Proposal to Display Kilojoule Content of Food and Drinks in Large Chain Food Outlets and Supermarkets
Consultation Paper

The purpose of this paper is to seek your views in relation to a kilojoule menu labelling scheme. To provide comment on the proposals, please submit written feedback via email to Ms Jennifer Hughes at: jennifer.hughes@dhhs.vic.gov.au by Friday 29 April 2016. If you have any queries or require further information, please contact Ms Hughes on (03) 9096 5073 or at: jennifer.hughes@dhhs.vic.gov.au, or Ms Kelly Neville on (03) 9096 5899 or at: kelly.neville@dhhs.vic.gov.au

1. Background

The Victorian Government is exploring options for providing better information to Victorians about the kilojoule content of food and drinks they purchase at large chain food outlets and large supermarkets.

The proposed kilojoule menu labelling scheme would be one part of a multi strategy approach to encouraging healthy eating and reducing the impact of obesity. The proposed policy would be consistent with other initiatives supported by the Victorian Government, including Health Star Rating food labelling, healthy food and drink policies being implemented across schools, early years services, recreation centres, workplaces and hospitals and the work of the Healthy Eating Advisory Service. The initiative would also be consistent with the key priorities outlined in the Victorian public health and wellbeing plan 2015-19, which include healthier eating and active living.

2. Rationale

What is the rationale for a kilojoule labelling scheme?

Overweight and obesity and related chronic disease result in significant health and productivity costs for the Victorian Government, economy and community. Nearly two-thirds of Victorian adults and one quarter of Victorian children are overweight or obese.

The average Australian dines out more than four times a week and almost half of these meals are energy dense, take away meals. Studies also show that consumers tend to greatly underestimate the kilojoule content of energy dense take away foods.

Currently Australian law requires that packaging on manufactured, pre-packaged foods (such as frozen pizzas, or muesli bars) include nutrition information such as sugar, salt and kilojoules. However, unpackaged food that is ready for immediate consumption (or “ready-to-eat”), such as pizzas, hot chips and muffins are not required to display kilojoule information when sold.

There is a growing body of evidence about the effectiveness of providing kilojoule information as a health intervention. Recent studies in Australia and internationally indicate that providing kilojoule information on menus increases consumers’ awareness of the kilojoule content of foods they purchase and reduces the average number of kilojoules consumed.

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1 BIS Shrapnel: Australian Foodservice Survey 2007 BIS Shrapnel Pty Ltd
Kilojoule labelling schemes have been introduced in New South Wales, South Australia, Queensland and the Australian Capital Territory.

Arming consumers with kilojoule information when they eat out is a common sense consumer information and health promotion initiative that will support Victorians to make informed, healthier choices.

There is significant community support for kilojoule labelling legislation. More than 80 per cent of Australian consumers favour “fast food” outlets displaying “calorie counts” and nutrition information on menus.¹ ²

3. Key Elements of the Proposed Scheme

Who would the proposed laws apply to?

The proposed laws would apply to:

- Chain food businesses that have 20 or more outlets in Victoria or 50 or more outlets in Australia, including one outlet in Victoria; and
- Large supermarkets with a floor space of at least 1,000 square metres.

Affected businesses would be required to display kilojoule information for food and non-alcoholic drink items that are:

- Standardised for portion and content;
- Ready-to-eat;
- Unpackaged; and
- Sold at more than one outlet.

What type of businesses would be covered by the proposal?

The proposed laws would apply to chain food businesses including quick service restaurants, burger, chicken, pizza and pasta chains, noodle, and sushi chains, café and bakery chains, and ice-cream and drink chains that have the key elements outlined above. The proposed laws would apply to all large chain food outlets offering “dine in” or take away services.

Ready-to-eat unpackaged foods at large supermarkets, such as barbequed chickens and bakery items, would be covered by the proposed scheme.

What type of business types would not be covered by the proposals?

The proposed scheme would not apply to the following:

- Mobile food chains,
- Convenience stores,
- Small supermarkets (with a floor space of less than 1,000 square metres),
- Service stations selling fuel for motor vehicles,
- Food catering services,
- Not-for-profit home delivery services (such as “meals on wheels” services);
- In-patient food services provided in health facilities; and
- School canteens.

² Victorian Health Promotion Foundation and Public Health Association of Australia, Healthy Australia–Public Support for Prevention, March 2011, Victorian Health Promotion Foundation and Public Health Association of Australia.
What information would businesses be required to display?

Businesses subject to the proposed scheme would be required to display:

- The energy content, in kilojoules, of each standard food item;
  - Kilojoule information would be required to be displayed on menus, menu boards, price tags, food tags, on drive through menus, on-line ordering menus and phone “apps,” that are standardised across individual outlets.
- The reference statement: “The average adult daily energy intake is 8700 kJ” on menus, menu boards, online menus and display cabinets or stands.

Consistent with kilojoule labelling schemes introduced in other states, large supermarkets would have the option of displaying kilojoule information on a per serve basis, or per 100 grams.

In the case of combination meals - “meal deals” or “combos,” such as a drink and food item sold together for one price, the overall kilojoule content of the “meal deal” or “combo” would be required to be displayed.

Would any standard food items be exempt from the proposed requirements?

Kilojoule information would not need to be displayed for standard food items that are “specials” or “trials” that are offered for sixty days or less, at no more than five outlets.

Kilojoule information would not need to be displayed for whole loaves of bread or plain bread rolls.

How would businesses be required to measure the kilojoule content of food and non-alcoholic drinks?

It is proposed that the average kilojoule content of each standard food item could be calculated using a range of methods that are likely to include:

- The Food Standards Australia New Zealand online Nutrition Panel Calculator 6;
- Other commercial software such as nutritional analysis software; or
- Laboratory analysis of the menu items.

In line with the approach taken in other jurisdictions, a practical approach will be taken to any variation in testing the kilojoule content of menu items. A margin of tolerance above and below the average actual kilojoule content of menu items would be permitted, and matters such as seasonal variation and preparation would be taken into account.

When would the scheme commence?

It is proposed the kilojoule labelling scheme would be effective 12 months subsequent to legislation passing through Parliament.

Who would enforce the proposed legislation?

Environmental health officers in local councils register food premises in their respective municipalities and are responsible for monitoring and enforcing compliance with food safety standards. Similarly it is proposed that environmental health officers within local councils would enforce the proposed kilojoule menu labelling legislation, as part of routine council food safety inspections.

Voluntary display of kilojoule information

It is proposed that Victorian businesses that do not have at least 20 outlets in Victoria or at least 50 outlets nationally, and who wish to voluntarily display kilojoule information on their menus, would not be required to comply with the proposed requirements of the scheme.

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4. Consultation questions

The Department of Health and Human Services welcomes your feedback in relation to:

- The merits of the proposed approach;
- The proposed scope of the scheme – covering large chain food outlets and large supermarkets;
- Any operational, practical, implementation or other issues that the proposed approach may raise that are relevant to your business or organisation;
  - The amount of lead time your business or organisation would need to comply with the new arrangements, if legislation proceeds; and
  - Any other matters that you wish to raise in relation to this proposal.

How do I provide comment on the discussion paper?

Please submit your feedback in writing, by **Friday 29 April 2016** via e-mail to Jenny Hughes, at: Jennifer.hughes@dhhs.vic.gov.au

Alternatively if you wish to meet to discuss any matters raised in relation to this proposal, please contact:

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**by Friday 15 April 2016.**