

The Calorie Labelling (Out of Home Sector) (England) Regulations 2021



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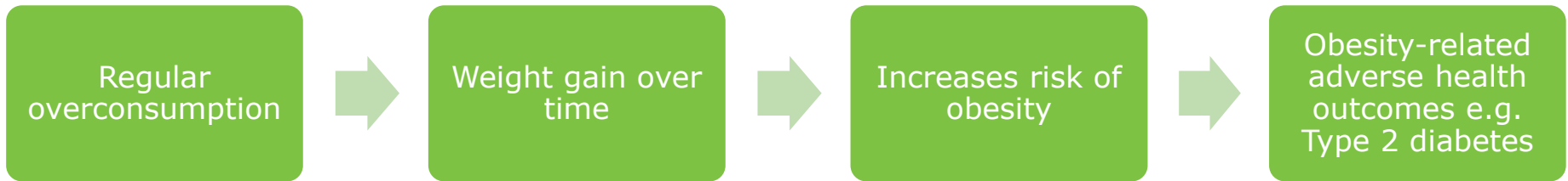
Registered Associate Nutritionist (ANutr).



Calorie Labelling (OOH)

- Why is this legislation necessary?
- Who it affects
- Who it doesn't affect
- What food requires calorie labelling?
- What does calorie labelling look like?
- When will calorie labelling come into force?
- What do university caterers need to do to prepare?

Why is this legislation necessary?



- Obesity increases the risk of developing type 2 diabetes, heart disease, fatty liver disease, some cancers and is also associated with worse health outcomes from Covid-19
- Eating out and food on the go account for around 20-25% of people's diets
- Research suggests eating out leads to eating an average 200 more calories than homecooked meals
- By providing the customer with calorie data it is hoped they will make healthier choices when eating out

Who does it apply to?

- **Applicable to food businesses with 250+ employees** in the OOH sector in England
(excluding 'In House' operators)
- OOH sector is any outlet where food/ drink is prepared ready for immediate consumption on or off the premises:
 - E.g. restaurants, cafes, takeaways, fast food outlets, pubs, canteens and supermarkets selling food sold 'on the go'
 - Specialist food stores, delicatessens, sweet shops and bakeries
 - Contract catering – for example, for events and canteens (see mass catering subsection)
 - Domestic transport businesses including planes, trains, ferries and other forms of water transport within the UK
 - Franchises - franchisees carrying on trading as a business under a franchise agreement, with over 250 employees
- **Smaller food businesses are encouraged to voluntarily adopt calorie labelling** and may be included in future calorie labelling regulations

Who it affects: food supplied by a third party

- If a third party in scope (e.g. *Nandos*) supplies food to a remote provider (e.g. *Just Eat*) they must share calorie information for food supplied for display on the mobile app/ website
- If food is sold by distance selling by a business in scope (i.e. online or phone), calorie information must be available to the customer upon delivery
 - Calories can be communicated by enclosing a calorie labelled menu with the food delivery or stickers showing calories on the food containers

Mass catering

- Where food at an establishment is provided by another organisation with 250 or more employees (e.g. contract caterers), calorie information must be displayed

