CPMA comments to:

Canadian Food Inspection Agency Food Labelling Modernization Initiative

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The information you provide will be used by the CFIA to inform the consultative process. Personal information will remain confidential and will not be published by the CFIA, but the CFIA may publish the name of organizations who submit their comments.

The comments provided to CFIA are subject to Access to Information and Privacy (ATIP) requests. Please note that by submitting comments, you consent to

- having them published (without your name) in whole or in part, and
- having them edited by the CFIA.

☐ X I have read, I understand and I agree with the privacy notice stated above.

Demographic information

We are asking for demographic information to help navigate you to questions targeted to you. It will guide you to questions that are relevant only to you or your organization. This will assist us in better understanding issues specific to you.

Because we are seeking input from a broad range of stakeholders, this demographic information will also help us to know if we have achieved this goal. Note that the input you share will be compiled with those of other stakeholders.

After you complete this demographic section, the questionnaire will lead you into a series of questions on our four key areas of focus. Once again, we encourage you to read the Discussion Paper before completing this questionnaire.

On whose behalf are you responding to this questionnaire?

○ On behalf of myself, as a member of the general public

○ ✓On behalf of an organization or business (such as consumer, industry, health, or government)

Which of the following categories best describes your primary business or professional focus.

- ○ Consumer group (general public, association, consultant, etc.)
- ○ ✓Industry group (food, association, consultant, etc.)
- ○ Health professionals group
- ○ Other stakeholder groups (government, international, union, academia)

Which of the following secondary categories best describes your affiliation?

- ○ Food industry (general)
- ○ ✓Industry association
- ○ Consultant to industry associations
- ○ Other (from industry group), specify _____

Where do you live? If on behalf of an organization or business, where is your organization or business 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 _____

Which of the following best describes your organization or business?

- ○ municipal / local

- ○ provincial
- ○ ✓national
- ○ international
- ○ other, please specify _____

How many employees are employed by your business?

- ○ ✓1 – 49 employees
- ○ 50 – 99 employees
- ○ 100 – 249 employees
- ○ 250 – 499 employees
- ○ 500 – 999 employees
- ○ 1000 – 4999 employees
- ○ 5000+ employees

How many members are represented by your organization?

- ○ ✓1 – 49 members
- ○ 50 – 99 members
- ○ 100 – 249 members
- ○ 250 – 499 members
- ○ 500 – 999 members
- ○ 1000 – 4999 members
- ○ 5000+ members

Does your organization or business use programs or tools provided by the CFIA?

- ○ ✓yes
- ○ no
- ○ don't know

Which of the following best describes you or your organization or business? (Select all that apply.)

- ☐ manufacturer
- ☐ retailer

☐ importer

☐ exporter

☐ wholesaler or distributor

☐ ✓other, please specify we represent from farm to fork and include all of the above

_____

Does your work involve food labelling responsibilities?

○ ✓yes

○ no

○ don't know

How well do you know and understand the food labelling system and requirements in Canada?

○ extremely well

○ very well

○ ✓well enough

○ not so well

○ don't know at all

Please explain your selection, providing clear examples when possible.

(limit 250 words)

- My duties at the association includes providing a label review of prepackaged or shipping containers for our members – fresh fruit and vegetable labels only
- When there is a question as to the interpretation of the regulations I seek assistance from the CFIA via the FFV labelling email address; prior to the establishment of this mode of communication I sought assistance from the Fresh Fruit and Vegetable division of CFIA

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

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In the next four sections, please provide us with your feedback on the questions related to the four key areas outlined in the Discussion Paper.

Section 1: Roles, responsibilities and partnerships

The responsibility for food labelling in Canada, at the federal level, is shared between two departments: Health Canada and the Canadian Food Inspection Agency.

- Health Canada is responsible, under the Food and Drugs Act, for establishing policies, regulations and standards relating to the health, safety and nutritional quality of food sold in Canada.
- The CFIA is responsible for enforcing the regulations that are developed by Health Canada.
- The CFIA also administers and enforces non-health and safety requirements.

