



The Honorable Deb Matthews  
Minister of Health and Long Term Care,  
Deputy Premier  
Ministry of Health and Long-Term Care  
10<sup>th</sup> Floor, Hepburn Block  
80 Grosvenor Street  
Toronto, Ontario M7A 2C4

November 12, 2013

**RE: Menu Labelling Legislation**

Dear Minister Matthews:

We are writing you with regard to the Ministry of Health and Long-Term Care's (MOHLTC) consultations on menu labelling legislation.

The Ontario Society of Nutrition Professionals in Public Health (OSNPPH) wishes to congratulate your Ministry's leadership on this important food policy issue and your commitment to implementing several of the recommendations from the Healthy Kids Panel's report focused on reducing childhood obesity. OSNPPH is the independent and official voice of over 200 Registered Dietitians (RDs) working in Ontario's public health system. OSNPPH provides leadership in public health nutrition by promoting and supporting member collaboration to improve the health of Ontario residents.

Menu labelling is an important part of creating healthier food environments for Ontario's families who are increasingly relying on snacks and meals prepared outside the home by restaurants and similar foodservice establishments. In May of this year, OSNPPH released a [Position Paper](#) in support of menu labelling, calling upon the provincial government to enact menu labelling legislation requiring the prominent display of calorie and sodium content of food items at the point of sale in restaurants in Ontario as an important step toward creating healthy and supportive food environments for Ontarians.

Ontario will emerge as a national leader in taking a regulatory approach to menu labelling, putting the interests of the public's health ahead of food industry naysayers who claim that voluntary approaches are sufficient, when, in fact, research shows that existing voluntary menu labelling programs are neither effective nor have they resulted in significant menu reformulations, which limits their impact on both individual and population health outcomes.



Public health nutrition professionals across Ontario have an important role to play in developing and implementing complementary menu labelling initiatives in ways that are consistent with local needs, priorities, and resources. This includes activities to complement and enhance the effectiveness of provincial menu labelling legislation, such as consumer food and nutrition literacy initiatives, and activities to increase public awareness of and demand for menu labelling. Public health units can also consider supporting local food businesses in adopting menu labelling, particularly for smaller independent restaurants with fewer resources. For the purposes of the MOHLTC's current consultation phase, we would like to reiterate some key points from our official position on menu labelling, as outlined in [\*Serving Up Nutrition Information in Ontario Restaurants: A Position Paper by the Ontario Society of Nutrition Professionals in Public Health\*](#).

OSNPPH recommends the following emerging best practices for menu labelling, based on evidence described in detail in the aforementioned Position Paper:

- **Menu labelling should be required through legislation.**
- **Calorie and sodium content information should be displayed.**
- **Clear and unbiased information about product content should be displayed.**
- **Calorie and sodium content information should be displayed clearly and prominently where people can readily see it when ordering food.**
- **Menus and menu boards should also include reference values for calories and sodium.**

We also offer the following detailed feedback to the MOHLTC's consultation questions:

#### **Who the legislation should apply to:**

- The legislation should apply to all large foodservice chains where there is a high degree of standardization of menu items and preparation methods. A threshold of 10 locations nationwide is recommended to ensure a high degree of standardization.
- A consistent approach should be applied across different types of foodservice chains (e.g., quick-service, full-service and buffet restaurants, drive-thrus, cafeterias, grocery stores that sell ready-to-eat foods intended for immediate consumption, etc.) so that consumers come to rely on key nutritional information posted at the point of purchase to support informed decision making.

#### **What nutrition information should be included:**



- There is good evidence that calorie content of foods should be displayed through menu labelling, which could have important long-term effects on population levels of obesity.
- Although the goal of the Healthy Kids Panel's recommendations was obesity prevention, it is important for menu labelling legislation to focus more broadly on healthy kids. Based on the increasing array of evidence about the high sodium content of restaurant foods, the inability of consumers to estimate sodium content in restaurant foods, the negative health impacts of excessive sodium intake in the Canadian diet and strong public support for posting of sodium content in restaurants, OSNPPH recommends the inclusion of sodium in menu labelling legislation, to make sodium information more apparent and accessible to Ontarians.
- A recent analysis<sup>1</sup> of fast food and sit-down restaurant menu items in Canada reveals that the sodium content in Canadian restaurant foods is alarmingly high. Children's fast food meal items contained, on average, 790 mg of sodium per serving (66% of the Adequate Intake for children of 1200 mg/day) while children's side dishes at these restaurants contained, on average, an additional 377 mg of sodium. In sit down restaurants, 33% of chicken items, as well as 18% of pizza meals and 17% of hamburgers exceeded the daily Adequate Intake for children. This study demonstrates why the inclusion of sodium in menu labelling legislation should not be overlooked.
- Prohibit the display of nutrients other than calories and sodium on menus, menu boards and food item tags, to reduce the potential for consumer confusion.

