

Fast Choices program: nutritional information menu labelling

User guide for ready-to-eat food outlets – 2nd edition

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Table of Contents

Introduction	4
Legislation.....	4
Key terms.....	5
Overview.....	7
Standard food items	10
Unpackaged food	10
Prepackaged food	11
Sizes	12
Multi-serve items	12
Combination meals.....	13
Categories	13
Customisable food.....	15
Sale by weight	16
Trial items	16
Standard food outlets	18
Dine-in only premises	18
Supermarkets	19
Businesses exempt from Fast Choices	19
Voluntary display of nutritional information.....	20
Borderline business scenarios	20
What is a menu?	23
What is excluded?	25
Digital ordering platforms.....	25
Information that needs to be displayed	27
Meaning of 'legible'.....	27
Meaning of 'adjacent to' or 'near'	27
The reference statement	29
How to display the reference statement	29
Locations	29
Kilojoule information	33
How to display the average kJ content.....	33
Calculating the average kJ content	33
Other considerations	34
Compliance with the NSW legislation	36
Approval of menus.....	36
Verification activities	36
Non-compliance with the legislation	36
Appendix 1. Supermarket product decision tree	38
Appendix 2. Business product decision tree	39
More information	40
Copyright and disclaimer statement	40

Introduction

Fast Choices is the NSW Government's nutritional information menu labelling program for business chains and franchises selling takeaway, ready-to-eat (RTE) foods. The program aims to help consumers make healthier choices by displaying kilojoule (kJ) values for standard food items.

In NSW, the Fast Choices program is legislated in the *Food Act 2003* and Food Regulation (together, the legislation). The legislation defines a 'standard food outlet' as required to display the kJ content of 'standard food items' along with a reference statement.

Standard food outlets typically belong to large chains that are company owned or operate a franchise model, or a mixture of both, and share a common name, branding scheme and menu. They capture a diverse range of businesses, including supermarkets, quick service restaurants, cafés and beverage outlets, salad bars and other food court and home delivery businesses.

Kilojoules provide a consistent baseline for consumers to compare the energy content of potential food choices. The reference statement provides a guide for total recommended daily kJ consumption from all foods. Together these two elements form the nutritional information requirements in the legislation.

Nutritional information menu labelling by standard food outlets helps consumers make healthier food choices and is intended to help address the incidence of overweight and obesity in the NSW population. In 2017-18, it was estimated that obesity costs Australia \$11.8 billion annually¹. While these costs are dated, the NSW Population Health Survey and the Australian Bureau of Statistics National Health Survey show an increasing trend in the number of overweight and obese adults. One of the many contributing factors is the consumption of energy-dense, nutrient-poor foods. Australians spend about 42 cents in every food dollar eating out of home, with over a third of that spent on fast food. Serving sizes when eating out also tend to be larger and contain more saturated fat and salt than meals prepared at home².

Consumers place a premium on their right to choose what they eat. Industry and government can support this expectation with accurate information so consumers can make healthier choices. The Fast Choices program is part of NSW Government's range of programs to promote healthier eating. Businesses are required to comply with the legislation if they meet the criteria for a 'standard food outlet'.

Nutritional information labelling legislation has also been introduced in the Australian Capital Territory, Queensland, South Australia, and Victoria. Businesses that meet the criteria in each jurisdiction (in NSW 20 outlets) or have more than 50 outlets nationally need to review each jurisdiction's legislation for minor differences.

Legislation

Fast Choices legislation is administered by the NSW Food Authority and Local Government Environmental Health Officers. Businesses can review the exact wording of the legislation by referring to:

- *Food Act 2003* (NSW) Part 8, Division 4, Sections 106K – 106R, and
- Food Regulation 2015, Part 5, Clauses 30 – 37.

The legislation sets out the requirements for who is required to display nutritional information, what is meant by nutritional information, and how to display the information. This document provides a plain English guide to meeting the requirements.

¹ Obesity Collective 2022, Weighing in: Australia's growing obesity epidemic.

² Better Regulation Statement *Provision of nutritional information at point of sale in standard retail menu food outlets*, October 2010

Key terms

Key term	Description
The Act	The <i>Food Act 2003</i> (NSW).
The Regulation	The Food Regulation 2015 (NSW).
Food Authority	The NSW Food Authority is the enforcement agency for Fast Choices legislation. Officers provide advice to industry, respond to queries and action complaints from industry and the public.
Fast Choices	The NSW nutritional information menu labelling program.
Food Standards Code	The Australia New Zealand Food Standards Code.
Healthy Eating Active Living	A whole-of-Government initiative led by NSW Health to promote healthier food and activity choices in the NSW population.
Combination meal	Any offering with multiple standard food items with a single price. It may or may not apply a discounted price to the combination.
Customisable food item	A food item where the customer chooses from a range of displayed ingredients.
Fast food	Food sold for immediate consumption. See ready-to-eat (RTE) food.
Food category	A range of products standardised for price and/or serving size but otherwise varying in flavours, ingredients and kilojoule content.
Kilojoule (kJ)	A unit of measurement for the energy content in food. For Fast Choices, energy content must be displayed in kJ.
Menu	A display that provides information to consumers on products available for purchase from a food business.
Nutritional information	Refers to both the Reference Statement and standard food item kilojoule values.
Nutrition information panel (NIP)	A table on the label that displays the quantities of nutrients including energy, protein, fat, carbohydrate, sodium per serve and per 100g. Food products sold with a NIP on the label are exempt from Fast Choices except in limited circumstances.
Prepackaged food	Food delivered to the outlet and sold without being removed from single-serve packaging. Food considered 'prepackaged' must have a NIP on its label.
Ready-to-eat (RTE) food	Food that is served or provided in a state where it may be eaten immediately without any further preparation required (for example, cooking).

Key term	Description
Reference statement	The statement to help consumers compare kilojoule content against average daily consumption: <i>“The average adult daily energy intake is 8,700 kJ”</i> OR <i>“The average adult daily energy intake is 8700 kJ”</i>
Standard food item	An unpackaged, RTE food product standardised for portion size and content.
Standard food outlet	A business selling standard food items from multiple outlets that uses the same branding across those outlets such that consumers expect to be able to purchase from a consistent menu across outlets of that business.
Standardised for portion size and content	An item of food that is produced to a recipe such that consumers can expect to receive the same ingredients, size, and nutrition of the product regardless of where they order it.
Supermarket	A food premises of at least 1,000 m ² that sells all the categories of food listed in the legislation.
Takeaway food	RTE food sold for immediate consumption away from the premises at which it was sold.
Unpackaged food	Food products displayed without a label that includes a NIP or made on-site and packaged at the point of purchase. Includes products made in a central kitchen and distributed to outlets where it is displayed for sale unpackaged.

Overview

Standard food outlets must display the following nutritional information:

- the **average energy content of each standard food item** for sale by the standard food outlet, expressed in kilojoules (kJ), and
- the reference statement: **'The average adult daily energy intake is 8,700 kJ'**

Standard food items

Standard food items are:

- controlled for portion size and content, even if offered in different sizes (for example, small or large)
- sold unpackaged
- made according to a standard recipe at the premises
- may be combination meals that contain a selection of default standard food items.

Standard food outlets

Food businesses that meet the following criteria must comply with nutritional information menu labelling:

- the business operates as part of a chain of food businesses that share the same trading name and share a consistent or uniform menu that includes standard food items, and
- the standard food items include RTE, takeaway products, and
- trade under a shared trading name and branding with 20 or more outlets in NSW, or 50 or more outlets nationally.

Nutritional information

Nutritional information must be:

- displayed for all standard food items by stand food outlets
- legible and displayed as 'kJ'
- close to, or near the name or price of the item so as to be clearly associated with the item
- in the same font, and at least the same font size as the price of the standard food item, or the same font size as the name of the item if no price is displayed
- Calculating the average kJ content for each standard food item in line with Standard 1.2.8 and section S11-2 of Schedule 11 of the Food Standards Code.

Standard food items sold in:

- combination meals (for example, a meal deal with a quarter hot chicken and 375mL soft drink) are a single standard food item under the legislation, and kJ information is required.
- nutritional information is not required to be displayed for a food category, where there are multiple items that fall within the description (for example, a cake, a muffin or a single scoop ice cream).

Reference statement

The reference statement must be:

- legible and displayed close to, or near the item so as to be clearly associated with the item

- in the same font as the name of the item or, if no name is displayed, the same font as the price of the item
- at least the same font size, as the name of the item or, the same font size as the price of the item if no name is displayed. If more than one item is displayed (for example, a bakery cabinet) the font size must be at least the same size as the largest font displayed.

