

Recommendations from the Ontario Society of Nutrition Professionals in Public Health (OSNPPH) Regarding:


Ontario Regulation to be made under the Healthy Menu Choices Act, 2015

Section	Recommendation	Rationale
Overarching Recommendations	<p>Adequate and appropriate <u>supports</u> are recommended, as follows:</p> <ul style="list-style-type: none"> - On-going consultation with stakeholders, including Public Health experts Association of Supervisors of Public Health Inspectors of Ontario (ASPHIO), Ontario Public Health Association (OPHA)'s Alcohol working group, Public Health Ontario (PHO), as well as the Ontario Society of Nutrition Professionals in Public Health (OSNPPH) -A credible body/bodies be appointed to support and ensure consistent industry interpretation and application, and consumer understanding and use. This body/bodies must have competencies and capacity in the required expertise, especially in population-level nutrition-related health promotion. - Development of a Guidance Document, with content including but not limited to: <ul style="list-style-type: none"> • Resources, tools/forms, training modules, etc. to support implementation and enforcement • Education and resources for consumers • Standards for nutrient analysis, and standardization practices for recipe development and methods of recipe/food preparation, etc. <p>Develop and implement a comprehensive evaluation, research and monitoring strategy:</p> <ul style="list-style-type: none"> - Appoint an appropriate body to lead evaluation, research and monitoring, such as Public Health Ontario. <p>Address the following:</p> <ul style="list-style-type: none"> • Consumer understanding of the posted information 	<p>To ensure that the Healthy Menu Choice Act achieves the intended goal of helping to create healthier food environments in Ontario.</p> <p>The need to make sodium information more accessible for consumers is clear, based on high sodium content of restaurant food and the associated negative health impacts¹ The average sodium intake of all ages of Canadian children exceeds the tolerable upper limit established by the Institute of Medicine².</p> <p>An analysis of Canadian restaurant chain menus shows that the majority of menu items contain high levels of sodium³. Out of a panel of about 3000 Canadians 71% want to see sodium content listed on menus in restaurants².</p>

	<ul style="list-style-type: none"> • Consumer ability to consider and use the posted information for its intended purpose • Consumer attitudes and choices -- degree and nature of changes/compensatory behaviour pre- and post-implementation • Contextual statement for children research on appropriateness and effects (both positive and negative) to inform consideration of whether to add such a statement • Proportion of both menu items and potential premises that are eligible for exemption compared to those subject to Act/regulation – establish an acceptable benchmark/baseline • Random audit process development and implementation including actual analysis of menu items to verify reported values –establish acceptable levels of deviation • Adequacy of supports for consumers, premises’ operators, enforcers, evaluators, etc., to achieve the Acts goals • Surveillance for unintended consequences of legislation (both positive and negative) • Surveillance and assessment of changes to premises’ menu item offerings (caloric value) and practices post-implementation of legislation (eg sales data) • Differential effects/impacts on general vs. priority populations, such as could be assessed and monitored using the MOHLTC’s Health Equity Impact Assessment <p>Require sodium (mg) to be posted on menus by January, 2019.</p> <p>-Stakeholder consultations should be held to develop guidelines for addition and implementation of sodium posting by January 2019.</p> <p>Ensure adequate funding for Ontario Health Units.</p> <p>- MOHLTC to provide adequate funding to local health units to support implementation, including for staffing impacts, training costs, data collection and reporting, etc.</p>	
Definition (1)	<p>“restaurant-type food or drink item” means a food or drink item that is either served in a regulated food service premise or processed and prepared primarily in a regulated food service premise, and that is ready to eat</p>	<p>‘Ready-to-eat’ encompasses any food or drink item that is intended for consumption without further preparation, regardless if this occurs immediately.</p>

	intended for immediate consumption on the premises or elsewhere without the need for further preparation by a consumer before consumption.	
Definition Standard Food Items 2 (2) (exemption)	Food or drink items that are offered for sale by the regulated food service premise for less than 60 consecutive or non-consecutive days per calendar year AND that have not yet undergone nutritional analysis.	Many large restaurant chains have food items that are rotated into the menu annually for which nutrition information is available for.
Definition Standard Food Items 2(4)	Define 'exceptional' for the operator.	
Definition menu 3 (1)	<p>"menu" refers to any means of communicating information to consumers that lists standard food and drink items offered for sale, posted or distributed for the purpose of providing information and/or choosing food items to purchase from the food service establishment. Menus include but are not limited to:</p> <p>Include existing a through g and add:</p> <ul style="list-style-type: none"> • (h) food displays/tags, • (i) table top displays and posters within the food service premise <p>Add the following statement: "In any instance where a price is listed on a menu as defined in 3, calories must also be listed."</p>	To ensure consumers have both calories and price at when making point of purchase decisions.
Definition menu 3(2)	Online menus and menu applications, advertisements and promotional flyers are exempt from the requirements of subsection 2 (2) of the Act as long if either of the following apply:	Clarity and understanding.
4. Additional regulated food service premises	Use language that ensures that this section applies to anyone that owns or operates 20 more cafeteria-style food service premises in Ontario are regulated food service premises for the purposes of the Act and this Regulation.	The use of the word 'person' makes it seem that it would apply to only an individual person.
5 Exemptions	<p>Exemptions</p> <p>Persons who own or operate the following regulated Food service premises are exempt from section 2 of the Act with respect to those food service premises that:</p> <ol style="list-style-type: none"> 1. Food service premises that Operate for less than 60 days in a calendar year. 	The use of the word 'person' makes it seem that it would apply to only an individual person.