This rule applies to educational institutions for over 18's

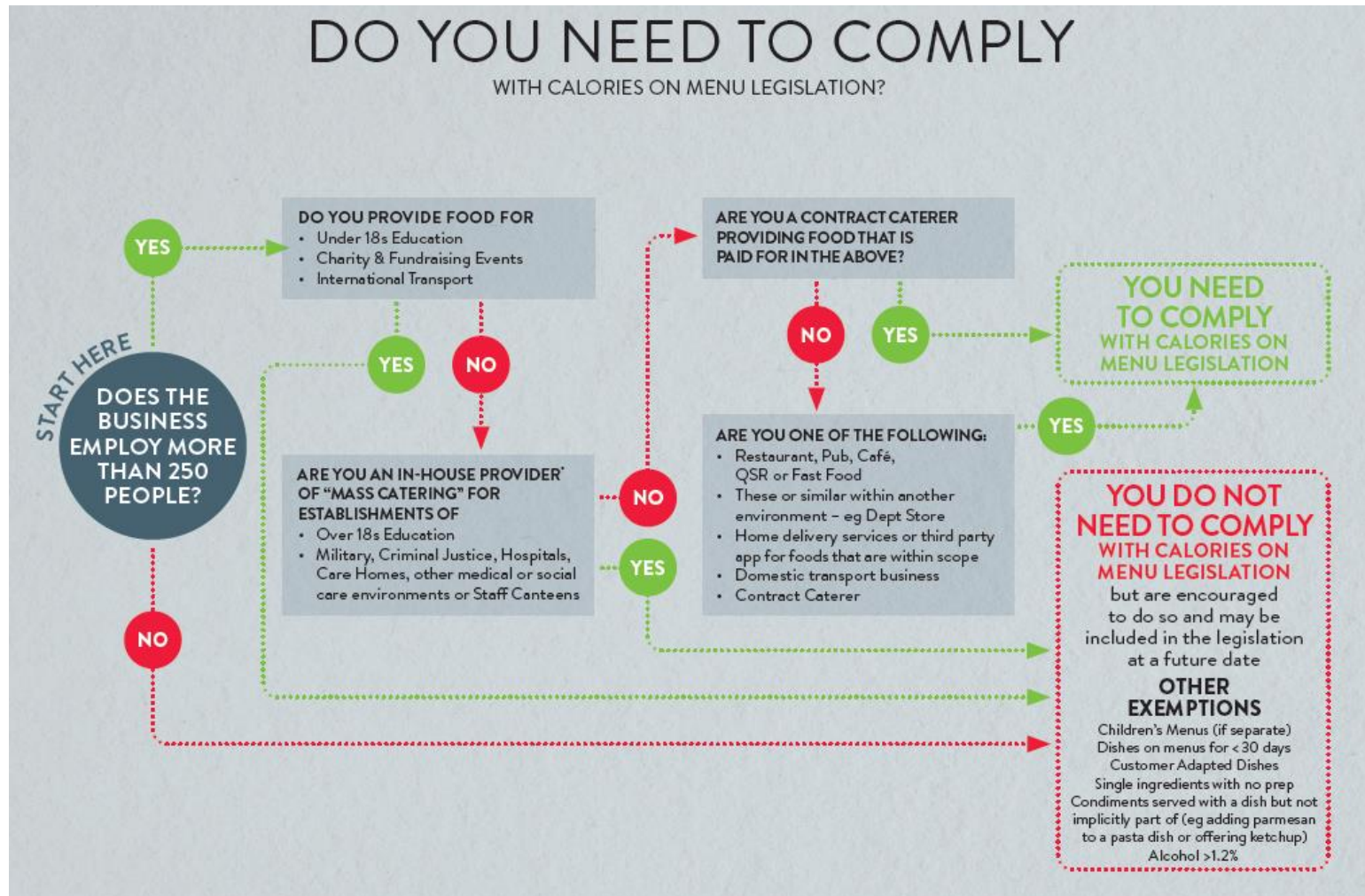
Who doesn't the legislation affect?

- Food provided by a business with under 250 employees
- Where food is provided 'in house' calorie labelling is not required, regardless of the number of employees
- Under 18s Educational establishments
- Other organisations:
 - Charities,
 - Fundraising events,
 - International transport

Franchise Arrangements

- If the food offer is mandated by the franchisor (i.e Costa) and the number of employees under the franchisor (i.e Costa) is more than 250, the legislation applies
- Where franchising arrangements do not mandate a common food (or Drink) offer across the franchise network, or only cover provision of alcoholic drinks, the business is not considered a part of the franchisor for the purpose of this legislation.
- Under this arrangement examples:
 - *In-house caterer operating the franchise : no requirement for food labelling, BUT would need to label the Hot drinks sold under this arrangement*
 - *Contractor operating the franchise : if they employ over 250 employees, then they are required to label the food they provide as well as the hot drinks*

Brakes decision tree



What food requires calorie labelling?

Requires Labelling if it is:

1. Food for immediate consumption:

Food is considered suitable for immediate consumption if it is either:

- offered for sale for consumption **on the premises on which it is sold**
- offered for sale for consumption **off the premises and does not require any preparation by the consumer before it is consumed**
 - *(preparation includes peeling, hulling or washing, cooking, thawing and heating or reheating pre-cooked food)*

What food requires calorie labelling?

Requires Labelling if it is:

2. Food which is not prepacked food:

- Food items which are not prepacked food are those which do not fall within the definition of *prepacked food in article 2(2) of Retained EU Regulation 1169/2011 on the provision of food information to consumers Regulations*
- This includes (but is not limited to food) :
 - *without packaging,*
 - *food packed on the sales premises at the consumer's request*
 - *food prepacked for direct sale (PPDS)*

What food does not require calorie labelling?

- Exempt food:
 - Certain categories of food sold for consumption off the premises:
 - fresh fruit or vegetables, including potatoes;
 - unprocessed products consisting of a single ingredient which don't come under the fresh fruit or vegetable category (e.g. herbs);
 - Fish, meats or cheese provided that they are not added to other food, or sold as an ingredient in food consisting of more than one ingredient
 - Loaf of bread or baguette

What food does not require calorie labelling?

