

Healthy Menu Choices Act, 2015

Application of the Act for Self-Serve Items

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 regulated food service premises offering self-serve food and beverage items for sale. 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 1st, 2017 (with the exception of the revised contextual statement, which comes into effect January 1st, 2018). Owners and operators of regulated food service premises are required to comply with the menu labelling legislation as of January 1st, 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?

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

- lists the name of the food or drink item,
- includes the number of calories of a serving of the food or drink item and the serving size used to determine the number of calories;
- is clearly associated with the food or drink item; and
- includes the term "Calories" or "Cals" in the same size, font, and prominence as the calorie information, either adjacent to the number of calories or as a heading above a column listing the number of calories.

The sign or signs must be posted in close proximity to and clearly associated with the item and must be visible by and legible to individuals where they serve themselves.

For self-serve beverages, as an alternative to the above approach, a sign can be displayed 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.

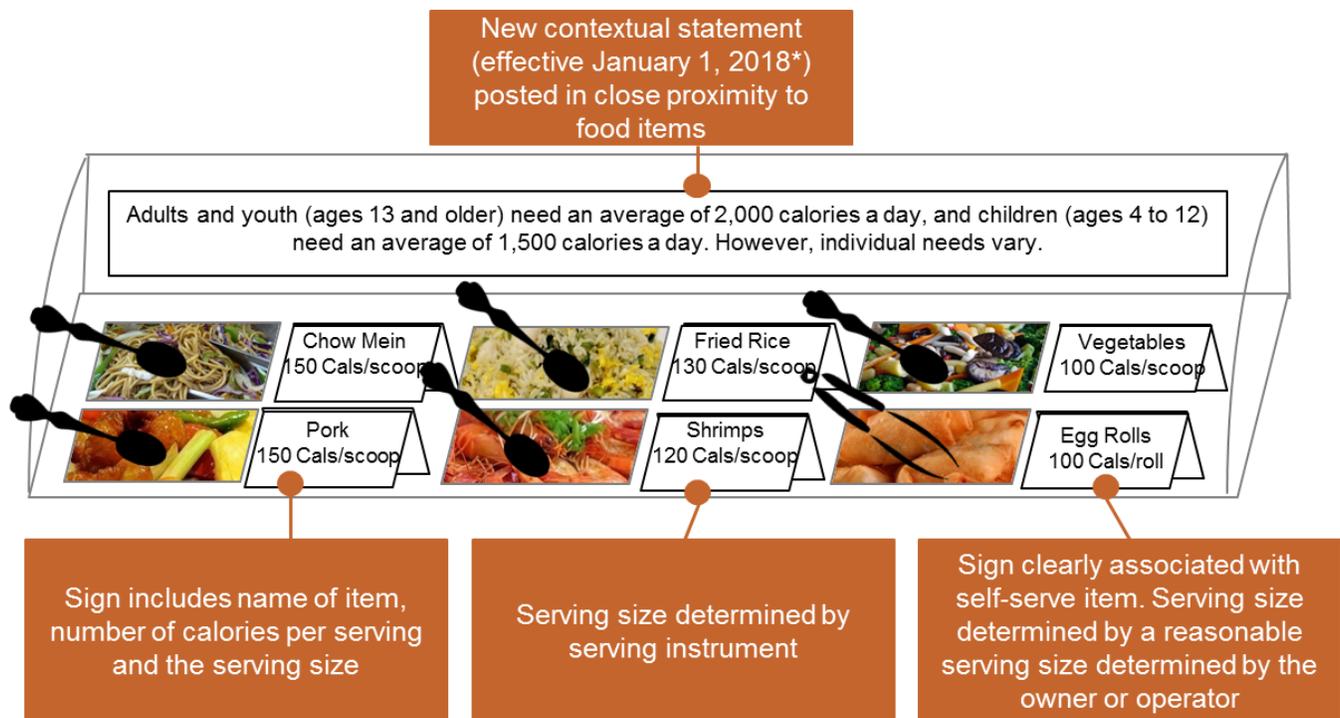
What serving size should be used when displaying calories?

If the premises provides a serving instrument or utensil that dispenses a uniform amount of food, calories must be determined by the volume of a serving dispensed by the serving instrument or utensil.

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, large).

For other food or drink items, serving sizes are to be set by a reasonable serving size determined by the owner or operator.

Example #1: Self-Serve Buffet



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

Example #2: Self-Serve Beverage Machine



The diagram shows a self-serve beverage machine with a sign that reads "FOUNTAIN DRINKS". A callout box provides a sample menu and a contextual statement. The menu lists various drinks with their calorie ranges for different serving sizes. The contextual statement is a new requirement effective January 1, 2018.

Sign includes category of beverage, number of calories per serving and the serving size

Sign posted in close proximity to the dispenser

Serving size determined by cup size

Range accounts for different flavours within each category

New contextual statement (effective January 1, 2018*) posted in close proximity to self-serve items

	Cals	Cals	Cals
	Small	Medium	Large
Pop	110-150	140-180	180-220
Diet Pop	0	0	0
Juice	140-180	170-210	210-250
Sports Drink	140-170	180-210	210-240
Water	0	0	0

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.

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

Self-serve Contextual Statement

Where an individual can serve themselves, and a menu is not visible by and legible to the individual, a contextual statement, in English or in French, must be displayed on a sign. The sign must be visible and legible to customers when they serve themselves.

As of January 1st, 2018, the following contextual statement is required to 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 1st, 2017 and December 31st, 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.”

Exemptions for Self-Serve

The following food and beverage items are exempt from calorie display requirements:

- **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.

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.