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**Report Highlights:**

The 2016 changes to nutrition labelling requirements come into force in December 2021, with enforcement discretion extended to December 2023. Other regulatory initiatives (like Front of Package Labeling) continue to be on hold. Delayed enforcement was extended for Safe Food for Canadians Regulations requirements that came into force in July 2020 for the manufactured food sector. USMCA certification of origin requires the certifier (importer, exporter, or producer) to cover nine mandated minimum data elements, replacing the old NAFTA certificate of origin.

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This report was prepared by the Ottawa Office of Agricultural Affairs for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may not be completely accurate 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.**

## **Executive Summary**

Canada remained a top agricultural trading partner for the United States in 2020, with U.S. exports at over \$22 billion<sup>1</sup> and total two-way agricultural trade reaching \$47.5 billion. The United States and Canada maintain the world's largest bilateral agricultural trading relationship with \$130 million worth of food and agricultural products crossing the U.S.-Canadian border every day. In 2020, U.S.-origin products represented 57 percent of Canada's total global imports of agricultural products. High-value products accounted for \$17 billion of these imports, representing over 77 percent of the total value of U.S. exports to Canada. The top five consumer-oriented agricultural categories were bakery, cereal, and pasta products (\$2.2 billion), fresh vegetables (\$1.9 billion), fresh fruits (\$1.6 billion), non-alcoholic beverages (\$1.2 billion), and food preparations (\$1.2 billion).

The [USMCA](#) (United States-Mexico-Canada Agreement) entered into force on July 1, 2020, extending or improving the benefits U.S. exporters previously enjoyed under [NAFTA](#) (North American Free Trade Agreement). Implementation of two Canadian trade agreements with third-country trading blocs – [CETA](#) (Canada-European Union Comprehensive Economic and Trade Agreement) and the [CPTPP](#) (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) – continue to increase agricultural export competition in the Canadian market and expand access to Canada's supply managed markets (dairy, poultry, and eggs) through growing tariff rate quota (TRQ) volumes.

Recognizing the ongoing COVID-19 pandemic challenges on the Canadian economy, the federal government has postponed publication of new regulations and other regulatory actions that could further complicate the business environment. For example, the publication of regulations under Canada's Food Labelling Modernization and Front-of-Package Labeling initiatives is now expected in late 2021 or early 2022. Additionally, the Canadian Food Inspection Agency (CFIA) [continues](#) to delay enforcement of Safe Food for Canadians Regulations requirements that came into force on July 15, 2020 for the manufactured food sector (see "other foods" under SFCR: Timelines in Section I below).

Changes to nutrition labelling requirements legislated in 2016 (see Section II below) will come into force in December 2021. CFIA [announced](#) it will focus its efforts on education and compliance promotion until December 2022, and will apply certain enforcement discretion until December 2023, to smooth transition to the new requirements. Between March and May 2021, Health Canada conducted consultations on the Novel Foods Regulations, focused on plant breeding. The intent is to inform the department on the future regulation of novel foods derived from plants, including those developed using gene editing technologies (more information in Section VII).

## **Section I. Food Laws**

Since April 1997, all federally mandated food inspection and quarantine services for domestic and imported foods have been consolidated under the Canadian Food Inspection Agency (CFIA). On October 9, 2013, the Government of Canada announced that CFIA would report to the Minister of Health rather than the Minister of Agriculture and Agri-Food. The three entities responsible for Canada's food safety under the Minister of Health are: Health Canada (HC), the Public Health Agency

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<sup>1</sup> All values are reported in U.S. dollars unless otherwise noted.

of Canada (PHAC) and the food-safety responsibilities of CFIA. The Minister of Agriculture and Agri-Food continues to oversee CFIA's non-food safety agricultural activities, such as animal health and plant protection, as well as economic and trade issues.

### **Safe Food for Canadians Act and Regulations**

On November 22, 2012, the [Safe Food for Canadians Act](#) (SFCA) received Royal Assent. After several years of consultations and regulatory development, the final [Safe Food for Canadians Regulations](#) (SFCR) were published on June 13, 2018, and entered into force on January 15, 2019.

The SFCA consolidated four food-related statutes (Canada Agricultural Products Act, Fish Inspection Act, Meat Inspection Act, and the food-related provisions of the Consumer Packaging and Labeling Act) and created new authorities focusing on three important areas: (1) improved food safety oversight to better protect consumers; (2) streamlined and strengthened legislative authorities; and (3) enhanced international marketing opportunities for Canadian industry.

New measures introduced under the SFCA include:

- New prohibitions against food commodity tampering
- Strengthened food traceability
- Improved import controls
- Modernization and simplification of existing food safety legislation
- Aligned inspection and enforcement powers
- Authority to certify food commodities for export
- New review mechanism

The SFCA consolidated the authorities of the following legislation:

- Fish Inspection Act
- Canada Agricultural Products (CAP) Act and Associated Regulations
  - 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
- Meat Inspection Act
- Consumer Packaging and Labeling Act

In addition, a number of agricultural products standards and grading requirements were incorporated into the SFCR by reference. Measures incorporated by reference can be found [here](#).

### **SFCR: Key Requirements**

The Safe Food for Canadians Regulations (SFCR) effectively consolidated 14 sets of existing regulations into one regulatory package to implement the SFCA. Three key elements of the SFCR represent the foundation of Canada's new food safety regulatory environment and are mandatory for food-related businesses:

- [Licensing](#),
- [Preventive controls](#) (including the requirement to have a Preventive Control Plan), and
- [Traceability](#) (including the requirement to have food recall procedures in place).

