

Healthy Menu Choices Act, 2015

Application of the Act in 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 regulated 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 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?

Calories must be displayed on any written menu at or outside of a regulated food service premises. In restaurants, 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 that are 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;
- are in close proximity to and clearly associated with the item; and
- are positioned in a way that an individual could reasonably be expected to clearly associate the calorie declaration with the food or drink 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 calories be displayed for alcohol?

Calories must be displayed for alcoholic beverages listed on a menu, label or tag.

However, a regulated food service premises that sells alcoholic beverages will be exempt from displaying calories for each of their alcoholic beverages if they display the following Table as follows:

- in substantially the same format as below,
- in close proximity to where alcoholic beverages are listed on a menu, label or tag, and
- in at least the same font size and prominence as the listing of the alcoholic beverage(s).

Standard Alcoholic Beverages	Standard Serving Size	Approximate Average Calories per Standard Serving Size
Red Wine (12%)	1 glass (142 mL/5 oz)	130
White Wine (12%)	1 glass (142 mL/5 oz)	120
Regular Beer (5%)	1 bottle (341 mL)	150
Light Beer (4%)	1 bottle (341 mL)	100
Spirits (40%)	1 shot (43 mL/1½ oz)	100
Note: Actual calories of alcoholic beverages may vary; the addition of mixes will increase the calories of these beverages. Standard serving sizes are based on one drink as outlined in Canada's Low-Risk Alcohol Drinking Guidelines.		

For multi-page alcohol menus, the table can be displayed on every open page (i.e. every other page) of the menu.

If a regulated food service premises chooses to display calories for individual alcoholic beverages, then the requirements for posting calories for standard food items apply.

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.

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, the serving size must be determined by the volume of a serving dispensed by the utensil. For other 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 dressings and dipping sauces.

Contextual Statement

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

As of January 1st, 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 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.”

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.

Example #1: Displaying Calories on a Paper Menu in a Restaurant

- Calories posted per serving size and the number of servings is listed. Alternatively, calories for the whole item could be posted, with the number of servings
- Range accounts for soup varieties based on daily availability (varieties not listed)
- Range accounts for different sides with the entree (i.e. 'chicken' with lowest calorie side to 'chicken' with highest calorie side)
- Calories posted for each combination meal option
- Calories posted adjacent to price/name. Calories posted in at least the same size, font format and prominence as the price/name. "Cals" beside number, calories rounded to nearest 1, 10 or 50
- Calories not required for individual alcoholic beverages because prescribed chart is posted

Food Menu

Appetizers

Soup of the Day (250-400 Cals) \$2.99

Spinach Dip (190 Cals/serving, serves 4) \$6.99
Spinach and tomatoes in our house sauce. Served with pita.

Entrees
Served with your choice of fries (340 Cals), garden greens (120 Cals), sweet potato fries (380 Cals), or spinach salad (180 Cals).

Roasted Chicken (520-780 Cals) \$16.99
Roasted chicken breast, cooked in lemon juice and rosemary.

Steak (620-680 Cals) \$23.99
T-bone steak grilled to perfection.

Vegetarian Burger (420-680 Cals) \$15.99
House-made vegetarian patty made with lentils. Served on an onion bun.

Dessert

Cheesecake (540 Cals) \$6.99
Plain cheesecake topped with fresh strawberry jam

Add Whipped Cream (50 Cals) \$1.00

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.

Drinks

Non-Alcoholic \$1.99
Sparkling Water (0 Cals), Diet Pop (0 Cals), Orange Pop (150 Cals), Lime Pop (120 Cals)

Coffee/Tea (2 Cals) \$2.50

Alcoholic

Beer Pints \$6.99
Pale Ale, Dark Ale, Lager, Honey Lager, Malt Beer, Stout

Spirits \$4.99
Vodka, Gin, Rum, Dark Rum, Tequila

Wine

California White 5oz – \$6.99 8oz – \$7.99
Argentina Red 5oz – \$7.50 8oz – \$8.50
France Rose 5oz – \$7.99 8oz – \$8.99

Standard Alcoholic Beverages	Standard Serving Size	Approximate Average Calories per Standard Serving Size
Red Wine (12%)	1 glass (142 mL/5 oz)	130
White Wine (12%)	1 glass (142 mL/5 oz)	120
Regular Beer (5%)	1 bottle (341 mL)	150
Light Beer (4%)	1 bottle (341 mL)	100
Spirits (40%)	1 shot (45 mL/1½ oz)	100

Note: Actual calories of alcoholic beverages may vary; the addition of mixes will increase the calories of these beverages. Standard serving sizes are based on one drink as outlined in Canada's Low-Risk Alcohol Drinking Guidelines.

- Calories posted for item added
- Contextual statement visible on every open page of menu – not on second page because it is visible on the first page
- 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
- Alcohol table is clearly associated with alcoholic beverages on menu
- Alcohol table posted on menu with alcohol, in the same size, font and prominence as alcoholic beverages it refers to

*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: Displaying Calories on a Tabletop Menu in a Restaurant

Calories posted for each combination meal option (i.e. each bread)

Range accounts for variance based on seasonal availability of fruit

Range accounts for different sides with the breakfast dish (i.e. 'poached eggs' with lowest calorie bread to 'poached egg' with highest calorie bread)

Calories posted in at least the same size, font, format and prominence as largest number used for the price

Weekend Brunch Special!

Yogurt Cup (300-350 Cals)
Vanilla yogurt topped with cerea, Brown Sugar and Seasonal Fruit \$4.50

BREAKFAST DISHES
Our breakfast dishes come with your choice of Bread: Whole Wheat (100 Cals), White (150 Cals), Rye (120 Cals)

Poached Eggs (570-700 Cals)
2 Poached eggs with Hollandaise sauce served with your choice of bread. \$6.50

Scrambled Eggs (550-680 Cals)
2 Scrambled eggs served with your choice of bread. \$7.50
Add bacon (Add 50 Cals) \$1.50

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 do not need to be included for self-serve condiments that are available free of charge and not listed on the menu

Calories posted for additional item

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

New contextual statement (effective Jan. 1, 2018) posted in same size, font, format and prominence as largest number in price. Contextual Statement posted on each side of a two-sided menu

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

Exemptions

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