

GUIDE TO FOOD LABELLING AND ADVERTISING

Chapter 4

Composition, Quality, Quantity and Origin Claims

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Chapter 4

Composition, Quality, Quantity and Origin Claims

4.1 General Impressions

Refer to Chapter 3 of this Guide for additional guidance in making claims in food advertisements. The general information is intended to help those making food claims to comply with the *Food and Drug Regulations* and other applicable legislation, by reviewing criteria and setting out examples of both good practices and misleading or deceptive ones.

Chapter 3 deals with appropriate use of words and images when making claims about a food product, including such issues as the honest use of comparisons and endorsements. The information applies equally to anyone making a food claim, whether in advertisements or on food labels, or other displays.

This Chapter takes a more detailed look at claims related to a food's composition and quality, and it deals briefly with appropriate methods of informing consumers about net quantity and the origin of a food.

4.2 Composition and Quality - Names of Foods

4.2.1 Common, Coined, Trade and Brand Names [B.01.001]

"Common name" when used in reference to a food, means:

- the name of the food printed in boldface type in the *Food and Drug Regulations*;
- the name prescribed by any other regulation; or
- if the name of the food is not so printed or prescribed, the name by which the food is generally known.

Generally, the following principles apply.

- (a) A food should be described in advertisements by its common name. For example, orange juice from concentrate should be described as "orange juice from concentrate" and not "orange juice". After referring to the product by its proper common name at least once in the advertisement, it is acceptable to use the generic term "juice" or the brand name for subsequent or additional references.
- (b) Coined names, trade names, brand names or company names used as a brand name are subject to all provisions of the *Food and Drugs Act* and the *Consumer Packaging and Labelling Act*, whether or not these names are registered or trade-marked.
- (c) A few coined and trade names have been accepted as common names for certain unstandardized foods where these are well known to consumers due to long exposure (e.g., Pepsi-Cola). It is unlikely that coined names will be accepted for other products.

- (d) Common names that incorporate words not justified by the composition of the food are considered misleading.
- (e) It is misleading for names to suggest (directly or by phonetic rendering) benefits or results that are not likely to be obtained.
- (f) A product must not use the name of another product it resembles, or of which it is an imitation or substitute. (This applies whether the name is used directly or by phonetic rendering in a manner likely to deceive.)
- (g) The common name should not improperly suggest a place of origin (see 4.20.1 of this Guide, Geographical Terms).
- (h) An ingredient mentioned in a common name of a food should be present in a significant proportion. If the name of an ingredient is mentioned in the common name of a product to denote the flavour of the product, this should be clear in the advertisement and on the label. (For exceptions, see 9.6.1 of this Guide, Beverages or Beverage Mixes Identified with Name of a Fruit.)
- (i) Mixes that incorporate the name of a standard food into their common name (e.g., French dressing mix) would be expected to exhibit the characteristics of the named standard food when prepared according to directions, but would not necessarily be required to comply in all respects with the standard for the food. For example, an anti-caking agent suitable for use in unstandardized foods would be acceptable in a French dressing mix, although it would not be permitted in the standard for French dressing.

4.2.2 Qualified Descriptive Common Names of Standardized Foods

The common name of a standardized food must not be used to describe any food unless that food meets the provisions set in the standard for composition, strength, potency, purity, quality or other properties for that food.

Where a standard provides for optional ingredients, or prescribes a range regarding the amount of an ingredient or constituent that may be present in a food, the common name may be modified to indicate that an ingredient or constituent is absent or is contained at a specific level in the food (e.g., "no salt added mayonnaise" or "65% vegetable oil mayonnaise"). However, when the modification is also a nutrient content claim, all applicable criteria, including both composition and labelling requirements, must be met. For example, the common name "no salt added mayonnaise" could only be used if the food meets the criteria for "no added sodium or salt" as set out in the table following B.01.513 (see also 7.21 and Table 7-10 of this Guide).

A **modified common name** of a standardized food **may not** be used to describe a food that does not meet that standard **unless** the following conditions are met.

- It must always be clear to consumers that the food so described does not meet the standard.
- The consumer is told, in all respects, on the label and in advertisements, the provision(s) which the food does not meet within the standard. This information must always be in evidence in a clear and prominent manner as part of the

common name on labels and in advertisements (e.g., flavoured shortening, coloured sugar).

In some cases, the modified common name of the standardized food is not sufficient to describe the differences between the food so designated and the standardized food. In cases such as "light/lite (naming the standard food)", information must be shown in a **clear and prominent** manner on the principal display panel of labels and in advertisements, describing in all respects how the modified food differs from the standardized food (see 7.9 of this Guide: Requirements for Comparative Claims).

Note that manufacturers do not always have the option of modifying a standardized common name, whether or not the modification is made clear on the label. For example, manufacturers must, by Regulation, add Vitamin D to milk. Therefore, a product labelled "Milk with no added Vitamin D" would be illegal.

4.2.3 Stressing or Highlighting Particular Ingredients

It is misleading to over-emphasize the importance, presence or absence of an ingredient or substance in a food because of its desirable or undesirable qualities, or for any other reason.

For example, it is misleading to over-emphasize the presence of wheat germ in breakfast cereal when the amount present is the amount normally found in the grain used in making the cereal. Also, it is misleading to over-emphasize the presence of butter in a cake when butter is actually the minor shortening ingredient.

In principle, any emphasis regarding the presence of an ingredient, component or substance should be accompanied by a statement regarding the amount of that ingredient, component or substance present in the food.

4.2.4 Minute or Trace Ingredients

Food labels and advertisements should not stress (by analytical tables or otherwise), the presence of elements or substances found in minute or trace quantities. Other than as required or permitted in the Nutrition Facts table, mineral nutrients in trace quantities in foods should not be declared except in the case of mineral water, where the amount of each "mineral" present may be stated, providing this declaration is not over-emphasized (see 9.7 of this Guide: Mineral Water and Spring Water).

4.2.5 Common Names and Descriptions with Characterizing Ingredients - Butter, Cream, Malt

Care should be exercised in the use of the words "**butter**" and "**cream**" in the name of a food or in descriptions relating to that food. These words should not be used to describe a food that is or has been made, in part, of cream or butter, unless the food contains an amount of cream or butter sufficient to characterize the product.

