



**Pan-Canadian Health Promoter Competencies' Toolkit – Product Example:
Conduct Situational Assessment (Domain 2)**

**Situational Assessment: Restaurant Menu Labelling
(Status Update: March 19, 2014)**

PURPOSE

The purpose of this note is to provide:

- i. a preliminary review of evidence on the topic of menu labelling;
- ii. an update on the status of provincial menu labelling legislation; and
- iii. a local jurisdictional scan for Peel Public Health (Ontario) in the area of menu labelling initiatives.

BACKGROUND

- Menu labelling in restaurants makes clear and standardized nutrition information available at or before the point of purchase.
- Many organizations and experts have recommended menu labelling as a policy that can help create healthy, supportive food environments.
- In Canada, all menu labelling initiatives are currently voluntary although on February 24, 2014 provincial menu labelling legislation was proposed in Ontario.
- In the US, menu labelling legislation has been adopted by a number of municipalities, counties and states (including Seattle, New York, Philadelphia, California, Oregon and Massachusetts). These policy initiatives however, will largely be superseded in 2013/2014 by the federal menu labelling legislation that is included in the [Patient Protection and Affordable Care Act, 2010 - Section 4205](#).

CONTEXT

- **Canadians are eating out**
 - Overall, about 60% of Canadians purchase a meal or snack at a restaurant one or more times per week, nearly 40% eat out at least a few times per week and almost 7% eat out on a daily basis.¹
 - Results from a regional survey of adults show that no more than 11% of respondents ate at a food outlet during the previous day.² This does not account for food that may have been purchased at a food outlet but eaten elsewhere.
- **Restaurant meals contain high levels of calories and other nutrients of concern**
 - The average sit-down restaurant meal in Canada contains 56% of an adult's daily calorie requirement, 98% of an adult's daily limit for sodium, 89% of the daily value for fat, and 83% of the daily value for saturated and *trans* fat.³

- **Calorie and nutrient levels of restaurant meals vary widely**
 - The levels of calories and sodium in typical restaurant meals vary widely both within and between restaurants and even between foods in the same category.⁴ This makes it virtually impossible for consumers to estimate the calorie or sodium content based on healthy eating recommendations alone.
- **Marketing claims can mislead consumers**
 - When a restaurant markets a menu item as ‘healthy’, people tend to underestimate how many calories they are actually eating.⁵ This effect is often referred to as a ‘health halo’. Research has shown that consumers may add beverages, side dishes and desserts up to 131% more calories to their meal as compared to when they think their main dish is ‘unhealthy’.⁵
- **Consumers are influenced by larger portion sizes**
 - There is evidence that the portion sizes of many restaurant foods have increased substantially over time.⁶
 - Large portion sizes affect eating behaviours by:
 - prompting people to eat more than usual as the amount of food served appears appropriate and reasonable to eat.⁷
 - making it more difficult for consumers to estimate calorie content.⁷
- **Nutrition information isn’t visible under current voluntary approaches**
 - Although current voluntary menu labelling programs often note that nutrition information will be ‘made available upon request’, research shows that such information, in reality, is difficult to find or is not readily available *prior* to purchase.⁸
- **Canadians support menu labelling**
 - A recent survey found that 70% of Canadians strongly support requiring fast food restaurants to list nutrition information on their menus.⁹
 - Canadians identify menus and menu boards as two of the top three most useful ways to receive nutrition information when eating out.¹⁰

EVIDENCE OF THE EFFECTIVENESS OF MENU LABELLING

Menu labelling is complex in nature and the evaluation of its effectiveness has many challenges. Although the research on the effectiveness of menu labelling continues to evolve, the findings from current research are mixed. That said, evidence based mainly on single studies has been summarized in two recently released documents – a technical report by Toronto Public Health ([What’s on the Menu? Making Key Nutrition Information Readily Available in Restaurants](#))¹¹ and a position statement (in support of menu labelling) by the Ontario Society of Nutrition Professionals in Public Health¹². A 2011 systematic review looking at the effect of menu calorie labelling on consumer purchasing and eating behaviours also exists but was not included in either of the previous reports. Based on these three documents, evidence of the effectiveness of menu labelling is presented in response to the questions below.