- Food provided by a charity for free, or for sale, by or on behalf of a charity at a single event to raise funds
- Food on the menu temporarily i.e. for less than 30 consecutive days and a total of 30 days in any year
- Food not on the menu or otherwise offered for sale and which is expressly requested by the consumer to be made available or prepared differently to the way it is usually prepared
- Alcoholic drinks over 1.2% ABV
- Condiments provided to be added by the consumer to their food e.g. Tomato ketchup/ mustard/ salt and pepper
- Condiments a part of a meal such as ketchup in a burger bun are included within the regulations



Examples of food which require labelling

Hot drinks but not prepacked cold drinks, such as frappes, milkshakes & low/no alcohol drinks

- ▶ **Bakery stores:** sausage rolls, pies, sandwiches, toasties, pastries, biscuits and cakes
- ▶ **Coffee shops or cafes:** biscuits, cakes, pastries, paninis, toasties, wraps, soups, pasta bowls, salads, cereals and yogurts
- ▶ **Convenience grab and go:** bakery items, ready to eat pies, pizza and sandwiches
- ▶ **Quick service restaurants:** breaded chicken pieces, burgers, fries, onion rings, pizza, pasta
- ▶ **Restaurants or canteens:** starters, sides or small plates, mains, buffets and 'build your own, desserts and 'build your own' and breakfast or brunch
- ▶ **Sandwich bars:** sandwiches including 'build your own' sandwiches prepared at the consumer's request, filled rolls, baguettes, bagels, salads, pasta bowls and cakes
- ▶ **Supermarket grab and go:** in-store bakery items (such as loose pastries, cakes, biscuits), ready to eat, delicatessen items (such as sushi, cooked pizza) and sandwiches

What information should be displayed on the calorie label?

- The amount of calories represented in **kcal**
- Reference the **size of the portion** to which the calorie information relates
- Include the statement of daily calorie needs: **'adults need around 2000 kcal a day'**

Portion Sizes

- Single serve items e.g. slice of cake, calorie information must be provided for that item
- Items for consumption by multiple people (e.g. whole cake) calorie information must be provided for the whole item, & how many people that item is intended to serve (e.g. 'serves 3 people')
- Calorie information must be given *per portion* (e.g. per item, per scoop) & not per weight or measure (e.g. per 100g or 100ml)

- Where customers are able to 'build their own' meal, or for meal deals, businesses can display the calorie content of each of the constituent parts/ ingredients
- E.g. for a 'build your own' sandwich, rather than display all different combinations of sandwich, the business can display the standard portions of each ingredient such as bread, cheese, ham and so on.
 - *If there is more than 1 point of choice, information must be displayed at each location*

Displaying calorie content

Kcal of food and drink must be displayed:

- Where food is chosen from a menu: on the menu, next to the description or price of the product
- Where food is chosen from items on display: a label identifying the food, next to, or in close proximity to each item of food which may be chosen
- The information must be easily visible, clearly legible and not in any way hidden.
- For prepacked for direct sale food chosen from items on display, kcal information may be displayed on packaging or in addition to a label in close proximity to the item.
- PPDS food advertised on a menu must have kcal information on the menu
- For calorie labelling illustrations see Annex C of technical guidance

**There may be people who will find seeing calorie information on menus and labels triggering. The regulations permit a business to provide a menu without the calorie information, in instances where a customer expressly requests it (at their discretion).*