- If butter is the **sole** shortening agent, the term "**all butter**" may be used as part of the common name (e.g., "all butter cake").

- If butter is the **major** shortening agent employed, the term "**butter**" may be used as part of the common name. However, the impression should not be created that the product contains solely "butter" as the shortening agent (e.g., "butter cake" is acceptable).
- If butter is a **minor** shortening agent but is still present, the term "**butter**" alone should not be used as part of the common name. However, "butter flavour(ed)" may be used (e.g., "butter flavoured cake") or the amount of butter present may be stated.

When it is clear that the terms "butter", "cream" or "creamy" refer to texture, form, colour, etc. and not to the butter or cream content of a food, their use may be acceptable, e.g. peanut butter, cream eggs, Bavarian cream pie, apple butter, chocolate creams.

The term "**malted**" must be used with care. A food is not "malted" simply because malt extract has been added. "Malted" means that the carbohydrate has been modified by suitable treatment with the diastase of malt. Unless such treatment has been given, "malt flavoured" is the appropriate term to use.

4.3 Negative Claims Pertaining to the Absence or Non-Addition of a Substance

(See also Table 7-2 of section 7.6 of this Guide: Altering the Wording of Permitted Nutrient Content Claims pertaining to nutritional characteristics.)

A "**negative claim**" is a statement about:

- the absence of a particular ingredient, substance or class of substances in a food because the substance is not inherent to the food;
- a substance that is not present in the food either through direct addition or through carry-over; or
- a substance that has been removed from the final food.

Claims to the effect that a food does not contain an ingredient or substance must be factual and not misleading as required by subsection 5.(1) of the *Food and Drugs Act* and section 7 of the *Consumer Packaging and Labelling Act*. Generally, a negative statement pertaining to the absence or non-addition of a substance to a food is acceptable under the conditions which follow.

a) The statement is true.

The ingredient, substance or class of substances claimed to be absent, must be totally absent and must not have been added directly to the food or to any of its ingredients. Where industry wishes to make a negative claim based on a physiologically insignificant level, the claim should be justified: appropriate research and analytical data should demonstrate both that the level is appropriate, and that any residual amount of the substance claimed to be absent is below this threshold and is declared on the label.

The maximum acceptable level is defined as:

- zero for allergens and gluten sources;

- the level of physiological insignificance such as those levels which act as the basis of nutrient free claims as described in the table following section B.01.513 of the *Food and Drug Regulations* (e.g., sodium free);
- the non-detectable limit using an acceptable methodology, in cases where no physiological thresholds have been established.

Rationale: The guidelines were revised to eliminate the differentiation between "non-addition" and "inherently absent". A study by the National Institute of Nutrition (*Consumer Use and Understanding of Nutrition Information on Food Package Labels*, January 1992), showed consumers do not, in fact, make a distinction between subtle differences in terminology (e.g., "**no preservatives added**", or "**contains no preservatives**", or "**not preserved**"). The general perception is that consumers wish to know if a substance is present or if it is not, regardless of whether it is intentionally added or is present due to incidental carry-over.

Since physiologically insignificant levels for many substances are not well documented, case-by-case assessment will be required. Submissions should be made by industry, with the appropriate literature review and supporting scientific data, to Health Canada and CFIA.

b) The statement is not misleading.

Factual statements should not give an erroneous impression about the product's composition and quality.

For example, a "**no added water**" claim for a pasta sauce where water has been added indirectly as inherent water in another ingredient gives an erroneous impression about the product's water content as compared to other pasta sauces. To avoid misrepresentations of this kind, it is recommended that positive (rather than negative) claims be made, such as "**made from fresh tomatoes**".

As well, a negative statement should not create a false impression that the product is uniquely different from other similar products. For example, when a class of foods is **inherently free** of a substance or where **it is not permitted** by Regulation to contain the substance, this must be made clear. A claim that the substance is absent will be considered misleading unless it is appropriately qualified by a statement to the effect that the claim is not unique to the food but is common to all foods of the same class [5.(1), FDA].

Rationale: If a claim is made that a substance is absent from a food where the Regulations do not permit it to be added or where it is inherently absent from the food and all other similar foods of the same class, it infers a **false uniqueness** and gives an unfair advantage to that food. It also infers that other similar foods contain the ingredient or substance.

However, the information that a substance is absent in a food may be beneficial information to individuals who wish to avoid certain substances. Therefore, negative claims are accepted, but only under circumstances which reduce the potential for misrepresentation. The conditions for making negative statements reflect labelling policies of the U.S. Department of Agriculture, the U.S. Food and Drug Administration, Codex standards and comments received on Consultation Document No. 11 of the Review Committee for the *Guide to Food Labelling and Advertising* (1996).

For example, a "**no colour added**" claim for wieners suggests that other wieners may contain colour when, in fact, colour is not permitted to be added to wieners. However, it is acceptable to state: "**No wieners sold in Canada contain added colour.**"

Similarly, beverages, other than non-alcoholic carbonated water-based flavoured and sweetened beverages and cola type beverages, such as juice, **could not** be labelled or advertised as "**caffeine-free**" (since caffeine is not permitted by Regulation to be added to this food), unless the claim is accompanied by a statement to the effect that "**all juices are caffeine-free**", or that a juice is "**a caffeine-free food**".

Conversely, as there is nothing in Regulation which prohibits the addition of colour to cookies, it would be acceptable for such an unstandardized product to carry a "no colour added" claim without the claim being accompanied by a statement such as "all cookies have no colour added", provided that no colour was added, directly or indirectly, to the product. When placed on a package of cookies, this claim does not suggest a false uniqueness to the cookies, as some cookies do contain added colour.

Compliance with this policy will be assessed on a case-by-case basis, to recognize the increasing concerns regarding food sensitivities and the presence of allergens in foods. Undeclared (i.e., carried-over) ingredients or components in a food (such as sulfiting agents or peanuts), could be the cause of serious health problems to individuals with sensitivities, particularly when consumers assume that the allergen or sensitizing agent is not present because it is not declared. In all cases, the onus remains with industry to demonstrate compliance.