CFIA maintains a [comprehensive website](#) to help businesses and stakeholders better understand SFCR requirements and to promote SFCR compliance.

Businesses can use the [Toolkit for food businesses](#) and the [glossary of key terms](#) to familiarize themselves with the SFCR requirements. CFIA recommends businesses to sign up with [My CFIA](#), a web-tool dedicated to facilitating interactions between CFIA and companies, including requests for [licenses](#), permits, registrations and various certificates.

FAS/Canada *strongly recommends* all U.S. companies currently doing business in Canada to consult their business partners regarding possible impacts of SFCR on their business operations. Companies evaluating business opportunities in Canada should become familiar with [SFCR requirements](#) as they develop prospective business plans.

### **SFCR: Importer of Record | Non-Resident Importer**

CFIA provides [detailed information](#) on their website for businesses that are the “importer of record” in Canada. Most of these importers are companies with a physical presence in Canada. However, some importers of record in Canada are foreign companies without a physical presence in Canada – a category referred to as “[non-resident importers](#)” (NRIs). If an NRI complies with all other relevant SFCR requirements (such as [licensing](#), [preventive controls](#) and [traceability](#)), then an NRI may be the importer of record on export shipments to Canada, provided that the NRI has a fixed place of business in a country that:

- has an inspection system that has been recognized by Canada, if the imported food is a meat product or live or raw shellfish, or
- has a food safety system that has been determined to provide at least the same level of protection in relation to that food as that provided by Canada, if the imported food is not a meat product or live or raw shellfish, and
- provided that the food is sent directly to Canada from such a country.

The United States [meets the requirements](#) listed above. U.S. NRIs with issues and enquiries related to their products should contact [CFIA area offices](#) responsible for the U.S. state in which their business is located.

### **SFCR: Timelines**

Companies should consult [CFIA’s interactive tools](#) to learn more about the various [licensing](#), [preventive controls](#), and [traceability](#) requirements as well as [when the requirements entered into force](#) for different food categories.

For foods such as fish, meat, poultry, dairy, eggs, fresh and processed fruits and vegetables, honey and maple products, most of the new requirements (including [licensing](#), [preventive controls](#) and [traceability](#)) entered into force [on January 15, 2019](#).

For [other foods](#) (e.g., confectionary, snack foods, beverages, oils, dried herbs and spices, nuts and seeds, coffee and tea, or processed grain-based foods such as baked goods, cereals and pasta) and for certain categories of businesses, some of the SFCR requirements will be phased in over a longer period of up to 30 months (July 15, 2021). In general, the new requirements for “other foods” came into force on July 15, 2020. Due to the COVID-19 pandemic, CFIA is not [prioritizing compliance](#) at this time, but the requirements that entered into force on July 15 remain in effect.

Certain SFCR provisions (such as licensing and preventive controls) do not apply to:

- an imported food additive,
- an imported alcoholic beverage that contains more than 0.5 percent absolute ethyl alcohol by volume, or
- an imported unprocessed food meant to be further prepared in Canada listed in [Schedule 1](#) of the [SFCR](#), and that
  - is unprocessed and is intended to be manufactured, processed or treated for use as a grain, oil, pulse, sugar or beverage,
  - has a label applied or attached to it, or accompanying it, that bears the expression “For Further Preparation Only” or “pour conditionnement ultérieur seulement”, and
  - is not a consumer prepackaged food.

### **Additional Food Law Considerations and Resources for Importers**

CFIA’s “[step-by-step](#)” guide to importing food is specifically tailored to SFCR compliance for Canadian food importers and NRIs. Additional CFIA resources include:

- [Three key principles for importing food into Canada](#)
- [Importing food into Canada fact sheet](#)
- [Food-specific import requirements](#)
- [Country-specific import requirements](#)
- [Food import notices](#)

In addition to SFCR, there are other [Acts and Regulations](#) that include provisions applicable to importing food into Canada. In particular, the [Food and Drugs Act](#) and the [Food and Drugs Regulations](#) have food-related provisions summarized on [this](#) CFIA web page. Additionally, Health Canada maintains a [Food and Nutrition](#) web page with relevant food regulatory information.

### **Other Regulatory Initiatives**

New regulatory initiatives affecting food are posted for review by industry on the [Canadian Food Inspection Agency website](#). In addition, CFIA’s [Forward Regulatory Plan](#) lists a description of anticipated regulatory changes or actions various federal departments intend to bring forward in the near future. The Plan is intended to give stakeholders an opportunity to get informed and to provide input in the development of future regulations. For instance, the [Forward Regulatory Plan: 2021 to 2023](#) provides information on regulatory proposals that the CFIA expects to bring forward over the next two years.

## **Section II. Labeling Requirements**

### **General Requirements**

CFIA's [Industry Labelling Tool](#) provides a single-source of food labeling guidance to industry. The Industry Labelling Tool content is drawn from the [Labelling Legislative Framework](#) and can be actively searched from the [CFIA General Principles for Labelling and Advertising webpage](#). In addition, [Part 11](#) of the [Safe Food for Canadians Regulations](#) includes consolidated labeling requirements previously included in a variety of product-specific regulations.

For information not found on the Industry Labelling Tool, questions can be directed to the [local CFIA office](#) nearest to the anticipated port of entry.

The [Industry Labelling Tool](#) 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
- regulations on food allergens
- other product specific requirements for alcoholic beverages, processed fruits and vegetables, honey, meat and poultry, fish and supplementary products

*Note: Many labeling requirements differ from the United States and require adherence for retail sales in Canada.*

Additionally, the SFCR includes specific [labeling requirements for traceability](#) purposes.

