

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

Understanding Ontario's Menu Labelling Rules

September 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 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 (also referred to as the “implementation guide”) is intended to help regulated food service premises owners and operators understand and implement Ontario’s menu labelling legislation. It also includes common questions and answers about the implementation of the Act.

The implementation guide is intended to reflect the policy intent, as supported by the legislation. The ministry recognizes that application to each regulated food service premises is subject to the specific realities of each food service premises. Stakeholders are encouraged to speak to their legal counsel about questions that they may have regarding how the Act and regulation apply to their food service premises.

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 or regulation under the Act (Ontario Regulation 50/16). Such advice

should be obtained from an independent lawyer. Where there is a discrepancy between anything in this document and a legislative provision, the legislation prevails.

The implementation guide is a living document and may be revised as required to reflect specific implementation information or further clarifications as needed.

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, and
 - on display tags or labels, when the items are on display.
2. A contextual statement, in English or in French¹.

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

Between January 1st, 2017 and December 31st, 2017, food service premises can choose to post the contextual statement above, or post the contextual statement as stated below:

“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.

Please refer to section 2.1 of this implementation guide for details on the dates the two contextual statements take effect.

¹ For the French contextual statement, please refer to the French version of the regulation, or the French version of this guide

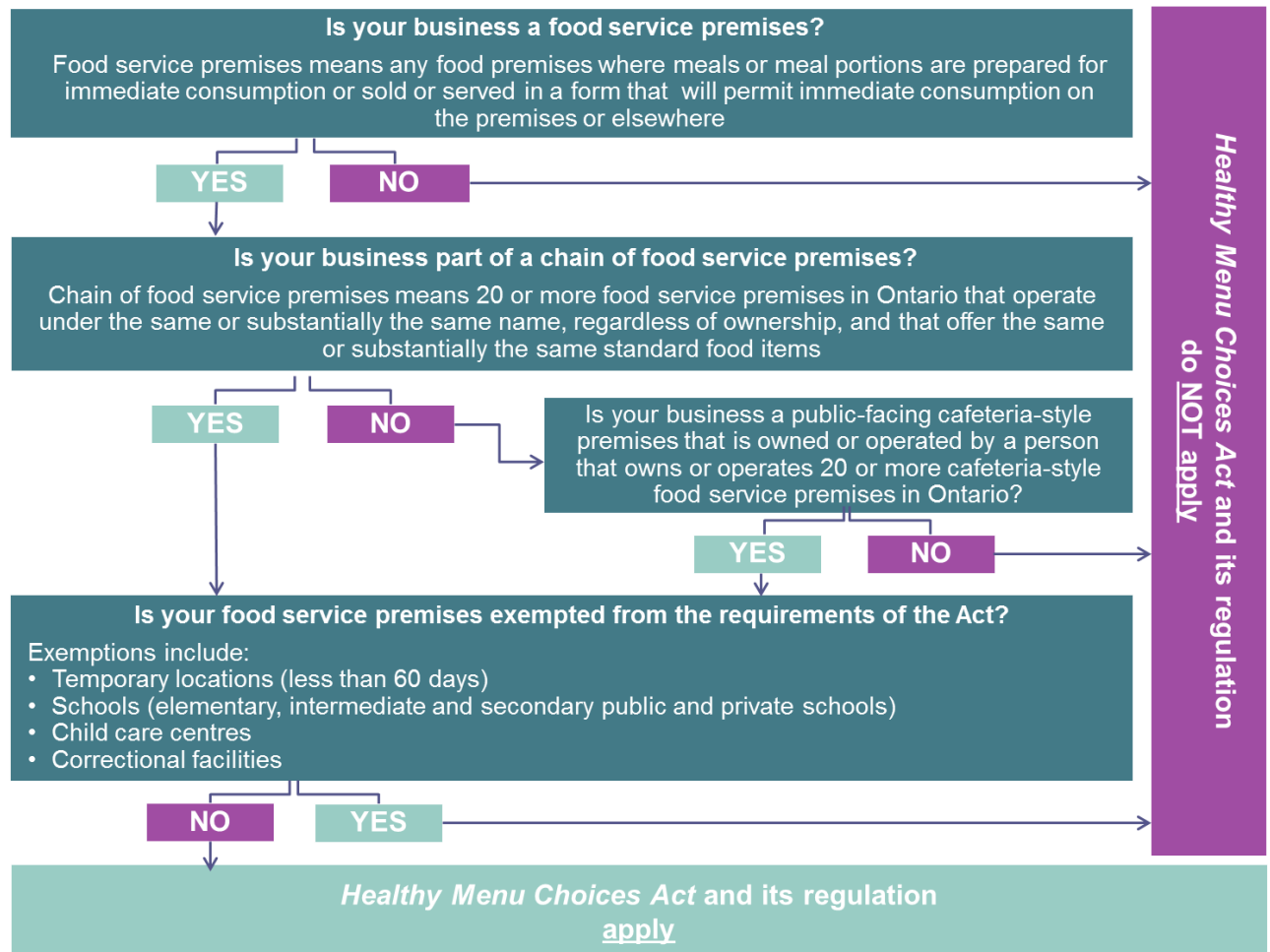
2.3 How will the legislation and regulation be enforced?

Beginning January 1st, 2017, public health unit inspectors designated under the Act will have the power to enforce the Act and regulation. Please note that the ministry will train public health units 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 designated inspectors will be provided with training on enforcement expectations. Information provided to inspectors through the training process as well as enforcement materials 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 types 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 types of food service premises are exempt from the menu labelling legislation?

The following types of 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 How does the regulation define Grocery Stores?

