



USDA Foreign Agricultural Service

# GAIN Report

Global Agriculture Information Network

Template Version 2.07

Required Report - public distribution

**Date:** 7/27/2006

**GAIN Report Number:** CA6031

## Canada

### Food and Agricultural Import Regulations and Standards

### Technical Requirements for the Canadian Food Market

## 2006

**Approved by:**

Lisa Anderson  
U.S. Embassy

**Prepared by:**

George Myles and Marilyn Bailey

---

**Report Highlights:**

Updates to the following sections were made in July 2006: Nutrition Labeling Compliance, Maximum Residue Limits for Pesticides, Trans Fats, and Kosher Foods. All website links refreshed.

---

Includes PSD Changes: No  
Includes Trade Matrix: No  
Annual Report  
Ottawa [CA1]  
[CA]

## Table of Contents

<b>Section I. Food Laws</b> .....	<b>4</b>
The Canadian Food Inspection Agency .....	4
Canada Agricultural Products Act (CAP Act) and Associated Regulations .....	4
Consumer Packaging and Labeling Act .....	4
Customs Act .....	5
Export and Import Permits Act .....	5
Fish Inspection Act .....	5
Fisheries Act .....	5
Food and Drugs Act .....	5
Health of Animals Act .....	5
Meat Inspection Act .....	6
North Pacific Fisheries Convention Act .....	6
Plant Protection Act .....	6
Weights and Measures Act .....	6
Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act .....	6
Agriculture and Agri-Food Administrative Monetary Penalties Act .....	7
Other Acts: .....	7
<b>Section II. Labeling Requirements</b> .....	<b>7</b>
A. General Requirements .....	7
Guide to Food Labeling and Advertising .....	7
Foods Requiring a Label .....	8
Shipping Containers .....	8
Enforcement .....	9
B. Label Review .....	9
C. Nutrition Labeling .....	9
D. Diet-Related Health Claims .....	10
<b>Section III. Packaging and Container Regulations</b> .....	<b>10</b>
<b>Section IV. Food Additive Regulations</b> .....	<b>10</b>
<b>Section V. Pesticide and other Contaminants</b> .....	<b>11</b>
Canadian Proposal To Revoke 0.1 ppm General Maximum Residue Limit .....	11
<b>Section VI. Other Regulations and Requirements</b> .....	<b>12</b>
Inspection and Registration Fees .....	12
Beef Export Verification .....	12
Container Sizes: Processed Meats .....	12
Requirements for Fresh Fruits and Vegetables .....	12
Processed Horticultural Products .....	13
Tariff Rate Quotas (TRQs) .....	14
<b>Section VII. Other Specific Standards</b> .....	<b>15</b>
Marine .....	15
Novel Foods (Genetically Modified Foods) .....	16
Highlighted Food Ingredients .....	17
Vitamin and Mineral Fortification .....	17
Trans Fats .....	17
Wine, Beer and Other Alcoholic Beverages .....	18
Food Allergen Labeling Proposal .....	18
Organic Foods .....	19
Kosher Foods .....	21
Irradiated Foods Which May be Sold in Canada .....	21
Test Marketing: Processed Food Products .....	23
Special Dietary Foods .....	23
Sample Products .....	23
<b>Section VIII. Copyright and/or Trademark Laws</b> .....	<b>23</b>

**Section IX. Import Procedures ..... 24**  
The Commercial Import Process..... 24  
Single Access Food Labeling Service Offices..... 25  
Customs Brokers ..... 27  
Forms ..... 27  
**Appendices ..... 28**  
Appendix A. Major Regulatory Agencies ..... 28  
Appendix B. Embassy Contacts..... 28  
Appendix C. Local Contacts ..... 28  
Appendix D. Food Additives ..... 29  
Appendix E. Provincial Liquor Control Commissions ..... 29  
Websites..... 30

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 remains 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](http://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**

The Consumer Packaging and Labeling Act 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.

## **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 Monetary Penalties Act authorizes monetary penalties on violators of Canadian regulations.

### **Other Acts:**

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

### **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 labeled 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/fssa/labeti/guide/toce.shtml>

### **Foods Requiring a Label**

All prepackaged food products require a label with the following exceptions:

- One-bite confections, such as a candy or a stick of chewing gum, sold individually; and
- Fresh fruits or vegetables packaged in a wrapper or confining band of less than 1/2 inch (12.7 mm).

