



# Review of fast food menu labelling schemes

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The Dietitians Association of Australia (DAA) is the national association of the dietetic profession with over 6000 members, and branches in each state and territory. DAA is a leader in nutrition and advocates for food and nutrition for healthier people and healthier nations. DAA appreciates the opportunity to provide feedback on Review of fast food menu labelling schemes by the Food Regulation Standing Committee (FRSC).

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## **DAA interest in this consultation**

DAA is the peak professional body for dietitians in Australia and responsible for the Accredited Practising Dietitian (APD) program as the basis for self-regulation of the profession.

DAA advocates for a safe and nutritious food supply in which the community has confidence and which meets the nutritional needs of all Australians, including groups with special needs.

As experts in nutrition, APDs assist the general population and groups with special dietary needs to meet their nutritional needs. APDs also assist with the translation of food labels and nutrition content claims.

## **Recommendations**

- DAA supports a nationally consistent approach across jurisdictions in providing an average kilojoule content of standard menu items for fast food menus in order to provide consumers with necessary information to make healthy choices.
- DAA recommends reducing the exempt businesses to ensure that fast food has kilojoule information available wherever it is sold via a chain e.g. convenience stores, cinemas, service stations. For other businesses wanting to voluntarily provide kilojoule labelling, resources should be made available to assist them to use the FSANZ Nutrition Information Panel Calculator.
- DAA also suggests adopting more flexible approaches to ensuring kilojoule information is available on rolling menu boards and online ordering platforms, and to assist consumers via IT systems to total up whole meal kilojoules for customisable and self-service meals.
- A more standardised format via a Style Guide is recommended to ensure that kilojoule information is consistent, accessible, legible and recognisable across the country.
- DAA considers public education as imperative to increase awareness of kilojoules and daily energy requirements and this would be suitable for national rollout if menu labelling legislation was consistent across all jurisdictions.

## **Summary of key messages**

DAA supports that fast food menu labelling schemes should reflect the intent of the legislation to support consumers to make healthier choices as part of a multi-strategy approach to address obesity. DAA also supports solving current issues and inconsistencies for a more flexible approach that applies to any chain organisation or business that is selling fast food. This would achieve national consistency, a level playing field for businesses and allow consumers to see similar messages wherever fast foods are sold via chains.

## Discussion

DAA has considered the questions posed by the Food Regulation Standing Committee (FRSC), and summarised considerations under each:

Question 1: Are you aware of any other pending or completed evaluations that have relevance to the Australian experience? If yes, please provide results and references with your response where possible.

DAA acknowledges the importance of progressive monitoring and evaluation of fast food menu labelling schemes to assess the impacts, make improvements, be transparent and provide qualitative and quantitative evidence to inform policy – especially for targeted public education. DAA commends the NSW Food Authority evaluation<sup>1</sup> showing that menu labelling is an effective strategy and that consumers do choose meals with fewer kilojoules. DAA look forward to the evaluation results from the ACT and QLD in the near future, and recommend an evaluation is undertaken in the Victorian and South Australian jurisdictions, in a similar way to that undertaken in NSW.

DAA is unaware of further local or international published studies evaluating menu labelling schemes. In addition to the recent 2016 meta-analysis in the consultation paper, DAA would like to mention the recent Obesity Policy Coalition's Policy Brief regarding menu labelling in chain food outlets in Australia, that offers an overview and comprehensive references.<sup>2</sup>

Question 2: Are there any other issues in relation to exempt businesses that should be considered?

Regarding the intent of the legislation to provide menu labelling to assist consumers to make healthier food choices, DAA suggests that any food outlets that provide fast type food that have more than 50 stores nationally or greater than 7 stores in any one state or territory (including franchisee chains), regardless of foot print size, should provide kilojoule labelling information. Thus, DAA supports adding chain dine-in only businesses to the legislation to align with the approach in the Victorian and ACT jurisdictions. DAA recognise that the ACT has completed an evaluation and this should offer valuable data regarding having menu labelling in outlets with dine-in chairs, despite no takeaway options. This data could be analysed and used to make legislation changes. Research from the USA by Burton & Creyer<sup>3</sup> showed consumers substantially underestimated energy levels of high energy and high fat dinner items in a restaurant, and that their preferences for these items were reduced from 37 to 24 per cent when the nutrition information was made available.

In addition, convenience stores and service stations similarly provide fast food to consumers. Therefore, DAA recommends modifying the exemptions to include convenience stores and service stations in all jurisdictions to ensure they provide

food labelling information for consumers on the go. Convenience stores and services stations have a large reach, are often open 24 hours a day and sell many high energy (kilojoule) ready to eat foods (e.g. donuts, pies) and drinks (e.g. frozen drinks). Some also offer healthier options (e.g. sandwiches and salads), and kilojoule labelling could encourage customers to make a healthier choice when on the go.

