

Ontario Regulation 50/16 Proposed Regulation Amendments Healthy Menu Choices Act

Proposed Amendment to Regulation	Description
<p>1. Section 1 of Ontario Regulation 50/16 is amended by adding the following definition:</p> <p>“grocery store” means a food service premise where a variety of canned, dry and frozen foods, fresh produce, bakery products, dairy products and household items are offered for sale and includes a convenience store where a variety of such items are offered for sale; (“épicerie”)</p>	<ul style="list-style-type: none"> • Defining grocery store and including convenience stores that sell the same items. • Below, there is a proposed amendment clarifying that certain food items in grocery and convenience stores would be exempt; therefore a definition of grocery store would be required.
<p>2. (1) The definition of “menu” in subsection 3 (1) of the Regulation is amended by striking out “other means” in the portion before clause (a) and substituting “other written means”.</p>	<ul style="list-style-type: none"> • Clarifying the definition of menu to mean only written documents.
<p>(2) Clause (f) of the definition of “menu” in subsection 3 (1) of the Regulation is revoked and the following substituted:</p> <p style="padding-left: 40px;">(f) an advertisement, other than a billboard, radio or television advertisement, and</p>	<ul style="list-style-type: none"> • Specifically exempting billboard, radio and TV advertisements from menu labelling requirements.
<p>(3) Subsection 3 (2) of the Regulation is amended by striking out “subsection 2 (2)” in the portion before paragraph 1 and substituting “subsection 2 (3)”.</p>	<ul style="list-style-type: none"> • Technical change to correct a cross-reference to the Act.
<p>(4) Paragraph 2 of subsection 3 (2) of the Regulation is revoked and the following substituted:</p> <p style="padding-left: 40px;">2. They do not list standard food items that a person can order for delivery or takeaway ordering and do not provide a method to place an order.</p>	<ul style="list-style-type: none"> • Clarifying that online menus, menu applications, advertisements and promotional flyers outside of the premise would be exempt from posting calories if they do not list prices or a customer cannot order standard food items from the menu.
<p>3. (1) Subsection 5 (2) of the Regulation is amended by adding the following paragraph:</p> <p style="padding-left: 40px;">3. Standard food items in a vending machine.</p>	<ul style="list-style-type: none"> • Exempting standard food items in vending machines from the requirement to post calories.
<p>(2) Section 5 of the Regulation is amended by adding the following subsection:</p> <p style="padding-left: 40px;">(3) For greater certainty, persons who own or operate</p>	<ul style="list-style-type: none"> • Providing clarification that the following items in grocery stores and convenience stores would be exempt from menu labelling requirements:

<p>one or more regulated food service premises that are grocery stores are exempt from section 2 of the Act in respect of the following food items sold at the grocery store:</p> <ol style="list-style-type: none"> 1. Deli meats and cheeses that are normally sold by weight and that are not part of another standard food item. 2. Prepared fruit and vegetables intended for multiple persons. 3. Flavoured bread, buns and rolls that are not part of another standard food item. 4. Olives and antipasti that are not part of another standard food item. 	<ul style="list-style-type: none"> ○ 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 people (e.g. fruit and vegetable trays); ○ Flavoured bread, buns and rolls (e.g. cheese, onion buns) that are not part of another standard food item; and, ○ Olives and antipasti that are not part of another standard food item.
<p>4. (1) Paragraph 7 of section 6 of the Regulation is revoked and the following substituted:</p> <ol style="list-style-type: none"> 7. Where a standard food item that is available in a number of flavours, varieties or sizes is listed on a menu, label or tag, <ol style="list-style-type: none"> 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, ii. 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, and iii. if the menu, label or tag does not list the flavours or varieties of the standard food item that are available and the item is displayed to the customer for purposes of choosing an item, but is displayed in a way that does not show 	<ul style="list-style-type: none"> ● There is no proposed change to i. and ii. The only proposed change is to iii. ● Subparagraph iii. would require calories per serving and the serving size to be posted on a sign for each flavour/variety of standard food item that is displayed in bulk form. Bulk form means standard food items that are not portioned into their standard portion size. ● For example, calories would be required to be posted for a serving of each flavour of ice-cream that is on display in a tub (“Rocky Road – 200 cal per scoop”).

