June 2, 2010

Hon. Deborah Matthews, M.P.P.
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Hon. Margarett R. Best Minister of Health Promotion 18th Floor, 777 Bay Street Toronto, Ontario M7A 1S5 mbest.mpp@liberal.ola.org

Re: Support The Healthy Decisions for Healthy Eating Act

Dear Ministers Matthews and Best:

We are writing to urge you to support *The Healthy Decisions for Healthy Eating Act* introduced today in the legislature by Nickel Belt M.P.P. France Gelinas and to push for its speedy enactment.

As you know, in April 2009, the Ontario Provincial Parliament voted to advance an earlier version of the bill—*Bill 156*—but that bill did not proceed to a final vote before the prorogation of the legislature on March 4, 2010.¹

The Healthy Decisions for Healthy Eating Act would require calorie labelling on menus at large chain-restaurants in Ontario, just as the governments of New York City, California and numerous other U.S. states and municipalities have already done. In March 2010, the U.S. government mandated calorie labelling for all large chain restaurant, vending machine and vending machine operations as part of its health care reform legislation. The U.S. National Restaurant Association joined dozens of U.S. health and citizens groups in supporting that feature of the bill.

In December 2002, the Canadian federal *Food and Drug Regulations* mandated the disclosure of calories and 13 nutrients (including sodium, and saturated fat) on pre-packaged foods. Restaurants and foodservice operations were expressly exempted from those requirements. However, restaurant foods comprise a significant portion of the typical Ontarian's daily diet. According to the Canadian Restaurant and Food Service Association (CRFA), 20% of food is sourced from restaurants and food-service operations, and Ontarians spend \$23 billion at restaurants annually, much of which is purchased in large chain restaurants operating across Canada, the United States, and elsewhere.

There are serious health consequences from choosing restaurant foods without the aid of readily available nutrition information. According to Statistics Canada, 64% of Ontario adults

and 28% of Ontario children aged 2-17 are overweight or obese. The World Health Organization estimates that approximately 20% of premature deaths in countries like Canada are due to diet-related risk factors. Eating out more frequently is associated with obesity, higher body fatness or higher Body Mass Index (BMI), which are major risk factors for heart disease, stroke, diabetes, and many cancers. Menu items can vary widely in caloric content. For example, without calorie labelling on menus and menu boards, it is extremely unlikely that a diner would know that a small McDonald's milkshake contains the same number of calories as three Fruit & Yoghurt Parfaits (540 calories). 12

While many large chain restaurants provide nutrition information on their corporate websites, on the back of placemats, or in brochures, such information is often only available to consumers who actively seek it out <u>prior to</u> placing their food orders. According to a 2007 Canadian survey of 136 outlets of 27 restaurant chains participating in the Canadian Restaurant and Foodservice Association's Nutrition Information Program, most provided nutrition information on their corporate websites, or on-site "as requested," but none provided nutrition information on menus or menu boards for most standardized menu items. A recent U.S. study found that only 6 of 4,311 patrons surveyed at outlets of four fast food chains (<0.1%) requested and obtained on-premises nutrition brochures, wall posters, and computer terminals prior to ordering. Provided nutrition are computed terminals prior to ordering.

Calorie information on menus can help consumers make <u>informed</u> choices about menu items to aid their efforts to reduce caloric intake and lose weight. Studies show that consumers poorly estimate nutritional content of food—especially nutrient-poor foods¹⁵—but they alter their choices when reliable nutrition information is presented.¹⁶ Early indications suggest that calorie labelling on menus leads to significant tangible benefits, including—in two New York City studies—reducing by 52 calories selected menu items,¹⁷ and by 14% per transaction (but no change in beverage ordering) by choosing fewer foods and substituting lower calorie items.¹⁸ Such labelling can also prompt healthy product reformulations.

