
A Guide to Menu Labelling Requirements in Regulated Food Service Premises in Ontario

Understanding Ontario's Menu Labelling Rules

May 2016

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1. Introduction

1.1 Background

Beginning January 1st, 2017, the *Healthy Menu Choices Act, 2015* (“the Act”) and its accompanying regulation (also referred to in this document as the “menu labelling legislation”) will require food service premises with 20 or more locations in Ontario to display calories on menus for standard food items.

Requiring the display of calories on menus will provide customers with nutrition information to help them make well-informed choices about what they eat and feed their children when dining out.

Specifically, the law will require food service premises to:

1. Display the number of calories for every standard food item and self-serve item, on menus (including menu boards), labels and display tags; and
2. Display contextual information to help educate customers about their daily caloric requirements.

1.2 About this document

This document is intended to help regulated food service premise owners and operators understand and implement Ontario’s menu labelling legislation. It also includes common questions and answers about the implementation of the Act.

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 required by the Act. Such advice should be obtained from lawyers. Where there is a discrepancy between anything in this document and a legislative provision, the legislation prevails.

1.3 Legal requirements

The legal requirements for menu labelling in Ontario are outlined in the [Healthy Menu Choices Act, 2015](#) and its accompanying regulation [O. Reg. 50/16](#).

2. Overview of the Requirements of the Legislation

2.1 What information must be displayed?

Food service premises with 20 or more locations in Ontario must display nutrition information as follows:

1. The number of calories for every standard food and beverage item on menus, display tags or labels where standard food items are put on display as well as for self-serve food and beverage items; and
2. The following contextual statement: The average adult requires approximately 2,000 to 2,400 calories per day; however, individual calorie needs may vary.

2.2 When does the legislation come into effect?

The *Healthy Menu Choices Act, 2015* and its accompanying regulation come into effect on January 1st, 2017. Owners and operators of regulated food service premises are required to comply with the menu labelling legislation as of this date.

2.3 How will the legislation and regulation be enforced?

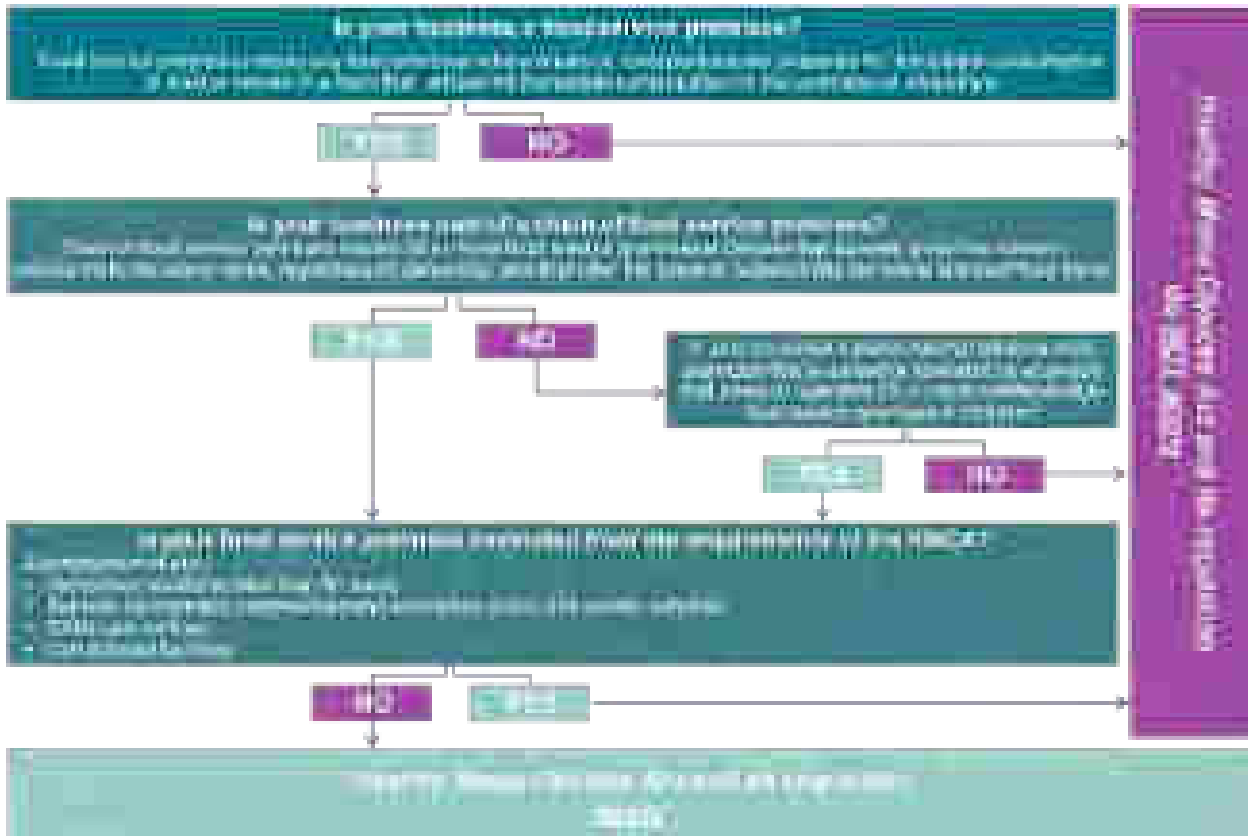
The ministry is proposing to work with ministry appointed inspectors on a progressive enforcement approach. This could include inspectors carrying out education visits, inspections, and responding to complaints regarding the

posting of calories and signs in regulated food service premises. Progressive enforcement includes the use of more stringent charging options to reflect the frequency and severity of non-compliance.

Ministry appointed inspectors will be provided with training to provide further direction on enforcement expectations. Information provided to inspectors will be consistent with the information provided to industry.

2.4 Who must comply with these requirements?

An owner/operator can determine whether or not the menu labelling legislation applies to them by answering 'yes' or 'no' to the questions in the diagram below:



2.5 What type of food service premises must comply with the menu labelling legislation?

The types of food service premises with 20 or more locations in Ontario affected by this legislation include, but are not limited to, chains of:

- Restaurants
- Quick service restaurants
- Convenience stores
- Grocery stores
- Movie theatres
- Public-facing cafeterias
- Bakeries
- Food trucks
- Buffets
- Ice cream shops
- Coffee shops