From the perspective of a level playing field, DAA recommends that South Australia be encouraged to include supermarkets within the current legislation to align with all other states. DAA also supports that some manoeuvring is vital to capture smaller supermarkets, especially in regional and rural areas, for equitable access for consumers in these communities.

For any small businesses that are owner-operated who wish to voluntarily participate in the kilojoule labelling scheme, DAA recommends resources should be made available to assist e.g. raise awareness of the FSANZ Nutrition Information Panel calculator to help calculate kilojoule contents. Consideration of how accuracy of the calculated kilojoule content would be checked would also be required. Additional resources for Environmental Health Officers in each jurisdiction could help promote the kilojoule labelling scheme as they assess these stores for food safety compliance.

Overall, DAA supports a nationally consistent approach and acknowledges that cooperation between state governments is required to achieve this.

Question 3: What could be done to ensure kilojoule information is available in as many outlets as possible? What are the pros and cons of your suggested approach?

In order for consumers to have a greater understanding of kilojoule content of fast foods, similar messaging should be seen wherever these foods are sold. Hence, it is about the “food”, rather than where it is sold or the “business”. DAA recommends policy changes should be made in relation to:

- *Type of businesses* – consistent inclusions or exclusions across the country, e.g. any chain business selling fast food should be encouraged to include energy labelling on menus, including those not currently captured such as ‘dine in’ restaurant chains and cinemas. Businesses with large numbers of vending machines should also be captured. As mentioned in question 2, small owner-operated businesses e.g. cafes, mobile vendors etc. that want to voluntarily label kilojoule content may require additional resources for assistance.
- *Size of the business* – chains/number of outlets/franchisees – As suggested above, a definition for these “chains” could include any business with more than 50 stores nationally or more than 7 in any one state or territory (including franchisee businesses).

- *Foot print of the business* – to capture both large and small supermarkets, convenience stores, cinemas and service stations.

DAA acknowledges that in Victoria, businesses that voluntarily energy label menus are not required to comply with the legislation around consistency of style, font, use of kilojoules. etc. DAA recommends a consistent approach across jurisdictions regardless of voluntary or mandatory requirements. As noted above, consumers need to see similar messaging wherever fast foods are sold. This includes having the energy information displayed only in kilojoules, rather than kilojoules or calories.

Question 4: Are there any other issues in relation to legibility that should be considered?

DAA supports that the kilojoule information must be clearly visible and legible (regarding font, size, colour and display in kilojoules only) so that consumers can clearly read the information. This includes ensuring information is not obscured, in small font or with certain clashing colour combinations. DAA recommends a standardised approach via a “Style Guide” for industry could be considered.

The advice provided in an industry guide should be consistent with the requirements in the legislation, with regard to style and legibility.

Question 5: What can be done to ensure kilojoule information is as easy to use as possible by the consumer?

DAA acknowledges that the kilojoule information for fast food menu labelling must be easy to understand and interpret in order to be useful for consumers. Therefore, to be effective the numerical kilojoule information needs to be put into context with a statement in close proximity that an average adult’s daily energy intake is 8700kJ. The kilojoule information can be made more meaningful when in context and is easier to understand.<sup>4</sup>

DAA recommends placing strong emphasis on ongoing supportive, targeted public education to raise awareness of dietary energy requirements and ensure that provision of kilojoule information is understood. Literature from Australia and the USA has shown limited effects of kilojoule labelling alone when there is no accompanying public education.<sup>5-7</sup> The 8700 campaign launched on 1 March 2012 in NSW included advertising on table tops in food courts, social media engagement, radio advertising, and public relation activities to encourage traffic to the 8700.com.au website and phone applications.<sup>8</sup> Evaluation demonstrated positive results from the NSW campaign, with consumers nominating the correct range of the average daily energy intake.<sup>1</sup>

However, one issue with this approach is that no such context statement is available for children or adolescents. The daily energy requirement for children varies depending on age and gender. Yet, teenagers are regular consumers of fast foods and beverages. Therefore, promotional activities explaining energy needs should also target this group.

In most states with legislation already in place, supermarkets currently have the option to display kilojoule information per 100g of the product or per serve. The display per 100g option should be removed. Often the weight of the product (e.g. bakery item or salad) is not displayed making the per 100g information uninterpretable to the customer. This cannot be compared to information on the Nutrition Information Panel (NIP) of processed packaged foods and beverages where both the energy per serve and per 100g are required to be displayed.

Question 6: What can be done to facilitate businesses to address legibility issues? What are the pros and cons of your suggested approach?

As mentioned above, DAA suggests a national Style Guide may be useful to ensure consistency. Businesses would need to be consulted about this to ensure there are still options to reflect creativity and offer choice. The Style Guide not only needs to include typical font type/size/ colour but also various uses e.g. menu boards, electronic rolling menu boards, display cabinets etc.