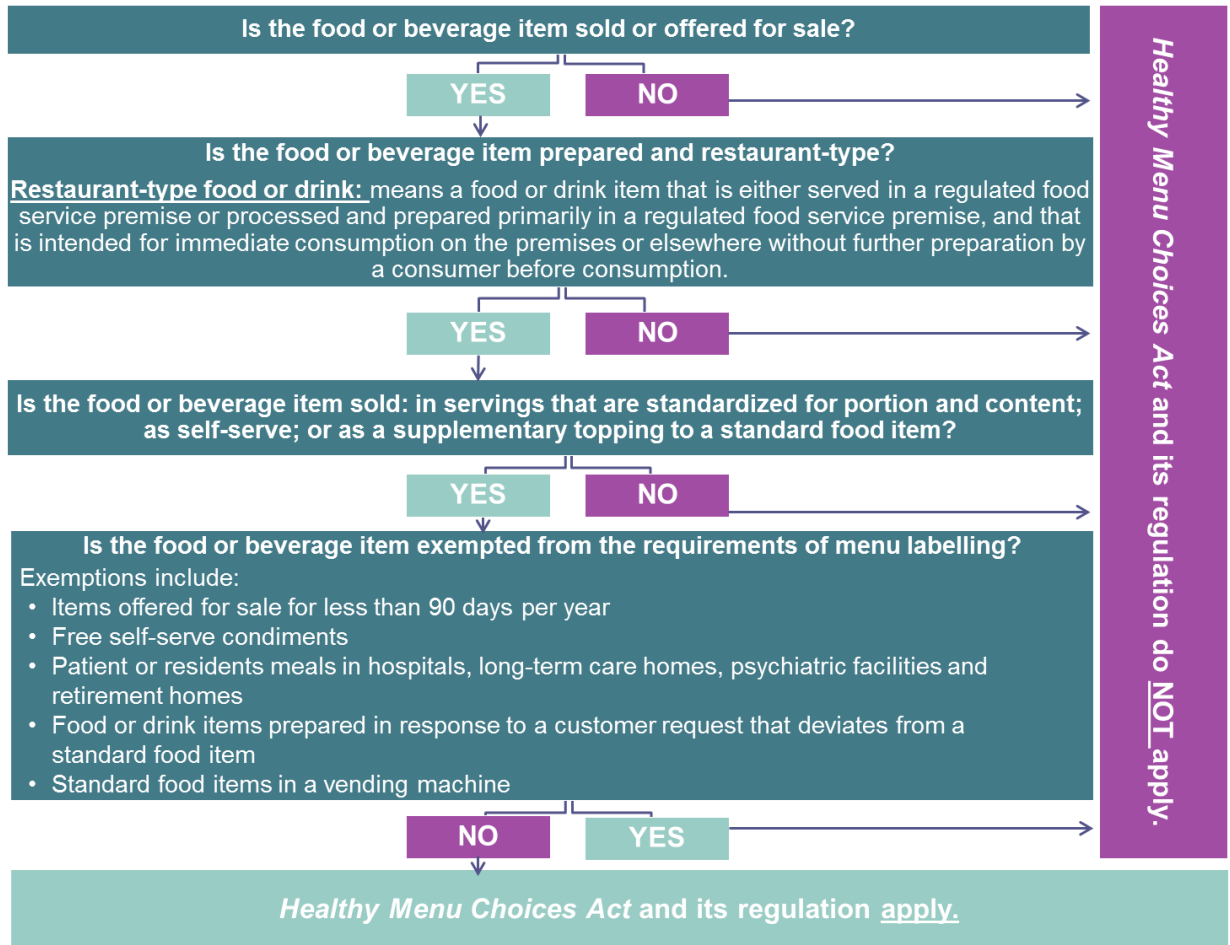
For the purposes of the menu labelling Act and regulation, grocery stores are food service premises that sell a variety of canned, dry and frozen foods, fresh produce, bakery products, dairy products and household items. Convenience stores that offer for sale a variety of these items are also considered grocery stores for the purposes of the Act and regulation.

2. 8 What food and beverage items are captured by the menu labelling legislation?

The menu labelling legislation requires calorie posting for restaurant-type standard food items in regulated food service premises. Items that require calorie posting are food or drink items that:

- are served or processed and prepared primarily at the premises;
- are intended for immediate consumption;
- do not require further preparation by a consumer before consumption (i.e. foods that are generally considered to be 'ready to eat'); and
- are sold or offered for sale in servings that are standardized for portion and content.

A food service premises 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:



The regulation also clarifies specific items that, when sold at grocery stores and convenience stores, are not subject to menu labelling requirements because they are not considered standard food items (See question 2.10).

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 on the table or counter 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, dipping sauces that come standard with a chicken wings order, or a salad that comes standard with dressing. 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 premises to deviate from its usual preparation of the standard food item are exempt from menu labelling provisions.
- However, regulated food service premises that offer standard food items that are meant to be personalized are not exempt from posting calories for those items (please refer to question 3.6).
- 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.
- Examples of items captured by the legislation:
 - Toppings for a standard food item that are on display or listed on a menu, such as cheese to be added to a burger or onions that are on display for customers to create their own sandwich.
 - Types of bread that are listed on the menu or that are on display and a customer can choose to customize their sandwich or hamburger.

2. 10 What food items are exempt from calorie posting on a menu, label or tag if sold in a grocery or convenience store?

The following items, when sold at a regulated grocery or convenience store, are not considered standard food items, and thus are exempt from the calorie posting requirements:

- Deli meats and cheeses that are normally sold by weight and that are not part of another standard food item;
- Prepared fruit and vegetables intended for multiple persons;
- Flavoured bread, buns and rolls that are not part of another standard food item; and
- Olives and antipasti that are not part of another standard food item.