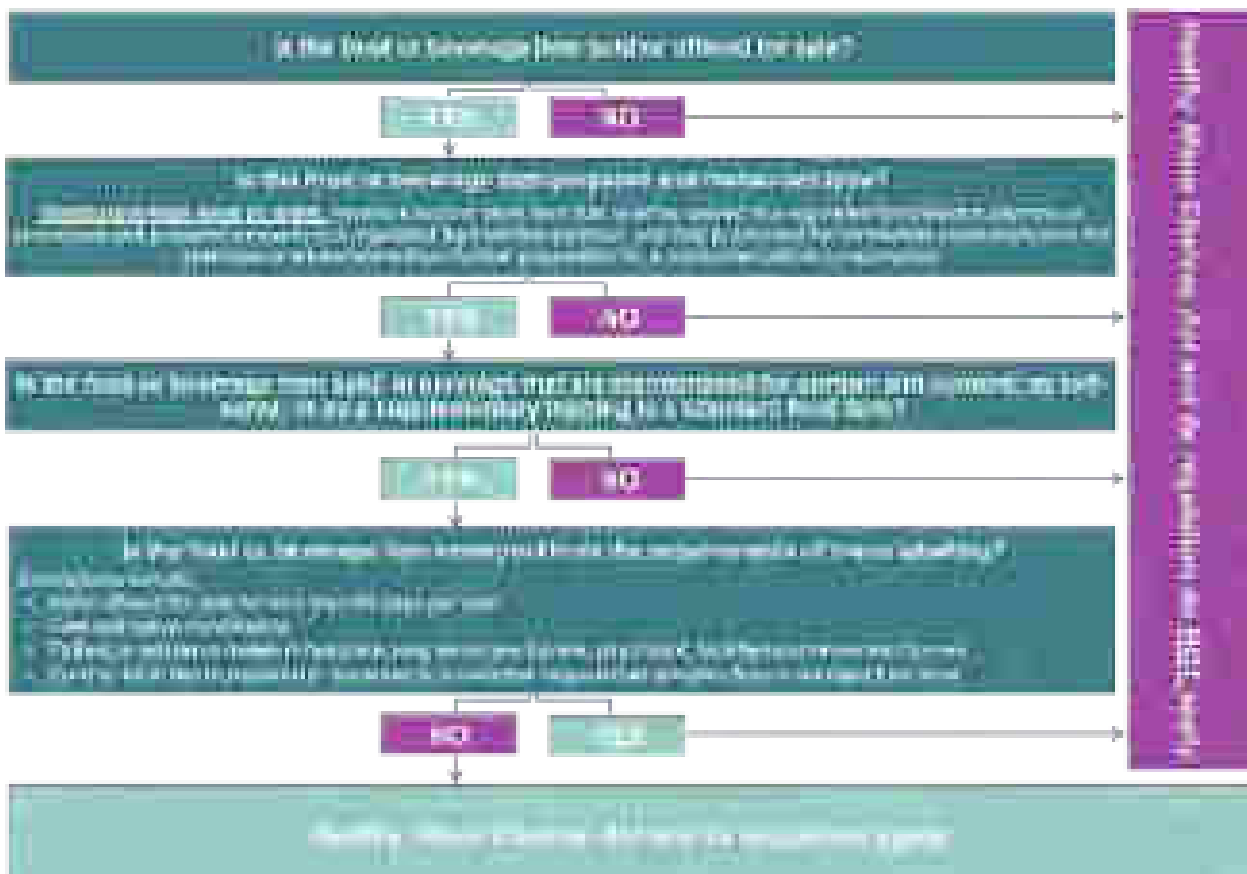
2.6 What type of food service premises are exempt from the menu labelling legislation?

The following food service premises are exempt from the menu labelling legislation:

- Food service premises that operate for less than 60 days in a calendar year (consecutively or non-consecutively).
- Food service premises located in a public or private school (i.e. elementary, intermediate and secondary).
- Food service premises located in a correctional facility.
- Food service premises that are located in a child care centre.

2.7 What food and beverage items in regulated food service premises are captured by the menu labelling legislation?

A food service premise owner or operator can determine whether or not the menu labelling legislation applies to their food or drink items by answering 'yes' or 'no' to the questions in the diagram below:



2. 8 Are items that require further preparation exempt from the menu labelling requirements?

The menu labelling legislation only applies to processed/prepared food or drink items that are intended for immediate consumption on the premises or elsewhere without further preparation by a customer before consumption (i.e. foods that are generally considered to be 'ready to eat'). For the grocery sector, this would include, but not be limited to, the 'home meal replacement' or 'quick serve section'.

Through consultations and other communications with industry stakeholders, the ministry has received further questions on whether various specific food items are captured by the menu labelling legislation. Based on feedback from stakeholders, the ministry is doing further assessment to clarify if these items should be captured by the Act and its regulation. Further information will be provided as soon as possible.

2. 9 What food and beverage items are exempt from the menu labelling legislation?

The following food and beverage items are exempt from the menu labelling legislation:

- Menu items offered for less than 90 days in a calendar year.
- Self-serve condiments that are free of charge and not listed on the menu.
- Patient meals in hospitals, long-term care homes, psychiatric facilities and retirement homes.
- Special-order items.

Further details on each exemption, including examples of what is captured and not captured, are provided below.

Temporary or limited time offer menu items

- Food or beverage items that are offered for sale for less than a total of 90 days (consecutive or non-consecutive) per calendar year are exempt from menu labelling requirements.
- Examples of items **not** captured by the legislation:
 - A rotational item that is offered for sale once a week (52 days of the year).
 - A seasonal item that is offered for sale for 60 days.
 - A market test item that is offered for sale for one month (30 days).
 - A combination meal with a seasonal or market test item that is offered as a component of the meal for less than 90 days in a calendar year.
 - If only one option in the combination meal referred to immediately above (e.g. pop with burger) is a market test or seasonal item (e.g. market test pop); the other combination meal options (e.g. other flavours of pop that are regularly sold) are captured by the requirements of the legislation.
- Examples of items captured by the legislation:
 - A rotational item that is offered for sale every 3 days (121 days of the year).
 - A seasonal item that is offered for sale for an entire season (120 days).
 - A market test item that is offered for sale for 3 months (90 days).

Self-serve condiments

- Condiments placed on a table, counter or elsewhere for general use without charge and not listed on a menu are exempt from menu labelling requirements.
- Examples of items **not** captured by the legislation:
 - Complimentary condiments available for general use, such as ketchup, mustard, mayonnaise, salt, pepper, hot sauce, and vinegar.
 - Complimentary self-serve sugar, sweetener, milk, cream offered for general use by customers for their hot beverages.

- Examples of items captured by the legislation:
 - Condiments that are a part of a standard food item, such as a burger that comes standard with ketchup and mustard. The condiments would be included as part of the total calories for the standard food item.
 - Condiments that are listed on a menu or display label or tag as part of a variable/customizable standard food item, such as when a customer chooses what type of sauce they want on a customizable sandwich.

Patient meals in hospitals, long-term care homes, psychiatric facilities and retirement homes

- Meals served to patients in hospitals and psychiatric facilities, or residents of long-term care homes and retirement homes are exempt from the menu labelling legislation.
- However, public-facing cafeterias in hospitals, long-term care homes, psychiatric facilities and retirement homes are captured by the legislation if they are owned or operated by a person who owns or operates 20 or more cafeteria-style food service premises in Ontario.

Special-order items

- Food or beverage orders that are prepared in a specific manner based on an individual customer's request, which requires the regulated food service premise to deviate from its usual preparation of a standard menu item are exempt from menu labelling provisions.
- Examples of items **not** captured by the legislation:
 - Removal of an item from a standard food or beverage item, such as a customer requesting no onions on a burger which usually comes with onions.
 - Addition of an item which is not listed on the menu, such as a customer requesting hot sauce on a standard sandwich that does not come with hot sauce.
 - An alcoholic beverage that is custom-ordered by a customer.
- However, regulated food service premises that offer standard food items with standardized customization options are not exempt (please refer to question 3.6).
- Examples of items captured by the legislation:
 - Toppings that are on display or listed on a menu, such as onions for a sandwich.

- Types of bread or burger bun listed on the menu or are on display.

2. 10 What standard food items that are on display are exempt from posting calories on a label or tag?

The following food and beverage items that are on display are exempt from posting calories on a label or tag:

- Alcohol beverages on display, but not listed on a menu.
- Items with a Nutrition Facts Table that are on display, but not listed on a menu.

Further details on each exemption, including examples of what is captured and not captured, are provided below.

Items with a Nutrition Facts Table

- Items with a Nutrition Facts Table (NFT) that are on display and meet the requirements of the Food and Drug Regulations made under the *Food and Drugs Act* (Canada) are exempt from the requirements of the legislation.
- However, if the item with an NFT is listed on a menu, the calories must be displayed on the menu. Also, if the item with an NFT is part of a combination meal, the calories for the item with the NFT must be included in the calories displayed for the combination meal.
- Examples of items **not** captured by the legislation provided that they are not listed on a menu:
 - Pre-packaged sandwich on display and has an NFT.
 - Bottle of juice on display and has an NFT.
 - Chocolate bar on display and has an NFT.
- Examples of items captured by the legislation:
 - Bag of chips or pre-packaged sandwich that is listed on a menu.
 - Slice of pizza and can of pop combination meal. Calories must be posted for the combination meal, including the calories for the can of pop.

