



Department
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Consultation on mandating calorie labelling in the out-of- home sector

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1. What this document is about

The Government intends to introduce legislation to make calorie labelling compulsory in the out-of-home sector – that is, any outlet where food or drink is prepared in a way that means it is ready for immediate consumption by the person who buys it. This will include, for example, restaurants, cafes and takeaways, as well as online businesses that sell food or drink for takeaway or home delivery that is ready to be consumed.

The aim of the policy is to ensure that consumers have access to clear and accurate information about the calorie content of the food and drink that they and their families are purchasing and consuming. Making this information available can help people to make informed and healthy choices for themselves and their families and regulate their energy intake and that of their children effectively. This will contribute to efforts to reduce rates of children being overweight and obese.

What is a calorie?

The term 'calorie' is actually short for 'kilocalorie' – they are the same thing – and is often abbreviated to 'kcal' on energy labels. The amount of energy in food or drink is measured in calories. If you eat or drink more calories than your body uses, the rest will be stored as fat. If this happens repeatedly, you may gain weight. Knowing how many calories are in your food and drink can help you make sure you are not consuming too much and putting on too much weight.

2. The impact of obesity and eating out

Currently, nearly one in four children in England are obese or overweight by the time they start primary school, and this rises to one in three by the time they leave primary school.ⁱ Obese children are more likely to become obese adults, and obesity in adulthood increases an individual's risk of developing type 2 diabetes, heart disease, fatty liver disease and a number of cancers.^{ii iii iv}

We know that it is regular overconsumption of a relatively small number of calories that leads to individuals becoming overweight or obese.^v It is likely that eating out frequently, including eating takeaway meals, contributes to this gradual overconsumption of calories, as recent research suggests that eating out accounts for 20-25% of adult energy intake,^{vi} and that when someone dines out or eats a takeaway meal they consume, on average, 200 more calories per day than if they eat food prepared at home.^{vii} Data also tells us that portions of food or drink that people eat out or eat as takeaway meals contain, on average, twice as many calories as equivalent retailer own-brand or manufacturer-branded products.^{viii}

Food and drink consumed when eating out or getting takeaways is a significant contributor to people's diets; surveys tell us that 96% of people eat out, and 43% do so at least once or twice a week.^{ix} Research also suggests that people are eating out more often; in 2014, 75% of people said they had eaten out or bought takeaway food in the past week, compared to 69% in 2010.^x Consumption of fast food and takeaways is particularly prevalent among families, as evidence from 2016 showed that 68% of households with children under 16 had eaten takeaways in the last month, compared with only 49% of adult-only households.^{xi}

Given the high proportion of families who eat out or get takeaways frequently it is likely that helping people to reduce how much they and their children consume when they do so is key to tackling levels of childhood obesity.

3. How calorie labelling can help

Choosing healthy options is harder for consumers when basic information about calorie content is not provided. Findings from a recent Cochrane review, which offers high quality public health evidence, suggest that providing consumers with information about the calorie content of foods and drinks they consume when eating out can help them to lower their calorie intake.^{xii}

There is a strong public demand for calorie labelling; 79% of respondents to a recent survey by Public Health England said they think that menus should include the number of calories in food and drinks.^{xiii} A recent survey from Diabetes UK showed that around 60% of the public said that they would be more likely to eat at an establishment that offered calorie labelling on its menus.^{xiv}

Currently, although some businesses do offer calorie and other nutritional information in their stores or on their websites, many do not – which means that consumers are often unable to see and use information about the calorie content of what they eat when out and about. Making calorie labelling compulsory would ensure that consumers have the information they want in order to make informed and healthy choices for themselves and their children when eating out. As well as helping consumers to choose lower-calorie options, requiring transparency about the calorie content of meals may also encourage businesses to reduce the calorie content of their meals and create dishes that are less calorific.^{xv}

4. Our proposals in more detail

We know that the effectiveness of making calorie labelling compulsory will rest on how well it is implemented, and especially on making sure that requirements are easy for businesses to understand and implement. As part of this consultation we invite views on the details of what we are proposing. We will work closely with businesses and local enforcement officials to make sure we take the right approach.

Businesses and products affected

We are proposing that the calorie labelling requirement would apply to any outlet where food or drink is prepared in a way that means it is ready for immediate consumption by the person who buys it. For example, restaurants, cafes, coffee shops, pubs and bars serving food, and takeaway outlets would be covered, as well as online businesses that sell food or drink for takeaway or home delivery that is ready to be consumed. The requirement would also extend to cafes and takeaways within larger shops, such as supermarkets or department stores.

