Canadian Food Inspection Agency | Agence canadienne d'inspection des aliments

English

Introduction

As part of the Canadian Food Inspection Agency's (CFIA) Food Labelling Modernization initiative, we would like to continue engaging with you on ways to improve the current food labelling system.

This discussion paper and questionnaire builds on what we heard from you during our first two phases of engagement. In phase I engagement (2013-2014) we asked you for your issues in the four key areas of food labelling, namely:

- Roles, Responsibilities and Partnerships
- Regulations
- Policy and Program Development
- Service Delivery

In phase II of consultation (2014-2015), we obtained your feedback on the ideas and options to modernize the system.

In this third phase of consultation, we would like your feedback on our key proposals which include modernizing regulations and establishing a risk based approach to ensuring truthful and not misleading food labelling.

The regulatory proposals presented here represent the culmination of more than three years of study and engagement that brought together consumers, industry, government, health professionals and others. These proposals are guided by principles that focus on outcome based rules, empowered consumers, responsive industry, risk-based intervention and improved compliance. Together we have taken a major stride toward a modern and innovative system, and together we will see the changes through, to the benefit of all.

To understand the issues that we are trying to address, the options we have presented in earlier engagement, and what we heard from stakeholders, it is recommended that you read these documents before completing the questionnaire:

- Phase II Engagement – What We Heard Summary Report
- Discussion Paper for Food Labelling Modernization – Phase II
- Food Labelling Modernization Engagement Summary Report on Key Issues – June 2014

The questionnaire has three parts:

1. Demographic information to help us better understand your perspective
2. Background on the purpose of food labelling regulations and food compositional standards
3. Specific proposals to modernize regulations and establish a new approach for consumer values claims that appear on food labels.

The CFIA invites your feedback on the proposals outlined in this document. On average, it should take approximately 45 minutes to complete the questionnaire.

Canada

Please answer all questions and provide your comments where appropriate. Include examples in your comments if you can. If you have no comments, please put N/A in the box to allow for you to continue with the rest of the questionnaire.

You can save your feedback and return to the questions at any time by clicking on the "save" button at the end of each section.

The questionnaire will remain open until March 14, 2017.

While the Food Labelling Modernization (FLM) initiative will concentrate on the areas within its focus, we will direct any comments or issues that fall outside of this focus to the appropriate government organization, as needed. We will continue to work with Health Canada and other government organizations to align our modernization initiatives.

The feedback we receive will be compiled and analyzed, together with all comments we receive in this phase of engagement. A report of what we heard will be shared on our website.

Any possible future recommendations that require regulatory change would follow the normal Canada Gazette process and include further consultations. The CFIA and Health Canada will endeavor to align the coming into force date for label changes.

We have been using a variety of ways to communicate the progress of this initiative at each stage of the process. To stay informed, you are encouraged to visit our website at Food Labelling Modernization Initiative. If you would like to receive notifications on future FLM engagement, please sign up to receive email updates.

To contact us, email CFIA-Modernisation-ACIA@inspection.gc.ca

Privacy notice statement

The Canadian Food Inspection Agency (CFIA) is committed to protecting the privacy rights of individuals, including safeguarding the confidentiality of information provided by individuals and institutions.

Submission of your personal information constitutes your consent to the collection, use, storage, and disclosure of your personal information by the Canadian Food Inspection Agency.

This information is being collected and used under this Agency's legislative authority for the following purposes: to seek public input on Phase III of the Food Labelling Modernization initiative in accordance with the *Canadian Food Inspection Agency Act*. This information will be retained for a period of 10 years after last use in accordance with the Agency's retention and disposition policies.

The personal information collected for the Food Labelling Modernization initiative appears in the Standard Personal Information Bank PSU 914 / Standard Class of Records PRN 939 for the Canadian Food Inspection Agency, which is described within InfoSource at the following website: www.infosource.gc.ca.

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Alternatively, individuals may contact the Canadian Food Inspection Agency's Access to Information and Privacy Office at ATIP-CFIA-AIPRP@inspection.gc.ca (located at 1400 Merivale Road, Tower 1, Room 0-149 Ottawa, ON K1A 0Y9, Canada), for access to their personal information pursuant to the provisions of the *Privacy and Access to Information Acts*.

- [ ] I have read, I understand and I agree with the privacy notice stated above.

We are asking the following questions to help us better understand the issues specific to you. This also helps us to know how many different people we've heard from. Our goal is to reach a broad range of people. The information that you provide will be compiled with the others we receive.

1. Please select the perspective from which you will be answering the survey.

- ○ Industry (Canadian manufacturing)
- ○ Industry (import or export)
- ○ International stakeholder – other than government (outside of Canada)
- ○ Industry association
- ○ Consumer / general public
- ○ Consumer association
- ○ Health professional
- ○ Health association
- ○ Academia / research / consulting
- ○ Government – federal
- ○ Government – provincial, territorial, other
- ○ Government – outside of Canada
- ○ Other, please specify Type here

2. Please indicate where you live, or if answering from the perspective of an organization or business, where your organization or business is primarily located.