Note that if any of these items are part of a standard food item (or part of a combination meal) they would require calorie posting.

- Examples of items in a grocery store **not** captured by the legislation:
 - Deli turkey meat that is portioned for the customer to be sold by weight, and that is not being sold as part of another standard food item (i.e. not part of a sandwich).
 - A party sized fruit tray intended for multiple persons.
 - A flavoured bagel that is sold in the bakery and is not part of another standard food item (i.e. not part of a sandwich).
 - Olives that a customer serves for themselves and are not part of another standard food item (i.e. not part of a salad or combination meal).
- Examples of items in a grocery store that may be captured by the legislation:
 - A club sandwich with deli cheese that is a standard food item and prepared at the grocery store.
 - A 'snack' fruit cup that is a standard food item and is intended for immediate consumption by one person.
 - A bun that is offered for sale in a combination meal with the purchase of a soup.
 - Olives that are offered within the self-serve salad bar for a customer to include in their salad that is intended for immediate consumption.

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

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

- a. Items with a Nutrition Facts table that are on display, but not listed on a menu;
- b. Alcohol beverages on display, but not listed on a menu; and
- c. Standard food items in a vending machine.

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

Items with a Nutrition Facts table (NFT)

- Items that are on display with 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 the legislation.
- However, if the item with an NFT is listed on a menu, its 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 that has an NFT.
 - Bottle of juice on display that has an NFT.
 - Chocolate bar on display that has an NFT.
- Examples of items captured by the legislation:
 - Bag of chips or pre-packaged sandwich with an NFT that are listed on a menu.
 - Combination meal of a slice of pizza and a can of pop with an NFT. Calories must be posted for the combination meal, including the calories for the can of pop.

Example #1: Displaying calories for pre-packaged foods with a Nutrition Facts table

Scenario 1: Items with a Nutrition Facts table on Display: Calorie posting does NOT apply



Scenario 2: Combination meal with an item with a Nutrition Facts table: Calorie posting applies

MAKE IT A COMBO!

ADD POTATO CHIPS
(add 250 Cals)



and your choice of BOTTLED DRINK
(add 0-200 Cals)



To your sandwich
FOR JUST \$2.99!

Alcohol beverages on display

- Alcohol beverages on display that are not listed on the menu (e.g. back bar) are exempt from the requirements of the legislation.
- However, if the alcohol beverage is listed on a menu, calories must be posted on the menu. In addition, if the alcohol beverage is part of a combination meal, the calories for the item must be included in the calories displayed for the combination meal. See section 3.10 for details.
- 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 on the back bar or open cellar.
- Examples of items captured by the legislation:
 - Standardized alcoholic beverages that are listed on a menu.
 - A can of beer that is sold within a combination meal with wings and is listed on a menu.

Standard Food Items in a Vending Machine

- Standard food items in a regulated food service premises that are in a vending machine are exempt from the requirements of the legislation.
- Examples of items not captured by the legislation, provided they are not listed on a menu:
 - A sandwich sold through a vending machine.
 - A can of pop sold through a vending machine.
- Examples of items captured by the legislation:
 - Beverages sold through a self-serve dispenser.
 - A can of pop when it is listed on a menu.

3. Calorie Display Requirements

3. 1 Where must calories be displayed?

Calories must be displayed on any menu that lists or depicts 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 Menu Applications*
- Advertisements, except for billboards, radio and television 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 the prices for standard food items are displayed and a method to place an order for delivery or take away ordering is provided.*

Example #2: Displaying calories on a restaurant menu

Calories posted per serving, and number of servings per item is listed		Calories posted in at least the same size, font, format, and prominence as the name/price of the standard food item	
Shareable Appetizers		Entrees	Desserts
Spinach Dip \$6.99 300 Cals/serving, serves 4		Chicken \$16.99 <i>Chicken, mashed potatoes and grilled vegetables</i> 600 Cals	Chocolate Mousse Cake \$6.99 450 Cals
Nachos \$13.99 400 Cals/serving, serves 4		Steak \$23.99 <i>T-bone steak with mashed potatoes and grilled vegetables</i> 890 Cals	Neopolitan Ice-cream \$3.99 250 Cals
Bruschetta \$7.99 250 Cals/serving, serves 2			Drinks
Salads		Vegetable Stir-Fry \$15.99 <i>Assorted vegetables cooked in a teriyaki sauce and served on rice</i> 450 Cals	Pop \$1.99 0-190 Cals
House Salad \$8.99 320 Cals		Salmon \$20.99 <i>Salmon with grilled vegetables and a house salad</i> 600 Cals	Juice \$1.99 120-140 Cals
Cesar Salad \$10.99 520 Cals			Sparkling Water \$1.99 0 Cals
New contextual statement (effective January 1, 2018*) posted in same font, format, size, and prominence as name/price of standard food item and in close proximity to standard food items. Posted on one side of a pamphlet style menu. Statement would also be posted on the opposite side if the menu continues.		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.	
		Calorie range posted for lowest calorie option to highest calorie option	

*For requirements regarding the contextual statement between January 1, 2017 and December 31, 2017, please refer to the Contextual Statement section in this document.

Example #3: 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

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

"Cals" beside number and calories rounded to nearest 10





New contextual statement (effective January 1, 2018*) posted in same size, font, format and prominence as name/price of the standard food items and clearly associated with menu items

Example #4: Displaying calories on an online menu

**NOW AVAILABLE
PLACE YOUR ORDER ONLINE!**

Click on the items to add them to your order

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.

