



User Guide

Display of Kilojoules at Multiple-Site Food Businesses



Government
of South Australia

SA Health

1 Introduction

1.1 Background

In February 2012 amendments were made to the South Australian Food Regulations 2002 to require multiple site food businesses to display certain nutrition information. The information that needs to be displayed is the average energy content of each standardised food item (expressed in kilojoules) as well as a statement that 'the average daily energy intake is 8,700 kilojoules'.

The requirements came into effect on 23 February 2012, with a 12 month implementation period for businesses to comply. This means that penalty provisions will commence from 23 February 2013. Businesses that currently have less than 20 outlets in South Australia or less than 50 outlets nationally, that open additional outlets and thus become captured by the scope of the new legislation will also have 12 months to comply.

To assist jurisdictions who may wish to introduce point-of-sale nutrition information to do so in a consistent manner, the Food Regulation Standing Committee (FRSC) in consultation with the Australian Health Ministers' Advisory Council (AHMAC) developed *Principles for Introducing Point-of-Sale Nutrition Information in Standard Food Outlets*. The South Australian Regulations and the guidance material in this document follow these Principles.

1.2 About this document

This document contains information designed to help businesses covered by the new regulations to comply with its requirements.

It also includes answers to questions that have been raised by stakeholders that may not be clear from reading the legislation alone, as well as those relating to the practicalities of implementing the legislation.

1.3 Legal requirements and definitions

- > South Australian Food Act 2001 – Section 112
- > South Australian Food Regulations 2002 – Regulation 10A
- > Standard 1.2.8 of the Food Standards Code (see 4.5 for calculating energy content)

At the moment the legal requirements are limited to the display of kilojoules.

1.4 More information is available

Visit the SA Health website:

<http://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/health+services/public+health/display+of+kilojoule+information+in+chain+food+outlets>

Or phone the Food Policy and Programs Branch of SA Health on 08 8226 7100.

2 Mandatory nutrition labelling requirements

2.1 What information must be displayed?

Multiple-site food businesses must display the following nutrition information:

- > the average energy content of each standardised food item for sale by the multiple-site food business, expressed in kilojoules (kJ), and
- > the reference statement 'The average adult daily energy intake is 8,700 kJ'.

2.2 Who must comply with these requirements?

Only 'multiple-site food businesses' that sell food from 20 or more places in South Australia, or 50 or more places in Australia, are required to comply with the legislation. Multiple-site food businesses with less than five outlets in South Australia are not covered by the legislation. Any business that does not have this number of outlets or is exempt from the requirements may, however, voluntarily display kilojoule information (see section 2.4).

Multiple-site food business includes:

- > quick service restaurants
- > pizza chains
- > coffee chains
- > bakery chains
- > ice cream chains
- > doughnut chains
- > beverage chains
- > salad chains

'Standardised food' means an item of food that is unpackaged or packaged at the point of sale. It is sold in single or multiple serves and is intended to be the same or substantially the same when purchased at any outlet of a multiple-site food business. Standardised foods displayed for sale as a combination (eg meal deals) are also included, as are foods sold in different sizes (e.g. small, medium, large).

Foods that are prepared from a standard recipe are considered to be 'the same or substantially the same'.

Packaged foods are not covered by the legislation but should be included in the total kilojoule display when sold as part of a 'meal deal' (refer to section 4.1 for more information).

The South Australian legislation provides exemptions for the following businesses:

- > supermarkets and convenience stores, including those located in a service station
- > caterers
- > not-for-profit delivered meal organisations
- > outlets where food is only sold for consumption on the premises on which it is sold.

There are also exemptions for specific foods:

- > loaves of bread
- > plain bread rolls

Specific exemptions are also in place for trial products (see section 4.5).

2.3 How must the information be displayed?

When **displaying the average kJ content** for a standardised food it must be:

- > conspicuous and clearly legible,
- > expressed as 'kJ' (kilojoule is used in the legislation instead of calories because it is the internationally accepted metric unit of measurement for energy),
- > in the same font, and at least the same font size, as the price, or if no price is displayed, as the name of the item, and

This information must be displayed on all menus and places where food is displayed for sale (such as tags, labels etc). This also includes menus at drive-through windows and menus available electronically on the internet, and in leaflets or posters which a customer can order from.