CFIA also provides an [interactive food labeling requirement tool](#) designed to help consumers better understand the required components of a Canadian food label.

### **Food Labelling Modernization/Food Product Innovation**

In 2019, CFIA [consulted](#) on proposed regulatory changes as part of the agency's Food Labeling Modernization Initiative. The [CFIA Forward Regulatory Plan for 2021-2023](#) rebranded the initiative as Food Product Innovation and pushed elements of the original [Food Labelling Modernization](#) initiative "that would result in mandatory label changes" into future regulatory updates not yet announced.

Due to the impact of COVID-19, CFIA will limit the scope of Food Product Innovation final regulations expected to be published in fall 2021, to elements that "facilitate industry innovation and remove duplicative requirements," including:

- Repeal of some standard container sizes;
- Incorporation by reference of remaining standard container sizes;
- Incorporation by reference of class names (aka common names);
- Updated definition of test market food;
- Harmonized and streamlined food commodity-specific labelling requirements.

While CFIA is currently analyzing the impact of the proposed changes in these areas, it does not expect the amendments will have “significant impacts on international trade or investment”, nor will they require mandatory labeling changes.

## Allergens

Canada maintains a list of eleven [priority allergens](#) that must be declared in the ingredient list when present at levels of 10 ppm and higher:

1. [Peanuts](#)
2. [Tree Nuts](#) (including Brazil nuts, cashews, hazelnuts, macadamia nuts, pecans, pine nuts, pistachios, and walnuts)
3. [Sesame](#)
4. [Milk](#)
5. [Eggs](#)
6. [Soy](#)
7. [Wheat / Triticale](#)
8. [Fish](#)
9. [Crustaceans and Molluscs](#)
10. [Mustard](#)
11. [Sulphites](#)

For more information on allergens, please refer to the [CFIA food allergen labelling webpage](#), the [CFIA allergen labelling tips factsheet](#), and the [Industry Labelling Tool](#).

## Image 1. Allergen Labeling Format Options

**How to label allergens:**

Within the **ingredients** list

**Ingredients:** Apples, Pie crust [Flour (wheat), Shortening, Liquid albumen (egg), Salt], Sugar, Flour, Lemon juice, Whole milk, Cinnamon. May contain pecans.

**OR**

Using a **contains** statement

**Ingredients:** Apples, Pie crust [Flour, Shortening, Liquid albumen, Salt], Sugar, Flour, Lemon juice, Whole milk, Cinnamon.

**Contains:** Wheat, Egg, Milk. May contain pecans.

Source: CFIA. [Food Allergen Labelling](#).

## Bilingual Labeling

Mandatory labeling information must be displayed in both English and French, including core labeling requirements as described on the [Industry Labelling Tool](#). There are several exceptions and exemptions to the [bilingual labeling requirements](#). Under the following circumstances, certain information can be provided in only one official language:

- Exceptions
  - [Identity and principal place of business](#)
  - Common name of [certain alcoholic beverages](#) (e.g. Tennessee Whisky, Bourbon, etc.)

- [Exemptions](#)
  - [Shipping containers](#) destined for commercial or industrial institutions that will not be offered for sale to consumers at retail locations.
  - Specialty foods
  - Local Foods
  - Test Market Foods

Please refer to the [CFIA Bilingual Labelling Requirements webpage](#) for more information on exemptions listed above.

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:

Sous-ministériat à la santé animale et à l'inspection des aliments  
200 Chemin Sainte-Foy  
Québec, Quebec G1R 4X6  
Telephone: 418-380-2120 and 1-800-463-5023  
Fax: 418-380-2169  
email: [smsaia@mapaq.gouv.qc.ca](mailto:smsaia@mapaq.gouv.qc.ca)

Quebec French language labeling information can also be found in the [Charter of the French Language](#), specifically "[The Language of Commerce and Business](#)."

### **Nutrition / Ingredient Labelling Changes**

On February 2, 2021, Canada [updated](#) industry on implementation and enforcement timelines for nutrition labeling [regulations](#) first published in December 2016. The new requirements will enter into force on December 14, 2021, as scheduled, ending the 5-year transition period. However, Health Canada and CFIA issued a [notice to industry](#) clarifying enforcement timelines, and CFIA published an [Implementation Plan](#) further explaining the transition to the new nutrition labeling requirements:

- For the period **December 14, 2021 – December 14, 2022**, "CFIA's efforts will be directed towards education and promoting compliance with the new requirements." During this period, "prepackaged foods manufactured or imported can be sold and can remain on store shelves even if they comply with the former labelling regulations."
- During the period **December 14, 2022 – December 14, 2023**, "for products that do not meet the new requirements, the CFIA will apply enforcement discretion" only in cases where manufacturers or importers have a detailed plan that shows "the steps being taken to meet the new requirements at the earliest possible time, and no later than December 14, 2023," as well as "any actions taken to prevent or minimize risk to human health."

