

# Consultation:

## Mandatory calorie labelling in the out of home sector

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### Summary

Which? supports the proposal to require mandatory calorie labelling in the out of home food sector. Many people eat out on a regular basis and so it is important that they are able to make informed choices. Our consumer research has shown that this is a move that the majority of people would find useful. Six in 10 people (60%) think that the amount of calories should be provided on the food in cafes and restaurants for transparency. 57% of people think that this should be mandatory<sup>1</sup>.

Greater consideration, however, needs to be given to the scope of this mandatory requirement. This should reflect the nature of businesses within this sector and the feasibility of them providing this information so that it is meaningful and useful for consumers, rather than taking a blanket approach.

We agree that information should be provided at consumers' point of choice. Information on the recommended daily reference intake should be available more generally to help people put the calorie information per portion into context. Information provided as kilojoules is not useful, as consumers are unfamiliar with this unit, and the legal requirement for this should be reviewed.

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<sup>1</sup> Research Now, on behalf of Which?, interviewed 1003 adults residing in the UK online, between 12th and 17th January 2018. Data were weighted to be representative of the UK population by age and gender.

## Introduction

Which? welcomes the opportunity to comment on the Department of Health and Social Care (DHSC) consultation on mandatory calorie labelling in the out-of-home sector.

We strongly supported the publication of the Childhood Obesity Plan Chapter 2 and its recognition that a more ambitious approach was needed by government to help people to make healthier choices for themselves and their families. With around two-thirds of the population overweight or obese and associated diet-related disease, it is important to tackle the barriers to healthier eating. Our consumer research has consistently shown that most people want to eat healthily, and make healthier choices, but often struggle to put this into practice.

In a Which? survey in January 2018, representative of the general UK population, just 40% said that they thought the government was doing enough to help people eat healthily – and 37% in the case of supermarkets, 32% for food manufacturers and 25% in the case of restaurants, take aways and cafes. People therefore look to the government and food industry to help make healthier eating easier.

Which? has previously advocated for a range of measures, reflecting the multi-factorial nature of this issue – including the importance of reformulation to lower levels of fat, sugar and salt in foods, more responsible food promotions and clear information about the content of foods – whether pre-packaged or eaten outside the home.

A large proportion of the food that people eat is consumed out of home and, as recognised in the consultation document, people are eating out more often and this contributes a significant proportion of calorie, fat, sugar and salt intakes - around 25% of adult energy intake. Portions of food or drink that people eat out or eat as takeaway meals contain, on average, twice as many calories as equivalent retailer own-brand or manufacturer-branded products. However, this will not necessarily be obvious when people are choosing what to eat for themselves or their children. Our research has often found that it can be easy to make wrong assumptions about which is the healthier choice.

It is therefore crucial to look at a range of measures that will help enable people to opt for healthier choices when eating out when they want to. Calorie labelling is an important measure that will contribute to this.

Which?'s survey, referred to above, found that 6 in 10 people thought that the amount of calories should be provided on the food in cafes and restaurants for transparency. When we asked if this should be a mandatory requirement, 57% of people agreed that this should be the case, with a quarter (25%) saying that they neither agreed or disagreed and just 14% disagreeing.

## **Issues raised in the consultation**

### **Mandatory calorie information**

At the moment, despite efforts to encourage out of home calorie labelling through past initiatives such as the Department of Health's Responsibility Deal, there is still limited provision within some out of home sectors – and even where it is provided, it can be on a limited range of food and drink.

We therefore agree that making calorie labelling compulsory for certain types of food businesses would ensure that consumers have the information they want to make informed and healthier choices for themselves and their children when eating out. We also agree that greater transparency will incentivise food businesses to offer a wider range of healthier choices.

### **Scope of businesses and foods to be included**

To be useful, calorie information needs to be provided across a broad range of outlets and enable consumers to make meaningful comparisons. We do not, however, think that it is currently feasible to make it a mandatory requirement for all outlets to provide this information – and on all of the food that they provide.

This is a very diverse sector, which includes a broad range of food businesses, large and small, chains and independents, on-line as well as physical. Some businesses will have more standardised menus, while others will have menus that change on a daily basis. A practical, but comprehensive approach, is needed that provides consumers with a meaningful choice, reflecting the increasing trend to eat out and the breadth of places where people will eat on a regular basis throughout the day and for different eating occasions. Consideration needs to be given to the ability of premises to provide information that will be accurate and meaningful for consumers.

### **How calorie information is displayed**

We broadly agree with the approach that is proposed:

- Information should be provided to consumers at the point of choice and where menu information is provided at several points in an outlet.
- For on-line businesses, this should mean the web-pages where consumers can select the food items that they want and where they will compare them with other options.
- Calorie labels should show the number of calories per portion of the menu item.

We think that information should be available on how the calorie content shown relates to the recommended daily intake (based on the requirements for an adult woman of 2000 kcal) as we agree that this contextual information is valuable. This should be prominent, but it likely to over-complicate the information if businesses are required to show the amount of calories for each item as a proportion of this. Traffic light colour coding could also be useful, if it will show enough differentiation to consumers for the calorie content between products.

Although it is a legal requirement to show information in kilojoules (KJ), as well as calories (kcal), this is not a unit that consumers are familiar with, so any opportunity should be taken to change this. Having both units shown will be too much information and cause confusion.

Provision of information on company websites cannot be a substitute for information at the point of choice, other than in the case of on-line businesses. However, greater consistency of how information is provided more generally should also be addressed. This also extends to the information that underpins apps that provide calorie information for example, so that consumers can have confidence that the information is reliable.

### **How calorie content is calculated**

Calorie information should be calculated based on a standard portion size for that menu option. We agree that businesses should be able to use calorie information provided on the packaging of foodstuffs that they use, as well as using calorie calculating products. Guidance will be important to help businesses do this in the most cost-effective way that ensures consumers receive accurate and consistent information.

### **Take away platforms**

We agree that responsibility for calculating the calorie content provided via these platforms should lie with the business that makes the food and drink in this situation.

### **Enforcement**

We agree that enforcement should be proportionate and appropriate. Clear guidance will need to be provided for both businesses and for Trading Standards Officers.

### **Timescales for implementation**

The timetable for implementation should reflect the ability of businesses to be able to adjust to the new requirements. As set out above, being much clearer about the scope of businesses that are included will be an important aspect of this and avoid long delays in ensuring that this information becomes available to consumers in larger and national food businesses.

**Which?**  
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