Menu

The menu is any display that identifies the available food items for the consumer to choose from when purchasing at a point of sale. A menu:

- may be printed or digital, and includes digital menus accessed through hyperlinks, QR codes, self-serve displays, kiosks, apps or webpages
- includes any display that shows the name or price of a standard food item visible to prospective consumers at the point of sale, such as leaflets, posters, item and price tags for products on display, and mounted boards – whether overhead, on walls, counters, or mobile/digital frames.

Standard food items

Standard food items

The legislation gives a broad definition for what is a standard food item. All standard food items are:

- controlled for portion size and content, but may be offered in different portion sizes (for example, small, medium and large)
- sold unpackaged
- made to order according to a standard recipe at the premises
- listed or shown on a menu, or displayed for sale in a cabinet
- may be combination meals that contain a selection of default standard food items.

A standard food item may be modified to accommodate a customer's allergies or preferences without needing to calculate a new kilojoule (kJ) figure for the item sold. This does not avoid the need to provide a kJ value for the standard food item made to the standard recipe.

Unpackaged food

Unpackaged food is food served to the consumer without a nutrition information panel (NIP) or other standard labelling requirements of the Food Standards Code. The term is used within the Fast Choices program to help determine which foods are captured under the definition of 'standard food item'.

The non-exhaustive list of food below gives examples of what is considered 'unpackaged food' when displayed without labelling that includes a NIP:

- Made to order foods
- Burgers, wraps and sandwiches
- Fries and hot chips
- Pizzas
- Salads displayed in cold-held trays
- Sushi
- Sushi boxes
- Ramen, noodle or rice bowls
- Ice cream displayed in bulk
- Fried food displayed uncooked (for example, fish, spring rolls, chicken nuggets)
- Whole and portioned cakes
- Pastries displayed unpackaged
- Hot-held pies, sausage rolls, pastries
- Bread rolls
- Sweet or savoury bakery products
- Coffee
- Milkshakes
- Juices and smoothies
- Hot-held salads and noodles
- Whole or portioned rotisserie or roasted meats.

Figure 1: Examples of unpackaged food



Unpackaged food is often served to the customer in single-use, unsealed packaging such as cardboard plates or cartons, unlabelled plastic containers, disposable cups, foil, plastic or paper wrap.

RTE food made on-site to fulfill a customer order is considered unpackaged. Food removed from the manufacturers' packaging and repackaged onsite is also considered unpackaged.

Products manufactured on-site, packaged and labelled with a NIP are exempt from nutritional information labelling. The NIP must conform to the requirements of [Standard 1.2.8](#) of the Food Standards Code to be considered 'packaged'. The packaged food must also comply with other mandatory labelling requirements of the Food Standards Code.

Prepackaged food

Labelled foods that include a NIP³ are considered prepackaged. Prepackaged food is delivered to the outlet in individual packaging and is not removed from that packaging before sale. Prepackaged food items sold without adjusting the portion size and individually (that is, not part of a combination meal) are exempt from Fast Choices labelling requirements.

Prepackaged food items that are heated and served from a hot-hold display and kept in the manufacturers' packaging that displays a NIP are also exempt.

Prepackaged food items (such as pies, bottled drinks or condiment sachets) that are included in a combination meal must have their kJ information added to the total kJ value of the meal.

Figure 2: Examples of prepackaged food



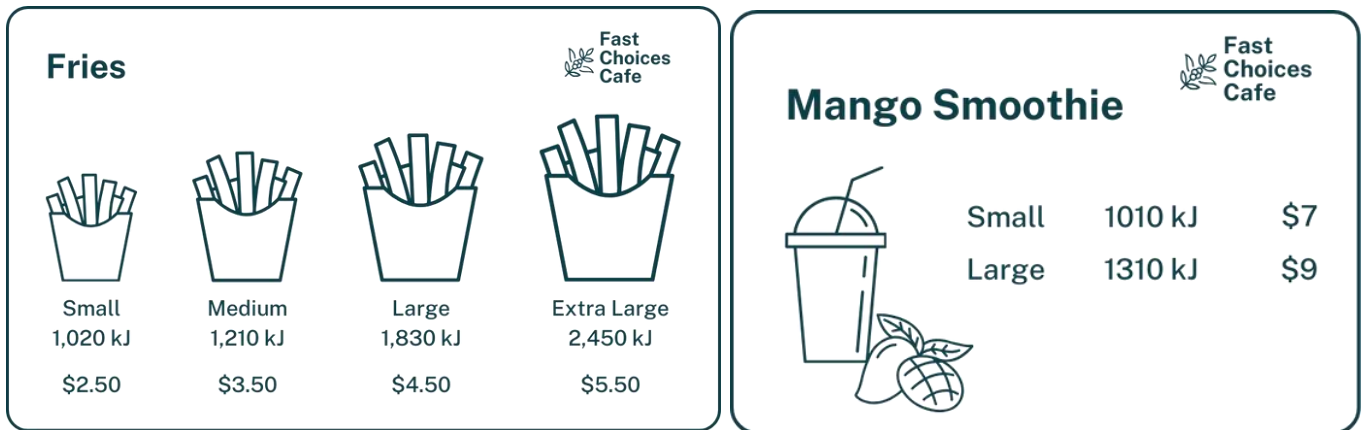
³ Standard 1.2.8—5 permits food in a **small package** with a surface area of less than 100 cm² to be sold without a NIP. Standard 1.2.8—14 contains labelling requirements for food in a small package if a claim is made.

Sizes

Consumers are often given the option to choose from several sizes of a food with different prices, for example small, medium, large. Sizes are still standardised for portion and content, so each size is a standard food item. A standard food item that displays size options must include the kJ value for each size.

Examples include servings of fries, salads, or drinks with small, medium and large options; each of which needs to display its own nutritional information.

Figure 3: Examples of kJ labelling with different sizes

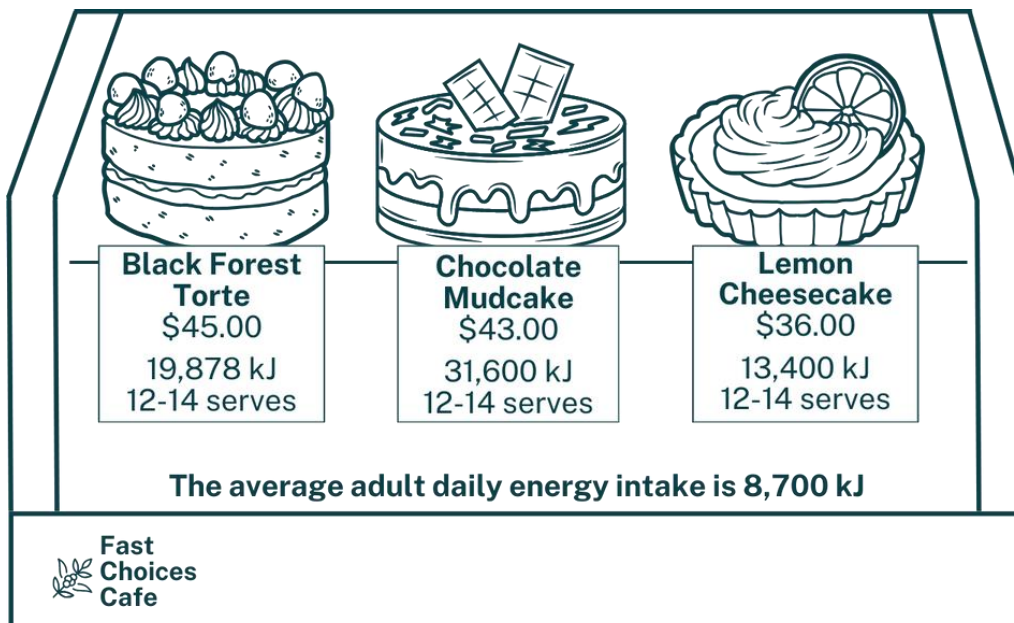


Multi-serve items

Food sold unpackaged, but intended for multiple portion serves, such as whole cakes, pizzas and loaves of fruit bread, are standard food items for Fast Choices if they are sold by a business that is a standard food outlet.

To reduce the risk of confusion for customers, where a product is offered as a series of sizes (for example, small, medium or large) and some of those sizes may be intended for multiple serves (for example, extra-large chips, whole pizzas or whole cakes), the product should display the total kJ value and not include a per-serve calculation. The business may inform customers how many serves/slices the entire product provides.

Figure 4: Example of multi-serve food in a display cabinet with appropriate kJ labelling



Combination meals

Many businesses sell standard food items as a grouped selection. These 'meal deals' are considered standard food items and should be displayed with the total kJ content of all products in the combination for the default selection. This includes any prepackaged food item, such as a can or bottle of drink.