- ○ Alberta
- ○ British Columbia
- ○ Manitoba
- ○ New Brunswick

- Newfoundland and Labrador
- Northwest Territories
- Nova Scotia
- Nunavut
- Ontario
- Prince Edward Island
- Quebec
- Saskatchewan
- Yukon
- Other country, please specify: Type here

3. If you are part of a business or an organization, how many employees or members does your organization represent?

- 1 to 4 employees/ members
- 5 to 99 employees/ members
- 100 to 499 employees/ members
- 500 to 4999 employees/ members
- 5000+ employees/ members
- Not applicable

4. If you are answering from the perspective of an industry or an association, which of the following commodities best represent your areas of interest?

- [ ] Dairy products
- [ ] Meat and/or poultry products

- [ ] Processed fruits and/or vegetables
- [ ] Fresh fruits and/or vegetables
- [ ] Egg and egg products
- [ ] Fish, seafood and/or marine products
- [ ] Grain and/or bakery products
- [ ] Alcoholic beverages
- [ ] Bottled Water
- [ ] Fats and/or oils
- [ ] Honey and/or maple products
- [ ] Sugar and/or sweetening agents
- [ ] Cocoa, chocolate and mixed nuts
- [ ] Coffee and/or tea
- [ ] Spices, herbs, seasonings and/or dressings
- [ ] Flavouring preparation and/or food colours
- [ ] Salt, baking powder and/or vinegar
- [ ] Other, specify Type here
- [ ] Not applicable

5. While not required, please provide us with your contact information so that we may contact you if we have questions or need more details.

Name	Type here
Title (if applicable)	Type here
Company or organization (if applicable)	Type here
Street address	Type here

City/Town	Type here
Province/State	Type here
Postal Code/ZIP	Type here
Country	Type here
Email	Type here
Telephone	Type here

Purpose of Food Labelling Regulations and Food Compositional Standards

Food labelling regulations protect consumers by ensuring that key information is available in order to help them make safe and informed food choices.

Canadian regulations require core mandatory labelling on food products including:

- what the food is, or the "common name"
- what the ingredients are, or the "list of ingredients"
- what the nutrition information is, or the "Nutrition Facts table"
- who is responsible for the food, or the "dealer name and address"
- how much food there is in a package, or the "net quantity"
- how long the food stays fresh, or the "best before date", or the date after which it should not be consumed for safety reasons, or the "expiration date"
- for some foods, where it comes from, or the "country of origin"

A basic principle for food labelling is that information must be truthful and not misleading.

These mandatory labelling requirements are generally aligned with international Codex Alimentarius standards and our trading partners' standards.

Codex Alimentarius Commission (CODEX):

CODEX is an intergovernmental body, under the World Health Organization (WHO) and the Food and Agriculture Organization of the United Nations (FAO), with over 170 member countries mandated to develop international food standards to:

- Protect the health of consumers
- Ensure fair practices in food trade

It coordinates food standards work at the international level.

The Codex Committee on Food Labelling (CCFL) drafts standards, codes of practice, and guidelines, specifically for labelling issues.

Food compositional standards also exist for certain foods, for example, bread, milk, bacon, catsup, canned beans, coffee, etc. Food standards in the Food and Drug Regulations and the proposed Safe Food for Canadians Regulations apply to foods that are imported or traded inter-provincially. These standards promote health, safety and protection against misrepresentation for consumers and a level playing field for industry.

In Canada, responsibility for food labelling and food compositional standards at the federal level is shared between Health Canada and the Canadian Food Inspection Agency (CFIA). Health Canada establishes the policies, regulations and standards relating to the health, safety and nutritional quality

of food sold in Canada. The CFIA enforces the policies and regulations that are developed by Health Canada. The CFIA also administers and enforces non-health and safety policies and regulations.

Integrated Health Canada and CFIA Food Labelling Modernization Plan

Health Canada and the CFIA continue to work together to integrate, align and coordinate their current labelling modernization activities, in areas such as:

- Coordinating engagement opportunities, to present the broader labelling context to stakeholders;
- Applying the same guiding principles to policy development and modernization, taking into consideration health, safety, consumer protection, and a fair and equitable marketplace; and
- Aligning coming into force dates, to the extent possible, to minimize the impact of label changes on the industry.

Food Labelling Modernization

In 2013 the CFIA launched the Food Labelling Modernization (FLM) initiative to develop a modern and innovative food labelling system. The initiative applies to all food sold in Canada with the aim to have more consistent, outcome-based labelling rules; align with international standards; bring greater clarity to the roles and responsibilities of consumers, industry, and government; provide more information for consumers; improve service delivery, and better enable risk-based oversight and policy and program development.

FLM consultations were held in two-phases:

Phase I (2013-2014): The CFIA engaged over 2,300 stakeholders including consumers, industry, government, health associations, academia, and others, to identify and prioritize issues.

Phase II (2014-2015): The CFIA engaged nearly 1,600 participants on specific options, including:

- Potential regulatory amendments in six areas: best before date, ingredient class names, percentage ingredient declaration, legibility, dealer name and address, and food compositional standards;
- Roles of CFIA and Health Canada, as well as industry and consumers, particularly for some claims; and
- Enhancing awareness of labelling and processes for complaints and inquiries.