	
Guacamole and Nacho Chips \$5.99 (400 Cals; serves 2)	Salsa and Nacho Chips \$4.99 (200 Cals; serves 2)
	
Mexican Nachos \$12.99 (1200 Cals; serves 6)	Chicken Quesadilla \$8.99 (700 Cals)

New contextual statement (effective January 1, 2018*) posted in same size, font, format and prominence as name or price and clearly associated with menu items

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

Calories posted for entire multi-person item and the number of servings

"Cals" beside number, and calories rounded to nearest 10

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.

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.

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;
- 5 for items with over 5 to 50 calories;
- whole number for items with half a calorie to 5 calories; and
- 0 for items with less than half a calorie.

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 serving size of the item and the number of servings the entire item is comprised of.

Example #5: Displaying calories for multi-person item using calories for the entire item

Appetizers to Share!



Spinach Dip
\$6.99
900 Calories
Serves 2



Chicken Bites
\$8.99
800 Calories
Serves 2



Nachos
\$12.99
850 Calories
Serves 4

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 item; number of servings per item is identified

New contextual statement (effective January 1, 2018*) is displayed in a manner visible to the customer

Example #6: Displaying calories for a multi-person item using calories for a serving size

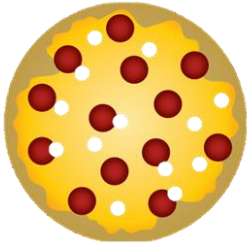
Pepperoni Pizza

Small – \$5.00
350 Cals per slice; 6 slices

Medium – \$7.00
400 Cals per slice; 8 Slices

Large – \$10.00
450 Cals per slice; 10 Slices

X-Large – \$12.00
480 Cals per slice; 12 Slices



Vegetarian Pizza

Small – \$5.50
330 Cals per slice; 6 slices

Medium – \$7.50
380 Cals per slice; 8 Slices

Large – \$10.50
420 Cals per slice; 10 Slices

X-Large – \$12.50
455 Cals per slice; 12 Slices

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.

Displays calories of a serving of the standard food item

Displays the number of servings the item is comprised of

New contextual statement (effective January 1, 2018*) posted in same size, font, format and prominence as name or price of item and in close proximity to standard food items

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, and
- If the menu, label or tag does not list the available flavours or varieties of the standard food item, and the item is on display in a way that the serving size cannot be assessed (e.g. tub of ice cream) owners or operators must post a sign with the following information:
 - name of the item,
 - number of calories for a serving of each flavour/variety, and
 - serving size.

The information must be posted on a sign that meets the signage requirements of s. 8 of the regulation. For example, the sign must:

- be in close proximity to and clearly associated with the item; and
- include the term “Calories” or “Cals” written in the same size, font and prominence as the calorie numbers, and either adjacent to the number of calories or as a heading above a column listing the calories.

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 #7: Displaying calories for items with multiple flavours when a general description is provided on the menu

The diagram illustrates a menu layout with two main sections: **CLASSIC CONES** and **Homemade Sundaes**. Callouts provide additional context for the calorie information displayed.

CLASSIC CONES

		<u>Cals</u>
Single	\$2.79	180-230
Double	\$3.99	360-460
Triple	\$5.79	540-690
Add Sauce	\$0.60	add 10-150
Waffle Cone	\$1.50	add 90

Homemade Sundaes

Classic Sundae \$4.99
(590-630 Cals)
Vanilla ice-cream topped with choice of chocolate or strawberry sauce, whipped cream, chocolate chips, peanuts, and sprinkles.

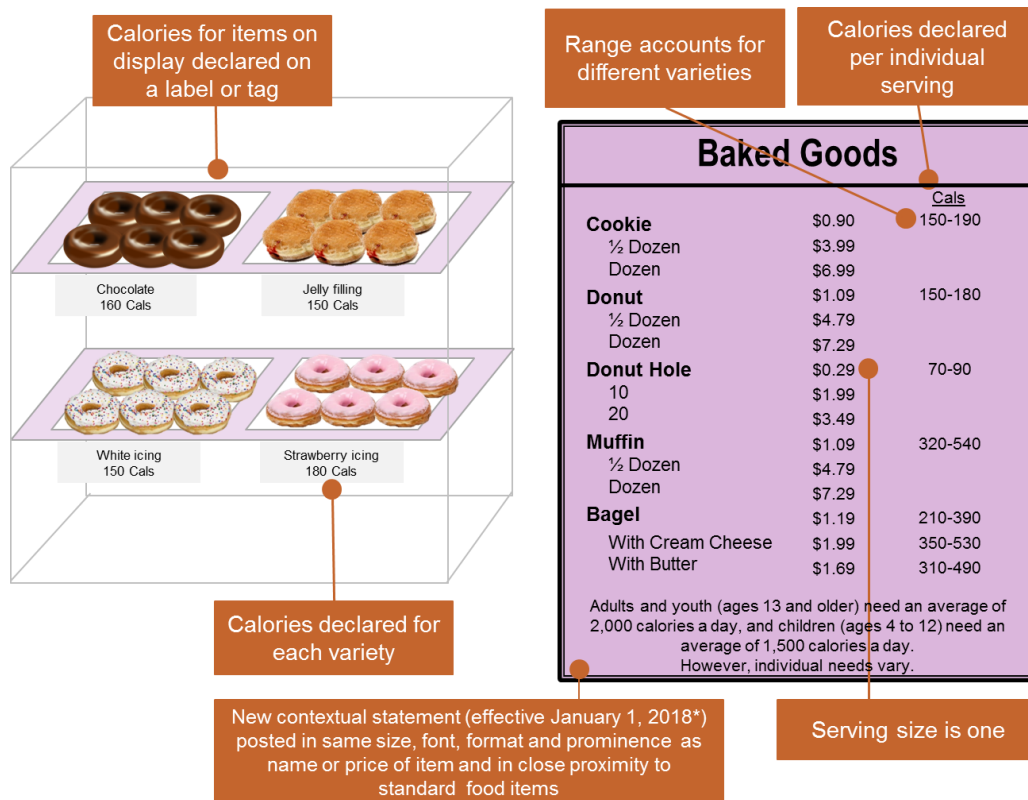
Banana Split \$5.99
(680 Cals)
Chocolate, strawberry and vanilla ice-cream, topped with a banana, strawberry sauce, whipped cream, chocolate chips, and peanuts.