Note: Clerk-served foods, which are packaged at the time of sale, are not considered to be prepackaged foods and are therefore exempt from having a label.

### **Bilingual Requirements**

All mandatory information on food labels must be shown in both official languages, i.e., French and English, with one exception:

- The identity and principal place of business of the person by or for whom the prepackaged product was manufactured, processed, produced or packaged for resale, may be in either English or French.

The province of Quebec has additional requirements concerning the use of the French language on all products marketed within its jurisdiction. Information on these requirements can be obtained from:

Ministère de l'Agriculture, des Pêcheries et de l'Alimentation du Québec  
200-A Chemin Sainte-Foy  
Québec, Québec G1R 4X6  
Tel. (418) 643-2500  
Fax (418) 644-3049

Quebec French language labeling information can also be found at the Website of l'Office de la langue française: <http://www.olf.gouv.qc.ca/>

### **Shipping Containers**

Labels of shipping containers for prepackaged retail food products, such as those for commercial, industrial or institutional use, are exempt from bilingual labeling requirements. The definition of shipping container includes both the outer case and inner package provided they are not offered for sale to consumers. Shipping containers may show the mandatory information in either official language (English or French). While it is recommended that the labeling information be provided in the language of the client, this is not required by law. Shipping containers require the common name of the product, the company name and place of business, country of origin, list of ingredients and a net quantity declaration under the *Weights and Measures Act* in either metric or Imperial measure.



## 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". This label 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 listing in Section IX). 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 the Appendices.

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

On January 1, 2003, Canada published new regulations making nutrition labeling mandatory on most food labels; new requirements for nutrient content claims; and permitting, for the first time in Canada, diet-related health claims for foods. U.S. food products exported to Canada must meet the same labeling requirements as foods produced in Canada. U.S. food manufacturers will have the same transition time (see below), depending on company size, to comply with the new nutrition labeling requirements.

#### Compliance and Enforcement Strategy – New Nutrition Labeling Regulations

The Canadian Food Inspection Agency (CFIA) is responsible for the enforcement of the *Food and Drugs Act* and the *Food and Drug Regulations* as they relate to food, including the recent amendments to the Regulations concerning nutrition labeling, nutrient content claims and diet-related health claims. A transition period was provided for in the amending regulations which allows most companies to bring their products into compliance with the new mandatory nutrition labeling regulations by December 12, 2005, while smaller companies, with annual revenues of less than one million dollars from the sale of food in Canada for the period of December 12, 2001- December 11, 2002, have until December 12, 2007 to bring their products into compliance.

Certain foods and beverages are exempted from the new labeling requirements, for example, fresh fruit and vegetables and raw single ingredient meat and poultry that are not ground. Health Canada claims that while some manufacturers may choose to start placing a Nutrition Facts table on labels almost immediately, companies have up to three years to comply with the new regulations. Small businesses have five years.

Further information and a downloadable copy of the Nutrition Labeling Regulations are available on the following Health Canada and CFIA webpages:

[http://www.hc-sc.gc.ca/hpfb-dgpsa/onpp-bppn/labelling-etiquetage/index\\_e.html](http://www.hc-sc.gc.ca/hpfb-dgpsa/onpp-bppn/labelling-etiquetage/index_e.html)  
<http://www.inspection.gc.ca/english/fssa/labeti/nutrition-pagee.shtml>

Amendments, clarifications and information letters to Industry concerning Canada's Nutrition Labeling regulations are catalogued on the CFIA webpage listed below. Some important changes since last year's FAIRS report include an information letter on "no sugar added" claims and on the nutrient content claims of food sold in restaurants and foodservice establishments.

<http://www.inspection.gc.ca/english/fssa/labeti/nutrition/arcarce.shtml>

#### **D. Diet-Related Health Claims**

Amendments to Canada's Food and Drug Regulations in 2002 allow diet-related health claims on foods for the first time. The Regulations now provide for claims, which deal with the following relationships:

- a diet low in sodium and high in potassium, and the reduction of risk of hypertension;
- a diet adequate in calcium and vitamin D, and the reduction of risk of osteoporosis;
- a diet low in saturated fat and *trans* fat, and the reduction of risk of heart disease;
- a diet rich in vegetables and fruits, and the reduction of risk of some types of cancer; and
- minimal fermentable carbohydrates in gum, hard candy or breath-freshening products, and the reduction of risk of dental caries.