	<p>2. Food service premises that are Are located in a school or private school within the meaning of the <i>Education Act</i>.</p> <p>3. Food service premises that Are located in a correctional institution within the meaning of the <i>Ministry of Correctional Services Act</i>.</p> <p>4. Food service premises that Are located in a child care centre as defined in the <i>Child Care and Early Years Act, 2014</i>.</p>	
6. (2) How calorie information is to be displayed on menus, etc. 6 (2)	The information must be in the same font and format as, and must be at least the same size and prominence as, the name or price as selected in 6(1) above of the standard food item to which it refers.	Information must be in the same size and prominence as they selected in section 6(1). For example, if the operator chooses to display the calories adjacent to the price, then the information must be in the same size, prominence as the price (not OR the name).
6. (5)How calorie information is to be displayed on menus, etc. 6 (5)	A public education campaign is needed that will accompany the implementation of this new legislation and that includes education on the meaning of 'Cals'.	It is not clear whether the public will understand what 'cals' means. Yet, it is recognized that in some situations, it may not be feasible to add the complete word, 'calories'.
7. (i) How calorie information is to be displayed on menus, etc.	<p>i. 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, and the range should be no more than 50 calories and/or within 20% of the caloric value.</p>	It is important to ensure that the consumers find the information useful and it is meaningful. Ranges and averages should a) only be allowed within certain specific limits and b) only when the menu does not allow for listing each flavor or variety separately.

7. Signs, premises that serve alcohol	<ul style="list-style-type: none"> Remove or correct the word ‘person’ as outlined above. Round caloric values to the nearest 10. Remove column that lists the calories per 100 mL The headings with the chart should properly reflect the content. For example, column one should reflect that the unit of measurement is % alcohol. Remove exemption from drinks that are mixed with other ingredients and require calories to be listed on these beverages as other menu items in the regulations. This includes coolers as they vary in caloric content. Also note that spirits should be left in the table for people who order them on their own. Include a statement about moderate consumption as per the low risk alcohol drinking guidelines to the menu labels such as, “Reduce your long-term health risks by drinking no more than 2-3 drinks a day, with planned non-drinking days. In pregnancy the safest choice is to drink no alcohol at all”.  <ul style="list-style-type: none"> Consider addition of symbols such as Consult with provincial public health experts in alcohol and injury prevention to determine final content and wording. 	<ul style="list-style-type: none"> The calorie rounding within this chart should align with section 6(4) within these draft regulations and therefore these caloric values should be rounded to the nearest 10. This would allow consistency within the menu labeling strategy. Calories per 100mL may be confusing and not well understood. Education campaign regarding appropriate portion sizing should be implemented. Mixed drinks contain calories from sources other than alcohol and should be labeled as such on menus. This additional messaging is consistent with the Low Risk Alcohol Drinking Guidelines and promotion of the guidelines is in line with the work of the MOHLTC.
8. (2) 3. Signs, food and drink that customers serve for themselves	A credible consulting body be appointed to support industry implementation, and to ensure consistent interpretation and application of ‘reasonable serving sizes’.	The serving size must consistent across the industry in order to improve consumer awareness and knowledge, and to support industry interpretation.
9. (1) and (2) Contextual statement, certain premises	<p>Clause 9. to be re-organized such that sub-clause “(2)” in the Regulation is clearly indicated and stated as the primary method (ie on the menu) for posting of the contextual statement, with signs being only an adjunct to this or for sole use only in very limited circumstances</p> <ul style="list-style-type: none"> 9. (1) For the purposes of subsections 2 (6) and (7) of the Act, one or more signs that comply with the following rules are required to be publicly posted at every regulated food service premise: ... (2) A person who owns or operates a regulated food service premise is 	The current framing of these sub-clauses may be interpreted that the primary/usual/default means of display for the contextual statement will be signs. This prioritization of signs for display would be problematic. Having supporting information (ie the contextual statement) located separately from the specific information (ie calories posted on menus but contextual statement on signs) is contrary to the purpose of providing