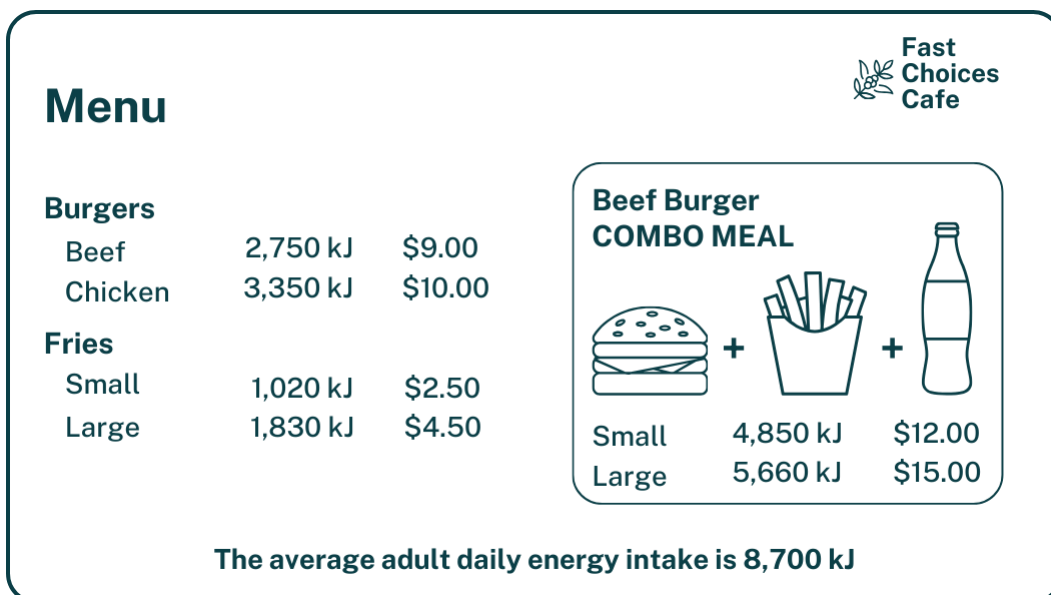
For example:

- a burger meal with a cheeseburger, fries and a milkshake – the total kJ value should be calculated and displayed.
- a salmon bento box with 2 salmon sushi rolls, 5 slices of salmon, a nigiri and a soy sauce sachet – the total kJ value of all items should be calculated and displayed.

A combination add-on is also a standard food item and should display kJ values where the default items in the add-on are known.

A 'coffee and cake' deal, where the customer must choose a coffee style and a cake selection is not a combination, it is considered a category, as there is no default coffee and cake to calculate the kJ.

Figure 5: Example of menu board with combination meal that includes kJ of the burger, fries and default drink



Categories

Some businesses display a range of similar standard food items for a single price (for example, different flavours of ice cream).

These may be items sold per serve, like ice cream or cakes with a variety of flavours, or standard food items that are designed by the customer at the point of sale, like burritos or other made-to-order foods.

The requirement to display nutritional information is dependent on how the category information is provided. For example:

- If the items are listed individually, either on display tags or menu boards, nutritional information must be displayed for each flavour or ingredient.
- If a menu board lists a price for a category (for example, 1 scoop or 2 scoops of ice cream) without listing the flavours or variations, no nutritional information is required on the price board, but nutritional information must be displayed with each flavour or variation in the cabinet.

- For a “coffee and cake” poster, where the customer must choose a coffee style and a cake from the display, nutritional information is not required on the poster, but nutritional information must be displayed on the menu boards and display tags.

An outlet may have both types of menus, so businesses must display nutritional information on the menus that meet the requirements, even though the price board may not need to display nutritional information.

Figure 6: Example of a coffee shop showing kJ labelling for standard food items in the display cabinet and menu board, but not on the poster showing a category

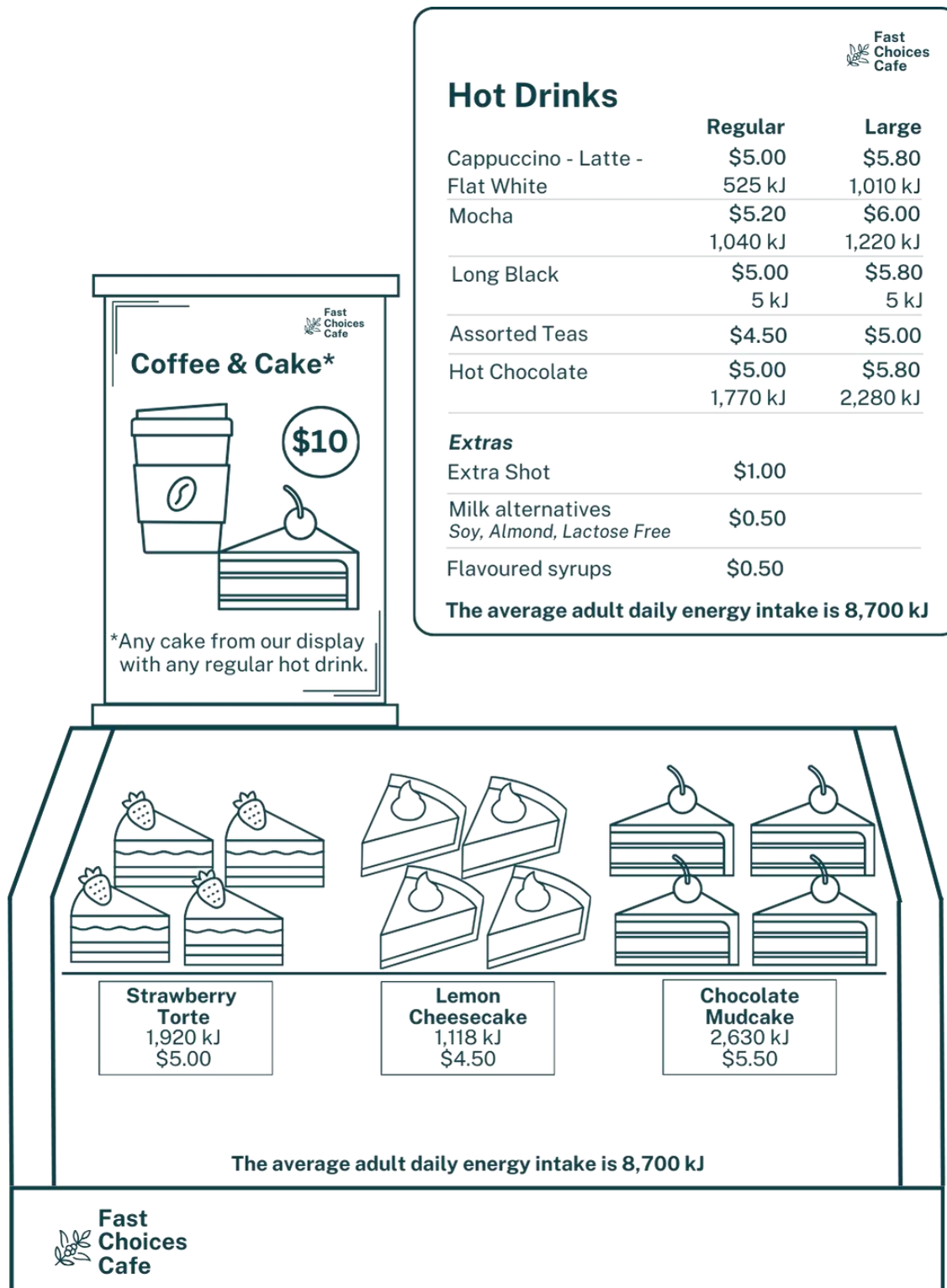
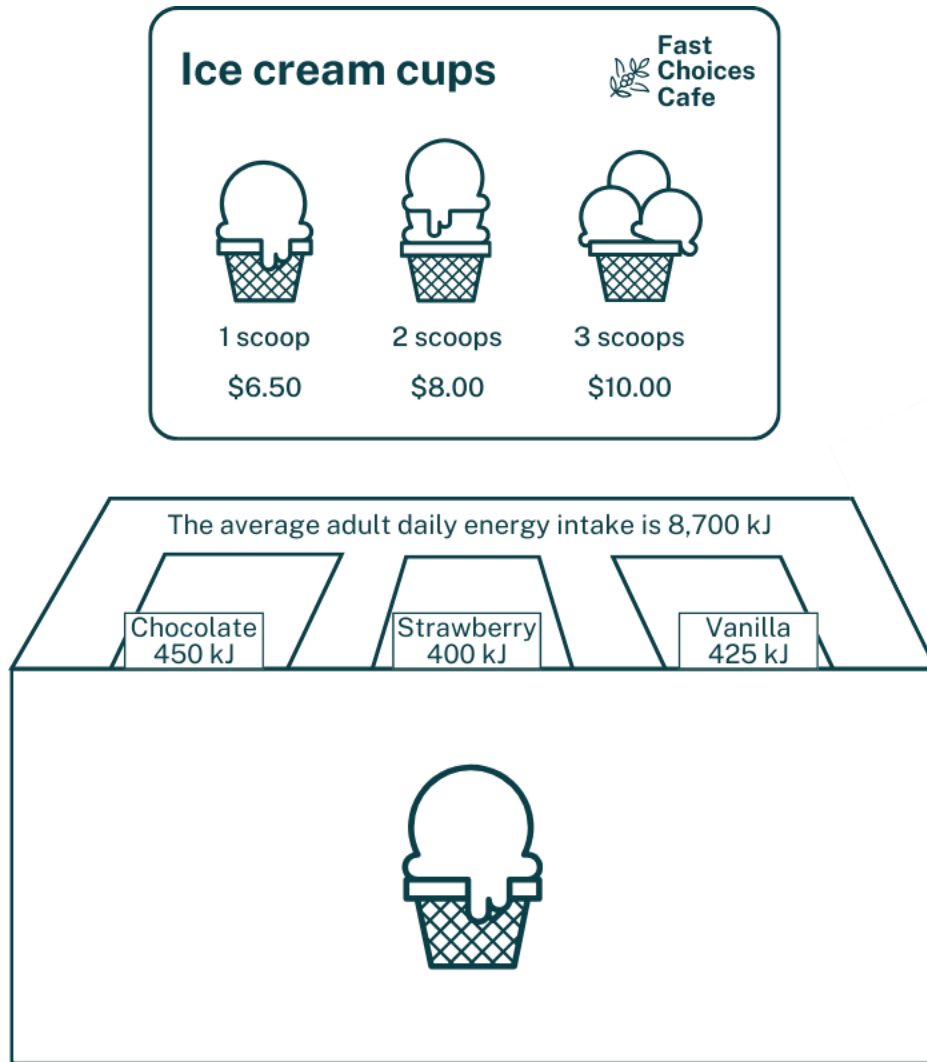