If standardised foods are displayed on the menu and a tag, the average kJ content needs to be displayed on **both** the menu **and** the tag.

When **displaying the reference statement** it must be:

- > conspicuous and clearly legible, and
- > in the same font, and at least the same font size, as the name of the item with the largest font size, or if no name is displayed, as the price of the item

This information must be displayed on all menus and places where food is displayed for sale (such as tags, labels etc). This also includes menus at drive-through windows and menus available electronically on the internet, and on leaflets or posters which a customer can order from.

2.4 Can a business voluntarily display this information?

Yes, multiple-site food businesses that are not *required* to comply with the legislation can voluntarily display the nutrition information.

However, if they do, the information must be displayed in accordance with the requirements outlined above. Penalties apply for multiple-site food businesses that voluntarily display this information without complying with these requirements.

3 Interpretation

3.1 Can the average kJ content be displayed per 100g or per serve?

No, the legislation requires the average kJ content to be displayed for the **whole** standardised food and not per 100g or per serve.

This requirement applies to standardised foods intended as single (eg doughnut, hamburger, muffin) or multiple serves provided they are sold as one item (eg pizza, tea bun, cheesecake).

However, the regulation does not preclude businesses from additionally displaying the average kJ content per 100g or per serve where a standardised food is sold as multiple serves. This is a marketing and design decision for businesses.

Displaying the number of suggested serves, and the corresponding average kJ content per serve, is preferable to showing kJ per 100g, as it provides more useful information for consumers.

For example: Tea bun 8610 kJ (suggest 7 serves/1230 kJ per serve)

3.2 Does the average kJ content need to be displayed for added food?

If the food is added to a standardised food (eg hot chips) for an additional price then its average kJ content must be displayed.

If the added food is not a standardised food but an ingredient only (eg cheese, sauce, confectionary with ice-cream), then its average kJ content does not need to be displayed.

3.3 How should the name of standardised food items be displayed?

The legislation does not create rules which apply to the display of the name of standardised foods.

The legislation only applies to the display of the average kJ content of standardised food (refer to section 2.3 for more information).

3.4 How should the price be displayed?

The legislation does not apply to the display of the price of standardised foods.

The legislation only applies to the display of the average kJ content of standardised food (refer to section 2.3 for more information).

4 Essential frequently asked questions for businesses

4.1 Displaying the average kilojoule content

Does the average kJ content need to be displayed for a food category?

No, the legislation does not require the average kJ content to be displayed for a food category. A 'category' implies that there are multiple items which fall within the description, which means that a category cannot be considered a standardised food.

Example 1 – the average kJ content would not need to be displayed on an in-store poster advertising a 'Muffin & Coffee \$5.50', where the customer can choose any muffin and any coffee, as both are food categories. However, the average kJ content would need to be displayed for a 'Blueberry Muffin & Regular Cappuccino' combo deal as they are standardised foods.

Example 2 – the average kJ content would not need to be displayed on the menu for 'Milkshakes \$2.50' as this is a food category. However, the average kJ content would need to be displayed on the menu for 'Strawberry Milkshake \$2.50' which is a standardised food.

Example 3 – the average kJ content would not need to be displayed on a tag descriptor 'Novelty Donuts', where the customer can choose from different novelty donuts, as this is a category. However, the average kJ content would need to be displayed for a tag descriptor 'Flower Novelty Donut' as this is a standardised food.

How is the average kJ content displayed when a single price is listed for a number of different items?

Where there is a number of standardised foods listed on a menu with a category price (ie same price for all items and price displayed only once), the average kJ content for each item must be displayed in the same font, and at least the same font size as the name of the standardised food. It must also be adjacent to or in close proximity to the name of the standardised food.

Example – a number of sandwiches (e.g. ‘ham’ and ‘tuna’) are listed on a menu for \$5.50. The average kJ content would need to be listed for each type of sandwich.

Can nutrition information be displayed on a wall poster instead of on a menu?

No, the legislation does not allow for wall posters to replace menus in meeting the requirements. Individual businesses may decide to provide additional information or supporting information in any form they deem suitable, but this will not remove the obligation to display nutrition information in accordance with the legislation.

