



Hamilton

# INFORMATION REPORT

<b>TO:</b>	Mayor and Members Board of Health
<b>COMMITTEE DATE:</b>	November 14, 2016
<b>SUBJECT/REPORT NO:</b>	Healthy Menu Choices Act, 2015 (BOH16051)(City Wide) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Richard MacDonald (905) 546-2424, Ext. 5818  Pat Elliott-Moyer (905) 546-2424, Ext. 3635
<b>SUBMITTED BY AND SIGNATURES:</b>	Ellen Pezzetta Director, Healthy Living Division Public Health Services Department          Dr. Julie Emili Associate Medical Officer of Health Public Health Services Department

## **Council Direction:**

The Board of Health at its meeting August 14, 2014 regarding Item 7.3 Hamilton's Healthy Kids report/presentation (BOH14007) approved the following motion:

"That staff provide a report, to the 2014-2018 Council, respecting the review of calorie counting menus at food establishments within the City of Hamilton".

This report fulfills that request and the item can be removed from the outstanding business list.

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*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

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**Information:**

**Background**

On January 1, 2017, the Healthy Menu Choices Act, 2015 (the “Act”) and its regulations will require regulated food service premises with 20 or more locations in Ontario to display calories on menus for standard food items (i.e., a regular size soda or a hamburger). Calories must be determined by laboratory testing or a nutrient analysis method. This Act will apply to restaurants, quick service restaurants, convenience stores, grocery stores, movie theatres, public facing cafeterias, bakeries, food trucks, buffets, ice cream shops, and coffee shops with more than 20 locations in Ontario. It will not affect food premises in public or private schools, correctional facilities, child care facilities, or those that operate for less than 60 days in a calendar year.

Ontario is the first province in Canada to pass menu labelling legislation. The intent of the Act is to help Ontarians make healthier and informed food and beverage choices when dining out and also help raise public awareness about the calories in food and beverages eaten outside the home.

In Hamilton in 2009, 60 percent of adults and 14 percent of adolescents 12 to 17 years of age were overweight or obese. This is coupled with the fact that people commonly eat outside of the home. In Ontario in 2014, 29 percent of the household food budget was spent on eating out. In 2016, a systematic review and meta-analysis of recent studies on the effectiveness of menu labelling concluded that menu labelling does reduce the number of calories people order and consume when eating out.<sup>1</sup> Menu labelling legislation helps Ontarians and Hamiltonians make healthier and more informed food and beverage choices guided by calorie information.

**Implementation**

The Ministry of Health and Long-Term Care (MOHLTC) is developing a provincial public and industry education campaign to support the implementation of the Act. Public health units will be able to use the education materials to develop campaigns that meet the needs of local residents while remaining aligned and consistent with messaging across the province. The campaign is expected to coincide with implementation and enforcement of the Act (January 2017).

Public Health Inspectors (PHIs) will enforce the Act, provide education to food premises owners/operators, conduct inspections and respond to complaints about the posting of calories and signs in the regulated food services premises. This will be done using a progressive enforcement approach. A progressive enforcement approach takes into account the frequency and severity of non-compliance and can range from providing education on necessary corrective measures to the use of more stringent charging options. Individuals who do not comply will be fined not more than \$500 per day for the first and not more than \$1,000 per day for the second and subsequent offense(s).

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Corporations that do not comply will be fined not more than \$5,000 per day for the first offense and not more than \$10,000 per day for the second and subsequent offense(s). The MOHLTC is planning to provide official enforcement training webinars and materials to public health units this fall, in time for January implementation.

Of the 182 food premises chains identified by the MOHLTC, Hamilton has 688 food premises that must comply with the Act by January 1, 2017. This fall, food premises operators will receive a letter and educational fact sheets from Public Health Services stating that their establishment must comply with the Act and its regulations by January 1, 2017. Establishments will be given clear direction about properly displaying calories on menus for standard food items so that they can be in compliance.

High, moderate and low risk food premises are routinely inspected according to the following schedule as outlined under the Ontario Public Health Standards, 2016:

**Table 1: Risk Categorization of Food Premises\***

<b>Risk Category</b>	<b>Frequency of Inspection</b>
High (i.e., full service kitchens)	Not less than once every four months
Moderate (i.e., fast food outlets selling limited menu items with minimal food preparation)	Not less than once every six months
Low (i.e., convenience stores selling only pre-packaged foods)	Not less than once every twelve months

\*Risk is based on the likelihood of an occurrence of a food-borne illness outbreak.

Implementation of the Act will significantly impact Public Health inspection staffing. Of the 688 food premises identified, 83 are high risk, 347 are moderate risk and 258 are low risk. One thousand two hundred and one (1,201) compliance checks will be conducted which will require 0.21 FTE due to the number of establishments affected, additional time required at routine inspections to check for compliance with the Act, on site education required to assist the owners with compliance, and to respond to complaints.

The MOHLTC stated that it will provide an opportunity for public health units to submit expenses for consideration once implementation has begun and will work with public health units to determine the level of impact this will have on current operations. As such, Public Health Services will be tracking any added expenses incurred when implementing the Act and submitting this to the MOHLTC for consideration. However, there is no guarantee that additional funds will be provided.

Public Health Services' Registered Dietitians will use the MOHLTC public education materials in all applicable nutrition programs to inform Hamilton residents about the use of calories to make healthier food and beverage choices when dining out. This will be incorporated into the 2017 operational plan and carried out with the existing FTE.

## **REFERENCES**

1. Littlewood J, Lourenço S, Iversen C, & Hansen G (2016). Menu labelling is effective in reducing energy ordered and consumed: A systematic review and meta-analysis of recent studies. *Public Health Nutrition*, 19(12), 2106-2121.

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