

## Let's Taco 'Bout It: Amended Regulations to the Healthy Menu Choices Act

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On January 1, 2020, amendments to the regulations to the *Healthy Menu Choices Act, 2015* (HMCA) came into force. The amendments are intended to support the efforts of owners or operators of regulated food service premises to comply with the HMCA and ensure that implementation and enforcement is consistent across Ontario. The HMCA applies to chains of regulated food service premises that operate 20 or more locations in Ontario.

The amendments include the following:

1. Limiting the applicability of the HMCA in grocery stores to the "food service" sections of the grocery store where food or drink items are primarily restaurant-type foods that are clerk-served or available for self-serve;
2. Exempting unprepared fruit and vegetables that are normally sold by weight or unit and that are not part of another standard food item;
3. Exempting food items sold in grocery stores (including convenience stores) that have a Nutrition Facts table (NFt) except for those sold as part of another standard food item or combination meal;
4. Exempting under the HMCA all standard food items that are prepackaged and are currently exempt from posting a NFt under the federal Food and Drug regulations;
5. Exempting in-store advertisements on the same terms as the current exemption which applies to out-of-store advertisements (exempt in-store posters that do not list a price or a method to place an order); and
6. Exempting catering menus from the definition of menus to reduce ambiguity regarding whether an item ordered through a catering service "is intended for immediate consumption."

Additional minor changes include the capitalization of the word "Calories," the removal of the distinction between flavoured and unflavoured bread and allowing operators to post calories for self-serve items on a label or tag instead of a sign.

Franchise systems with more than 20 locations in Ontario should remain informed of the requirements under the HMCA and ensure that they are in compliance, especially when preparing new menus, signage and advertising. The above changes may assist in that regard by adding clarity to the regulations and by reducing the regulatory burden for regulated businesses through the introduction of new exemptions.

# Cassels

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