Technical Guidance on Voluntary Calorie Labelling for Catering Businesses

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Introduction

1. This document is aimed at catering companies who want to introduce voluntary calorie labelling. It is also of interest to enforcement authorities, national associations and health professionals. This guidance gives both regulatory and best practice advice. It provides information on:

Part I – Provision of calorie information (page 4-7)
- **Legislation**
  - Legal obligations
  - Methods of obtaining nutrition information
- **Processes**
  - Updating nutrition information
  - Use of explanatory statements
- **Enforcement and guidance**
  - Tolerances
  - Guidance on related legislation

Part II – Ensuring the accuracy of calorie information (page 8-11)
- **Considerations before obtaining nutrition information**
- **Methods of obtaining nutrition information** - including the processes that companies should consider implementing to ensure the information they provide is as accurate as possible.
- **Additional sources of professional advice**

2. This document is intended as a simple, top-level guide only. Further detailed guidance aimed at smaller businesses and companies with no experience of obtaining nutrition information shall be developed by the end of 2011.

Background

Out of home calorie labelling

3. As part of the Public Health Responsibility Deal, many catering companies have been invited to pledge to “Provide calorie information for food and non alcoholic drink for their customers.”

4. To ensure a consistency of approach across the catering sector the following principles underpin this pledge:
- **Calorie information is displayed clearly and prominently at point of choice**;
- **Calorie information is provided for standardised food and drink items sold**;
- **Calorie information is provided per portion/item/meal; and for multi portion or sharing items the number of portions will also be provided; and**
- **Reference information on calorie requirement is displayed clearly, prominently and in a way that is appropriate for the consumer.**
This document should be read alongside the principles for out of home calorie labelling agreed by the Food Network. Examples to illustrate how calorie labelling could be provided in different settings are available at:
6. **Part I – Provision of calorie information**

**Legislation**

**Legal obligations**

7. Providing calorie information in catering establishments is voluntary, however if a business chooses to provide this information then it must meet the legal requirement that any information provided to the consumer is not misleading\(^1\).

8. The permissible methods of obtaining calorie information are also set out in law, and provided below.

**Methods to obtain nutrition information**

9. There are three legally accepted ways of obtaining nutrition information, which are set out in the Food Labelling Regulations (1996) (as amended)\(^2\):
   - the manufacturer’s analysis of the food;
   - a calculation from the known or average values of the ingredients used; or
   - a calculation from generally established and accepted data.

10. In the UK ‘generally established and accepted data’ usually refers to the McCance and Widdowson’s *Composition of Foods dataset*\(^3\). Other established data may be more suitable for imported foods, for example, Eurofir\(^4\) or USDA Food Composition Data\(^5\) may be more appropriate for foods imported from the United States.

11. A mixture of methods is permissible for the same menu, or even the same product if it is made up of different constituent parts. For example, for a beef pie made with bought in pastry, data for the filling could be calculated and data from the supplier could be used for the pastry, to provide an overall figure for the pie.

12. If a company displays data that has been provided by a manufacturer or supplier, it is the company’s responsibility to ensure they take reasonable precautions to ensure this information is correct. The expectation will vary depending on company size, however, for smaller companies this may simply mean keeping a copy of the label providing the nutrition information, and ensuring the label information is representative of the food they serve e.g. cooking method and portion size (further information is provided in *Part II Manufacturer / supplier information*, page 9). For larger companies it may mean this information forms part of the product specification agreed between the supplier and caterer.

13. If a catering establishment sells branded pre-packed products, e.g. crisps, which display nutrition information the brand owner, not the caterer, is responsible for the information provided on packet.

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\(^1\) Food Safety Act 1990, Section 15 and General Food Regulations 2004, Regulation 4(c)


14. Catering businesses that choose to provide calorie information will need to develop and implement processes to ensure that calorie information is as accurate as possible. This is discussed in more detail in Part II (page 8).

**Processes**

**Updating nutrition information**
15. Companies must have a process for updating nutrition information. It is expected that where the calorie information changes, companies will be able to update the information as soon as practical, but as a minimum at the next menu reprint, or within 6 months, whichever is sooner.

