



## Mandating Calorie Labelling in the Out of Home Sector Consultation

### Food Active Response

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Food Active is a healthy weight programme, supported by North West Directors of Public Health. The programme was launched in 2013 and is delivered by Health Equalities Group. We work to address the social, environmental, economic and legislative factors that influence people's lifestyle choices and behaviours.

Definition: By 'out-of-home businesses' we mean any establishment in which food and drink is prepared and sold so that it is ready to be eaten or drunk 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, as well as vehicles and fixed or mobile stalls and businesses that operate online.

#### Businesses and products affected

Do you think that calorie labelling should be mandatory for all out-of-home businesses?

Yes

Food Active fully supports mandatory calorie labelling in the out of home sector (hereafter OOH), and believe it will play an important role in a wider comprehensive range of measures to improve the food environment to help reduce the growing prevalence of obesity throughout the life course. This has been an approach applied by other countries, such as Australia, New Zealand and the U.S and particularly with regard to chain fast food outlets, to help consumers have a better understanding of the nutritional quality of the food they are consuming<sup>1,2,3</sup>.

The OOH sector plays an increasingly important role in the UK population's dietary intake, as more and more of us purchase and consume foods outside the home on a daily basis. The UK has seen a 53% increase in the number of places to eat OOH between 2005-2015<sup>4</sup> and the National Diet and Nutrition Survey suggests that between 2008/09 and 2012/13, one quarter of adults and one fifth of children ate food from OOH outlets at least once a week<sup>5</sup>. The total estimated UK spend on OOH eating in 2015 was approximately £56bn and figures suggest that the UK fast food and takeaway spending alone accounts to £18.2bn annually, with home delivery food growing ten times faster than the rest of the OOH sector<sup>6,7</sup>. As such, the OOH sector is expected to contribute to around one quarter (20-25%) of our daily intake of calories<sup>8,9</sup>. Alongside increased availability of OOH retailers, factors such as lack of time, practical skills, resource, accessibility (i.e. JustEat and Deliveroo Apps) and the marketing and advertising of the OOH offer also contribute to the increase in consumption of OOH foods.

Of significant concern, meals eaten OOH tend to be associated with higher intakes of energy, total fat, saturated fat, free sugars and salt especially when compared to the UK Dietary Reference Values<sup>10,11,12</sup>. In addition, portion sizes found in the OOH sector are also typically greater than the average serving size. For example, a survey by the Obesity Health Alliance and Action on Sugar found that the average muffin bought from an OOH outlet had 19% more sugar, the equivalent of 1.2 more teaspoons of sugar than the average supermarket muffin. The survey also found the average OOH muffin was 32% bigger than the average supermarket muffin (115g compared to 78g)<sup>13</sup>.

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Another recent survey from Action on Sugar has also highlighted the shocking amounts of calories and sugar contained within the recent food and drink trend of 'Freak shakes' – a mix between a milkshake and a dessert, often adding confectionery, cakes, waffles, doughnuts etc on top of a flavoured milkshake. The survey found that all products sold in high street restaurants and fast food chains, with nutrition labelling available online, would receive a 'red' (high) label for excessive levels of sugar per serving. Toby Carvery Unicorn Freakshake came in at the worst for calories and sugar, containing 1,280 kcal per serving and a staggering 39 teaspoons of sugar<sup>14</sup>. Toby Carvery have argued that they do not market their milkshakes at children, which is highly contradictory given the most sugar and calorie-dense milkshake they serve is named after a Unicorn, a trend ubiquitous with children, especially young girls<sup>15</sup>.

Given the increased consumption of OOH foods and its typically poor nutritional quality, it is of no coincidence that both adults and children are consuming over the recommended daily intake of energy (calories). On average, adults consume approximately 196kcal extra every day and rises to an excess 320kcal in adults who are overweight or obese. Compared to those with an ideal height-for-weight, overweight and obese boys and girls consume approximately 140-500 excess kcals per day and 160-290 excess kcals per day respectively<sup>16</sup>. We know that frequent excess consumption of energy (calories) can lead to intake that exceeds expenditure, which leads to accumulative weight gain over time<sup>17</sup>.