Figure 7: Example of an ice cream shop showing kJ labelling on the ice cream flavours in the display cabinet, but not on the menu board as the prices are displayed for a category





Customisable food

Customisable food items are **not** considered standard food items. These products are displayed with the intent that customers will select most, or all, of the ingredients as part of the ordering process. Customisable food items include build-your-own pizzas, sandwiches, burritos and wraps made by the customer selecting individual ingredients from a display or list of options. These types of food do not require nutritional information labelling as there is no 'standard food item' to use as the default.


This is different to modification of a 'standard food item' by a customer (for allergen management or preference) where an ingredient is added or subtracted from a standard food item sold by a standard food outlet. The standard food item requires nutritional information labelling, even though it may be sold in a modified form. Nutritional information labelling is not required for the modified food.

Figure 8: Example menus for a build your own customisable food


Menu 


 **Step 1:** Choose your PROTEIN
Step 2: Choose your SALAD
Step 3: Choose your SAUCE
Step 4: Make it a MEAL

ADD regular fries 1,210 kJ +
regular choc shake 500 kJ


 + \$5.50

Option 1: add kJ for **each** added standard food item.


Menu 


 **Step 1:** Choose your PROTEIN
Step 2: Choose your SALAD
Step 3: Choose your SAUCE
Step 4: Make it a MEAL

ADD regular fries +
regular choc shake 1,710 kJ


 + \$5.50

Option 2: add kJ for **overall** added standard food items.

Menu 

 **Step 1:** Choose your PROTEIN
Step 2: Choose your SALAD
Step 3: Choose your SAUCE
Step 4: Make it a MEAL

ADD regular fries 1,210 kJ +
regular drink

 + \$5.50

Option 3: kJ not required for the category “regular drink” as the consumer must **choose** the type.

For assistance determining if the food sold by your business is considered customisable or not, contact the Food Authority at food.contact@dpird.nsw.gov.au

Sale by weight

Unpackaged products sold by weight (per kilogram, per 100g) are not standardised for portion size as the consumer can purchase any quantity of the product. These products are not required to display nutritional information.

Supermarkets are permitted to display nutritional information for standard food items such as RTE salads or hot chicken portions in kilojoules per 100g if this is a more suitable method to display nutritional information. They may also display kJ for the entire item sold if this is desired.

Trial items

The legislation includes an exemption from nutritional information labelling for ‘trial items’. This allows businesses to create new products by removing the nutritional information requirement on trial items.

A trial item is defined as ‘sold in 5 or fewer outlets for no more than 60 days’ and must be ‘original’ – that is, the recipe and item must not have been sold previously.

Themed or limited-time items that make seasonal appearances in outlets are **not** trial items – if standardised for portion and content these items require nutritional information labelling.

Standard food outlets

Standard food outlets

Food businesses that meet the following criteria **must comply** with nutritional information menu labelling:

- the business operates as part of a chain of food businesses that share a consistent or uniform menu that includes standard food items, and
- the standard food items include RTE, takeaway products, and
- trade under a shared trading name and branding, and
- the trading name and menu is used in 20 or more outlets in NSW, **or** in 50 or more outlets nationally.

The legislation requires individual outlet proprietors to comply with nutritional information display requirements.

For businesses with less than 20 outlets in NSW, but 50 or more nationally, all outlets in NSW are a standard food outlet and must comply with the NSW legislation.

Standard food outlets include a broad range of food, from burgers and pizza to cafés offering coffee and pastries, to ice creameries, sandwich shops, sushi, salad – any outlet selling RTE food that is standardised for portion size and content and is sold unpackaged.

A non-exhaustive list of the types of standard food outlets include:

- quick service restaurants
- shopping centre food court outlets
- pizza chains
- hot and cold beverage chains
- bakery chains
- ice cream chains
- doughnut chains
- salad chains
- sushi chains
- sandwich chains
- café chains
- supermarkets.

Dine-in only premises

Restaurants that **only** provide a dine-in service and do not offer takeaway food are not in-scope of the Fast Choices program scope and **do not** need to display kJ. If a business provides a container for diners to take home leftover food from a dine-in restaurant experience, this does not bring the business into scope. Leftover food from a dine-in only restaurant is not a standard food item. However if one of these businesses voluntarily chooses to implement Fast Choices, it must be implemented in a manner consistent with Section 106O of the *Food Act 2003*.

The expansion of online menus and ordering with takeaway or home delivery options, including third-party ordering platforms and third-party delivery drivers, has brought some dine-in restaurants into scope of the Fast Choices program.

Dine-in restaurant chains with third-party app takeaway and delivery options should determine their number of outlets, and if required, update menus and apps to include nutritional information.

Supermarkets

A supermarket, in **addition to meeting the criteria of a standard food outlet**, will have a **premises of at least 1,000 m²** used for retail sale of grocery items that include at least all the following:

- bread
- breakfast cereal
- butter
- eggs
- fresh fruit and vegetables
- fresh milk
- meat
- rice
- sugar
- packaged foods other than those already listed.

Display of the average kJ content

Supermarkets may display the average kJ content for the whole standard food item or per 100g.

Products captured

If a supermarket does not sell standard food items, they do not need to comply with the legislation.

Examples of supermarket standard food items **captured** by Fast Choices legislation include:

- portioned hot chickens (for example, whole, halves, quarters) sold without a NIP
- RTE hot deli meals and snacks (for example, lasagne, potatoes, sausage rolls, nuggets)
- deli salads sold by size (for example, small, medium, large)
- bakery items packed and sold without a NIP (for example, cheese and bacon rolls, hot cross buns, custard tarts, doughnuts, muffins, cakes).

Examples of supermarket products **excluded** from Fast Choices legislation include:

- packaged hot chicken, sandwiches, sushi and salads sold with a NIP
- cold meals and snacks that are not RTE (for example, non-heated pies, sausage rolls, curries, hash browns, nuggets, quiches)
- packaged grocery, dairy and bakery items sold with a NIP
- fresh meat, raw seafood, fruit and vegetables, and nuts
- packaged bread rolls and loaves of bread with a NIP
- items sold by weight or with variable weight (for example, deli meats, seafood)
- locally sourced 'cottage industry' food (for example, home-made lasagne) sold in 5 or less stores.

The 'Supermarkets product decision tree' (Appendix 1) may help supermarkets identify which products are standard food items.

