

HEALTHY MENU CHOICES ACT FACT SHEET

Application of the Act in Cafeteria-Style Premises

The *Healthy Menu Choices Act, 2015* and its accompanying regulation (O.Reg 50/16) ("HMCA") came into effect on January 1st, 2017 and require regulated food service premises to post calories for the food and drink items they serve. 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 cafeteria-style regulated food service premises. This fact sheet should be used in conjunction with *A Guide to Menu Labelling Requirements in Regulated Food Service Premises in Ontario*.

What types of premises must comply with the HMCA?

Chains of food service premises that have 20 or more locations in Ontario are subject to the HMCA. Cafeteria-style food service premises that sell food to the general public and that are owned or operated by a person that owns or operates 20 or more cafeteria-style food service premises in Ontario are regulated under the HMCA.

The HMCA exempts certain food service premises from calorie display requirements. Regulated cafeteria-style food service premises are exempt from posting calories in the following locations:

- Food service premises that operate for less than 60 days in a calendar year (consecutively or non-consecutively);
- Food service premises in a public or private school;
- Food service premises located in a correctional institution; and
- Food service premises that are located in a child care centre.

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 cafeteria-style premises a menu may include but is not limited to:

- Paper menus or menu boards;
- Electronic menus (e.g. menus on tablets, self-order kiosks);
- Advertisements, promotional flyers, circulars and magazines inside the store that list prices for standard food items; and
- Online menus/applications, out-of-store advertisements (other than billboard, radio and television advertisements), promotional flyers, circulars and magazines 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.

Note: Catering menus are exempt from the requirements of the HMCA.

How must the calorie information be displayed?

Calories 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).

The term "Calories," "CALORIES," "Cals," or "CALs" must be displayed in the same size, font, and prominence as the calorie information and either adjacent to the number of calories or as a heading above a column listing the calories.

Example #1: Displaying Calories on a Menu Board in a Cafeteria

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


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)

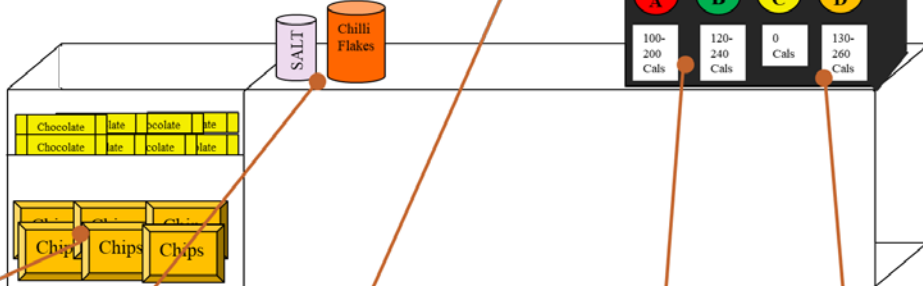
Sides			Drinks		
	Price	Cals		Price	Cals
Fries			Water	\$1.99	0
Small	\$1.25	150	Pop (Can)		
Medium	\$1.75	200	Diet Pop	\$1.99	0
Large	\$2.25	250	Orange Pop	\$1.99	150
Onion Rings	\$2.50	300	Lime Pop	\$1.99	120

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

Contextual statement 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

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

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

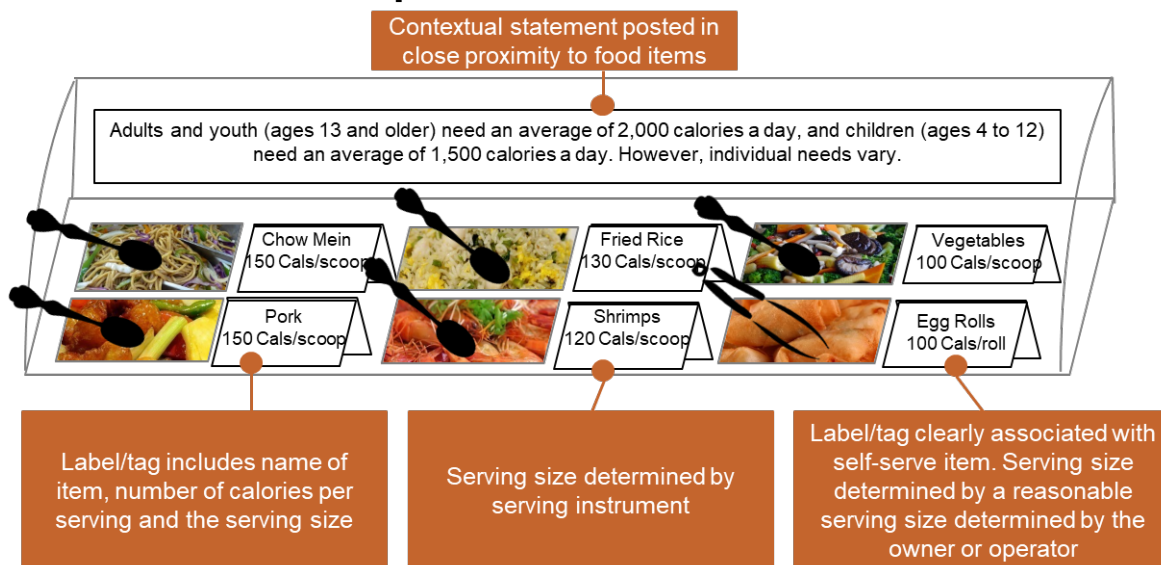
Where a standard food item is available in a number of flavours, varieties or sizes:

- If the menu, label or tag does not list the flavours, varieties or sizes of the standard food item that are available, and only includes a general description of the standard food item, the calorie range for 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 displayed in a tray or vat (meaning that the items are not portioned into their standard portion) and the menu, label or tag does not list the flavours or varieties of the standard food item, the number of calories per serving and the serving size must be posted on a sign in close proximity to and clearly associated with the item. However, if calories are displayed on a label or tag, then food service premises would be exempt from the requirement to post this information on a sign.

How must the calorie information be displayed for self-serve food and drinks?

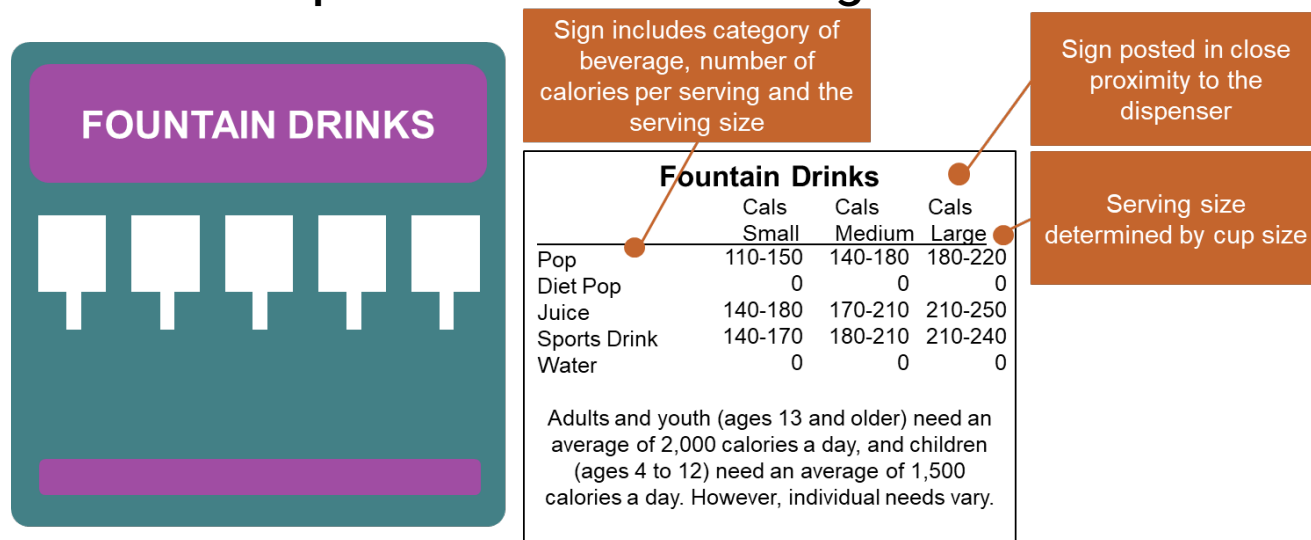
For restaurant-type food or drink items that customers serve for themselves, calories must be posted on one or more signs that include the name of the item, the number of calories of a serving and the serving size, and the term "Calories," "CALORIES," "Cals," or "CALs". The sign or signs must be clearly associated with the food or drink item, and be visible by and legible to any individual where they can serve themselves.

Example #2: Self-Serve Buffet



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.

Example #3: Self-Serve Beverage Machine



Please note that this only applies to self-serve. 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 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 a tray or vat (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.
- 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 NfT, then the calories for the item with the NfT must be included in the total number of calories displayed for the combination meal.

