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# Fast Food – Display of Nutrition Information and Traffic Light Labelling

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## INTRODUCTION

Around 4.5 million Australians visited a fast food outlet each day in 2009, with about 1.6 billion meals being bought at such outlets in Australia that year.<sup>1</sup> As most fast food is high in kilojoules, it is seen to be a contributing factor to the high overweight and obesity levels in Australia.

This e-Research Brief discusses fast food,<sup>2</sup> commencing with a definition of it and an examination of the impact of fast food on people's health. It then discusses two measures being considered by Australian governments to help reduce Australians' intake of sugar, salt and fat from fast food – the display of nutrition information (such as kilojoule counts and detail about the levels of salt, sugar and fat in the food) on fast food menu boards<sup>3</sup> and traffic light labelling of fast food.<sup>4</sup>

## FAST FOOD

'Fast food' is, as its name suggests, food that is served quickly. It is generally standardised, pre-prepared, highly processed, inexpensive food which is energy dense and of low nutritional value.<sup>5</sup> Hamburgers, fried chicken, sandwiches, chips (fries), pizzas and soft drinks are familiar fast foods.<sup>6</sup> The term 'fast food' is generally associated with multinational 'quick service restaurants' such as McDonald's, KFC and Dominos, but fast food may also be purchased from 'mum and dad' takeaways (such as fish and chip shops) and other locations, such as bakeries and petrol stations.

Fast food is a multi-billion dollar industry.<sup>7</sup> In Australia, in 2009, about 1.6 billion meals were bought at fast food outlets.<sup>8</sup> It has been estimated that, on average, Australians spend about 42 cents in every food dollar on food eaten outside the home, of which over one third is spent on fast food.<sup>9</sup> Particularly for busy people and those on limited incomes, purchasing fast food may be preferable to preparing a home cooked meal from fresh ingredients because the fast food is, or at least appears to be, quicker and easier, and/or cheaper.<sup>10</sup>

## FAST FOOD AND HEALTH

Fast food is generally convenient, reliable, quick, popular and relatively cheap. However, regarding its impact on health, it has been criticised on the basis that it is high in salt,<sup>11</sup> it is of low nutritional value (e.g. little fibre), and, due to the energy dense nature of the food, it contributes to obesity, with its associated health problems.<sup>12</sup>

## OVERWEIGHT AND OBESITY

A person gains weight by consuming more kilojoules than he or she expends in daily activities. It is considered that overeating, rather than a lack of exercise, has led to the current levels of obesity and overweight.<sup>13</sup> A commonly used method of calculating whether a person is overweight or obese is the body mass index (BMI). BMI is calculated by dividing a person's weight in kilograms (kg) by his or her height in metres squared (m<sup>2</sup>). A BMI between 25 and 30 kg/m<sup>2</sup> is defined as overweight, and a BMI of over 30kg/m<sup>2</sup> is classified as obese.<sup>14</sup>

About one in every three Queensland adults is overweight and around one in five is obese.<sup>15</sup> If current trends continue, it is expected that about two thirds of Queensland adults will be overweight or obese by 2020.<sup>16</sup> Australia (which, nationally, has similar overweight and obesity rates to those in Queensland) currently has the fourth highest rate of adult obesity in the Organisation for Economic Co-operation and Development (OECD) (after the United States, Mexico and New Zealand).<sup>17</sup>

High body mass<sup>18</sup> is the "*leading cause of premature death and illness in Queensland*".<sup>19</sup> Being obese means a person faces an increased risk of cardiovascular disease, diabetes and cancer,<sup>20</sup> as well as "*respiratory difficulties, chronic musculoskeletal problems, skin problems and infertility*".<sup>21</sup> The median life expectancy for obese people is lowered by 2-4 years and for the severely obese it is lowered by 8-10 years.<sup>22</sup>

The monetary cost of obesity is high – Access Economics calculated the total cost of obesity in Australia in 2008 to be about \$58 billion. This cost comprised 'loss of wellbeing' (around \$50 billion) and financial costs (around \$8 billion). Loss of wellbeing was measured as "*the dollar value of the burden of disease arising from disability, loss of wellbeing and premature death*". The financial costs included, amongst other things, health system costs, productivity losses and carer costs.<sup>23</sup>

Many people attribute part of the rising obesity rate in Australia to the consumption of fast food.<sup>24</sup> Fast food is readily available and affordable but much of it is high in kilojoules. 'Meal deals', for example, can be relatively inexpensive but contain sufficient kilojoules to provide about half of an average person's recommended daily kilojoule intake.<sup>25</sup> McDonald's '\$5 Feed', which comprises a cheeseburger, a medium coke, fries and a regular sundae, contains 4,712kJ. Hungry Jack's \$4.95 'Frozen Coke Stunner', which comprises a cheeseburger, a sundae, small fries and a frozen Coke, contains 4,491kJ.<sup>26</sup> Even if a consumer opts to purchase a salad at a fast food restaurant, there is no guarantee that it will be low in fat and sugar.<sup>27</sup>