For more information on nutrition labeling please consult:

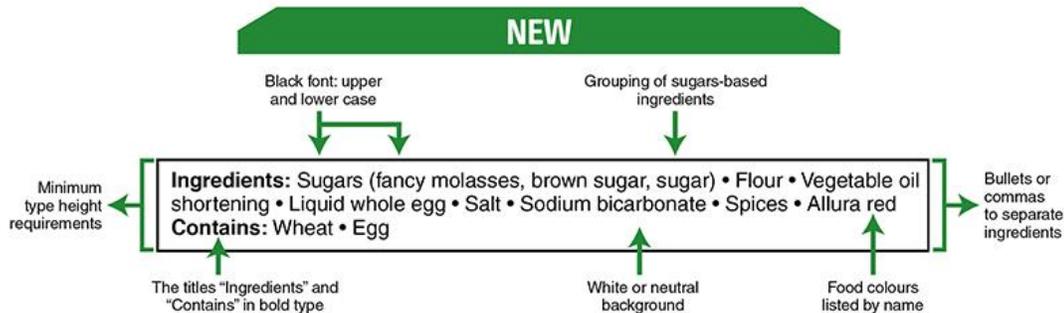
- the [Health Canada Food Labelling Changes webpage](#) and the [associated CFIA webpage](#)
- the [Health Canada Regulations and Compliance](#)
- the [Industry Labelling Tool](#) under [Nutrition Labelling](#).

Image 2. Nutrition Facts Table Changes

ORIGINAL		NEW	
<b>Nutrition Facts</b> <b>Valeur nutritive</b>		<b>Nutrition Facts</b> <b>Valeur nutritive</b>	
Per 250 mL / par 250 mL		Per 1 cup (250 mL) pour 1 tasse (250 mL)	
Amount Teneur	% Daily Value % valeur quotidienne	<b>Calories 110</b>	% Daily Value* % valeur quotidienne*
<b>Calories / Calories 110</b>		<b>Calories 110</b>	
<b>Fat / Lipides 0 g</b> 0 %		<b>Fat / Lipides 0 g</b> 0 %	
Saturated / saturés 0 g + Trans / trans 0 g		Saturated / saturés 0 g + Trans / trans 0 g	
<b>Cholesterol / Cholestérol 0 mg</b>		<b>Carbohydrate / Glucides 26 g</b>	
<b>Sodium / Sodium 0 mg</b> 0 %		Fibre / Fibres 0 g 0 %	
<b>Carbohydrate / Glucides 26 g</b> 9 %		Sugars / Sucres 22 g 22 %	
Fibre / Fibres 0 g 0 %		<b>Protein / Protéines 2 g</b>	
Sugars / Sucres 22 g		<b>Cholesterol / Cholestérol 0 mg</b>	
<b>Protein / Protéines 2 g</b>		<b>Sodium 0 mg</b> 0 %	
Vitamin A / Vitamine A	0 %	Potassium 450 mg 10 %	
Vitamin C / Vitamine C	120 %	Calcium 30 mg 2 %	
Calcium / Calcium	2 %	Iron / Fer 0 mg 0 %	
Iron / Fer	0 %	*5% or less is a little, 15% or more is a lot *5% ou moins c'est peu, 15% ou plus c'est beaucoup	

Source: Health Canada. [Food Labelling Changes](#).

Image 3. New List of Ingredients Format



Source: Health Canada. [Food Labelling Changes](#).

### Nutrition Labeling Exemptions

Prepackaged food products that are imported as ingredients for the manufacture of other food products are exempt from some food labeling requirements, including the format of the nutritional information. More information on Foods for use in Manufacturing Other Foods is available [here](#).

Prepackaged foods [exempt from mandatory nutrition labeling](#) can be found in sections B.01.401 (2) (a,b) and B.01.401 (3) of the [Food and Drug Regulations](#). Products may lose the exemption if they add certain ingredients, labeling claims or images – please refer to [this CFIA webpage](#) for additional information.

### Plant-Based Meat, Poultry and Dairy Alternatives

Where Canada does not have specific labeling requirements for meat, poultry, and dairy alternatives, strict requirements for the use of “meat,” “poultry,” “milk,” and “dairy,” along with the fundamental

requirement that all labels be ‘truthful and not misleading,’ create de facto labeling requirements for alternative products.

According to section [B.08.003](#) of the [Food and Drug Regulations](#), milk is defined as “the normal lacteal secretion obtained from the mammary gland of the cow, genus *Bos*.” Any product that does not include an ingredient meeting this definition cannot contain the word “milk” on its label. Similarly, [Part I of SFCR](#) defines a dairy product as “milk or a food that is derived from milk, alone or combined with another food, and that contains no oil and no fat other than that of milk.” [Canadian Standards of Identity: Volume 1 – Dairy Products](#) defines milk as “the normal lacteal secretion, free from colostrum, obtained from the mammary gland of an animal” and lists mandated requirements for several dairy products, including cheese, butter and ice cream. For additional information please see CFIA’s [Labelling Requirements for Dairy Products](#).

Similar to milk and dairy products, Canada has strict requirements for [labeling meat and poultry products](#). Additionally, CFIA provides guidance on labeling [simulated meat and simulated poultry products](#), including requirements related to the common name, the “contains no meat/poultry” declaration, nutritional information, and mandated protein content. [Simulated meat and simulated poultry](#) are products that “do not contain any meat or poultry but are represented as having the physical and nutritive characteristics of meat or poultry.” In November 2020, CFIA [consulted](#) on [Proposed Changes to Guidelines](#) for simulated meat and simulated poultry products. According to CFIA, while requirements for simulated meat and poultry products have not changed, the proposed guidelines were necessary to differentiate simulated meat and poultry products from those that are neither meat nor poultry and not intended to substitute for meat or poultry products, and thus “help ensure market consistency and prevent foods from being mislabeled.” Currently there is no indication when the new guidelines would enter into force.

