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Standards

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Approved by:

Hugh J. Maginnis

U.S. Embassy

Prepared by:

George C. Myles

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This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Ottawa, Canada for U.S. exporters of food and agricultural products. While every possible care was taken in the preparation of this report, information provided may be incomplete either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Section I. Food Laws

The Canadian Food Inspection Agency

Since April 1997, all federally-mandated food inspection and quarantine services for domestic and imported foods were consolidated into a single agency called the Canadian Food Inspection Agency (CFIA). As a result, food inspection and quarantine services previously provided by Agriculture and Agri-Food Canada, Health Canada, Industry Canada and the Department of Fisheries and Oceans Canada are integrated under the CFIA. The responsibility of food safety policy and risk assessment remain with Health Canada. The following are brief descriptions of Canadian legislation that applies to imports. Readers should note that while the official Acts are the enabling legislation, it is the associated regulations that contain detailed requirements pertaining to imports. Full texts of Canada's Laws are available at www.justice.gc.ca

Canada Agricultural Products Act (CAP Act) and Associated Regulations

The Canada Agricultural Products Act (CAP Act) and associated regulations are designed to set national standards and grades for agricultural products and to regulate the marketing of agricultural products in import, export, and interprovincial trade. They provide for the licensing of dealers in agricultural products; the inspection, grading, labeling, and packaging (including standardized sizes) of regulated products. The following regulations fall under the CAP Act:

- Dairy Products Regulations
- Egg Regulations
- Fresh Fruit and Vegetable Regulations
- Honey Regulations
- Licensing and Arbitration Regulations
- Maple Products Regulations
- Processed Egg Regulations
- Processed Products Regulations
- Livestock Carcass Grading Regulations

Consumer Packaging and Labeling Act (CPLA)

The CPLA provides for the uniform labeling of consumer packaged goods for sale at the retail level. The Regulations prescribe requirements for bilingual labeling, metric net quantity declarations and for the size and location of mandatory labeling information. Currently these Regulations also prescribe standardized sizes for some consumer products for the following foods: glucose syrup and refined sugar syrup, peanut butter, and wine, but there is an interest among Canadian regulators to bring these products under the CAP Act.

Customs Act

The Customs Act provides the legislative authority for Customs inspectors to detain goods that may be in contravention of the Customs Act or any other act or regulation that prohibits, controls or regulates the importation or exportation of goods.

Export and Import Permits Act

The authority to control the importation and exportation of commodities and technologies is derived from this Act.

The Export and Import Permits Act provides for the establishment of a series of lists known as the Import Control List (ICL), the Export Control List (ECL) and the Area Control List (ACL). For each one of these lists, the Act sets out criteria that govern the inclusion of goods or countries on the respective lists. By issuing import and export permits, government controls the flow of goods named on these lists, and export/import to specific destinations.

The Export and Import Permits Act provides the Minister of Foreign Affairs with the authority to allocate quotas to Canadian firms. Once quotas are allocated, import permits will be issued to quota holders up to their quota level as long as the terms and conditions of the permit are met. Canada's tariff rate quotas on certain agricultural products are administered by the Department of Foreign Affairs and International Trade and Revenue Canada. See also, Section VI, Tariff Rate Quotas.

Fish Inspection Act

The Fish Inspection Act and Regulations establish composition, quality, labeling and packaging requirements for fish and fish products traded internationally and interprovincially.

Fisheries Act

The Fish Health Regulations under the Fisheries Act are designed to prevent the spread of infectious fish diseases, both by inspecting production sources of fish stocks, and by controlling the movements of infected fish stocks. They apply to live and dead cultured fish and eggs (including any fertilized or unfertilized sex products) of cultured and wild fish. These regulations apply to certain types of fish from the family Salmonidae.

Food and Drugs Act

The Food and Drugs Act is a consumer protection statute dealing with food, drugs, cosmetics and medical devices. It establishes minimum health and safety requirements, as well as provisions preventing fraud and deception for all food sold in Canada. The Regulations contain food labeling requirements and standards of identity, composition, strength, potency, purity, quality or other properties for several classes of foods.

Health of Animals Act

The purpose of the Health of Animals Act and Regulations is to prevent the introduction of animal diseases into Canada.

The Health of Animals Act and Regulations regulate international trade in live animals, animal products and by-products, animal feeds, veterinary biologics and biotechnology products. They provide for the approval and registration of private quarantine premises and establishments involved in the importation of animals, animal products and veterinary biologics. They also set standards of construction, operation and maintenance for these facilities and establishments.

Meat Inspection Act

The Meat Inspection Act and Regulations regulate international and interprovincial trade in meat and meat products. They provide for the registration of establishments involved in the slaughter, processing or packaging of products traded internationally or interprovincially. Regulations also set standards of construction, operation and maintenance for registered establishments.

North Pacific Fisheries Convention Act

Under the authority of the North Pacific Fisheries Convention Act and Regulations, Fisheries and Oceans Canada regulates imports of wild salmon and wild salmon products from the North Pacific Ocean, caught by countries other than Canada, United States, Japan and Russia.