The CFIA also looked at best practices and new approaches in other countries.

A foundational piece supporting the FLM is the development of the Safe Food for Canadians Act (SFCA), which received Royal Assent in November 2012. This establishes a modern and robust legislative framework for the safety of food commodities. The legislation will fully come into force with the adoption of the new regulations, the Safe Food for Canadians Regulations (SFCR), which will substantially change Canadian requirements for food safety. The SFCR will reduce the duplication of labelling and standard requirements by 25% [currently duplications exist between the Food and Drug Regulations (FDR), Meat Inspection Regulations (MIR), Fish Inspection Regulations (FIR), Consumer

Packaging and Labelling Act and Regulations (CPLAR) and regulations under the Canada Agricultural Products Act (CAPA)], and incorporate grades by reference; however the majority of regulatory changes related to labelling are left for a subsequent round of regulatory changes through FLM.

Health Canada is also modernizing its food regulatory framework as part of the Regulatory Roadmap for Health Products and Food, and in response to the Minister of Health's Mandate Letter. This includes modernizing regulations pertaining to:

- substances found in or on foods (e.g. food additives, vitamin/mineral fortification, food adulterants and contaminants, etc.)
- representations made on or about foods (e.g. health and nutrient content claims, nutrition labelling, other health and safety labelling etc.)

With respect to labelling specifically, Health Canada has published proposed regulations to improve the format and content of the Nutrition Fact table (NFt) and ingredient list and declaration of colouring agents.

The CFIA and Health Canada are working closely on their regulatory modernization initiatives to ensure that changes are well aligned in terms of content and implementation.

This questionnaire focuses on FLM proposals developed based on the feedback received from previous CFIA stakeholder engagement and is presented in two streams:

Stream 1. Modernized Regulations to:

- Improve mandatory labelling requirements with respect to date marking, food company/producer information, origin of imported foods, legibility, percent ingredient declaration, class names; and
- Address previous regulatory commitments (e.g. beer standard and standard container sizes).

Stream 2. Establish a new approach for truthful and not misleading food labelling that realigns the roles and responsibilities of stakeholders to:

- Improve consumer protection

Stream 1: Modernizing Regulations

1.1 Date Marking

Date marking lets consumers know how long the quality or safety of food products will be maintained. However, requirements such as "best before", "expiry date", "packaged on" vary from one food to another and their purpose is not always clear to consumers. Moreover, the format for the best before dates (month and day) can be confusing to some consumers, particularly when other date coding is applied or when expressed numerically and in the absence of the year.

Consistency and clarity of date marking is a top concern for consumers in Canada and internationally. In June 2016, the Codex Alimentarius Commission endorsed draft changes proposed by the Codex Committee on Food Labelling to bring clarity and consistency in this area. The draft Codex text aligns well with the feedback the CFIA has received.

The current Canadian regulatory definitions generally align with the Codex proposed definitions below.

Codex Proposed Definitions:

- "Expiration Date" signifies the end of the period after which the product should not be sold or consumed due to safety and quality reasons.

- "Best Before Date" signifies the end of the period during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made. Beyond the date the food may still be acceptable for consumption.

Proposal: Align Canadian requirements with the Codex Alimentarius Commission's proposed revisions to date marking in the Codex General Standard for Labelling of Prepackaged Foods, as follows:

Date marking requirements

It is proposed that the following apply to all prepackaged food, including those packaged at retail, unless specifically exempted based on specified criteria:

i. An "Expiration Date" be declared when food must be consumed before a certain date to ensure its safety.

ii. The "Best Before Date" be declared when an "Expiration Date" is not required.

Date Marking Formats for "Expiration Date" and "Best Before Date":

- The day, month and year shall always appear in date marking.

- Where only numbers are used to declare the date or where the year is expressed as only two digits, the sequence of the day, month, year, must be given by appropriate abbreviations as indicated in the following table.

Examples of Option Formats for Best Before Date Marking*

Best before/meilleur avant 2015 JN 11	Best before/meilleur avant 15 JN 11 yy/mm/dd - aa/mm/jj	Best before/meilleur avant 11/06/15 dd/mm/yy - jj/mm/aa or Best before/meilleur avant 11/06/2015 dd/mm/yyyy - jj/mm/aaaa

*Manufacturers / retailers can choose from any of these recommended formats. Similar formats will apply for expiration dates.

1.1 A) Date Marking Requirements: Do you support these proposals?

- Yes
- No
- Partially

1.1 A i) Date Marking Requirements: Please explain your reasoning.

Type here

1.1 A ii) Date Marking Requirements: Do you have any other comments?

Type here

Criteria for Exemptions (same as proposed by Codex):

It is proposed that a date mark will not be required for a food where:

1. Safety is not compromised and quality does not deteriorate because of the preservative nature of the food (e.g. alcohol, salt, acid etc) and under stated storage conditions (e.g. canned, frozen products);

2. The deterioration is evident to the consumer (e.g. fresh fruits and vegetables);

3. The key/organoleptic quality aspects of the food, like colour, taste, texture etc, are not lost (e.g. chewing gum);

4. The food is intended to be consumed within 24 hours of its manufacture (e.g. baker or pastry cooks' wares).

Storage:

Conditions for the storage of the food shall be declared on the label if they are required to support the integrity of the food and, where a date mark is used, the validity of the date depends on it.