### **Healthy Eating Strategy Initiatives**

CFIA and Health Canada share responsibilities in developing and enforcing Canada’s food labeling requirements. Health Canada’s mandate includes a [Healthy Eating Strategy](#), which extends into to the following areas:

- front-of-package labeling;
- restricting marketing to children of foods and beverages that meet certain criteria for sugars, sodium and saturated fat;
- prohibiting the use of partially hydrogenated oils in foods; and
- reducing sodium intake.

### **Front-of-Package Labeling**

According to Health Canada, FOP labels would help consumers make healthier food choices by providing highly visible information on three key nutrients of concern: sodium, sugar and saturated fat. Health Canada consultations on proposed [front-of-package \(FOP\) labeling designs](#) and proposed [regulatory text](#) closed on April 26, 2018. Although results from the consultation as well as the final regulatory text were anticipated to be released in Canada Gazette – Part II by the end of 2018, the process has been delayed. According to [the HC Forward Regulatory Plan 2021-2023](#), the FOP initiative remains a department priority to be implemented by 2023. Based on previous information, a phase-in period of up to four years is expected.

## **Restricting Marketing to Children**

[Restricting the advertising of foods that meet certain nutrient criteria to children under 13 years of age](#) remains on Health Canada's agenda, as evidenced by the 2019 [Minister of Health Mandate Letter](#). The criteria are related to various thresholds for sugars, sodium and saturated fats. However, since the [Child Health Protection Act](#) was not adopted by the Canadian Parliament before federal elections were called in September 2019, any regulatory initiative by Health Canada in this area would require new legislative action by the Canadian parliament. There is no indication when a new bill might be introduced, however according to [the HC Forward Regulatory Plan 2021-2023](#), the initiative remains a department priority to be implemented by 2023. Between 2017 and 2019, Health Canada [consulted](#) with a wide range of stakeholders on the merits of this initiative, and FAS/Canada expects additional consultations ahead of implementation.

## **Prohibiting the Use of Partially Hydrogenated Oils in Foods**

Health Canada's ban on the use of partially hydrogenated oils (PHOs) entered into force on September 15, 2018. PHOs were added to Part 1 of the [List of Contaminants and Other Adulterating Substances in Foods](#) and their use was banned in all foods, including ingredients, and in minor use applications (e.g., a pan release agent). Fully hydrogenated oils are excluded from the ban.

## **Reducing Sodium Intake**

From 2007-2010, Health Canada convened a Sodium Working Group to develop a [sodium reduction strategy](#) for Canada, where an estimated [60 percent](#) of the population consumes "too much" sodium. The 2010 strategy document eventually led to the June 2012 release of Health Canada's voluntary [sodium reduction guidance](#) for the processed food industry. In January 2018, Health Canada published a [report](#) on the efficacy of the voluntary industry effort, which concluded that the reduction of sodium in processed foods was much lower than anticipated. In July 2018, Health Canada released a [report](#) on the levels of sodium intake by Canadians in 2017, concluding that on average the population consumes twice the recommended levels.

In December 2020, Health Canada released the [Voluntary Sodium Reduction Targets for Processed Foods 2020-2025](#). The new reduction targets maintain components from the previous effort: a sales weighted average (SWA) target which applies to a whole category of products, and a maximum level of sodium which applies to individual products within a category. Based on consultations, the number of product categories was increased from 94 to 117. Additionally, the new SWA targets were set as a 15 to 20 percent reduction from the 2017 measured levels, while maximum levels for individual products were either maintained at previous standards or were increased/decreased to achieve the desired target level for a product category.

Sodium reduction will remain a priority for the federal government. In addition to the new targets, sodium reduction would continue to be pursued through the Healthy Eating Strategy's front-of-package labeling efforts and possible restrictions on marketing to children.

### **Section III. Packaging and Container Requirements**

Canadian regulations governing container sizes for various fresh and processed foods stipulate standardized container sizes that may differ from U.S. sizes. Standards of identity, grades and container sizes previously stipulated in various product-specific regulations (such as “honey regulations,” “fresh fruit and vegetable regulations,” etc.) have been consolidated into the [Safe Food for Canadians Regulations](#).

Food grades have been incorporated by reference and are currently part of the [Canadian Grade Compendium](#). Food standards of identity have also been incorporated by reference and are currently part of the [Canadian Standards of Identity](#) (see Section VII of this report for additional information).

Requirements regarding packaging and specific container sizes are listed under [Part 10](#) of the *Safe Food for Canadians Regulations*, and further detailed in [Schedule 3](#) of the Regulations. These packaging and container size requirements cover a wide range of products including:

- honey
- peanut butter
- wine
- fresh and processed fruits and vegetables
- processed meats

According to CFIA’s [Food Product Innovation](#) initiative (detailed under Section I), by the end of 2021, some standard container sizes will be repealed and the remaining standard container sizes will be incorporated by reference.

#### **Packaging Sustainability Measures**

In Canada, recycling and waste management are regulated at provincial and municipal levels. Federal level authority extends only over hazardous materials and, more recently, over plastic materials, including packaging (detailed below). A federal website dedicated to [waste management](#) includes links to [provincial authorities](#) involved in regulating recycling and waste.

Reducing plastic pollution remains a high priority for the federal government, with an end goal of achieving [zero plastic waste](#). In May 2021, “plastic manufactured items” [were added](#) to [Schedule 1](#) of the [Canadian Environmental Protection Act, 1999](#), giving the federal government national regulatory authority to take action in support of “reaching Canada’s zero plastic waste goal and setting the conditions for a plastics circular economy.”