How is the average kJ content displayed when a standardised food can be personalised by the customer? (eg latté with full, skim, soy milk etc)

In this situation the average kJ content that needs to be displayed is the ‘default’ standardised food.

Using the example above (ie latté), a business would not need to display the average kJ content for all the possible milk options (as these are not the “standardised food” on the menu). They would only need to display the average kJ content of the ‘default’ milk that would be sold with the latté if the customer did not personalise their order – ie: the customer orders from the standardised food from the menu with no variation.

How must average kJ content be displayed for meal deals?

The legislation states that a standardised food can also be a combination of items (eg a meal deal consisting of a burger, chips and a drink).

Therefore, the total average kJ content of all of the combined items is to be displayed for meal deals.

The legislation also requires that meal deals sold in different sizes (eg small, medium, large) must be treated as separate standardised foods. This means that if meal deals are sold in different sizes the total number of average kilojoules for each size must be displayed.

Where meal deals are not a standardised food (in that there is no default and a significant degree of customisation by the consumer) they are not required to be labelled as a whole. However, it is necessary for each of the individual line products and sizes to be labelled with the average kJ content of the food item to enable consumers to determine the total content of their order once they have customised it.

Example – a ‘Lunch Meal Deal’ is available for \$9.95 and customers can choose different items to make up the meal deal – e.g. any sandwich, any cookie and any drink. As there are numerous combinations available, the total average kJ content does not have to be listed. The average kJ content for each individual sandwich, cookie and drink, however, would need to be displayed.

Are there any thumbnail, colour guide or print size requirements?

The legislation does not apply thumbnail (ie front-of-pack display information) or colour guide requirements to the display of nutrition information.

The legislation does not apply a print size to the display of this information. However, it does require that:

- > the display of the average kJ content of standardised foods be in the same font, and at least the same font size, as the price displayed for the standardised food concerned or, if no price is displayed, as the name displayed for the item, and
- > the display of the reference statement be in at least the same font size as the largest font size on the tags or labels for the standardised foods in the area, display cabinet or

stand.

4.2 Displaying the reference statement

Where must the statement 'The average adult daily energy intake is 8700 kJ' be placed?

The statement must be placed:

- > in **one location on each menu board** (including drive-through menu boards) adjacent to, or in close proximity to, the standardised food or items so as to be clearly associated with them, and
- > in **each area or display cabinet, or on each stand**, where standardised foods are displayed and adjacent to, or close proximity to, the item or items so as to be clearly associated with them by customers.

However, the precise location or display of this statement is a matter for each business to determine.

For display cabinets, one possible way of complying with the legislation would be to place the statement on a banner (or ribbon) that runs across the front of the cabinet.

Must the reference statement appear on every page of a printed menu?

No, the reference statement does not need to be included on every page of a printed menu.

However, the legislation requires this statement to be:

- > clearly legible, and
- > in the same font, and at least the same font size, as the name of the standardised food with the largest font size listed, or if no names are listed, as the price of the standardised food with the largest font size listed

4.3 Locations for the display of the average kilojoule content

Where must the nutrition information be displayed?

The legislation applies to both printed and electronic menus at the premises (menu boards, posters, leaflets, LCD screens and drive-through menus).

It also applies to menus that are distributed outside the premises (printed leaflet, internet, phone) which a customer can order from.

The kilojoule content does not need to be displayed for electronic or print advertising (billboards, newspaper, magazines, television), and food illustrations (ie graphics) without a name or price as these are not designed for customers to place an order from.

Are redeemable vouchers/coupons or loyalty cards required to comply?

No, redeemable vouchers, coupons and loyalty cards are not required to comply with the legislation as they are not considered menus under the legislation.

How must the nutrition information be displayed for online menus and smart phones?

For online menus and smart phone applications where consumers can place orders, the average kJ content and reference statement must be displayed at the point where the consumer makes the purchase decision.

For many businesses this is likely to be the screen(s) that first lists the range of standardised foods available.

The kilojoules must also be displayed for each available size (eg medium and large pizza).

It is not mandatory to include the nutrition information on every screen after which the consumer has made their purchase decision.

4.4 Assessing compliance

Do businesses need to submit their menus to SA Health for approval?

No, the legislation does not require businesses to submit their menus to the SA Health for approval to ensure that they comply with the legislation.

However, SA Health may provide guidance to businesses about their menu on a confidential basis if specifically requested.