The above recommendations could be adjusted, if necessary, following final endorsement of the standard by the Codex Alimentarius Commission.

1.1 B) Date Marking Criteria for Exemptions: Do you support these proposals?

- Yes
- No
- Partially

1.1 B i) Date Marking Criteria for Exemptions: Please explain your reasoning.

Type here

1.1 B ii) Date Marking Criteria for Exemptions: Do you have any other comments?

Type here

1.2 Legibility and Placement of Information

The Food and Drug Regulations (FDR) require all information that appears on a label of a food to be:

a. clearly and prominently displayed on the label; and

b. readily discernible to the purchaser or consumer under the customary conditions of purchase and use.

Beyond these foundational requirements for all food, additional prescriptive and inconsistent requirements for legibility (e.g. type size) and placement of information exist under various legislations. Minimum type sizes may be required on a product for dealer information, but not for best before dates.

We heard that this poses significant challenge for industry to determine which rules apply to their product. It is also challenging to balance the needs of consumers with the interests of industry for label space for their market objectives, such as brand names, claims, pictures and serving suggestions.

In addition, the inconsistency in the way mandatory information is presented can be problematic for consumers. For example, consumers told us that with the aging population, it is increasingly difficult to read the information on the labels when these are in small type, on shiny surfaces and with not enough contrast between the letters and the background. Brand names and claims are much more prominent compared to information like the product's common name.

Proposal: In addition to requirements in the FDR and those proposed for the SFCR, the following be required for the common name, dealer information, and date marking:

- A minimum type height of 0.8 mm for small packages (with principal display surface of 10 square centimetres or less) and 1.6 mm for all other packaged food.
- Upper and lower case letters, where appropriate (e.g. long common names of fruit juice blends, dealer name and address) and in accordance with linguistic rules.
- Adequate contrast (e.g. black letters on white background).

1.2 Legibility and Placement of Information: common name, dealer information, and date marking: Do you support these proposals?

- ○ Yes
- ○ No
- ○ Partially

1.2 A) Legibility and Placement of Information: common name, dealer information, and date marking: Please explain your reasoning.

Type here

1.2 A i) Legibility and Placement of Information: Do you have any other comments?

Type here

Proposal: That all the words in the common name have the same prominence, without any intervening words, pictures, or graphics between them, and that the common name is shown in a type height that is at least half the size as the most prominent information on the main panel, and not less than 1.6 mm.

1.2 B) Legibility and Placement of Information: Common Name: Do you support these proposals?

- Yes
- No
- Partially

1.2 B i) Legibility and Placement of Information: Common Name: Please explain your reasoning.

Type here

1.2 B ii) Legibility and Placement of Information: Common Name: Do you have any other comments?

Type here

1.3 Food Company Information

Food products must currently include the "dealer name and address" on labels to identify the responsible party for a food product so that consumers can contact them for information about the food they sell. Currently, the company name, city and province, or city and country are required. These requirements have not been updated since they came into effect in the 1970's. Stakeholders told us that the dealer contact information should reflect modern ways for consumers to directly contact companies.

There was strong support during our engagement to enhance the dealer information by requiring on the label information on other means of direct communication so that consumers can more easily contact companies directly about their foods.

The SFCR will require all importers of food, or manufacturers and processors who prepare food for interprovincial trade or export, to have a licence from the CFIA.

Proposal: Enhance dealer information and bring consistency to requirements by:

- Requiring the name of the CFIA licence holder on all imported food, or food intended for interprovincial trade (provincially traded food products currently require a dealer name)
- In addition to the company name, city and province, or city and country, include at least one of the following: a telephone number, email address, website or other means of communication between the licence holder/dealer and consumer.

1.3 Company Contact Information: Do you support these proposals?

- Yes
- No
- Partially

1.3 i) Company Contact Information: Please explain your reasoning.

Type here

1.3 ii) Company Contact Information: . Do you have any other comments?

Type here

1.4 Origin of Imported Food

Consumers increasingly want to know where their food originated. Currently, for wholly imported foods with a Canadian dealer name and address, the words "imported by/for" must precede the dealer name and address. We heard that terms such as "packaged by", "manufactured by", "prepared for" or "imported by/for" are not meaningful for consumers who increasingly want to know where their food comes from.

Stakeholders also indicated that for wholly imported food, the name of the importer as opposed to the manufacturer or distributor in other countries would ensure consistency and accountability. Currently, the origin of imported food is only required on specific products such as meat, fish, dairy, fresh fruit and vegetables, wine and brandy etc.

Proposal: To avoid misleading dealer name and address with respect to origin of imported food

- Require all wholly imported food products to include "Product of (naming the country)" information, on the principal display surface or adjacent to the dealer information.
- The country in which the food undergoes processing that changes its nature will be considered to be the country of origin for the purposes of labelling (last substantial transformation), consistent with Codex General Standard for Labelling of Prepackaged Foods.