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.

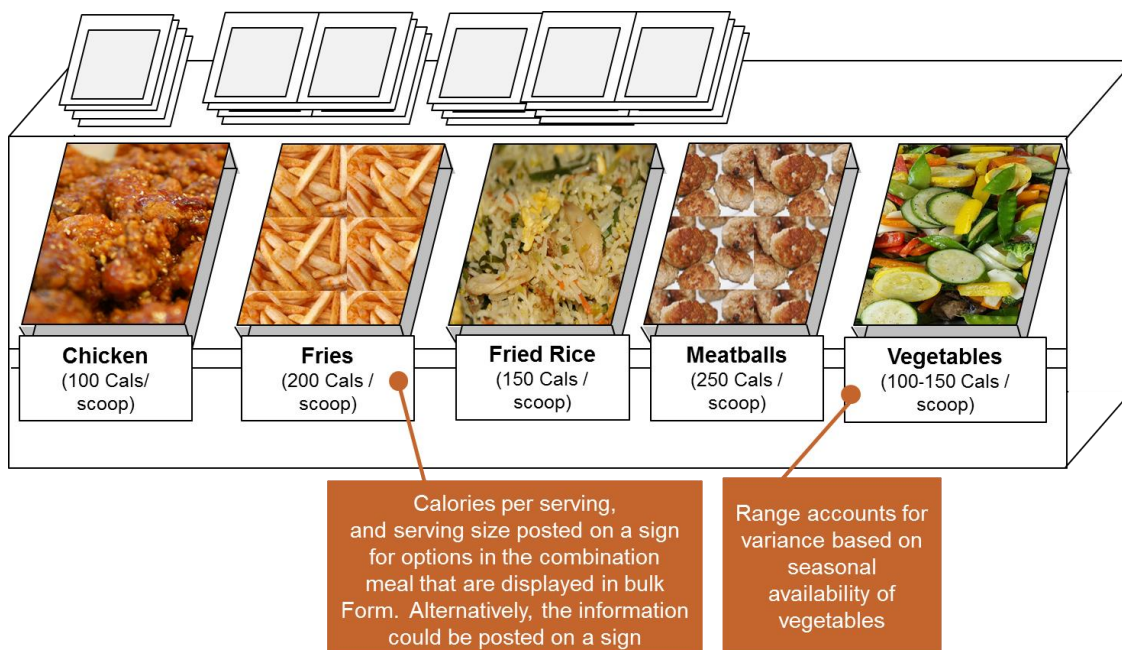
Callouts:

- Range accounts for different flavours of ice-cream (points to the 'Cals' column in the Classic Cones table)
- Range accounts for different flavours of sauce (points to the 'Add Sauce' row in the Classic Cones table)
- New contextual statement (effective January 1, 2018*) posted in same size, font, format and prominence as name or price of item and in close proximity to standard food items (points to the disclaimer text)
- Calories posted for item added. Range accounts for different sizes of ice-cream and different varieties of sauces (points to the 'Cals' column in the Classic Cones table)

Example #8: Displaying calories for menu items with multiple varieties at a quick service café



Example #9: Displaying calories for standard food items on display in bulk form



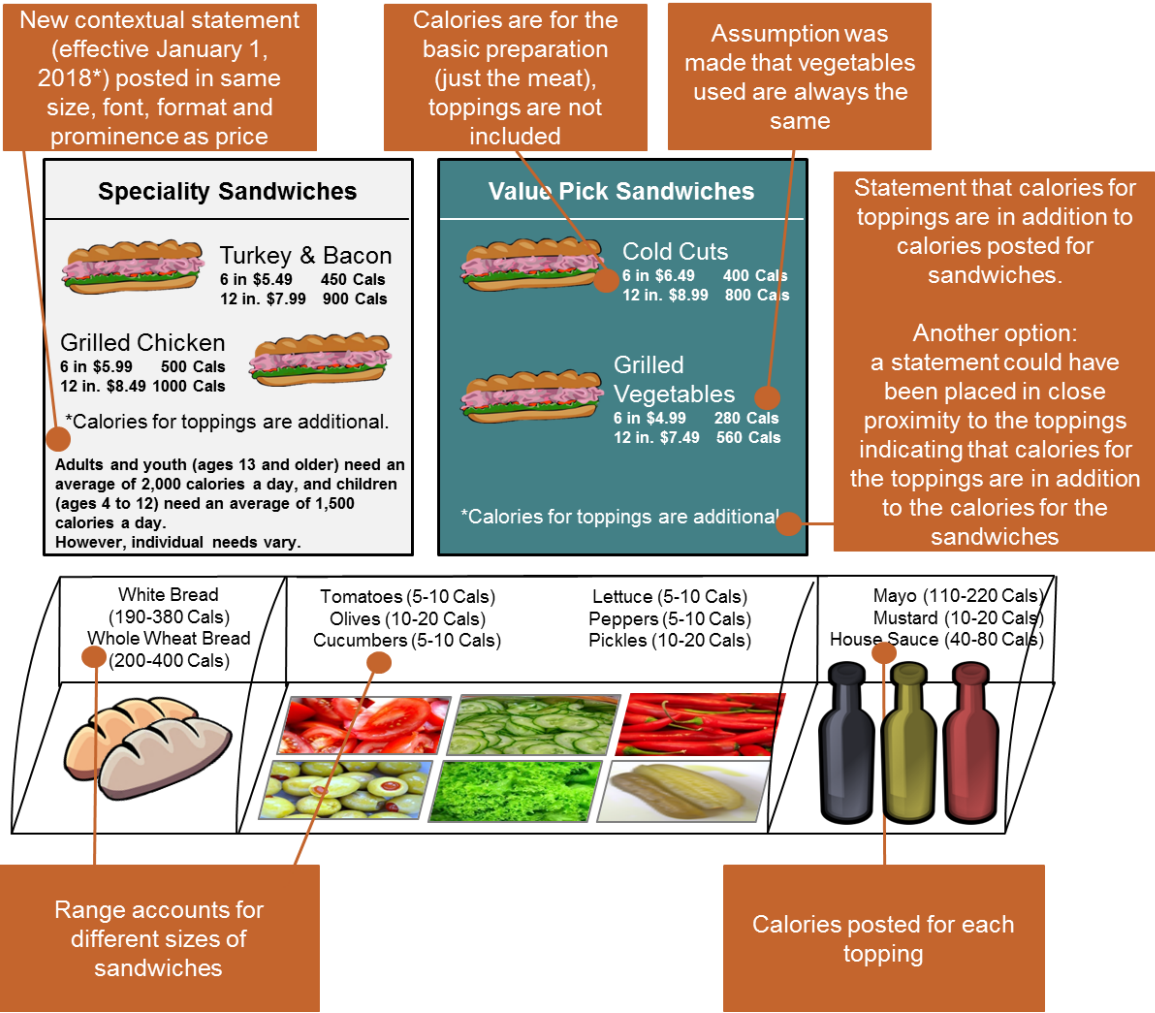
3. 6 How must calories be displayed for menu items intended to be personalized?