As a result, the increasing consumption of OOH meals has been identified as an important factor contributing to the growing obesity epidemic<sup>18</sup>. There are some of the highest levels of children experiencing overweight and obesity in the North West of England. In Cumbria, as many as 28.2% of reception age children are overweight or obese, 5.6% greater than the national average. In the borough of Knowsley, this rises to 42.2% by the time children leave primary school, a staggering 8% higher than the national average<sup>19</sup>. Obesity is also linked with deprivation, with children of a more deprived background twice as likely to experience an unhealthy weight when compared to their more affluent counterparts<sup>20</sup>. It is also important to note that the proliferation of OOH outlets, specifically fast food outlets, has been far greater in areas of higher levels of deprivation, when compared to more affluent areas<sup>21</sup>.

Given that the development of obesity is influenced by a wide range of biological, individual, environmental, economic and societal factors, a multi-faceted approach is required to help effectively tackle the epidemic<sup>22</sup>. Engaging and improving food and drink provision in the OOH sector must play an important part in this approach, given the growing influence this sector plays in dietary intake and the context of obesity. There are several opportunities and approaches that could be considered to achieve this, including mandatory calorie labelling in the OOH sector. As part of the Public Health Responsibility Deal in 2011, a voluntary OOH calorie labelling initiative was set out which resulted in thousands of outlets including calorie labelling on their menu's, such as JD Wetherspoons and McDonalds. However, this did not extend to independent outlets - and whilst calorie labelling in chain outlets is an important step, this only makes up a small proportion of OOH outlets in the UK thereby will have limited impact on consumer choices and ultimately public health.

## The evidence base:

There is a small body of evidence to suggest that the inclusion of calorie labelling in the OOH sector may have a beneficial impact on the number of calories purchased, evidence also suggests this is a popular choice among the British public.

- A recent Cochrane review of the current evidence relating to calorie labelling and impact on calorie consumption concluded that nutritional labelling comprising energy information on menus may reduce energy purchased in restaurants. The review included evidence from a wide range of OOH settings, including vending machines, coffee shops, restaurants and cafeterias and suggested labelling may reduce calorie consumption by between 8-12% per meal<sup>23</sup>. However, it is important to note the limitations of these conclusions, given they are based on a small body of low-quality evidence.

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- A meta-analysis of six studies suggested that those who saw calorie labelling consumed purchased 124.5kcal less, however no correlation in reduction in calories purchased by all consumers<sup>24</sup>.
- Over one quarter (76%) of UK adults agreed that cafes and restaurants provide featured calorie information<sup>25</sup>.

Whilst the evidence is limited to demonstrate a direct reduction in calorie intake following the introduction of calorie labelling, there are some other beneficial 'knock on' effects that may occur as a result of the measure. Anecdotal evidence has suggested calorie labelling in the OOH sector could potentially drive wider changes on the part of businesses through increased awareness about their products, including product reformulation, portion control, or changing default options in meals (such as substituting reduced fat for full fat milk or mayonnaise). Calorie labelling will help consumers make an informed choice about what they eat, but sustained improvements in the nation's diet will require a transformation of the food supply too<sup>26</sup>.

## Local evidence:

Our research with a sample of 380 parents of children aged 2-17 years old living in the North West of England (Merseyside, Cheshire, Greater Manchester, Lancashire and Cumbria) found that parents would support a range of measures to help families make healthier choices. When asked whether they would support mandatory calorie labelling in the out-of-home sector, 57% agreed or strongly agreed<sup>27</sup>. Please note that this sample was not randomly sampled and is therefore not a representative sample of the North West population.

