

AUSTRALIAN CHRONIC DISEASE PREVENTION ALLIANCE



Review of fast food menu labelling schemes

The Australian Chronic Disease Prevention Alliance welcomes the opportunity to respond to this consultation and demonstrate our support for a nationally consistent approach to fast food menu labelling.

About the Australian Chronic Disease Prevention Alliance (ACDPA)

The Australian Chronic Disease Prevention Alliance (ACDPA) brings together Cancer Council Australia; Diabetes Australia; National Heart Foundation of Australia; Kidney Health Australia; and the Stroke Foundation. These leading Australian non-government health organisations share a commitment to reducing the growing incidence of chronic disease in Australia attributable to modifiable risk factors.

ACDPA members work together in the primary prevention of chronic disease, with emphasis on changes to the food and physical environments to improve nutrition, increase physical activity and decrease sedentary behaviour, and reduce unhealthy weight at a population level.

The burden of poor nutrition and overweight and obesity

As outlined in the consultation paper, dietary risk factors and overweight and obesity are major contributors to disease burden in Australia.¹ Poor nutrition increases risk of obesity and is a risk factor for cardiovascular disease, type 2 diabetes, and certain cancers.² Being overweight or obese independently increases risk of heart disease, stroke, type 2 diabetes, kidney disease and several types of cancer.

Almost two-thirds of Australians are overweight or obese, and one in four Australian children are already overweight or obese³ and more likely to grow up to become overweight or obese adults with an increased risk of chronic disease and premature mortality.⁴

Despite Australian Dietary Guidelines recommendations to limit discretionary choices, many Australians consume fast food on a regular basis and may not understand its contribution to daily energy intake. A 2016 Cancer Council and Heart Foundation survey found that more than half of those surveyed didn't know how many kilojoules were in the foods and drinks they purchased from fast food outlets.⁵

With poor dietary choices contributing to unhealthy weight and chronic disease, a comprehensive approach is essential to improve dietary intake at the population level, including through standardised food and menu labelling, fiscal policies, marketing restrictions, reformulation and education campaigns.

Support for a nationally consistent approach to fast food menu labelling

ACDPA supports the introduction of menu labelling legislation in many states and territories and commends the Government in conducting this review to address inconsistencies in legislation between jurisdictions, changing trends in the fast food industry, and difficulties in consumer interpretation of nutrition information.

There is evidence that energy information on menus assists consumers in making informed and healthier food choices,⁶ and there is strong public support, with more than 80% of consumers surveyed expressing a desire for kilojoule information in fast food and snack chains.⁷

ACDPA has four overarching recommendations to improve fast food menu labelling in Australia:

- 1. Maximise the reach of menu labelling by removing exemptions for outlets required to display nutrition information.**
Currently there are inconsistencies in legislation across jurisdictions regarding businesses exempt from fast food menu labelling requirements, as documented in Table 1 in the consultation paper. ACDPA supports removing exemptions for a nationally consistent approach, which will also increase the reach of menu labelling.
- 2. Increase the impact of menu labelling by amending legislation so that kilojoule information must be presented in an identical manner to the menu item and price at the point of purchase.**
There are inconsistencies in legislation across jurisdictions regarding the display of kilojoule information, leading to variations in style and location of this information. ACDPA supports amending legislation for national consistency and to increase consumer access to kilojoule information that is clearly displayed and easily accessible.
- 3. Fund consumer education campaigns to enhance understanding of nutrition information.**
As nutrition information becomes more available, there is a need to increase consumer understanding of kilojoules in the context of the recommended daily energy intake. ACDPA supports funded consumer education campaigns, including targeting populations with greater need, to increase understanding and use of nutrition information for healthier choices.
- 4. Fund ongoing monitoring and evaluation to assess consumer awareness, understanding and behaviour change, reformulation and products offered by outlets.**
Ongoing monitoring and evaluation is essential to understand how menu labelling affects consumer choices and to explore potential reformulation or changes in products offered by fast food outlets. ACDPA also supports strong and consistent penalties across jurisdictions for breaches of legislation.

Specific responses to consultation questions

Consultation 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.

A recently released Cochrane Review of nutritional labelling concludes that providing energy information on menus may reduce kilojoules purchased.⁸ The authors suggest that nutrition labelling on restaurant menus should form part of suite of measures to address obesity, with further monitoring and research required in real-world settings.

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

ACDPA recommends maximising the reach of menu labelling by removing exemptions for outlets required to display nutrition information.

As identified in Table 1 in the consultation paper, there are discrepancies across jurisdictions around businesses exempt from fast food menu labelling legislation. ACDPA supports removing exemptions in all jurisdictions for a nationally consistent approach, including for dine-in chain restaurants, cinemas, service stations, convenience stores and small supermarkets.