## SALT

The National Health and Medical Research Council (NHMRC) recommends that adults consume less than 2,300mg of sodium per day.<sup>28</sup> Most of the sodium consumed by Australians comes from salt (sodium chloride).<sup>29</sup> To convert grams of sodium into grams of salt, it is necessary to multiply by 2.5.<sup>30</sup> Thus, the recommendation is that adults consume less than 6g of salt per day.

A diet which is high in salt can lead to hypertension (high blood pressure) which is “a major risk factor for coronary heart disease, stroke, heart failure, peripheral vascular disease and renal failure”.<sup>31</sup> A high salt diet can also lead to osteoporosis, obesity, kidney stones and stomach cancer.<sup>32</sup>

Many fast foods are high in salt. Pizza Hut’s Stuffed Crust Super Supreme pizza, for example, contains an average of 630mg of sodium (almost 1.6g of salt) per slice.<sup>33</sup> Hungry Jack’s Ultimate Double Angus burger contains 770mg of sodium in every 100g, meaning that each burger contains 2,328mg of sodium (approximately 5.8g of salt).<sup>34</sup> Sandwiches can contain high levels of sodium because bread, processed meat and cheese are generally high in salt.<sup>35</sup>

## ACTION ON FAST FOOD

Australian governments have been examining ways in which fast food can be regulated to help reduce people’s intake of sugar, salt and saturated fat. This part of the e-Research Brief looks at two approaches that are being considered – the display of nutrition information on fast food menu boards (which has been legislated for in New South Wales) and traffic light labelling on fast food menu boards.

## AUSTRALIAN HEALTH MINISTERS’ CONFERENCE, NOVEMBER 2010

At the November 2010 Australian Health Ministers’ conference, the then Queensland Health Minister, the Hon Paul Lucas MP,<sup>36</sup> tabled an agenda paper which called for “a nationally consistent plan for reducing intakes of energy, saturated fat, sugar and salt from fast food”. The proposals in the paper included:<sup>37</sup>

- “[r]egulating the energy, saturated fat, salt and sugar content of fast food;
- [i]mplementing mandatory Nutrition Information Panels on fast food product packaging; [and]
- [t]he development of [a] nationally consistent approach to require fast food outlets across Australia to provide energy and nutrient information on their menu boards”.

Australia’s Health Ministers agreed to support the development of a “national approach to reduce intakes of energy, saturated fat, sugar and salt from fast foods and the provision of point of sale dietary information” and agreed to seek advice on the matter from the Australian Health Ministers’ Advisory Council, Food Regulation Standing Committee and the Australia and New Zealand Food Regulation Ministerial Council.<sup>38</sup>

The Australia and New Zealand Food Regulation Ministerial Council (ANZFRMC)<sup>39</sup> agreed, at its meeting on 3 December 2010, that the Food Regulation Standing Committee should work with the Australian Health Ministers’ Advisory Council to “develop advice on a national approach by mid 2011 that could guide the display of nutrition information in standard fast food chain restaurants”.<sup>40</sup>

## ‘LABELLING LOGIC’ REPORT

In January 2011, the Food Labelling Law and Policy Review Panel,<sup>41</sup> appointed in October 2009 by the ANZFRMC to review food labelling law and policy, presented its final report – *Labelling Logic: Review of Food Labelling Law and Policy (2011)* – to the Government.<sup>42</sup> The report contains over 60 recommendations relating to food labelling, including recommendations concerning fast food served by chain food service outlets.

In the report, chain food service outlets are defined (p 69, para 4.43) as those:

... that have standardised menu items over multiple stores, including outlets that have delivery-only operations (e.g., some pizza suppliers, weight management services and other meal providers) and non-seating venues (e.g., drive-throughs and bakery chains selling meal items such as pies and sausage rolls). Restaurants that have regularly changing menus and that predominantly make food to order are not included. In addition, home-delivered meals originating from government or community organisations (e.g., Meals on Wheels) are not included as they have other mechanisms to monitor nutritional value, such as accreditation requirements, although these may vary between jurisdictions.