Plant Protection Act

The Plant Protection Act and Regulations provide the legislative authority to prevent the importation, exportation and spread of pests injurious to plants. The purpose of the Act is to protect plant life and the agricultural and forestry sectors. Plants and plant products, including certain fresh fruits and vegetables, are subject to plant protection import requirements. The requirements vary according to the degree of risk the product poses. Some goods are prohibited entry into Canada; others require an import permit issued by the Canadian Food Inspection Agency and/or a Phytosanitary Certificate issued by exporting country.

Weights and Measures Act

The Weights and Measures Act establishes net quantity requirements for products sold on the basis of measure and sets out the criteria to be used for determining commodity compliance to those requirements. The Weights and Measures Act does not apply to products subject to net quantity requirements set out in other federal legislation, and therefore does not apply to food packaged for direct sale to the consumer which are covered under the Consumer Packaging and Labeling Act. The Weights and Measures Act, however, does apply to foods in shipping containers destined for commercial or industrial enterprises or institutions, products shipped in bulk, and clerk-served foods at retail.

Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act

The Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act is the implementing legislation for the Convention on International Trade in Endangered Species in Wild Fauna and Flora (CITES) in Canada. It regulates the international movement of CITES-listed species and their derivatives through a permit system. It allows the prosecution in Canada of importers who violate wildlife conservation legislation in foreign countries, and permits Canada to restrict the importation of wildlife designated as harmful to Canadian ecosystems.

Other Acts:

- Feeds Act
- Fertilizers Act
- Plant Breeders' Rights Act
- Seeds Act

Agriculture and Agri-Food Administrative Monetary Penalties Act

The Agriculture and Agri-Food Administrative Monetary Penalties Act establishes a system of administrative monetary penalties for the enforcement of the following acts: the Canada Agricultural Products Act, the Feeds Act, the Fertilizers Act, the Health of Animals Act, the Meat Inspection Act, the Plant Protection Act, and the Seeds Act. The regulations are currently under development and it is anticipated that they will be implemented in 1999.

Websites:

Canadian Food Inspection Agency
<http://www.inspection.gc.ca/>

Health Canada Food and Drugs Act
<http://www.hc-sc.gc.ca>

Section II. Labeling Requirements

A. General Requirements

The basic packaging and labeling requirements necessary for U.S. agricultural exports to Canada are:

- labels in English and French,
- net quantities in metric,
- list of ingredients,
- durable life date (if shelf life 90 days or less),
- common name of product,
- company name and address,
- minimum type size specifications,
- conformity to standardized package sizes stipulated in the regulations, and
- country of origin labeling.

Although the Universal Product Code (U.P.C.) or bar code is not required or administered by government, virtually all retailers require products to be labelled with a U.P.C.

Guide to Food Labeling and Advertising

The Canadian Food Inspection Agency has prepared a Guide to Food Labeling and Advertising which details the regulatory requirements for selling packaged foods in Canada. The CFIA Guide includes information on:

Basic Labeling Requirements

Advertising Requirements

Claims as to the Composition, Quality, Quantity and Origin of Foods

Nutrition Labeling

Nutrient Content Claims

Health-Related Claims

Other Product Specific Requirements

The full guide is available on the CFIA website at:

<http://www.inspection.gc.ca/english/bureau/labeti/guide/guidee.shtml>

Enforcement

The CFIA has the authority to refuse entry, detain, return, or remove from retail shelves any imported processed food product that does not meet the federal food labeling requirements.

B. Label Review

The Canadian Food Inspection Agency consolidates federal food label review under its "Single Access Food Labeling Service". The labeling service, designed particularly for new entrants in the marketplace who are not familiar with the Canadian regulatory system, is provided at specified regional locations across Canada (see page 18). These offices coordinate the requirements of the aforementioned federal departments to simplify product approval and label compliance. It is recommended that U.S. exporters submit their labels to the regional office closest to the targeted marketing area. A complete list of the labeling service offices is found in Appendix E.

The CFIA will provide advice on the labeling requirements of all the acts that the agency administers. If U.S. exporters provide sufficient information with their submissions, a complete label assessment can be accomplished in about two weeks.

C. Nutrition Labeling

Nutrition labeling on packaged foods sold in Canada is voluntary but regulations to make nutrition labeling mandatory are expected to be promulgated in late 2002 or early 2003. Currently, U.S. and Canadian nutrition recommendations differ, and the nutrition information and format approved for food packages in the U.S. market is not permitted on food labels in Canada. Canada's Department of Health and Welfare Canada has issued guidelines for manufacturers who choose to display nutrition information on their labeled food products marketed in Canada. The minimum information necessary to constitute nutrition labeling is the heading "Nutrition Information", the serving size, and the "core list" of nutrients. The "core list" is comprised of energy value in calories and kilojoules, and the contents of protein, fat and carbohydrate in grams per serving. Inquiries and requests for copies of the guidelines for nutrition labeling should be directed to:

Nutrition Evaluation Division
Bureau of Nutritional Sciences, Food Directorate
Health Protection Branch, Health Canada
Banting Bldg., P.L. 2203A, Tunney's Pasture
Ottawa, Ontario, Canada K1A 0L2
Telephone: (613) 957-0352
Facsimile: (613) 952-7767

Web Site: <http://www.hc-sc.gc.ca/hppb/nutrition/labels/index.html>

Section III. Packaging and Container Regulations

Canadian regulations governing package sizes for fruits and vegetables, processed horticultural products and processed meats stipulate standardized package sizes which can differ from U.S. sizes. For detailed information see Section VI.

