

# HEALTHY MENU CHOICES ACT FACT SHEET

## Application of the Act in Restaurants

The *Healthy Menu Choices Act, 2015* and its accompanying regulation (O.Reg 50/16) (“HMCA”) came into effect on January 1<sup>st</sup>, 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 restaurants. 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 restaurants a menu may include but is not limited to:

- Paper menus or menu boards;
- Electronic menus (e.g. menus on tablets, self-order kiosks);
- Drive through menus;
- 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.

For restaurant-type beverages that are not self-serve, they are to be treated as standard food items (i.e. calories for each beverage listed must be posted).

## How must calories be displayed for alcohol?

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

However, a regulated food service premises that sells alcoholic beverages will be exempt from displaying calories for each of their alcoholic beverages listed on a menu if they display the alcohol Table below:

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

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

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

If a regulated food service premises chooses to display calories for their individual alcoholic beverages, then the requirements for how calories should be displayed for standard food items apply.

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

Where a 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 menu, label or tag does not list the flavours or varieties of the standard food item and the item is displayed in bulk form (meaning that the items are not portioned into their standard portion), the number of calories per serving and the serving size must be posted on a sign. The sign would have to be in close proximity to and clearly associated with the item, positioned in a way that an individual could reasonably be expected to clearly associate the calorie declaration with the item, and include the name of the item. However, if calories for the item that are displayed in bulk 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 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.

## 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.

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

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

## Food Menu

**Appetizers**

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

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

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

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

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

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

**Dessert**

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

*Add Whipped Cream (50 Cals)* \$1.00

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

## Drinks

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

**Coffee/Tea** (2 Cals) \$2.50

**Alcoholic**

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

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

**Wine**

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

Standard Alcoholic Beverages	Standard Serving Size	Approximate Average Calories per Standard Serving Size
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Light Beer (4%)	1 bottle (341 mL)	100
Spirits (40%)	1 shot (45 mL/1½ oz)	100

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

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

## Example #2: Displaying Calories on a Tabletop Menu

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

**Range accounts for variance based on seasonal availability of fruit**

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

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

**Weekend Brunch Special!**

**Yogurt Cup (300-350 Cals)** \$450  
Vanilla yogurt topped with cereal, Brown Sugar and Seasonal Fruit

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

**Poached Eggs (570-700 Cals)** \$650  
2 Poached eggs with Hollandaise sauce served with your choice of bread.

**Scrambled Eggs (550-680 Cals)** \$750  
2 Scrambled eggs served with your choice of bread.  
Add bacon (Add 50 Cals) \$150

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

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

**Calories posted for additional item**

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

**Contextual statement posted in same size, font, format and prominence as largest number in price. Contextual Statement posted on each side of a two-sided menu**

## 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 restaurant:

- **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.

## 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](mailto:menulabelling@ontario.ca).