

TO: Chair and Members of the Board of Health

FROM: Christopher Mackie, Medical Officer of Health

DATE: 2015 February 19

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## **BILL 45, THE MAKING HEALTHIER CHOICES ACT, 2014**

### **Recommendation**

*It is recommended that the Board of Health:*

- 1. Receive Report No. 012-15 re Bill 45, the Making Healthier Choices Act, 2014; and further*
- 2. Recommend the Ministry of Health and Long-Term Care amend the menu labelling legislation to include clear, prominent labelling of both calories and sodium content on menus, including reference values, based on emerging best practices for menu labelling; and further*
- 3. Communicate its support for Bill 45 and for amendments to Bill 45 to include both calories and sodium content on menus by sending a letter to the Premier of Ontario, the Minister of Health and Long-Term Care, the Associate Minister of Health and Long-Term Care (Long-Term Care and Wellness), local members of Provincial Parliament, and others.*

### **Key Points**

- Bill 45, the *Making Healthier Choices Act, 2014*, aims to restrict the promotion, sale and use of e-cigarettes, ban the sale of flavoured tobacco products, and require restaurants with 20 or more locations to post caloric information on their menus and menu boards.
- Canadian children of all ages consume amounts of sodium in excess of guidelines. Canadians strongly support disclosure of both calories and sodium values.
- Posting of sodium content on menus and menu boards would strengthen Bill 45 and improve its health impact.

### **Background**

On November 24, 2014, the Honorable Dipika Damerla, Associate Minister of Health and Long-Term Care, introduced [Bill 45, the Making Healthier Choices Act, 2014](#). Bill 45 proposes to enact the *Healthy Menu Choices Act, 2014* and the *Electronic Cigarettes Act, 2014* and amend the *Smoke-Free Ontario Act*. This Bill aims to protect youth from the dangers of tobacco and the potential harms of electronic cigarettes (e-cigarettes). The Bill also mandates that larger chain restaurants (operating 20 or more premises) post caloric information on their menus and menu boards. These measures are part of the government's efforts to make Ontario the healthiest place in North America to grow up and grow old. Bill 45 has passed its first reading and is currently being debated at second reading.

### **Menu Labelling**

Through the endorsement of Report [No. 120-13](#), *Menu Labelling: Improving the Food Environment*, the Board of Health recommended that clear, prominent labelling of calorie and sodium content, including reference values, be required on menus through provincial legislation to achieve healthier outcomes for consumers. Food environments, such as those in restaurants, can have a positive impact on consumers' food choices when both sodium and calorie content on menus are displayed. Menu labelling legislation is an important step towards creating healthier and more transparent food environments for Ontario's families, who increasingly rely on and consume food and beverages prepared outside the home.

Ontarians inaccurately estimate calorie levels in restaurant foods, and are worse at determining sodium levels. The Ministry of Health and Long-Term Care has taken action towards implementing a key recommendation from the Healthy Kids Panel's report [No Time to Wait: Healthy Kids Strategy, 2013](#) by tabling Bill 45's proposed *Healthy Menu Choices Act, 2014*. However, the regulation has limitations because as written, it would require owners and operators of regulated food service premises to display only the number of calories in each standard food item sold at the premises.

### **The Need for Both Calories and Sodium in Menu Labelling Legislation**

In May 2013, the Ontario Society of Nutrition Professionals in Public Health (OSNPPH) published a [position paper](#) that highlights key reasons owners and operators of regulated food service premises should include both calories and sodium on menus and menu boards:

- Ontarians consume, on average 2,871 mg of sodium per day. While this is lower than the Canadian average intake of 3,400 mg per day, it is still well above recommended targets by the World Health Organization (2003) for populations to consume less than 2,000 mg per day.
- The average Canadian sodium intake is nearly double the Institute of Medicine recommended Adequate Intake (AI) level of 1,500 mg per day and even above the Tolerable Upper Intake Level (UL) of 2,300 mg interim target per day identified in the Sodium Reduction Strategy for Canada.
- Unhealthy food environments impact overweight and obesity rates as well as non-communicable diseases in Ontario.
- Over one-quarter (27%) of Ontario youth aged 12 to 17 and over half (52%) of adults over age 18 are overweight or obese.

The Ontario Public Health Standards mandate public health units to develop policies and programs that promote and protect health and prevent disease. This includes action by local boards of health to "collaborate with local food premises to provide information and support environmental changes through policy development related to healthy eating." Increasing restaurant menu information transparency meets this provincial and local public health unit mandate under the Ontario Public Health Standards. In addition, it may also influence restaurant food chains to offer the provision of healthier food choices as part of a competitive advantage, voluntarily lowering the caloric and sodium content of their food.

### **Next Steps**

The Health Unit is committed to reducing the risk of nutrition-related chronic diseases through creating environments conducive to facilitating healthy eating practices. The Health Unit values menu labelling and believes that healthier food environments, including restaurants, can make healthy food choices the easier choices for Ontario families. Point-of-purchase access to nutritional information supports consumers in making informed decisions about their food and beverage choices.

This report was prepared by Dr. Heather Thomas, Registered Dietitian, Ms. Tanya Verhaeghe, Health Promoter, Ms. Donna Kosmack, Southwest TCAN Manager, and Linda Stobo, Chronic Disease Prevention and Tobacco Control Team Manager.



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**This report addresses** the Chronic Disease and Injuries Program Standards of the Ontario Public Health Standards #3, 5, 7, 11 and the Healthy Kids Panel report, "No Time to Wait: The Healthy Kids Strategy."