Alcohol beverages on display

- Alcohol beverages on display and not listed on the menu (e.g. back bar) are exempt from the requirements of the legislation.

- Examples of items not captured by the legislation provided they are not listed on a menu:
 - Spirit bottles on display behind the bar.
 - A bottle of beer or wine on display.
- Examples of items captured by the legislation:
 - Standardized alcoholic beverages that are listed on a menu.

3. Calorie Display Requirements

3.1 Where must calories be displayed?

Calories must be displayed on any menu that lists standard food items offered for sale by a regulated food service premises. A menu includes:

- Paper Menus
- Electronic Menus (e.g. menus on tablets)
- Menu Boards
- Drive-Through Menus
- Online Menus***
- Online Applications***
- Advertisements***
- Promotional Flyers***

Where standard food items are put on display, calories must be displayed on labels or tags.

****Calories only need to be displayed on online menus, applications, advertisements and promotional flyers if prices for standard food items are displayed and the standard food items listed are available for delivery or take away ordering.*

Based on feedback from stakeholders, the ministry is doing further assessment to clarify calorie labelling requirements for online menus, applications, advertisements, and promotional flyers. Further information will be provided as soon as possible.

Example #1: Displaying calories on a restaurant menu

Shareable Appetizers	Entrées	Desserts
Spinach Dip \$4.99 100 Calories (avg. serving 2)	Chicken \$12.99 Chicken, mozzarella, mushrooms and parmesan 600 Calories	Chocolate Mozzarella Cake \$4.99 400 Calories
Spicy \$4.99 400 Calories (avg. serving 2)	Steak \$14.99 Flavor beef with mustard, potatoes and green vegetables 600 Calories	Resurrection Ice-cream \$3.99 300 Calories
Bruschetta \$7.99 200 Calories (avg. serving 2)	Vegetarian Stuffing \$11.99 Aspirated vegetables topped in a tomato sauce and mushrooms 400 Calories	Drinks
Salads	Salmon \$22.99 Salmon with potato, vegetables and a house salad 600 Calories	Pop \$1.99 0-100 Calories
Wedge Salad \$7.99 300 Calories		Soft \$1.99 120-140 Calories
Caesar Salad \$11.99 500 Calories		Sparkling Water \$1.99 0 Calories
		This average information for approximately 2,500 to 2,600 calories per day. It means that you should eat more than this.

Callout 1 (top left): Calories are calculated for the entire portion size.

Callout 2 (top right): Calories are calculated for the entire portion size, including the sides and bread.

Callout 3 (bottom left): Calories are calculated for the entire portion size.

Callout 4 (bottom right): Calories are calculated for the entire portion size, including the sides and bread.

Example #2: Displaying calories on a take-out menu

CHINESE TAKEOUT
Call 555-555-555 to order

Soup	\$4.99
Wonton Soup	90 Cals
Egg Drop Soup	110 Cals
Chicken Noodle Soup	110 Cals
Fried Rice	\$5.99
Pork	370 Cals
Chicken	340 Cals
Vegetable	300 Cals
Shrimp	360 Cals
Chow Mein	\$8.99
Chicken	450 Cals
Pork	460 Cals
Vegetable	320 Cals
Beef	490 Cals
Shrimp	380 Cals

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

Calories posted in same size, font, format and prominence as name or price

"Cals" beside number and calories rounded to nearest 10

Contextual statement posted in same size, font, format and prominence as name/price of the standard food items and clearly associated with menu items

Example #3: Displaying calories on an online menu



3. 2 How must the calorie information be displayed?

Calories for standard food items must be displayed:

- Adjacent to the name or price of the standard food item;
- Unobstructed and readily legible to customers; and
- In the same font and format as, and at least the same size and prominence as, the name or price of the standard food item.

In order to distinguish the calorie information from other numbers on the menu or display tag, the term “Calories” or “Cals” must appear:

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

The term “Calories” or “Cals” must be displayed in the same size, font and prominence as the calorie number.

3. 3 How must the calories be rounded?

To simplify the calorie information displayed on menus and display tags, and acknowledging that prepared food has some inherent variability, calorie information must be rounded using standard rounding rules to the nearest:

- 10 for items with over 50 calories, and
- 5 for items with 50 calories or less.

3. 4 How must calories be displayed for items intended for more than one person?

These requirements are only intended for multi-person items and do not apply to meals intended for one person.

The following information must be displayed for standard food items normally intended for more than one person (i.e. multi-person items):

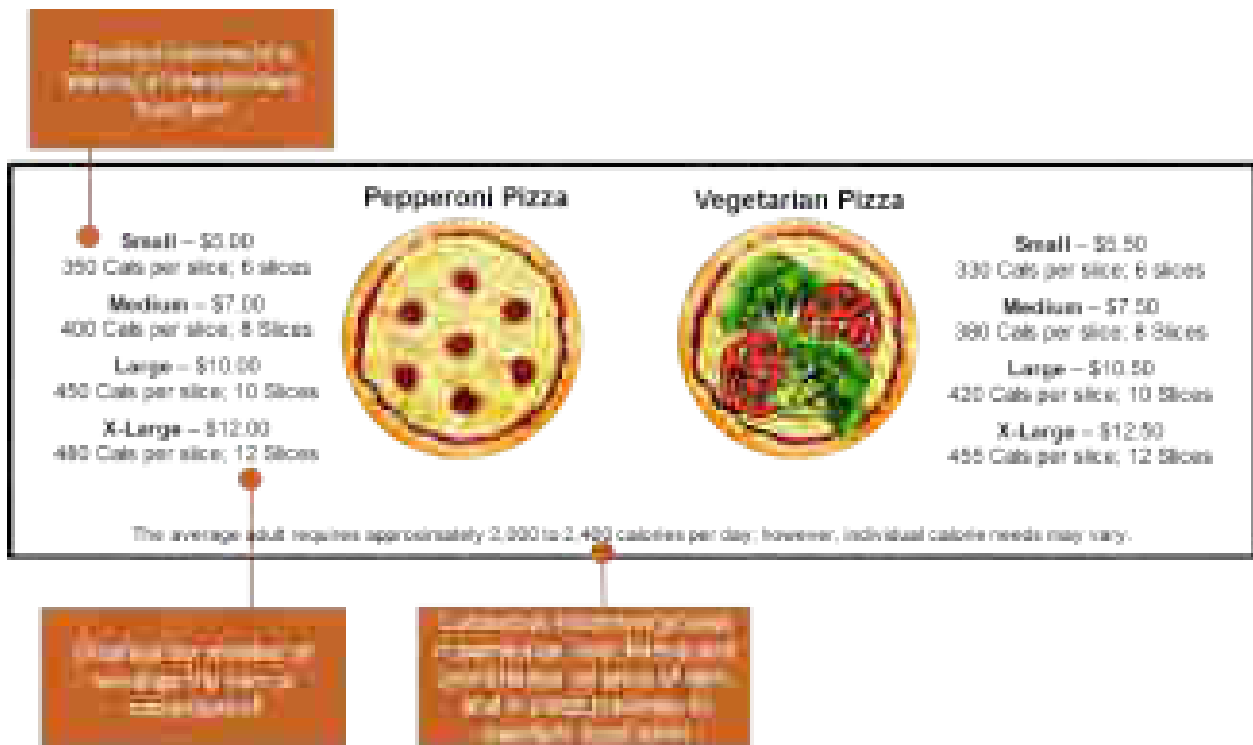
- The calories for the entire item and the number of servings the item is comprised of; or
- The calories for a reasonable serving size of the item and the number of servings the item is comprised of.