4.3.1 No Preservative Claims

Claims pertaining to the absence or non-addition of a food class such as "**contains no preservatives**" and "**no preservatives added**" are permitted where none of the preservatives found in Division 16 of the *Food and Drug Regulations* has been directly added or none are present due to carry-over. For example, it would be misleading to make a "**no preservative**" or "**no preservative added**" claim in bakery products if sodium propionate were added indirectly through a dough-conditioning premix.

There is no objection to claims for the absence of preservatives when the food contains naturally-occurring constituents which can provide a preservative function (e.g., naturally-occurring benzoates in cranberry juice, acetic acid in vinegar and citric acid in lemon juice, etc).

Ingredients such as cultured whey, cultured dextrose, cultured skim milk, etc., can be **specifically manipulated** to contain high levels of peptides and propionic, butyric and lactic acids. These ingredients can act as preservatives. If foods contain these ingredients, claims pertaining to the absence of preservatives are **not** appropriate. Traditional preservatives such as **salt and sugar** are exempt from this policy.

Rationale: Claims that preservatives have not been added to a food, or are absent from it, are permitted if these statements are factual. In cases where preservatives are present as the result of incidental carry-over, even if the amount present is below detectable limits, the claim should not be made.

For example, ascorbic acid **is added** to apple juice to preserve the colour of the juice during processing. It degrades to very low or insignificant levels, but despite this degradation, this additive has already performed its preservation function. Therefore, a "**no preservative**" claim is not considered appropriate for the final product.

4.3.2 No Preservative Claims for Multi-Functional Additives

Certain food additives such as ascorbic acid, acetic acid, citric acid, lecithin and tartaric acid are capable of performing a number of functions. Acetic and tartaric acids may be used as acidulants or anti-microbial agents to preserve a food. Where they are added for reasons other than preservation, and their function is clearly stated in the list of ingredients, a "**no preservatives**" claim is acceptable. If a **non-preserving additive** is carried-over into the final food by way of an undeclared component, the claim can still be made and an explanation of its function **need not** be stated.

Rationale: Allowance is provided in the *Food and Drug Regulations* for a food to contain the above substances for functions other than preservation. It is permissible to make an absence or non-addition claim provided the additives were not added for a preservative function and are not present at levels used for preservation. As well, the functions of the additives must be clearly stated in the ingredient list.

For example, ascorbic acid is a multi-functional additive which is often used in bakery products for its dough-conditioning property at levels of less than 100 ppm. In these cases, ascorbic acid is not added for its preservative function, so the claim "**contains no preservatives**" is acceptable, provided the function of the ascorbic acid is clearly stated, e.g., "ascorbic acid (dough conditioner)". Other examples include "lecithin (an emulsifier)" and "citric acid (acidulant)".

Note: For labelling purposes, **liquid smoke** is not considered to be a preservative.

4.3.3 No M.S.G. Claims

Claims pertaining to the absence or non-addition of monosodium glutamate such as "**contains no M.S.G.**", "**no M.S.G. added**" and "**no added M.S.G.**" are considered misleading and deceptive when other sources of free glutamates are present. These include hydrolysed vegetable protein, soya sauce or autolysed yeast extracts. In addition, a number of common food ingredients contain **high** levels of naturally-occurring free glutamates, including tomatoes and tomato juice, grapes and grape juice, other fruit juices, cheeses such as Parmesan and Roquefort, and mushrooms.

Rationale: Consumers may believe that M.S.G. is the sole source of concern in food sensitivity reactions to glutamates. This is misleading. Foods that are inherently high sources of free glutamates may also be of concern. The Federation of American Societies of Experimental Biology (FASEB)*, in its report on adverse reactions to monosodium glutamate, concluded that there is no difference in the physiological response to man-made and natural glutamates.

(**Analysis of Adverse Reactions to Monosodium Glutamate (MSG)*. Prepared for Center for Food Safety and Applied Nutrition, Food and Drug Administration, Department of Health and Human Services, Washington, D.C., July 1995.)

For example, a claim for the absence of M.S.G. is not acceptable on a tomato-based pasta sauce unless the responsible party can prove, using an acceptable methodology, that there are no detectable glutamates in the product.

4.4 Guarantees

Guarantees referring to the quality of foods are generally acceptable, providing the manufacturer will support the guarantee. If there are conditions under which the guarantee is invalid, such conditions should be stated clearly.

The word "guarantee" is usually associated with an offer to return the purchase price when the consumer is not satisfied with specific characteristics or the performance of a product when these can be readily evaluated.

4.5 Fresh [5.(1), FDA; 7, CPLA]

As for all claims, the use of the term "**fresh**" is subject to the prohibitions contained in the *Food and Drugs Act* and of the *Consumer Packaging and Labelling Act* respecting misleading and deceptive representations for foods.

The context in which the term "fresh" is used will generally dictate its meaning. Accordingly, "fresh" may be used to describe the nature, the organoleptic qualities or the age of a food, or it may be used as part of a trade name or brand name.

4.5.1 Fresh to Indicate a Lack of Processing

The term "**fresh**" may imply that the food so described has not been processed or preserved in any way. The claim "fresh (naming the food)" should generally be used to describe a food that is not canned, cured, dehydrated, frozen or otherwise processed or preserved. The following should, however, be noted.

- a) Although refrigeration is a means of preserving foods, consumers generally consider **refrigerated fruits, vegetables, meats and fluid milk** as "fresh". The process of pasteurization is not regarded as altering the freshness of milk; consumers recognize that all fluid milk is pasteurized.
- b) **Fresh fruits and vegetables** that have been refrigerated in controlled-atmosphere storage, irradiated, waxed or washed in a mild chlorine or acid solution may be called "fresh".
- c) The term "fresh" may be used to distinguish fresh pasta from dehydrated pasta if the "**fresh pasta**" has not been treated by any means other than by refrigeration, vacuum packaging or modified atmosphere packaging.

- d) **Meats**, including poultry and fish products that have not been treated by any means, other than by refrigeration, vacuum packaging or modified atmosphere packaging to ensure their preservation, may be called "fresh".
- e) "**Fresh sausage**" made with frozen meat may be described as "fresh" [Schedule 1, *Meat Inspection Regulations*].
- f) "Fresh" should not be used as a descriptor for **shell eggs** on the label since the quality of eggs is described solely by a grade designated under the *Canada Agricultural Products Act*. "Fresh" is allowed in advertising, however, to distinguish eggs in the shell from other physical forms of eggs such as powdered, frozen and liquid whole eggs.