Consumers and industry also play key roles in food labelling. Here are some examples:

- Consumers use information on labels to make informed choices about the food they buy, such as the ingredients list, name of the food, and claims like “natural” or “low in fat.”
- Consumers bring food labelling and advertising issues, concerns or ideas to the attention of industry and/or government.
- Industry is responsible for the compliance of the food they sell.

Industry provides feedback during regulatory and policy development consultations. When considering the roles and responsibilities of consumers, industry, and government, the work of other countries, such as Australia, New Zealand, the United States and the United Kingdom, who have made recommendations to improve labelling in their own countries, can be useful. One idea for consideration is that food labelling policy should be guided by an issues hierarchy that adjusts the level of consumer, industry and government involvement based on health and safety risk -- the higher the risk, the more government involvement. This can be considered a continuum: food safety, preventative health, and non-health and safety labelling.

Keeping the Discussion Paper in mind please answer the following questions.

As it relates to food labelling, and considering the information provided above, how well do you know and understand the roles and responsibilities of consumers, industry, and government? Please explain, providing clear examples when possible.

CPMA has a very good understanding as outlined below and appreciates the opportunity to participate in the collaborative efforts to improve the Canadian food supply. Our understanding is noted as follows:

- Government sets rules/regulations/policy, and respond to consumer and industry queries and concerns. Industry is responsible for ensuring labelling regulations are adhered to –both information and health and safety aspects - and to confer with government on regulatory matters.

- Consumers provide government and industry with feedback related to their understanding of the regulations and requirements and their concerns.

With respect to labelling, what are the main challenges or gaps, for example, in relation to communicating and/or collaborating, you observe related to the roles and responsibilities of consumers, industry and CFIA? Please explain, providing clear examples when possible.

- Consumers are not always aware of the restraints placed on industry (e.g. regulatory, economic, climate, market influences) and there is a need to collectively educate consumers on the rules, regulations and economic realities of ensuring a safe and healthy food supply for all Canadians.
- Consumers look to government for guidance therefore it is important that government be proactive in providing information to consumers and industry to avoid confusion and prevent the myths surrounding food issues. For example, Consumers use labels to determine their purchases but many are not well versed in "how" to read a label; those with special concerns are better informed, but the general consumer or those with newly diagnosed concerns do not readily understand the labels. Those with allergens spend an inordinate amount of time dissecting labels; those looking for better food options e.g. low fat, no fat, low calorie, etc. do not fully understand the labels and trade-offs by choosing certain products with such claims. E.g. low fat could also be high sugar or sodium; consumers do not understand "low" does not always mean healthy.
- Health Canada creates the rules & regulations; CFIA administers or enforces; sometimes this is confusing, especially when trying to explain to stakeholders where to find information. It is important that government provide sufficient information and education to keep industry and consumers informed of the regulations and policies. (Consumer education should be built on a similar model as the existing allergen pamphlets and education.)
- Government should have in place a regulatory framework that is responsive to consumer and industry needs and that is adaptive to market and technological change and innovation.
- Industry resources can restrict consultation and collaboration with government (e.g. ability to participate in face-to-face consultations). It is important that government utilize all means possible (technological, social media, etc.) to reach out to industry – to educate, assist and facilitate the availability of information and outreach.
- Products under development must determine what regulations apply to them and are not always able to find all the information in one place.
- A main directory of all requirements should be made available with links to the different regulations and the administering agency.

What are the challenges in collectively modernizing these roles? Please explain, providing clear examples when possible.

- Costs – Government resources are needed, both human and technological, to communicate clearly and concisely to both consumers and industry. This is necessary to ensure the safety of the food supply and maintain sufficient resources for a risk management system to effectively and consistently enforce regulations, which will ultimately increase consumer confidence in the food supply.
- International – Government to ensure non-tariff trade barriers are not created via implementation of new regulations – there must be a balance of Canadian needs with economic and global realities.
- Procedures should be simplified; roles and responsibilities should be clear to ensure industry and consumers understand and have a mechanism to gain clarity.