For items 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 of the standard food item.

Example #10: Displaying calories at a sandwich shop with personalized toppings



Example #11: 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>Caesar (670 Cals) Lettuce, croutons, bacon, lemon, parmesan and Caesar dressing \$10.99</p> <p>Greek (590 Cals) Lettuce, feta, red onion, black olives and Greek vinaigrette. \$10.99</p> <p>House (420 Cals) Lettuce, tomato, cucumber, carrots and a light vinaigrette. \$7.99</p> <p>Tex Mex (750 Cals) Lettuce, black beans, corn, tomato, cheddar, crushed tortillas and cilantro dressing. \$11.99</p>	<p>1. Choose a Patty Beef (290 Cals), chicken breast (160 Cals), turkey (140 Cals), veggie patty (210 Cals)</p> <p>2. Choose a Bun White (150 Cals), multi-grain (190 Cals), lettuce (10 Cals), gluten-free (100Cals)</p> <p>3. Choose a Sandwich Choose a sandwich topping combination on the menu.</p> <p>4. Choose a Side Fries (270 Cals), chips (220 Cals), coleslaw (180 Cals)</p>	<p><i>All sandwiches come with your choice of patty, bun and side</i></p> <p>Canadian (400-870 Cals) Sautéed mushrooms, brie, bacon and mayonnaise \$14.99</p> <p>Vegetable (410-880 Cals) Avocado, sundried tomato, Havarti and spinach \$12.49</p> <p>Breakfast (470-1040 Cals) Egg, tomato, cheddar, bacon, mayonnaise \$13.49</p> <p>Pesto (410-880 Cals) Pesto, sundried tomato, olives, brie \$11.99</p> <hr/> <p style="text-align: center;">Additional Toppings</p> <p>\$0.99: Banana peppers (15 Cals), beets (5 Cals), Cheddar (45 Cals), egg (60 Cals), Havarti (50 Cals), olives (25 Cals), sundried tomatoes (30 Cals)</p> <p>\$1.99: Avocado (90 Cals), spinach (5 Cals), bacon (80 Cals), brie (50 Cals), caramelized onions (40 Cals), sautéed mushrooms (50 Cals)</p> <p>Calories for additional toppings should be added to the calories posted for each sandwich.</p>
<p>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.</p>		

New contextual statement (effective January 1 2018*) posted in same size, font, format and prominence as name or price of item

Calories posted for each additional topping that can be added

Statement indicating that calories are in addition to calories for the standard food items

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).
- If the variable items that can be part of a combination meal are individually listed on the menu, label or tag, then the number of calories for each possible option must be displayed.
- If the variable items that can be a part of the combination meal are on display for the customer to choose the item, but they are on display in bulk in a way that the serving size is not evident (e.g. tray of noodles on display), owners or operators must post a sign with the following information:
 - name of the item,
 - number of calories for a serving of each flavour/variety, and
 - serving size.

The information must be posted on a sign that meets the signage requirements of s. 8 of the regulation. For example, the sign must:

- be in close proximity to and clearly associated with the item and
- include the term “Calories” or “Cals” written in the same size, font and prominence as the calorie numbers, and adjacent to the number of calories or as a heading above a column listing the calories.

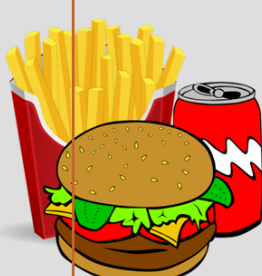
A sign does not have to be posted if the information that is required to be posted on the sign is set out clearly on a label or tag associated with each food or drink item that complies with the requirements in subsection 6(1) of the Regulation.

- 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 Cals; 4 servings or 500-750 Cals per serving; 4 servings).