The reasonable serving size can be determined by the food service premise owner or operator.

Example #4: Displaying calories for multi-person item using calories for the entire item



Example #5: Displaying calories for a multi-person item using calories for a serving size



3. 5 How must calorie information be displayed for menu items with multiple flavours, varieties or sizes?

For menu items that are offered in different flavours, varieties, or sizes:

- If the menu, label or tag only includes a general description of the standard food item and does not list the flavours, varieties or sizes, the calorie range for the available flavours, varieties or sizes must be listed.
- 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 listed.

Example #6: Displaying calories for general description menu items with multiple flavours

The diagram illustrates how calorie information is presented for menu items with multiple options. It features two menu sections: 'CLASSIC CONES' and 'Homemade Sundaes'. Callouts explain the meaning of the calorie ranges shown.

CLASSIC CONES		Calo
Single	\$2.79	180-220
Double	\$3.89	360-460
Triple	\$5.79	540-690

Add Sauce	\$0.69	add 10-150
Waffle Cone	\$1.50	add 90

Homemade Sundaes	
Classic Sundae	\$4.99 (350 Calo)
Vanilla ice cream topped with chocolate, strawberry or cherry sauce, whipped cream, and a cherry on top.	
Banana Split	\$5.99 (480 Calo)
Chocolate ice cream topped with banana, whipped cream, chocolate sauce, and a cherry on top.	

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

Callout 1: Range accounts for different flavours of ice cream.

Callout 2: Calories credited for item added. Range accounts for different sizes of ice cream and different varieties of toppings.

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

Example #8: Displaying calories at a sandwich shop with personalized toppings



Example #9: Displaying calories for sandwiches with standardized customization options

Calories declared for each option

Calories are declared for the lowest calorie option to the highest calorie option (i.e. lowest calorie patty, side and bun to highest calorie patty, side and bun)

Salads	How to Order?	Sandwiches
<p>Chester (410 Cal) Lettuce, croutons, tomato, bacon, parmesan and Caesar dressing \$10.99</p> <p>Greek (390 Cal) Lettuce, feta, red onion, black olives and Greek vinaigrette. \$10.99</p> <p>House (420 Cal) Lettuce, tomato, cucumber, carrots and light vinaigrette \$11.99</p> <p>Tom Mix (450 Cal) Lettuce, black beans, corn, tomato, cheddar, crushed tortilla and chipotle dressing. \$11.99</p> <hr/> <p>The average adult requires approximately 2,000 to 2,400 calories per day; however, individual calorie needs may vary.</p>	<p>1. Choose a Patty Egg (250 Cal), chicken breast (280 Cal), Turkey (340 Cal), veggie patty (210 Cal)</p> <p>2. Choose a Bun White (180 Cal), multi-grain (180 Cal), lettuce (110 Cal), gluten-free (100 Cal)</p> <p>3. Choose a Sandwich Choose a sandwich toasting combination on the menu.</p> <p>4. Choose a Side Fries (280 Cal), chips (200 Cal), coleslaw (150 Cal), house salad (190 Cal)</p>	<p>All sandwiches come with your choice of patty, bun and side</p> <p>Canadian (410-860 Cal) Seared mushrooms, cheddar, bacon and mayonnaise \$14.99</p> <p>Vegetable (410-880 Cal) Avocado, sautéed tomato, feta and roasted red pepper \$12.49</p> <p>Breakfast (470-1040 Cal) Egg, tomato, cheddar, bacon, mayonnaise \$13.49</p> <p>Pasta (410-880 Cal) Pasta, sautéed tomato, olive, pasta \$11.99</p> <hr/> <p style="text-align: center;">Additional Toppings</p> <p>\$0.99: Pickled peppers (15 Cal), herbs (5 Cal), Cheddar (45 Cal), egg (50 Cal), lettuce (50 Cal), cheese (25 Cal), sautéed tomatoes (40 Cal)</p> <p>\$1.99: Avocado (80 Cal), sprouts (5 Cal), tomato (50 Cal), feta (50 Cal), sautéed red onions (40 Cal), sautéed mushrooms (50 Cal)</p> <p>Calories for additional toppings should be added to the calories posted for each sandwich.</p>
	<div style="background-color: #8B4513; color: white; padding: 10px; border-radius: 5px; margin: 10px auto; width: 80%;"> <p>Calories posted for each additional topping that can be added.</p> </div>	<div style="background-color: #8B4513; color: white; padding: 10px; border-radius: 5px; margin: 10px auto; width: 80%;"> <p>Statement indicating that calories are in addition to calories for the standard food items</p> </div>

3.7 How must calories be displayed for combination meals?

Combination meals should be treated as one standard food item and calories must be posted for the entire combination meal.

Where a menu has two or more choices for menu items in a combination meal (e.g. a sandwich with fries, a side salad, or fruit), calories for the combination must be declared as a range (e.g. 450-700 calories).

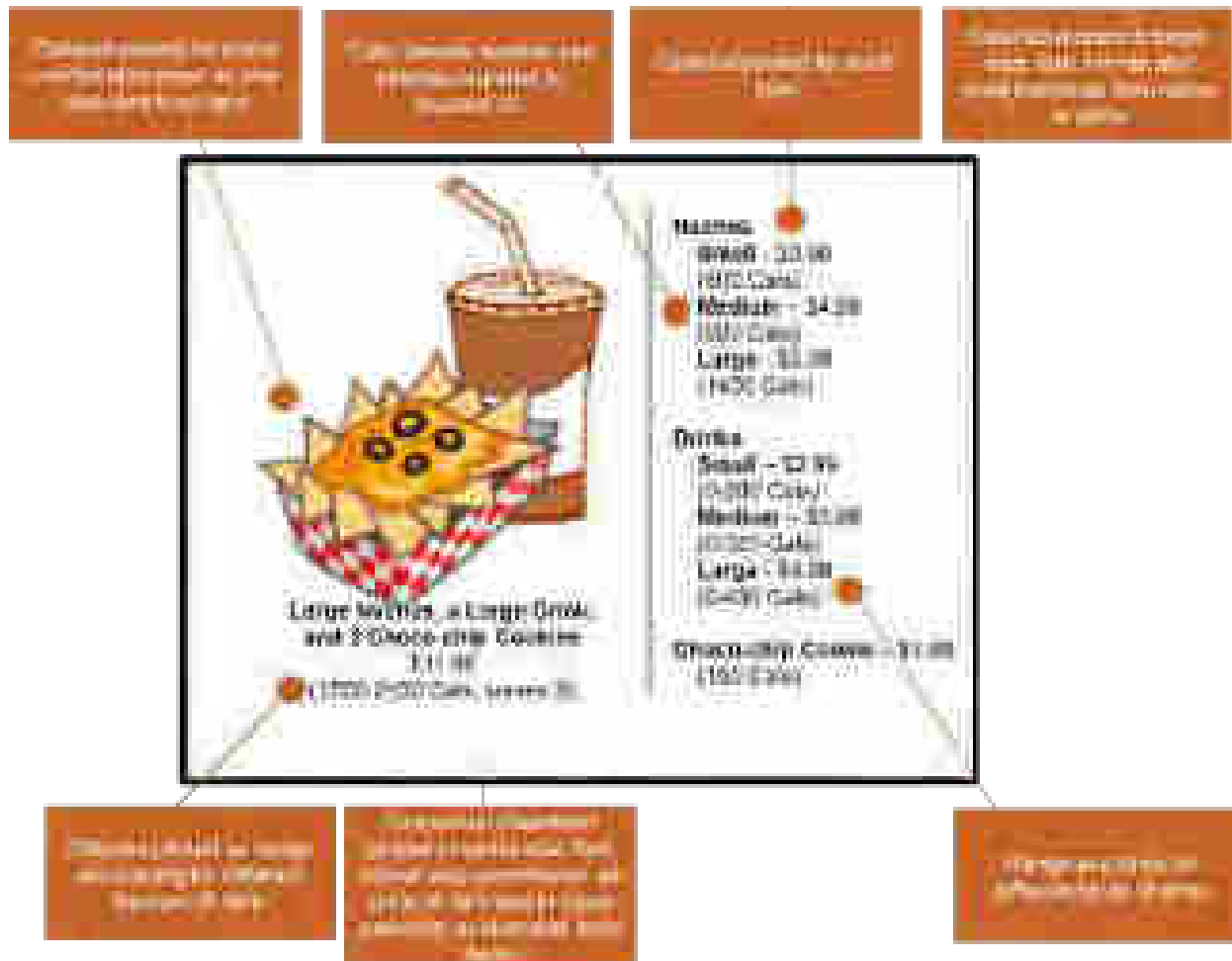
Where combination meals are sold with the option of changing the size of an item (e.g. super-sizing a side) the impact that the change in size has on the caloric content of the meal must be displayed. The calorie difference must be declared for the increased or decreased size (e.g., “Adds 100–250 calories,” “Subtracts 100 calories”).