Pros of this approach:

- consumers can expect to see a more consistent visual approach across the country and this may achieve better recognition and increased awareness
- the statement for average daily energy intake of 8700kJ would be displayed within close proximity of the kilojoule values for context, consistency and to help improve consumer understanding
- businesses may be familiar with style guides from internal business policies, and from government initiatives and legislation, for example, the Health Star Rating system and Country of Origin labelling
- a level playing field would be encouraged for all businesses.

Cons of this approach:

- businesses may consider this approach offers less creative control, as mentioned in the consultation paper. However, further input from the business point of view could be offered by business/industry.

Question 7: Are there any other issues in relation to menu customisation that should be considered?

DAA recommends that the definition of ‘standard’ may need to be broadened and added to in order to capture the changing trends in the fast food industry of self-service and customisation. This ensures that consumers have the energy information available to make healthy choices from individual ingredients or meal components. DAA supports that numerous single ingredients may be standardised across the business (e.g. Single meat pattie, slice of cheese, single piece of bacon) to enable provision of kilojoule information for consumers to consider as a sub-total and final total of their customised food/meal choice.

DAA supports the consultation paper and considers that computer generated systems used to build a consumer’s own meal and customise food items would allow for greater adaptation of kilojoule information provision.

Question 8: What could be done to enable healthier choices when customising menu items? What are the pros and cons of your suggested approach?

DAA recommends consideration of an approach that presents the customisable menu items in groupings of higher, medium and lower kilojoule contributions – particularly for meal deals. This could be in terms of individual food and beverage options being divided up by kilojoule content so consumers could simply select a “lower kilojoule” category and only choose a meal/foods from lower energy menu items such as salad, water, fruit or smaller serving sizes of higher energy foods and beverages e.g. small chips and small soft drink.

Electronic menu boards that cycle through menu choices require consumers to memorise the energy contents of different menu choices and tally them up if they are not displayed on the same page. Stores with these electronic menu boards should have additional resources available for consumers (e.g. posters/brochures/ personal self-service screens to tally totals, or adding kilojoule totals on receipts or on final payment screens) to enable them to make easier comparisons.

Question 9: Are there any other issues in relation to rolling menu boards that should be considered?

DAA acknowledges the consultation paper has presented relevant issues for consideration. DAA recommends that the QLD legislation’s display of kilojoule information simultaneously with price and name of food, and the no time-based exemption in NSW; could be applied nationally. This amendment could consistently address having the information available and accessible simultaneously on rolling menu boards for consumers to make comparisons and decisions. As noted in the consultation paper, this approach may also address the issue of online ordering and consumers needing to make several clicks through various screens to reach the kilojoule information.

Question 10: What could be done to ensure kilojoule information is easy to access and that consumers can compare products easily? What are the pros and cons of your suggested approach?

DAA supports the consultation paper which highlights that rolling menus compromise the policy intent of assisting consumers to make informed decisions and comparisons if comparable menu items are not displayed at the same time, on the same menu board. DAA recommends in this situation that alternate ways of providing the kilojoule information be provided in fast food restaurants with rolling menus. For example, the rolling menu could be provided as a ‘static’ menu on consumer electronic tablets or other ‘personalised’ IT interfaces (e.g. apps). This would enable consumers to click on preferred food items and see kilojoule information displayed together for direct comparisons and interpretation. Alternatively, simply displaying a poster on a wall with all menu items and kilojoule contents listed may be a low-cost solution.

Question 11: Are there any other issues in relation to on-line ordering that should be considered?

As previously noted under Question 9, DAA recommends national adoption of QLD legislations’ provisions of simultaneous kilojoule display with price and name of food, and NSW legislations’ no time-based exemption. This could assist consumers with online ordering to reach the kilojoule information without having to make several clicks through screens to locate it.

DAA is not aware of any other issues in relation to online ordering.

Fast food industry and any third-party provider websites/catalogues/apps would appear to be the easiest way to assess the kilojoule content of a personalised menu.

Question 12: What could be done to ensure kilojoule information is included on all web-based ordering platforms? What are the pros and cons of your suggested approach?

DAA supports that kilojoule information needs to be provided in any instance when fast food is being ordered and supports further investigation into third party delivery agents and their responsibility to support kilojoule labelling of menus. DAA also supports having a broader definition of menu to include ‘catalogues’ and other formats (e.g. websites and apps) that may provide meal and food options.

Question 13: Are there any other issues in relation to combination meals that should be considered?