Many exempt settings provide ready-to-eat items, such as pies, muffins, slushies and doughnuts, that are energy dense and nutrient poor. Consistent menu labelling in these settings would increase consumer exposure to information about the energy content of items and the recommended daily energy intake, which may assist healthier choices. Many standardised ready-to-eat items are likely to be provided by the same suppliers across outlets and, as legislation only applies to larger chains, removing exemptions is likely to only affect businesses with sufficient resources to implement nutrition labelling requirements.

Removing exemptions provides greater consistency across jurisdictions and supports a level playing field for businesses complying with the legislation.

Consultation 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?

Reducing the threshold per state or territory

To further expand the availability of kilojoule information, ACDPA supports reducing the threshold of businesses in a chain to 10 within a state or territory and 50 nationally. Including a wider number of businesses in the legislation would expand the nutrition information provided to the community. We note that the NSW legislation set a precedent for the existing threshold across most states and territories, and recognise that ACT legislation has included a lower threshold.

While the threshold is designed to limit the impact on small business, we note the Australian Bureau of Statistics (ABS) definition of small business as employing fewer than 20 people.⁹ Reducing the threshold to 10 outlets per state or territory (or fewer for less populous jurisdictions) would be appropriate, as it is unlikely that businesses with 10 outlets per state or territory would have fewer than 20 employees.

Incorporating vending machines

ACDPA also supports expanding the legislation to include vending machines, which often provide nutrient poor, energy dense foods and beverages with limited access to nutrition information on packaging through the machine. In the United States, vending machine operators of more than 20 machines will be required to display nutrition information from July 2018 if the on-pack label is not visible.¹⁰

Encouraging consistent display of voluntary nutrition information

The voluntary display of kilojoule content expands the availability of nutrition information for consumers; however it is important that this is displayed in a manner consistent with the requirements of legislation. Consistency in the presentation of kilojoule information across outlets and menu items enables consumers to readily locate and access this information.

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

ACDPA recommends increasing the impact of menu labelling by amending legislation so that kilojoule information must be presented in an identical manner to the menu item and price at the point of purchase.

As identified in the consultation paper, there are inconsistencies in the display of nutrition information. To be effective, consumers need to be able to see and use the kilojoule information on menus.

ACDPA supports amending legislation so that the kilojoule information and reference statement are required to be presented in an identical manner to the menu item and price at the point of purchase, both in store and for online ordering. Some existing regulations have been insufficient to ensure the visibility and legibility of kilojoule information. For example: the colour of kilojoule information may be similar to the background, reducing visibility; or the menu item and price may be in bold with the kilojoule information not bolded.

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

ACDPA supports amending legislation to require supermarkets to display kilojoule information per menu item, instead of per 100g of the product. While we acknowledge the rationale behind the decision to align supermarket menus with packaged supermarket items, we are concerned that this is misleading.

Displaying kilojoule information per 100g in supermarkets is inconsistent with menu labelling across other outlets. This can undermine consumer understanding, with similar ready-to-eat items presented differently in supermarkets compared to all other outlets. It also hampers the usefulness of kilojoule labelling on supermarket ready-to-eat items, due to different portion sizes. For example, many products with a portion size of more than 100g may appear to have fewer kilojoules when kilojoules are displayed per 100g.

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

ACDPA recommends amending legislation to require kilojoule information to be presented in an identical manner to the menu item and price, as identified under question 4.

Consultation 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?

ACDPA recommends increasing the impact of menu labelling by amending legislation so that kilojoule information must be presented in an identical manner to the menu item and price at the point of purchase.

As noted in the consultation paper, kilojoule information is applied inconsistently across various platforms, including web-based ordering, customised menus and third-party online ordering platforms. We note that kilojoule information is sometimes provided in a separate location, reducing comparability of products and usefulness when ordering.

ACDPA supports amending legislation to require simultaneous display of product and kilojoule information at the point of purchase, consistent with the Queensland Food Regulation 2016. This includes on menus, rolling menus, online menus, web-based ordering platforms, and mobile ordering services.

Prominently displaying legible kilojoule information at the point of purchase provides consumers with the best chance of noticing and using this information, consistent with the intent of the legislation – to enhance opportunities for consumers to make informed and healthier choices.

Customised menu items and combination meals

ACDPA supports the provision of kilojoule values for all menu items and as a total value for meal packages, customised menu items and combination meals. This should be available at the point of purchase.

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

As identified under question 10, ACDPA recommends amending legislation to require kilojoule information to be presented at the point of purchase – i.e. requiring the simultaneous presentation of menu items, price and kilojoule information in the same location.

Consultation 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?

As identified under question 10, ACDPA recommends amending legislation to require kilojoule information to be presented at the point of purchase. We support the extension of labelling requirements to menus used on web-based ordering platforms, and note that the market for online ordering of fast food is firmly established and growing rapidly in Australia.