Combination meals intended for more than one person must post the calorie range as per the requirements of multi-person items and combinations meals (e.g. 2000-3000 cal; 4 servings).

Example #10: Displaying calories for basic combination meals



Example #11: Displaying calories for multi-person combination meals



3. 8 How do you display a range?

Where the number of calories may or must be displayed as a range, the range must be displayed in the following format:

XX-YY

Where XX is the number of calories of the lowest calorie option and YY is the number of calories of the highest calorie option.

3.9 How should calories be displayed for self-service food and beverages or buffets?

For restaurant-type food or beverage items that customers serve themselves, calories must be displayed on one or more signs, in close proximity to and clearly associated with the item, that states the:

- Number of calories per serving of the food or drink item,
- Serving size used to determine the number of calories; and
- Name of the food or drink item.

The term “Calories” or “Cals” must appear:

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

The term “Calories” or “Cals” must be displayed in the same size, font and prominence as the calorie number.

The sign with calorie information must be:

- Visible and legible to any individual who is in a place in the regulated food service premise where he/she can order food or drink or serve it to himself or herself; and
- Positioned in such a way that an individual could reasonably be expected to clearly associate the calories with the food or drink item.

Serving sizes for self-serve items must be determined as follows:

- Where the premise provides a serving instrument that dispenses uniform amounts of food, by the volume of a serving dispensed by the instrument.
- Where cups or other vessels are offered for self-serve drinks, by the volume of the cups or vessels, expressed in milliliters or, if applicable, by description of the cup size.
- For other food or drink items, by a reasonable serving size determined by the person who owns or operates the regulated food service premise.

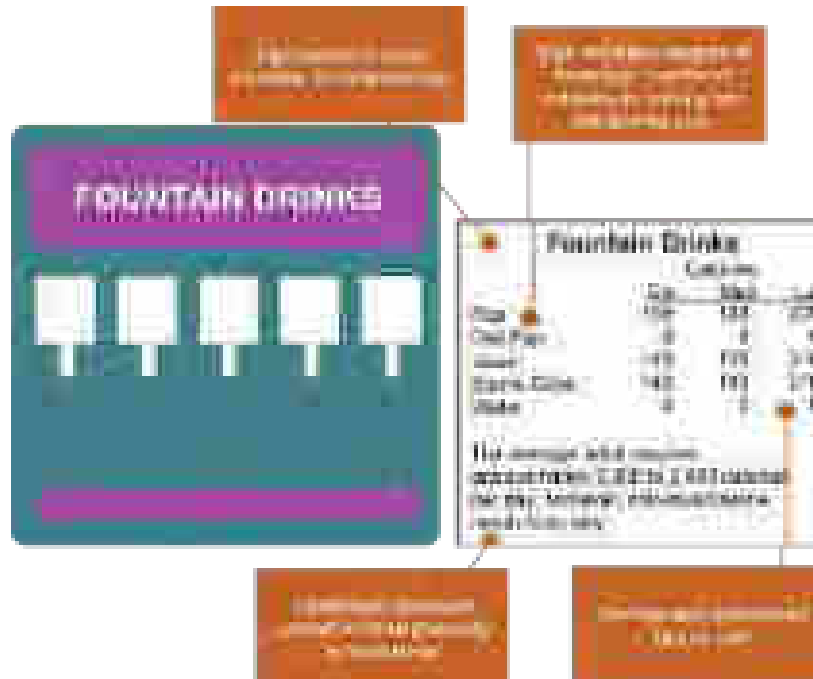
Self-Serve Beverages

For self-serve beverages, calorie ranges for each serving size of every category of beverage can be displayed on a sign in close proximity to the dispenser. The sign must be readily visible and legible.

Example #12: Displaying calories for self-serve food items



Example #13: Displaying calories for self-serve beverages



3. 10 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 premise that sells alcoholic beverages will be exempt from displaying calories for each of their alcoholic beverages if they display the following Table, which lists the calories for common alcoholic beverages:

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 (142mL/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.

The Table must be:

- In substantially the same format as the Table above;
- Displayed in close proximity to where alcoholic beverages are listed on a menu, label or tag; and
- In the same text size and prominence as the listing of the alcoholic beverage(s).

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 premise chooses to display calories for their individual alcoholic beverages, then the requirements for how calories should be displayed for standard food items apply.

If a regulated food service premise displays calories on a menu, label, or tag for some individual alcoholic beverages, but not all, then the above chart must also be displayed on the menu.

Example #14: Displaying calories for individual alcohol beverages

Cocktail Menu



Martini
280 Cals
\$7.99



Long Island Iced Tea
180 Cals
\$7.99



Caesar
200 Cals
\$6.99



Lime Margarita
340 Cals
\$8.99



Pina Colada
360 Cals
\$8.99



Sangria
220 Cals
\$7.99

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

1. The menu displays the calorie content for each beverage.

2. The menu displays the price for each beverage.

3. The menu displays the name of each beverage.

4. The menu displays the calorie content for each beverage.

Example #15: Displaying calories for alcoholic beverages using an alcohol table

Alcohol Menu

BEER PINTS
\$6.99



Pale Ale
Dark Ale
Lager
Honey Lager
Malt Beer
Stout

SPIRITS
\$4.99



Vodka
Gin
Rum
Dark Rum
Tequila

WINE
Bottle - \$8.99
Goblet - \$8.99



House White
House Red
House Rose

Item	Calories	Alcohol Content
House White	120	12%
House Red	120	12%
House Rose	120	12%
House White	120	12%
House Red	120	12%
House Rose	120	12%

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

1. The menu displays the calorie content for each beverage.

2. The menu displays the price for each beverage.

3. The menu displays the name of each beverage.

4. The menu displays the calorie content for each beverage.

4. Determining the Number of Calories

4.1 How must calorie information be determined?

Calorie information must be determined by:

- laboratory testing; or
- a nutrient analysis method.

The person who owns or operates a regulated food service premise must reasonably believe the method for determining calories will provide accurate results. Calorie information may be derived from nutritional information provided in cookbooks or using supplier information if the information was determined by laboratory testing or a nutrient analysis method.

When investigating the accuracy of calorie information, inspectors will be encouraged to take into consideration evidence presented by a business regarding how caloric content was determined to assess whether the method that was used was reasonable.

Health Canada has developed a [guide for determining accurate nutrition information](#) of food and beverage items to assist users in developing accurate nutrient values. This guide may be useful for regulated food service premises when determining accurate calorie information for their food and beverage items.

