

Proposed Menu Labelling Legislation for Ontario

Date:	November 20, 2013
To:	Board of Health
From:	Medical Officer of Health
Wards:	All
Reference Number:	

SUMMARY

On October 9th, 2013, the Provincial Minister of Health and Long-Term Care announced that the provincial government will be introducing menu labelling legislation this winter that would require chain restaurants to post calories and other nutrition information on the menu/menu board of large chain restaurants. The provincial government is designing the legislation in consultation with diverse sectors, including public health, and engaging local public health agencies in discussions of implementation as they will be expected to enforce the legislation.

Toronto Public Health (TPH) was represented at the consultations through provincial organizations such as the Ontario Public Health Association among others. The Medical Officer of Health (MOH) has also provided the Minister directly with a submission clearly outlining the Board of Health's position that legislation should mandate the posting of sodium values alongside calories on the menu/menu board and the Board's recommendations on how this information should be provided by chain restaurants with ten or more locations nationwide.

To maximize the impact of this legislation, the MOH has also recommended province-wide public education on how to use menu labelling. As Ontario is the first jurisdiction in Canada to require menu labelling, the MOH also recommends the provincial government support evaluation of the implementation and impact of this legislation.

The MOH recommends that the Board of Health commend the Government of Ontario and the Minister of Health and Long-Term Care for taking provincial leadership on this issue, and endorse the additional recommendations to the provincial government found in Attachment 1.

In light of the provincial government's commitment to legislate menu labelling, TPH is delaying further work to develop a municipal menu labelling bylaw for Toronto and will

continue to seek out opportunities for engagement with the provincial government on implementation and enforcement and other issues that have implications for local public health agencies.

RECOMMENDATIONS

The Medical Officer of Health recommends that:

1. the Board of Health commend the provincial government for making a commitment to introduce menu labelling legislation this winter that would require chain restaurants to post calories and other nutrition information on the menu/menu board, and for engaging key stakeholders in consultations, including public health, on the design, implementation, and enforcement of this legislation; and
2. the Board of Health endorse the Medical Officer of Health's recommendations in relation to the design, implementation, enforcement, and evaluation of the proposed provincial menu labelling legislation contained in his submission to the Minister of Health and Long-Term Care (Attachment 1).
3. the Board of Health forward this report to the Ontario Public Health Association, the Association of Local Public Health Agencies, the Ontario Society of Nutrition Professionals in Public Health, the Ontario Medical Association and the Registered Nurses Association of Ontario.

Financial Impact

This report has no financial implications.

DECISION HISTORY

At its meeting on April 29, 2013, the Board of Health (BOH) approved the recommendations in a report from the Medical Officer of Health (MOH) entitled Menu Labelling – Making Key Nutrition Information Readily Available in Restaurants (<http://www.toronto.ca/legdocs/mmis/2013/hl/bgrd/backgroundfile-57581.pdf>). The Board of Health requested the Medical Officer of Health, in consultation with the City Solicitor and relevant stakeholders, to report to the Board of Health in the fall of 2013, if the provincial government has not proceeded with menu labelling legislation by September 1, 2013, on a proposed City by-law guided by the MOH's recommended draft design elements contained in the report. The Board of Health requested that, prior to bringing a draft bylaw forward, Toronto Public Health staff consult with the restaurant industry regarding implementation details.

ISSUE BACKGROUND

The provincial Minister of Health and Long-Term Care announced on October 9, 2013 that the provincial government will be introducing menu labelling legislation this winter in response to one of the recommendations from the Healthy Kids Panel report on reducing childhood obesity. The Minister's announcement indicated that the proposed

legislation would require chain restaurants to post calories “and other nutrition information” on the menu/menu board of large chain restaurants. The Minister indicated that they would be consulting with diverse sectors to guide the development of the legislation which would include identifying other nutrition information to be required on the menu/menu board and considering other foodservice chains to which the legislation could apply.

As the provincial government is committed to introduce legislation in the coming months, Toronto Public Health has suspended the development of a municipal menu labelling bylaw. However, Toronto Public Health is continuing to advocate to the provincial government for the inclusion of sodium values as a menu labelling requirement as well as consideration of other elements of TPH’s recommended approach to menu labelling endorsed by the Board of Health on April 29, 2013. Although the goal of the Healthy Kids Panel’s recommendations is obesity prevention and thus the emphasis on calories, it is important for menu labelling legislation to focus more broadly on healthy eating. The health evidence strongly points to the need to post sodium values on the menu/menu board; there is mounting evidence about the high sodium content of restaurant foods, the inability of consumers to estimate sodium levels in these foods, the negative health impacts of excessive sodium in the Canadian diet, and strong public support for posting sodium values in restaurants.