**Use of explanatory statements**
16. Companies have a legal obligation to not mislead the consumer. Only the courts can determine whether that obligation has been breached; however companies may find it prudent and it would assist a due diligence defence, to include a statement to the effect that the information given is provided in good faith but there may be some variations due to the nature of the product and the products involved.

17. If a company decides to use an explanatory statement it should be displayed clearly and prominently, and be relevant for the company. The following standard wording is provided as an indication of what is acceptable but need not be reproduced exactly.

*The calorie information is provided as a guide. It is calculated using average figures and based on a typical serving size.*

Or

*The calorie information is provided as a guide. Whilst we ensure this is as accurate as possible, occasionally we will have to substitute ingredients and this may alter the calorie value displayed.*

18. **Important: companies that use such a statement will still need to demonstrate, for enforcement purposes, how they ensure their calorie information is as accurate as possible and that menu information is updated as soon as practical, and as a minimum within the timescales outlined above.**
Enforcement and guidance

19. Councils take a risk-based approach to visiting food businesses and enforcement activity. The focus of enforcement is supporting businesses to comply with legislation. Although providing calorie information at catering outlets is voluntary, there is legislation in place to ensure that any information provided by a business is not misleading for consumers.

20. Catering businesses that choose to provide calorie declarations will therefore need to develop and implement processes to ensure that calorie declarations are as accurate as possible. This is considered in more detail in Part II (page 8). As part of this, they may wish to discuss appropriate procedures with their local trading standards service.

21. Comparison of nutrition information obtained for the same product by different methods (laboratory analysis vs. calculated values) can result in significantly different values. However, each of the methods to obtain nutrition information set out in the Food Labelling Regulations (1996), as amended, is legally acceptable. Enforcement officers should take account of the method used by companies to generate the information and due consideration should be given to the constraints and variability introduced by the different approaches.

22. Where calorie information has been based on calculated values from a recipe (using protein, fat, carbohydrate levels etc), it is appropriate to review the processes, method, calculations and data used by the company, and where laboratory analysis has been used, it would be appropriate to compare this with a representative analytical sample for enforcement purposes.

Tolerances

23. There are no legally defined tolerances for nutrition information. Tolerances are being discussed by the European Commission and Member States and will be set at EU level, but there is no timescale for completion of these negotiations.

24. There is no current guidance on tolerances. Previous guidance issued by LACORS outlined a recommended tolerance of +/- 20% for key nutrients (protein, fat, carbohydrates and dietary fibre), to help ensure consistency of approach across the enforcement community.

25. LACORS did not consider this tolerance was universally applicable to all foods, and anticipated there would be some foods that are ‘very heterogeneous’, where you would expect to see a greater variation. As such, enforcement officers will consider a range of factors when comparing nutrition information they have obtained with declared values, not just whether it is within +/- 20%, for example they will take into account the calorie content of the food, what is reasonable for the size of business and the likely inherent variability of certain foodstuffs. An officer may then consider the calorie declaration is outside reasonable parameters and decide it is appropriate to have further discussion and / or investigation with the company. This does not mean a company’s information is misleading, but that further investigation may be appropriate.
Guidance on related legislation
26. The relevant information from the Food Labelling Regulations (1996) (as amended) has been described above. For further information, guidance notes on these regulations can be found at: http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/foodlabelregsguid

27. Legal requirements for food labelling, including nutrition information, are currently being discussed in Europe under the Food Information Regulation proposal. The negotiations are led by the Department for Environment, Food and Rural Affairs (Defra). If you are interested in being kept informed of these negotiations please contact ruth.hodgson@defra.gsi.gov.uk and ask to be added to the Interested Parties list.

28. Voluntary nutrition or health claims must comply with the requirements of European Regulation (EC) No 1924/2006 on nutrition and health claims made on food. Guidance notes on this Regulation can be found at:http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R1924:20080304:EN:PDF

29. Note, under this Regulation a calorie declaration on its own is not a claim. However if an implied low energy claim is made (e.g. only 400 calories) then companies should ensure they are complying with this Regulation. If companies are unsure whether they are making a claim, they should ask their local trading standards service.
Part II – Ensuring the accuracy of calorie information

Considerations before obtaining nutrition information

Reproducibility
30. It is important that stated calorie values are representative of the food served. To ensure this, clear processes are required to ensure the food can be reproduced consistently each time it is made.