Requiring nutrition information on restaurant menus has been recommended in expert reports published by the former late Chief Medical Officer of Health for Ontario, Dr. Sheela Basrur, ¹⁹ the Canadian Institutes for Health Information, ²⁰ the Heart and Stroke Foundation, ²¹ the Canadian Public Health Association, ²² the U.S. Institute of Medicine (two reports), ²³ the Centre for Science in the Public Interest, ²⁴ and the Ontario Medical Association. ²⁵

Governments and companies must make greater efforts to prevent disease in the first place and enable consumers to make *informed* dietary choices when eating out. Improved diets can help reduce the burden of preventable disease on health care services and economic productivity.

The Healthy Decisions for Healthy Eating Act is a good first step to ensure that restaurants help equip Ontarians to make <u>informed</u> choices when eating out. The Government of Ontario could broaden the public health impact of menu labelling by using its regulatory authority to also require chain restaurants to post symbols or ratings indicating the amount of sodium in each menu item in relation to the daily recommended intake (the Adequate Intake of

1,500 mg for most people) as the U.S. Institute of Medicine recently recommended, * at least for high-sodium foods.

Premier McGuinty's 2009 call on the federal government to show leadership in requiring menu labelling is welcome, ²⁶ but should *not* delay the protection of Ontarians' health, especially if the federal government is not clearly willing to act.

We urge you, Ministers Best and Matthews, to lead other MPPs in ensuring that calorie labelling and other nutrition information is mandated for large chain restaurants by supporting *The Healthy Decisions for Healthy Eating Act.*

Respectfully submitted,

Kim Raine, RD, PhD

Alberta Policy Coalition for Cancer Prevention

Valerie Sterling, President

Kalerii Sterling

Association of Local Public Health Agencies (alPHa)

Dr. Yoni Freedhoff, MD CCFP Dip ABBM, Medical Director Bariatric Medical Institute

^{*} Notices indicating which products are high in sodium would also be helpful. Many restaurant foods contain more sodium than Canadians are advised to eat in an entire day. Recently, the U.S. Institute of Medicine recommended that "Congress should act to remove the exemption from nutrition labelling for food products intended solely for use in restaurant/foodservice operations." (at p. 9-4). This summer, the Canadian Sodium Working Group, appointed by the Federal Minister of Health, is scheduled to publish a comprehensive strategy to reduce sodium intake, including policy levers.

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Anna Kennedy, Interim President Canadian Diabetes Association

Robin Moore. Ou.

Robin Moore-Orr, D.Sc. R.D., Chair, Board of Directors Canadian Institute of Child Health

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J. Douglas Willms, PhD, Director Canadian Research Institute for Social Policy

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Susan White, Executive Director Canadian Women's Health Network

Bill Jeffery, LLB, National Coordinator Centre for Science in the Public Interest

Mendell

Dr. Norm Campbell

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Amy Snider-Whitson P.H.Ec., President Ontario Home Economics Association

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Doris Grinspun, RN, MSN, PhD (c), O.ONT, Executive Director Registered Nurses' Association of Ontario (RNAO)

[Original signature protected]

Dr. David McKeown, Medical Officer of Health Toronto Public Health

Andrew Pipe, CM, MD, LLD(Hon), DSc(Hon), Chief, Division of Prevention and Rehabilitation University of Ottawa Heart Institute

cc. Members of the Standing Committee on Social Policy Dr. Arlene King, Chief Medical Officer of Health for Ontario Hon. Leona Aglukkaq, P.C., M.P., Federal Minister of Health

References

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'The results indicate that further reductions are needed to fully meet the public health objectives and reduce the risk of coronary heart disease."

See: Response of Minister Aglukkaq to Question 89 in *Debates of the House of Commons*, April 21, 2010, Vol. 145, No. 27, 3rd Sess, 40th Parliament, at 1612. Available at: http://www2.parl.gc.ca/content/hoc/House/403/Debates/027/HAN027-E.PDF
See also, Sarah Schmidt. Regulate Trans Fat in Food, Tories told; Voluntary approach to reduction failed, minister admits. April 22, 2010. *Ottawa Citizen* at A3.