We are proposing that the calorie labelling requirement would extend to all ready-to-eat food and drink items that an establishment offers, including sides, toppings and drinks, seasonal dishes and 'specials', as well as self-service items such as buffets, salad bars, sauces and dressings.

As part of this consultation we invite views on whether all businesses providing food and drink for immediate consumption, including those that operate online, and all menu items offered by those businesses should be covered by our proposals. We welcome views on whether, for example, the smallest businesses should be excluded from this requirement or should have a longer implementation period.

How calorie information is displayed

We are proposing that calorie information is provided to consumers at the point of choice; that is, the place in an establishment where customers make their meal choices and the prices are displayed. Where menu information is located at several points in an outlet, we would expect businesses to provide calorie information at each. Examples of the point of choice would include table menus, menu boards and food labels placed next to food on shelves or display cases. For an online business, the point of choice would mean any web pages where customers can select the food items they want and where food items are compared with each other prior to purchase.

We also propose that calorie labels show the number of calories per portion of the menu item, as well as the number of calories in a portion as a proportion of the recommended daily energy intake for an adult woman (2,000 kcal). Evidence suggests that providing this contextual information can help consumers understand and use calorie information more effectively.^{xvi} An adult woman's daily reference intake would be used, rather than an adult man's or a child's, in order to keep calorie labelling on menus in line with existing requirements for nutritional labelling on packaged foods. As part of this consultation we invite views on whether calorie information should be displayed in this way on labels, and whether there is any other interpretative information (or example, providing 'traffic light' labelling for calories, showing the exercise equivalent of the number of calories, and so on) that consumers would like to see on labels.

Under current labelling legislation, calorie labelling must be accompanied by information about the kilojoule (kJ) content of the food. Kilojoules are the metric equivalent of calories and the unit is often shortened to 'kJ' on energy labels. To find out the energy content of food or drink in kilojoules you need to multiply the number of calories by 4.2. As part of this consultation we are

looking into whether the public finds it helpful to see kilojoule labelling alongside calorie labelling.

How calorie content is calculated

In order to calculate the calorie content of menu items, we propose that businesses would calculate the calorie content for what they consider to be a standard portion size for that menu item, as they serve it. The business should make it clear to the consumer what a standard portion of that item is. So, for example, a café serving cooked breakfasts would give the calorie content of a standard cooked breakfast, specifying that this includes two slices of toast, one scoop of baked beans using a standard serving spoon, two rashers of bacon, and so on. They would also be expected to give calorie counts for individual items that can be added to a dish as extras, such as a fried tomato or extra slice of toast. A delicatessen serving take-away salads might give the calorie count for one scoop of a salad using a standard serving spoon, or for the amount of salad that fits in a certain size of container provided by the delicatessen, for example. As part of this consultation we invite views on whether this is an approach that would work for businesses and consumers, and welcome further evidence on the practical aspects of our proposals.

Businesses can use the calorie information provided on the packaging of the foodstuffs they use to create their dishes to work out the calorie content of menu items. There are also a number of commercial and free calorie calculating products that businesses can use to help them. We will provide businesses with written guidance on how to implement calorie labelling effectively and will work closely with businesses to develop any further support that they may need to meet the requirement.

Takeaway platforms

We are aware that businesses that offer a takeaway service may sell their food or drink through a third party, for example where restaurants sell their food via an online takeaway platform. In these cases we would expect responsibility for calculating calorie content to lie with the business that makes the food or drink, and responsibility for displaying the calorie labelling to lie with the business through which the food or drink is sold. As part of this consultation we invite views on whether this is the right approach to take.

Enforcement

Government holds that enforcement mechanisms should be proportionate and appropriate. We will work closely with businesses and local enforcement officers to ensure compliance with the calorie labelling requirement is monitored and enforced in a way that is fair and not overly burdensome. We welcome views through the consultation on possible approaches to enforcement.

Timescales for implementation

We will finalise the details of this measure based on the evidence we receive through this consultation and will then work closely with industry and other stakeholders on designing appropriate legislation. We intend to lay secondary legislation before Parliament in Spring 2019. Subject to consultation, there will be an implementation period before the regulation comes into force, giving industry sufficient time to prepare for implementing the policy. It is intended that the regulation will come into force no earlier than Spring 2020. The regulation will only apply to England; we will work closely with devolved administrations in Wales, Scotland and Northern Ireland to ensure our approaches are aligned as much as possible.