### **How nutrition information should be posted and made available:**

- Calorie and sodium values should be displayed on menus, menu boards, drive thru menus or on individual food item tags, where appropriate, in order to ensure visibility and consumer awareness and use of the nutrition information.
- Nutrition information should be presented in a font size at least as large as the price. Visual standards should be included in regulations to ensure that the posted nutrition information is clearly visible at the point of purchase.
- A consistent approach should be used across different types of restaurant chains (i.e., menu boards and food item tags should be required to include the same nutrient information as full-service restaurant menus) so that consumers consistently see the same key nutritional information posted at the point of purchase to support informed decision making.

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<sup>1</sup> Scourboutakos, M. J. & L'Abbé, M. R. (2013). Sodium levels in Canadian fast-food and sit-down restaurants. *Canadian Journal of Public Health*, 104(1), e2-e8.



- Sodium values, and not sodium warnings, should be displayed on menus since menu labelling is not intended to be a health claim. Furthermore, the thresholds for what would be considered "high" or "very high" in sodium are too low to be meaningful in a foodservice environment, since the vast majority of menu items would need to carry a sodium warning.
- Comprehensive nutrition information for all standard menu items should also be available at the point of purchase for consumers with special dietary needs. Standardized formats would support consumers' use of the full nutrition information.
- Reference values for calories and sodium should be posted at the point of purchase to put the calorie and sodium values in the context of daily needs/limits and to support consumers' use of nutrition information on menus.

#### **How to best implement legislation/regulations, including time required for implementation:**

- Use a phased-in approach to ensure that large restaurant chains with a high degree of standardization who are already in the practice of conducting nutrition analyses of their food products are implementing menu labelling within a 12 month period.
- Other foodservice chains with a high degree of standardization (i.e. those with 10 or more locations) should also be required to implement menu labelling but should be given an additional 6-12 months to comply with the legislation.

#### **How best to monitor and enforce legislation/regulations**

- Local public health units can be tasked with monitoring and enforcement to ensure that foodservice chains who are subject to the legislation are complying. This can be incorporated into existing food safety inspections conducted through Public Health Inspectors.
- The province should consult with appropriate public health inspection stakeholders to obtain input on local resource needs to support the menu labelling legislation (e.g., ASPHIO, CIPHI - Ontario Branch)
- A provincial level Quality Assurance program is needed to promote consistency across jurisdictions, including ensuring the accuracy of the posted nutrient values for large foodservice chains at the corporate level.
- The following materials should be developed provincially:
  - Guidance documents related to the menu labelling legislation, quality assurance and nutrient analysis



- An up-to-date list of foodservice chains that would need to comply with the legislation
- Inspection reporting forms or templates (e.g., Hedgehog)

### Overarching Recommendations

- A dedicated menu labelling Registered Dietitian position at the provincial level is recommended to respond to questions from foodservice corporations, public health units and the public, and to develop training and resource materials.
- Adequate provincial resources should be dedicated to evaluating the implementation and impact of menu labelling legislation across the province. A comprehensive evaluation plan that considers both process and outcome measures should be developed.
- Resources should also be dedicated to a public education campaign to support consumers' awareness, understanding and use of menu labelling information.

### Summary

In summary, clear and accessible information about foods is needed to promote individual and population health, to mitigate the effects of unhealthy food environments and support prevention of dietary risk factors for obesity and chronic diseases.

To create supportive nutrition environments that facilitate healthy food and beverage choices, we strongly urge you to incorporate the above recommendations in forthcoming menu labelling legislation and to dedicate the appropriate resources needed to support its effective implementation, enforcement and evaluation.

We appreciate the complexity and controversial nature of menu labelling legislation, and encourage you to continue to consult with stakeholders from the health sector and food industry as the legislation is introduced. We would be pleased to further discuss these recommendations with your staff.

Sincerely,

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