

## **Menu Labelling Additional Questions and Answers (May 2018)**

The intent of the *Healthy Menu Choices Act, 2015 (HMCA)* is to provide Ontarians with calorie information relating to standard food and drink items, when they eat out at, or order in from, regulated food service premises.

Minister-appointed inspectors are responsible for inspecting regulated food service premises and enforcing compliance with the HMCA and its regulation. The answers below have been drafted in consultation with Minister-appointed inspectors at local public health units.

### **1. Are there compliance issues that could be addressed on the next scheduled print run of menus, labels or tags?**

When an owner or operator has provided calorie information, but an inspector has indicated that additional changes are required to a menu in order to comply with the HMCA, these changes could be made in the next print run of the menus, ideally not to exceed a 6 month timeframe, but recognizing that there may be instances where a longer timeframe would be reasonable.

Examples of these changes include those related to the detailed requirements specified in paragraph 6 of the Regulation, such as:

- Capitalization and formatting of the words “Cals” or “Calories”
- Placement of the word “Calories” or “Cals”
- Rounding of calories
- Calorie font size, format, prominence
- The way in which calories are displayed for multi-person items, combination meals, items to be personalized, or items available in different flavours, varieties or sizes.

### **2. For items that are meant to be personalized, can a “+” (plus) sign be used to declare an increase in calories?**

For items that are meant to be personalized, owners or operators are required to post the calories for the basic preparation of the standard food item, as well as the number of calories for each supplementary item that is listed with a statement indicating these calories are additional to the calories for the basic preparation.

In operationalizing this requirement, a “+” (plus) sign plus the number of calories for the supplementary item could be used to signify an increase in calories (e.g. ‘Add cheese sauce for \$1.99! +100 Cals’).

### **3. For items that are available in different flavours, varieties, or sizes, and the different flavours, varieties, or sizes are listed, can a “/” (slash) symbol be used to distinguish calories for each flavour, variety, or size?**

Example

<b>Fried Rice Bowls</b>	<b>Small/Large</b>	<b>Cals</b>
Vegetarian	\$4.99/\$7.99	350/700
Chicken	\$5.99/\$8.99	400/800
Shrimp	\$5.99/\$8.99	450/900

The HMCA does not specify one way or the other as to the use of a slash symbol to distinguish calories for each flavour, variety or size. Therefore, the use of a slash is up to the regulated food service premises. Note that the calorie declarations must be adjacent to the name or price of the standard food item, and it must be clear which flavour, variety or size the calorie declaration relates to.

**4. If a description, qualifier, or ‘fanciful name’ is included with the standard food item’s name, which font, format, size and prominence should the declaration follow?**

Calories need to be displayed in the same size, font, format and prominence as the price, or the name of the standard food item, rather than the description, qualifier, or fanciful name. If corrections are needed related to this issue, they could be made in the next print run of the menu as outlined in question 1.

**5. If a grocery store offers for sale a party sized tray of vegetables or a salad, are calories required?**

No. “Prepared fruit and vegetables intended for multiple persons” that are sold at grocery stores are exempt from the menu labelling requirements. This is true, regardless of whether dips or dressings are included or packaged with these products.

**6. Do the rounding requirements in the HMCA apply to Nutritional Facts tables (NFT)?**

No. The rounding requirements specified in paragraph 6(4) of the Regulation apply only to standard food items under the HMCA. They do not apply to the NFTs that meet the requirements of the Food and Drug Regulations made under the Food and Drugs Act (Canada). For information about requirements for NFTs, please consult the Food and Drugs Act Regulations.

**7. How do calories need to be posted for self-serve beverage machines?**

When a regulated food service premises sells or offers for sale a self-serve restaurant-type drink item, they are required to publicly post one or more signs in close proximity to and clearly associated with the machine dispensing the item that is visible by and legible to individuals where they serve themselves the drink.

The sign must include the name of the item, the number of calories and the serving size used to calculate the calories. The sign must be positioned in a way that an individual could clearly associate the calories with the drink item.

Alternatively, owners or operators can post a sign that lists beverage categories and the calorie ranges for each serving size of every category. The sign must be visible and legible and posted in close proximity to the dispenser. For an example of the sign please see the fact sheet [Application of the Act for Self-serve Items](#).

### 8. Is the contextual statement needed for in-store advertisements?

No. Advertisements that are displayed at a regulated food service premises are exempt from posting the contextual statement.

Examples:



### 9. Does the contextual statement need to be posted on a menu that lists items that are not standard food items or in areas of a premises where standard food items are not offered for sale?

No. A “menu” is defined as any document or other written means of communicating information that lists standard food items offered for sale by a regulated food service premises. If the menu does not list standard food items, it would not be captured by the HMCA and would therefore not require a contextual statement. Similarly, a sign that lists the contextual statement would only be required if an individual is able to order or serve themselves standard food items and a menu is not readily visible by, and legible to, the individual.

### 10. Is there anyone I can contact to clarify prior to printing my menus?

The Ministry has implemented a Lead PHU approach, whereby a chain’s local PHU facilitates dialogue among PHUs and coordinates education and communication with industry. If you have specific questions that you would like to discuss with an inspector prior to printing your menus, we recommend that you follow up with the public health unit with jurisdiction over your head office (your Lead PHU). Please note that the Lead PHU approach is meant to facilitate discussions among inspectors from all PHUs about province-wide issues, and Lead PHUs are unable to approve menus. When there are specific questions about an inspection report or inspection result, the first contact should be the local PHU that inspected the premises. For all other issues regulated food service premises are invited to email [menulabelling@ontario.ca](mailto:menulabelling@ontario.ca). Please refer to the Lead PHU fact sheet for more information.