The Panel’s recommendations with respect to fast food are (pp 9, 11 & 14):

- “[t]hat declaration of energy content of standardised items on the menu/menu boards or in close proximity to the food display or menu be mandatory in chain food service outlets ... [!]nformation

*equivalent to that provided by a Nutrition Information Panel should be available in a readily accessible form in chain fast food service outlets” (Recommendation 18);*

- *“[t]hat foods or ingredients that have been genetically modified and would require declaration if labelled be declared on menu/menu boards or in close proximity to the food display or menu in chain food service outlets ...” (Recommendation 32); and*
- *“[t]hat chain food service outlets across Australia and New Zealand be encouraged to display the multiple traffic lights system on menus/menu boards. Such a system be mandatory where general or high level health claims are made or equivalent endorsements / trade names / marks are used” (Recommendation 54).*

The next part of this paper examines the proposal to display nutrition information on fast food menu boards. The paper then discusses traffic light labelling on fast food menu boards. The recommendation regarding the declaration of genetically modified ingredients and foods (Recommendation 32) is not discussed in this paper.

## **POINT OF SALE NUTRITION INFORMATION ABOUT FAST FOOD**

Although many fast food companies publish nutrition information on the Internet,<sup>43</sup> and such information may be available in the fast food outlet, consumers do not necessarily look at this information before deciding whether to frequent the particular fast food outlet or before deciding what to order. Placing kilojoule counts and/or other nutrition information (such as the amount of salt, fat and sugar in the product) next to items on fast food menu boards would enable consumers to make a more informed choice about the fast food they wish to consume. It has been suggested that information about kilojoule counts would need to be provided in association with *“simple information for consumers about recommended daily kilojoule intake levels”*.<sup>44</sup>

In its discussion of Recommendation 18 in *Labelling Logic*, the Panel wrote:<sup>45</sup>

It is likely that at least some consumers patronise chain food service outlets with the intention to indulge and therefore do not perceive the need for nutritional information. However, research shows that consumers may change their orders after exposure to nutrition information at the point of sale ... especially when purchasing meals for children ... Some also compensate at other meals to accommodate the energy load once they are aware of the energy consumed at food outlets. A further consideration is that consumers have little knowledge regarding the nutrient profiles of foods eaten outside the home and this gap could be effectively addressed with menu labelling.

It is not only the Panel that is in favour of mandatory nutrition information at point of sale. The Heart Foundation, for example, wants the Australian governments to introduce *“mandatory nutrition labelling on menus in cafes, quick service (fast food) restaurants and snack food outlets”*. The Heart Foundation is of the view that mandatory nutrition labelling on menus and menu boards should:<sup>46</sup>

- *apply to cafés (café/coffee chain stores, including independent stores and bakery chains), quick service restaurants (fast food chain stores and independent fast food stores) and snack food stores (snack food chain stores, ice-cream chain stores and juice bars) with 20 or more outlets and standard menu items ...*
- *label energy ... (kilojoule) per serve as a minimum and saturated fat and sodium/salt per serve optimally, and refer to daily intake ... of kilojoules*
- *provide nutrition information next to the menu item, at the point-of-purchase, in a format that makes sure consumers have the best chance of seeing the information*
- *provide a full nutrition information panel ... for all standard food items in onsite brochures or posters that consumers can easily find and read.*

While the Queensland Government considers that any action on the display of nutritional information in fast food outlets should be undertaken nationally,<sup>47</sup> the New South Wales Government decided to act independently on the issue and recently passed legislation mandating nutrition information at point of sale in certain fast food restaurants.

## **New South Wales**

In November 2010, most of the provisions in the [Food Amendment Act 2010 \(NSW\)](#) relating to the display of energy content information for food in certain food outlets commenced.<sup>48</sup> With respect to these provisions, which now comprise Part 8, Division 4 of the [Food Act 2003 \(NSW\)](#), the Hon Steve Whan MLA, who introduced the bill in the New South Wales Legislative Assembly, said:<sup>49</sup>

New South Wales is leading the way with this bill but it is not moving in a different direction to the other States. Our information disclosure requirement aligns well with a similar initiative announced by Victoria. Queensland and South Australia are also understood to be considering initiatives of this kind. New South

Wales action on this issue will help pave the way for the development of a nationally consistent point of sale labelling system for these foods.

While there will be a considerable cost to fast food restaurants to change their menus, both McDonald's and Yum! Restaurants Australia (owner of KFC and Pizza Hut) support the legislative changes.<sup>50</sup>

### ***Standard Food Outlets and Standard Food Items***

The *Food Amendment Act 2010* (NSW) inserted key definitions into the *Food Act 2003* (NSW) – 'standard food outlet' (s 106M) and 'standard food item' (s 106L).

A **standard food outlet** is defined in s 106M(1) of the *Food Act 2003* (NSW) as premises at which standard food items are sold by a food business if:

- the food business sells standard food items at other premises or while operating in a chain of food businesses that sell standard food items; and
- at least one of the standard food items that are sold at the premises has been standardised for portion and content so as to be substantially the same as standard food items of that type sold at those other premises or by the other food businesses in the chain.