4.2 How must calories be determined for menu items that slightly differ in size?

For food items that vary slightly in size (e.g. a chicken thigh) because of natural variability, calories must be determined for the average size of the item. For example, chicken legs slightly vary in size based on the size of the chicken; however, calories must be posted for the average chicken leg sold.

5. Contextual Statement Requirements

5.1 What are the requirements for the display of the contextual statement?

The following contextual statement is required to be displayed on menus or a sign that is visible when customers are ordering standard food items or serving themselves self-serve items:

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

The following contextual statement can be used as a substitute on menus, signs, or portions of menus that are targeted to children:

“The average child aged 4 to 8 years old requires approximately 1,200 to 1,400 calories per day, and the average child aged 9 to 13 years old requires approximately 1,400 to 2,000 calories per day; however, individual calorie needs may vary.”

5.2 How must the contextual statement be displayed?

There are two options for how the contextual statement can be displayed:

- a. On every menu; or
- b. On a sign in the premise that is visible and legible to customers when making their order selections or serving it for themselves.

Option #1:

When displaying the mandatory and/or voluntary contextual statement on a menu, it must be:

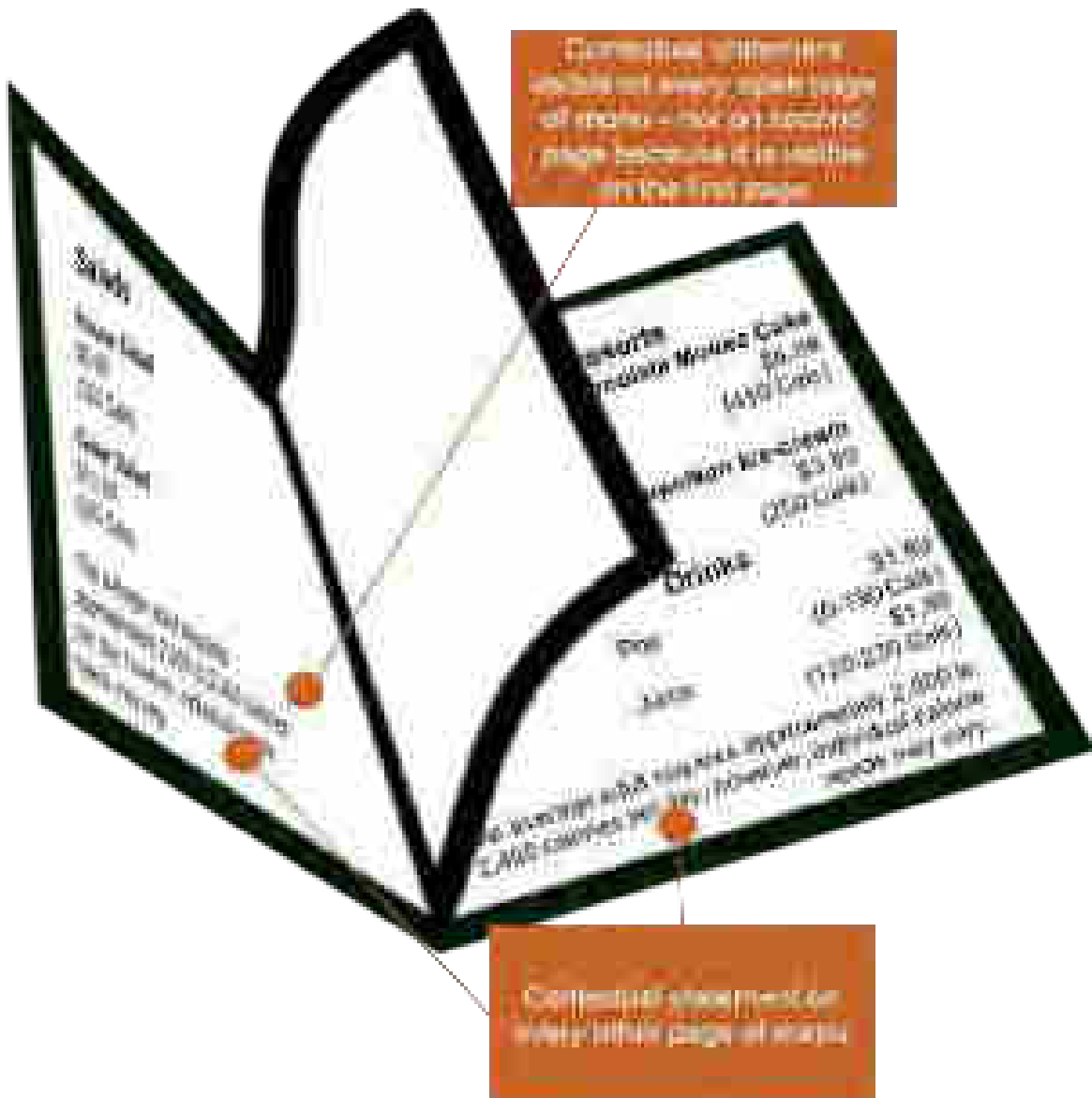
- On every menu or on every page of a paper menu;
 - For a multiple page menu, the contextual statement can be posted on every open page of the menu
- In a place on the menu that is in close proximity to the standard food items listed on the menu; and

- 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.

Option #2:

When displaying the mandatory and/or voluntary contextual statement(s) on a sign or signs, it must be visible by and legible to every individual who is ordering food or beverages or serving themselves self-serve items in a regulated food service premise.

Example #16: Displaying the contextual statement on a multi-page menu



Example #17: Displaying the adult and child contextual statement on a menu

Calories for entire combination meal including fries and milk

Desserts	Kids' Menu
<p>Cheesecake \$6.99 Plain cheesecake topped with fresh strawberry jam 540 Cals</p> <p>Chocolate Brownie Sundae \$5.99 A chocolate warm brownie on French vanilla ice cream 630 Cals</p> <p>Homemade Donuts \$3.99 Made in-house honey donuts with a side of French vanilla ice cream 490 Cals</p> <p>The average adult requires approximately 2,000 to 2,400 calories per day; however, individual calorie needs may vary.</p>	<p>All Kids' meals come with a side of fries and milk.</p> <p>Hot Dog \$4.99 A hot dog with ketchup and mustard 450 Cals</p> <p>Grilled Cheese \$3.99 A grilled cheese sandwich made with real cheddar 350 Cals</p> <p>The average child aged 4 to 8 years old requires approximately 1,200 to 2,000 calories per day, and the average child aged 10 to 13 years old requires approximately 1,500 to 2,000 calories per day; however, individual calorie needs may vary.</p>

Adult contextual statement, needed for non-targeted part of the menu.

Voluntary child contextual statement needed on the local targeted part of the menu.