Example #12: Displaying calories for basic combination meals

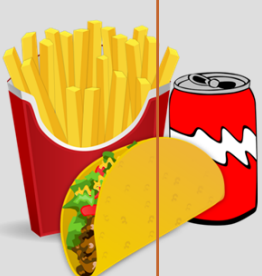
Calories posted for the entire combination meal as if it is one standard food item



**Cheeseburger,
Medium Fries &
Drink**

\$5.99
(930-1170 Cals)

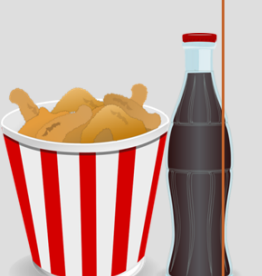
Range accounts for different flavours of pop (i.e. combo with lowest calorie drink to combo with highest calorie drink)



**Beef Taco,
Medium Fries &
Drink**

\$6.99
(900-1140 Cals)

Calories posted for a serving of the multi-person combination meal, and the number of servings



**FAMILY MEAL
Bucket of Chicken & 1L
Root Beer**

\$9.99
(380 Cals per serving, serves 3)

Burger	\$3.50	600 Cals
Cheeseburger	\$4.00	730 Cals
Beef Taco	\$4.99	700 Cals
Fries		
Sm	\$1.25	150 Cals
Med	\$1.75	200 Cals
Lg	\$2.25	250 Cals
Drink	\$1.99	0-240 Cals

Upgrade your combo to large fries and drink
for \$1.99 (add 50-220 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.

Respective calories posted for individual items

Calories include drinks with a Nutrition Facts table, because they are part of the combination meal

New contextual statement (effective January 1, 2018*) posted in same size, font, format and prominence as name or price of item and in close proximity to standard food items

Calories posted for increase due to size upgrade

Example #13: Displaying calories for multi-person combination meals

The diagram shows a menu layout with the following items and callouts:

- Calories posted for entire combination meal as one standard food item**: Points to the combination meal description.
- "Cals" beside number and calories rounded to nearest 10**: Points to the calorie values in the combination meal description.
- Calories posted for each item**: Points to the calorie values for individual items like Nachos and Cookies.
- Calories posted in same size, font, format and prominence as item name or price**: Points to the calorie values for individual items.
- Range accounts for different kinds of drink**: Points to the calorie range for the drink in the combination meal.
- Calories posted as range, accounting for different flavours of drink**: Points to the calorie range for the drink in the combination meal.
- Lists number of serving the standard food item is comprised of**: Points to the "serves 2" text in the combination meal description.
- New contextual statement (effective January 1, 2018*) posted in same size, font, format and prominence as price of item and in close proximity to standard food items**: Points to the statement about average calorie needs.

Menu Content:

Nachos
Small - \$3.99 (600 Cals)
Medium - \$4.99 (900 Cals)
Large - \$5.99 (1400 Cals)

Drinks
Small - \$2.99 (0-200 Cals)
Medium - \$3.99 (0-325 Cals)
Large - \$4.99 (0-450 Cals)

Choco-chip Cookie - \$1.99 (150 Cals)

Large Nachos, a Large Drink, and 2 Choco-chip Cookies
\$11.99
(1700-2150 Cals; serves 2)

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.

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-serve 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.

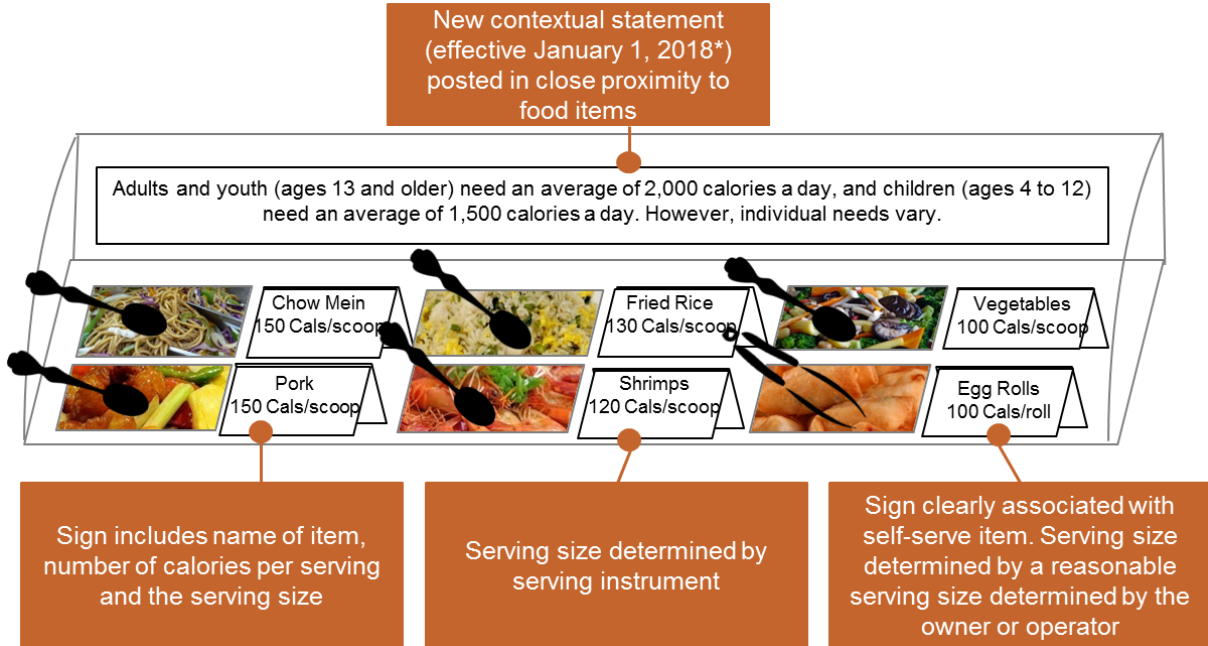
The sign with calorie information must be:

- Visible and legible to any individual who is in a place in the regulated food service premises 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 premises provides a serving instrument or utensil that dispenses uniform amounts of food, by the volume of a serving dispensed by the utensil.
- 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 premises.

