



Ontario Society of Nutrition
Professionals in Public Health

La société ontarienne des professionnel(le)s
de la nutrition en santé publique

Lawrence Square
700 Lawrence Avenue, Suite 31
Toronto, ON M6A 3B4

Hon. Margaret Best
Minister of Health Promotion
Ministry of Health Promotion
777 Bay Street, 18th Floor
Toronto ON M7A 1S5
mbest.mpp@liberal.ola.org

July 23rd, 2010

Re: Considerations for *The Healthy Decisions for Healthy Eating Act, 2010* and menu labelling legislation

Dear Minister Best,

The Ontario Society of Nutrition Professionals in Public Health (OSNPPH), the independent and official voice of Registered Dietitians in public health in Ontario, is writing to share our concerns on the issue of menu labelling legislation.

OSNPPH promotes making healthier eating choices easier and more available in all locations where food may be served and/or sold. Research has shown that many consumers regularly use nutrition labelling that is mandated on pre-packaged foods. Restaurant foods have been exempted from these requirements, but the expectation that menu labelling has potential to influence food choices is reflected in recent legislative activities. Of particular pertinence is Section 2572, Nutrition Labelling of Standard Menu Items at Chain Restaurants, to come into effect next year as part of the Affordable Health Care for America Act, and the Ontario private members bill re-introduced on June 2, “Healthy Decisions for Health Eating Act”.

OSNPPH’s concerns relating to menu labelling legislation include:

- Sound evidence of effectiveness is lacking. The evidence base for menu labelling is still weak and inconclusive, as has been raised in a literature review conducted by Dietitians of Canada in 2009. To address this, research is currently in progress, funded by the Canadian Cancer Society and conducted by the University of Waterloo. This research will help determine whether calories and other nutrients listed on menus will help people make healthier food choices in restaurants. The findings will be available in two years and are intended to inform government policy. As

well, after the implementation of the American national menu labelling act there will be learnings from which we can benefit. Sound evidence is foundational to healthy public policy.

- The content of nutrition information needs more research to determine what will be most effective for menu labelling. Present examples of legislation have singled-out calories for declaration, but the nutritional value of food cannot be measured by calorie content alone. This could lead to ill-informed consumers choosing less healthy foods, such as diet pop and artificially sweetened gelatin instead of more nutritious choices such as lower fat milk and fruit. In contrast, the Nutrition Facts table of pre- packaged foods is required to declare 13 nutrients in addition to calories. A focus on calories ignores the principle concept of a healthy eating pattern, and the key messages in Canada's Food Guide that include cautions regarding fat, sugar, and salt.
- Supports and resources need development. Again, drawing on the pre-packaged foods labelling experience, education was a significant component. Supports and resources need to be developed specifically for menu labelling to ensure effective implementation and achievement of the stated purpose for legislation.
- Unintended consequences of menu labelling are a possibility that needs more consideration. A report on the New York City experience suggested that calorie labelling may have resulted in increased calorie content in choices made by fast food diners in low-income neighborhoods. In another example, Harvard University removed calorie labelling from their student cafeterias over concerns of potential harm for those with or at risk of eating disorders. Calorie labelling proponents have speculated that restaurants might respond by re-formulating menu items, but there is concern over whether the result will be an increase in low-calorie but nutrient-poor choices. Also, targetting of chain restaurants might inadvertently give the impression that offerings are better at other types of restaurants.
- The level of government needs to match appropriate involvement. Premier McGinty has already expressed that the federal government, not provinces, should show leadership on menu labelling. Similarly, for labelling requirements for packaged foods, federal-level legislation would harmonize requirements, influence the dining decisions of millions of Canadians, and avoid multiple allocations of resources by different regions. Restaurant chains are most likely to support national-level legislation, given the position taken by the American National Restaurant Association that federal legislation minimizes piecemeal initiatives and potentially confusing differences between jurisdictions.
- Monitoring, enforcement, and evaluation responsibilities must be planned and detailed. Wherever these responsibilities and associated costs land, they will have major implications. Any legislation should include clear requirements for menu labelling, including a mechanism to ensure accountability for implementation.

OSNPPH strongly encourages you and your Ministry to consider the above key points in any approach or action on menu labelling. The re-introduced private members bill is a respectable attempt, but falls short on many of the above points. We urge you to reinforce Premier McGinty's call on the federal government to address the menu labelling issue and to advocate for more research and information to develop a sound and effective policy which would benefit all Canadians, including Ontarians.

We welcome further discussion and involvement on this topic and other public policy issues that promote healthy eating.

Sincerely,

A handwritten signature in black ink that reads "Kathy Page". The signature is written in a cursive, flowing style.

Kathy Page, RD
OSNPPH Chair

Cc:

Elizabeth Haugh, President, OPHA

Linda Dietrich, Regional Executive Director, Dietitians of Canada

Lynn Roblin, Chair, Ontario Collaborative Group on Healthy Eating and Physical Activity

Bill Jeffrey, National Coordinator, Centre for Science in the Public Interest

Frances Gelinas, New Democratic Party MPP

Valerie Sterling, President, Associations of Local Public Health Agencies