31. This should include:
- standard recipes, which include weights and / or measures as appropriate;
- detailed cooking methods, including equipment and temperatures. This is particularly important if food is fried as the oil temperature will impact on how much oil is absorbed;
- portion control; and
- staff training or guidance to ensure staff all follow the recipe and portion sizes, for example to prevent differences occurring between different chefs.

32. Companies may also wish to consider whether as part of their normal quality assurance procedures they wish to spot-check a proportion of the information provided. This may give them confidence that the data is appropriate.

Recording processes
33. It is recommended companies have processes in place so that, if challenged, they can:
- demonstrate the above, i.e. show detailed standard recipes, cooking methods, portion sizes and demonstrate staff knowledge of this;
- provide records of laboratory analysis, supplier information such as copies of manufacturer’s labels or product specifications and / or calculations;
- demonstrate a process for updating information to reflect changes which as a minimum should be every menu cycle or every 6 months, whichever is most frequent;
- demonstrate a process for dealing with substituted foods in-between menu changes:
  - long term (more than 30 days) - minimise impact on the calorie declaration by trying to ensure the substituted product has a similar energy value;
  - short term (e.g. mis-pick from suppliers / if a company runs out of a product one day and uses a substitute) - keep a record of the substitution to show why the food was different on that day, for example a note could be made in the Safer Food Better Business diary; and
- demonstrate a process of being able to communicate significant changes to the consumer.
Methods of obtaining nutrition information

Manufacturer / supplier information
34. Manufacturers or suppliers may be able to provide nutrition information for their products. If their information is used, the caterer must take care to ensure it accurately reflects the final dish they serve to the customer. The following should be considered as they may substantially alter the calorie declaration:
- Is the information provided for the raw or cooked product?
- If raw, does the cooking method or cooking equipment change the nutrition e.g. is it cooked in oil, is there water loss or absorption of water (e.g. pasta)?
- If cooked, is it cooked in the same way in each of the company’s outlets?
- Is anything added to the product before it is served, e.g. dressing, butter. This would need to be included in the calorie declaration.
- Is the information provided per 100g or per portion? If it is per portion, does the manufacturer’s recommended portion reflect the portion served? For example, the information may assume a lasagne is divided into 20 portions, but actually, it is divided into 16. If it is per 100g, information for a standard serving size will need to be calculated. It may be necessary to weigh the edible product (e.g. cake without packaging including cakeboard) before this can be done.

Calculating information
35. Before deciding to calculate nutrition information, it is necessary to think about the recipe and how the food is cooked. If the recipe is complicated with lots of ingredients and different cooking stages it will be more difficult to calculate information accurately. The cooking method will also change the nutrition information. This is particularly important if food is fried, as an estimate of the amount of oil taken up by the food will be required.

36. Nutrition information can be calculated using established data such as McCance & Widdowson’s *The Composition of Foods Integrated Dataset* available on the Food Standards Agency website at: [http://www.food.gov.uk/science/dietarysurveys/dietsurveys/](http://www.food.gov.uk/science/dietarysurveys/dietsurveys/) A summary of this information is also available as a book. Where compositional data is based on a standard recipe, the accuracy of any declaration will be dependent upon the recipe being followed.

37. There are many commercial software packages available that will calculate information. Software companies may also offer a recipe calculation service. It is important to make sure that the underpinning data source used by the software packages is based on the latest version of the McCance and Widdowson dataset.

38. The packages vary in what they can do and in cost and most companies will allow trials of software before buying. Many electronic stock control or kitchen management systems will also have nutrition information add-ons, and so potentially current systems may be able to be adapted to calculate nutrition information.

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Accuracy of calculated nutrition information

39. Nutrition information will be more reliable if:

- there is a detailed recipe including weights e.g. ‘80g bread’ not ‘a slice of bread’. This should include anything added as food is served;
- there is a specified number of portions the recipe will serve;
- the portion size can be replicated so it is the same each time the food is served, e.g. by using a specific sized ladle to measure a portion;
- the correct name and product description of each ingredient in the recipe is chosen, e.g. semi-skimmed milk instead of milk; lean minced beef 5% fat instead of minced beef;
- the manufacturer’s nutrition data may be used where possible. This is likely to more accurately reflect the product being used compared with average data;
- when using a software package, the information is double checked once entered, especially weights and units of ingredients; and
- adjustments in the calculation are made to take into account weight change during cooking – some software packages will do this automatically. Information and examples of weight changes of food as a result of cooking can be found in McCance and Widdowson’s The Composition of Foods.