1.4 Origin of Imported Food: Do you support these proposals?

- Yes
- No
- Partially

1.4 i) Origin of Imported Food: Please explain your reasoning

Type here

1.4 ii) Origin of Imported Food: Do you have any other comments?

Type here

1.5 Improving Information on Key Ingredients Emphasized Through Claims or Pictures

Companies usually draw attention to the presence of specific ingredients in their products through the product name, ingredient claims or pictures, for example, "mango juice drink" or "made with real fruit". Claims that highlight the presence of key or premium ingredients must be presented in a manner that is truthful and not misleading. In principle, any emphasis regarding the presence of an ingredient should be accompanied by a statement regarding the amount of that substance present in the food, but currently this is not a legal requirement.

Stakeholders indicated that because the list of ingredients does not provide information on the amount of a specific ingredient in the product when a claim is made such as "contains real fruit", consumers could be misled. There was a high level of support from consumers, government, health professionals and some industry stakeholders for requiring the percentage of any ingredients highlighted on a label. Some industry stakeholders have concerns related to proprietary information.

Industry also raised concerns related to implementation, for example, how would the rule be applied when the highlighted ingredient is in dried or concentrated form. They also want to know how this will be implemented for ingredients used only to provide a characterizing flavour.

Proposal:

- Require the percentage of any ingredient highlighted through words or pictures on the label or in advertising to be declared in the ingredient list. The basis for the calculation of percent content will consider such circumstances as dehydrated or reconstituted ingredients.

- Require the term "flavour" or "flavoured" on foods that would reasonably be expected to include a characterizing food ingredient but that contain a natural or artificial flavor instead. For example, strawberry ice cream that only has strawberry flavour and not real strawberry fruit would be labelled as "strawberry flavoured ice cream" but not as "strawberry ice cream". This is similar to the rule in the US Code of Federal Regulations and in Codex Standard, has strong support from previous consultations and will help clarify flavour labelling.

1.5 Key Ingredient Claims: Do you support these proposals?

- Yes
- No
- Partially

1.5 i) Key Ingredient Claims: Please explain your reasoning.

Type here

1.5 ii) Key Ingredient Claims: Do you support these proposals? Do you have any other comments?

Type here

1.6 Ingredient List Improvements – Class Names

Class names are used for a group of similar ingredients such as "vegetable oil", "flavour" or "milk ingredients". They are intended to provide flexibility for industry (e.g. recognizing the need for substitution based on availability of ingredients and formulation issues) and to reduce the length of the ingredient list while still providing meaningful information to consumers about the foods they are buying.

During engagement, consumers told us that they want more ingredients listed on labels, but that the ingredient list needs to be clear and understandable, and ingredients should not be "hidden". Stakeholders had differing views on the approach for specific class names.

Codex establishes class names at the international level following extensive review and consensus building.

Proposal:

- To explore moving the list of class names from the tables in the FDR [B.01.010(3)] to a document to be incorporated by reference in the FDR, so it can be amended in a timely manner.
- Once incorporated by reference, review the current specific class names used in Codex and the US, with the intent to harmonize and align class names used in Canada where possible, by amending, deleting or adding new class names.

1.6 Ingredient List Improvements -Class Names: Do you support these proposals?

- Yes
- No
- Partially

1.6 i) Ingredient List Improvements -Class Names: Please explain your reasoning.

Type here

1.6 ii) Ingredient List Improvements -Class Names: Do you have any other comments?

Type here

1.7 Food Compositional Standards and Modified Common Name

a) Food Compositional Standards

Food compositional standards establish requirements in regulation that identify a particular food using technical specifications and other criteria such as composition, strength, potency, purity, quality, nutritional quality and, in some cases, food safety, such as permitted food additives and voluntary and/or mandatory vitamin and mineral fortification.

There are currently more than 500 food standards for 20 categories of food in the Food and Drug Regulations (FDR) and in various regulations under the Canada Agricultural Products Act (CAPA), Meat Inspection Act (MIA) and Fish Inspection Act (FIA) which will be consolidated in the Safe Food for Canadians Regulations (SFCR) once the Safe Food For Canadians Act (SFCA) becomes law. As noted earlier, these standards apply to imported foods or those intended for interprovincial trade.

We heard that many standards are outdated, stifle innovation and limit consumer offerings. In addition, the regulatory process makes it difficult to amend food standards in a timely manner to keep pace with market realities.

There was strong support from industry to modernize the standards and use new tools such as Incorporation by Reference (IbR). These concerns were also strongly expressed during consultations on the Safe Food for Canadians Regulations.

Proposal:

- Complete regulatory amendments on food compositional standards in the FDR where stakeholder consensus has been achieved, such as the modernized beer standards;
- Pursue incorporation by reference of the food compositional standards from MIA, FIA and regulations under CAPA, in the SFCR.
- Work with Health Canada to pursue incorporation by reference of food compositional standards under the FDR, and further align these with the standards in the SFCR.
- Continue to engage with Health Canada, Agriculture and Agri-food Canada (AAFC), the Canadian General Standards Board (CGSB), industry, consumers and other stakeholders to determine the best options to maintain and modernize food compositional standards (e.g. remove or update outdated standards).