<p>the serving size, the number of calories for a serving of each flavour or variety of the item, and the serving size, must be posted on a sign that complies with the requirements of section 8.</p>	
<p>(2) Paragraph 9 of section 6 of the Regulation is revoked and the following substituted:</p> <p>9. Where a menu, label or tag includes 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 variations of the combination meal that are available. Where the variable items of the combination meal are individually listed on the menu, label or tag, the number of calories for each possible option must be displayed. Where the items that constitute the variable items of the combination meal are displayed to the customer for purposes of choosing an item, but are displayed in a way that does not show the serving size, the number of calories for a serving of each food or drink item, and the serving size, must be posted on a sign that complies with the requirements of section 8. 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.</p>	<ul style="list-style-type: none"> • This proposed amendment is similar to the above amendment. • The third sentence would require calories per serving and the serving size to be posted on a sign for the options in the combination meal that are displayed in bulk form. Bulk form means standard food items that are not portioned into their standard portion. • For example, calories would be required to be posted for potato wedges (that are part of a combination meal) on display in bulk form at a grocery store (“potato wedges – small: 400 cal”).
<p>(3) Section 6 of the Regulation is amended by adding the following subsection:</p> <p>(2) Where a sign is required to be posted under paragraph 7 or 9 of subsection (1), the person who owns or operates the regulated food service premise is exempt from the requirement to post the sign if the information 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 subsection (1).</p>	<ul style="list-style-type: none"> • This section relates to the above two proposed amendments. • If a food service premise posts calories per serving on a <u>display tag</u> for their items displayed in bulk form, then the premise would not have to post a <u>sign</u> with calories (e.g. can just post calories on the Rocky Road tag). • It would provide regulated food service premises the option of

	posting calories for each serving on a sign or display tag for items displayed in bulk form.
<p>5. (1) Section 9 of the Regulation is revoked and the following substituted:</p> <p>Contextual statement, certain premises</p> <p>9. (1) For the purposes of paragraph 2 of subsection 2 (1) of the Act, a person who owns or operates a regulated food service premise is required to post a contextual statement in accordance with the rules set out in subsections (2), (3), and (4) of this section.</p> <p>(2) Subject to subsection (4), the contextual statement must be displayed on every menu of the premise, according to the following rules:</p> <ol style="list-style-type: none"> 1. The contextual statement must contain the following information: “The average adult requires approximately 2,000 to 2,400 cal per day; however, individual calorie needs may vary.” 2. Where a menu is composed of multiple pages, the information must appear in such a way that the information is visible when the menu is opened to any page listing a standard food item. 3. The information must appear in a place on the menu or page of the menu that is in close proximity to the standard food items listed on the menu or page. 4. The information must appear in the same font and format as, and in at least the same size and prominence as, the name or price of the standard food items listed on the menu or page. <p>(3) Where an individual in a regulated food service premise is able to order food or drink or serve himself or herself in circumstances where a menu containing the contextual statement is not readily visible by, and legible to, the individual, a person who owns or operates the regulated food service premise must publicly post one or</p>	<ul style="list-style-type: none"> • Specific requirements: <ul style="list-style-type: none"> ○ Subject to limited exceptions, the contextual statement would be required to be posted on every menu of a regulated food service premise, and appear in close proximity to the standard food items. ○ In instances where a customer is able to order or serve themselves food or drink and a menu containing the contextual statement is not readily visible by and legible to the customer, the contextual statement would have to be posted on one or more signs. • The contextual statement would have to contain the following information: <ul style="list-style-type: none"> ○ <i>The average adult requires approximately 2,000 to 2,400 cal per day; however, individual calorie needs may vary.</i> • The contextual statement would have to be in at least the same size and prominence and the same font and format as the standard food items. <ul style="list-style-type: none"> ○ The contextual statement would have to be posted in a way that is visible when a menu is opened to any page on which a standard food item is