Section IV. Food Additive Regulations

The use of food additives is strictly controlled by Canada's Food and Drugs Act and Regulations. Most foods approved for sale in the U.S. would comply with Canadian additive regulations, but differences can occur in the permissible levels and uses of food colorings and food preservatives. The food additive tables in Division 16 of the Regulations prescribe which additives may be used in foods sold in Canada, to which foods they may be added, for what purposes, and at what levels. Products containing non-permitted food additives may be refused entry into Canada. Canada's Food and Drugs Regulations are available on the Internet at:

www.hc-sc.gc.ca/food-aliment/friia-raaii/food_drugs-aliments_drogues/act-loi/e_index.html

Canadian regulations on food flavoring are not comprehensive. Health Canada officials approve flavorings on a case by case basis only. Health Canada requires manufacturers to submit a formal request describing the intended use and levels of flavorings not specified in the regulations. This must be supplied together with information relating to the estimated intake of the flavoring by the consumer under normal consumption patterns. Specific questions relating to ingredients, food additives, and chemical residue limits may be directed to:

Bureau of Chemical Safety
Health Protection Branch
Health Canada
Frederick G. Banting Building
Tunney's Pasture
Ottawa, Ontario Canada K1A 0L2
Telephone: (613) 957-1700

Section V. Pesticide and other Contaminants

Some agricultural chemicals approved for use in the United States are not registered in Canada. As a result, these pesticides are deemed to have a zero tolerance in Canada and imported foods which contain unregistered pesticide residues above 0.1 parts per million are deemed to be adulterated under Section B.15.002(1) of Canada's Food and Drug Regulations. The goods are subject to detention, destruction, or return.

Health Canada's Health Protection Branch sets maximum residue limits (MRL) for pesticides. A full listing of Canadian MRLs is available on the Pest Management Regulatory Agency's (PMRA) website at:

<http://www.hc-sc.gc.ca/pmra-arla/english/legis/maxres-e.html>

The PMRA is also responsible for pesticide registration. The address is:

Pest Management Regulatory Agency

Health Canada
2250 Riverside Drive
Ottawa, Ontario K1A 0K9
Telephone: (613) 736-3401

Section VI. Other Regulations and Requirements

Inspection and Registration Fees

As part of a Canadian government initiative to partially recover costs associated with providing inspection services, most federal departments charge fees to industry for inspection and product registrations, where required. Canada claims its fee structure is consistent with WTO provisions for national treatment, in that the fees apply equally to Canadian and import sales.

Container Sizes: Processed Meats

Canada's Meat & Poultry Inspection Regulations stipulate the standard package size requirements for processed meat poultry products such as bacon, sausages, sliced meats and wieners. Common U.S. package sizes for these products are different from Canadian standardized sizes. For example, sliced bacon cannot be sold in a 1 lb. package in Canada. It is mostly sold in 500 g packages, one of the standardized sizes in the regulations. Schedule II of the Meat and Poultry Inspection Regulations lists all the acceptable package sizes for processed meats. It can be viewed on the Department of Justice website at:

<http://laws.justice.gc.ca/en/M-3.2/SOR-90-288/index.html>

Requirements for Fresh Fruits and Vegetables

All fruits and vegetables imported into Canada must meet specific standards and packaging regulations laid out in the Canada Agricultural Products Act's Fresh Fruit and Vegetable Regulations and Processed Product Regulations. The regulations are available on the Internet at:

<http://laws.justice.gc.ca/en/C-0.4/C.R.C.-c.285/index.html>

U.S. fresh fruits and vegetable exporters must:

- comply with Canadian grade standards and packaging regulations,
- obtain Canadian Confirmation of Sale form. Consignment selling is prohibited,
- obtain special waiver of standard container regulations for bulk products,
- file a Canada Customs invoice.

Beginning in 1995, Canada dropped the mandatory requirement (except for apples, onions, and potatoes) that U.S. exports of fresh produce be accompanied by USDA Agricultural Marketing Service (AMS) certification that the produce meets Canadian import requirements. Some U.S. exporters still choose to obtain AMS certification as evidence that the produce left the shipping point in

grade and condition.

Canada requires all foreign shippers of fresh produce to place a grade on consumer size packages for which Canadian grades are established. The law also requires a country of origin declaration with the grade and weight (in metric) printed in a letter size directly proportional to the size of the package display surface.

Consignment selling of fruits and vegetables into Canada is prohibited by law and a confirmation of sale form is required for entry. Only produce that is pre-sold will be released at the border by Canada Customs.

Where grades and standard container sizes are established in Canadian regulation, bulk imports require a special exemption from the Canadian Food Inspection Agency. This exemption is not granted unless there is a shortage of domestic supply.

