

Summary of international Menu Labelling implementation status December 2014

Menu Labelling appears in various formats, which are regulated by numerous national, State or local jurisdiction policy. What changes most notably is:

- whether the Menu Labelling is regulated by law or a voluntary undertaking,
- the food service outlets it applies to (in all cases it applies to chain fast food outlets, but chain table- service restaurants, supermarkets, petrol stations and convenience stores is more contentious)
- how 'chain' is defined (the number of outlets for example, can range from as few as seven per State to as many as 50 nationally)
- and what information is required to be displayed (calories only or together with other nutrient values, and the provision of reference values and how it is worded)

Voluntary Menu Labelling agreements currently exist in Great Britain ^[1], Northern Ireland ^[2], and the Republic of Ireland ^[3] while Menu Labelling is mandatory in various States of the USA ^[4] and Australia ^[5-7].

Voluntary agreements

Great Britain, Northern Ireland, and the Republic of Ireland

Voluntary Menu Labelling agreements currently exist in Great Britain, Northern Ireland, and the Republic of Ireland. The latter two, initiated Menu Labelling with pilot projects, with a view of implementing mandatory regulation agreements based on process evaluations of the pilot voluntary agreements.

The respective voluntary agreements are all similarly based on four principles namely;

1. Calorie information is displayed clearly and prominently at point of choice;
2. Calorie information is provided for all standardised food and drink items sold;
3. Calorie information is provided per portion/item/meal and, for multi-portion or sharing items, the number of portions will also be provided;
4. Reference information on calorie requirements is displayed clearly, prominently, and in a way that is appropriate for the consumer.

The respective agreements in Northern Ireland and the Republic of Ireland are purposely harmonised to facilitate better consumer understanding across borders, to realise potential cost and time savings for food businesses operating in both jurisdictions and to exploit



potential cost saving synergies for Government developed training support and Government provision of technical support for food service businesses.

By 2013/14, 48 businesses in England, including BurgerKing, McDonald's, Domino's Pizza Company and Starbucks Coffee Company had signed up, representing more than 9,000 outlets and covering approximately 23% of all meals sold and one-third of all meals served on the high street ^[8, 9].

Almost 80% of fast food outlets are displaying calories on their menus while the Food Safety Authority of Ireland (FSAI) have recently created a 'MenuCal' tool to assist food business operators to calculate calorie contents of their own menu items ^[10].

The success of the six-month pilot project prompted the Food Standards Agency in Northern Ireland to rollout the Caloriewise Scheme ^[2]. Through their evaluation report, it was found that companies' motivation to take part in the voluntary Menu Labelling pilot scheme was to: promote public health, to maintain market share or to gain a competitive advantage and, to help shape and prepare for (possible) future Menu Labelling legislation ^[11].

It is worth noting that a number of large, often multi-national fast food chains voluntarily displayed energy values on menu boards prior to any regulation or agreement being put in place. McDonald's in the USA, for example, announced in 2012 that they would add calorie counts to their menus nationwide ^[12]. In Australia, a number of coffee, burger, sandwich, donut, pizza and juice chains adopted Menu Labelling prior to regulation ^[13]. Many table-service restaurants adopted Menu Labelling because they think it will be 'good for business' ^[11, 14]. Provisions have been made in mandatory regulations to allow small and independent eateries to voluntarily display Menu Labelling, anticipating the desire of food businesses to do so.

Mandatory Regulations

Across USA and in some States of Australia, ML legislation mandates that chain restaurants and other quick-service establishments serving standardised food must display energy values on menus and other materials displaying the product and/or the price.

USA

The Food and Drug Administration issued final rules to regulate ML on a national basis in November 2014, overruling local jurisdiction policy which existed in some US cities, counties and States. The new law will take effect in one year for chain restaurants and similar retail food establishments offering for sale substantially the same menu items. 'Chain'. refers establishments with 20 or more locations operating under the same name.



ML will apply to:

- Sit-down and fast-food restaurants, bakeries, coffee shops and restaurant-type foods in certain grocery and convenience stores
- Take-out and delivery foods, such as pizza
- Foods purchased at drive-through windows
- Foods that you serve yourself from a salad or hot-food bar
- Alcoholic drinks such as cocktails when they appear on menus
- Foods at places of entertainment, such as movie theatres

But will *not* apply to

- Foods sold at deli counters and typically intended for more than one person.
- Bottles of liquor displayed behind a bar.
- Food in transportation vehicles, such as food trucks, airplanes and trains.
- Food on menus in elementary, middle and high schools that are part of U.S. Department of Agriculture school-feeding programs (although vending machines in such locations are covered).

The calorie information on menus must be clear and conspicuous, with the size of energy declarations not smaller than either the size used for the item name or price (whichever is the smallest). Calorie information for salad bar and buffet items must be displayed on signs near the foods.

The reference value must be worded as *“2,000 calories a day is used for general nutrition advice, but calorie needs vary”* ^[15].

http://www.nytimes.com/2014/11/25/us/fda-to-announce-sweeping-calorie-rules-for-restaurants.html?_r=0

Link to the new FDA ML legislation

<https://www.federalregister.gov/articles/2014/12/01/2014-27833/food-labeling-nutrition-labeling-of-standard-menu-items-in-restaurants-and-similar-retail-food#h-10>

Australia

Around half of Australia's States and Territories have implemented Menu Labelling. NSW was the first State to implement sweeping changes, whereby the NSW Government



introduced legislation mandating the disclosure of kJ information at standard menu restaurants only three months after the initial stakeholder consultation. Quick service food outlets had 12 months to comply before penalties came into force on 1 February 2012.

'Chain' is defined as food service businesses that have as few as seven outlets in the one Territory (as is in the case of the Australian Capital Territory which is one-quarter the size of Fyn) but more generally applies to 15-20 outlets in the one State or 50 outlets nation-wide. The definition embraces traditional fast food and burger chains as well as other chains including cafés, bakeries, cake and donut shops, snack foods, juice bars, ice-cream parlours, pizza houses and chains selling pasta, noodles, stir fry, sushi, prepared salads and even supermarket chains selling ready to eat food.

Convenience stores, service stations, food businesses that primarily provide food catering services and food businesses that only sell food that is intended to be consumed on the premises and retail outlets at health care facilities are however exempt.

'Standard food items' apply to ready-to-eat food of standard size and content that is listed on a menu with a price tag or other label for at least 60 days.

The various laws in Australia have been made consistent to facilitate cross border consumer understanding and to enable a smooth transition, should a federal law come into effect.



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