Section 106M(2) provides that, for the purposes of s 106M, a food business is operating in a chain of food businesses that sell standard food items if it is operating as one of a group of food businesses that sell standard food items under franchise arrangements with a parent business or under common ownership or control, or it sells standard food items under the same trading name as a group of other food businesses that sell standard food items.

A **standard food item** is defined in s 106L as an item of ready-to-eat food for sale that is sold in servings that are standardised for portion and content and that:

- is listed or otherwise shown on a menu; or
- is displayed for sale with a price tag or label or an identifying tag or label.

If such an item of food is shown or displayed for sale in different standard sizes or portions (for example, small, medium or large), each standard size or portion of the item of food is to be treated as a separate standard food item.

The Minister, in his speech (p 27,526), explained that a standard food item:

... may be a burger that is sold in the same size and with the same standard ingredients and is listed on a menu board in a fast-food shop, or it may be a muffin of a standard size, made from a standard recipe, and displayed for sale with a name and price tag in a cabinet at a retail bakery.

If a number of standard food items are shown or displayed for sale as a combination, the combination is to be treated as a single standard food item for the purposes of the requirement to display nutritional information. A 'meal deal' of a burger, hot chips and a drink could, for example, be a single standard food item.

A standard food item does not include an item of food that is packaged in a way that is prepackaged (s 106L(4)). A food is defined as prepackaged in cl 16Q of the *Food Regulation 2010* (NSW) if the food:

- arrives at the premises from which it is sold in a container or wrapper in or by which the food is wholly encased, enclosed, contained or packaged (whether or not the food is also in an outer container or wrapper that encases, encloses or contains or packages multiple units of the food); and
- is not removed from its container or wrapper (other than any such outer container or wrapper) before its sale at those premises.

Therefore, as the Minister noted (p 27,526), neither a can of drink nor a packet of crisps are standard food items.

### ***Standard Food Outlets Required to Display Nutritional Information***

Section 106N of the *Food Act 2003* (NSW) and cl 16R, 16S and 16W of the [Food Regulation 2010 \(NSW\)](#) work together to specify which standard food outlets must display nutritional information, what information must be displayed and which outlets are exempt from the requirements.

Section 106N, which provides the requirements for the display of nutritional information, applies to the following standard food outlets (cl 16R):



- a standard food outlet of a food business that sells standard food items at 20 or more locations in New South Wales or at 50 or more locations in Australia;
- a standard food outlet of a food business that is operating in a chain of food businesses that sell standard food items if together those businesses sell standard food items at 20 or more locations in New South Wales or at 50 or more locations in Australia.

Section 106N and cl 16S stipulate that the proprietor of a standard food outlet to which s 106N applies must ensure that:

- the nutritional information (i.e. the average energy content of each standard food item and the statement about the average daily energy intake) is displayed in the prescribed manner and locations (see discussion below);
- the average energy content of each standard food item for sale is expressed in kilojoules;
- the average energy content of each standard food item is calculated in accordance with [Standard 1.2.8 of the Food Standards Code](#), making necessary adjustments to ensure that the calculation is done in relation to the whole of the food item rather than per 100g;<sup>51</sup> and
- the following statement is displayed: 'The average adult daily energy intake is 8,700kJ'.

Convenience stores, service stations selling petrol or other fuel for motor vehicles, food businesses that primarily provide food catering services and food businesses that only sell food that is intended to be consumed on the premises at which it is sold are exempt from the above nutritional information display requirements (cl 16W).

#### Location of the Display of the Nutritional Information

The locations at which the nutritional information must be displayed are set out in cl 16U of the Food Regulation 2010 (NSW). These are:

- on each menu on which the name or price of the standard food item is displayed and on each price tag or label or identifying tag or label for the item; and
- if there are drive-through facilities, on the drive-through menu board that displays the name or price of the standard food item or on a separate adjacent board visible at or before the point of ordering; and
- adjacent to or in close proximity to the name or price of the standard food item so as to be clearly associated with the item.

The locations where the nutritional information for a standard food item is displayed must be consistent with the locations where such nutritional information is displayed for all of the other standard food items that are displayed with that standard food item.

The locations where the statement about the average adult daily intake must be displayed are:

- in one location on each menu on which the name or price of one or more standard food items is displayed and adjacent to or in close proximity to the standard food item or items so as to be clearly associated with the item or items; and
- if there are drive-through facilities, in one location on the drive-through menu board adjacent to or in close proximity to the standard food item or items so as to be clearly associated with the item or items; and
- in each area or display cabinet, or on each stand, where standard food items with price tags or labels or identifying tags or labels are displayed and adjacent to or in close proximity to the item or items so as to be clearly associated with the item or items and conspicuous to a person looking at the item or items.