Please contact the Food Policy and Programs Branch in SA Health for more information.

What happens if a franchisee is found to be non-compliant with the legislation?

The franchisee is ultimately responsible as the operator of the 'food business' that is the standard food outlet. However, SA Health will work with the franchisor and/or franchisee to address any issues.

If the store owner has developed their own marketing posters etc, it is their responsibility to ensure that these comply with the new kilojoule display legislation (if applicable). Educating franchisee owners on the requirements during the implementation phase of the initiative is very important.

4.5 Calculating the average kilojoule content

How is the average energy content for each standardised food determined?

The legislation requires the average energy content for each standardised food to be determined in accordance with Standard 1.2.8 of the Food Standards Code. Businesses must calculate this value for the **whole** food item, rather than per 100g or per serve, to the nearest 10 kJ.

There are numerous methods for calculating the average kJ content. These include:

- > online Nutrition Panel Calculator developed by Food Standards Australia New Zealand (FSANZ),
- > nutritional analysis software (eg FoodWorks® used as per manufacturer's recommendations),
- > laboratory analysis, or
- > food composition tables and databases

Further information on determining the average kJ content can be found on the FSANZ website: www.foodstandards.gov.au/foodstandards/userguides/nutritioninformation1406.cfm

What is an acceptable variance to the displayed average kJ content?

The legislation does not apply an acceptable variance to the displayed average kJ content for standardised foods.

However, if the displayed average kJ content for a standardised food is based on the average analysis of the item, and a business can demonstrate this information (eg by

maintaining the analysis data for standard recipes), then SA Health would deem this acceptable.

Baseline data for evaluation and review purposes is currently being collected for the kilojoule display initiative. The outcomes of this work may provide further guidance on this question. In the meantime, SA Health is taking a practical approach and will take matters such as seasonal variation, preparation practices and ingredient source into account.

Does the average kJ content need to be displayed for ‘trial’ standardised foods?

Products that are trialled at 5 stores or less for 60 consecutive days or less are not required to display the average kilojoule content.

Trial products sold at more than 5 stores and/or for more than 60 consecutive days or more are required to display the average kilojoule content.

4.6 Requirements for beverages

Are beverages (eg shakes, coffee, juices) required to comply?

Under the Food Standards Code, the definition of food includes beverages. Therefore, those beverages considered a standardised food as defined in the legislation must comply.

Are pre-packaged drinks (with a Nutrition Information Panel) sold as part of a ‘meal deal’ included in the average kJ content for the ‘meal deal’?

Packaged foods such as drinks with nutrition information panels are not standardised food items as defined by the legislation, however if they are included in the price of a meal deal they should be included in the total average kilojoule value displayed for this meal deal, to ensure the most useful information is provided to customers.

Packaged drinks with a nutrition information panel that are not sold as part of a meal deal are not required to comply with the legislation.

4.7 Requirements for bakery products

Are bakery products required to comply?

Sweet/savoury filled or topped bread products (eg cheese and bacon rolls, or pizza rolls), if standardised, are required to comply. Sweet/savoury filled or topped bread products that are sold as multiple serves are also required to comply.

Where standardised foods are sold as multiple serves, businesses may voluntarily display information (in addition to the average kJ content for the food item) on the suggested serving size and the corresponding average kJ content for that serving.

Loaves of bread and plain bread rolls (eg with no toppings) are specifically exempted from the legislation so are not required to comply.

4.8 Requirements for cakes

Are whole cakes baked on the premises required to comply?

Yes, whole cakes that are baked on the premises are required to comply with the legislation if they meet the definition of a standardised food.

Whole cakes that are pre-packaged and fully labelled are not required to comply with the legislation. Also, whole cakes that meet the definition of a standardised food, but have

had ingredients changed (eg as ordered by customers), are no longer considered a standardised food and do not need to comply with the legislation.

Additionally, where a standardised food is intended for 'multiple' servings such as a whole cake, businesses may voluntarily display information (in addition to the average kJ content for the food item) on the suggested serving size and the corresponding average kJ for that serving.

4.9 Requirements for hot foods

Are foods that are reheated at point of sale required to comply?

Yes, these foods are required to comply if they are a standardised food as defined under the legislation. For example, 'Beef Meat Pies' that are received frozen, unpacked and then reheated at point of sale.