1.7 A) Food Compositional Standards: Do you support these proposals?

- ○ Yes
- ○ No
- ○ Partially

1.7 A i) Food Compositional Standards: Please explain your reasoning.

Type here

1.7 A ii) Food Compositional Standards: Do you have any other comments?

Type here

b) Modified Standardized Common Name:

A longstanding issue is the naming of foods that are similar to a standardized food but that do not meet the standard. To help consumers to recognize the food, its characteristics, use, and other features, the standardized name is included, with added modifiers, for example, "flavoured sugar". This has been guided by policy. However, there are limitations to the effectiveness of this approach as it has been applied inconsistently across commodities. With modern standards, which would be less prescriptive and more open to innovation, it is anticipated that the need for modified standardized common names will be reduced.

Proposal:

We propose to follow the example set by the U.S. and by work done at Codex. We propose to develop regulations in the FDR (and referenced in the SFCR) for the use of modified standardized common names, with clear criteria guiding when a common name can include a reference to the standard, and appropriate modification. These criteria will include: maintaining the basic identity and essential characteristics of the referenced standardized food, and labelling that clearly states how the modified standardized food diverges from the standard.

1.7 B) Modified Standardized Common Names: Do you support this proposal?

- Yes
- No
- Partially

1.7 B i) Modified Standardized Common Names: Please explain your reasoning.

Type here

1.7 B ii) Modified Standardized Common Names: Do you have any other comments?

Type here

1.8 Streamlining and Removing Unnecessary Regulations

Over time, numerous commodity specific labelling requirements were entrenched in regulations for a variety of reasons (e.g. health, safety, trade) for example, "%milk fat" and "ripening characteristics" for cheese, "tips removed" for canned asparagus, "Contents ... Per Cent Slack Filled" on processed fruit and vegetable products and "a water extract of dried prunes" on prune nectar.

As improvements were made to nutritional and other requirements for food, the need for some of these requirements to be prescribed in regulations has become less clear. These requirements can create unnecessary burden for industry and limit flexibility. The proposed labelling changes in this document that apply to all food may further reduce the need for some commodity-specific requirements, for example, percentage ingredient declaration.

Although the Safe Food for Canadians Regulations (SFCR) will reduce significant duplication of food labelling requirements, such as duplicated labelling requirements in the Dairy Products Regulations and the FDR, considerable work remains to update and streamline labelling regulations.

Proposal:

- To maintain commodity-specific requirements in the regulations only when these are needed for food safety and health, to align with international standards, or to prevent fraud; and
- To deregulate all others unless industry or consumers request that they be maintained.

1.8 Streamlining and Removing Unnecessary Regulations: Do you support these proposals?

- ○ Yes
- ○ No
- ○ Partially

1.8 i) Streamlining and Removing Unnecessary Regulations Please explain your reasoning.

Type here

1.8 ii) Streamlining and Removing Unnecessary Regulations: Are there commodity

requirements that should be maintained?

- Yes
- No
- Partially

1.8 iii) Streamlining and Removing Unnecessary Regulations: Please explain your reasoning.

Type here

1.8 iv) Streamlining and Removing Unnecessary Regulations: Do you have other comments?

Type here

1.9 Standard Container Sizes

Historically, standard container sizes were prescribed for a number of food, for example, honey, maple syrup, dairy and fish products, fresh and processed fruits and vegetables, etc. The original intent was to assist consumers to easily compare similar products on the store shelves and, for some products, to standardize the manufacturing process. Over time, this requirement has limited industry innovation and consumer offerings.

In 2012 and 2013, extensive consultations were launched by the CFIA with the food processing industry to consider the repeal of container size regulations for food. In 2015, standard container size requirements for maple, dairy and fish products were removed in line with stakeholder consensus. Other products were identified for subsequent deregulation.

Proposal:

- Remove the standard container sizes for some products
- Move the remaining standard container sizes to a compendium to be incorporated by reference, to facilitate changes in a timely manner, making it more responsive to the changing needs of industry, and including widely accepted container sizes currently covered by Test Market Authorizations.

The following products would be recommended to no longer have prescribed container sizes. This list was shared with industry in 2015 as Phase 2 of container size deregulation:

- the requirements in the Honey Regulations that apply to bulk honey containers
- the requirements in the Fresh Fruit and Vegetable Regulations that apply to
    - prepackaged beets,
    - prepackaged onions,
    - prepackaged parsnips, and
    - prepackaged rutabagas,
    - bulk packages of graded produce marketed in import or interprovincial trade exceeding 50 kg net weight (with the exception of apples, potatoes and carrots, which would remain status quo).
- the requirements in the Processed Products Regulations that apply to
    - canned asparagus,
    - canned sweet potatoes (cut and whole),
    - frozen fruits (including fruits with added sugar, syrup, fruit juice or fruit juice from concentrate),
    - frozen spinach,
    - frozen squash (cooked or diced uncooked),

- frozen corn-on-cob,
- frozen concentrated apple juice,
- pineapple (sliced, crushed, tidbits and chunks),
- grapefruit, orange, grapefruit and orange sections,
- bean sprouts vegetables for chop suey,
- mandarin oranges,
- grape juice (including concentrated grape juice and grape juice from concentrate, but not including carbonated juices and juices packed with nitrogen).

