



Health Canada and the Canadian Food Inspection Agency

June 30, 2022

Submitted Via Email

To Whom It May Concern:

RE: Online Food Labelling Consultation

On behalf of the Canadian Produce Marketing Association, it is my pleasure to provide comments to Health Canada and the Canadian Food Inspection Agency's consultation on online food labelling.

About CPMA

The produce industry generates over \$17 billion annually in economic activity throughout the supply chain and supports over 249,000 jobs across Canada. Based in Ottawa, the Canadian Produce Marketing Association (CPMA) is a not-for-profit organization representing companies active in the marketing of fresh fruit and vegetables in Canada, from the farm gate to the dinner plate spanning the entire produce industry. The Association's members include major growers, shippers, packers and marketers; importers and exporters; transportation and logistics firms; brokers, distributors and wholesalers; retailers and foodservice distributors; and fresh cut operators and processors. Founded in 1925, CPMA is today proud to represent over 825 domestic and international members who are responsible for 90% of fresh fruit and vegetable sales in Canada.

Consultation questions and CPMA responses

1. Please indicate whether you are providing input (select only one answer):

As a representative of a group or organization

2. Which of the following stakeholder groups do you represent (select all that apply):

Industry association

3. If you are a Canadian consumer:

- How frequently do you shop for food online?
 - More than one a week
 - Once a week
 - 2 to 3 times per month
 - Once a month
 - Less than once a month
 - Never
- How would you describe your experience in accessing food information (for example, list of ingredients and allergens, nutrition facts table) when shopping for foods online?
- What do you think could improve your access to food information when shopping for foods online?

Not applicable

4. Do you currently offer food for sale to Canada via e-commerce?

Not applicable

5. Please refer to [Section 4: Proposed approach for developing guidance](#) and provide any comments related to providing food information for foods sold through e-commerce. Please begin your response with the Section number to which the comment applies.

4.1 Provide the same food information that is required to appear on any given label of food offered for sale in a physical store. For example, most prepackaged foods (that is, those that are packaged at the time they are offered for sale on the premises of a physical store) are required to be labelled with certain specific food information. The food information should be provided before the e-commerce purchase is concluded. Food information includes:

- *common name*
- *net quantity*
- *storage instructions*
- *country of origin*
- *nutrition labelling (that is, the Nutrition Facts table)*
- *list of ingredients*
- *food allergen information (including precautionary statements)*



- *caution statements (for example, "high caffeine content" for caffeinated energy drinks)*
- *period of minimum durability* ^{Footnote 3}
- *commodity-specific information (for example, % milk fat (MF) or % moisture for dairy products; % protein for phosphated meats and meat products; and X % alcohol by volume for alcoholic beverages)*

In addition, foods that are exempt from providing certain labelling information on the physical label due to a lack of available display surface ^{Footnote 4} *should provide food information because a product information page provides sufficient space to display it* ^{Footnote 5}.

CPMA comments:

Promoting international trade and investment with export markets is a priority for the Canadian produce sector. To increase market access and sustainability of the Canadian fresh fruit and vegetable industry, the harmonization of international standards must occur. This requires collaboration both within Canadian governmental agencies, and between the Canadian government and other governments with which we trade.

The Canadian Produce Marketing Association (CPMA) supports providing consistent food information to Canadians through e-commerce. Given the rise in online food purchases, it is fair that Canadians be provided with further information through online purchases. CPMA supports Health Canada and the Canadian Food Inspection Agency's decision to develop **voluntary guidance** for industry. In this process, it is important that special consideration be provided for the fresh fruit and vegetable industry, given the perishability, seasonality, and variability of fresh fruits and vegetables available at retail. Labelling exemptions that exist for fresh fruits and vegetables should also continue to exist in the online space.

CPMA would therefore like to provide the following comments and responses to the following questions:

Bulk fresh fruits and vegetables: As there are currently no labelling requirements for fresh fruits and vegetables sold in bulk, CPMA recommends that no additional labelling requirements be required for bulk fresh fruits and vegetables sold through e-commerce. Bulk fruits and vegetables are constantly changing at retail, and it would be difficult to identify labelling components like country of origin and company name, accurately, in each and every e-commerce transaction.

Food information: Is the list provided above in section 4 exhaustive, as there is no mention of other mandatory labelling requirements, such as name and principal place of business, grade, size designation, and lot code? As companies have the flexibility to use different pieces of



information as their lot code, it would not be realistic for a retailer to know and provide this information during e-commerce.