Further information on fruit and vegetable regulations is available from:

Dairy, Fruit, and Vegetable Division
Canadian Food Inspection Agency
59 Camelot Drive
Nepean, Ontario, Canada K1A 0Y9
Telephone: (613) 225-2342

Processed Horticultural Products

Imported processed horticultural products are subject to the requirements of Canada's Processed Products Regulations. These regulations stipulate the standards and grades for processed fruits and vegetables. The maximum container size permitted for importation is 20 kg or 20 liters. Beyond these sizes, Canadian rules require a ministerial exemption, or bulk waiver of standardized package. The Processed Product Regulations are available for viewing at the following Justice Department website:

<http://laws.justice.gc.ca/en/C-0.4/C.R.C.-c.291/index.html>

For the past two years, Canada has been considering changes to its Processed Products Regulations which if promulgated could change certain grade standards, deregulate or introduce certain package sizes, and stipulate certain special metric increment label declaration requirements on imports of processed fruits and vegetables for foodservice. For more information concerning the proposed changes go to:

http://www.inspection.gc.ca/english/reg/consultation/protra_pro/protra_pro_pie.shtml

Tariff Rate Quotas (TRQs)

In 1995, under the World Trade Organization (WTO) agreement, Canada replaced import quotas on certain agricultural products with Tariff Rate Quotas (TRQs). Under the TRQ system, imports which are within quotas are subject to low or free rates of duty, until the quota limit has been reached. Once quota limits have been reached, over-quota imports are subject to significantly higher Most-Favored-Nation (MFN) rates of duty. The Canadian importer must be in possession of an import permit to import TRQ commodities.

First-Come, First-Served (FCFS) TRQs

FCFS TRQs apply to wheat, barley and their products, cut roses from Israel, dry onions and fresh strawberries from Chile, as well as to certain agricultural products from Mexico (such as roses, carnations, chrysanthemums, tomatoes, onions or shallots, cucumbers and gherkins, broccoli and cauliflower, strawberries for processing, other strawberries, and preserved tomatoes).

These TRQ goods are not subject to prior quota allocations, or to specific import permits. In the cases of wheat, barley and their products, as well as cut roses from Israel, quota control is based on a general import permit (GIP). In some cases, such as the importation of onions and strawberries originating in Chile and certain agricultural products originating in Mexico, no GIP exists, but the FCFS quota system works in the same manner.

Non First-come, First-Served TRQs

Non first-come, first-served TRQs apply to broiler hatching chicks and eggs, chicken, turkey, non-NAFTA beef and veal, cheese, butter, milk and cream, buttermilk, yogurt, dairy blends, ice goods and margarine. The Canadian importer must be in possession of a specific permit issued by the Department of Foreign Affairs and International Trade, which allocates the TRQ to traditional importers and other industry participants.

Allocating TRQs

The Department of Foreign Affairs and International Trade (Export and Import Controls Bureau) is responsible for administering and allocating quotas for the non FCFS TRQ goods and for issuing import permits. Revenue Canada (Customs and Trade Administration) is responsible for the administration of FCFS TRQ goods, which includes monitoring the levels of their importation. For more information go to: <http://www.dfait-maeci.gc.ca/~eicb/agric/agric-e.htm>

Section VII. Other Specific Standards

Marine

Fish and fish products are subject to the Fish Inspection Act and Regulations, which contain requirements for wholesomeness, labeling, packaging, grading, and health and safety.

The Canadian importers of fish and fish products must have an Import Licence issued by the Canadian Food Inspection Agency and must notify the closest Canadian Food Inspection Agency fish inspection office in writing each time they import fish. Restrictions apply to the importation of live or raw bivalve molluscan shellfish such as mussels, clams and oysters. Import permits may be required for certain types of cultured fish. Certain provinces may have additional requirements for the importation of live fish.

Canadian regulatory requirements for imported fish and fish products are administered by the Canadian Food Inspection Agency's Fish Inspection Directorate (FID). Canadian importers are required to obtain an Import License issued by the FID prior to importing fish products. An import licence costs \$C500 per year and is valid for 12 months. Importers are required to notify the FID prior to importation of a product or within 48 hours following importation, stating the type and quantity, the name of the producer, the country of origin and the storage location for each product contained within a shipment. The following inspection service fees are charged for imported products: \$C50 per shipment of imported fresh fish; \$C30 per shipment for any fish imported for further processing; or \$C50 per lot for any other type of imported fish to a maximum of \$C250 per shipment.