4.5.2 Fresh to Indicate Age or Recent Preparation

The claims "**fresh (naming the process and food)**" or "**freshly (naming the process and food)**" are often used to indicate that the food has been recently produced, obtained or grown. While useful indications of freshness, such claims are potentially misleading unless they are accompanied by a "**packaged on**" date or by an explanatory statement as to why the product is "fresh".

- a) Recently baked **bread** and other bakery products, including meat pies, may be described as "fresh" regardless of whether the product or its ingredients contain preservatives or are preserved by other means. For example, bread made with frozen dough, pie made with canned fruit and pizza made with frozen dough and preserved meat may be described as "fresh" as a result of recent preparation. Synonymous expressions such as "fresh baked", "freshly baked", "oven fresh bread", "bakeshop fresh", "fresh from the baker's oven", "freshly baked in the store", etc. may also be acceptable claims. The claim should be accompanied by a "packaged on" date or a date indicating recent preparation. In the case of broadcast advertising, a specific time (e.g., "baked fresh daily") should be included.
- b) While all "fresh" fruit and vegetables are considered fresh, terms such as "orchard fresh", "valley fresh", "garden fresh" and "fresh from the field" or synonymous claims should only be used to describe fresh fruit and vegetables that have been harvested and brought to the market at the earliest possible moment (with minimal storage and within days of harvesting). For example, it is considered misleading to advertise or label a package of fruit or vegetables as "orchard fresh" if this produce has been subject to months of controlled-atmosphere storage. Similarly, it would be considered misleading to describe apples as "orchard fresh" if they are imported apples which have spent five weeks on a freighter before reaching their destination. These could simply be labelled as "fresh or "fresh new crop from (naming the country of origin)".

Rationale: The terms "farm fresh", "orchard fresh" and "garden fresh" have been used for many years to describe products shipped directly from the farm to the stores or farmers' markets. Imported produce may also be shipped to the store within days of harvesting and hence qualify for terms such as "fresh from the field".

- c) The term "freshly squeezed juice" or "fresh daily" may be used to describe juice that has been recently pressed provided the claim is accompanied by a "packaged on" or other date indicating recent preparation. Similarly, the term "freshly ground" is considered to mean that ground beef/poultry/fish or ground coffee has been recently ground. The claim

should be accompanied by a "packaged on" or other date indicating recent preparation. When the product is packaged at a place other than the retail premise from which it is sold, this "packaged on" date is required in addition to the mandatory durable life date and storage instructions (see 2.11 of this Guide).

Rationale: Consumers are less likely to be misled if "fresh" claims, which imply that a food was obtained or prepared recently, are further qualified with a "packaged on" date.

4.5.3 Fresh to Indicate Organoleptic Qualities

In addition to describing the nature and age of a food, the term "fresh" can be used to describe other product characteristics such as flavour, texture, appearance and smell. Consumers are best able to judge the merits of "fresh" when used as a sensory modifier in claims such as "fresh tasting", "fresh from the sea flavour", "fresh frozen", etc. These applications of the word "fresh" are not within the scope of these guidelines unless the impression is created, visually or otherwise, that the product is "fresh".

4.5.4 Fresh as an Element of a Trade Name or Brand Name

Trademarks, company names and fanciful names containing the word "fresh" are acceptable provided the term is used, in labelling or advertising, in such a manner that it remains clear to the consumer that "fresh" is not a characteristic of the product and that these names represent a **brand**. The use of "fresh" as an element of trade or brand names will be assessed on an individual basis.

4.6 Homemade

The term "**homemade**" describes a food that is not commercially prepared. "Homemade" foods do not require further preparation. The use of a brand name or trademark symbol in conjunction with the term "homemade" is considered misleading if the food is prepared commercially. Other descriptors will be assessed on an individual basis.

The terms "homemade style", "home-style", "like homemade" may be used to describe a food that may contain mixes, in whole or in part, from commercial or private recipes. In advertising, these terms are potentially misleading when the food is portrayed in a home setting.

The claim "tastes like homemade" is left to the judgment of the consumer and is, therefore, acceptable.

Rationale: "Homemade" implies that a food is prepared in a home. Therefore, the use of the term "homemade" to refer to a food prepared in a commercial establishment, including small, artisan like establishments, is considered misleading. When a food is prepared in the style of a "homemade" food, the term must be qualified (e.g., "homemade" baked beans versus "homemade style" canned baked beans).

4.7 Nature, Natural

"**Nature**", "**natural**", "**Mother Nature**", "**Nature's Way**" are terms often misused on labels and in advertisements.

Advertisements should not convey the impression that "Nature" has, by some miraculous process, made some foods nutritionally superior to others or has engineered some foods specially to take care of human needs. Some consumers may consider foods described as "natural" of greater worth than foods not so described.

Foods or ingredients of foods submitted to processes that have significantly altered their original physical, chemical or biological state should not be described as "natural". This includes such changes as the removal of caffeine.

- A natural food or ingredient of a food is not expected to contain, or to ever have contained, an **added** vitamin, **added** mineral nutrient, artificial flavouring agent or food additive.
- A natural food or ingredient of a food does not have any constituent or fraction thereof **removed** or significantly changed, except the removal of water.

Note that some food additives, vitamins and mineral nutrients may be derived from natural sources. Some of these additives may be regarded as natural ingredients, in which case the acceptable claim would be that this food contains "**natural ingredients**". (See Tables 4-1 and 4-2 below, *Processes Affecting the Natural Character of Foods*.)

Note that while the ingredient can be described as "natural", the food itself cannot, since it contains an added component.