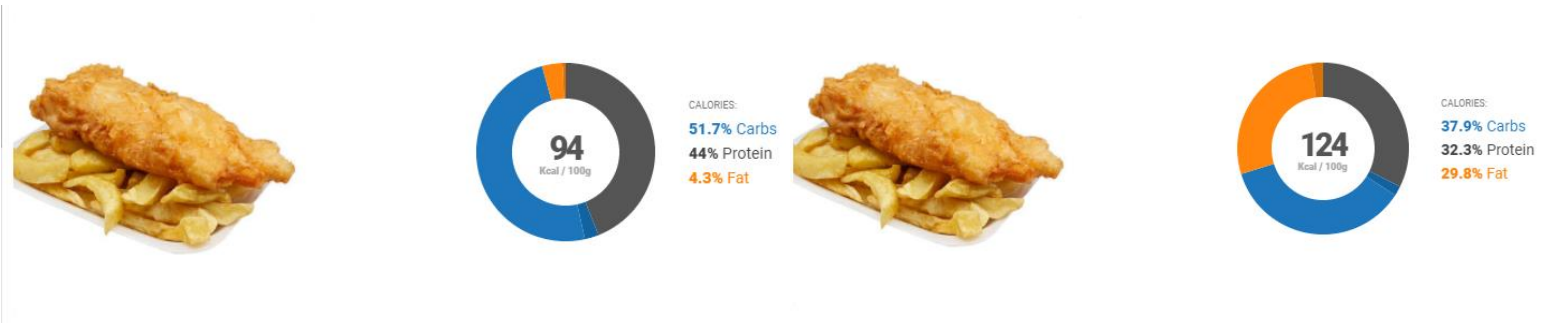
Displaying calorie content



Source: [Annex C of Department of Health & Social Care guidance](#)

Calculating cooked calorie information

Example



Raw Ingredients:

- 94 Kcal / 100g
- 51.7% Carbs
- 44% Protein
- 4.3% Fat

Cooked Dish:

- 124 Kcal / 100g
- 37.9% Carbs
- 32.3% Protein
- 29.8% Fat

► Grouping & Sharing ... *click to*

► Food Labelling... *click to*

► Modifiers & Properties... *click to*

▼ Recipe Ingredients ...	<i>As Entered</i>	Quantity:	Description:	Method:
✕ 114181 MSC Cod Fillet Skinless Boneless 200-230g (ⓘ)		215g	0.05x Each	unchanged
✕ 111844 Golden Sheaf Batter Mix		25g	0.01x Each	unchanged
✕ 450066 Maris Piper Potatoes		200g	0.01x Each	unchanged

▼ Recipe Ingredients ...	<i>As Entered</i>	Quantity:	Description:	Method:
✕ 114181 MSC Cod Fillet Skinless Boneless 200-230g (ⓘ)		215g	0.05x Each	Batter/crumbed...
✕ 111844 Golden Sheaf Batter Mix		25g	0.01x Each	Used as batter o...
✕ 450066 Maris Piper Potatoes		200g	0.01x Each	Deep fried in oil
✕ 9802 Brakes Extended Life Rapeseed Oil		16.8g	(auto-calculated)	Used as a medi...

Nutrition software should have the ability to calculate calories of the food as cooked as in certain recipes this can be different to raw ie. When fat is taken up by the batter in this example

Healthier menus

Public Health England (PHE) published advice to food businesses in Healthier Catering Guidance for Different Types of Businesses, which sets out key guiding principles for all food and drinks supplied.

- Reduce portion size
- Reduce fats and frying practices
- Reduce salt
- Reduce sugar
- Increase the content of fruit, vegetables and fibre (while not adding more fat, sugar or salt)
- Promote healthier options
- Procuring healthier ingredients and food products from suppliers



Enforcement

- Effective from 6th April 2022 in England

Checks will include:

- Calorie information displayed on food and drink items
- Calorie information displayed as per the requirements
- Method used to calculate calorie content is appropriate and reliable
- Calorie information is appropriately displayed online, including third party delivery platforms



Penalties

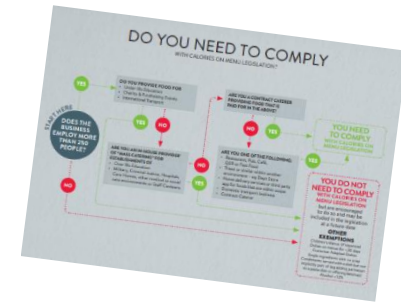
- Enforcement officers are permitted and encouraged to have initial conversations with businesses to resolve potential non-compliance before issuing formal notices

Followed by:

- Improvement notice
- Fixed monetary penalty (FMP) of £2,500
- Criminal prosecution (deliberate and/or repeated breach of the Regulations)



How can you prepare for this legislation?



- ❑ [Brakes website](#) contains practical information
- ❑ Calculate calorie values of each dish on the menu, ideally using a recipe management system, such as *Brakes Virtual Chef Online* (Powered by Nutritics)
- ❑ Train all staff to be aware of this legislation
- ❑ Ensure all recipes are up to date and analysed
- ❑ May be worth implementing calories on menus prior to 6 April to deal with any potential difficulties
- ❑ Read the guidance [here](#)
- ❑ Contact [Childhood Obesity Team](#) for technical queries

Help & Support

- Panache South offers advice, support and training nationwide
- If you would be interested in discussing how we can support your business/department, please contact us via our website

www.panacheconsultancy.co.uk

Or

Email: enquiries@panacheconsultancy.co.uk

- Preferential rates for LUPC/TUCO members



Thank You!