Does menu labelling make nutrition information more visible for consumers?

- Results from experimental studies as well as studies in real-world settings where menu labelling has been adopted, repeatedly show that menu labelling does make nutrition information clearly available to a majority of people, in contrast to the very few who see it when it is only 'available upon request'.¹²
- At least 50-70% of consumers notice key nutrition information when it is available at point of purchase.¹²

Is menu labelling used by consumers to make healthier choices?

- Evaluations of menu labelling programs in the U.S. have found mixed results.
- The largest study published on New York City's calorie labelling legislation examined over 100 million Starbucks sales transactions and found, in the after calorie labelling period, there was an overall 6% average reduction in calories ordered per transaction and a 14% reduction for food items excluding beverages.^{11,12}
- However, the findings of a relevant 2011 systematic review (rated 7/10 – moderate by healthvidence.ca) on calorie menu labelling suggest there is no significant effect of calorie menu labelling on calories purchased or consumed.¹³
- Differences in the design, strength and rigour of these menu labelling evaluations may account for the mixed results that have been found.
- It is interesting to note that there has been no evidence to indicate that menu labelling causes individuals to increase their calorie intake.¹²
- There is also some emerging evidence suggesting that menu labelling may help people to balance their eating and physical activity throughout the day or week. This means that even though individuals know that a menu item contains a high amount of calories, they may still choose to consume it. However, having the nutrition information may lead them to compensate in other ways, such as eating less at the next meal or doing more physical activity that day.¹¹

Does menu labelling prompt restaurants to create healthier menu options?

- There is some preliminary evidence that restaurant menu reformulation has occurred in response to menu labelling but this beneficial effect requires further study.^{11,12}
- If menu reformulation does prove to be an effect of menu labelling, this would be an important way that menu labelling could benefit the population more broadly as it would affect everyone, including those who do not make use of nutrition information.

Does menu labelling contribute to reducing rates of obesity and hypertension?

- Current research cannot yet speak to the impact of menu labelling on obesity or other chronic diseases.^{11,12}

Does menu labelling present the potential for unintended consequences?

- Although there is no evidence that menu labelling is harmful to health, there are some concerns that it could have potential unintended consequences including:
 - Placing the focus on calories and nutrients instead of overall diet quality and eating for health and enjoyment
 - Misleading consumers to equate calories with healthfulness (e.g., a diet pop containing zero calories may appear 'healthier' than a carton of 1% milk containing ~110 calories)
 - Misuse of calorie information by people with eating disorders

PROVINCIAL MENU LABELLING LEGISLATION

Private Member's Bill 149, *Healthy Decisions Made Easy, 2013* (previously Bill 59, *Healthy Decisions for Healthy Eating Act, 2013*)

- On December 5, 2013, Private Member's Bill 149 was introduced and passed first reading. The bill passed second reading on February 20, 2014.
- Bill 149 amends the Health Protection and Promotion Act to require all food service premises with a minimum of five locations in Ontario and over \$5 million gross annual revenue to:
 - Display the number of calories for food and drink items
 - Indicate high and very high sodium content for food and drink items
 - Make available at the food service premise brochures that provide nutrition information for all food and drink items.
- Bill 149 also includes an amendment to the *Smoke-Free Ontario Act* with respect to flavoured tobacco products, new tobacco products and smokeless tobacco products.

Government Bill 162, *Making Healthier Choices Act, 2014*

- On October 9, 2013 the Ontario Government announced that they would be introducing menu labelling legislation in support of the *Healthy Kids Panel* report in the coming winter.
- To inform the development of the legislation, the ministry consulted with key stakeholders including parents and representatives from the food industry and health sector during a series of sessions that were held in October/November, 2013.
- An online public survey was also posted by the MOHLTC on October 25, 2013 as part of the consultation process.
- On February 24, 2014, Government Bill 162 was introduced and passed first reading.
- Bill 162 would require food service premises with 20 or more locations in Ontario to:
 - Display the number of calories for all standard food and drink items (including alcohol)
 - Post a contextual statement regarding daily calorie requirements
- Bill 162 does not require food service premises to display the amount of sodium in food and drink items nor does it require that additional nutrition information to be made available. However, the proposed legislation provides regulation-making authority to require the posting of additional nutrients at a later time.
- In order to avoid a patchwork of different municipal requirements, the proposed legislation will prevent municipalities from making menu labelling by-laws.
- It is unclear how things will proceed with either of these provincial bills given that both speak to menu labelling legislation. The decision as to which bill will move forward is up to the government house leaders.
- **Appendix D** provides a brief summary and comparison of Ontario's Government Bill 162, Ontario's Private Member's Bill 149 and the City of Toronto's proposed menu labelling by-law.