In 2020, Environment and Climate Change Canada (ECCC) [consulted](#) on [A Proposed Integrated Management Approach to Plastic Products to Prevent Waste and Pollution](#). The proposal includes banning certain single-use plastic items (so far six items have been identified: straws, plastic checkout bags, stir sticks, 6-pack rings, food service ware made from problematic plastics, and cutlery), establishing recycled content requirements in plastic products, and expanding end-of-life producer responsibility in terms of collecting and recycling plastic products. Proposed regulations are expected to be published for further stakeholder consultations in late 2021 or 2022.

## **Section IV. Food Additive Regulations**

Canada's [Food and Drugs Act](#) and the associated [Food and Drug Regulations](#) strictly control the use of food additives. Most foods approved for sale in the United States comply with Canadian food additive regulations, but differences can occur at the permissible levels and in the use of specific additives, such as colorings, preservatives or enzymes.

Historically, permitted food additives have been listed in tables under [Division 16 of the Food and Drug Regulations](#). These Regulations prescribe which additives are permitted in Canada, to which foods they can be added, and up to what levels, as well as prohibit the sale of a substance as an additive unless it is found in one of the tables.

Currently, the tables listing the permitted food additives have been incorporated by reference into [Marketing Authorizations](#). Health Canada has yet to repeal the food additives tables found in Division 16 of the *Food and Drug Regulations*. Until this occurs, the two sets of additive lists coexist: the tables found in Division 16 of the *Regulations* and the [Lists of Permitted Food Additives](#) on Health Canada's website. This latter set of lists is being continuously updated and takes precedence over the older lists from Division 16 of the *Regulations*. Health Canada created a [Transition Guide](#) to provide stakeholders with additional information on the lists as well as guidance on interpretation and use.

Health Canada's [Food Additives webpage](#) provides additional helpful information on Food Additives. Interested stakeholders can subscribe to Health Canada's Food Additives e-Notice [here](#) to receive updates related to changes in the food additive regulatory landscape.

The [Guide for the Preparation of Submissions on Food Additives](#) provides a detailed description of the application process for regulatory approval for a new food additive, for a previously unapproved use of an already-permitted food additive, for an increased maximum level of use of an already approved food additive, or for a previously unapproved source for an already-permitted enzyme. Health Canada created the [Food Additive Submission Checklist](#) to assist applicants in assembling the necessary materials for a food additive request.

## **Section V. Pesticides 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 containing 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.

Pesticides are regulated under the [Pest Control Products Act](#) and the associated [Pest Control Products Regulations](#). Health Canada's [Pest Management Regulatory Agency](#) (PMRA) sets maximum residue limits (MRL) for pesticides and maintains an [MRL Database](#) as well as a [residue definitions list](#), which includes corresponding metabolites.

PMRA is also responsible for pesticide registration. More information on the PMRA-regulated product application process can be found [here](#).

PMRA continuously reviews and re-evaluates past decisions regarding the approval and/or use of pesticides. Such review processes typically involve public consultations at various stages of decision-making. PMRA's [Pesticides and Pest Management Consultations](#) website includes up-to-date information on all such initiatives.

### **Neonicotinoid Pesticides**

In 2012, PMRA began the re-evaluation of three neonicotinoid pesticides over concerns about the impacts to pollinators. In April 2019, PMRA released the [final re-evaluation decisions](#), based on risk to pollinators, for these three neonicotinoid pesticides: [clothianidin](#), [imidacloprid](#), and [thiamethoxam](#). In general, the decision would have seen the cancellation of some outdoor uses of these pesticides, restrictions on the timing of outdoor applications, and continued ability to use treated seeds with applicable additional label statements describing mitigation measures for pollinator exposure to dust during treated seed planting. There is a two-year phase-out period for these changes.

However, during the re-evaluation procedure for [imidacloprid](#), PMRA identified risks to aquatic invertebrates, which triggered special reviews for re-evaluation on aquatic risk for both clothianidin and thiamethoxam as well (see PMRA's section on [Proposed Special Review Decisions](#), under "past consultations," as well as the [January 2020 update](#)). Following the consultation period on the proposed decisions, additional data became available from published literature as well as water monitoring completed by the registrants and environmental monitoring networks. As a result, PMRA incorporated this additional data and, in March 2021, issued their final special review decisions for both [clothianidin](#) and [thiamethoxam](#), having determined that certain uses of both neonicotinoids may continue, with required mitigation measures, without presenting an unacceptable risk to aquatic environments. For additional details please see GAIN report [CA2021-0022](#).

### **Glyphosate**

In April 2017, PMRA issued a [re-evaluation decision](#) for the herbicide glyphosate. This decision found no human health or environmental risks of concern with appropriate use of the herbicide. As such, glyphosate was approved for continued sale and use in Canada. PMRA received objections to this decision resulting in a further review of the decision and the scientific validity of the studies considered. Following this, Health Canada [released a notice](#) in January 2019, stating that their review did not raise any concerns about the re-evaluation decision. The notice also states PMRA will "continue to monitor for new information related to glyphosate, including regulatory actions from other governments, and will take appropriate action if risks of concern to human health or the environment are identified." On May 6, 2021, PMRA opened a [public consultation](#) on new or additional [proposed MRLs for glyphosate](#). The goal is to expand the list of commodities with established glyphosate MRLs to facilitate importation, and to update certain commodity descriptors. Among the new products to be covered by a glyphosate MRL are various cereal brans, various dry beans, dry lentils, and tree nuts.