The following information provides a guideline to some of the important Canadian packaging and labeling requirements for fish and seafood:

- Shipping containers for fresh or frozen fish must be stamped or stenciled on one end with all code markings that identify the packer, and day, month, and year of packing.
- For canned product, each can must be embossed, or otherwise permanently marked, in a code that identifies the name of the establishment, the day, month, and year of processing, and where required in the regulations, the species of fish. FID requires the Canadian importer to provide a list indicating the establishment and the number of containers for each production code.
- General labeling requirements for fish and fish products in consumer packages include, but are not limited to: English and French for mandatory information, list of ingredients, including additives, the name and address of the packer or distributor, the common name of the product, and the weight in metric units (imperial weight units may appear in addition). Technical questions on packaging and labeling should be directed to:

Fish Inspection Directorate
Canadian Food Inspection Agency
59 Camelot Drive
Nepean, Ontario K1A 0Y9
Telephone: (613) 225-2342

For detailed information concerning the CFIA's import inspection program go to:
<http://www.inspection.gc.ca/english/anima/fispoi/fispoie.shtml>

Novel Foods (Genetically Modified Foods)

Health Canada defines novel foods as: products that have never been used as a food; foods which result from a process that has not previously been used for food; or, foods that have been modified by genetic manipulation. This last category of foods have been described as genetically modified foods.

Health Canada is responsible for ensuring that all foods, including those derived from biotechnology, are safe prior to their entering into the Canadian food system. The Novel Foods Regulation (under the Food and Drugs Act) requires that notification be made to Health Products and Food Branch (HPFB) by the company who wants to sell the product prior to the marketing or advertising of a novel food. Pre-market notification is designed to allow Health Canada to conduct a safety assessment of the biotechnology-derived food prior to permitting its sale in the Canadian marketplace. The following are Health Canada's websites for information concerning the sale of novel foods (genetically modified foods) in Canada.

http://www.hc-sc.gc.ca/food-aliment/mh-dm/ofb-bba/nfi-ani/e_faq.html

http://www.hc-sc.gc.ca/english/protection/novel_foods.html

Contact for Novel Food Pre-Market Notification/Submission

Novel Food Notification

Food Program

Food Directorate

Health Canada

4th Floor West

Sir Frederick G. Banting Research Center

Tunney's Pasture, PL 2204A1

Ottawa, Ontario

K1A 0L2

Wine, Beer and Other Alcoholic Beverages

The federal Importation of Intoxicating Liquors Act gives the provinces and territories full control over the importation of intoxicating liquor into their jurisdictions. Provincial liquor commissions control the sale of alcoholic beverages in Canada and the market structure can vary considerably from province to province. Alcoholic beverages can only be imported through the liquor commissions in the province where the product will be consumed. In general terms, U.S. exporters are required to have their products "listed" by the provincial liquor control agency. In many provinces, U.S. exporters must have a registered agent who provides the necessary marketing support within the province to obtain a provincial liquor board listing. As an initial step, U.S. exporters should contact the provincial liquor board in the target market for a listing of registered agents.

Canadian packaging and labeling requirements for wine and beer are administered under Canada's

Food and Drug Regulations and the Consumer Packaging and Labeling Regulations. In addition to the general packaging and labeling requirements for most foods, the regulations for alcoholic beverages cover common names and standardized container rules. For example, light beer in Canada is defined by regulation as beer with a percentage alcohol of 2.6 to 4.0, by volume. Container sizes for wine are standardized and metric. The most common containers for wine are 750 milliliters or 1, 1.5 and 2 liters. The province of Quebec has additional requirements to alcoholic beverage labeling.

U.S. exporters are advised to contact the Canadian Food Inspection Agency's Single Access Food Labeling Service offices for full label reviews of alcoholic beverages (Appendix E).

Organic Foods

The import and sale of organic food products in Canada are governed by the same rules and regulations that apply to non-organic food products. No distinction is made between organic and non-organic foods with regard to import requirements. Currently, all Canadian packaging and labeling, grade, and inspection regulations apply equally to organic and non-organic foods.

The National Standard for Organic Agriculture was ratified by the Standards Council of Canada (SCC) April 19, 1999 and was published at the end of June 1999. Food products which are labeled or otherwise identified as "organic" are expected, as a minimum, to comply with the production, processing, packaging, labeling, storing and distribution requirements of the National Standard for Organic Agriculture.

Claims which include the word "organic (biologique)", "organically grown", "organically raised", "organically produced", "certified organic", and "biodynamic", or any other variations or uses of the word "organic", are considered to be organic claims. Organic claims used in relation to foods which do not meet the requirements of the National Standard for Organic Agriculture are considered to be misleading and deceptive and are likely to be interpreted as a violation of section 5 (1) of the Food and Drugs Act and section 7 of the Consumer Packaging and Labelling Act.

For more information on Organic Foods see FAS Ottawa's report CA2001 available from the fas homepage at www.fas.usda.gov

Kosher Foods

In the labeling, packaging and advertising of a food, Canada's Food and Drug Regulations prohibit 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. Kosher style foods are defined in Canada's Guide to Food Labeling and Advertising (mentioned above). For more information on Kosher Food Marketing in Canada, see FAS Ottawa's report CA2048 available from the fas homepage at: www.fas.usda.gov

Special Dietary Foods

The composition and labeling of foods for special dietary use are regulated under Division 24 of the Food and Drug Regulations and include: formulated liquid diets, meal replacements, carbohydrate-reduced foods, sodium reduced foods, low calorie foods, etc.