Table 4-1
Processes Affecting the Natural Character of Foods
with a MINIMUM of Physical, Chemical or Biological Changes

Aeration	Grating
Ageing	Grinding
Agglomeration (without chemical change or addition)	Heating (including baking, blanching, boiling, canning, cooking, frying, microwaving, pasteurizing, sterilizing, parboiling, roasting)
Blending	Homogenization
Centrifugation	Maturation* (without chemical addition)
Chilling (including refrigerating and freezing)	Melting, thawing
Chopping	Milling
Churning	Mixing, blending
Cleaning*	Packaging, canning
Concentration (without chemical change)	Peeling (without chemical change)
Cutting	Pressing
Deboning (manual)	Puffing
Defatting (without chemical change)	Reconstitution (without chemical addition)
Degerming	Ripening* (other than by chemical means)
Dissolving	Separating (including screening, clarifying, centrifugation, decanting, extraction, filtering, shelling, trimming)
Drying, dehydration, desiccation, evaporation, freeze-drying	Shredding
Emulsifying (without synthetic chemical addition)	Smoking (without direct chemical addition)
Extrusion	Soaking
Fermentation*	Treatment with inert gases (nitrogen pack)
Filtering* and clarifying	Treatment with toxic gases (with no chemical change)
Fining, finishing (without chemical change)	
Flaking	
Flocculation (without chemical addition)	
Forming	
Fumigation	

* using micro-organisms

Table 4-2
Processes Affecting the Natural Character of Foods
with a MAXIMUM of Physical, Chemical or Biological Changes

Anion exchange	Esterification
Bleaching (with chemical addition)	Hormonal action
Cation exchange	Hydrogenation
Conversion (with chemical addition or synthesis)	Hydrolysis (with chemical addition)
Curing (with chemical addition)	Interesterification
Deboning (mechanical)	Oxidation (with chemical addition)
Decaffeination (with chemical addition)	Reduction (with chemical addition)
Denaturation (with chemical change)	Smoking (with chemical addition)
Enzymolysis (with chemical addition)	Synthesis (chemical)
	Tenderizing (with chemical addition)

Flavour descriptors: Substances which impart flavours which have been derived from a plant or animal source, may be claimed to be "natural". As well, any additive, such as preservatives and solvents added to a flavour preparation to have a technological effect solely on the flavour, does not modify the "natural" status of the flavouring material itself. However, the addition *does* alter the natural status of the food to which it has been added, even though it need not be declared as an ingredient on the food label. In other words, such foods may not be claimed to "**contain only natural ingredients**".

Furthermore, acids, bases, salts and sweeteners may be used to impart sour, bitter, salty and sweet tastes in conjunction with natural flavours. They do not alter the "natural" status of the flavouring material itself. For example, citric acid is not a flavour but acts only as an acidulant when used in conjunction with natural flavours.

- Note, however, that while the flavour remains "natural", such acids, bases, salts or sweeteners have an effect on the foods to which the flavour preparation is added. Therefore, the list of ingredients of such foods must declare acids, bases, salts or sweeteners which are present by their proper common names.

The status of enzymatic flavours, processed flavours, reaction flavours or nature-identical flavours has not been established under these guidelines. Each one will therefore be examined on a case-by-case basis.

4.8 Organic

The *Organic Products Regulations* (OPR) require mandatory certification, by a CFIA accredited Certification Body, to the Canadian Organic Standards (Canadian Organic Production Systems Standards: General Principles and Management Standards and the Permitted Substances Lists) for agricultural products represented as organic in import, export and inter-provincial trade, or that bear the federal organic agricultural product legend (or logo). Imported organic products may also meet the requirements of the *Organic Products Regulations* by being certified to a standard deemed to be equivalent under an equivalency determination agreement with a foreign country by a Certification Body accredited by that foreign country. [Part 2, Part 4, OPR]

The Canada Organic Regime is the Government of Canada's response to requests by the organic sector and consumers to develop a regulated system for organic agricultural products. The *Organic Products Regulations* are designed to protect consumers against false and misleading organic claims and govern the use of the new organic logo.

4.8.1 Use of the Logo

The CFIA regulates the use of the logo below (Figure 1). The use of the organic logo will only be permitted on products that have an organic content that is greater than 95% and have been certified according to Canadian requirements for organic products. The use of the organic logo is voluntary. [22, 23, OPR]

Imported products must meet the requirements of the Canada Organic Regime. Should imported products bear the logo, the statement "Product of", immediately preceding the name of the country of origin, or the statement "Imported", must appear in close proximity to the logo or the designations, and these statements must appear on the label in both French and English. [21, 25(c) OPR].



Figure 1. The logo is displayed in either black with a white background, in black with a transparent background or in colour. If displayed in colour, the background is white or transparent, the outer and inner borders are green (Pantone no. 368), the maple leaf is red (Pantone no. 186) and the lettering is black. [22, 23, OPR]

4.8.2 Organic Claims

- Only products with organic content that is greater than or equal to 95% may be labelled or advertised as "organic" or bear the organic logo. Labels or advertisements bearing claims such as "organically grown", "organically raised", "organically produced", or similar words, including abbreviations of, symbols for and phonetic renderings of those words, must meet the requirements to make an "organic" claim. For multi-ingredient products, the organic contents must be identified as organic in the list of ingredients. [24(1), 25(b), OPR].
- Multi-ingredient products containing between 70-95% organic content may use the declaration "contains x% organic ingredients" on the label or in advertising, specifying the percentage of organic ingredients. These products may not use the organic logo nor the claim "organic". If the declaration "contains x% organic ingredients" is used, the words "organic ingredients" must be of the same size and prominence as the preceding words, numbers, signs or symbols that indicate the applicable percentage. The organic contents must be identified as organic in the list of ingredients. [24(2), 25(b), OPR].

- Multi-ingredient products containing less than 70% organic content may identify ingredients in the list of ingredients as organic. These products may not use the organic logo nor the claims "organic" or "contains x% organic ingredients". [24(3), OPR]
- When used, the above organic claims or statements must appear on the label in both French and English. [21, OPR]

4.8.3 Certification

Certification is required for products making an organic claim. This includes products labelled as "organic", that bear the organic logo, or that declare "contains x% organic ingredients". To be certified, operators must develop an organic production system based on the Canadian Organic Standards and have their products certified by a certification body accredited under the Canada Organic Regime. [Part 2, OPR]

The label of an organic product subject to the *Organic Products Regulations* must bear the name of the certification body that has certified the product as organic. [25(a), OPR]

For more information please refer to the Canada Organic Office at <http://www.inspection.gc.ca/english/fssa/orgbio/orgbioe.shtml>.