Likewise, a team of Health Canada scientists recently concluded that,

"...although [trans fat] reductions have occurred, the TFA levels in Canadian foods are no where near as low as those of foods in Denmark [where a regulatory ban is in place]." [As examples, the researchers cited "extremely poor" results in baked goods and "unsatisfactory" levels in donuts.]

See: Ratnayake WMN, L'Abbe MR. Trans Fatty Acids: Current Contents in Canadian Foods and Estimated Intake Levels for the Canadian Population. *Journal of American Association of Oil Chemists International*. 2009; 92(5):1258-1276 at 1267, 1269, and 1273.

Last May, the World Health Organization strengthened its advice to remove PHOs from the food supply. The WHO concluded:

The evidence on the effects of TFA on disease outcomes strongly supports the need to remove partially hydrogenated vegetable oils] from the food supply...[Furthermore, t]here is sufficient epidemiological and experimental evidence to support revising this recommendation so that it encompasses the great majority of the population, and not just the population mean, to protect large subgroups from having high intakes.

See: R Uauy, A Aro, R Clarke, R Ghafoorunissa, M L'Abbe, D Mozaffarian, M Skeaff, S Stender and M Tavella. WHO Scientific Update on trans fatty acids: summary and conclusions. *European Journal of Clinical Nutrition*. 2009;63:S68-S75 at S74, available at: http://www.nature.com/ejcn/journal/v63/n2s/pdf/ejcn200915a.pdf

to food facilities, signed into law by Governor Schwarzenegger on September 31, 2008. Available at: http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_1401-1450/sb_1420_bill_20080930_chaptered.pdf

¹ Bill 156 also included measures to restrict the use of partially hydrogenated oils (PHOs) in restaurants. The federal Minister of Health recently told Parliament that voluntary efforts to reduce trans fat in the food supply were commendable but insufficient, and plans to consider national regulations and other measures to achieve public health objectives. The Minister's official response to a written question in Parliament states, in part:

² See, for instance, New York City Department of Health and Mental Hygiene's Board of Health amendments to the *Health Code* §81.50, fully effective July 19, 2008. Available at: http://www.nyc.gov/html/doh/downloads/pdf/public/notice-adoption-hc-art81-50-0108.pdf
California *Senate Bill 1420, An Act to add section 114094 to the Health and Safety Code, relating*

³ Section 4205 of House of Representatives *Bill 3590, The Patient Protection and Affordable Care Act*, which was signed into law by President Obama on March 23, 2010. Available on-line at: http://www.gpo.gov/fdsys/pkg/BILLS-111hr3590ENR/pdf/BILLS-111hr3590ENR.pdf

⁴ See: News release: CSPI-U.S. "Menu-Labeling Legislation Gains Support from Chain Restaurants." Washington, D.C. June 10, 2009. Available at: http://www.cspinet.org/new/200906101.html See also, National Restaurant Association. "Public Policy Issue Brief: The National Restaurant Association believes a new federal nutrition-disclosure standard for restaurants is a win for both restaurant operators and guests." March 23, 2010. Available at: http://www.restaurant.org/advocacy/issues/issues/?Issue=menulabel

⁵ Food and Drug Regulations, C.R.C., c. 870, section B.01.401(1). Available at: http://laws.justice.gc.ca/en/showtdm/cr/C.R.C.-c.870

⁶ Food and Drug Regulations C.R.C., c. 870, section B.01.401(2)(b)(v) and B.01.401(2)(c)(ii). Available at: http://laws.justice.gc.ca/en/showtdm/cr/C.R.C.-c.870

⁷ Testimony of Ron Reaman, Vice President, Canadian Restaurant and Food Service Association. *Evidence*. House of Commons Standing Committee on Health. 40th Parliament, 3rd Session. No. 14. May 4, 2010 at 12. Available at: http://www2.parl.gc.ca/content/hoc/Committee/403/HESA/Evidence/EV4493097/HESAEV14-E.PDF

