

MANDATORY CALORIE LABELLING

The government is introducing new requirements for businesses to display calorie labelling for food products sold for immediate consumption that are not pre-packaged.

There will be a requirement for convenience retailers to display calorie information at the customers' 'point of choice', for example on menus or display units.

Businesses Impacted

Convenience retailers that are deemed to have **more than 250 employees, calculated based on their participation in 'franchise agreement' and symbol groups**, will have to work with their franchise partners and suppliers to get the calorie labelling information for products sold for immediate consumption that are not pre-packaged. Part-time employees should be included as part of the head count. Convenience retailers will need to consult their symbol group supplier or franchise partner to discuss whether their agreement is considered to be a 'franchise agreement' as defined in the regulations.

If a convenience retailer is offering food for immediate consumption in stores outside of their existing franchise agreement or symbol group partnership they do not have to display mandatory calorie labelling. Convenience retailers would need to demonstrate that the food they offer for immediate consumption is not supplied by or promoted in connection with their franchise agreements or symbol group.

Products Impacted

The calorie labelling requirements will apply to food that is sold for immediate consumption on or off the premise and is not prepacked. Food that is prepacked for direct sale, packed at the request of the consumer or sold loose will be included. For example, **this includes hot beverages, bakery items, ready to eat pies, pizzas and sandwiches.**

Calorie Information

Retailers will need to work with their suppliers and franchise partners to secure the accurate calorie information of food sold for immediate consumption. Suppliers of products for immediate consumption or franchise partners you work with will have more information about the calorie content of their products.

It is important that retailers work with suppliers to secure this information. There are obligations on suppliers to provide information to the retailers to enable the provision of mandatory information to the final consumer.

Displaying Calorie Information

Retailers will need to:

- Display the energy content of the food in kilocalories (kcal)
- Reference the size of the portion to which the calorie information relates
- Display the statement that 'adults need around 2000 kcal a day'

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Displaying Energy Content of Food

Energy content of food and drink must be calculated in kilocalories (kcal) and be displayed where food is chosen from a menu and/or where food is chosen from items on display. The Regulations also require businesses to indicate the size of the portion to which the calorie information relates, for example “pork pie, 323 kcal per pie”.

Where food is chosen from a menu this information should be on the menu, next to the description or price of the food. Where food is chosen from items on display it should be on a label identifying the food, next to or near the item.

For food that is prepacked for direct sale and chosen from items on display, calorie information may be displayed on its packaging as an alternative to a label, so long as it can be clearly seen and read by the consumer.

In all cases, **the information businesses are required to display must be easily visible, clearly legible, and not in any way hidden or obscured** by other written or pictorial matter, or any other intervening material.

This following statement: ‘adults need around 2000 kcal a day’ must be displayed where the food is chosen from a menu, once on every page of the menu; and in a prominent position by anyone buying food at the point at which they choose what to buy, for example from a display unit or a menu board.

Illustrations of how retailers could comply with calorie labelling display requirements [are available here](#).

Displaying Calorie Information on Websites

Where food in scope of the Regulations is sold on a website or mobile application (including third party apps), the business responsible for that website or food displayed on third party mobile application is required to display the calorie information of food offered for sale.

Businesses will need to display the same information online as they would in store:

- **Display the energy content of the food in kilocalories (kcal)**
- **Reference the size of the portion to which the calorie information relates**
- **Display the statement that ‘adults need around 2000 kcal a day’**

The energy content should be displayed alongside the description of each item of food on the retailer’s online menu. The statement that ‘adults need around 2000 kcal a day’ must be displayed on the page of the website or mobile application where the consumer chooses what to buy.