4.9 Novel Foods which are Products of Genetic Engineering

4.9.1 Novel Foods Regulations [Division 28, FDR]

“**Novel Foods** means

- (a) a substance, including a microorganism, that does not have a history of safe use as a food;
- (b) a food that has been manufactured, prepared, preserved or packaged by a process that
 - (i) has not been previously applied to that food, and
 - (ii) causes the food to undergo a major change; and
- (c) a food that is derived from a plant, animal or microorganism that has been genetically modified such that
 - (i) the plant, animal or microorganism exhibits characteristics that were not previously observed in that plant, animal or microorganism,
 - (ii) the plant, animal or microorganism no longer exhibits characteristics that were previously observed in that plant, animal or microorganism, or
 - (iii) one or more characteristics of the plant, animal or microorganism no longer fall within the anticipated range for the plant, animal or microorganism.” [B.28.001]

“**Genetically modify** means to change the heritable traits of a plant, animal or microorganism by means of intentional manipulation.” [B.28.001]

The regulations also require that prior to the sale or advertisement of a novel food, Health Canada be notified with sufficient accompanying information, as outlined in B.28.002.(2), to conduct a safety assessment. If Health Canada deems the food to be safe for consumption, a letter of no-objection is issued notifying the petitioner to that effect. Health Canada may require for those products of genetic engineering which result in a health and safety **change** or a **significant change** in nutrition or composition to provide a declaration on the label detailing the manner in which the genetically engineering food differs from its non-modified counterpart. This statement then becomes mandatory on the novel food.

4.9.2 Canadian General Standards Board (CGSB) National Standard for Voluntary Labelling and Advertising of Foods That Are and Are Not Products of Genetic Engineering

In the National Standard for Voluntary Labelling and Advertising of Foods That Are and Are Not Products of Genetic Engineering:

"Genetic Engineering" refers to a technique by which the genetic material of an organism is changed in a way that does not occur naturally by multiplication and/or natural recombination.

"Product of Genetic Engineering" refers to food consisting of organisms that have undergone genetic engineering and to food derived from these organisms.

Care must be taken when using the terms 'genetic engineering', 'genetically engineered', or 'from genetically engineered'.

In Canada, voluntary claims on foods that are and are not products of genetic engineering may be made provided such claims are truthful, not misleading, not deceptive, and not likely to create an erroneous impression of a food's character, value, composition, merit or safety; and in compliance with all other requirements set out in the *Food and Drugs Act and Regulations*, the *Consumer Packaging and Labelling Act and Regulations* and other applicable legislation.

The CGSB National Standard for Voluntary Labelling and Advertising of Foods that Are and That Are Not Products of Genetic Engineering was published in 2004. The standard provides criteria for making voluntary labelling and advertising claims that identify foods sold in Canada that are or are not products of genetic engineering. It includes detailed information including criteria for claims on both single and multi-ingredient foods, verification, and examples of claims.

The standard can be accessed from the following link:

www.tpsgc-pwgsc.gc.ca/ongc-cgsb/programme-program/norms-standards/internet/032-0315/index-eng.html

4.10 Pure, 100% Pure, 100%, All

The term **"pure"** should not be used on the labels of, or in connection with, an article of food that is a compound, mixture, imitation or substitute. This prohibition appeared in the *Food and Drugs Act* before 1952. Although no such regulation exists today, consumers still expect a food described as "pure" or "100% pure" to be uncontaminated and unadulterated, and to contain only substances or ingredients that are understood to be part of the food so described.

For example, consumers do not expect a product described as "100% pure corn oil" to contain any substance other than corn oil. It should not contain any preservatives, antifoaming agents or colour even though the standards may permit them. In some cases, this claim is considered to be

synonymous with the claim "**contains no preservatives**". (See 4.3.1, *No Preservative Claims*, and 4.3.2, *No Preservative Claims for Multi-functional Additives*, earlier in this chapter.)

The term "pure" or "100% pure" can be used to modify an **ingredient name** appearing in the common name of a food such as "pure vegetable oil" or "pure vegetable oil margarine". The claim can also be worded so that it refers specifically to a named ingredient in the food. The claim "made with *pure corn oil* with added preservative" implies that the corn oil used was pure, before the preservative was added to the final product.

Similarly, consumers expect that a product described as "100% pure pork sausage" would contain only meat originating from hogs and that the pork portion would contain no additives or contaminants. However, products like the sausage that are **not** single-ingredient foods should **not** be described as "100%", "pure" or "100% pure". The claim "100% pure sausage" is unacceptable.

In a few cases, however, it may be possible to describe a standardized **multi-ingredient food** as "pure" on condition that none of the optional ingredients permitted by that standard are added to the food, and on condition that the common name allowed and used to describe the food includes the names of all the ingredients of the food. For example, "**pure sweet milk chocolate**" would be expected to be made only with pure sugar, pure fluid whole milk and pure chocolate.

For reconstituted orange juice, "pure" or "100% pure" **can** be used on the label of the reconstituted product to describe the product if only water has been added to the concentrate. "Pure" or "100% pure" **cannot** be used on the label of a reconstituted product if any optional ingredient such as sodium benzoate, sugar, colour, vitamin C, etc., is incorporated into the concentrate.

In all cases, the terms "all", "pure" or "100% pure" should be used with care. If these terms are used in such a way as to imply that other similar products are adulterated or not up to standard, then the use of these terms could be construed as being misleading.

4.11 Entirely, Completely, Absolutely

Although these terms are often redundant in normal usage, they may nevertheless alter the meaning of statements and claims. Generally, claims may be made when food meets legislated criteria, but regulations usually provide some tolerance. However, when claims are modified by a term such as "entirely", the tolerance, in effect, ceases to exist.

For example, the claim "Canadian" is synonymous to a "Product of Canada" claim, in which case all or virtually all major ingredients, processing, and labour used to make the food product must be Canadian. Ingredients which are present in the food at very low levels and that are not generally produced in Canada would be permitted provided that these ingredients amount to generally less than a total of 2 per cent of the food. For a food with the claim "Entirely Canadian", this allowance would no longer apply; all ingredients, processing and labour would be Canadian.

4.12 True, Real, Genuine

Terms such as "**true**", "**real**", "**genuine**" and the like should be used with care. Such terms should not be used to describe foods or ingredients which are imitations or substitutes, nor should they be used in a manner which suggests that any product is an **exclusively** true, real or genuine article.