The Regulations prescribe the exact wording for the permitted diet-related health claims. For full information and example tables, see the CFIA's 2003 Guide to Food Labeling, Section 8, at the link below:

<http://www.inspection.gc.ca/english/fssa/labeti/guide/ch8e.shtml#8.4>

#### **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:

[http://www.hc-sc.gc.ca/food-aliment/friia-raaii/food\\_drugs-aliments\\_drogués/act-loi/e\\_index.html](http://www.hc-sc.gc.ca/food-aliment/friia-raaii/food_drugs-aliments_drogués/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.pmra-arla.gc.ca/english/legis/maxres-e.html>

### **Canadian Proposal To Revoke 0.1 ppm General Maximum Residue Limit**

On June 23, 2006 Health Canada issued a discussion document, now available on its website and for which it is now inviting public comment from interested parties, on changes to its default MRL of 0.1 ppm, when no MRLs exist.

In summary, the general level of 0.1 ppm is proposed to be replaced by specific MRLs for pesticide/food combinations at levels at or below 0.1 ppm. As a large number of specific MRLs will be required to replace the general MRL, the following one-time approach, specific to this issue, is being proposed. U.S. tolerances at or below 0.1 ppm that have been established after the Food Quality and Protection Act (FQPA) came into effect in the United States will guide the establishment of these Canadian MRLs. Codex MRLs at or below 0.1 ppm will also be considered for imported food. In a limited number of cases, specific MRLs cannot be established immediately, and transitional MRLs would be allowed. The transitional MRLs would be in effect for a maximum of seven years, beginning with publication of the final regulatory changes and continuing until an ongoing MRL is established. If no specific MRL can be established, any level of residue for that pesticide/food combination will no longer be permitted. Tables that compare Canadian registered food uses, Canadian MRLs and U.S. tolerances are also included in the discussion document. An electronic copy of the document is available at:

<http://www.pmra-arla.gc.ca/english/pdf/dis/dis2006-01-e.pdf>

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.

### **Beef Export Verification**

Following the identification of a BSE-infected animal in Washington State, on December 23, 2003, the Canadian government introduced certain import restrictions on U.S. beef and live cattle. On January 22, 2004, and again on April 23, 2004, the restrictions were partially eased but many special entry requirements remain in effect. Only fresh/frozen meat and meat products of animals of the sub-family Bovinae (cattle buffalo, bison) derived from animals slaughtered in the United States that are less than 30 months of age, and are produced under an Agricultural Marketing Service (AMS) Beef Export Verification (BEV) program for Canada are eligible for entry. Dedicated veal slaughter and processing establishments are exempt from the AMS BEV program. Only eligible suppliers listed in the Official Listing may supply product identified as meeting the requirements of the applicable USDA BEV Program. Products produced using an approved Program are eligible to be issued a Food Safety Inspection Service (FSIS) Export certificate which includes the applicable statement as listed in the [FSIS Library of Export Requirements](#). For more information on the BEV program, go to: <http://www.ams.usda.gov/lsg/arc/bev.htm>

### **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/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/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/index.html>

For the past three 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/reginite.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.

For more information on FCFS TRQs, see the Canadian Border Service Agency:  
<http://www.cbsa-asfc.gc.ca/E/pub/cm/d10-18-6/d10-18-6-e.html>

## 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/trade/eicb/agric/agric-en.asp>

## 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 License 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 license 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

More information regarding the requirements to import fish into Canada can be found on the CFIA web site in the document titled Guide to Canadian Regulatory Requirements and Examination Procedures for Imported Fish. For detailed information 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.

For more information on the regulations governing genetically modified foods consult the Agricultural Biotechnology Report for Canada, report CA5044, on the FAS website under Attaché Reports.

The following is Health Canada's website for information concerning the sale of novel foods (genetically modified foods) in Canada.