#### Manner of Displaying the Nutritional Information

The nutritional information must (cl 16V(1)):

- be clearly legible; and
- display the number of kilojoules in numerals and use the abbreviation 'kJ'; and
- be in the same font, and at least the same font size, as the price displayed for the standard food item concerned or, if no price is displayed, as the name displayed for the item.

The statement about the average adult daily intake must (cl 16V(2)):

- be clearly legible; and
- in a case where only one standard food item is displayed on a menu, be in the same font, and at least the same font size, as the name of the item displayed or, if no name is displayed, as the price displayed for the item; and
- in a case where a number of standard food items are listed or displayed on a menu, be in the same font, and at least the same font size, as the name of the standard food item with the largest font size listed or displayed or, if no names are listed or displayed, as the price of the standard food item with the largest font size listed or displayed; and
- in the case of a standard food item or items displayed with a price tag or label or identifying tag or label in any area, display cabinet or stand, be in at least the same font size as the largest font size on the tags or labels for the standard food item or items in the area, display cabinet or stand.

### Penalty

The proprietor of a standard food outlet to which s 106N applies faces a maximum penalty of 100 penalty units (\$11,000)<sup>52</sup> for an individual and 500 penalty units (\$55,000) for a corporation (s 106N(4)) if he or she fails to ensure that (s 106N(2)):

- nutritional information of a kind prescribed by the regulations is displayed in relation to standard food items that are sold at the outlet; and
- the nutritional information is determined in accordance with the regulations; and
- the nutritional information is displayed in the manner and locations prescribed by the regulations.

The penalty is greater for an intentional contravention of s 106N(2). It is 500 penalty units (\$55,000) for an individual and 2,500 penalty units (\$275,000) for a corporation (s 106N(3)). A penalty notice cannot be issued for these offences, or any other new nutritional information offences, until 1 February 2012.<sup>53</sup>

### ***Standard Food Outlets Voluntarily Displaying Nutritional Information***

The *Food Act 2003* (NSW) also makes provision for the display of nutritional information by standard food outlets other than those outlets that must display nutritional information. Proprietors of standard food outlets who voluntarily choose to display nutritional information must not display the energy content of any standard food item for sale at the standard food outlet unless the nutritional information is determined using the same method as that discussed above, and the nutritional information is displayed in the same manner and locations as those set out above for standard food outlets that must display nutritional information (see s 106O of the *Food Act 2003* (NSW) and cl 16S(2) and (3), 16T, 16U, 16V of the Food Regulation 2010 (NSW)). The maximum penalty for noncompliance is 100 penalty units (\$11,000) in the case of an individual and 500 penalty units (\$55,000) in the case of a corporation.

### ***Future Amendments to the Scheme***

Division 4 (Requirements relating to display of nutritional information for food) of Part 8 of the *Food Act 2003* (NSW), and any regulations made under the Division, will be reviewed as soon as possible after 1 February 2012 (s 106R). Amongst other matters, the review will consider whether point of sale nutritional information about fast food should be extended to include the display of information about salt and fat levels.<sup>54</sup>

### **TRAFFIC LIGHT LABELLING**

The Panel recommended (Recommendation 54) that chain food service outlets should “*be encouraged to display the multiple traffic lights system on menus/menu boards*”. A traffic light labelling scheme for fast food would be similar to that operating in Queensland school tuckshops (see e.g., [Go for Greens](#)). A red dot next to a food item on a menu or menu board would indicate an unhealthy choice with a high level of fat, saturated fat, sugar and sodium, such as soft drinks and deep fried snacks. Amber dots would indicate foods with medium levels of fat, saturated fat, sugar and sodium, such as processed meat, cakes, fruit juice and full fat dairy products. Green dots would indicate healthy foods with low levels of fat, sugar and salt, such as wholegrain breads, lean meat, fish, fruit and vegetables.

Neal Blewett, chairman of the Panel, explained in *The Age* that<sup>55</sup>

... traffic lights would enable consumers (often time poor) to make instant decisions on the healthiness of foods and drinks and would be usable by all, regardless of literacy and numeracy skills. Traffic lights are about enabling people to make responsible decisions by providing interpretive information that people ... can easily understand.