6. Additional Questions

Inclusions/Exclusions

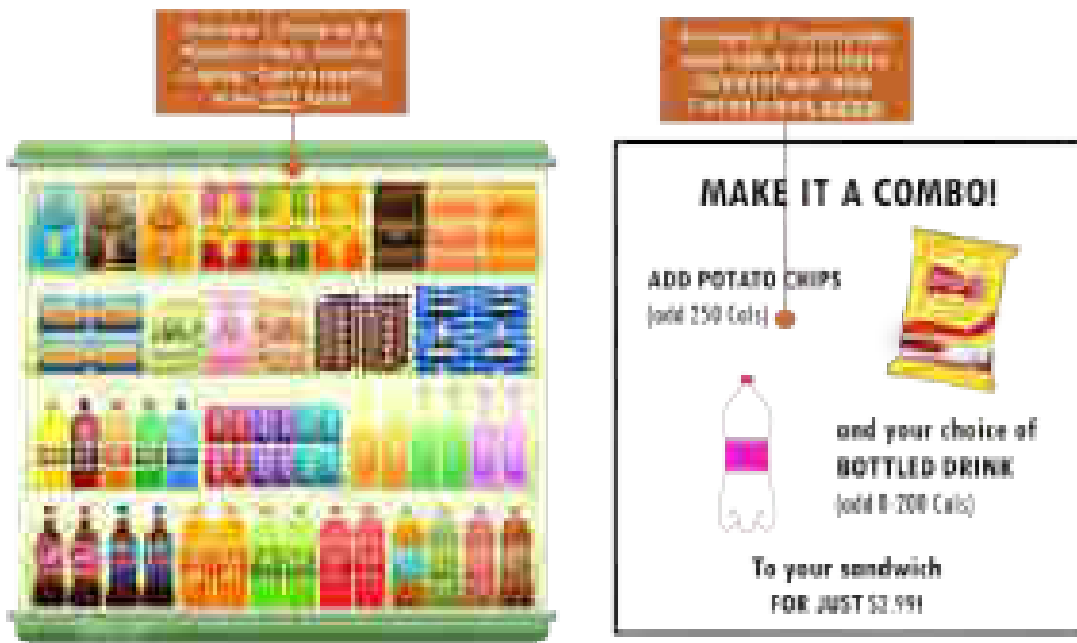
6.1 Are pre-packaged foods with a Nutrition Facts Table (NFT) captured by the legislation?

Items that are on display and which have a NFT that meets the requirements of the Food and Drug Regulations made under the *Food and Drugs Act* (Canada) are exempt from the requirements of clause 2 (2)(b) of the Act.

Items with a NFT are exempt from the requirements of the legislation if they are not listed on the menu. If an item with a NFT is listed on the menu, then calories must be declared for that item.

If an option in a combination meal has a NFT (e.g. bag of chips), then the calories for the item with the NFT must be included in the calories posted for the combination meal. Calories are also required to be posted where combination meal options (with or without a NFT) are listed individually on a menu, label or tag.

Example #18: Displaying calories for pre-packaged foods with a Nutrition Facts Table



6. 2 Are vending machines captured by the menu labelling legislation?

Based on feedback from stakeholders, the ministry is doing further assessment to clarify if vending machines should be captured by the Act and its regulation. Further information will be provided as soon as possible.

6. 3 Are complimentary items captured by the requirements of the menu labelling legislation?

Food items that are not sold or offered for sale would not be captured by the legislation.

6. 4 Are complimentary continental breakfasts in hotels or motels captured by the menu labelling legislation?

Complimentary continental breakfasts in hotels or motels are not captured by the menu labelling provisions because the menu items are not sold or offered for sale.

However, it is captured by the legislation if the continental breakfast is open to the public at a cost and is owned or operated by a person that owns or operates 20 or more food service premises.

6. 5 What if a restaurant chain has two different restaurant brands with very similar names?

Food service premises that operate under substantially the same name and sell substantially the same standard food items would be considered to be part of the same food service premise chain, and would be captured by the legislation (e.g. “Fast Food Restaurant” and “Fast Food Restaurant Express”).

6. 6 What if a chain of 20 or more locations has a subsidiary with a different name that has less than 20 locations, would they be captured?

The Act defines a chain of food service premises as 20 or more food service premises in Ontario that operate under the same or substantially the same name, regardless of ownership, and that offer the same or substantially the same food items.

If the name of the subsidiary is not substantially the same and it does not have 20 or more locations in Ontario, then it would not be captured by the Act.

6. 7 Is food sold on transportation vehicles captured by the menu labelling legislation?

Food served on federally-regulated transportation vehicles (e.g. trains, planes, buses) is not captured by the requirements of the menu labelling legislation.

However, regulated food service premises operating within transportation facilities (e.g. airports, bus terminals, and train stations) are required to adhere to the menu labelling requirements.

6. 8 Does legislation apply to non-fixed food service premises that are part of a chain of 20 or more locations?

A non-fixed food service premise (e.g. food truck, ice-cream cart, and hot dog stand) that is part of a chain of at least 20 locations is captured by the menu labelling legislation. The location must operate for at least 60 days per year to be captured by the menu labelling legislation.

Temporary locations that operate for less than 60 days per calendar year are exempt from the requirements of the menu labelling legislation.

6. 9 Are college and university residence dining hall facilities that do not individually price items for retail sale included in the scope of the regulation?

All you can eat dining hall facilities would be captured if they are part of a chain of 20 or more regulated food service premises in Ontario. Even if customers pay one price for “all you care to eat” the standard food items would be still sold or offered for sale.

6. 10 Does the menu labelling regulation require affected businesses to post the caloric value of water?

The regulation requires affected food service premises that sell or offer water for sale to post calories for water in the following ways:

- For self-serve beverage machines, regulated food service premises must post calorie ranges for each serving size of every category of beverage dispensed by a self-serve beverage machine, including water. The categories of beverages will be determined by industry based on their beverage offerings however, water in its various forms (e.g. carbonated, flat) would likely need to be considered a beverage category in most contexts.
- For menus, regulated food service premises must post calories for water if it is listed as a standard item on a menu (e.g. bottled water).

Beverages

6. 11 How is a standard size determined for self-serve beverages?

Serving sizes for self-serve beverages must be determined as follows:

- Where cups or other vessels are offered for self-serve drinks, by the volume of the cups or vessels, expressed in milliliters or, if applicable, by description of the cup size.

6. 12 How does a regulated food service premise account for ice displacement in drinks?

Calories must be displayed for the beverage as it is sold and served to customers. If the regulated food service premise serves the beverage with ice as a standard component of the drink, then calories should be declared for the size of the cup minus the volume displaced from the ice.

For self-serve beverages, where there is no standard portion of ice, a regulated food service premise must post calories for the beverage without ice displacement.

Calorie Information Display Requirements

6. 13 Can calorie information be displayed on a sign or wall poster instead of on a menu?

Calorie information for standard food items must be displayed on the menu and display tag where the standard food item is put on display.

However, for self-service food and beverages and food on display without a display tag, a sign can be displayed adjacent to and clearly associated with the food or beverages items with calorie information.

6. 14 Are grocery store flyers captured by the menu labelling legislation?

Based on feedback from stakeholders, the ministry is doing further assessment to clarify if these items should be captured by the Act and its regulation. Further information will be provided as soon as possible.

6. 15 Are billboard, radio and television ads captured by the legislation?

Based on feedback from stakeholders, the ministry is doing further assessment to clarify if these items should be captured by the Act and its regulation. Further information will be provided as soon as possible.

6. 16 Are posters and advertisements that are displayed on the exterior of a premises captured by the Act?

Based on feedback from stakeholders, the ministry is doing further assessment to clarify if these items should be captured by the Act and its regulation. Further information will be provided as soon as possible.

6. 17 What if an item with multiple flavours, varieties or sizes has the same number of calories for each flavour, variety or size?

Regulated food service premises are required to display calories as a range for items with multiple flavours, varieties or sizes when only a general description is given and the individual flavours, varieties or sizes are not listed on the menu.

However, if the flavours, varieties or sizes are listed individually but do not differ in calories, then calories can be displayed as one single number instead of as a range.

6. 18 How do you display calories for “All-You-Can-Eat”

If a regulated food service premise offers an “all-you-can-eat” option for one specific food or beverage item (e.g. all-you-can-eat sushi) then the regulated food service premise can:

- Display calories for one serving of that food item and have a statement that outlines that the calories displayed are for one serving, or
- Refer customers to another place on the menu where one serving of the item is listed; if applicable (e.g. refer customers to the “ribs” section on the menu).

Example #19: Displaying calories for ‘All-You-Can-Eat’



6. 19 When can ranges be used?

For menu items that are offered in different flavours, varieties, or sizes:

If the menu, label or tag only includes a general description of the standard food item and does not list the flavours, varieties or sizes, the calorie range for the available flavours, varieties or sizes must be listed.