Businesses exempt from Fast Choices

Not all businesses that meet the criteria for a standard food outlet are captured. The legislation exempts some businesses from displaying kJ due to the nature of the food products they sell, or the way the food products are sold.

The businesses exempt by the legislation are:

- convenience stores (that is, not a supermarket)
- service stations selling fuel for motor vehicles
- food businesses that primarily provide food catering services

- food businesses that only sell food for consumption on the premises at which it is sold (for example, dine-in only restaurants and cafés)
- food sold by retail at a healthcare facility
- vending machines selling prepackaged food labelled with a NIP.

Voluntary display of nutritional information

Food businesses may voluntarily display nutritional information.

If a food business chooses to display nutritional information, it must be displayed on all standard food items. The kJ content must be:

- legible and displayed as 'kJ'
- adjacent to, or near the item so as to be clearly associated with the item
- in the same font, and at least the same font size as the price of the standard food item, or the same font size as the name of the item if no price is displayed

Penalties apply for standard food outlets that voluntarily display this information without complying with the full requirements of the legislation.

Borderline business scenarios

Some business scenarios have emerged since the Fast Choices legislation was created that do not fit neatly into the existing categories.

The Food Authority has determined the following interpretations for the situations described:

A branded food business that operates out of a branded service station premise

Where the branded food business shares the same premises as a branded service station, but maintains a separate cash register or staffing and branded display cabinets or kitchen facilities to the service station, the food business should be treated as a separate premise for Fast Choices and must implement nutritional information labelling on applicable products.

Where the service station handles all transactions through a single point of sale that also transacts fuel purchases, the business should be considered a service station and exempt from nutritional information requirements.

Food businesses operating within another food business

On occasions a food business, such as a supermarket, might host a secondary café or other food business within its footprint.

If the business can be clearly identified as a separate business to the supermarket, with its own displays and point of sale, then it must check its obligations to display nutritional information using the standard food outlet criteria.

If the internal outlet is branded to align with the supermarket trading name, then it is considered part of the supermarket and must comply with the supermarket's obligations under the legislation (if the supermarket meets the criteria for inclusion).

Pop-up stores and food trucks

Mobile and temporary food businesses (for example at festivals and community events) that operate as part of a food chain that is already required to display nutritional information, then the pop-up store or food truck must also display nutritional information for standard food items.

Food businesses that sell a themed or exclusive food product at these events do not need to display kJ for these food items only. Event-exclusive or themed products available only at the temporary premises are considered 'trial products', which are exempt from nutritional information labelling.

Online ordering platforms

Customers may order food online through the business itself via its website or dedicated app, or through a third-party platform.

Customers can review, order and pay for food items through these platforms, which means they are considered a point of sale. Therefore standard food items must have the required nutritional information published on menus within these platforms, in line with the legislation requirements.

However, the online ordering platform is not considered an outlet for the purpose of a business counting their number of outlets.

What is a menu?

What is a menu?

A menu is any display that identifies the available food items for the consumer to choose from when purchasing at a point of sale.

A menu is:

- physically printed or a digital display
- any display that shows the name or price of a standard food item. It may or may not include a picture or an ingredient list.
- visible to prospective consumers at the point of sale. This means all advertising at an outlet that shows standard food items with name or price of the item is captured, as well as item and price tags for products on display, and mounted boards – whether overhead, on walls, counters, or mobile/digital frames.
- digital advertising that directs potential customers to a point of sale through embedded hyperlinks. The digital advertising itself may not be a menu, however if the hyperlink enables food ordering – nutritional information must be displayed on the menu accessed through the link.
- self-serve displays and kiosks, and apps or webpages accessed via QR code. The QR code is not a menu, however if the QR code leads to a platform where a customer can order food from a standard food outlet – nutritional information must be displayed on the menu accessed through the QR code.

Figure 9: Example overhead menu

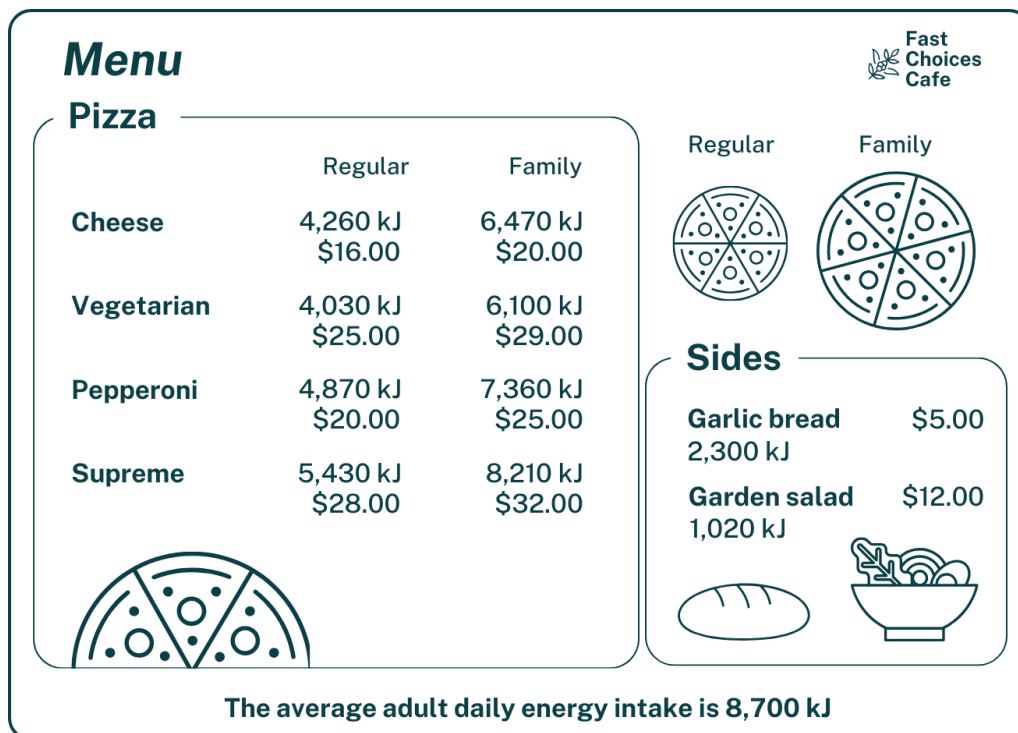


Figure 10: Example cabinet menu

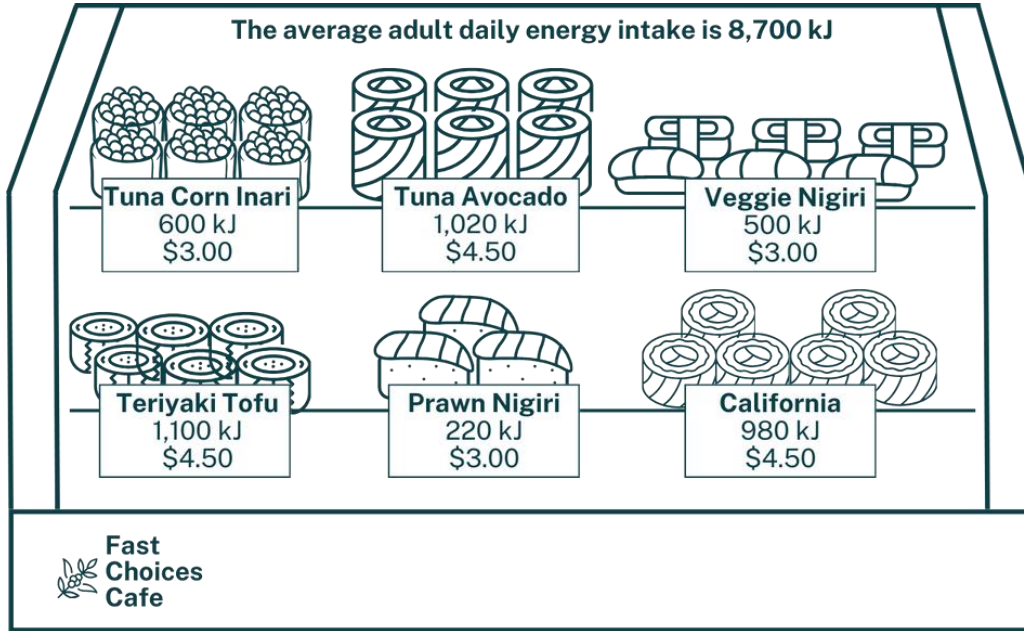
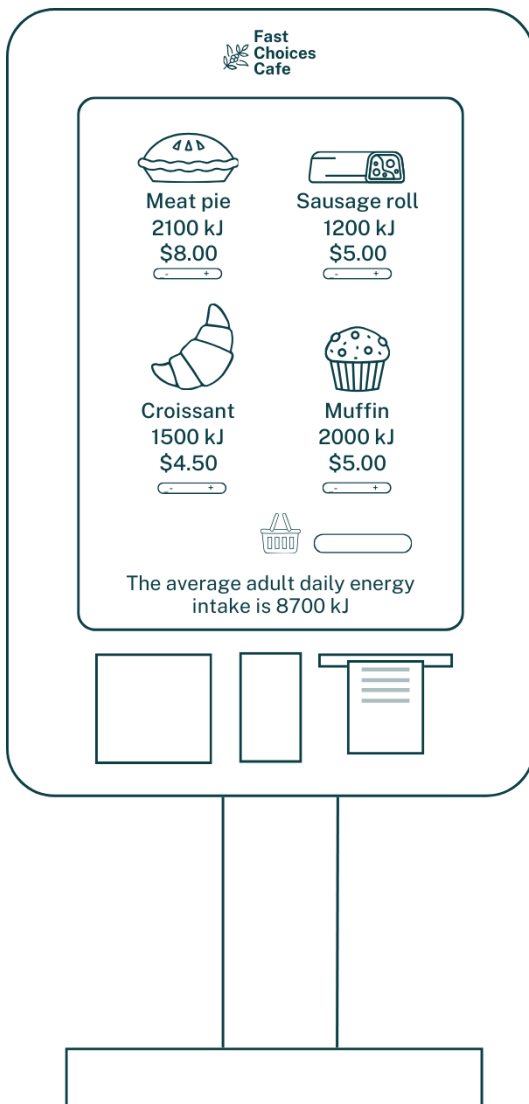