Are barbequed chickens sold in quarters, halves and whole required to comply?

Yes, these foods are required to comply with the legislation as they fall under the definition of a standardised food.

If a standardised food is shown or displayed for sale in different standard sizes or portions (eg quarters, halves, whole), each standard size or portion of the item of food is to be treated as a separate food item. Therefore, as a quarter, half or whole barbeque chicken is standardised for portion and content, the average kJ content for each item must be displayed.

4.10 Requirements for salads

Are salads sold in small, medium and large size containers required to comply?

Yes, these foods are required to comply with the legislation as they fall under the definition of a standardised food.

If a standardised food is shown or displayed for sale in different standard sizes or portions (eg small, medium, large) each standard size or portion of the item of food is to be treated as a separate food item. Therefore, as each salad container size is standardised for portion and content, the average kJ content must be displayed.

Conversely, salads sold by weight are not standardised for portion size and content as the consumer can purchase any quantity of the product. As such, these products are outside the scope of the Regulation and are not required to comply with the nutrition labelling requirements.

4.11 Requirements for ice cream

Is ice cream sold per scoop required to comply?

Yes, ice cream is considered a standardised food item and is required to comply with the legislation.

Where 'ice cream' is considered the category name, 'chocolate hazelnut ice cream' is the standardised food name.

If the main menu board displays the prices as category items (i.e. 1 Scoop \$3.95, 2 Scoops \$4.95 etc) the kilojoule content would be best placed on the flavour tags in the freezer display cabinet.

If the ice cream flavours are displayed for sale in different standard sizes or portions (i.e. small, large or 1 scoop, 2 scoops), each standard size or portion is to be treated as a separate food item. Therefore, the average kilojoule content of each size must be displayed.

Where the flavours are displayed for sale per scoop, it is acceptable that the kilojoule content is displayed per scoop e.g. '650kJ per scoop'.

5 Example menu board, food display cabinet and menu brochure

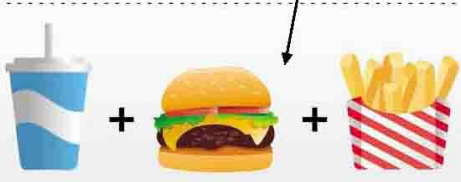
These are examples only and will not cover the needs for all standards food outlets. The regulation enables multiple-site food businesses to display standardised foods for sale on their menus in different ways.

5.1 Example: Menu board

kJ content must be clearly legible, displayed next to, and in the same font and at least the same font size, as the price for each item.

A Standard Food Item includes items sold as a combination (eg meal deal).

Beef burger	1000 kJ	\$3.95
Chicken burger	1600 kJ	\$4.45
Fries		
Small	1000 kJ	\$2.45
Large	1900 kJ	\$3.95
Soft drink		
Small	400 kJ	\$1.95
Large	1000 kJ	\$2.95



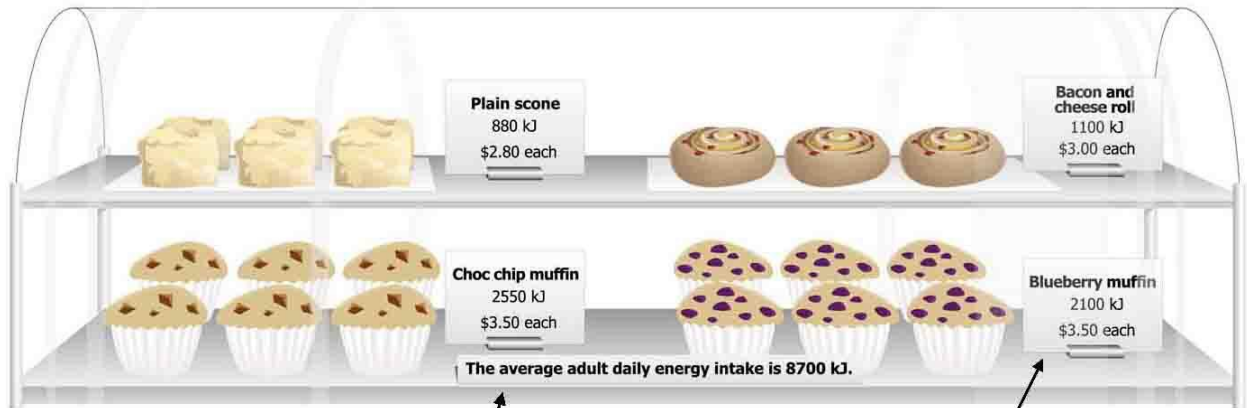
Beef burger combo		
Small	2400 kJ	\$5.95
Large	3900 kJ	\$7.95

The average adult daily energy intake is 8700 kJ.