## **Section VI. Other Requirements, Regulations, and Registration Measures**

### **Meat and Poultry**

Only U.S. meat and poultry establishments [registered](#) with USDA Food Safety and Inspection Service (FSIS) are eligible to export products to Canada. In addition, CFIA maintains its [own list](#) of approved establishments. Exporters should confirm their establishment is listed on the CFIA list before shipping product. Please contact the [FAS/Ottawa](#) office if there is a discrepancy between the FSIS and CFIA directories.

### **Certain FDA-regulated Meat and Poultry-Containing Products**

Shipments to Canada of a number of meat and poultry-containing products regulated by the U.S. Food and Drug Administration (FDA), such as meat and poultry broths, extracts, bouillons, flavors, and certain soups and noodles containing meat and poultry, must be accompanied by an FDA-issued “Certificate to a Foreign Government.” For more information please refer to FDA’s [Food Export Library](#), as well as CFIA’s website dedicated to [broth, flavor and extract of meat origin](#).

### **Shell Eggs**

Only U.S. egg processing plants that meet the environmental sampling and *Salmonella* testing [requirements](#) in the [Safe Food for Canadians Regulations](#) may export shell eggs to Canada. USDA Agricultural Marketing Service (AMS) maintains a list of U.S. facilities [Approved to Export Table Eggs to Canada](#). Additional information can be found on [CFIA’s website](#).

Ungraded eggs may only be imported into Canada for breaking and must be delivered directly to a registered processed egg station for processing. Ungraded eggs may originate from registered or from unregistered U.S. facilities; there is no list of facilities eligible to ship ungraded eggs.

### **Processed Egg Products**

Only U.S. egg product processing facilities [registered](#) with USDA FSIS are eligible to export egg products to Canada. Additional information can be found on [CFIA’s website](#).

### **Certain FDA-regulated Egg Products**

Shipments to Canada of egg products not covered under the [U.S. Egg Products Inspection Act](#) and that are regulated by the FDA, such as cooked omelets, frozen egg patties, crepes, hard boiled eggs, imitation egg products, mayonnaise, and foods containing egg extracts, must be accompanied by a certificate issued by USDA AMS under the [Processed Egg and Egg Products Export Verification \(PEEPEV\)](#) Program.

### **Fresh Fruits and Vegetables – Leafy Greens**

CFIA details import requirements for [Leafy Green Vegetables](#) from California and Arizona. Based on these requirements, products grown in California have to be handled by a certified member of the [California Leafy Green Products Handler Marketing Agreement](#). Since mid-August 2020, only products handled by shippers who are certified members of the [Arizona Leafy Greens Marketing Agreement](#) have been allowed access into Canada. Between October and December 2020, some California romaine lettuce [had to be tested for E. coli](#) – while this requirement has been removed, shippers are advised to check the CFIA website for [updates](#).

### **Fresh Fruits and Vegetables – Lot Code on Field Packaged Products**

According to the SFCR [timeline](#) for traceability requirements (See section I), fresh fruits and vegetables [consumer prepackaged](#) in the field must display a [lot code](#). A CFIA compliance extension (see [Note 3 to the timeline table](#)) expired on January 15, 2021. For additional information please see GAIN Report [CA2019-0045](#).

### **Closed-face Sandwiches**

Closed-face sandwiches must be produced under a Hazard Analysis and Critical Control Point (HACCP) plan. Information on the USDA AMS Export Verification (EV) program required for closed-face sandwiches exported to Canada can be found [here](#).

### **Bison**

Since U.S. *bovine spongiform encephalopathy* (BSE) regulations do not apply to bison, a USDA AMS EV program is required for bison meat and products exported to Canada. The export requirements for all meat, including bison, shipments to Canada are available on the [USDA FSIS Export Library](#). Additional information on the AMS EV program for bison meat and products is available [here](#).

### **Bovine Inedible Raw Materials / Bovine Blood Plasma**

Canada has specific requirements related to the removal of bovine [specified risk material](#) (SRM). Canada requires that bovine (cattle and bison) SRM be removed from inedible raw materials. Information on the USDA AMS EV programs for [bovine inedible raw materials](#) and for [bovine blood plasma](#) exported to Canada can be found at the above links or on the [AMS Bovine, Ovine and Caprine EV Programs webpage](#).

## **Section VII. Other Specific Standards**

### **Grades and Standards of Identity**

In the past, standards of identity, grades and container sizes (see Section III) were stipulated in various product-specific regulations (such as “honey regulations” or “fresh fruit and vegetable regulations”, etc). As explained in Section I of this report, these product-specific regulations have been consolidated into the [Safe Food for Canadians Regulations](#).

Food **grades** have been incorporated by reference and are currently part of the [Canadian Grade Compendium](#), which includes:

- [Volume 1, Ovine Carcasses and Poultry Carcasses](#)
- [Volume 2, Fresh Fruit or Vegetables](#)
- [Volume 3, Processed Fruit or Vegetable Products](#)
- [Volume 4, Dairy Products](#)
- [Volume 5, Eggs](#)
- [Volume 6, Honey](#)
- [Volume 7, Maple Syrup](#)
- [Volume 8, Fish](#)
- [Volume 9, Import Grade Requirements](#)

Food **standards of identity** have also been incorporated by reference and are currently part of the [Canadian Standards of Identity](#), which includes:

- [Volume 1, Dairy Products](#)
- [Volume 2, Processed Egg Products](#)
- [Volume 3, Fish](#)
- [Volume 4, Processed Fruit or Vegetable Products](#)
- [Volume 5, Honey](#)
- [Volume 6, Maple Products](#)
- [Volume 7, Meat Products](#)
- [Volume 8, Icewine](#)

In addition, other requirements have also been [incorporated by reference](#), including the following:

- [Common Names for Prepackaged Fish](#)
- [Grade Standard Requirements for Fresh Fruits or Vegetables Imported from the United States](#)
- [Minimum Drained Weights and Average Drained Weights for Processed Fruit or Vegetable Products in a Hermetically Sealed Package](#)
- [Units of Measurement for the Net Quantity Declaration of Certain Foods](#)

### **Product-Specific Requirements**

As explained in Section I of this report, all product-specific requirements previously included in separate product-specific regulations have been consolidated into the [Safe Food for Canadians Regulations](#).