The traffic light system has been described as “*easier to use and less confusing than other schemes*”.<sup>56</sup> It has, however, been criticised, chiefly by representatives of the food industry, as being “*overly simplistic and judgemental and possibly providing an inaccurate reflection of the nutritional benefits, or otherwise, of certain foods*”.<sup>57</sup>

## **CONCLUSION**

Fast food is generally quick and uniform and it is sometimes cheaper than fresh, home cooked food. The Queensland Government raised the issue of the regulation of fast food at the November 2010 Australian Health Ministers' conference because of concerns about its contribution to obesity.<sup>58</sup> Fast food is not the only factor contributing to overweight and obesity, but fast food restaurants are omnipresent. By way of example, the *Gold Coast Bulletin* reports that the Gold Coast has 32 McDonald's restaurants, which is one for every 18,000 residents (twice the national average). There are also 50 Subways, 13 KFCs, 12 Dominos and 14 Hungry Jacks on the Gold Coast.<sup>59</sup>

One of the goals in [Toward Q2: Tomorrow's Queensland](#) is to reduce overweight and obesity by one-third (from the baseline of 50% of adult Queenslanders in 2005) by 2020.<sup>60</sup> It has been recognised that this goal will not be reached solely through individuals relying on their own willpower and that a multi-faceted approach will be required. The display, on fast food menus and menu boards, of nutrition information and/or traffic light labelling could contribute to a lowering of obesity levels and an overall improvement in Queenslanders' health through consumers making wiser food choices as a result of greater knowledge.

## ENDNOTES

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- <sup>1</sup> Heart Foundation, '[The Need for Nutrition Labelling on Menus: Rapid review of the evidence](#)', 2010, p 4. All links were accessed in March 2011.
- <sup>2</sup> This paper does not deal with 'junk food' more generally. Junk food is defined in the Queensland Government's Discussion Paper titled '[Have Your Say: Junk food advertising on children's television](#)', 2008, p 3 of 7, as "food and drinks that are high in fat, salt or sugar and do not provide nutritional value to keep us healthy". Potato chips, confectionery and soft drinks are examples of junk food: Molly E Bond, Michael J Williams, Brad Crammond & Bebe Loff, 'Taxing Junk Food: Applying the logic of the Henry tax review to food', *Medical Journal of Australia*, 193(8), 2010, pp 472-473. See also, Mary Westcott, 'Junk Food Advertising on Children's Television', Queensland Parliamentary Library, *Research Brief*, 2009/07.
- <sup>3</sup> New South Wales has already implemented legislation which requires certain fast food outlets to display kilojoule counts.
- <sup>4</sup> Other measures have also been suggested to help reduce Australians' consumption of sugar, salt and fat but these are not discussed in this paper. These measures include a tax on junk food, including fast food, (see e.g., Danny Rose, 'New Push for Junk Food Tax – Pressure builds to cut obesity', *Courier Mail*, 18 October 2010, p 18; James Adonis, 'Paying the Cost of Fighting Obesity', *Sydney Morning Herald*, 11 January 2010, online) and restricting the marketing of energy dense, nutrient poor foods (such as fast food) to children (see e.g., Queensland Health, *The Health of Queenslanders 2010: Third Report of the Chief Health Officer Queensland*, Brisbane, 2010, p 105; Michael Valenzuela, 'C'mon Aussie, Enough of the Junk Food Ads During the Cricket', *Sydney Morning Herald*, 3 February 2011, online).
- <sup>5</sup> See e.g., [TheFreeDictionary](#) ; [WordNet Search](#); [Wiktionary](#); [wordiQ.com](#)
- <sup>6</sup> See e.g., The Macquarie Dictionary Online; World Book Student Dictionary.
- <sup>7</sup> [wordiQ.com](#).
- <sup>8</sup> Heart Foundation, '[The Need for Nutrition Labelling on Menus: Rapid review of the evidence](#)', p 4.
- <sup>9</sup> Hon Steve Whan MLA, Minister for Primary Industries, Minister for Emergency Services and Minister for Rural Affairs, Food Amendment Bill 2010 (NSW), [Agreement in Principle](#), *New South Wales Legislative Debates*, Legislative Assembly, 10 November 2010, pp 27,524-27,528, p 27,525.
- <sup>10</sup> See e.g., Daniel Knowles, 'Poor Choices Cost Us Dearly', *Sunday Mail*, 18 April 2010, p 14.
- <sup>11</sup> Secretariat of the Australian Division of World Action on Salt and Health, '[Drop the Salt! AWASH fast food key findings](#)', The George Institute for International Health, February 2009, p 3 of 6.
- <sup>12</sup> [wordiQ.com](#).
- <sup>13</sup> Molly E Bond et al, 'Taxing Junk Food: Applying the logic of the Henry tax review to food'. See also, Emma John, 'Fit to be Fat', *Courier Mail - QWeekend*, 12-13 February 2011, pp 28-31.
- <sup>14</sup> P Puska, C Nishida and D Porter, '[Obesity and Overweight](#)', World Health Organization Global Strategy on Diet, Physical Activity and Health, 2003.
- <sup>15</sup> Queensland Health, *The Health of Queenslanders 2010: Third Report of the Chief Health Officer Queensland*, p 101. One in four Queensland children is overweight or obese (p 103). See also, Nicolee Dixon, 'Childhood Obesity', Queensland Parliamentary Library, *Research Brief*, 2004/10.

