



Codex Point of Contact for Canada
Food Directorate, Health Canada
Room C416
Tunney's Pasture
Ottawa, ON K1A 0K9

September 20, 2024

Submitted Via Email: Codex_Canada@hc-sc.gc.ca.

RE: CL 2024/54-FL - GUIDELINES ON THE PROVISION OF FOOD INFORMATION FOR PRE-PACKAGED FOODS TO BE OFFERED VIA E-COMMERCE (STEP 7)

To Whom It May Concern:

On behalf of the Canadian Produce Marketing Association, it is my pleasure to provide comments to inform the Government of Canada's contribution to the Codex consideration of innovation and technology in food labelling.

About CPMA

The produce industry generates over \$15 billion annually in economic activity throughout the supply chain and supports over 185,400 jobs across Canada. Based in Ottawa, 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 proud to represent over 880 domestic and international members who are responsible for 90% of fresh fruit and vegetable sales in Canada.

CPMA is pleased to contribute to the ever-evolving digital landscape in ways that will foster growth and innovation within the e-commerce sector. We would therefore like to draw attention to potential areas of concern within the current guidelines to ensure that we mitigate risks and improve compliance.

Food Information Principles

Clause 5.1 of the principles states that:

"The food information required to be provided on the label of a prepackaged food or in associated labelling shall be provided on the product information e-page of the pre-packaged food prior to the point of e-commerce sale, except to the extent otherwise expressly provided in these guidelines, or any other Codex text.

This includes the following food information indicated in/by:

- ¹Section 4 and Section 5 of the *General standard for the labelling of pre-packaged foods* (CXS 1-1985) except information required by 4.6 and 4.7.1; [An indication of durability of pre-packaged food is encouraged to be provided.] [For the purpose of this clause, “durability” means the period between the point of delivery and the best-before or use-by date in which the food retains its specific properties when properly stored.] (option A)
or
It is encouraged that an indication of the minimum number of days the product will be delivered to the final consumer before the “Use-by Date”, “Expiration Date”, “Best-Before Date” or “Best Quality Before Date” be provided’], (option B)
- Section 3 of the Guidelines on nutrition labelling (CXG 2-1985);
- Any other relevant Codex text.”

In Canada, consumer prepackaged fresh fruits and vegetables without added ingredients are exempt from having to declare a durable life date on the label. CPMA recommends option A over option B, with the stipulation that fresh fruits and vegetables without added ingredients be exempt from this clause.

Indicating the “durability” of fresh fruits and vegetable is challenging in the fresh fruit and vegetable industry, as not only are fruits and vegetables highly perishable, but vary greatly in shelf life from one produce item to another (e.g. berries can last a few days, while potatoes can last a few months). Consumer storage of fruits and vegetables after purchase can also dramatically impact durability, especially if they do not know proper storage technique (e.g. ethylene producers such as tomatoes should not be stored by items such as cucumbers).

In addition, CPMA disagrees with option B as the "Use by date", "Expiration date," "Best Before Date" and "Best Quality Before Date" are used interchangeably. This is problematic as there is a significant difference between expiration dates and best before dates, the former referring to a food safety risk and the latter referring to a food quality issue. These dates should not be used interchangeably and doing so may further confuse consumers about durable life dates and lead to unintended household food waste.

Presentation of Mandatory Food Information

While outside the scope of this specific consultation, CPMA would like to address some general concerns related to labelling guidelines for fresh fruits and vegetables on an e-commerce site. While it may sound intuitive to require that the food information on a label also be present on a product information e-page, this presents some challenges for the fresh fruit and vegetable industry. The below outlines when it would be difficult to include mandatory labelling information from consumer prepackaged fresh fruits or vegetables in Canada on an e-commerce site:

- **Country of origin:** In the fresh fruit and vegetable industry, county of origin is required on imported fresh fruits and vegetables in Canada. Due to the seasonality and variability of fruits and vegetables, many companies source their fruits and vegetables from different countries throughout the year. While this will be reflected on the physical label, it may be a challenge for retailers to constantly update each fruit

¹ [General Standard For the Labelling of Prepackaged Foods](#)

and vegetable's country of origin on an e-commerce page. In addition, requiring retailers to update country of origin on an e-commerce page also runs the risk of providing inaccurate and misleading information for consumers, as this information is variable throughout the year. It is also common practice for retailers to carry the same fruits and vegetables in a store, from different regions (e.g. A retailer sells English cucumbers from both Canada and Mexico at the same time).

- **Lot code:** A lot code is another requirement on consumer prepackaged fresh fruits and vegetables. As this traceability information is constantly changing, it should not be a requirement on an e-commerce site, as it would be too difficult to update for an e-commerce site. CPMA emphasizes that fresh produce is highly perishable and moves in large volumes every day. Updating lot code on a website would be almost impossible to keep current and therefore accurate.
- **Pre-existing exemptions:** Any labelling exemptions for consumer prepackaged fresh fruits and vegetables should also be applicable in e-commerce sites. For example, in Canada, certain prepackaged fresh fruits and vegetables are exempt from the labelling requirements of the *Safe Food for Canadians Regulations* (e.g. produce packaged in a wrapper or confining band that is less than 1/2 inch or packaged in a transparent protective wrapper or bag that shows no information other than a price, bar code, number code, environmental statement or product treatment symbol). These exemptions should still apply in online e-commerce.

CPMA is supportive of creating guidelines for e-commerce to ensure standardization within the industry, but it is important that the unique needs for the fresh fruit and vegetable industry be considered in the drafting process. Therefore, the Canadian government should engage with the fresh fruit and vegetable industry as they determine proposed models and implementation plans for the key areas noted in this submission.

Thank you for taking the time to review our comments. We would be pleased to answer any questions you may have.

Regards,



Ron Lemaire
President
Canadian Produce Marketing Association