4.13 Imitations, Substitutes

An **imitation** food resembles the food imitated in flavour, texture, appearance and nutritional value. A **substitute** food does not have to physically resemble the food for which it substitutes but it should have the same nutritional qualities.

Certain foods are described as "imitation (naming the food imitated)" or "(naming the food) substitute". In advertising, the descriptive word "imitation" or the word "substitute" is required to appear as part of the common name. The advertisement should promote the imitation or substitute foods on their own merits and not highlight the qualities of the foods they replace, unless they, too, have these qualities.

Many foods that are imitations of another food or substitutes are described by coined names. These names and all descriptions should be used carefully. They must not lead consumers to conclude that the imitation or substitute is genuine.

4.14 Concentrated, Concentrate, Condensed, Strength, Reconstituted

These terms should be restricted to their correct usage and should not be employed in a manner that would imply nutritional superiority.

In general, the terms "**concentrated**", "**concentrate**" or "**condensed**" may be used to describe products still in the liquid state after a substantial amount of water has been removed, for example, "condensed milk". The terms "**dehydrated**", "**dried**" or "**powdered**" are more appropriate when the removal of the water results in a product that is no longer in a liquid state, for example, "powdered whole milk". Dehydrated fruits and vegetables and products such as soup mixes or bases are not regarded as "concentrates" or as being concentrated.

A claim that a food is "concentrated" or "condensed" and a statement pertaining to "strength" should be made only when there is a recognized standard with which to compare the product. "Concentrated orange juice" or "double strength vinegar for manufacturing purposes" are examples of correct usage.

Foods restored to their original moisture content should be described as "reconstituted" or as "made from concentrate". These terms should be part of the common name of these products.

A manufactured product requiring dilution as directed on the label before it is in a form ready to be consumed may be described, under special circumstances, as "concentrated", "concentrate" or "condensed", even though no water has been removed during processing. Products such as concentrated liquid infant formula and condensed soup fall within this category.

Some common names, by definition, connote "concentration" or "strength", and should not be further modified by words such as "concentrated" or "condensed", (e.g., instant coffee or instant tea should not be further described as "concentrated"). Similarly, syrups should be described by a declaration of the actual amount of sugar present, rather than by the less informative term "strong".

A product is not necessarily "strong" or "concentrated" because it contains a relatively large amount of one constituent. A pudding, for example, is not "concentrated" merely because a new formula calls for 15 percent milk solids instead of 5 percent, nor is cheese a "concentrated milk".

A powdered product is not a concentrate solely because it has been made to occupy less volume than the similar product it replaces. There can be no effect of concentration when, based on mass, the same amount of each product is needed to reconstitute or prepare for normal use. Agglomerated instant coffee, for example, is not "concentrated instant coffee".

4.15 Claims Regarding Grades

Grade names and standards have been established for food products such as butter, milk powder, eggs, fresh and processed fruits and vegetables, honey, maple products and meat and poultry carcasses, under the authority of the *Canada Agricultural Products Act* (including the *Livestock and Poultry Carcass Grading Regulations*), the *Meat Inspection Act* and various provincial acts. These grade names must be declared in advertisements when a price is declared and more than one grade of the food is available at retail. Grade names must not, however, be used to describe products which have not been graded.

The actual grade names vary from one type of product to another (e.g., "Canada No. 1", "Canada A" and "Canada Fancy"). It is illegal to describe products by an improper grade designation or by any words or symbols that could be mistaken for a legally-established grade description. In cases where a food product is imported, the grade assigned to the product by a grading authority established under the laws of the country from which the food was imported, may be used in any advertisements for that product.

Since grades only apply to meat and poultry carcasses, and do not apply to individual cuts, labels or advertisements for retail meat cuts may only include an indication of the grade of carcass from which the retail cut was derived (e.g. the label or advertisement should include words such as "**cut from**" or other appropriate words which do not give the impression that the retail cut was graded when indicating the carcass grade). Additionally, grade names must be reproduced in full. An appropriate reference would be "Cut from Canada AA beef".

Note: The label of meats, poultry meats or their products originating from federally inspected establishments which have been health inspected and passed for human food must be marked with the meat inspection legend established under the federal *Meat Inspection Act*. This legend, in the form of the word "Canada" within a circle or an ellipse, is not an indication of grade nor does it indicate that the product has been graded. It may not be reproduced by a third party nor may a repacker or retailer use it on meats or poultry packaged by them.

4.16 Kosher Foods [B.01.049]

Kosher, which means "fit" or "proper", describes foods and practices that are specifically permitted by Jewish dietary laws. Certification that a food is processed in accordance with the requirements of the Kashruth is made by a Rabbi or Rabbinical organization and identified by the appropriate Rabbi or Rabbinical organization symbol.

In the labelling, packaging and advertising of a food, the *Food and Drug Regulations* prohibits the use of the word **kosher** or any letter of the Hebrew alphabet, or any other word, expression, depiction, sign, symbol, mark, device or other representation that indicates or that is likely to create an impression that the food is **kosher**, if the food does not meet the requirements of the Kashruth applicable to it.

The terms "**kosher style**" and "**kind of kosher**" are not allowed, unless they meet the requirements of the Kashruth. "**Jewish-style food**" or "**Jewish cuisine**" are not objected to, although the foods may not necessarily meet the requirements of the Kashruth.

Rationale: "**Kosher style**" is considered to create the impression that the food is kosher, and therefore the food must meet the requirements of the Kashruth. "**Jewish style**" food may not necessarily create this impression.

4.17 Meals, Meal Replacements, Instant Breakfast [B.01.001, B.01.053, B.24.200] (See also 8.7, 9.1, and 9.9.2 of this Guide)

A basic prepackaged meal should include selections from at least two food groups as designated in *Canada's Food Guide to Healthy Eating*. More specifically, it must consist of at least one serving of:

- meat, fish, poultry, legumes, nuts, seeds, eggs, or milk or milk products other than butter, cream, sour cream, ice cream, ice milk and sherbet; and
- vegetables, fruit or grain products.

Requirements for "**instant breakfast**", a breakfast replacement, are set out in B.01.053. Requirements for **meal replacements** are in B.24.200.

Advertisements for meal replacements or instant breakfasts should be prepared with care. The general public should not be persuaded to change good dietary habits through the use of scare advertising or by over-emphasis of nutritional claims.