5. Consultation proposals and questions

Summary of proposals

- The calorie labelling requirement will apply to any establishment, including vehicles and fixed or mobile stalls, in which food and drink is prepared and sold so that it is ready for consumption by the final consumer. This would include, for example, restaurants, take-away businesses (including those that operate online), fast food outlets, coffee shops, canteens, schools, hospitals and catering enterprises.
- Calorie information is provided to consumers at the point of choice; that is, the place in an establishment where prices are displayed and customers make their meal choices.
- Calorie labels display the number of calories in a portion of food, as well as this amount as a proportion of the recommended daily energy intake for an adult woman (2,000 kcal).
- Calorie labelling is provided for all food and drink items that an establishment offers, including sides, toppings and drinks, seasonal dishes and 'specials', as well as self-service items such as buffets, salad bars, sauces and dressings.
- Businesses are given 12 months to implement this requirement before legislation comes into force in Spring 2020, with the potential for longer implementation periods for some businesses, subject to consultation.
- For each menu item offered, businesses will display the number of calories for what the business considers a standard portion as served by that business, and make it clear to customers what size a standard portion would be.
- Where a business sells takeaway dishes through a third party business, such as an online takeaway platform, the responsibility for calculating the calorie content of the food or drink rests with the business making and selling it, and responsibility for displaying the calorie information at the point of choice rests with the business through which the consumer buys the food or drink.

Questions for consultation

1. Do you think that calorie labelling should be mandatory for all out-of-home businesses?
2. Do you think that the calorie labelling requirement should apply to all food and drink items an out-of-home business offers?
3. Micro-businesses (those with fewer than 10 employees) may find this requirement harder to implement. Which of the following approaches do you most agree with?
 - Micro-businesses are covered by the requirement in the same way as other businesses
 - Micro-businesses are excluded from the requirement altogether
 - Micro-businesses are covered by the requirement, but given a longer implementation period (if choosing this option, please state how long you think the implementation period for micro-businesses should be)

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- Other (please provide details)
4. As well as the number of calories per portion of the food item, do you think calorie labels should show that number as a proportion of the recommended daily intake?
 5. Would you find it helpful or unhelpful for information on kilojoule content to be displayed alongside information about calorie content?
 6. Is there any other interpretative information that you think should be displayed on calorie labels, e.g. 'traffic light' ratings for calorie content, or the exercise equivalent of the number of calories?
 7. Do you think that calorie information should be displayed in establishments at the point of choice?
 8. Would 12 months be an appropriate amount of time for businesses to implement calorie labelling?
 9. Do you agree with the proposed approach for calculating the number of calories in a standard portion?
 10. Do you agree with the proposed approach for businesses selling takeaway dishes through third parties?
 11. We will provide businesses with written guidance to help them with calorie labelling. Do you think businesses will need any additional support?
 12. Do you think calorie labelling would cause any practical issues for particular businesses?
 13. If you have any suggestions for how this requirement could be enforced in a way that is fair and not overly burdensome, please provide details.
 14. If you have any further evidence or data you wish to submit for us to consider for our final impact assessment, please provide it here.
 15. If you have any further evidence or data that you would like to submit specifically on the likely cost that may occur to your business as a result of the proposal, please provide it here.
 16. Are there any other potential impacts of introducing calorie labelling, either positive or negative, that you think we should consider?
 17. Do you think that this proposal would be likely to have an impact on people on the basis of any of the following characteristics?
 - Age
 - Sex
 - Race
 - Religion
 - Sexual orientation
 - Pregnancy and maternity
 - Disability
 - Gender reassignment
 - Marriage/civil partnership
 18. Do you think this proposal would help achieve any of the following aims?

Consultation proposals and questions

- Eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- Advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Fostering good relations between persons who share a relevant protected characteristic and persons who do not share it

Where applicable, please provide more detail on how you think the measure would achieve these aims.

If you do not think this proposal would help achieve any of these aims, please explain why and whether the proposal could be changed to help achieve these aims.

19. Do you think that this proposal would be likely to have any impact on people from lower socio-economic backgrounds?

20. If there are any further matters that you would like to raise or any further information that you would like to provide in relation to this consultation, please give details here.

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