Section 2: Regulations

In Canada, effective legislation for food safety and consumer protection is the cornerstone of an efficient and innovative food labelling system.

Food labelling regulations outline information that must be on a label and how it must appear. The core mandatory labelling information (See the Interactive Food Label Chocotastik, for example, on the CFIA website) required on food products must be legible and bilingual (with some exception), and include the following:

- what the food is, or "common name"
- what the ingredients are, or "list of ingredients"
- what the nutrition information is, or "Nutrition Facts table"
- who is responsible for the food, or "dealer name and address"
- how much food there is in a package, or "net quantity"
- how long the food stays fresh, or "best before date''

Some foods have specific, additional labelling requirements, such as a declaration of alcohol by volume on alcoholic beverages or percent of acetic acid on vinegar. These are referred to as commodity-specific requirements.

Also, Standards of Identity are regulations that describe what ingredients a particular food, with a specific name, must contain, or what ingredients may be added (and, in some cases, how it should be made). Some examples are vegetable oils, bread, pickles, and spices.

These laws and regulations promote food safety and health, and they set out requirements for basic labelling information, to help consumers make informed choices. They also help to prevent misrepresentation, such as ingredient substitution and false or misleading labelling or advertising. Information on the current labelling regulations can be found in the *Guide to Food Labelling and Advertising*, Chapter 2.

The CFIA administers and enforces food-related requirements that are found in 5 acts and 13 sets of regulations. The regulations are as follows:

- *Food and Drug Regulations*
- *Consumer Packaging and Labelling Regulations*
- *Dairy Products Regulations*
- *Egg Regulations*
- *Fish Inspection Regulations*
- *Fresh Fruit and Vegetable Regulations*
- *Honey Regulations*
- *Livestock and Poultry Carcass Grading Regulations*
- *Maple Products Regulations*
- *Meat Inspection Regulations*
- *Organic Products Regulations*
- *Processed Egg Regulations*
- *Processed Products Regulations*

Although the food-related requirements within these regulations are strong, with time comes change and innovation. To stay current and to balance the needs of industry and consumers, regulations are reviewed periodically, and updated or amended as required, to avoid duplications, inconsistencies and outdated sections.

Keeping the Discussion Paper in mind please answer the following questions.

What specific regulations within the CFIA mandate require attention in order to modernize food labelling? Where specifically are the gaps, if any? Please explain, providing clear examples when possible.

- **Placement format and size of required information** should be the same for all food commodities (Presently there are differences in the size requirement for information related to net contents on pre-packaged foods for processed products and fresh fruits and vegetables (e.g. Fresh Fruit and Vegetable Regulations 12.2 (2), Processed product regulations **36.** (1) and (2), and Consumer Packaging and Labelling Regulations **14.** (1), (2), and (4)) In fact, font size should reflect government's desire for outcome based results – prescriptive font size beyond a minimum present unnecessary challenges to industry with little benefit to consumers.
- **Date markings (e.g. Best Before Dates) –** this should be harmonized with international requirements and standards to eliminate costly and complicated packaging requirements by country. Eliminate unnecessary prescriptive terms allowed for use in expressing date.
- **Nutrition Labelling** – Efforts should be made to harmonize nutrition facts table format and information with other countries.

Considering the regulations listed above, which, if any, specific standards of identity within the CFIA's mandate need modernizing? Please explain, providing clear examples when possible.

Standards of Identity are regulations that describe what ingredients a particular food, with a specific name, must contain or what ingredients may be added (and, in some cases, how it should be made). Some examples are vegetable oils, bread, pickles, and spices.

In light of the above, standards of identity do not apply to fresh fruits and vegetables; we therefore will forgo comment to this question and leave it to the industry stakeholders representing the foods to which Standards of Identity apply to provide input.