## Independent OOH outlets:

We recognise that there may be some concerns regarding the cost and resource burden of implementing mandating calorie labelling in independent retailers. However, there are around 600,000 independent OOH retailers in the UK and fast food outlets are dominated by independent companies with one or two outlets only<sup>28</sup>. In comparison to chain outlets, such as McDonalds which has approximately 1,250 outlets in the UK, Greggs with around 1,600 and Costa Coffee with 1,831 outlets. Big brands, such as McDonalds, Subway and Dominoes are estimated to take up 44% of the fast food market share – the remaining majority are often single sites, owner managed outlets<sup>29</sup>. Therefore, excluding smaller, independent OOH businesses may result in the policy having limited impact on public health owing to the fact that the sector is dominated by a large proportion of smaller OOH outlets across the country which the legislation would not apply to.

Furthermore, there is some data documenting the poor nutritional quality of some independent takeaway meals, specifically relating to fast food outlets based in the Liverpool City Region, North West England. The following two studies surveyed a large number of different popular takeaway dishes offered in fast food outlets across the region, conducting nutritional analyses on each dish/combination offered and working out the mean macronutrient values for each cuisine (Chinese, traditional English, Pizza, Kebab etc.).

- Research shows takeaway meals were inconsistent with UK dietary reference intakes; pizzas revealed the highest energy content, and Chinese meals were lowest in total fat. However, there was a high degree of variability between and within categories, but the majority of meals were excessive for portion size, energy, macronutrients and salt<sup>30</sup>.
- Another study specifically looking at saturated fat found in pizza and English meals had the highest median amount of saturated fat with 35.7g per meal, exceeding the saturated fat reference intake in just one meal<sup>31</sup>.

These findings are of concern when smaller independent OOH outlets, such as the takeaways included in these studies, typically offer lower cost meals may be a more attractive option for

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lower income households. A recent cross-sectional study found a significant association with lower socioeconomic (hereafter SES) groups and the consumption of takeaway food and a smaller likelihood of preparing home cooked meals, when compared to more affluent groups<sup>32</sup>. In addition, these outlets may be more accessible to lower SES groups, as the CEDAR Food Environment Assessment Tool illustrates that the poorest areas of the country have disproportionately higher numbers of fast food outlets, including North West cities such as Manchester and Blackburn<sup>33</sup>.

We know that lower income households and lower SES groups experience greater health inequalities, when compared to their more affluent counterparts<sup>34</sup>. Therefore, in consideration of the evidence that suggests there may be some positive implication on total kcals purchased, we recommend that smaller independent businesses are included in the policy.

## School canteens:

However, we do have concerns about introducing calorie labelling in school canteens. This may have some negative complications by encouraging young children to 'calorie count' from an early age, which may result in a negative relationship with food. Furthermore, the School Food Plan enforces standards to benchmark the types of food and drink that are suitable to be served on school premises (however these do not apply to academies, colleges and nurseries)<sup>35</sup>. Schools should be exempt from calorie labelling, instead efforts should go into ensuring the food and drink available in nursery, primary, secondary, colleges and academy school premises is consistently of a high standard and provides healthy and nutritious options for children and young people throughout the day.

## Do you think that the calorie labelling requirement should apply to all food and drink items an out-of-home business offers?

Yes

### Toppings, sauces and sides

Toppings, sauces and sides can contain a significant number of calories in themselves, and can often form as a part of a meal:

- Just 1tbsp of mayonnaise contains approximately 94kcal
- A small side order of thin cut chips (roughly 70g) contains approximately 222kcal
- Adding grilled halloumi to a burger adds an extra 416kcal to the meal.

We recognise that this may result in a greater burden to OOH outlets that offer a wide range of sides, sauces and toppings, for example Subway or salad boxes as they would require to calculate the calorie information for each of the additional items they offer. However, we believe that excluding these additions from the mandate would mean that consumers would not be fully informed about the number of calories they are consuming and can only access the information for a proportion of the meal they consume. This could deem the calorie labelling futile, as it would not provide consumers with accurate information about the calories they are consuming.

### Temporary items or 'specials'

We recognise some of the criticisms that argue introducing calorie labelling on all foods, including temporary items or specials, may hinder menu innovation or reduce the possibility of being able to use excess food to create dishes and reduce food waste. However, as part of the implementation, the Government should ensure that businesses are provided with a standardised, accurate tool to calculate calorie information for new meals quickly and efficiently. Further detail about this can be found in Question 3.