TORONTO PUBLIC HEALTH'S MENU LABELLING INITIATIVES

- In April 2013, Toronto Public Health (TPH) released the aforementioned technical report "[*What's on the Menu? Making Key Nutrition Information Readily Available in Restaurants*](#)". This report included an evidence review (key findings included in previous section) and stakeholder consultations with the local restaurant industry.
- Consultations with the local restaurant industry (including restaurant associations, and independent and chain restaurant operators) were used to determine the readiness for menu labelling in Toronto restaurants. A summary of those findings can be found in **Appendix A.**^{11, 14}

- Based on findings from the technical report, the following recommendations were presented to and adopted by the Toronto Board of Health on April 29, 2013:
 - The Board of Health is urged to advocate for provincial menu labelling legislation for larger chain restaurants (those with ten or more outlets nationwide or at least \$10 million in gross annual revenue) **NOTE:** TPH has since removed the ‘\$10 million in gross annual revenue’ criteria from the definition of larger chain restaurants as this type of information would be too difficult to obtain.
 - If the provincial government has not proceeded with menu labelling legislation by September 1, 2013 the Medical Officer of Health (MOH) will report to the Board of Health on a proposed City by-law. The by-law will require chain restaurants in Toronto with ten or more outlets nationwide or *at least \$10 million in gross annual revenue* (since removed) to post calories and sodium values on the menu.
 - See **Appendix B** for the full list of recommendations.
- Although TPH initiated work on a menu labelling by-law, they responded to the October 9, 2013 announcement by the Ontario Health Minister of plans to introduce province-wide menu labelling legislation by suspending said work. TPH is currently working to identify what their next steps will be should provincial legislation not move forward.
- Although further details on the proposed provincial menu labelling legislation are provided below, it is important to note that the legislation at this time does not include a requirement for restaurants to post sodium values on their menus. As a result, TPH is advocating to the Ministry for inclusion of sodium in their legislation.
- TPH continues to work on its **Savvy Diner pilot project** to build a sustainable model for expanding menu labelling to Toronto restaurants that would likely not be affected by legislation but want to participate on a voluntary basis. Due to attrition, the project now involves approximately 10 smaller chains and independently owned restaurants (down from the original 20). Evaluation of this project has begun and an evaluation report is expected to be complete by the end of 2014.
- The **Savvy Diner social engagement campaign**, consisting of a website, blog and Facebook page, is ongoing. The purpose of this social media driven campaign is to raise awareness among Toronto consumers about the need for menu labelling with calorie and sodium information and to enable Toronto residents to demonstrate their support for menu labelling. Evaluation of the campaign has been conducted and an overview of results can be found in **Appendix C**.

OTTAWA PUBLIC HEALTH’S MENU LABELLING INITIATIVES

- In December 2013, Ottawa Public Health (OPH) launched a social marketing campaign; ***Menu labelling helps you make informed food choices!*** to increase public awareness of the benefits of menu labelling and how it can help consumers to make more informed food choices when eating out.
- The campaign consists of ads posted in various print media, outdoor (i.e., food courts, Zoom media, local buses), and online (e.g., social media).
- OPH is also working with approximately 4 independent/smaller chain restaurants as part of a voluntary menu labelling pilot project. The purpose of the pilot is to help smaller restaurants that may not have the necessary resources and skills, provide menu labelling for their consumers. As a participant in the pilot, restaurants receive:
 - consultations and support from a registered dietitian;
 - help with the nutrient analysis of their menu items;
 - free nutrient analysis software; and
 - a subsidy towards menu reprinting.