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- 16 Queensland Health, *The Health of Queenslanders 2010: Third Report of the Chief Health Officer Queensland*, p 103.
- 17 Queensland Health, *The Health of Queenslanders 2010: Third Report of the Chief Health Officer Queensland*, p 102. See also Australian Bureau of Statistics, [‘National Health Survey: Summary of Results, 2007-2008 \(Reissue\)’](#), cat no 4364.0.
- 18 High body mass is defined as a BMI of greater than 21: Queensland Health, *The Health of Queenslanders 2010: Third Report of the Chief Health Officer Queensland*, p 21.
- 19 Queensland Health, *The Health of Queenslanders 2010: Third Report of the Chief Health Officer Queensland*, p 105. See also, Molly E Bond et al, ‘Taxing Junk Food: Applying the logic of the Henry tax review to food’.
- 20 Michael Valenzuela, ‘C’mon Aussie, Enough of the Junk Food Ads During the Cricket’.
- 21 P Puska et al, [‘Obesity and Overweight’](#).
- 22 Queensland Health, *The Health of Queenslanders 2010: Third Report of the Chief Health Officer Queensland*, p ix, citing Prospective Studies Collaboration, ‘Body-mass index and cause specific mortality in 900,000 adults: collaborative analyses of 57 prospective studies’, *The Lancet*, 2009, v 373, pp 1083-1095.
- 23 J Crowle and E Turner, [‘Childhood Obesity: An Economic Perspective’](#), Productivity Commission Staff Working Paper, Melbourne, 2010, pp xv & 32, citing Access Economics, [‘The Growing Cost of Obesity in 2008: Three Years On’](#), 2008, Canberra.
- 24 Fast food is just one element contributing to the rise in obesity in Queensland and other parts of the world. It has been said that we live in an ‘obesogenic’ or obesity-promoting environment (see e.g. Dr Jan Garrard, [‘Taking Action on Obesogenic Environments: Building a culture of active, connected communities’](#), an options paper prepared for the National Preventative Health Taskforce, 2009) and, as pointed out in Bryan Walsh, ‘It’s Not Just Genetics’, *Time Australia*, No 24, June 2008, pp 28-35, many factors play a part – community, education, race, safety, income, diet, locality, poverty and genetics. See also, Queensland Health, *The Health of Queenslanders 2010: Third Report of the Chief Health Officer Queensland*, p 105.
- 25 The National Health and Medical Research Council (NHMRC) provides detailed recommendations about dietary energy intakes. These are dependent on a person’s height, weight, sex, age and level of physical activity – see NHMRC, [‘Nutrient Reference Values for Australia and New Zealand including Recommended Dietary Intakes’](#), endorsed by the NHMRC on 9 September 2005, 2006, pp 13-25.
- 26 Kathleen Donaghey, ‘\$5 Fat Feasts at New Low’, *Courier Mail*, 13 February 2011, p 18. See also, [McDonald’s Nutrition Information](#); [Hungry Jack’s](#).
- 27 Amy Corderoy, ‘Fast-food Chains’ Healthy Options Not So Healthy’, *Age*, 9 September 2010, online.
- 28 NHMRC, [‘Nutrient Reference Values for Australia and New Zealand including Recommended Dietary Intakes’](#), p 231.
- 29 NHMRC, [‘Nutrient Reference Values for Australia and New Zealand including Recommended Dietary Intakes’](#), p 229. It is the sodium in salt that can lead to adverse health impacts: Food Standards Australia New Zealand, [‘How Much Sodium and Salt are We Eating?’](#).
- 30 Secretariat of the Australian Division of World Action on Salt and Health, [‘Drop the Salt! AWASH fast food key findings’](#), p 3 of 6.
- 31 Australian Government, Australian Institute of Health and Welfare, [‘High Blood Pressure’](#).
- 32 Australian Division of World Action on Salt and Health (AWASH), [‘Be Salt Aware’](#).

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33 Pizza Hut, [Nutrition Information](#).

34 Hungry Jack's, '[Hamburgers: Ultimate Double Angus](#)'.

35 Amy Corderoy, 'Fast-food Chains' Healthy Options Not So Healthy'.

36 Hon Paul Lucas MP was also, and continues as, the Deputy Premier.

37 Hon Paul Lucas MP, Deputy Premier and Minister for Health, '[Queensland Puts Fast Food on Notice](#)', *Ministerial Media Statement*, 12 November 2010.