⁸ Canadian Restaurant and Food Service Association. *Pre-Budget Submission*. Standing Committee on Finance and Economic Affairs. January 28, 2009. Available at: http://www.crfa.ca/news/byregion/pdf/ontario_prebudgetsubmission.pdf

⁹ Tjepkema M. *Adult obesity in Canada: Measured height and weight*. 2005. Ottawa. Statistics Canada – Cat. No. 82-620-MWE at 30. Available at http://www.statcan.gc.ca/pub/82-620-m/2005001/pdf/4224906-eng.pdf; and Shields M. *Measured Obesity Overweight Canadian children and adolescents*. 2005. Ottawa. Statistics Canada – Statistics Canada – Cat. No. 82-620-MWE at 33. Available at: http://www.statcan.gc.ca/pub/82-620-m/2005001/pdf/4193660-eng.pdf

World Health Organization. *Global Health Risks: Mortality and Burden of Disease Attributable to Selected Major Risks*. 2009WHO. Geneva. See, esp. p. 17. Available at http://www.who.int/healthinfo/global_burden_disease/GlobalHealthRisks_report_full.pdf

¹¹ Binkley, JK et al. "The Relation between Dietary Change and Rising U.S. Obesity." *International Journal of Obesity* 2000;24:1032-1039; Jeffery, RW and French SA. "Epidemic Obesity in the United States: Are Fast Foods and Television Viewing Contributing?" *American Journal Public Health* 1998: 88:277-280; McCrory, MA et al. "Overeating in America: Association between Restaurant Food Consumption and Body Fatness in Healthy Adult Men and Women Ages 19 to 80." *Obesity Research* 1999;7:564-571; Pereira, MA et al. "Fast-Food Habits, Weight Gain, and Insulin Resistance (The CARDIA Study): 15-year Prospective Analysis." *Lancet* 2005;365:36-42; Thompson, O M et al. "Food Purchased Away From Home as a Predictor of Change in BMI Z-score Among Girls." *International Journal of Obesity* 2004;28:282-289.

¹² McDonald's Food Facts—Nutrition Facts. Available at http://www.mcdonalds.ca/pdfs/NutritionFactsEN.pdf as of May 20, 2010.

¹³ Centre for Science in the Public Interest. News Release: "Most 'Volunteers' in Restaurant Industry's Nutrition Information Program Stepped Back Two Paces." January 22, 2008. Available at: http://www.cspinet.org/canada/pdf/twopacesback.pdf

¹⁹ Dr. S. Basrur. 2004 Report of the Chief Medical Officer of Health for Ontario: Healthy Weights, Healthy Lives. 2004. Toronto at 50, 53. Available at: http://www.health.gov.on.ca/english/public/pub/ministry_reports/cmoh04_report/healthy_weights_112404_pdf in which she recommended:

To help create an environment that promotes healthy weights, the food industry should:...Increase user friendly food labelling on large chain restaurant menus and take-out/deli foods.

Raine K. *Overweight and Obesity in Canada: A Population Health Perspective*. 2004. Ottawa. Canadian Population Health Institute of the Canadian Institute for Health Information. 2004 at 60. Available at: http://secure.cihi.ca/cihiweb/dispPage.jsp?cw_page=GR_1130_E

Policy Option No. 9: Based upon extensive evidence generated from knowledge and experience with other health issues in Canada (such as tobacco) and from other countries, apply promising practices for population-based policy change to promote healthy weights. Policies that could be considered include: Expand food and nutrition labelling to food-service operations, including fast food.