- OPH continues to support the posting of both calories and sodium.

RELEVANCE TO PEEL

i) Regional Council Support

Peel Regional Council has endorsed the following resolutions related to menu labelling and advocating for policy changes that create supportive environments for healthy living:

June 2012 - Resolution 2012-715

Therefore be it resolved, that Peel Public Health Nutrition staff work with the food vendors to increase awareness of and access to healthy foods in both 7120 Hurontario Street and 10 Peel Centre Drive by implementing calorie, sodium and fat labelling on foods sold in Regional and Municipal buildings in Peel.

November 2012 – Resolution 2012-1293

That the Region of Peel advocate for local, provincial and federal policy changes that create supportive environments for healthy living

November 2013 – Recommendations

The following recommendations were presented to Regional Council on November 14, 2013 and were carried:

- *That Peel Public Health support and engage in consultation with the Ministry of Health and Long-Term Care on proposed legislation that would require labelling of caloric content, and potentially other nutritional information on menus at large chain restaurants in Ontario;*
- *And further, that Peel Public Health staff advocate for criteria in the proposed legislation that are consistent with recommendations developed by Toronto Public Health to include: chains of ten or more restaurants, mandatory labelling of calories and sodium, labelling on menus and menu boards;*
- *And further, that should the proposed provincial legislation not achieve the desired outcomes (e.g. nutrient criteria or timelines), staff be directed to work in partnership with Toronto Public Health to coordinate a complementary draft policy that can be applied to chain restaurants across the Greater Toronto Area.*

ii) The Role of Peel Public Health

It is within the role of Peel Public Health to advocate for policies that will create supportive environments for Peel residents to make informed food choices.

iii) Resource Implications for Peel Public Health

If menu labelling legislation is introduced provincially, as proposed in either *Bill 149 – Healthy Decisions Made Easy* or *Bill 162 – Making Healthier Choices Act, 2014*, or locally, by way of a regional by-law:

- public health inspectors would likely have a role in enforcement. However, details regarding the resources required for compliance monitoring and enforcement are not known at this time.
- other Peel Public Health staff may also have a role in supporting restaurants and/or educating consumers.

REFERENCES

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**APPENDIX A - Summary of Findings from Toronto Public Health's
Research and Consultations with Restaurant Industry Stakeholders** ^{11, 14}

Stakeholder & Data Collection Method	Position on Menu Labelling Legislation	Issues/Concerns
<p>Independent Restaurants</p> <ul style="list-style-type: none"> Online survey of 256 independent restaurant operators in Toronto (Dec 2011 – Jan 2012) 	<ul style="list-style-type: none"> Majority (72%) are not currently interested in providing nutrition information to customers 	<p>Independent restaurant operators:</p> <ul style="list-style-type: none"> believe that people already know what is healthy or not indicate that restaurants' ability to provide nutrition information wouldn't affect consumers' decisions to eat at their restaurants worry that adjusting menus to provide nutrition information would be expensive feel that they are too busy to 'figure out' how to provide nutrition information feel some responsibility to provide nutrition information
<p>Independent Restaurants</p> <ul style="list-style-type: none"> Follow-up consultations with 13 of above restaurant operators to explore interest in pilot project (Summer 2012) 	<ul style="list-style-type: none"> 11 were interested in participating in a pilot project 	<p>Sub-sample of independent restaurant operators:</p> <ul style="list-style-type: none"> want to be leaders and see menu labelling as opportunity to take advantage of a current trend and create a competitive advantage against chains hope to improve business by providing this service to their customers, promoting their menu and receiving recognition for participating in the pilot need support from TPH with cost and time requirements of nutritional analysis
<p>Chain and Franchises</p> <ul style="list-style-type: none"> In-depth interviews with executives of 9 chains/franchises operating in Toronto (Feb 2012) 	<ul style="list-style-type: none"> There is not strong support for menu labelling amongst chain restaurants Preference is for the current model of voluntary nutrition information disclosure as set out by the Canadian Restaurant and Foodservices Association 	<p>Chain representatives:</p> <ul style="list-style-type: none"> indicate that they are already providing some type of nutrition or health information to consumers question the evidence on the effectiveness of menu labelling to shape consumer behaviour have already taken health concerns into account to reformulate menu items in some way
<p>Chain and Franchises</p> <ul style="list-style-type: none"> Consultation with 6 additional local chains about proposed pilot project (Fall 2012) 	<ul style="list-style-type: none"> Recognize that menu labelling is on the horizon but hesitant to undertake voluntarily 	<p>Chain representatives:</p> <ul style="list-style-type: none"> indicate that they are already providing comprehensive nutrition information to consumers on their website and make it available in their restaurants, upon request do not see any benefit for their chain, only for their customers fear it could negatively affect their revenue from lower sales of 'less-healthy' items raised the issue of the menu board being too cluttered
<p>Restaurant Associations</p> <ul style="list-style-type: none"> Consultations with the Canadian Restaurant and Foodservices Association (CRFA) and the Ontario Restaurant Hotel and Motel Association (ORHMA) 	<ul style="list-style-type: none"> Not in favour of menu labelling Rather, the CRFA favours a consistent national voluntary approach to nutrition information disclosure 	<p>Restaurant associations:</p> <ul style="list-style-type: none"> argue that focusing on one or two nutrients does not provide comprehensive information state that there isn't enough evidence to show that menu labelling changes consumers eating behaviours indicate that they are already providing nutrition information via other means argue customers are not demanding this information on the menu note that the cost and practical challenges of putting nutrition information on the menu are a concern

**APPENDIX B - Recommendations from the Toronto Public Health – Board of Health
Decision Document: “Menu Labelling - Making Key Nutrition Information Readily Available
in Restaurants”**

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.HL21.2>

Board Decision

The Board of Health:

1. Urged the Ontario Premier and the Minister of Health and Long-Term Care to develop menu labelling legislation without further delay to support the public's right to know about nutrition content of restaurant foods. The provincial legislation should:
 - a. Be directed to foodservice premises with ten or more outlets nationwide or at least \$10 million in gross annual revenue (*since removed*);
 - b. Require calories and sodium values to be listed on the menu and/or menu board for all standard menu items in the same font/font size as the price;
 - c. Require that comprehensive nutrition information (i.e. calories plus 13 core nutrients) be made available to customers upon request at the point of purchase in the form of a pamphlet, brochure, or alternate format; and
 - d. Require that contextual statements about daily recommended levels of calories and sodium be posted on the menu or menu board.
2. Requested the Medical Officer of Health, in consultation with the City Solicitor and relevant stakeholders, to report to the Board of Health in the fall of 2013, if the provincial government has not proceeded with menu labelling legislation by September 1, 2013, on a proposed City by-law, that will require:
 - a. Chain restaurants in Toronto with ten or more outlets nationwide or at least \$10 million in gross annual revenues (*since removed*) to post calories and sodium values on the menu or menu board for all standard menu items in the same font/font size as the price;
 - b. Comprehensive nutrition information (i.e. calories plus 13 core nutrients) to be made available to customers upon request at the point of purchase in the form of a pamphlet, brochure, or alternate format; and
 - c. Contextual statements about daily recommended levels of calories and sodium to be posted on the menu or menu board.
3. Requested the Medical Officer of Health to report in the fall of 2013 on progress on the voluntary menu labelling pilot project with independent restaurants.
4. Urged Boards of Health in the Greater Toronto Area and throughout Ontario to assist in expanding menu labelling legislation for chain restaurants and voluntary menu labelling initiatives for independent restaurants throughout the province of Ontario.
5. Endorsed, in principle, the recommendations of No Time to Wait: The Healthy Kids Strategy, the 2012 report of the Ontario government's Healthy Kids Panel.