	<p>exempt from subsection (1) if the information required under paragraph 2 of that subsection or, if applicable, the alternative information set out in subsection (3) is displayed on every menu in the premise according to the following rules:</p>	<p>information for point-of-decision-making. Signs should only be allowed as an adjunct to menu display, or only be allowed to be the sole means of display in very limited circumstances (to be determined, but perhaps for establishments or cases where it is not possible to display the contextual information on a particular menu format).</p>
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<p>9. (1) 2. Contextual statement, certain premises</p>	<ul style="list-style-type: none"> • The sign(s) must be in clear language, and in a font and format that are easy to read for the consumer, including those with visual, English language or literacy challenges. • The adult contextual statement should be revised to the following: The average adult requires about 2000 calories per day. Calorie needs may be higher or lower based on an individual's age, activity level and gender. Children and seniors need less calories than adults. • The contextual statements for children should be removed. • OSNPPH recommends that instead of including contextual statements for children that are not well researched or understood, the, the MOHLTC should lead/initiate research to determine appropriateness of providing contextual statements for children that include recommended calorie and sodium ranges to determine both positive and negative outcomes. This research should inform revisions to these regulations by January, 2019. • Remove or correct the word 'person' as outlined above. 	<ul style="list-style-type: none"> • Evidence supports the use of single calorie recommendation of 2000 calories to avoid consumer misinterpretation and confusion⁴. • In addition, evidence suggests that consumer knowledge regarding daily energy needs is low, and providing a range of calories may not provide further clarity⁵. • Rationale for removal of the contextual statement for children is as follows: • Having multiple age ranges and wide calorie ranges may be poorly understood and applied by parents. • A simple single calorie recommendation for children would be difficult to determine due to the variability of caloric needs for this age group. Consultation with epidemiologists at several Ontario health units, and review of the development of the food pattern intake for Eating Well with Canada's food guide (2007)⁶ suggests that there determining a calorie range for children is challenging. After considering estimated energy intakes for sedentary children, and attempting to determine a more appropriate range, OSNPPH feels strongly that there is too much variability related to growth, activity, and developmental needs of children. • Recommending specific calorie intake levels for children does not align with best practice and may have unintended negative consequences resulting in unhealthy behaviours such as a focus on counting calories, rather than overall goal of eating a healthy diet. Best practice related to feeding children should focus on creating environments that respect children's ability to trust their innate hunger cues as a way to measure satiety. In addition, healthy public policy should not encourage adults/parent to count calories as a way of measuring their children's nutrition or food consumption. Counting calories can result in loss of natural ability to determine hunger needs which leads to power struggles and potential increased calorie
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		consumption in the future.
9. (1) 3 Contextual statement, certain premises	Remove contextual statement for children.	As above.
10. (b) Determination of number of calories	<ul style="list-style-type: none"> • Calorie information posted on menus must be within 20 % of actual caloric value. • Incorporate quality assurance by implementing a random audit process which includes actual analysis of menu items and comparison to reported information. • Food premise operators or owners should be required to keep documentation of how and when the nutrient analysis was obtained (e.g. receipt or certificate from the lab or contracted analyst). 	The term 'reasonably believes' is too vague and does not ensure reliability, which can undermine the overall intent of the legislation of providing accurate information to allow consumers informed choices.
11. Commencement	Include wording that requires sodium (mg) to be listed alongside caloric values by January, 2019.	

¹Mah L. Catherine L. 2013. Serving up Nutrition Information in Ontario Restaurants: A Position Paper. Prepared by Ontario Society of Nutrition Professionals in Public Health Menu Labelling Working Group http://www.osnpnh.on.ca/resources/Menu_Labelling_Position_Paper_FINAL_revision.pdf.)

²Garriguet D. Sodium consumption at all ages. Health Rep. 2007 [cited 2011 Mar 07];18(2):47-52. Available from: <http://www.statcan.gc.ca/pub/82-003-x/2006004/article/sodium/9608-eng.pdf>.

³Scourboutakos, M. & L'Abbé, M. (2013). Restaurant Menu-Labelling Survey Results. Prepared For Toronto Public Health.

⁴Society for Nutrition Education and Behaviour. Communicating Calories. Consumer tested messages about calories on the menu. Accessed October 22, 2015 at http://www.sneb.org/documents/Menu_Labeling_communicating_%20calories.pdf.

⁵Abel ML, Lee K, Logisci R, Richter A, Hipper T, Cheskin LJ. (2015). Health Promotion Practice. Consumer Understanding of Calorie Labeling. A Healthy Monday E-Mail and Text Message Intervention. Accessed October 22, 2015 at <http://hnp.sagepub.com/content/early/2014/07/31/1524839914543105>.

⁶Health Canada. Eating Well with Canada's Food Guide: Development of Eating Intake Pattern (Archived information). Accessed October 22, 2015 at http://www.hc-sc.gc.ca/fn-an/pubs/fd_int_pat-ela_mod_alim-eng.php#1.