[http://www.hc-sc.gc.ca/fn-an/gmf-agm/index\\_e.html](http://www.hc-sc.gc.ca/fn-an/gmf-agm/index_e.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



## Highlighted Food Ingredients

Canada's Food Inspection Agency has published a discussion paper on the highlighted Ingredients and Flavors in Food and is proposing amendments to Canada's Food and Drug Regulations to clarify labeling and advertising rules related to the highlighting or emphasizing of ingredients or components, flavors, and sensory characteristics (such as texture and taste) that use ingredient names as adjectives (such as creamy or juicy). The Agency is proposing that when ingredients are highlighted (whether high or low amount) a percentage of the ingredient must be declared either on the front panel or ingredients list; that when the highlighted ingredient is a flavor or an artificial flavor, it is proposing the word(s) "flavor" or "artificial flavor" must appear adjacent to the named flavor, for example: "strawberry flavor" or "artificial strawberry flavor"; that when an ingredient or component name is used to describe a sensory characteristic of a food, it is proposed that the specific characteristic must be stated adjacent to the description, for example: "creamy texture". Any forthcoming regulatory changes would also apply to imported foods. The full text of the discussion paper is available at: <http://www.inspection.gc.ca/english/fssa/labeti/inform/20030116dise.shtml>

## Vitamin and Mineral Fortification

Food fortification in Canada is currently under review. The proposed policy is outlined in the document, *Addition of Vitamins and Minerals to Food, 2005: Health Canada's Proposed Policy and Implementation Plans*. It would retain current fortification practices to prevent and correct nutritional problems, such as requiring the addition of Vitamin D to milk to combat the childhood disease of rickets and the addition of folic acid to flour to reduce birth defects. Fortifying foods to restore vitamins and minerals lost through processing would also continue. The policy would create a new provision for food fortification done at the "discretion" or "choice" of the manufacturer (within defined limits set by Health Canada) to meet a market demand, a process known as discretionary fortification. The policy also calls for an expansion of the product category of special purpose foods. With the completion of the policy review, Health Canada will draft regulations to implement the policy. The public will have a chance to review and comment on these draft regulations when they are published in *Canada Gazette* Part I, prior to their becoming law when they are published in *Canada Gazette* Part II. This regulatory process usually takes about 12-18 months. For more information on food fortification, visit [www.healthcanada.gc.ca/fortification](http://www.healthcanada.gc.ca/fortification)

## Trans Fats

In November 2004, a trans fat related motion was passed in the House of Commons calling for the establishment of a Task Force to look into the level of trans fats in the Canadian Food Inspection Agency supply and to develop recommendations. Health Canada and the Heart and Stroke Foundation of Canada are co-chairing the task force aimed at finding ways to effectively eliminate or reduce processed trans fats to the lowest levels possible. The Task Force released its report entitled *TRANSforming the Food Supply* in June 2006. The Task Force recommends that Canada adopt a regulatory approach to eliminate or reduce the trans fat levels in domestic and imported processed foods and in foods sold by foodservice operations.

The Task Force recommendations focus primarily on the elimination of industrially produced trans fats but are expressed as limits on the total amount of trans fats in foods, since there are no officially accepted analytical methods for distinguishing between the amounts of naturally occurring and industrially produced trans fats in foods. The Task Force recommends that for all vegetable oils and soft, spreadable (tub-type) margarine, that the

total trans fat content be limited by regulation to 2% of total fat content. For all other foods, that the total trans fat content be limited by regulation to 5% of total fat content. The limits do not apply to food products for which the fat originates exclusively from ruminant meat or dairy products. An electronic copy of the Task Force report is available at:  
[http://www.hc-sc.gc.ca/fn-an/nutrition/gras-trans-fats/tf-ge/tf-gt\\_rep-rap\\_e.html](http://www.hc-sc.gc.ca/fn-an/nutrition/gras-trans-fats/tf-ge/tf-gt_rep-rap_e.html)

While it is anticipated that Canadian regulation of trans fats limits would not be implemented until 2008, some U.S. food products could be adversely affected if the final regulations differ from FDA trans fat regulations.