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 #4: Customized Sandwich Station in a Cafeteria

Contextual statement 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

Example #5: Displaying Calories for Customizable Pizza

Pizza

Small	Medium	Large
Cheese	Cheese	Cheese
\$7.35	\$9.35	\$11.35
200 Cals per slice	180 Cals per slice	170 Cals per slice
4 slices	6 slices	8 slices

Toppings

Standard	Premium
\$0.50 each	\$1.00 each
Onions 5-10 Cals	Chicken 30-60 Cals
Green peppers 5-10 Cals	Extra Cheese 10-20 Cals
Mushrooms 5-10 Cals	Anchovies 5-10 Cals
Olives 10-20 Cals	Pepperoni 20-40 Cals

Calories for toppings are additional to the calories for the cheese pizza

Adults and you (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.

Contextual statement posted in same size, font, format and prominence as name or price of item

Calories declared for basic preparation

Statement indicating that calories are in addition to calories for the basic preparation

Calories posted for each additional topping that can be added in all sizes available

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 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.

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.

Example #6: Displaying Calories for Food on Display

Calories posted in at least the same size, font, format and prominence as the largest font used for the price	Range accounts for different arrangements of options within the combination meal	Calories posted for the standard food item as served, including the onion bun as it is part of the standard food item	Calories posted for the standard food item as served, including bun –as it is part of combination meal. Range accounts for soup and bread varieties based on daily availability (varieties not listed)	Calories rounded to nearest 1, 5, or 10 as applicable
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HOT FOOD		SOUP		DRINKS
Combo Trays		Soup of the Day (with bun)		Coffee
1 Item \$6 ⁵⁰ (100-250 Cals)	2 Items \$8 ⁵⁰ (200-450 Cals)	3 Items \$9 ⁵⁰ (350-600 Cals)	Small \$4 ⁵⁰ (450-600 Cals)	Small \$2 ⁵⁰ (4 Cals)
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.		Medium - \$5 ⁵⁰ (500-650 Cal)	Medium - \$5 ⁵⁰ (500-650 Cal)	Medium \$3 ⁰⁰ (10 Cals)
		Tomato Soup +onion bun	Small \$4 ⁵⁰ (450 Cals)	Large \$3 ⁵⁰ (15 Cals)
		Medium \$5 ⁵⁰ (500 Cals)	Medium \$5 ⁵⁰ (500 Cals)	Tea
				Small – \$2 ⁰⁰ (0 Cals)
				Medium \$2 ⁵⁰ (0 Cals)
				Large \$3 ⁰⁰ (0 Cals)

Chicken (100 Cals / scoop)	Fries (200 Cals / scoop)	Fried Rice (150 Cals / scoop)	Meatballs (250 Cals / scoop)	Vegetables (100-150 Cals / scoop)
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Contextual statement posted in same size, font, format and prominence as largest number in price. Contextual Statement posted once per multi-panel menu	Calories per serving and serving size –based on serving instrument -posted on a sign for options in the combination meal that are displayed in bulk. Assumption that serving size for each item remains the same for each size of tray available (i.e. 2 item tray vs 2 item tray)	Range accounts for variance based on seasonal availability of vegetables	Calories for self-serve complimentary toppings are not included
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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 instrument or 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 self-serve standard 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 milliliters 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

The following contextual statement, in English or in French, 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.”

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 drink items from calorie display requirements. The following exemptions may be of interest to cafeteria-style regulated food service premises:

- **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.
- **Whole fruits and vegetables:** Unprepared fruits and vegetables that are normally sold by weight or unit (e.g. a single banana) and that are not part of another standard food item (e.g. a banana in a combination meal or fruit salad).
- **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). Alcoholic beverages listed on a menu do require calorie labelling.
- **Items with a Nutrition Facts table:** Standard food items that are on display and labelled with an NFt. Note that items with an NFt that are listed on a menu require calorie labelling.
- **Prepackaged items exempt from having an NFt:** Standard food items that are "prepackaged products" as defined in the Food and Drug Regulations made

under the Food and Drugs Act (Canada), and that are exempt from the NfT requirements of those regulations.

- **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. This document is intended to help owners and operators of regulated food service premises understand and implement the HMCA. This document provides summary information about the *Healthy Menu Choices Act, 2015* and the regulation (O. Reg. 50/16) made under the Act. The ministry recognizes that application to each regulated food service premises is subject to the specific realities of each food service premises. 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 HMCA, 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.