Figure 11: Example in-store electronic menu

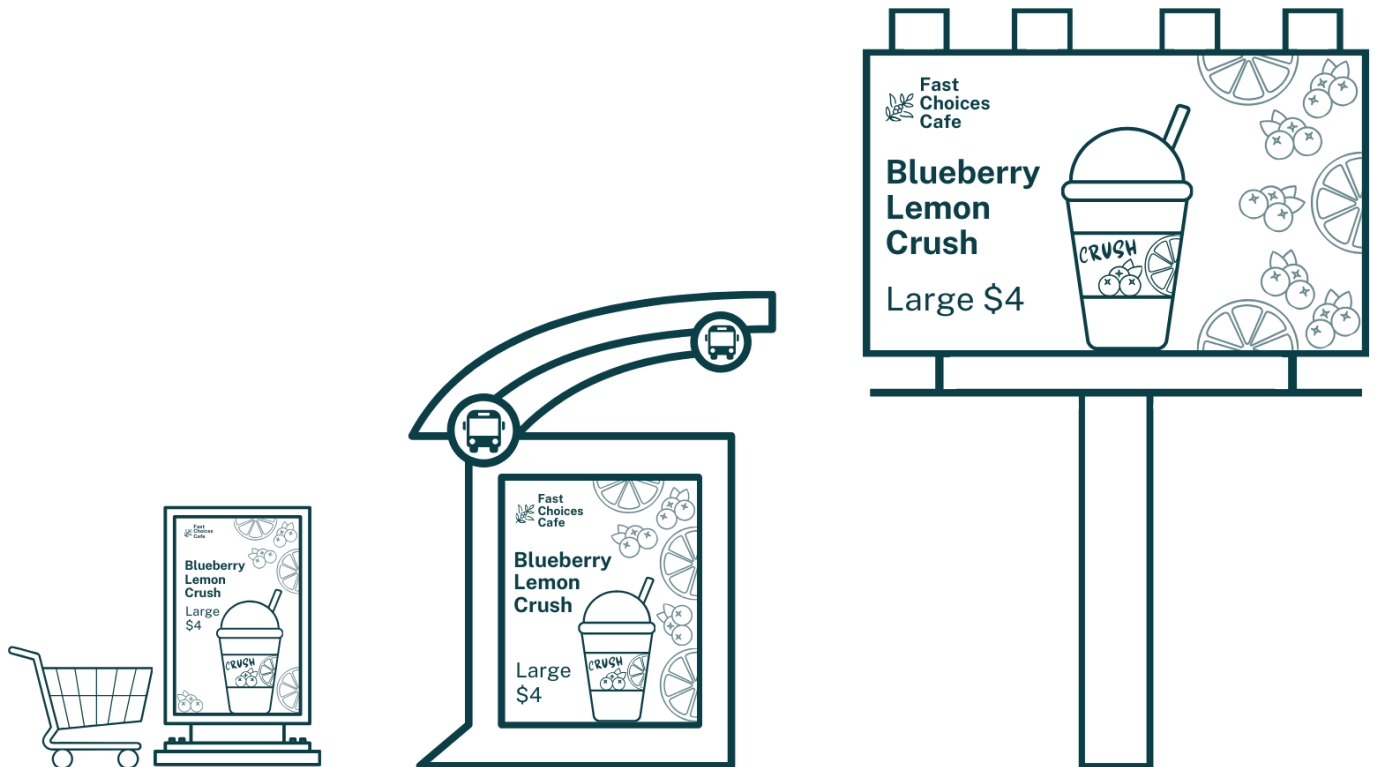


What is excluded?

Advertising billboards maintained independent of an outlet should not be considered part of a premises for determining if the advertising is a 'menu'.

Bus shelters, billboards, advertising panels used in shopping centres and other public places may be installed close to an outlet, however, unless the display may be clearly linked to the premises (i.e. immediately outside), it may be considered separate from the outlet for the purposes of nutritional information labelling.

Figure 12: Example advertising that is not a menu



Digital ordering platforms

Branded and third-party online ordering platforms that include a list of standard food items and prices are a menu.

Businesses should ensure kJ are displayed to allow consumers to compare kJ across products to enable pre-purchase comparison. The kJ values for each product should be shown on the 'add to cart' screen. The shopping cart is not required to again display nutritional information for ordered products. This applies to both business owned and third-party platforms.

Companies that manage the third-party apps hosting menus from multiple outlets are not food producing business. However, the menus they host are a point of sale for food businesses. Therefore, third-party apps should facilitate nutritional information labelling for businesses that are required to do so.

Ordering platforms accessed via QR code or near field communication devices are also menus.

All standard food outlets that must display nutritional information and using third-party ordering and delivery platforms, must ensure that online menus comply with the Fast Choices legislation.

Information that needs
to be displayed

Information that needs to be displayed

Standard food outlets must display the following nutritional information:

- the **average energy content of each standard food item** for sale by the standard food outlet, expressed in kilojoules (kJ), and
- the reference statement: **'The average adult daily energy intake is 8,700 kJ'**

Meaning of 'legible'

The nutritional information must be displayed so that it can be easily read by customers.

The legislation requires that it is in the **same font, and at least the same size** as the price and name of the item. The font colour may be different to the price and name of the corresponding standard food item. The Food Authority has determined that the colour of the nutritional information should be contrasted with the background colour and not be less than 70% opacity.

Note: Queensland legislation requires that kJ are displayed in the same colour as the price. Food businesses operating with more than 50 outlets should confirm they comply with other states' legislation. The NSW Food Authority is supportive of businesses who choose to make the kJ information displayed in NSW stores the same colour, size and font as the price and name of the standard food item so that they only have to implement one system across Australia.

Vision Australia provides colour accessibility tools and resources to check colour functionality and avoid colour barriers. Visit: [Colour accessibility tools and resources | Vision Australia. Blindness and low vision services](https://www.visionaustralia.org/business-consulting/digital-access/resources/colour-contrast-analyser) (visionaustralia.org/business-consulting/digital-access/resources/colour-contrast-analyser).

Meaning of 'adjacent to' or 'near'

The legislation requires:

- the average kJ content to be located adjacent to or near the price or name (if no price is displayed) of the standard food item. This means that the kJ must be near, close to or next to the price or name of the standard food item.
- the reference statement to be located adjacent to or near the name of the standard food item. This means that the reference statement must be near or close to the name of the standard food item (for example, located at the bottom middle of the menu board or display cabinet).

The reference statement

The reference statement

‘The average adult daily energy intake is 8,700 kJ.’

The reference statement may also be displayed as: ‘The average adult daily energy intake is 8700 kJ.’

The reference statement provides context for the kJ numbers displayed for standard food items. It must be displayed close to kJ displays so that customers can use it when comparing the values for standard food items.

How to display the reference statement

When displaying the reference statement, it must be:

- legible
- in the same font, and at least the same font size, as the name of the standard food item with the largest font size, or if no name is displayed, as the price displayed for the item, and
- adjacent to or near the name or price in a way clearly associated with the item(s).