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 listed.

For standard supplementary items:

The number of calories for each standard supplementary item that is listed on the menu, label or tag must be declared for each size of the standard food item it complements, or declared using a range between the smallest and largest servings of the standard supplementary item.

For combination meals:

Where a menu, label or tag includes 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 variations of the combination meal that are available.

For self-serve beverages:

For self-serve beverages, calorie ranges for each serving size of every category of beverage can be displayed on a sign that is posted in close proximity to the dispenser. The sign must be readily visible and legible.

6. 20 Does the regulation specify colour requirements for calorie posting?

With respect to font and format, calories for standard food items must be displayed in the same font and format as, and at least the same size and prominence as, the name or price of the standard food item.

6. 21 If the name and price are listed in different font sizes, do the calories need to be the same size as the smaller or the larger font?

Calories must be posted in the same font and format as, and must be at least the same size and prominence as the name or the price of the standard food item to which it refers.

Where the fonts in the price vary in size (i.e. different sized fonts are used for the dollar value and cents value), the font size used for displaying calorie content must be at least the same size as the largest font size in the price.

6. 22 How do you declare calories for toppings which may change based on the number of toppings ordered?

If the amount of toppings added to a customizable item is determined by the number of toppings a customer selects, then calories should be declared for each topping with the assumption that only that one topping is added to the standard food item.

For example, a regulated food service premise may put less pepperoni on a pizza if other toppings are also selected. Calories for the pepperoni should be declared as if pepperoni is the only topping on the pizza.

Contextual Statement Display Requirements

6. 23 How must the contextual statement be displayed for electronic menus that rotate?

The contextual statement must be visible to, and legible to, customers when they are making their order selections or serve it to themselves. If a menu rotates with multiple screens, the contextual statement must be displayed on each rotation of the menu, so that it is visible at all times when customers are making their order selection.

6. 24 Do calorie and contextual statement information need to be displayed in English and French?

There is no requirement to display calorie and contextual statement information in English and French. The decision to do so is up to the operator. In an area with a French population the operator may choose to display the required information in both English and French, but it is not a requirement of this Act or the regulation.

6. 25 How must the contextual statement be displayed on menu boards and pamphlet menus with multiple panels?

The contextual statement must be visible to customers when they are making their order selections.

For paper menus with multiple panels that fold (e.g. a pamphlet-style menu), the information must be visible when the menu is fully open. For example, if the menu is one page (front and back) that folds into a pamphlet, then the contextual statement would only need to be posted once on the front and once on the back of the menu.

Menu boards with multiple adjacent panels are classified as one menu for practical purposes and require the contextual statement to be displayed only once. If there is more than one grouping of menu boards, then the contextual statement must be displayed on each grouping of menu boards.

Definitions

6. 26 Under advertising and promotional menus, what is the definition of takeaway or delivery items?

These terms are not defined in the regulation. However, a reasonable interpretation of these concepts is as follows: Takeaway means standard food items ordered either by phone, through an application or online, picked up in-store by the consumer and taken away to eat elsewhere. Delivery means food that is ordered by a consumer either online, over the phone or through an application and then delivered to the consumer.

6. 27 What is the definition of substantially the same?

The Act defines a chain of food service premises as:

- 20 or more food service premises in Ontario that operate under the same or substantially the same name regardless of ownership, that offer the same or substantially the same food items.

The Act and the regulation do not further define the term “substantially the same”.

Fines

6. 28 What are the fines for non-compliance?

The fines for not complying with the menu labelling legislation are:

- For individuals:
 - First offence – not more than \$500 per day or part of a day on which the offence occurs/continues.
 - Second and subsequent offence – not more than \$1,000 per day or part of a day on which the offence occurs/continues.
- For corporations:
 - First offence – not more than \$5,000 per day or part of a day on which the offence occurs/continues.

- Second and subsequent offence – not more than \$10,000 per day or part of a day on which the offence occurs/continues.

The ministry is currently developing a set fines regulation for the *Healthy Menu Choices Act, 2015* under the *Provincial Offences Act* which will be finalized prior to implementation of the legislation.

Other

6. 29 Will franchises be considered individuals or corporations as it relates to the fines?

For the purposes of this Act, a person who owns or operates a regulated food service premise means a person who has responsibility for and control over the activities carried on at a regulated food service premise. This may include a franchisor, a licensor, a person who owns or operates a regulated food service premise through a subsidiary and a manager of a regulated food service premise. However, this does not include an employee who works at a regulated food service premise but is not a manager.

For the purposes of fines imposed on a “franchisor” for failure to comply with any provision of the Act or its regulation, the fine imposed would be dependent on the legal nature of the franchisor at issue. It is likely that a franchisor would be a corporation, but it may, depending on the circumstances, be a corporation or an individual.

6. 30 Does the legislation comply with Canadian Food Inspection Agency rules?

In the process of developing the legislation and regulation, the ministry worked with both federal and provincial partners including Health Canada and the Canadian Food Inspection Agency to ensure that there is no conflict between the new legislation and their existing rules.

7. Additional Examples

Example #20: Displaying Calories at a Quick Service Restaurant

Combo Meals:

- Cheeseburger, Medium French Fries** - \$4.99 (480 cal)
- Single Meat, Medium French Fries** - \$4.99 (480 cal)
- FAMILY MEAL** - \$6.99 (1,040 cal)

Upgrade your combo to large fries for just \$1.50!

Beverages:

- Soft Drink: \$1.29 (100 cal)
- Tea: \$1.29 (100 cal)
- Coffee: \$2.29 (100 cal)

Sides:

- French Fries: \$1.29 (300 cal)
- Onion Rings: \$1.29 (300 cal)
- Hot Wings: \$1.29 (300 cal)

Family Meal Details:

- Includes: 1/2 lb. of Chicken, 1/2 lb. of Beef, 1/2 lb. of Pork, 1/2 lb. of Turkey, 1/2 lb. of Lamb, 1/2 lb. of Fish, 1/2 lb. of Shellfish, 1/2 lb. of Vegetables, 1/2 lb. of Potatoes, 1/2 lb. of Rice, 1/2 lb. of Pasta, 1/2 lb. of Bread, 1/2 lb. of Dessert.

Callout Boxes:

- Top Left: "Calories are listed on the menu for each item. Please see the menu for more information." (points to the calorie counts)
- Top Middle: "We are committed to providing you with the most accurate calorie information available." (points to the calorie counts)
- Top Right: "Calories are listed on the menu for each item. Please see the menu for more information." (points to the calorie counts)
- Bottom Left: "Calories are listed on the menu for each item. Please see the menu for more information." (points to the calorie counts)
- Bottom Right: "Calories are listed on the menu for each item. Please see the menu for more information." (points to the calorie counts)

Example #22: Displaying Calories at a Movie Theatre

The menu board displays the following items and their calorie counts:

Item	Calories
Family Combo (2 Adult Tickets, Large Popcorn, Large Soda)	1625 Cal
Adult Combo (Adult Ticket, Large Popcorn, Large Soda)	1025 Cal
Small Combo (Adult Ticket, Small Popcorn, Small Soda)	625 Cal
Popcorn	
Small - \$3.99	300 Cal
Medium - \$5.99	500 Cal
Large - \$7.99	700 Cal
Large Combo - \$11.99	1100 Cal
Drinks	
Small - \$2.99	100 Cal
Medium - \$3.99	150 Cal
Large - \$4.99	200 Cal
Large Combo - \$11.99	1100 Cal
Snacks	
Hotdog - \$3.99	350 Cal
Big Cheese - \$3.99	350 Cal
Curly - \$3.99	350 Cal
Big Dip - \$3.99	350 Cal
Big Dip Combo - \$11.99	1100 Cal

The calorie information is based on a serving size of 1.000. Actual calorie counts may vary.