DAA supports that a more consistent approach is needed with regard to meal deals. Some jurisdictions include sugar sweetened beverages in meal deals and hence calculate the overall kilojoule content of the meal deal, whereas others jurisdictions do not include beverages in meal deals. The portion size and sugar content of beverages can make a significant contribution to the energy content of a meal deal. Given the extensive evidence for the negative health effects of sugar sweetened beverages it is essential they are included in the total kilojoule count for meal deals. This is also relevant to any meal deal which can be “up sized”.

When a drink in a sealed container (with a NIP) is included as part of a meal deal, such as burger, fries and can of drink, the drink should also be included in the total kilojoule amount. If the drink is selected from a fridge by the customer or served into a cup by the attendant, the highest selling option could be used as the default for the calculation of kilojoule content.

Question 14: What could be done to ensure kilojoule information is provided for the whole meal? What are the pros and cons of your suggested approach?

DAA recommends that all jurisdictions adopt an industry user guide of a similar manner to that in NSW, as noted in the consultation paper. This guide appears to successfully clarify that all components of a meal, including a drink or other pre-packaged food, be included as part of the average kilojoule content for the whole meal deal.

Pros of this approach:

- NSW has an industry guide readily available which could be an important resource to adopt in other jurisdictions provided it complies with all legislations
- consistency would be promoted across jurisdictions
- a total kilojoule amount for the whole meal would be provided for consumers in an easy, transparent and accessible way
- consumers would avoid having to subtotal kilojoules of individual components of a whole meal deal, which may be very difficult and require a high level of numeracy skills.

Cons of this approach:

- there may be costs to business associated with making changes
- the change may not be immediate considering compliance periods for business and industry.

Question 15: Are there any other issues in relation to additional and interpretive information that should be considered?

DAA recommends Health Star Ratings should be considered for application in fast food settings. A star rating may be a quick, easy, simple tool that is already in the marketing place and be preferred by consumers than counting kilojoules. Although the Health Star Rating (HSR) system was not designed for quick service restaurant settings, the HSR system is currently under review which presents an ideal time to request the Technical Advisory Committee to model health stars for fast foods, meal deals etc. DAA is aware of research from the George Institute that examined the application of the HSR system to fast foods. The authors concluded that data support the idea that the HSR system could be extended to Australian fast foods.<sup>9</sup> Benefits to the community were suggested as likely, from the use of a single standardised signposting system for healthiness across all fresh, packaged and restaurant foods.<sup>9</sup>

As part of the review of the HSR system, inclusion of added sugars in the health star criteria has been raised as an area for consideration by the review committee.<sup>10</sup> Furthermore this may satisfy the desire to “close the gap” on sugar intake for Aboriginal and Torres Strait Islander groups, whom may be living in states and territories, that may not be covered by menu labelling legislation (Northern Territory and Western Australia).

Question 16: What could be done to ensure kilojoule information is as easy to interpret as possible? What are the pros and cons of your suggested approach?

Refer to the response under Question 15.

Questions 17: Are there any other issues in relation to kilojoule display that should be considered?

DAA is aware of a recent journal paper published in the March 2018 issue of the Journal of the Academy of Nutrition and Dietetics which described demographic patterns in the use of energy information on restaurant menus and the relationship between using this information to limit energy intake and weight-related concerns and behaviour.

The authors found that 52.7% of participants reported noticing energy information while they were purchasing a meal or snack in a restaurant within the previous month.<sup>11</sup> Overall, of those who used the energy information, this was most commonly to avoid high energy menu items (50.1%) or to decide on smaller portions (20.2%).<sup>11</sup> However, it was found that use of menu labels to limit kilojoules was related to binge eating among women and weight-related concerns, dieting, and unhealthy weight-control behaviours in women and men.<sup>11</sup> Therefore, the negative consequence of menu labelling on those with eating disorders should also be considered.

Question 18: What could be done to ensure kilojoule information is as easy to use and interpret as possible? What are the pros and cons of your suggested approach?

As previously outlined under Question 5, DAA recommends placing strong emphasis on ongoing, supportive, targeted public education to raise awareness of dietary energy requirements and ensure that provision of kilojoule information is understood. This should include, for example, what is a high and low amount of kilojoules, and total kilojoules are per food serving. DAA also recommends, in addition to the adult population, the consideration of messaging targeted to children, especially teenagers. An average daily energy intake statement for teenagers is required, as well as the current 8700kJ one aimed at adults. Such public education campaigns would need to be nationally consistent, have adequate funding and be of a long-term period in order for appropriate education and evaluation to occur.

An advantage of this approach is that a national public education program would be more cost effective and relevant, especially if menu labelling legislation was consistent across all jurisdictions.

Question 19: Are there any other issues with current menu labelling schemes that should be considered during this review? Please provide information to support your response.

As previously highlighted, DAA recommends that kilojoule menu labelling be implemented in all jurisdictions including Tasmania, the Northern Territory and Western Australia.

## References

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