It is important to note that the only food products that may be promoted for use in a weight reduction diet are meal replacements, foods for very low calorie diets, prepackaged meals that meet the requirements of Division 24 of the Regulations and foods sold in weight loss clinics to clients for use in their programs. No other foods may be promoted for weight loss.

Sample Products

Food samples for research, evaluation, or display at trade shows and food exhibitions are permitted entry, but may not be offered for commercial sale. If the samples contain animal products such as meat or cheese, a declaration of importation must be provided at the port of entry. Entry at the border will be facilitated if U.S. exporters show proof of their food exhibition participation and that the products are of U.S. origin. Up to 10 samples are permitted entry, but the weight of each may not exceed 100 kilograms (about 220 pounds). Entries for personal consumption are generally restricted to 20 kg.

Test Marketing: Processed Food Products

Canada's Processed Product Regulations permit, in special instances only, the test marketing of domestically manufactured or imported processed food products which may not meet packaging, labeling, or compositional requirements of the regulations. However, the provision is designed to facilitate the marketing of new products of a type which are new, unique and unavailable in Canada. U.S. companies should note that it does not apply to U.S. brand introductions into Canada for processed foods of a type already available on retail shelves. In the case of imported foods, applications for test marketing must be submitted to the Canadian Food Inspection Agency by the Canadian importer who may be granted authorization to test market a food product for a period of up to 2 years. Further information on eligibility requirements is available from:

Director, Processed Products
Dairy, Fruit & Vegetable Division
Canadian Food Inspection Agency
59 Camelot Drive
Nepean, Ontario
Canada K1A 0Y9
Telephone: (613) 225-2342
Facsimile: (613) 228-6632

Section VIII. Copyright and/or Trademark Laws

The federal agency responsible for registering trade-marks in Canada is the Trademarks Office, part of a larger agency called the Intellectual Property Office, which is part of Industry Canada.

Registered trademarks are entered on the Trademark Register and can provide U.S. companies direct evidence of ownership. Trademark registrations are valid for 15 years in Canada.

To register a trade-mark, an application (with fee) must be sent to the Trade-marks Office. In most instances, a trade-mark must be used in Canada before it can be registered. The Trade-marks Office advises that companies hire a registered trade-mark agent to search existing trade names and trade-marks. It will provide a list of registered agents upon request. For further information on making an application for a trade-mark in Canada, contact:

The Trade-Marks Branch
Canadian Intellectual Property Office
Industry Canada
50 Victoria Street
Place du Portage, Phase 1
Hull, Quebec K1A 0C9
Telephone: (613) 997-1936

For more information about trademarks see Industry Canada's trade mark home page at:
http://strategis.ic.gc.ca/sc_mrksv/cipo/tm/tm_main-e.html?icservices=e_tra

Section IX. Import Procedures

Canada imports more than \$20 million worth of U.S. food and agricultural products every day. While Canada Customs is the first line regulatory agency at border points ensuring that all imports have appropriate documentation, the Canadian Food Inspection Agency is the lead agency for ensuring that imports comply with the acts and regulations pertaining to food and agricultural products. The Canadian Food Inspection Agency has the power to detain, destroy or return product that violates Canadian food regulations. Re-inspection and storage costs associated with appeals on rejections are generally borne by either the exporter or the importer.

The majority of U.S. food product exports to Canada are cleared at the border without delay.

The Commercial Import Process

In order to bring goods into Canada, importers must:

-Provide the proper documents to Canada Customs and Revenue Agency including:

- two copies of the cargo control document (CCD);
- two copies of the invoice;

- two copies of a completed Form B3, Canada Customs Coding Form;
- one copy Form A - Certificate of Origin (when necessary);

-any import permits, health certificates, or forms that other federal government departments require; calculate and declare the value for duty of the imported goods (where necessary) according to the valuation provisions of the Customs Act; make sure that the goods are properly marked with their country of origin; pay any duties that apply.

For additional information contact a CFIA Import Service Center:

CFIA's Import Service Centres (ISC) process import request documentation/data sent electronically or by fax by the importing community across Canada. Staff review the information and return the decision either electronically to Canada Customs and Revenue Agency, which then relays it to the client, or by fax directly to the broker/importer, who then submits the release package to CCRA. In addition, ISC staff handle telephone inquiries regarding import requirements for all commodities regulated by the CFIA and, when necessary, coordinate inspections for import shipments.

CFIA IMPORT SERVICE CENTRES ACROSS CANADA

Eastern ISC

7:00 a.m. to 11:00 p.m.(local time)

Telephone: 1-877-493-0468 (inside Canada or U.S.)

1-514-493-0468 (all other countries)

Fax: 1-514-493-4103

Central ISC

7:00 a.m. to 12:00 a.m.(local time)

Telephone: 1-800-835-4486 (inside Canada or U.S.)

1-905-612-6285 (all other countries)

Fax: 1-905-612-6280

Western ISC

7:00 a.m. to 12:00 a.m.(local time)

Telephone: 1-888-732-6222 (inside Canada or U.S.)

1-604-666-7042 (all other countries)

Fax: 1-604-270-9247

EDI: 1-604-666-7073

Single Access Food Labelling Service Offices

The following Single Access Food Labelling Service offices will provide labelling information for all foods other than fish. Information regarding the labelling of fish may be obtained from the Fish, Seafood

and Product Division of the Canadian Food Inspection Agency.

