

HEALTHY MENU CHOICES ACT FACT SHEET

Application of the Act in Movie Theatres

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 regulated movie theatres. This fact sheet should be used in conjunction with *A Guide to Menu Labelling Requirements in Regulated Food Service Premises in Ontario*.

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 movie theatres, a menu may include but is not limited to:

- Paper menus;
- Electronic menus (e.g. menus on tablets, self-order kiosks);
- Menu boards;
- 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.

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).

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," "CALORIES," "Cals," or "CALs" must be displayed in the same size, font, and prominence as the calorie information and in one of the two following 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.

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.

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.

Please note that this only applies to self-serve beverages. 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).

Example #1: Self-Serve Beverage Machine – Calories Posted on a Sign by Beverage Category

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

Sign posted in close proximity to the dispenser

Serving size determined by cup size

Range accounts for different flavours within each category

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

Adults and youth (ages 13 and older) need an average of 2,000 calories a day, and children (ages 4 to 12) need an average of 1,500 calories a day. However, individual needs vary.

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) – for example popcorn on display in a popcorn machine-, 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 Nutrition Facts table (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, toppings, flavourings);
- 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.

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 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.

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

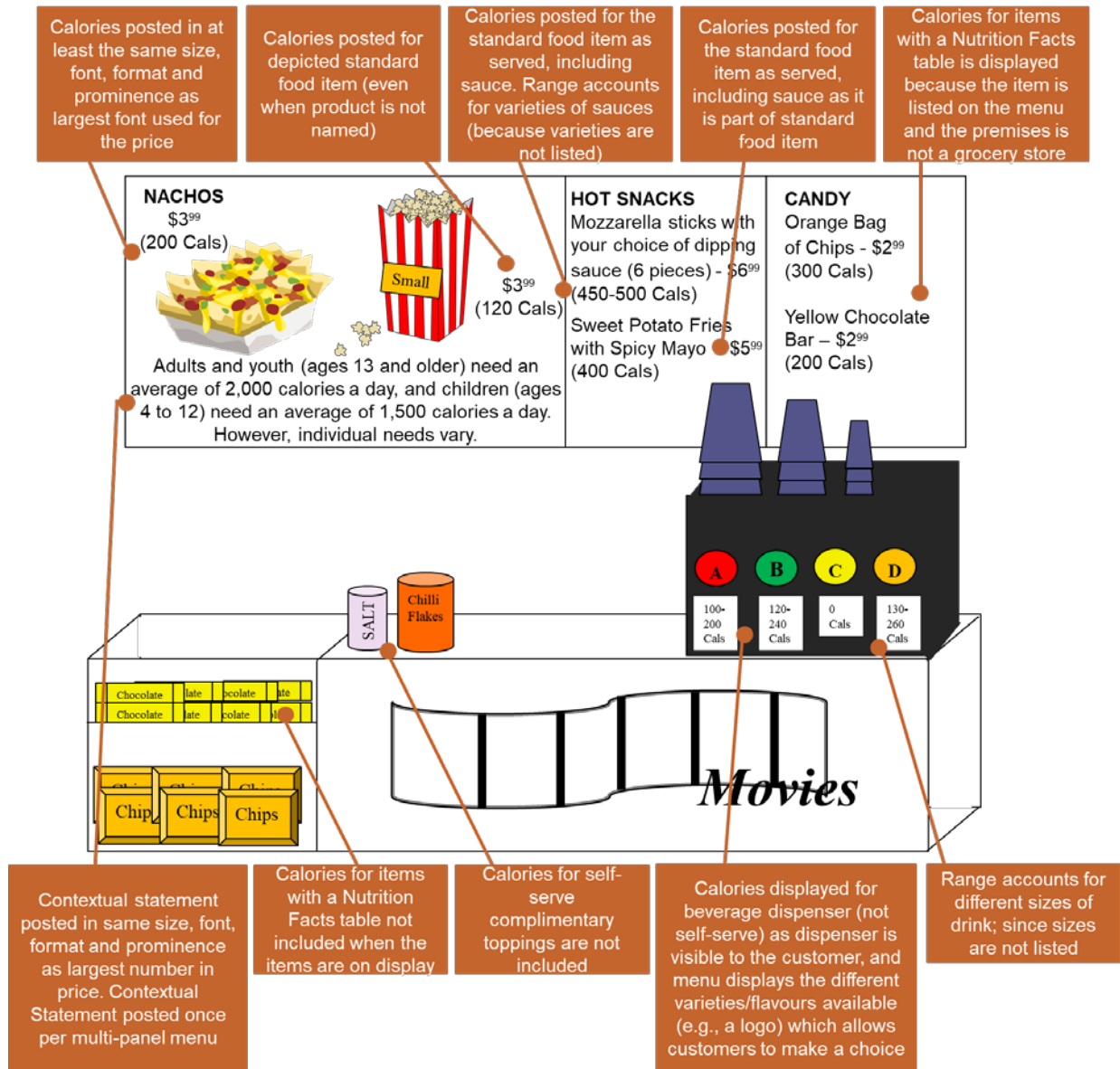
must be on a sign that is visible and legible to customers when making their order selections or serving it for themselves.

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.

Example #2: Menu Board in a Movie Theatre

<p>Calories posted for the entire combination meal as if it is one standard food item</p>	<p>Calories posted for entire multi-person item and the number of servings. Alternatively, calories could be posted for a single serving size, and the number of servings listed</p>	<p>Range accounts for different drinks in the combination meal (i.e. combo with lowest calorie drink to combo with highest calorie drink)</p>	<p>Calories posted for increase due to size upgrade. Range accounts for different drinks in the combination meal</p>	
<p>Calories posted adjacent to price. Calories posted in at least the same size, font, format and prominence as the price</p>	<p>Calories posted for item added. Range accounts for amount of sauce in each size</p>	<p>Term "Cals" beside number and calories rounded to nearest 1, 5, or 10 as applicable</p>	<p>Contextual statement posted in same size, font, format and prominence as price of item and clearly associated with menu items</p>	<p>Calories for items with a Nutrition Facts table is displayed because the item is listed on the menu, and premises is not a grocery store</p>

Example #3: Menu Labelling in a Movie Theatre



Exemptions

The regulation exempts certain food and drink items from calorie display requirements. The following exemptions may be of interest to a regulated food service premises that is a movie theatre:

- **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). 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 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. 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.