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To conclude, we recommend that there should be no exemptions for any food and drink items available as part of the OOH offer.

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, but given a longer implementation period (if choosing this option, please state how long you think the implementation period for micro-businesses should be)**

We have discussed in this response the importance of including smaller, independent businesses in mandatory calorie labelling regulations in Question 1. Fast food outlets are dominated by independent companies with one or two outlets only<sup>36</sup> and there is evidence to suggest these outlets have a negative impact on our health. If these outlets were excluded, the policy may have limited impact on public health.

However, we recognise the burden that this may pose on smaller businesses and we would support micro-businesses being given an additional year to fully implement the policy. The Government must make specific requirements and recommendations to ensure that this process is as easy/clear as possible, posing as little burden to smaller businesses resource as possible. We recommend that the Government produces a clear guidance toolkit for implementation and either a) provide a clear, standardised Government-owned tool/software to help businesses efficiently calculate nutritive values of their products or b) make clear recommendations to appropriate alternative businesses and subsidise this for smaller/micro businesses. This should also include a FAQs section to support businesses if they are unsure about any of process, with signposting information and contact details to the relevant department should they require further support.

## Information on labels

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?

No

Providing some contextual information with regard to the proportion a meal or item accounts to their daily intake may be useful for consumers to understand how their choices can contribute to their recommended daily intake of calories. However, this relies on the assumption that all consumers are able to interpret percentages and has the potential to confuse consumers. In addition, this information may over burden menus with too much information and cause impracticalities. We recommend that an explanation of calories and reference nutrient intakes should be displayed at the point of choice, available in-store and/or online.

Would you find it helpful or unhelpful for information on kilojoule content to be displayed alongside information about calorie content?

Unhelpful

To avoid confusion in consumers, we recommend that information on kilojoule content is not included on the labelling. Consumers are far more familiar with kilocalories (kcal) and few actually are able to interpret kilojoules. In addition, this may also overburden menu's with extensive amount of information.

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Is there any other interpretative information that you think should be displayed on calorie labels?

No

The most recognisable interpretative information in the UK is the traffic light labelling system, which could be a potential option to provide full nutritional information about a product. The nutritional quality of a product does not start and end with the calories, and there are important macronutrients such as fat, saturated fat and sugars that could be considered on OOH labelling. This would also help to provide a more accurate representation of the nutritional quality of food, instead of calories alone. Furthermore, there is some evidence to suggest this may have a beneficial impact on calories consumed; a meta-analysis suggested that provision of contextual and interpretative information, including Reference Intakes as suggested by the consultation, may lead to a significant difference in calories selected and consumed<sup>37</sup>.

Whilst traffic labelling can be a beneficial tool, adding this additional labelling to all OOH businesses and food and drink items may cause confusion, be impractical and cause an overload of information on menus that are difficult to read (fast food outlets that have head board menus above the counter), in time pressured situations (choices in the OOH sector can sometimes be made at a glance) and where space is limited on menus. In addition, this information may only be useful for those who have a greater understanding of nutrition. Therefore, we do not recommend making traffic light labelling mandatory in all businesses. Instead, make this information available at point of choice, either in store or online and where traffic light labelling on products may be suitable (for example, on pre-packaged sandwiches in Pret A Manger or Costa), these businesses should be encouraged to voluntarily provide this information on packaging.

Do you think that calorie information should be displayed in establishments at the point of choice?

Yes

Calorie information should be displayed alongside the menu item and its price, at the point of choice, whether that is a menu, information board or label. Full nutritional information should be provided and made easily accessible, both in store and online.

Would 12 months be an appropriate amount of time for businesses to implement calorie labelling?

Yes

A 12-month implementation period is a suitable time frame for larger organisations, as many large chains already provide this information of their menus. However, as discussed in this consultation response, smaller businesses may require additional support, which could include a longer implementation period.