Standard Food Items sold in different sizes/portions must display individual kJ contents.

This statement must be clearly legible, placed in a prominent position on the menu (so it is clearly associated with the standard food items) and in the same font, and at least the same font size, as the name of the standard food item with the largest font size.

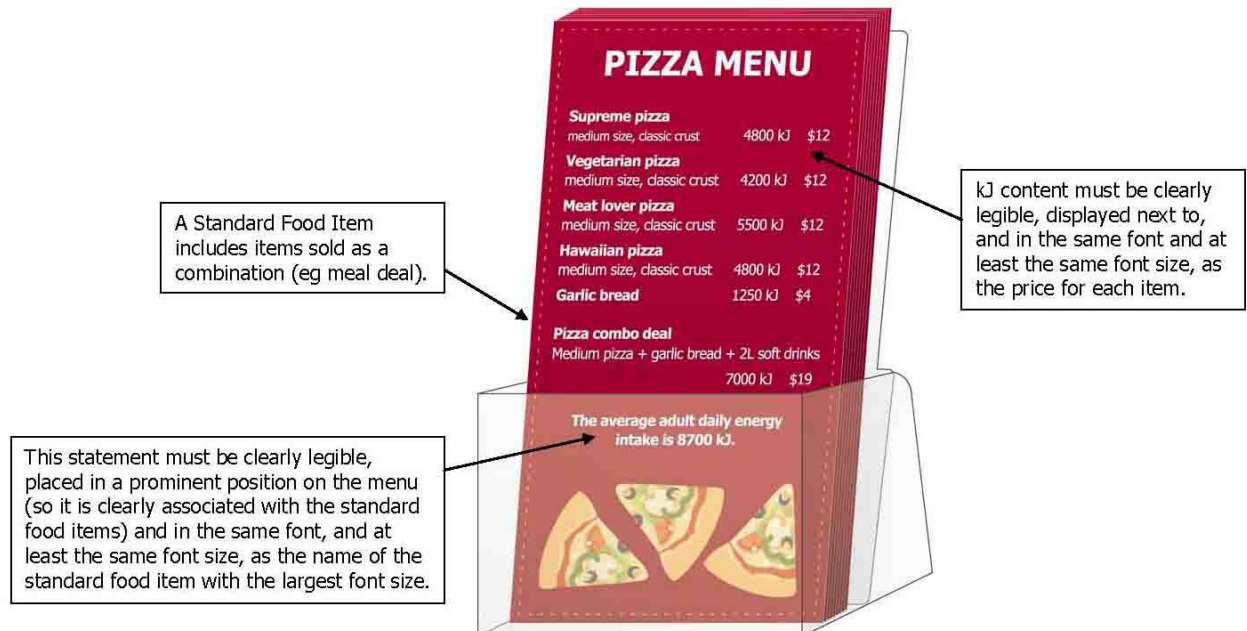
5.2 Example: Food display cabinet



This statement must be clearly legible, placed in a prominent position (so it is clearly associated with the standard food items) and in the same font, and at least the same font size, as the name of the standard food item with the largest font size.

kJ content must be clearly legible, displayed next to, and in the same font and at least the same font size, as the price for each item.

5.3 Example: Menu brochure



A Standard Food Item includes items sold as a combination (eg meal deal).

kJ content must be clearly legible, displayed next to, and in the same font and at least the same font size, as the price for each item.

This statement must be clearly legible, placed in a prominent position on the menu (so it is clearly associated with the standard food items) and in the same font, and at least the same font size, as the name of the standard food item with the largest font size.

7 Appendices

Section 112 of South Australian [Food Act 2001](#)
South Australian [Food Variation Regulations 2012](#)
[Standard 1.2.8 of the Food Standards Code](#)