²¹ Heart and Stroke Foundation of Canada. *Call to Action: Report Card on Health - Heart and Stroke Foundation Warns Fat Is the New Tobacco*. 2004. Ottawa. Available at: http://www.heartandstroke.on.ca/site/c.pvI3IeNWJwE/b.3582059/k.9985/2004 Report Card Fat is the http://www.heartandstroke.on.ca/site/c.pvI3IeNWJwE/b.3582059/k.9985/2004 Report Card Fat is the http://www.heartandstroke.on.ca/site/c.pvI3IeNWJwE/b.3582059/k.9985/2004 Report Card Fat is the https://www.heartandstroke.on.ca/site/c.pvI3IeNWJwE/b.3582059/k.9985/2004 Report Card Fat is the <a href="https://www.heartands

Improve nutritional labeling and information in quick serve restaurants. Statistics show that on any given day, 30% of kids living in North America visit a fast food restaurant. Their parents should have access to nutrition information on the overhead and table menus to help make informed choices at the point of purchase.

²² Irene Strychar, E.D., R.D. Fighting Obesity: A Call to Arms. *Canadian Journal of Public Health.* 2004;95:12-14, which recommends:

Restaurants should provide caloric and fat content of menu items.

¹⁴ Roberto CA, Agnew H, and Brownell K. "An Observational Study of Consumers Assessing of Nutrition Information in Chain Restaurants." *American Journal of Public Health.* 2009;99(5):820-1.

¹⁵ Kozup KC, Creyer EH, Burton S. "Making Healthful Food Choices: The Influence of Health Claims and Nutrition Information on Consumers' Evaluations of Packaged Food Products and Restaurant Menu Items." *Journal of Marketing* 2003, vol. 67, pp. 19-34.

¹⁶ Burton S, Creyer EH, Kees J, Huggins K. "Attacking the Obesity Epidemic: An Examination of the Potential Health Benefits of Nutrition Information Provision in Restaurants." *American Journal of Public Health*, 2006;96(9):1669-75.

¹⁷ Bassett MT, Dumanovsky T, et al. Purchasing Behavior and Calorie Information at Fast-Food Chains in New York City, 2007. *American Journal of Public Health* 2008;98(8):457-9.

¹⁸ Bollinger B., Leslie P. and Sorenson A. Calorie Posting in Chain Restaurants. Unpublished manuscript. Stanford university and the National Bureau of Economic Research. 2010. Available at: http://www.nber.org/papers/w15648

Full service and fast food restaurants should expand healthier food options and provide calorie content and nutrition information at the point of purchase.

Dr. J. Michael McGinnis et al. eds. Institute of Medicine of the US National Academy of Sciences. *Food Marketing to Children and Youth: Threat or Opportunity*. 2006. Washington, D.C. at 11. Executive summary available at: http://www.nap.edu/execsumm_pdf/11514.pdf which recommended:

Full service restaurant chains, family restaurants, and quick serve restaurants should:...Provide calorie content and other key nutrition information, as possible, on menus and packaging that is prominently visible at the point of choice and use.

McGuinty said the proposal is 'an idea worth considering,' but it's up to Ottawa to take the lead. 'I don't know if that's the best way to do it, but I do agree that we need to do more to help Ontarians make informed decisions when it comes to their diet,' he said.

²³ Jeffrey P. Koplan, et al., eds. *Preventing Childhood Obesity: Health in the Balance*. 2005. Washington, DC: National Academies Institute of Medicine. at 147. Executive summary available at http://newton.nap.edu/pdf/0309091969/pdf_image/147.pdf which recommended:

²⁴ Centre for Science in the Public Interest. News Release: "'Healthy Decisions for Healthy Eating Act' Moves Forward in Ontario Legislature!" April 10, 2009. Available at http://cspinet.org/canada/pdf/ontariobill-156passes.second-reading.pdf

²⁵ Ontario Medical Association. 2010. "Backgrounder: Caloric Menu Labelling." Available at: https://www.oma.org/Mediaroom/Backgrounders/Pages/CaloricMenuLabelling.aspx

²⁶ CTV News, "Ottawa should lead on childhood obesity: McGuinty." April 8, 2009. Available at: http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20090408/mcguinty obesity 090408/20090408?h ub=Health&s name= which states: