories for Customizable Items in a Quick Service Restaurant

New contextual statement  
(effective January 1,  
2018) posted in same  
size, font, format and  
prominence as price


Calories are for the  
basic preparation  
(just the meat),  
toppings are not  
included

Assumption was  
made that vegetables  
used are always the  
same

**Speciality Sandwiches**




**Turkey & Bacon**  
6 in \$5.49    450 Cals  
12 in. \$7.99    900 Cals




**Grilled Chicken**  
6 in \$5.99    500 Cals  
12 in. \$8.49    1000 Cals

\*Calories for toppings are additional.  
Adults and youth (ages 13 and older) need an average of 2,000 calories a day, and children (ages 4 to 12) need an average of 1,500 calories a day. However, individual needs vary.

**Value Pick Sandwiches**



**Cold Cuts**  
6 in \$6.49    400 Cals  
12 in. \$8.99    800 Cals







**Grilled Vegetables**  
6 in \$4.99    280 Cals  
12 in. \$7.49    560 Cals

\*Calories for toppings are additional

Statement that calories for toppings are in addition to calories posted for sandwiches.

Another option:  
a statement could have been placed in close proximity to the toppings indicating that calories for the toppings are in addition to the calories for the sandwiches

White Bread (190-380 Cals) Whole Wheat Bread (200-400 Cals)	Tomatoes (5-10 Cals) Olives (10-20 Cals) Cucumbers (5-10 Cals)	Lettuce (5-10 Cals) Peppers (5-10 Cals) Pickles (10-20 Cals)	Mayo (110-220 Cals) Mustard (10-20 Cals) House Sauce (40-80 Cals)
			

Range accounts for different sizes of sandwiches

Calories posted for each topping

\*For requirements regarding the contextual statement between January 1, 2017 and December 31, 2017, please refer to the Contextual Statement section in this document.

## What serving size should be used when displaying calories?

- Standard food items for individuals: Calories must be listed for the standard food item as it is sold or offered for sale. For example, if the item is sold by container size (e.g. small, medium or large), calories would have to be posted according to the size of each container.
- Standard food items intended to be shared: The number of calories of an item intended to be shared may be displayed by either:
  - displaying the number of calories of the *entire* standard food item and the number of servings that make up the entire item, or
  - displaying the number of calories of *a serving* of the standard food item and the number of servings that make up the entire item.
- Self-serve food: If the food service premises provides a serving utensil that dispenses a uniform amount of food, calories must be determined by the volume of a serving dispensed by the utensil. For other self-serve food items, the serving size must be a reasonable serving size determined by the owner or operator.
- Self-serve beverages: If cups or other containers are offered for self-serve drinks, serving sizes must be determined by the volume of the cups or containers, expressed in millilitres or by description of the cup size (e.g. small). For other self-serve drink items, the serving size must be a reasonable serving size determined by the owner or operator.

Please note that calorie information should include all items that come standard with the item (e.g. included as part of the description of the item). This would include items such as dressings and dipping sauces.

## Contextual Statement

A contextual statement, in English or in French, must be displayed:

As of January 1<sup>st</sup>, 2018, the following contextual statement must be displayed:

***“Adults and youth (ages 13 and older) need an average of 2,000 calories a day, and children (ages 4 to 12) need an average of 1,500 calories a day. However, individual needs vary.”***

Between January 1<sup>st</sup>, 2017 and December 31<sup>st</sup>, 2017, food service premises can choose to post the contextual statement above, or post the contextual statement as stated below:

***“The average adult requires approximately 2,000 to 2,400 calories per day; however, individual calorie needs may vary.”***

The contextual statement must be displayed:

- a. On a menu, in close proximity to the standard food items listed on the menu, in the same font and format, and at least the same size and prominence as the name or price of the standard food items listed on the menu (e.g. same colour, boldness, style, etc.).

- b. Where an individual is able to order the food or drink or serve it for themselves, and a menu is not visible by, and legible to the individual, then it must be on a sign that is visible and legible to customers when making their order selections or serving it for themselves.

If a menu has multiple pages, the contextual statement needs to be visible on any open page. If a menu board has multiple panels, the contextual statement should be visible to the customer when making their order, but is not required to be on every panel.

## Exemptions

The regulation exempts certain food and beverage items from calorie display requirements. The following exemptions may be of interest to regulated quick service restaurants:

- **Temporary Food Items:** Food or drink items that are offered for sale for less than 90 days per calendar year, whether consecutively or non-consecutively.
- **Condiments:** Self-serve condiments that are available free of charge and that are not listed on the menu.
- **Special-Order Items:** Food or drink items that are prepared on an exceptional basis, in response to a specific customer request, and that deviate from the standard food items offered by the regulated food service premises. Please note that this does not include items intended to be personalized that are assembled based on customers' choices.
- **Alcoholic Beverages on Display:** Alcoholic beverages that are on display (e.g. back bar). Note that alcoholic beverages listed on a menu require calorie labelling.
- **Items with a Nutrition Facts Table:** Standard food items that are on display and are labelled with a Nutrition Facts table. Note that items with a Nutrition Facts table that are listed on a menu require calorie labelling.
- **Vending Machines:** Food or drink items in a vending machine.

## Disclaimer

This fact sheet is intended to reflect the policy intent, as supported by the legislation. The ministry recognizes that application to each regulated food service premises is subject to the specific realities of each food service premises. Stakeholders are encouraged to speak to their legal counsel about specific questions that they may have regarding how the Act and regulation apply to their food service premises.

This document is intended to help owners and operators of regulated food service premises understand and implement Ontario's menu labelling legislation. This document provides summary information about the *Healthy Menu Choices Act, 2015* and the regulation (O. Reg. 50/16) made under the Act. The document is provided for educational use only, and is not complete or exact reproductions of the legislation. It is not intended, or to be used, as legal advice about the requirements for menu labelling. Such advice should be obtained from lawyers. Where there is a discrepancy between anything in this document and a legislative provision, the legislation prevails.



## **Additional Information**

For further information about the *Healthy Menu Choices Act, 2015*, please access the legislation and regulation at <https://www.ontario.ca/laws/statute/15h07>.

Questions or comments about this fact sheet can be directed to [menulabelling@ontario.ca](mailto:menulabelling@ontario.ca).