1.9 Standard Container Sizes: Do you support these proposals?

- Yes
- No
- Partially

1.9 i) Standard Container Sizes: Please explain your reasoning.

Type here

1.9 ii) Standard Container Sizes: Do you have any other comments?

Type here

1.10 Test Market Authorization

A Test Market Authorization (TMA) [1] provides a short-term exemption from prescriptive regulatory requirements, such as standard container sizes, use of new food additives or bilingual labelling, to allow a company to test a new product on the market in order to gather information about product viability. Over time, CFIA has witnessed a reliance on re-issuing of TMAs, beyond what is generally understood to be test marketing. These long term TMAs have created an administrative burden for both industry and government. Consequently, CFIA is moving to improve the efficiency of approvals of TMAs for new products. It is also moving from a system of renewal to one in favour of regulatory change where reasonable.

Proposal:

- Re-focus the use of TMAs on test marketing of a food that is new, and seek support to define a **new food** as either:

    a. A food **new to Canada** (the food has never been imported or sold inter-provincially in Canada **by anyone**) or

    b. A food **new only to that company** (the food has not been imported or sold inter-provincially by the applicant even if other companies are selling the same type of food)

1.10 Test Market Authorizations: Considering the proposal to restrict the use of TMAs to foods that are new, which of the two definitions for new food do you support?

- ○ A food new to Canada (the food has never been imported or sold inter-provincially in Canada by anyone) or
- ○ A food new only to that company (the food has not been imported or sold inter-provincially by the applicant even if other companies are selling the same type of food)

1.10 i) Test Market Authorizations: Please explain your reasoning.

Type here

1.10 ii) Test Market Authorizations: Do you have any other comments?

Type here

Footnotes:

[1]Note - Test Market Authorization (TMA) is not the same as a Temporary Marketing Authorization Letter (TMAL). Temporary Marketing Authorization Letters are issued by Health Canada for non-compliant foods for the purposes of gathering market data that will ultimately inform potential amendments to the Food and Drug Regulations.

Stream 2: New Approach for Truthful and Not Misleading Food Labelling

The Food and Drugs Act requires food labelling and advertising to be truthful and not misleading or deceptive to the consumer. The Consumer Packaging and Labelling Act has a similar prohibition, as will the Safe Food for Canadians Act. These are outcome-based laws and rely on interpretation of what is truthful and not misleading.

Over time, this fundamental requirement has been applied more and more prescriptively, often in response to consumers, industry and government inspectors seeking clarity and assurance on its application in a specific situation. This has resulted in challenges in keeping pace with innovation. In addition, the interpretations have frequently failed to provide the clarity that was initially intended.

During consultations, we heard that the current model is overly dependent on the CFIA developing policies around what is and what is not false or misleading and does not leverage the relationship between consumers and industry, and potential sources for information sharing between these parties.

Consumer value claims are a particularly challenging category of labelling. These claims are usually voluntary and reflect personal values, ethics and perceptions of consumers. They can include a range of statements: animal welfare ("free range", "dolphin friendly", "cruelty free"), methods of production ("grass fed", "home-made") and any other kind of consumer preference ("natural", "local"). Consumer value claims are increasing in popularity and a dynamic marketplace is required to address changing consumer preferences in a timely manner. Alternative approaches are consequently better suited to address these than regulatory or policy approaches.

Technology is providing new ways for the food industry to provide more detailed information to consumers than was available in the past. The potential in these areas is only beginning to be realized, for example, in the SmartLabel™ initiative.

The SmartLabel™ is a tool created by manufacturers and retailers to respond to the needs of consumers for more information about the food and consumer products they buy. This initiative provides detailed food product information, in a consistent digital format, accessible either by "mobile scanning" a "Quick Response" (QR) Code, or via the internet. Consumers can access information about the products such as ingredients, allergens, third-party certifications, social compliance programs, advisories, safe handling instructions and company information.

It is clear that it is time for a new approach that balances the need for consumers to have confidence in the accuracy of information on food labels and that industry is able to demonstrate how they have ensured this to be the case. This interest in an increased role for consumers and industry was strongly supported during our engagements.

In light of the feedback, we are proposing a new approach to managing food labelling that is risk-based and founded on partnership and collaboration of consumers, industry and government and other stakeholders (see Figure 1).

Proposed Model

The CFIA is proposing a realignment of roles and responsibilities that reflect the legal and ethical responsibility of industry to ensure that claims are truthful and not misleading, the important role of consumers to seek information and express their own views on claims, and the role of government to adopt risk-based enforcement of rules related to food safety and fraud.

Industry:

- Industry is responsible and accountable to ensure compliance with Canada's regulations, including ensuring that labels are not false or misleading to consumers.
- Industry would be expected to apply due diligence and appropriate processes to develop label claims, be able to substantiate these claims, and proactively make available to consumers the meaning of claims on the label, on a website or through another readily accessible method.
- Industry would be required to keep records of all complaints from consumers and any action taken in response as part of their preventive control plan, and answer inquiries from consumers and others. The SFCR will require the recording and monitoring of complaints.