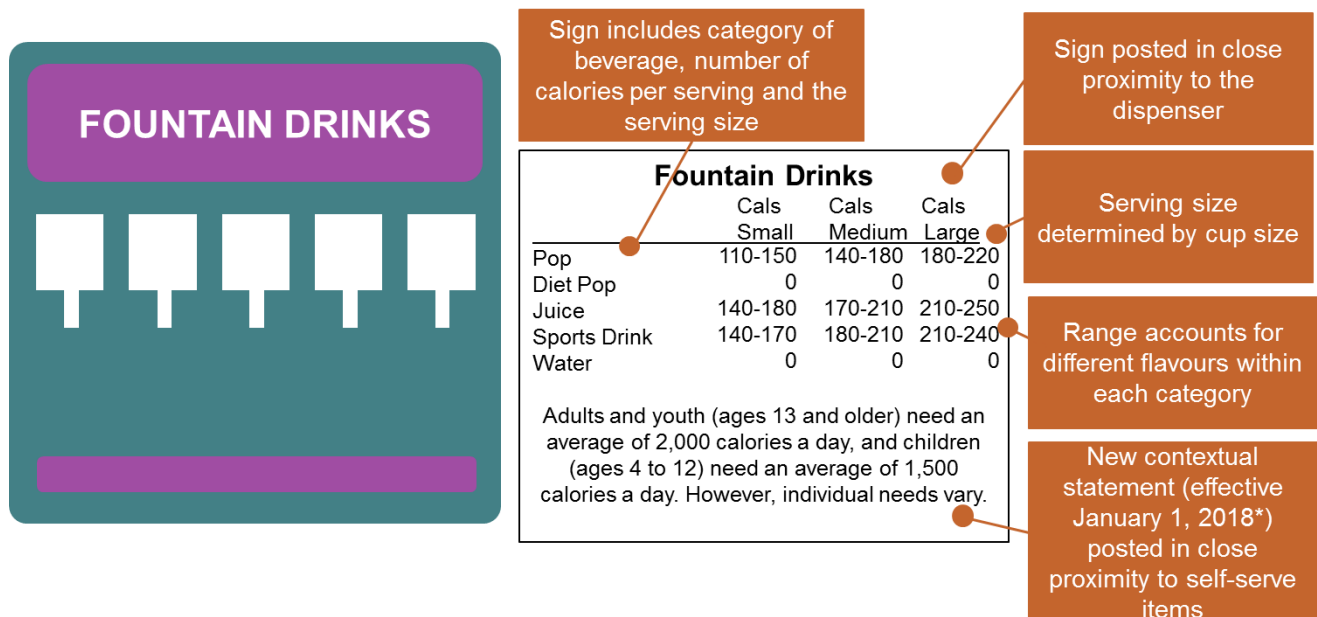
Example #14: Displaying calories for self-serve food items



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 #15: 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 premises 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 (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.		

The Table must be:

- In substantially the same format as the Table above (e.g., same rows and columns);
- 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).







The Table must be fully visible when the menu is opened to any page that lists an alcoholic beverage. For multi-page alcohol menus, an owner or operator can choose to post the Table on every open page (i.e. every other page) of the menu.

If a regulated food service premises 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.

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.

Example #16: Displaying calories for individual alcoholic beverages

Alcoholic Drinks 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
 Light Beer 110 Cals \$8.99	 Merlot 120 Cals \$7.99

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.

"Cals" beside number


Calories posted adjacent to name or price

In at least the same size, font, format and prominence as the price

New contextual statement (effective January 1, 2018*) posted in same size, font, format and prominence and clearly associated with menu items


Example #17: 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
5oz – \$6.99
8oz – \$8.99

House White
House Red
House Rose

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 (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.

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 not required for individual alcoholic beverages because prescribed chart is posted

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

New contextual statement (effective January 1, 2018*) posted in same size, font, format and prominence as price of item and clearly associated with menu items.

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 premises 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.

4. 3 How must calories be determined for menu items that differ slightly due to availability of ingredients?

When a standard food item is offered for sale for more than 90 days in the year, consecutively or non-consecutively, and its composition varies according to availability of ingredients:

- If the menu label or tag does not list the flavours or varieties of the standard food item according to the ingredients, a range can be used.
- If the menu label or tag, lists the specific flavours or varieties, then the number of calories for each flavour or variety must be displayed.

The 90 day exemption in subsection 2 (2) of the Regulation refers to items that are offered for sale for less than 90 days per calendar year. This pertains to the availability of an item for a period of time shorter than 90 days, but does not make reference to the ingredients/composition of the item (e.g. a quinoa salad that is made with red peppers instead of carrots because of availability of ingredients).

5. Contextual Statement Requirements

5. 1 What is the required contextual statement?

As of January 1st, 2018 the following contextual statement must be displayed on menus or a sign that is visible when customers are ordering standard food items or serving themselves:

“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.”

Between January 1st, 2017 and December 31st, 2017, food service premises can choose to post the contextual statement above, or to post the contextual statement as stated below:

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

5. 2 How must the contextual statement be displayed?

The contextual statement must be displayed:

- On a menu, 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 (e.g. same colour, boldness, style, etc.).
- Where an individual is able to order the food or drink or serve it for themselves and a menu is not visible, then it must be on a sign that is visible and legible to individuals where they can order or serve food or drinks 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 must be visible to the customer when making their order, but may not need to be on every panel.

Example #18: Displaying the contextual statement on a multi-page menu