### **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).

### **Food Allergen Labeling Proposal**

Health Canada continues to study proposed regulatory amendments for new labeling requirements for certain food allergens, gluten sources and sulphites in prepackaged foods sold in Canada. For more information go to the following webpage:

[http://www.hc-sc.gc.ca/fn-an/label-etiquet/allergen/index\\_e.html](http://www.hc-sc.gc.ca/fn-an/label-etiquet/allergen/index_e.html)

The proposed regulatory amendments to the Food and Drug Regulations would include:

1) (a) the label declaration of the following foods, or any protein-containing derivatives of these, in the list of ingredients by their common name if added directly as an ingredient in prepackaged foods:

- peanuts;
- naming the tree nuts;
- sesame;
- milk;
- eggs;

- naming the fish; naming the crustaceans; naming the shellfish;
- soy; and
- wheat, including spelt and kamut, or oats, barley, rye or triticale, or any protein-containing part thereof and hybridized strains of these grains;

(b) if the name of the allergenic food is not already identified in the common name of the derivative, then the name of the allergenic food would have to appear in brackets following the ingredient;

2) (a) amendments to section B.01.009, which exempts certain ingredients or classes of ingredients from label declaration, to require the declaration of the foods mentioned above or any protein-containing derivative, when they are added as a component of an ingredient listed in the Table to subsection B.01.009(1);

(b) the declaration would be made in the list of ingredients by common name, as if they were an ingredient of that food, followed, in brackets, by the name of the specific allergenic food specified above (e.g. casein (milk)), if it is not already identified in the common name of the derivative;

(c) if more than one component of an ingredient or of a class of ingredient contains the same priority allergen or gluten source, the name of the specific allergen or gluten source may be declared only once in the list of ingredients;

3) identification of the plant or animal source in the common name of all hydrolysed proteins;

4) identification of the specific source of the plant in the common name of all forms of starch (including maltodextrin) or modified starch;

5) identification of the source of lecithin in the common name of lecithin;

6) amendments to subsection B.01.009(1) to require the declaration of sulphites when they have been added to a component of an ingredient listed in the Table to this subsection and are present at a level of 10 ppm or more in the final food product; . the declaration would be a statement that the food contains sulphites or a sulphiting agent, or the word "sulphites", or the words "sulphiting agent", or the name of the sulphiting agent would be shown in the list of ingredients;

Note: The proposed amendments would not change the current requirement for the declaration of sulphites directly added to a food product at any level, as is the case for any food additive or ingredient not exempted from component declaration in the Table to subsection B.01.009(1). The only change would be in the manner of declaration as the proposed regulatory amendments would allow the optional use of a statement to indicate that the food contains sulphites in addition to the current options of declaring "sulphites", "sulphiting agents" or the name of the sulphiting agent in the list of ingredients;

7) a requirement for a statement on the principal display panel of standardized vinegars and alcoholic beverages that the product contains one or more priority allergens, protein-containing derivatives of these allergens and sulphites (if the sulphites are present at a level of 10 ppm or more) should they have been added directly or indirectly to the product;

8) consequential amendments to paragraph B.01.010(3)(b), which lists common names for groups of specific ingredients or components, to reflect the requirements for the declaration of priority allergens and gluten sources. Certain foods, including one-bite candy and foods sold in bulk will be exempt from the new regulations.

## 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 Labeling Act.

## Organic Certification

In order to demonstrate that food products described as organic actually conform to this voluntary national standard, producers or processors may ask an *independent certifying body* to inspect the production unit and products to verify that all stages of the production, processing, packaging and distribution meet the requirements of the Standard. A food which has been certified by a certification body may be labeled with the trademark of the independent certifying body that carried out the inspection.

In Canada, independent certifying bodies are accredited by the SCC, using guidelines set out by the International Organization for Standards (ISO). Provincial authorities may also provide accreditation of certifying bodies operating within their jurisdiction through provincial legislation. This role is assumed in Quebec by the Conseil d'accréditation du Québec, and in B.C. by the Certified Organic Associations of British Columbia (COABC).

Note: Certification of products described as organic is voluntary in all provinces except Quebec. The province of Quebec has an organic regulation which requires certification by a certifying body accredited by the Conseil d'accréditation du Québec (CAQ). For further information, consult the [CAQ Web site: http://www.caaq.org/en/home.asp](http://www.caaq.org/en/home.asp)

Independent certification bodies are responsible for monitoring the growers they certify, and for taking action to remove organic claims if the standard is not being met.