Newfoundland

Tel. (709) 772-5519

Fax (709) 772-5100

Prince Edward Island

Tel. (902) 566-7290

Fax (902) 566-7334

New Brunswick

Tel. (506) 851-6637

Fax: (506) 851-2524

Nova Scotia

Tel. (902) 426-2563

Fax: (902) 426-5147

Quebec

Trois-Rivières*

Tel. (819) 371-5161

Fax (819) 371-5268

** In the province of Quebec, all label reviews should be sent to this office.*

Montreal/Anjou

Tel. (514) 493-8859

Fax (514) 493-0797

Longueuil

Tel. (450) 646-1353, ext. 319

Fax (450) 928-4104

Quebec City

Tel. (418) 648-7373

Fax: (418) 648-4792

Ontario

Tel. (800) 667-2657

Downsview*

Tel. (416) 954-0623

Fax (416) 954-0608

**In the province of Ontario, all label reviews should be sent to this office.*

Guelph

Tel. (519) 837-9400

Fax: (519) 837-9772

Manitoba

Tel. (204) 983-2220

Fax (204) 983-6008

Saskatchewan

Tel. (306) 975-8904

Fax (306) 975-4339

Alberta

Calgary

Tel. (403) 292-4650

Fax (403) 292-5692

Edmonton

Tel. (780) 495-3333

Fax (780) 495-3359

British Columbia

New Westminster

Tel. (604) 666-6513

Fax (604) 666-1261

Kelowna

Tel. (250) 470-4884

Fax (250) 470-4899

Victoria

Tel. (250) 363-3455

Fax (250) 363-0336

Fish, Seafood and Production Division

For information regarding the labelling of fish products, contact:

Tel. (613) 225-2342

Fax (613) 228-6654

National Import Operations Division

Tel. (613) 225-2342 extension 2363

Fax (613) 228-6653

Customs Brokers

Canada Customs and Revenue Agency licenses customs brokers to carry out customs-related responsibilities on behalf of their clients. A broker's services include:

- obtaining release of the imported goods;
- paying any duties that apply;
- obtaining, preparing, and presenting or transmitting the necessary documents or data;
- maintaining records;
- responding to any Canada Customs and Revenue Agency concerns after payment.

Clients have to pay a fee for these services, which the brokerage firm establishes.

Non-Resident Importers

Non-Resident Importers are companies that import goods into Canada but which have addresses

outside of Canada. These companies are required to have a Business Number (BN) and an import/export account registered with the Canada Customs and Revenue Agency. For information on registering as a non-resident importer, go to the following Canada Customs website:

<http://www.ccr-aadrc.gc.ca/customs/business/importing/menu-e.html>

Forms

Canada Customs requires an invoice form for all shipments. A copy should accompany the bill of lading. Canada Customs invoices are available at commercial printing establishments throughout the United States. For information about the nearest commercial printer, who may be selling the forms, contact a district USFCS office of the Department of Commerce. To ensure eligibility of products for free duty status for U.S. produce under the FTA/NAFTA, U.S. exporters should provide a copy of the Exporter's Certificate of Origin to their Canadian contact and maintain documentation to support certification to be eligible for the free rate. Certain exports require additional accompanying documentation such as a Food Safety and Inspection Service export certificate for meat products or an Animal and Plant Health Inspection Service phytosanitary certificate for plant and plant material. First time U.S. exporters to Canada may choose to hire customs broker services to assist in facilitating their exports to Canada.

NAFTA Certificate of Origin

This is a trilaterally agreed upon form used by Canada, Mexico, and the United States to certify that goods qualify for the preferential tariff treatment accorded by NAFTA. The Certificate of Origin must be completed by the exporter. A producer or manufacturer may also complete a certificate of origin in a NAFTA territory to be used as a basis for an Exporter's Certificate of Origin. To make a claim for NAFTA preference, the importer must possess a certificate of origin at the time the claim is made.

NAFTA certificates of origin are available on line from U.S. Customs at:

<http://www.customs.treas.gov/impexpo/impexpo.htm>

Appendices

Appendix A. Major Regulatory Agencies

Canadian Food Inspection Agency

59 Camelot Drive

Nepean, Ontario

Canada K1A 0Y9

Telephone for all Divisions: (613) 225-2342

Fax Numbers for CFIA Divisions:

Dairy, Fruit & Vegetable Division (incl. Processed products); (613) 228-6632

Plant Protection Division; (613) 228-6602

Feed and Fertilizer Division; (613) 228-6614

Seed Division; (613) 228-6653

Meat and Poultry Products Division; (613) 228-6636
Animal Health Division; (613) 228-6630

Pest Management Regulatory Agency
Health Canada
2250 Riverside Drive
Ottawa, Ontario K1A 0K9
telephone: (613) 736-3401
(maximum residue limit inquiries)

Bureau of Chemical Safety, Health Protection Branch
Health Canada
Tunney's Pasture
Ottawa, Ontario K1A 0L2
telephone: (613) 957-1700; (food additive inquiries)