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

Consumers frequently underestimate the energy, and total and saturated fat content of foods.¹¹ Cancer Council NSW research indicates that nutrition information (with the exception of kilojoule information) can be difficult to access in fast food chains in NSW.¹² As a result, consumers may struggle to make fully informed choices about the healthiness of products.

ACDPA considers that interpretive labelling could be applied to ready-to-eat items to inform consumer decision making, for example through expanding the Health Star Rating program from packaged food labels to menus. Investigating interpretive labelling, such as the expansion of the Health Star Rating system, should in no way impede full implementation of existing menu labelling legislation, nor delay or stall amending existing or drafting future legislation to strengthen menu labelling nationally.

Consultation 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?

ACDPA recommends funding consumer education campaigns to enhance understanding of menu labelling and recommended daily energy intake.

There is considerable evidence that food labelling is more effective when accompanied by education and information programs.¹³ Sustained, funded and well-researched education has the potential to increase consumer awareness, understanding and use of nutrition information in the context of a healthy diet.

Funded education campaigns and materials are required to help all Australians, including populations with greater needs, understand how to use nutrition information to make healthier food choices in the context of the recommended daily energy intake.

Consultation 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.

ACDPA recommends funding ongoing monitoring and evaluation to assess consumer awareness, understanding and behaviour change, reformulation and products offered by outlets.

ACDPA notes the importance of funding monitoring and evaluation, including to consistently assess changes in consumer awareness and behaviour, changes made by businesses, and compliance with legislation. The recent Cochrane Review recognised the need for further monitoring and research in real-world settings to inform menu labelling initiatives.¹⁴

Strengthening penalties for breaches

Penalties for breaching legislation vary widely across jurisdictions. For example, the Victorian scheme has much lower penalties compared to NSW and Queensland. We support strong penalties for breaches, especially for intentional breaches, and recommend that the NSW penalties be adopted across all jurisdictions.

Conclusion

ACDPA commends the Government on conducting this review and recommends increasing consistency in fast food menu labelling legislation across jurisdictions for a nationally consistent approach, in order to maximise the reach and impact of nutrition labelling, and support consumers to make informed healthier choices.

¹ AIHW <https://www.aihw.gov.au/reports/biomedical-risk-factors/risk-factors-to-health/contents/risk-factors-and-disease-burden> Accessed Feb 2018.

² AIHW. <https://www.aihw.gov.au/reports/chronic-disease/evidence-for-chronic-disease-risk-factors/behavioural-and-biomedical-risk-factors> Accessed Feb 2018.

³ AIHW 2016. Australia's health 2016: in brief. Cat. no. AUS 201. Canberra: AIHW.

⁴ NHMRC 2013. Australian Dietary Guidelines. Canberra: NHMRC.

⁵ Heart Foundation & Cancer Council Victoria survey of 558 Victorians aged 25-49 conducted in July 2016.

⁶ Crockett RA, King SE, et al. Nutritional labelling for healthier food or non-alcoholic drink purchasing and consumption. Cochrane Database of Systematic Reviews 2018, Issue 2. Art. No.: CD009315. DOI: 10.1002/14651858.CD009315.pub2.

⁷ Heart Foundation & Cancer Council Victoria survey of 558 Victorians aged 25-49 conducted in July 2016.

⁸ Crockett RA, King SE, et al. Nutritional labelling for healthier food or non-alcoholic drink purchasing and consumption. Cochrane Database of Systematic Reviews 2018, Issue 2. Art. No.: CD009315. DOI: 10.1002/14651858.CD009315.pub2.

⁹ ABS https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1516/Quick_Guides/Data Accessed Feb 2018.

¹⁰ WCRF <https://www.wcrf.org/int/policy/nourishing-framework> Accessed Feb 2018.

¹¹ Burton S, Creyer E, Kees J, Huggins K. Attacking the obesity epidemic: The potential health benefits of providing nutrition information in restaurants. American Journal of Public Health. 2006; 96(9): 1669-75.

¹² Wellard L, Havill M, Hughes C, Watson WL, Chapman K. The availability and accessibility of nutrition information in fast food outlets in five states post-menu labelling legislation in NSW. Australian and New Zealand Journal of Public Health. 2015; 39(6): 546-9.

¹³ WCRF & AICR. Policy and Action for Cancer Prevention - Food, Nutrition, and Physical Activity: a Global Perspective. 2009. Washington DC: AICR.

¹⁴ Crockett RA, King SE, et al. Nutritional labelling for healthier food or non-alcoholic drink purchasing and consumption. Cochrane Database of Systematic Reviews 2018, Issue 2. Art. No.: CD009315. DOI: 10.1002/14651858.CD009315.pub2.