38 Australian Health Ministers' Conference, [Communiqué](#), 12 November 2010, p 2.

39 The Australia and New Zealand Food Regulation Ministerial Council (ANZFRMC) consists of Health Ministers from New Zealand and most of the Australian states and territories, along with other nominated Ministers (such as Primary Industry, Fair Trading, etc), with an Australian Government Health Minister as the chair. ANZFRMC "*is primarily responsible for the development of domestic food regulatory policy and the development of policy guidelines for setting domestic food standards*": Australian Government, Department of Health and Ageing, '[Food Regulation Secretariat: The Australia and New Zealand Food Regulation Ministerial Council](#)'.

40 ANZFRMC, [Joint Communiqué](#), 3 December 2010.

41 The Panel was chaired by Dr Neal Blewett AC, Former Australian Health Minister. Other Panel members were: Nick Goddard, Dr Simone Pettigrew, Dr Chris Reynolds and Dr Heather Yeatman.

42 Neal Blewett AC, Nick Goddard, Simone Pettigrew, Chris Reynolds & Heather Yeatman, 'Labelling Logic: Review of Food Labelling Law and Policy (2011)', ANZFRMC; [Food Labelling: Timeline for the independent review of food labelling law and policy](#), last updated 28 January 2011.

43 See e.g., [McDonald's Nutrition Information](#); [Subway, Australia Nutrition Information](#).

44 Todd Harper, '[Letter to the Editor: Kilojoule Counters on the Menu](#)', VicHealth, 24 February 2010. The VicHealth website notes that this letter was first published in the Herald Sun 24 February 2010.

45 Neal Blewett AC et al, 'Labelling Logic: Review of Food Labelling Law and Policy (2011)', pp 70-71, 4.47.

46 Heart Foundation, '[The Need for Nutrition Labelling on Menus: Rapid review of the evidence](#)', p 2.

47 See e.g., Robyn Ironside, 'Whopping Serve of Fat – List exposes worst of the fast food offenders', *Courier Mail*, 8 June 2010, p 11.

48 Penalty notices cannot be issued for the new offences until 1 February 2012: [Food Amendment Act 2010 \(NSW\)](#), s 2.

49 Hon Steve Whan MLA, Food Amendment Bill 2010, [Agreement in Principle](#), pp 27,527-27,528.

50 Heath Aston, 'Fat Attack on Fast Food', *Sydney Morning Herald*, 7 November 2010, online.

51 The number of kilojoules may be rounded to the nearest 10kJ.

52 Each penalty unit is \$110: [Crimes \(Sentencing Procedure\) Act 1999 \(NSW\)](#), s 17.

53 Hon Steve Whan MLA, Food Amendment Bill 2010, [Agreement in Principle](#), p 27,527.

54 Hon Steve Whan MLA, Food Amendment Bill 2010, [Agreement in Principle](#), pp 27,525-27,526.

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- <sup>55</sup> Neal Blewett, 'Food Traffic Light Will Help People Make Good Choices', *Age*, 9 March 2011, online. See also, Obesity Policy Coalition, '[Traffic Light Labels a Win for Consumers' Health](#)', *Media Release*, 28 January 2011.
- <sup>56</sup> Obesity Policy Coalition, '[Traffic Light Labels a Win for Consumers' Health](#)'. The % Daily Intake scheme is an alternative scheme. The food industry favours the % Daily Intake scheme over the traffic light scheme: Rosemary Stanton, 'How do the New Food Labelling Recommendations Measure Up?', *Crikey*, 1 February 2011, online.
- <sup>57</sup> B Kelly, C Hughes, K Chapman, J Louie, H Dixon & L King, on behalf of a collaboration of public health and consumer research groups, '[Front-of-Pack Food Labelling: Traffic Light Labelling Gets the Green Light](#)', Cancer Council, Sydney, 2008, p 20. See also, comments by a spokesman for the Australian Food and Grocery Council in Daniella Miletic, 'Health Groups Back 'Traffic Light' Food Labels', *Age*, 30 September 2008, online.
- <sup>58</sup> Hon Paul Lucas MP, '[Queensland Puts Fast Food on Notice](#)'.
- <sup>59</sup> Merrin Jagtman, 'Chains Feeding Frenzy', *Gold Coast Bulletin*, 16 October 2010, p 4.
- <sup>60</sup> Queensland Government, '[Toward Q2: Tomorrow's Queensland](#)', p 8; Queensland Health, *The Health of Queenslanders 2010: Third Report of the Chief Health Officer Queensland*, p 133.