Appendix B. Embassy Contacts

Office of Agricultural Affairs
U.S. Embassy,
P.O. 866, Station "B"
Ottawa, Ontario, Canada K1P 5T1
telephone: (613) 688-5267; fax: (613) 688-3124

Gary C. Groves, Agricultural Minister-Counselor
Hugh J. Maginnis, Senior Agricultural Attaché
Darlene Maginnis, Marketing Specialist
Marilyn Bailey, Agricultural Marketing Specialist
George Myles, Senior Agricultural Specialist
Matthew Cahoon, Agricultural Specialist
Joyce Gagnon, Administrative Assistant

Appendix C. Local Contacts

Canadian Society of Customs Brokers
111 York Street
Ottawa, Ontario K1N 5T4
telephone: (613) 562-3543; fax: (613) 562-3548

Appendix D. Food Additives

A complete listing of permissible food additives in Canada is available on the Health Canada website at:
http://www.hc-sc.gc.ca/food-aliment/english/publications/acts_and_regulations/food_and_drugs_acts/

Appendix E. Provincial Liquor Control Commissions

Newfoundland Liquor Corporation
P.O. Box 8750, Stn. "A"
90 Kenmount Road
St. John's, Newfoundland
Canada A1B 3V1
T: (709)724-1100
F: (709)754-0321

Nova Scotia Liquor Commission
93 Chain Lake Drive
Halifax, Nova Scotia
Canada B3S 1A5
T: (902) 450-6752
F: (902)453-1153

Prince Edward Island Liquor Control
Commission
3 Garfield Street
Charlottetown, P.E.I.
Canada C1A 7M4
T: (902)368-5720
F: (902)368-5735

New Brunswick Liquor Corporation
Old Wilsey Road, Industrial Park
P.O. Box 20787
Fredericton, New Brunswick
Canada E3B 5B8
T: (506)452-1551
F: (506)452-9890

Société des Alcools du Québec
905 av. De Lorimier
Montreal, Québec
Canada H2K 3V9
T: (514)873-5716
F: (514)873-3162

Liquor Control Board of Ontario
55 Lake Shore Blvd. East
Toronto, Ontario
Canada M5E 1A4

T: (416)365-5900
F: (416)365-5911

Manitoba Liquor Control Commission
1555 Buffalo Place
Winnipeg, Manitoba
Canada R3T 1L9
T: (204)284-2501
F: (204)475-7666

Saskatchewan Liquor and Gaming Authority
Head Office, Box 5054
Regina, Saskatchewan S4P 3M3
F: (306)787-4211
F: (306)787-8201

Alberta Gaming and Liquor Commission
50 Corriveau Avenue
St. Albert, Alberta
Canada T8N 3T5
T: (403)458-4311
F: (403)444-8906

B.C. Liquor Distribution Branch
2625 Rupert Street
Vancouver, British Columbia
Canada V5M 3T5
T: (604)252-3180
F: (604)252-3200

Northwest Territories Liquor Commission
Suite 201, 31 Capital Drive
Hay River, NWT
Canada X0E 1G2
T: (403)874-2100
F: (403)874-2180

Yukon Liquor Corporation
9031 Quartz Rd., Bldg. 278
Whitehorse, Yukon
Canada Y1A 4P9
T: (403)667-5245

F: (403)393-6306

Appendix F. Websites

The following is a listing of the major Canadian websites mentioned in the body of this report:

Canadian Food Inspection Agency

Home Page: <http://www.inspection.gc.ca/>

Acts and Regulations: <http://www.cfia-acia.agr.ca/english/reg/rege.shtml>

Guide to Food Labeling: <http://www.inspection.gc.ca/english/bureau/labeti/guide/guidee.shtml>

Packaging and Labeling: <http://www.cfia-acia.agr.ca/english/ppc/label/home.html>

Meat & Poultry Inspection Regulations:
<http://www.inspection.gc.ca/english/anima/meavia/meaviae.shtml>

Fish Inspection Directorate: <http://www.cfia-acia.agr.ca/english/anima/fispoi/fispoie.shtml>

Novel Foods: <http://www.cfia-acia.agr.ca/english/ppc/biotech/conse.shtml>

Department of Foreign Affairs and International Trade

<http://www.dfait-maeci.gc.ca/~eicb/agric/agric-e.htm>

Health Canada

Home Page: <http://www.hc-sc.gc.ca>

Food and Drugs Act:
http://www.hc-sc.gc.ca/food-aliment/english/publications/acts_and_regulations/food_and_drugs_acts/index.html

Nutrition Labeling: <http://www.hc-sc.gc.ca/hppb/nutrition/labels/index.html>

Food Additive Regulations:
www.hc-sc.gc.ca/food-aliment/friia-raaii/food_drugs-aliments_drogues/act-loi/e_index.html

Justice Department

<http://www.justice.gc.ca>

Pest Management Regulatory Agency

Maximum Residue Levels: <http://www.hc-sc.gc.ca/pmra-arla/english/legis/maxres-e.html>