

HEALTHY MENU CHOICES ACT FACT SHEET

Application of the Act for Self-Serve Items

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 food service premises offering self-serve food and beverage items for sale. 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 premises;
- Is intended for immediate consumption without further preparation; and
- Is standardized for portion and content.

Where must calories be displayed?

For restaurant-type food or drink items that customers serve for themselves, calories must be posted on one or more signs that:

- lists the name of the food or drink item,
- includes the number of calories of a serving of the food or drink item and the serving size used to determine the number of calories;
- is clearly associated with the food or drink item; and
- includes the term “Calories,” “CALORIES,” “Cals,” or “CALs” in the same size, font, and prominence as the calorie information, either adjacent to the number of calories or as a heading above a column listing the number of calories.

The sign or signs must be posted in close proximity to and clearly associated with the item and must be visible by and legible to individuals where they serve themselves.

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 above.

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.

What serving size should be used when displaying calories?

If the premises provides a serving instrument or utensil that dispenses a uniform amount of food, calories must be determined by the volume of a serving dispensed by the serving instrument or utensil.

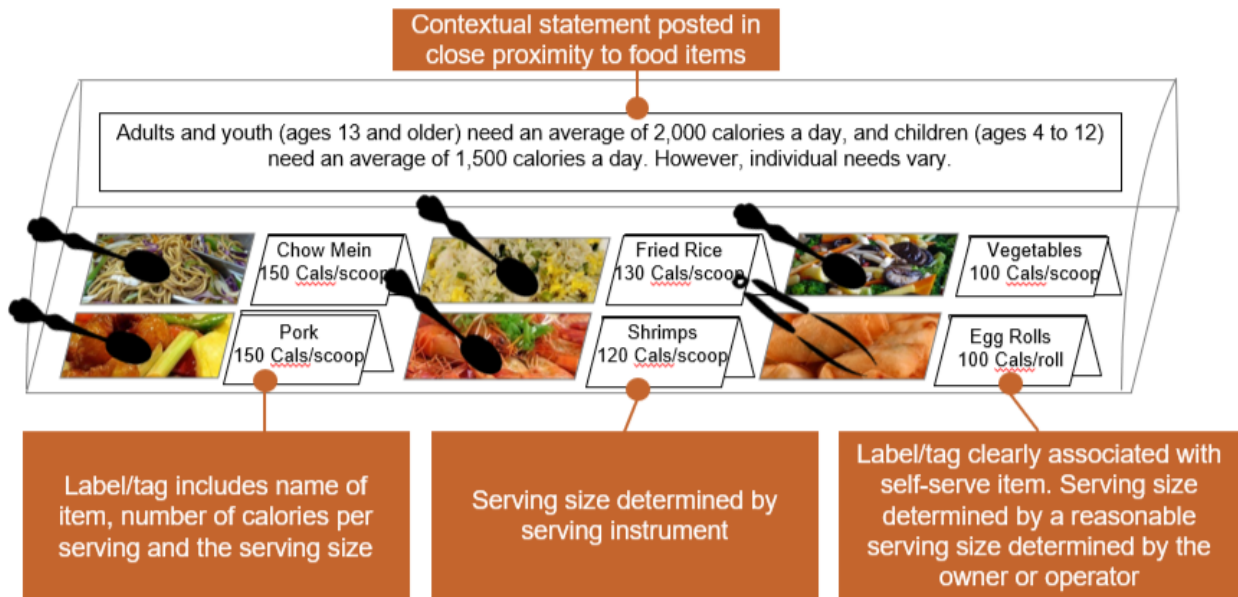
If cups or other containers are offered for self-serve drinks, serving sizes must be determined by the volume of the cups or containers, expressed in millilitres or by description of the cup size (e.g. small, large).

For other food or drink items, serving sizes are to be set by a reasonable serving size determined by the owner or operator.

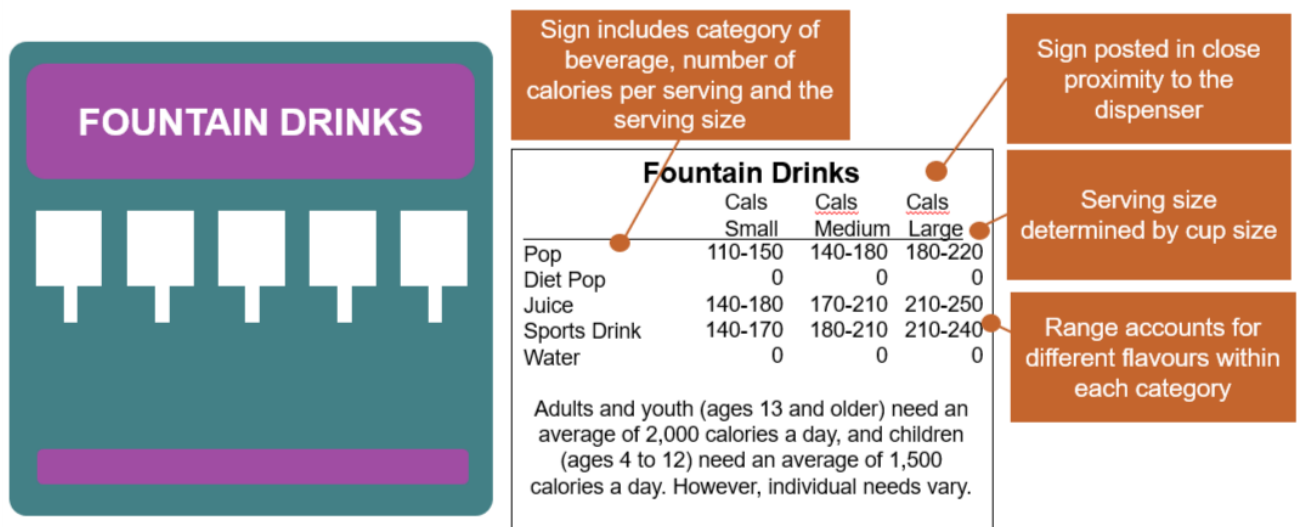
Example #1: Self-Serve Salad Bar – Calories Posted on a Sign



Example #2: Self-Serve Buffet – Calories Posted on Labels/Tags



Example #3: Self-Serve Beverage Machine – Calories Posted on a Sign by Beverage Category



Contextual Statement Requirements

Where an individual can serve themselves, and a menu is not visible by and legible to the individual, a contextual statement, in English or in French, must be displayed

on a sign. The sign must be visible and legible to customers when they serve themselves.

As of January 1st, 2018, the following contextual statement is required to 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.”

Exemptions for Self-Serve

The following food and drink items are some examples of items exempt from calorie display requirements:

- 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.

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.