6. Forwarded this report to Ontario's Chief Medical Officer of Health, the Ontario Minister of Health and Long-Term Care, the Ontario Public Health Association, Public Health Ontario, the Council of Ontario Medical Officers of Health, the Association of Local Public Health Agencies, the Ontario Medical Association, the Registered Nurses Association Ontario, the Ontario Stroke Network, Public Health Physicians of Canada, Dieticians of Canada, the Canadian Diabetes Association, the Childhood Obesity Foundation, the Centre for Science in the Public Interest Canada, and the Fitness Industry Council of Canada.
7. Forwarded this report to leaders of official Ontario parties to gain their support for provincial menu labelling regulation.
8. Requested that the report by the Medical Officer of Health on the voluntary pilot project for restaurants below the ten outlet/\$10 million gross revenue (*since removed*) threshold consider recognition for restaurants which voluntarily list calorie and sodium content on menus.
9. Requested that should the Province not indicate a willingness to act on the recommendations from the Medical Officer of Health that a draft by-law be prepared for consideration by the Board of Health and that prior to bringing it forward, that Toronto Public Health staff consult with the industry regarding details of implementation.

APPENDIX C - Highlights of Toronto Public Health's Savvy Diner Social Engagement Campaign

Purpose of social engagement campaign: To raise awareness about the need for menu labelling with calorie and sodium information and enable Toronto residents to demonstrate their support for menu labelling.

Primary audience: 18-34 year olds who eat out more regularly, are interested in the issue, and use social media. This group could bring attention to the issue, propel it forward and build broader public support.

Campaign components: The campaign, which was launched in June 2013, included a month of advertising in bus shelters, transit vehicles, and malls, as well as an online component consisting of a Facebook page, website and blog all of which are still ongoing.

Evaluation of reach and impact:

- By December 2013, over 14,000 people who had visited the website had 'clicked' to show their support for menu labelling on the site, and over 2650 people had "liked" the campaign on Facebook.
- The campaign garnered a great deal of media attention and inquiries from other organizations advocating for menu labelling.
- An online survey of about 1000 Toronto residents confirmed that the campaign was both effective and had an impact:
 - The majority of respondents liked the ads and found them personally relevant.
 - The ads were very effective in directing people to the Savvy Diner website;
 - 3 out of 4 people who saw the ads took some other action (e.g., visited Savvy Diner website, talked to a friend or family member about the campaign).
 - Most respondents selected "Online" and 'Facebook' as preferred mediums for receiving more information on becoming a savvy diner, confirming that a social media strategy was indeed the most effective way of reaching the intended audience.
- The survey confirmed previous TPH research finding that the majority support calorie and sodium menu labelling.

APPENDIX D - Summary of the Menu Labelling Legislation from the Province of Ontario and the City of Toronto

Component	Ontario's Government Bill 162 – Making Healthier Choices Act, 2014	Ontario's Private Member's Bill 149 – Healthy Decisions Made Easy, 2013	Proposed City of Toronto Menu Labelling By-law
Food service establishments affected by the legislation	Food service premises that: <ul style="list-style-type: none"> belong to a chain with 20 or more Ontario locations 	Food service premises that are part of a chain of food service premises that have: <ul style="list-style-type: none"> a minimum of 5 locations in Ontario, and a gross annual revenue over \$5 million 	Chain restaurants in Toronto with: <ul style="list-style-type: none"> 10 or more outlets nationwide
Information required on menu or menu board	<ul style="list-style-type: none"> Number of calories of every standard food item (includes food, drinks and alcohol) No sodium content required Contextual statement about daily calorie requirements will be required 	<ul style="list-style-type: none"> Calories per serving for all food and drink items Indication of high and very high sodium content of food and drink items as applicable No contextual statements indicated 	<ul style="list-style-type: none"> Calorie values for all standard menu items Sodium values for all standard menu items Contextual statements about daily recommended levels of calories and sodium
Additional information required	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Brochures that provide nutritional information for all food and drink items to be available at food service premise 	<ul style="list-style-type: none"> Brochures, pamphlets, or alternate format that provides comprehensive nutrition information (i.e. calories plus 13 core nutrients) to be made available to customers upon request
Status	<ul style="list-style-type: none"> Passed 1st reading February 24, 2014 	<ul style="list-style-type: none"> Passed 1st reading December 5, 2013 Passed 2nd reading February 20, 2014 	<ul style="list-style-type: none"> By-law work has been suspended TPH advocating for sodium to be included in Bill 162