Copies of the National Standard for Organic Agriculture are available on the [Canadian General Standards Board \(CGSB\) Web site: www.pwgsc.gc.ca/cgsb](http://www.pwgsc.gc.ca/cgsb)

For more information on Organic Foods see FAS Ottawa's report CA2001 available from the FAS homepage at [www.fas.usda.gov](http://www.fas.usda.gov)

## Kosher Foods

Kosher food products must adhere to the same packaging and labeling regulations as all other packaged food products sold at retail in Canada. 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, available electronically at: <http://www.inspection.gc.ca/english/fssa/labeti/guide/toce.shtml>

For more information on Kosher Food Marketing in Canada, see FAS Ottawa's report CA5061 available from the FAS homepage at: [www.fas.usda.gov](http://www.fas.usda.gov)

## Irradiated Foods Which May be Sold in Canada

<u>Food</u>	<u>Purpose of Treatment</u>
Potatoes	To inhibit sprouting during storage
Onions	To inhibit sprouting during storage
Wheat, flour, whole wheat flour	To control insect infest. in stored food
Whole or ground spices and dehydrated seasoning preparations	To reduce microbial load

Regulations for the labeling of irradiated foods are administered by the CFIA and apply equally to all domestic and imported foods in Canada. The labeling regulations as outlined in the *Food and Drug Regulations* [B.01.035] require the identification of wholly irradiated foods with both a written statement such as "irradiated" or "treated with radiation" or "treated by irradiation" and the international symbol. Ingredients that constitute more than 10 percent of the final food must be identified in the list of ingredients as "irradiated". Signs

accompanying bulk, displays of irradiated foods are also required to carry the same identification as that shown on package labels. Advertisements for irradiated foods must clearly reveal that the food has been irradiated. Shipping containers also require the identification of wholly irradiated foods with a written statement such as "irradiated" or "treated with radiation" or "treated by irradiation" but do not require the international symbol.

### Temporary Marketing Authorization Letter

There is a distinction between a food which has received a Temporary Marketing Authorization and a Test Market Food (next section). A Temporary Marketing Authorization Letter (TMAL), issued by the Assistant Deputy Minister of the Health Products and Food Branch, Health Canada, authorizes the sale of a food that does not meet one or more of the compositional, packaging, labeling or advertising requirements under the *Food and Drugs Act and Regulations*. The authorization is granted for a specified period of time, within a designated area and in a specified quantity for a specific manufacturer or distributor. A TMAL does not exempt foods from the requirements under the *Consumer Packaging and Labeling Act and Regulations*. The purpose of a Temporary Marketing Authorization is to generate information in support of a proposed amendment to the *Food and Drug Regulations*.

For example, as a condition for obtaining a TMAL for the use of non-permitted labeling on a food, the companies involved agree:

- to use only those non-permitted labeling statements approved by the Health Products and Food Branch,
- to use these to carry out studies to determine consumer attitudes to the labeling and advertising material, and
- to submit the results of these studies to the Health Products and Food Branch.

Once the TMAL is issued, those manufacturers or producers of foods which are subject to mandatory label registration through the CFIA (such as registered meats and processed products), will be expected to follow normal procedures to register their labels).

Applications for a Temporary Marketing Authorization Letter should be addressed to:

Assistant Deputy Minister  
Health Products and Food Branch  
Health Canada  
Ottawa, Ontario K1A 0L2

Questions regarding any procedural details in applying for the TMAL may be addressed to:

Chief, Nutrition Evaluation Division  
Bureau of Nutritional Sciences, Food Directorate  
Health Products and Food Branch  
Health Canada  
Ottawa, Ontario K1A 0L2  
Tel. (613) 957-0352  
Fax (613) 941-6636

**Test Marketing: Processed Food Products**

Canada's Processed Product Regulations allow, 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

**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.

**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](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**

#### **Canada Customs and Revenue Agency Requirements**

In order to obtain the release of a commercial shipment at the Customs office, the following documents are required:

- two copies of the cargo control document. This document may be a manifest, waybill or some other approved document obtained from the carrier or freight forwarder.
- two copies of an invoice to support the value of the goods. This invoice provides information concerning the shipment including: details regarding the importer and exporter, a description of the goods, the value of the goods, the country of origin and destination of the goods, and the currency of settlement. A Canada Customs' invoice or a commercial invoice containing all the required information is necessary for goods with a value of \$1,600 or greater. An additional copy of the invoice is required in cases where the importer or broker intends to transmit the final accounting data through CADEX (Customs Automated Data Exchange).
- two copies of a fully completed B3 form, for all shipments for commercial use in Canada, regardless of value. The B3 document is used for duty and tax purposes. A third copy of this form is required by Statistics Canada for shipments valued over \$1,600.
- all permits, certificates, licenses or other documentation required by Canada Customs and Revenue Agency or other government departments for the release of food shipments. Generally, original documents are necessary.



Special programs exist to speed the transit time through Customs. The Pre-Arrival Review System (PARS) allows Customs to process release information before the goods arrive, thus accelerating release or referral of goods when they do arrive. The Frequent Import Release System (FIRST) processes repetitive importations of low risk shipments with a significant savings in time.

For additional information contact a CFIA Import Service Center:

CFIA's Import Service Centers (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 CENTERS 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 Labeling Service Offices

The following Single Access Food Labeling Service offices will provide labeling information for all foods other than fish. Information regarding the labeling 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

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 labeling 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. For an on-line of Customs Brokers, go to:

<http://www.dfait-maeci.gc.ca/trade/eicb/general/brokers-en.asp>

### 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 website: <http://www.cbsa-asfc.gc.ca/import/registerintro-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 at: <http://web.ita.doc.gov/ticwebsite/ticit.nsf/>

## 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  
Lisa Anderson, Agricultural Attaché  
Marilyn Bailey, Agricultural Marketing Specialist  
George Myles, Senior 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/friia-raai/food\\_drugs-aliments\\_drogues/act-loi/e\\_index.html](http://www.hc-sc.gc.ca/food-aliment/friia-raai/food_drugs-aliments_drogues/act-loi/e_index.html)

#### **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)724-1100F: (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

### Websites

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

Canadian Border Services Agency: <http://www.cbsa-asfc.gc.ca/menu-e.html>

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

Acts and Regulations: <http://www.inspection.gc.ca/english/reg/rege.shtml>

Guide to Food Labeling:

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

Meat & Poultry Inspection Regulations:

<http://www.inspection.gc.ca/english/anima/meavia/meaviae.shtml>

Fish Inspection Directorate: <http://www.inspection.gc.ca/english/anima/fispoi/fispoie.shtml>

Novel Foods: [http://www.hc-sc.gc.ca/food-aliment/mh-dm/ofb-bba/nfi-ani/e\\_novel\\_foods\\_and\\_ingredient.html](http://www.hc-sc.gc.ca/food-aliment/mh-dm/ofb-bba/nfi-ani/e_novel_foods_and_ingredient.html)

Department of Foreign Affairs and International Trade

<http://www.dfait-maeci.gc.ca/trade/eicb/agric/agric-en.asp>

Health Canada: <http://www.hc-sc.gc.ca>

Food and Drugs Act: [http://www.hc-sc.gc.ca/fn-an/legislation/acts-lois/fda-lad/index\\_e.html](http://www.hc-sc.gc.ca/fn-an/legislation/acts-lois/fda-lad/index_e.html)

Nutrition Labeling: [http://www.hc-sc.gc.ca/hpfb-dgpsa/onpp-bppn/labelling-etiquetage/index\\_e.html](http://www.hc-sc.gc.ca/hpfb-dgpsa/onpp-bppn/labelling-etiquetage/index_e.html)

Food Additive Regulations; see Food & Drug Regulations: [http://www.hc-sc.gc.ca/fn-an/legislation/acts-lois/fda-lad/index\\_e.html](http://www.hc-sc.gc.ca/fn-an/legislation/acts-lois/fda-lad/index_e.html)

Justice Department (for Canadian Food Laws): <http://www.justice.gc.ca>

Pest Management Regulatory Agency

Maximum Residue Levels: <http://www.pmra-arla.gc.ca/english/index-e.html>