Locations

The Food Authority has developed the following guidance for the reference statement based on the practical experience of NSW businesses implementing the legislative requirements:

Reference Statement recommended location or positioning	
Printed menus	Once at the base of the menu, and on each side if the menu displays standard food items on both sides. For example: <ul style="list-style-type: none"> • Booklet style – once every second page to be visible on every page when read. • Single folded menu – centrally to be visible when the customer opens the menu to its fullest, and on both sides of the page if printed double-sided.
Menu boards	Prominently and centrally once for every 3 separate panels or 5 metres of boarding.
Advertising posters	Include if advertising is required to display nutritional information.
Display cabinets	Must be displayed once, centrally per 3 metres of display cabinet where a standard food item is displayed in a cabinet with a name or price tag. The shorter distance compared to overhead menu boards is to accommodate the closer proximity to the customer.
Digital scrolling displays	Must always be visible. The reference statement may be displayed on each screen or on a printed board below the screen.
In-store self-serve displays	Visible on all displays that display kJ.
Apps	Visible on all pages that display kJ.

Figure 13: Example printed menus – with reference statement

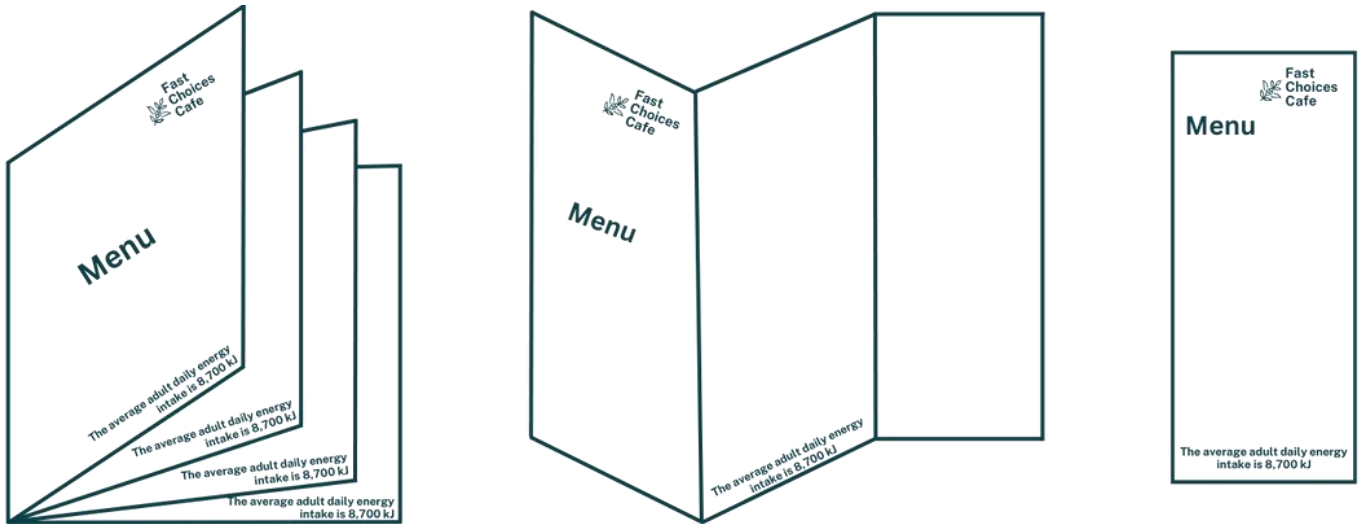


Figure 14: Example menu boards – with reference statement

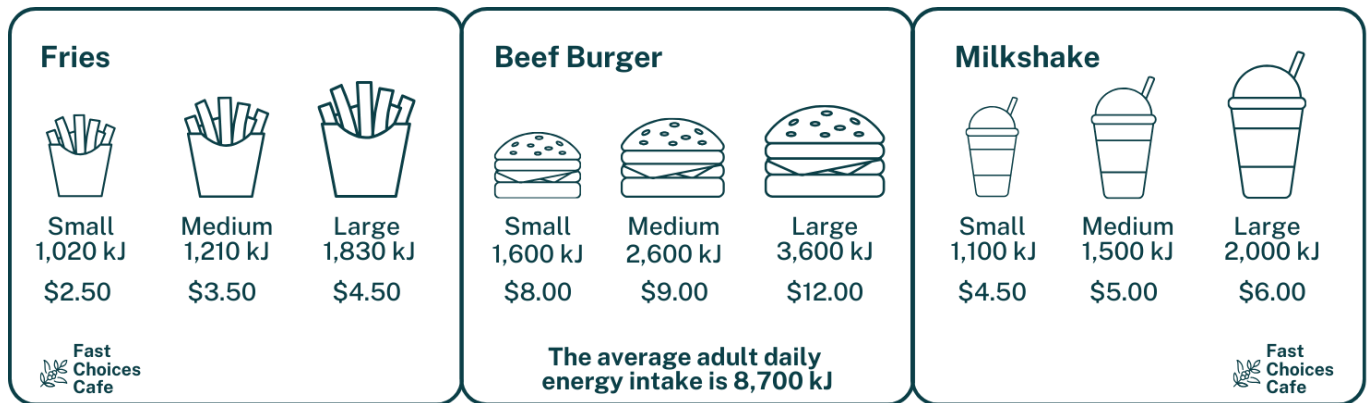


Figure 15: Example display tags – with reference statement

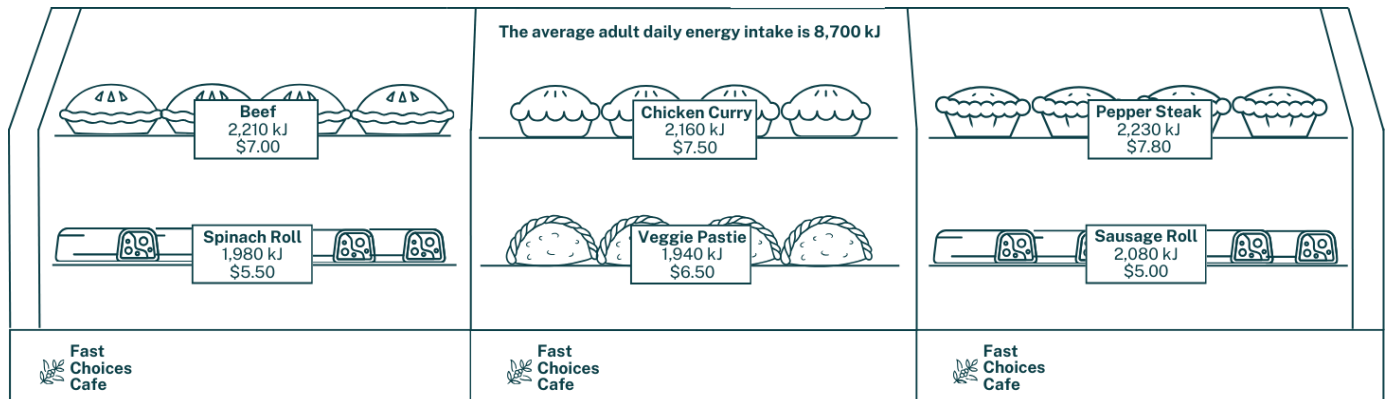
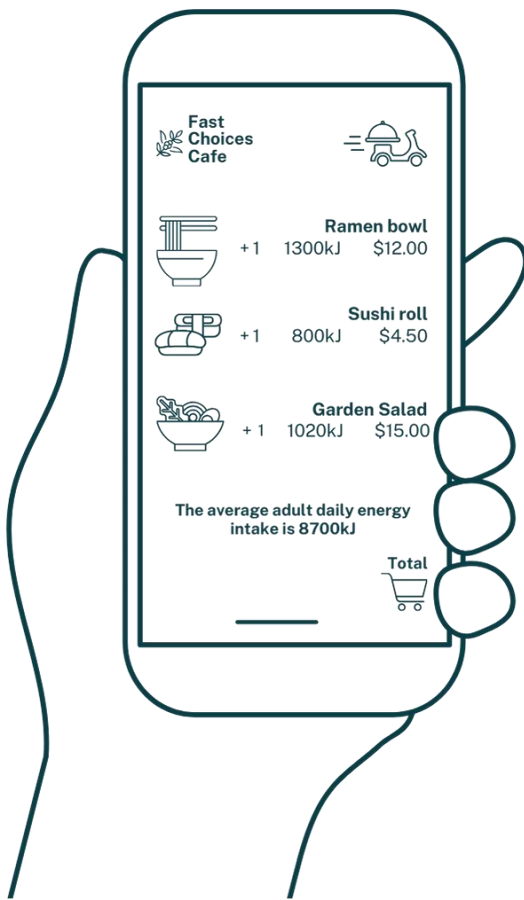


Figure 16: Example app menu – with reference statement



Kilojoule (kJ) information

Kilojoule information

Kilojoule (kJ) is a unit of measurement for the energy content in food. For Fast Choices, energy content must be displayed in kJ. Kilojoules are used because total energy intake is easiest comparison for consumers to consider the health effect of a broad range of food.

