

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

From the 6<sup>th</sup> April 2022 the government in England introduced mandatory legislation requiring businesses to implement calorie labelling, to encourage healthier eating habits by ensuring greater transparency about calorie content in food and drink consumed outside the home.

These regulations apply to non-prepacked food and drinks which are offered for sale for immediate consumption as well prepacked for direct sale (PPDS) products. So, everything we produce on site for customers must display calorie (kcal) information (certain exemptions do apply).

### Key requirements

1. Calorie Display:
  - Calories must be displayed for each food and drink item that is prepared for immediate consumption.
  - The calorie count must be shown per portion or per meal.
  - The statement “adults need around 2,000 kcal a day” must accompany the calorie information to provide context.
2. Placement of Information:
  - Calorie information must be displayed clearly and prominently at the point of choice, such as menus (physical and online, including third party delivery platforms), menu boards, and food display labels (e.g., shelf edge labels).

### Who and what is in scope?

The regulations apply to businesses that meet all three criteria:

1. Operate in the out-of-home food sector (e.g., restaurants, cafes, takeaways, supermarkets offering ready-to-eat food)
2. Employ 250 or more employees across the organization
3. Sell food or drink that is prepared and offered for immediate consumption.

### Examples:

- National chains such as McDonald’s, Starbucks, and Pret a Manger.
- Large supermarkets with deli counters or food-to-go options.
- Catering businesses for events or public services (e.g., hospital canteens)

### Who and what is out of scope?

- Small and Medium Businesses- those employing fewer than 250 people (e.g., independent cafes and small restaurant chains)
- Exempt Establishments such as charitable organizations providing food for free or at low cost.
- Certain Food Categories:
  - Pre-packaged food with existing nutritional labelling (e.g. bought in branded food/drink products)
  - Non-standardized items like daily specials or customized orders (e.g., bakeries selling custom cakes)
  - Items on a menu for less than 30 days
  - Those that require further preparation before consumption (e.g. uncooked meat, fish and eggs)
  - Drinks with over 1.2% alcohol by volume
  - Loose fruit or vegetables and condiments where they are added by the consumer

### Accuracy of calorie information?

Calorie labels can be inaccurate by up to 20%. This is because food manufacturing legislation allows for an error margin of 20% either side of the labelled value.

### Conclusion

The regulations aim to promote informed consumer choices and healthier eating habits. Businesses in scope must ensure compliance with these rules or face enforcement actions by local authorities, including potential fines. Smaller establishments, while exempt, are encouraged to adopt similar practices voluntarily.

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