Do you agree with the proposed approach for calculating the number of calories in a standard portion?

*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.*

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*The business should make it clear to the consumer what a standard portion of that item is. For example, 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.*

Yes

We agree with the proposed approach for calculating calories of a standard portion or serving size in OOH outlets. Businesses should be supported by specific recommendations and guidelines on portion size to ensure the calorie information is as representative of the portion served as possible and is consistent between meals served. In addition, as discussed earlier in the consultation, the Government should provide, subsidise or advise on the appropriate tools to help calculate calorie information that businesses can use to ensure the information is accurate.

## Do you agree with the proposed approach for businesses selling takeaway dishes through third parties?

*We propose that, 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.*

Yes

As discussed earlier in the consultation, third party businesses are an important and popular platform for reaching the OOH sector. These businesses also have a responsibility to ensure the calorie information provided by the OOH outlet is clearly displayed next to each item, as it would be in store. We agree with the proposed approach that ensures that this responsibility lies with the third-party business.

## We will provide businesses with written guidance to help them with calorie labelling. Do you think businesses will need any additional support?

Yes

Throughout this consultation response we have recognised that smaller businesses will require additional support to implement this policy. In order for this measure to be successfully implemented, there must be adequate funding for local authorities to support local businesses. This should include documenting quality control/assurance for the methods used to calculate calorie information and follow up routine visits to ensure businesses are correctly implementing the policy. Furthermore, in addition to a FAQs section within the guidance toolkit, further signposting information and contact details to the relevant department should be provided to ensure businesses can access sufficient support if they experience any difficulties. Currently, local authority trading standards monitor adherence to food composition and labelling legislation. Given the current austerity measures and significant cuts to local council budgets, the departments capacity to take on the additional role in supporting businesses to meet/ adhere to new legislation is likely to be limited. Therefore, it is paramount that these departments and councils are provided with sufficient extra resource in order to effectively carry out these new responsibilities.

## Do you think calorie labelling would cause any practical issues for particular businesses?

Yes

Practical issues that may occur for smaller businesses have been noted throughout this consultation response. These include the resource required to implement calorie labelling, in

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terms of both cost, time and temporary items. We have suggested that the Government provides both specific recommendations and guidelines relating to implementation (including portion sizes) and how and where to calculate this information. The latter could be a standardised online Government tool to help reduce the cost implications of implementing the policy, alternatively the Government should recommend several suitable options for businesses and consider subsidising this for smaller businesses. We have also suggested that smaller businesses are allowed a longer implementation period.

## Enforcement

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 below:

We have provided suggestions throughout this consultation to reduce the burden on OOH outlets, particularly smaller independent businesses.

## Impact assessment

Are there any other potential impacts of introducing calorie labelling, either positive or negative, that you think we should consider?

Any perceived impact, both positive and negative, has been noted throughout this response.

## Equalities

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

N/A

Do you think this proposal would help achieve any of the following aims?

- 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:

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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:

N/A

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

Yes

People from lower socio-economic backgrounds may be less likely to be able to interpret any contextual information provided as part of the policy. This may be as a result of limited literacy and numeracy skills. By contrast, those of higher socioeconomic backgrounds may be more responsive to calorie labelling, thereby having a greater impact on the calories consumed and could result in contributing to growing health inequalities. In order to avoid this, any information that is displayed must be accessible to all, clear to read and easily understood. Furthermore, this should be bolstered by increased funding for Government led healthy eating campaigns that educate consumers around making healthier choices, which should have a particular focus on those of a lower socioeconomic background, and form as a wider multi-faceted approach to reduce overweight and obesity in the population.

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This response was prepared by Alex Holt MSc. ANutr., Food and Nutrition Lead at Food Active and Beth Bradshaw MSc. ANutr., Project Officer at Food Active, part of the Health Equalities Group.

 [www.foodactive.org.uk](http://www.foodactive.org.uk)

 [info@foodactive.org.uk](mailto:info@foodactive.org.uk)

 [@food\\_active](https://twitter.com/food_active)

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EQUALITIES  
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