How to display the average kJ content

When displaying the average kJ content for a standard food item it must be:

- legible
- expressed as 'kJ'
- in the same font, and at least the same font size, as the price displayed for the item; or if no price is displayed, as the name of the item
- adjacent to or near the name or price of the item.

If standard food items are displayed on the menu and a tag, the average kJ content needs to be displayed on **both** the menu **and** the tag.

Where the numerals in the price vary in size, the font size used for the kJ content must be at least the same size as the largest numeral in the price.

Calculating the average kJ content

The legislation requires the average kJ content for each standard food item to be determined using Standard 1.2.8 and section S11-2 of Schedule 11 of the Food Standards Code.

The average kJ content can be determined by calculating the average kJ content of the whole item or per 100g. If the value must be displayed for the whole item, a business must make the necessary adjustments to ensure that the calculation is done in relation to the whole item.

There are numerous ways to calculate the average kJ content. These include:

- online Nutrition Panel Calculator developed by Food Standards Australia New Zealand (FSANZ) www.foodstandards.gov.au/business/labelling/nutrition-panel-calculator
- nutritional analysis software
- laboratory analysis
- food composition tables and databases.

The legislation allows the kJ content to be rounded to the nearest 10 kJ.

The average kJ content displayed for a standard food item may be based on average analysis of the item with a standard recipe. A business may demonstrate the accurate calculation of the kJ by maintaining the analysis data for standard recipes.

It is recommended that the business determines the average kJ content from a couple of analyses of each food item (for example, a burger following the standard recipe made by three different food handlers).

The legislation and the Food Standards Code do not apply an acceptable variance to the displayed average kJ content. The Food Authority understands that a food item purchased by a consumer may have slightly lower or higher kJ compared to the displayed kJ value due to unintentional error during making the food. The Food Authority will take a practical approach to minor kJ discrepancies during verification sampling.

Businesses also need to ensure that when they display nutritional information it complies with other relevant legislation relating to claims (for example, the *Competition and Consumer Act 2010*).

Other considerations

Wall posters

Nutrition information provided on wall posters do not replace the need to display the required nutritional information on all menus. A nutrition information poster with additional content, for example, protein, salt, fat is a business decision for the outlet.

Businesses may provide additional or supporting information, but this does not remove the requirement to display nutritional information in line with the legislation.

Displaying the name and price of standard food items

The legislation does not dictate the readability, font, font size or font colour for the name or price of standard food items. The legislation does apply requirements to How to display the average kJ content of standard food items.

Thumbnails, colour guide or print size

The NSW legislation does not apply requirements to thumbnails (front-of-pack display information), colour guides or print guidelines to the display of nutritional information.

The legislation does apply specific requirements to the font and font size.

Compliance with the NSW legislation

Compliance with the NSW legislation

Approval of menus

Businesses are not required to submit their menus to the Food Authority for approval to ensure they comply with the legislation.

However, businesses implementing the legislation for the first time or businesses updating their menus are encouraged to consult with the Food Authority to ensure their menus comply with the legislation prior to approving printing. All guidance provided by the Food Authority is confidential.

Verification activities

The NSW legislation is enforced in a variety of ways including:

- checks by local council Environmental Health Officers for the presence or absence of nutritional information during routine inspections of retail food businesses. Any issues are reported to the Food Authority to follow-up
- ongoing Food Authority product testing program to verify the accuracy of the average kJ content displayed on menus
- a compliance program to verify compliance with the legislation, including in-store, online, apps, and takeaway menus by Food Authority Authorised Officers
- complaints reported to the Food Authority.

Non-compliance with the legislation

The proprietor is responsible for complying with the legislation as they are the operator of the 'standard food outlet'. Therefore, the proprietor will be penalised for non-compliance following an inspection of a retail outlet.

However, the Food Authority will also work with the franchisor or head office of the company to address issues, as menus and tags are usually developed and distributed from a central office.

If the store owner develops their own marketing, for example, posters, it is their responsibility to ensure these comply with the nutritional information labelling requirements (if applicable). Educating franchisee owners on the requirements of the legislation is very important.

Appendix

Appendix 1. Supermarket product decision tree

Is the food business a supermarket? (at least 1000m ² and sells bread, breakfast cereal, butter, eggs, fresh fruit and vegetables, fresh milk, meat, rice, sugar and packaged foods other than those already listed)	No ➡	Not a standard food outlet, so all food items exempt
Yes ⬇		
Is the product supplied to the store pre-packaged and sold to the consumer pre-packaged?	Yes ➡	Packaged grocery items Packaged dairy items Proprietary bread Sandwiches, Sushi, Grab-and-Go Salads
No ⬇		
Is the product packed in-store with a NIP accessible to the customer prior to the point of decision?	Yes ➡	Some bakery items Hot chickens (in pre-seal bags)
No ⬇		
Does the product require further preparation to consume as a snack or meal (foods not ready to eat)?	Yes ➡	Fresh meat, raw seafood Fruit and vegetables, nuts Plain bread loaves and rolls Cold snacks or meals (such as pies, sausage rolls, curries, hashbrowns, nuggets, quiches)
No ⬇		
Is the product sold in standardised portions?	No ➡	Items sold by weight or by each with variable weight (deli meats, seafood such as lobster and oysters, fruit and vegetables, nuts)
Yes ⬇		
Is the product manufactured to a standardised recipe?	No ➡	Items made for a specific customer request (such as a sponge cake with 'extra' cream)
Yes ⬇		
Is the product being trialled in 5 or less stores for no more than 60 days as part of a new product or store concept in NSW?	Yes ➡	Genuine new product or store concepts being trialled for a limited period to determine commercial feasibility in up to 5 stores before being rolled out into further stores
No ⬇		
Is the product offered for eat in only?	Yes ➡	Items sold at supermarket café
No ⬇		

Standard food items that REQUIRE KJ information

- Hot chickens - whole, half, quarter
- Hot deli meals/snacks (such as lasagne, potatoes, sausage rolls, nuggets)
- Deli salads - small, medium, large, jumbo tubs
- Bakery items loose or packed in-store with a product description label (such as cheese & bacon rolls, hot cross buns, custard tarts, donuts, muffins, cakes)
- Sushi made in-store sold without a NIP
- Takeaway food/coffee from an in-store café

Appendix 2. Business product decision tree

Is the product supplied to the store pre-packaged and sold to the consumer pre-packaged?	Yes ➔	Products EXCLUDED Packaged food with a NIP, for example bottled drinks, sandwiches, condiments
No ⬇		
Is the product produced in-store and packaged with a NIP?	Yes ➔	Some sushi Some bakery items
No ⬇		
Is the product ready to eat (food that does not require further preparation to consume)?	No ➔	Fresh meat, raw seafood Plain bread loaves and rolls Cold snacks or meals (such as pies, sausage rolls, curries, hashbrowns, nuggets, quiches)
Yes ⬇		
Is the product sold in standardised portions?	No ➔	Items sold by weight or by each with variable weight (deli meats, seafood such as lobster and oysters, fruit and vegetables, nuts)
Yes ⬇		
Is the product manufactured to a standardised recipe?	No ➔	Build your own wrap/sandwich Hamburger with an ingredient added or removed due to a customer request.
Yes ⬇		
Is the product being trialled in 5 or less stores for no more than 60 days as part of a new product or store concept in NSW?	Yes ➔	Genuine new product or store concepts being trialled for a limited period to determine commercial feasibility in up to 5 stores before being rolled out into further stores
No ⬇		
Is the product offered for eat in only?	Yes ➔	Restaurant with eat in only – no takeaway or delivery
No ⬇		

Standard food items that REQUIRE KJ information

- Pizzas, hamburgers, hot chips, hot chicken
- Pies, sausage rolls, nuggets, hot dogs
- Curries, kebabs
- Salads, sushi
- Bakery items such as cheese & bacon rolls, hot cross buns, custard tarts, donuts, muffins, cakes
- Coffee, milkshakes, smoothies, juices
- Ice cream, gelato

More information

- Visit foodauthority.nsw.gov.au
 - Email food.contact@dpiird.nsw.gov.au
 - Phone 1300 552 406
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