<p>more signs that comply with the following rules:</p> <ol style="list-style-type: none"> 1. The sign or signs must be posted in such a manner that at least one sign is readily visible by, and legible to, any individual who is in a place in the regulated food service premise where he or she can order food or drink or serve it to himself or herself. 2. Each sign must contain the following information: “The average adult requires approximately 2,000 to 2,400 cals per day; however, individual calorie needs may vary.” <p>(4) The requirements of subsection (2) do not apply to advertisements that are displayed at a regulated food service premise or to advertisements and promotional flyers that are distributed or made available outside of the regulated food service premise if, in the case of advertisements and promotional flyers that are distributed or made available outside of the regulated food service premise, they satisfy either of the following criteria:</p> <ol style="list-style-type: none"> 1. They do not list prices for standard food items. 2. They do not list standard food items that a person can order for delivery or takeaway ordering and do not provide a method to place an order. 	<p>listed.</p> <hr/>
<p>(2) Section 9 of the Regulation, as re-made by subsection (1), is revoked and the following substituted:</p> <p>Contextual statement, certain premises</p> <p>9. (1) For the purposes of paragraph 2 of subsection 2 (1) of the Act, a person who owns or operates a regulated food service premise is required to post a contextual statement in accordance with the rules set out in subsections (2), (3) and (4) of this section.</p> <p>(2) Subject to subsection (4), the contextual statement must be displayed on every menu of the premise, according</p>	<ul style="list-style-type: none"> • The requirement to post a contextual statement for adults and children on menus would replace the requirements in the previous section one year after the legislation comes into force. • Subject to limited exceptions, the contextual statement would be required to be posted on every menu of a regulated food service premise, and would be required to appear in close proximity to the standard food

to the following rules:

1. The contextual statement must contain the following information:

“Approximate daily calorie needs are as follows, however individual calorie needs may vary:

- Adults: 2,000-2,400 cal
- Children aged 2-9: 1,100-1,500 cal
- Children aged 10-17: 1,500-2,450 cal”

2. Where a menu is composed of multiple pages, the information must appear in such a way that the information is visible when the menu is opened to any page listing a standard food item.

3. The information must appear in a place on the menu or page of the menu that is in close proximity to the standard food items listed on the menu or page.

4. The information must appear in the same font and format as, and in at least the same size and prominence as, the name or price of the standard food items listed on the menu or page.

(3) Where an individual in a regulated food service premise is able to order food or drink or serve himself or herself in circumstances where a menu containing the contextual statement is not readily visible by, and legible to, the individual, a person who owns or operates the regulated food service premise must publicly post one or more signs that comply with the following rules:

1. The sign or signs must be posted in such a manner that at least one sign is readily visible by, and legible to, any individual who is in a place in the regulated food service premise where he or she can order food or drink or serve it to himself or herself.
2. Each sign must contain the following information: “Approximate daily calorie needs

items.

- In instances where a customer is able to order or serve themselves food or drink and a menu containing the contextual statement is not readily visible by and legible to the customer, the contextual statement would be required to be posted on one or more signs.
- The contextual statement for adults and children would have to contain the following information:

“Approximate daily calorie needs are as follows, however individual calorie needs may vary:

- *Adults: 2000-2400 cal*
- *Children aged 2-9: 1100-1500 cal*
- *Children aged 10-17: 1500-2450 cal”*

- Other requirements would remain the same, including:
 - The contextual statement would have to be in at least the same size and prominence and the same font and format as the standard food items.
 - The contextual statement would have to be posted in a way that is visible when a menu is opened to any page on which a standard food item is listed.

<p>are as follows, however individual calorie needs may vary:</p> <ul style="list-style-type: none"> • Adults: 2,000-2,400 cal • Children aged 2-9: 1,100-1,500 cal • Children aged 10-17: 1,500-2,450 cal” <p>(4) The requirements of subsection (2) do not apply to advertisements that are displayed at a regulated food service premise or to advertisements and promotional flyers that are distributed or made available outside of the regulated food service premise if, in the case of advertisements and promotional flyers that are distributed or made available outside of the regulated food service premise, they satisfy either of the following criteria:</p> <ol style="list-style-type: none"> 1. They do not list prices for standard food items. 2. They do not list standard food items that a person can order for delivery or takeaway ordering and do not provide a method to place an order. 	
<p>Commencement</p> <p>6. (1) Subject to subsection (2), this Regulation comes into force on January 1, 2017.</p> <p>(2) Subsection 5 (2) comes into force on January 1, 2018.</p>	<p>The regulation amendments would come into effect on January 1, 2017.</p> <p>The provisions regarding contextual statement would be amended one year later (January 1, 2018) with the following key changes:</p> <ul style="list-style-type: none"> • The contextual statement for adults and children would be required to be posted on menus, replacing the contextual statement for adults only.