Industry associations could play a key role in providing labelling advice and support to their members.

Consumers:

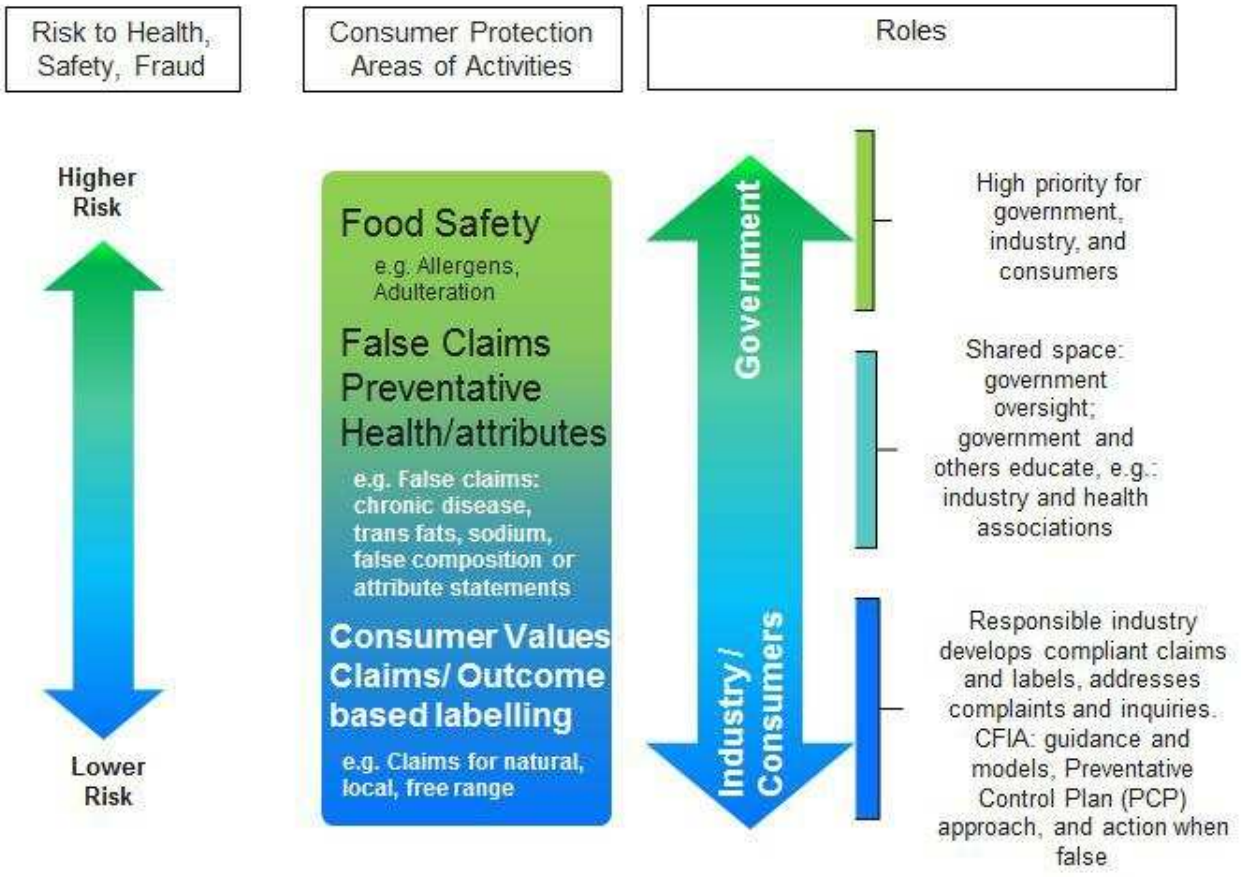
- Consumers would be encouraged to take an active role in seeking information about a company's claim by contacting the company directly. Proposed regulatory requirements for company contact information on labels will support this approach.
- Consumers will be encouraged to make complaints directly to companies if they have a concern.
- Consumers could also advise the CFIA when they have a concern about misleading labelling for which they feel that the company has not provided a sufficient response. The CFIA would track such complaints and investigate, as appropriate (e.g. when multiple complaints received).

Government:

- CFIA will review complaint records and process controls employed by a company for developing consumer value type of claims as part of inspections.
- CFIA will investigate further and take enforcement action, as appropriate, when there is evidence that products are falsely labelled.
- CFIA will develop guidance, checklists and model systems for companies on how to develop truthful and not misleading claims, such as engaging with stakeholders prior to using a claim.
- CFIA would target inspection resources to areas of highest risk, including economically motivated adulteration of food and fraud.

Figure 1 below demonstrates how the roles of key players support a risk-based approach.

Illustration of a Model for a Risk-Based Food Labelling System



2. Proposed Model: Do you support the proposed risk-based approach for food labelling?

- Yes
- No
- Partially

2 i) Proposed Model: Please explain your reasoning.

Type here

2 ii) Proposed Model: What are some considerations on implementation?

Type here

2 iii) Proposed Model: Do you have any other comments?

Type here

Do you have any other comments about the proposals contained in this discussion / questionnaire?

Type here