Instant breakfast may not be promoted as a replacement for other meals, such as lunch or dinner, nor as snacks, nor as a part of a diet plan.

No product should be represented as a lunch, meal, instant lunch or instant meal, or in any other way which suggests that it is a complete meal, if it does not provide the combination of foods required for a prepackaged meal.

4.18 Quantity: Net Contents

Claims such as "**big litre**", "**jumbo litre**" and "**full litre**" should not be used, since they contravene paragraph 7(2)(a) of the *Consumer Packaging and Labelling Act* which prohibits any qualification of the declared net quantity of a prepackaged product. (Refer to Chapter 2 of this Guide for more information on Net Quantity.)

4.19 Product of Canada, Made in Canada

The following guidelines were developed to reflect consumer and industry expectations about what constitutes a Canadian product. The objectives of the guidelines are to promote compliance with subsection 5.(1) of the *Food and Drugs Act* and subsection 7(1) of the *Consumer Packaging and Labelling Act* by providing truthful and not misleading claims that are clear, simple and transparent. The use of these claims is voluntary, however, when applied they will be assessed based on the criteria that follow.

4.19.1 Product of Canada

A food product may claim Product of Canada when all or virtually all major ingredients, processing, and labour used to make the food product are Canadian. This means that all significant ingredients are Canadian and non-Canadian material must be negligible. Ingredients that are present in a food at very low levels and that are not generally produced in Canada, including spices, food additives, vitamins, minerals, and flavouring preparations, may be used without disqualifying the food from making a Product of Canada claim. Ingredients in a food that are not grown in Canada, such as oranges, cane sugar or coffee, when present at very low levels, may be considered minor ingredients. Generally, the percentage referred to as very little or minor is considered to be less than a total of 2 per cent of the product.

For example: a cookie that is manufactured in Canada from oatmeal, flour, butter, honey and milk from Canada, and vanilla may use the Product of Canada claim, even if the vitamins in the flour and the vanilla were not from Canada.

4.19.2 Made in Canada with a Qualifying Statement

A qualified Made in Canada claim could be applied to a label or advertisement when the last substantial transformation of the product occurred in Canada, even if some ingredients are sourced from other countries. When a food undergoes processing which changes its nature such that the food becomes a new product bearing a new name by which the food is generally known by the consumer, it is considered to have undergone substantial transformation. Those processes which result in a substantial transformation may be outlined in more specific legislation, such as the Meat Inspection Regulations.

When a food contains ingredients which are sourced from outside of Canada, the label would state "Made in Canada from imported ingredients." When a food contains both domestic and imported ingredients, the label would state "Made in Canada from domestic and imported ingredients."

For example, a cookie manufactured in Canada from imported flour, oatmeal, shortening and sugar may be labelled or advertised with the claim "Made in Canada from imported ingredients". A cookie manufactured in Canada using Canadian flour, oatmeal and shortening and imported sugar may use the claim "Made in Canada from domestic and imported ingredients".

4.19.3 Other Claims

The use of Product of Canada and the qualified Made in Canada claims are encouraged to ensure clarity for the consumer and to enhance their ability to identify Canadian made foods. Other more specific statements or claims, including "Prepared in Canada", "Processed in Canada", and "Refined in Canada" that describe the Canadian value added may be used without further qualification, provided they are truthful and not misleading for consumers.

For example:

- "roasted and blended in Canada" to describe coffee since the coffee beans are always imported;
- "packaged in Canada" to describe a food which is imported in bulk and packaged in Canada;
- "distilled in Canada" to describe an imported product that underwent distillation in Canada;
- "canned in Canada" to describe the process that an imported product incurred in Canada.

4.19.4 National Symbols

The use of the Canadian Coat of Arms and the Canadian Flag are both protected under the *Trade-marks Act*, subsection 9(1).

a) Coat of Arms

The Canadian Coat of Arms cannot be used, unless permission is granted by the Department of Canadian Heritage. Requests for permission may be made to:

Manager
Ceremonial and Canadian Symbols Promotion
Department of Canadian Heritage
Ottawa, Ontario K1A 0M5
Fax (819) 997-8550

b) National Flag

The national flag with the 11-point maple leaf and one or two bars cannot be used unless permission for its use is granted by the Department of Canadian Heritage (see address above). There is however, no objection to the use of an 11-point maple leaf without bars.

The maple leaf should not be used on an imported food product since it may give the consumer the false impression that the product is of domestic origin.

4.20 Imported

When a food product is described as "imported", it is understood that the food, as a unit, has been brought into Canada from another country and is sold in Canada without modification to the food itself. In other words, the food is wholly imported. When a food contains a mixture of imported and domestic ingredients, only the imported ingredients may be described as being imported. For example, a cookie that is made in Canada using Belgian chocolate, may state "contains Belgian chocolate."

Exceptions to this general ruling are provided in the Food and Drug Regulations, and include imported Scotch whisky, Irish whisky, rum and brandy. These products may be sold as imported products when specific processing is done in Canada, namely blending with other imported named spirits, adjustment of the alcohol strength with distilled water or other purified water and standardization of colour with caramel addition.

According to the Consumer Packaging and Labelling Regulations, subsection 31(2), if a pre-packaged product has been wholly manufactured or produced in a country other than Canada, and the identity and principal place of business of the person in Canada for whom the pre-packaged product was manufactured or produced for resale appears on the label, then the identity and principal place of business shall be preceded by the words "**imported by**" or "**imported for**", unless the geographic origin of the product is stated on the label grouped with, or adjacent to, the Canadian name and address.

4.20.1 Geographical terms

The use of geographical adjectives and illustrations indicates that the foods are bona fide products of the place named or shown, except in cases in which the geographical term has lost its significance, (e.g., hamburg steaks, Spanish onions, Boston beans).

In some cases, foods do not originate from the place named or illustrated and the descriptions may be considered deceptive or misleading. If the name of a city, a region or a country is used to describe the product, in circumstances where it could be deceptive or misleading, the name should be accompanied by a qualifier such as "**style**", or additional information can be provided to clearly indicate the product's geographical origin.

4.20.2 Alcoholic Beverages

For information on indicating country of origin on alcoholic beverages, refer to Chapter 10 of this Guide.