When looking at the food label, which specific pieces of labelling information are adequate to make an informed decision? Where do gaps exist? Please explain, providing clear examples when possible.

If this is referring to an informed decision about the healthiness or nutritional evaluation of the product, then the following information on a package could be considered adequate:

- Health and nutrient content claims
- Nutrient Facts Tables
- Product ingredients with simplified language for ingredients. For example, sugar or its derivatives could be listed as one ingredient, with the breakdown in parenthesis, if required; this would provide the consumer with information on total sugar content and its origins (solids vs. liquid) - content cannot be determined under current labelling
- Allergen labelling

Gaps that exist:

Fresh fruit and vegetables in general are exempt from labelling prepackaged produce products with a NFT (Nutrition Fact Table). Given there is no approved database yet in Canada for use in developing nutrient profiles for single ingredient produce items, and the use of health and nutrition claims on these products result in the loss of the exemption for the provision of a NFT, the fresh fruit and vegetable industry is limited in its ability to inform Canadian consumers about the healthy attributes of fresh fruit and vegetables. As a result, consumers cannot compare many produce items with other products offered on the shelf. (And in turn the fresh produce industry was unable to take part in the Health Canada campaign promoting and educating the public on how to read and use NFT's).

Of the core mandatory labelling information, where do you see the most concerns or issues? Please explain, providing clear examples when possible.

Areas of concern include: which panel on a package is to be used, placement on panel, font size for required information, prescriptive language (durable life), and the lack of harmonization with provincial and international constituencies,

Bolding of information should be reserved for food safety or public health information (e.g. allergen labelling, ingredient labelling and specific ingredients deemed of public health concern within the ingredient list.) Presently there is a requirement on fresh fruits and vegetable packaging for bolding of such information as net contents, grade name and country of origin all of which are non- food safety, non-health indicators.

Where do you see issues with where and how the labelling information appears on the label? Please explain, providing clear examples when possible.

- **Font size** - prescriptive font size beyond a minimum presents unnecessary challenges to industry with little benefit to consumers and requirements should be consistent for all commodities. (Every attempt should be made to harmonize with international trading partners.)
- **Placement on panel** – please see previous answer.
- **Bolding of information-** see previous answer.
- As mentioned elsewhere in this document, consistent requirements for all commodities is important.

Section 3: Policy and program development

Policy and program development means doing the following:

- interpreting acts and regulations,
- producing guidelines, and
- developing new regulations.

Where there are no specific regulations, CFIA develops policy, with public engagement, and interprets the applicable laws to determine what food labelling information is truthful and not misleading. This applies, for example, to voluntary claims used by companies on food labels and in advertising. A voluntary claim is labelling information that is added to provide additional information to the consumer but is not required information on a food label, such as “natural,” “local,” “homemade,” or “pure and fresh.” This is called policy development.

In addition to policy development, the CFIA also designs and develops food labelling programs by doing the following:

- creating strategies for promoting industry compliance,

- implementing approaches for compliance with new regulations and policies (for example the allergen regulations developed by Health Canada in 2012),
- setting priorities for inspections, and
- developing tools and information to promote compliance (for example the *Guide to Food Labelling and Advertising*).

Keeping the Discussion Paper in mind please answer the following questions.

What food labelling policies within the CFIA mandate need modernizing? Where do you see gaps? Please explain, providing clear examples when possible.

Guidance and guideline development:

- There is a need for consistency of information provided.
- Obsolete definitions should be updated (e.g. "local") and should occur in consultation with all Canadian stakeholders.
- Easy access to guidance documents by all – industry, consumers and other government departments.
- Should be presented in clear, concise, and simple language.
- There should be easy, efficient access to human assistance with requirements and interpretation of regulations.
- Timely policy development for issues that emerge and may not be addressed directly in regulation and require government consultation.
- Guidance documents should be developed in consultation with industry, consumers and other government departments.