The British Dietetic Association’s Delivering nutritional care through food and beverage services (pages 24-27): [http://www.bda.uk.com/publications/Delivering_Nutritional_Care_through_Food_Beverage_Services.pdf](http://www.bda.uk.com/publications/Delivering_Nutritional_Care_through_Food_Beverage_Services.pdf)

Worked examples for a simple and composite recipe will be included in the more detailed guidance for small businesses.

Laboratory analysis

Choosing a laboratory

40. There are many laboratories that can undertake nutrition analysis. Any laboratory used should have ISO 17025 accreditation as a minimum. Ideally, they should also have United Kingdom Accreditation Service (UKAS) accreditation for each nutrition test to be undertaken.

41. Details of where products can be sent for analysis can be obtained from the Food Standards Agency website, which lists details of official control laboratories in the UK: [http://food.gov.uk/enforcement/monitoring/foodlabs/foodcontrollabs](http://food.gov.uk/enforcement/monitoring/foodlabs/foodcontrollabs). This list is not exclusive of all the laboratories operating in the UK.

42. Laboratories can charge different amounts for tests and so it is worth obtaining quotes ahead of choosing a laboratory. They may also offer discounts for a large volume of samples.
**Nutrition information**

43. Nutrients can be classified as being in ‘Group I’ and ‘Group II’ and laboratory staff may refer to nutrients in this way. The table below indicates what this means.

<table>
<thead>
<tr>
<th>Group</th>
<th>Energy</th>
<th>Protein</th>
<th>Carbohydrate</th>
<th>Fat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group I</td>
<td>Energy</td>
<td>Protein</td>
<td>Carbohydrate</td>
<td>Fat</td>
</tr>
<tr>
<td>Group II</td>
<td>Energy</td>
<td>Protein</td>
<td>Carbohydrate</td>
<td>Sugars</td>
</tr>
</tbody>
</table>

Note, sodium can be converted to salt by multiplying by 2.5

44. It may be helpful to note:

- to obtain information on calories the laboratory needs to be asked for the energy content of the food. Usually this will mean a Group I analysis is required as energy content will be calculated from the protein, carbohydrate and fat content of the sample.
- it is usually cheaper to get a Group I or Group II analysis than to analyse nutrients separately.
- information on energy will be given in two different units, calories (kcal) and kilojoules (kJ). It is recommended information is provided to consumers in calories.
- the laboratory report will provide information per 100g, so information for a standard serving size will need to be calculated.

**Preparing and sending a sample**

45. In order to obtain accurate nutrition information, the sample needs to be reflective of an average serving of the food. If there is likely to be some variability in the product, e.g. different chefs, a pie where the amount of pastry will change dependent on where the serving is taken from, then several samples should be sent for analysis. The laboratory or a public analyst would be able to advise how many samples might be appropriate. If more than one sample of the same product is sent for analysis, the average calorie value of all the samples should be used.

46. The food as it is plated up should be sent as the sample e.g. including dressing added as the food is served. It may be useful to check with the laboratory if only the edible component of the food should be sent, e.g. if meat should be taken off the bone. In addition, it may be helpful to check with the laboratory how samples should be sent to the laboratory and if they need to be sent in special packaging. Sometimes a laboratory will organise for samples to be collected.

**Additional sources of professional advice**

47. The following are sources of additional advice:

- Consultant nutritionists or dietitians. If consultants are registered they will be listed on their respective professional organisations’ websites:
  - Association for Nutrition – [www.associationfornutrition.org](http://www.associationfornutrition.org)
  - British Dietetics Association – [www.bda.uk.com](http://www.bda.uk.com)
  - Freelance Dieticians – [www.freelancedietitians.org](http://www.freelancedietitians.org)

- Trading standards officers and environmental health officers. Contact details for local services can be found at: [http://www.food.gov.uk/enforcement/enforceessential/yourarea/](http://www.food.gov.uk/enforcement/enforceessential/yourarea/)