The MOH’s submission to the Minister of Health and Long-Term Care is attached for review by the Board of Health. This report summarizes TPH’s input to the provincial government providing the BOH an opportunity to influence development of this legislation.

Toronto Public Health will continue to work with independent and smaller chain restaurants to test the feasibility of menu labelling on a voluntary basis, and provide a progress report to the Board on this pilot project in the spring/summer of 2014. Toronto Public Health will also maintain the Savvy Diner campaign to continue to build consumer awareness and promote the use of menu labelling information.

COMMENTS

Provincial Consultations on Menu Labelling Legislation

The provincial government initiated two phases of stakeholder consultation sessions and launched an online survey to solicit public input on the design of the menu labelling legislation. In the first phase, 30 organizations from different sectors were invited to participate in three consultation sessions in October/November that focused on different aspects of the proposed legislation. The Ministry sought input on what information should be required on the menu/menu board, to which businesses the legislation should apply, how the information should be provided on the menu/menu board, what additional information should be required and how it should be provided, and how the legislation should be implemented (e.g., timelines) and enforced.

The represented sectors included healthcare, public health, professional associations focused on chronic disease prevention, foodservices and restaurant associations, parent, consumer and student organizations, food manufacturers and agriculture. The public health sector, and TPH specifically, was represented by the Ontario Public Health Association (OPHA), the Association of Local Public Health Agencies (alPHA), and the Ontario Society of Nutrition Professionals in Public Health (OSNPPH). The positions of OPHA, alPHA, and OSNPPH on menu labelling are aligned with those of TPH and the Board of Health.

After the first consultation session, participants were invited to submit any relevant documentation that would be shared with all participants and could inform the second and third consultation sessions. Through the OPHA representative, TPH submitted the April 2013 BOH report and accompanying technical report on menu labelling as well as two reports documenting TPH's research and consultations on menu labelling with the restaurant industry. All consultation participants were also invited to make a formal submission to the provincial government regarding the menu labelling legislation by November 15th, 2013.

Given TPH's extensive research and consultations on designing effective menu labelling legislation, the MOH provided a submission to the Minister of Health and Long-Term Care (Attachment 1) reiterating the BOH's menu labelling recommendations, with particular emphasis on the importance of mandating the inclusion of sodium values, alongside calories, on the menu/menu board. This submission was shared with alPHA and the Council of Ontario Medical Officers of Health.

The provincial government is also planning a second phase of consultations with local public health agencies to further explore implementation of the legislation as they will be required to enforce the legislation. In consultation with the Ontario Public Health Leadership Council, the provincial government will identify the process by which they will gather input.

Finally, the provincial government launched an online survey to solicit public input on their proposed menu labelling legislation. Toronto Public Health has promoted this survey through the TPH web site and social media channels and the TPH Savvy Diner blog and Facebook site.

Evaluation of the provincial legislation can inform other Canadian jurisdictions

Although menu labelling has been evaluated elsewhere, Ontario will be the first jurisdiction in Canada to implement this policy through a regulatory approach. As such, the MOH's submission notes that an evaluation of this legislation, in particular, the implementation of it across the province, would be beneficial in supporting other municipal and/or provincial jurisdictions considering similar legislation. The evaluation should include an assessment of restaurant compliance and consumer awareness of the bylaw. Other areas of impact could also be evaluated to assess the effect of the legislation on consumer behaviour in a Canadian context. This more extensive evaluation could

include an assessment of consumer understanding and use of the nutrition information provided on the menu, understanding and use of the full nutrition information provided upon request, consumers' compensatory behaviour after eating out at a restaurant that is providing calories and sodium information on the menu, restaurants sales, changes to menus to increase the number of healthy options, and other consequences of the legislation.

Conclusion

In light of the importance of menu labelling in promoting the health of consumers by creating a more transparent and supportive restaurant environment, the MOH commends the provincial government for making a commitment to introduce menu labelling legislation this winter. The MOH urges, however, that the Minister of Health and Long-Term Care also mandate the posting of sodium values on the menu/menu board of large chain restaurants and give consideration to appropriate approaches for public education and evaluation to ensure the legislation has the intended impact. Toronto Public Health will continue to provide input to the MOHLTC on implementation and enforcement of this important initiative as it evolves in the months to come.

CONTACT

Monica Campbell, Director
Healthy Public Policy
Toronto Public Health
Phone: 416-392-7463
Email: mcampbe2@toronto.ca

Carol Timmings, Director
Chronic Disease and Injury Prevention
Toronto Public Health
Phone: 416-392-1355
Email: ctimming@toronto.ca

SIGNATURE

Dr. David McKeown
Medical Officer of Health

ATTACHMENTS

Attachment 1: TPH Submission to the Ministry of Health and Long-Term Care
Re: Healthy Kids Consultation – Provincial Menu Labelling Legislation, November 1, 2013.