Inspection:

- Inspection, an important component of labelling compliance, should be consistent across all jurisdictions with clear recommendations.
- The process, in light of the shelf life of fresh produce and the requirement to maintain the cold chain for many products, must be efficient.
- Enforcement should include education rather than punitive measures where noncompliance is **not** a food safety, fraud or public health concern.

Tools:

- Sufficient government resources should be allocated to provide necessary and effective tools which are easy to access and utilize

IM/IT:

- Allocation of sufficient government resources to provide and update in response to technological changes and modes of delivery (e.g. social media for delivery of messages and education).

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With respect to the policy development process, what are the main issues? Please explain, providing clear examples when possible.

Consultation time needs to be adequate to allow stakeholders to consult within their constituencies – the timeframes for this round of consultation were onerous.

What challenges do you face in providing feedback and participating in CFIA's policy development? Please explain, providing clear examples when possible.

Significant hurdles in the current round of consultations were the timeframes for feedback and confusion given the multiple consultations occurring at the same time and a plethora of documents to consider. Significant improvements would have resulted had the information been provided with a "map" approach where dates, related documents and mechanisms for listening/feedback were captured in one document. (This applies to all Modernization efforts.)

Meetings/consultations are usually held in Ottawa or city centres during business hours; this may restrict participation from rural areas and those working under inflexible work hours/days (e.g. growers).

Providing feedback to stakeholders as consultations are occurring would have enabled better input to government (e.g. knowing the concerns/comments from other stakeholders could ensure comments to government addressed the concerns). The consultations were done in a vacuum and there is some concern that the next round (i.e. Canada Gazette I) will be too close to the final outputs to enable significant change if necessary.

Section 4: Service delivery

The CFIA provides many food labelling services to consumers, industry and other government departments to promote compliance through improved understanding and knowledge.

Some examples of these services are:

- communicating to industry and consumers, using a labelling web page (which includes the *Guide to Food Labelling and Advertising*, food labelling decisions and manuals)
- delivering and enforcing inspection activities (including use of IM/IT reporting systems)
- following up on complaints
- reviewing labels for industry
- responding to inquiries (by phone and electronically)
- providing inspector training and information sessions
- providing service standards, appeals, and redress

Keeping the Discussion Paper in mind please answer the following questions.

What are the most significant issues you have observed as it relates to CFIA's online labelling tools and labelling information? Please explain, providing clear examples when possible.

Not all information is available in one central location, the CFIA Guide to Food Labelling and Advertising does not contain much information specific to Fresh Fruit and Vegetable Regulation, whereas other regulated products do have their own chapter. Scattered information reduces efficiency in providing label reviews for our membership.

As mentioned earlier, there have been, in the past, inconsistencies in responses to questions depending on where the answer originates from.

With respect to CFIA's service delivery for food labelling, what key issues affect you or your organization, if answering on their behalf, for example with inspection, label reviews, inquiry lines? Please explain, providing clear examples when possible.

Consistency and timeliness of responses is one of the biggest challenges for delivery of food labelling. The creation of the new Directorate was a very positive step in ensure consistency but it is critical that regional and national delivery are harmonized. (e.g. Inquiries should elicit the same response whether the answer is received from a national or regional staff member.)

CFIA needs to consider that time to market is greatly compromised when answers are not received in a timely fashion. Service standards should be identified and adhered to so that technical issues do not negatively impact innovation in the market place.

From your experience, what is the most challenging issue in the area of food labelling?

Marketing approaches (claims) and innovation in packaging – requirements are not always clear or even included in existing policy. As noted above, timely policy decisions are important to ensure product delivery is not compromised.

Specific concerns noted from members include:

- New products require Canada-specific labels to enter Canadian markets; cost sometimes cannot be justified for small volumes.
- Difficult to use more than the 2 official languages for products sourced from non-French/English speaking countries: would like to retain original label for traditional consumers without alienating Canadian customers and meeting requirements.

Please provide any additional comments you may have. Are there any reports or studies that we should be aware of?