Exemptions:

All exemptions from labelling requirements for fresh fruits and vegetables contained in current regulations should be maintained as they are a result of significant consultation and to avoid unnecessary burden to industry:

- For prepackaged fresh fruits and vegetables that are exempt from SFCR labelling requirements (Packaged in a wrapper or confining band less than 13mm or ½ inch in width or in a transparent protective wrapper or bag that shows no information other than price, bar code, number code, environmental statement, or product treatment symbol (213 (b) and 213(c)), it is CPMA's ask that these products also be exempt from labelling requirements.
- **Fresh fruits or vegetables of different types packaged together:** Consumer prepackaged fresh fruits or vegetables of different types that are packaged together with or without other food and labelled with the expression "Gift Pack" or "Combo Pack", or "Fresh Pack", "Stew-pack" or "Vegetables for Stew", as applicable, may be exempt from grade and grade name requirements, standard container size requirements and country of origin labelling requirements. CPMA requests that these exemptions continue to apply in e-commerce.
- **Raspberries or strawberries packaged in the field:** Consumer prepackaged raspberries or strawberries that are packaged in the field in containers with a capacity of 1.14 litres or less are exempt from specific requirements related to net quantity [301, SFCR]. CPMA requests that this net quantity exemption continues to apply in e-commerce.
- **Period of minimum durability:** As prepackaged fresh fruits or vegetables are exempt from displaying a durable life date ("best-before" date), CPMA requests that this exemption continues to apply in e-commerce.

4.2 Provide allergen information (including precautionary statements) for any foods offered for sale through e-commerce, including those packaged or prepared by the seller (for example take-out food sold by a restaurant, foods sold in bulk and food sold from a deli case). The information should be provided before the purchase is concluded and it should accompany that food upon delivery to the consumer.

CPMA comments: Currently, sulphite labelling is required on consumer prepackaged table grapes that are treated with sulphites, no matter what levels of sulphites are present. Following discussions between CPMA and Health Canada, Health Canada is planning to propose to the Food Rulings Committee that table grapes be reclassified as a processing aid rather than a food

additive. Once this decision is made, the labelling requirements of sulphites on table grapes should be consistent on physical packaging, as those found in e-commerce.

4.3 Provide product images of a food to help consumers recognize the product. For example, use the images of the front of the package or the food itself (in the case of fresh foods).

CPMA comments: If a retailer voluntarily includes a product image of a bulk fresh fruit and vegetable, he/she should be given the flexibility to use “stock” images (i.e. lemon) as opposed to actual photos of the bulk fresh fruit or vegetable being sold.

4.4 Food information and product images should be provided on the product information page, before the purchase is concluded. If this is not possible, provide the information using another appropriate means, so long as the consumer is provided with clear direction on where to find the information and the consumer does not incur any additional charge to obtain it.

CPMA comments: The flexibility in allowing this food information to be available using another appropriate means, such as an external link to a company website, is supported. However, given that many company websites are in English only (i.e. United States), a language exemption should exist for companies that operate outside of Canada as their primary market is English-speaking.

4.5 Indicate if and how the delivered food may differ from the one being offered for sale, and advise the consumer to verify the label of the delivered food for those differences.

CPMA comments: Could you provide guidance or recommendations for appropriate language to use when these statements are made?

4.6 Provide food information in both official languages (English and French), so that consumers can access and understand the information in their preferred language. E-commerce platforms should support accented characters that are required for proper spelling and reader comprehension (for example, é, à and ç).

CPMA comments: The Safe Food for Canadians Regulations (SFCR) states that **only** core food labelling requirements (not voluntary claims or statements) be mandatory in both official languages. Requiring that food information (both mandatory and voluntary information) be provided in both official languages in an e-commerce platform, is not supported as it may cause unnecessary disruptions and added translation costs for retailers and suppliers.

4.7 Provide food information in a manner that reflects, as much as possible, the manner in which it is presented on the food's physical label.

CPMA comments: More clarification is needed on what is meant by this statement.

4.8 Provide food information in a consistent layout across all product information pages of an e-commerce platform, so that foods can easily be compared.

CPMA comments: No comment

4.9 Provide food information on a product information page in a manner that is clear, prominent and legible. For example

- black text on a white background
- appropriate spacing between lines of text
- appropriate use of white space
- support text and image resizing without compromising legibility

CPMA comments: No comment

4.10 Provide food information in a way that is readable by screen readers ^{Footnote 6}, whether in text format or as an image.

CPMA comments: No comment

4.11 Design the structure of an e-commerce platform (regardless of device or screen size) in a manner that helps the user easily navigate and find food information.

CPMA comments: No comment

6. If you are a business that sells or is considering selling foods to Canadian consumers through e-commerce, please describe any challenges regarding displaying and maintaining current information on product information pages.

CPMA comments: As mentioned above, there are challenges with rotation and seasonality of product in the produce industry. Maintaining this information on product information pages in retail, may prove to be challenging.

7. If you have any other comments, please provide them here.



CPMA comments: CPMA would like to thank Health Canada and the Canadian Food Inspection Agency for the opportunity to provide comments on this consultation.