The CFIA website related to *Safe Food for Canadians Regulations* provides product-specific information and guidance for a variety of foods:

- [Dairy products](#)
- [Egg and processed egg products](#)
- [Fish](#)
- [Fresh fruits or vegetables](#)
- [Honey](#)
- [Maple](#)
- [Meat products and food animals](#)
- [Processed fruit or vegetable products](#)

In addition, the CFIA provides [Product-Specific Import Requirements](#) for a wide range of foods, including those listed above. This product-specific information should be read in conjunction with the information and guidance provided by CFIA on [General Food Requirements](#).

### **Fresh Fruits and Vegetables: Ministerial Exemption**

When there is a shortage of a product, Canada can waive the minimum grade, labeling and/or packaging requirements through a [ministerial exemption](#). All aforementioned requirements can be waived when imports are destined for processing; only the labeling and packaging requirements can be waived when imported products will be repackaged.

### **Processed Fruits and Vegetables: Test Market Authorization**

Importers interested in test marketing a processed fruit or vegetable product that does not meet the general requirements, including standard container sizes and compositional standards, may request a [Test Market Authorization](#). If the product includes unapproved food additives or unapproved uses of an approved additive, then the importer would need to receive a [Marketing Authorization](#) from Health Canada before applying for a Test Market Authorization.

### **Plant-Based Meat, Poultry and Dairy Alternatives**

CFIA provides guidance on requirements for [simulated meat and simulated poultry products](#), which include:

- common name
- “contains no meat/poultry” declaration
- nutritional information
- mandated protein content

[Simulated meat and simulated poultry](#) are products that “do not contain any meat or poultry but are represented as having the physical and nutritive characteristics of meat or poultry.” In November 2020, CFIA [consulted](#) on [Proposed Changes to Guidelines](#) for simulated meat and simulated poultry products. According to CFIA, while requirements for simulated meat and poultry products have not changed, the new proposed guidelines were necessary to differentiate simulated meat and poultry products from those that are neither meat nor poultry and not intended to substitute for meat or poultry products, and thus “help ensure market consistency and prevent foods from being mislabeled.” Currently there is no indication when the new guidelines would enter into force.

For additional information on labeling requirements for plant-based meat, poultry and dairy alternatives please see Section II.

### **Novel Foods (Including Genetically Engineered Foods)**

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. Health Canada is responsible for ensuring that all foods, including those derived from biotechnology, are safe prior to entering the Canadian food system.

Novel foods are regulated under the [Food and Drugs Regulations](#) (Division 28, also called “Novel Foods Regulations”). Prior to marketing or advertising for a novel food, companies must notify Health Canada, which conducts a safety assessment of the novel food prior to permitting its sale in the Canadian marketplace.

Labeling of novel foods is voluntary and regulated by the [National Standard for Voluntary Labelling and Advertising of Foods that Are and Are Not Products of Genetic Engineering](#). CFIA treats novel food labeling as a claim related to the [method of production](#), and provides an overview of the voluntary labeling standard in a [factsheet](#).

From March to May 2021, Health Canada [consulted](#) on new guidance for the Novel Foods Regulations, focused on plant breeding. The intent is to provide greater clarity, predictability, and transparency regarding the regulation of novel foods derived from plants, including those developed using gene

editing technologies, as well as to provide an efficient and predictable pathway to commercialization for new products. For additional information please see GAIN report [CA2021-0028](#).

For more information on the regulations governing genetically engineered foods please see FAS/Canada's GAIN annual report on [Agricultural Biotechnology](#). Additional information can be found on Health Canada's [dedicated webpage](#) for information concerning genetically modified and other novel foods.

### **Vitamin and Mineral Fortification**

The addition of vitamins and minerals to food in Canada is regulated under the [Food and Drug Regulations](#), mostly under [Part D](#), although certain specific provisions are found under [Part B](#). Fortification is mandatory for certain foods, voluntary for others, and prohibited for most foods. This information is summarized in the table [Foods to Which Vitamins, Mineral Nutrients and Amino Acids May or Must be Added](#).

### **Supplemented Foods**

Certain foods that do not meet the regulatory requirements under the [Food and Drug Regulations](#) can still be marketed in Canada based on a [Temporary Marketing Authorization](#). Health Canada issued [specific guidance for supplemented foods](#), and publishes a [list of foods](#) that have received Temporary Marketing Authorization letters.

### **Wine, Beer and Other Alcoholic Beverages**

The federal [Importation of Intoxicating Liquors Act](#) gives the provinces and territories full control over the importation of alcoholic beverages into their jurisdictions. [Provincial liquor boards](#) 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 boards in the province where the product will be consumed. In general terms, U.S. exporters are required to have their products 'listed' for sale by the provincial liquor board. 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. 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, beer, spirits, and cider](#) 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 an alcohol content of 2.6 to 4.0 percent by volume. [Container sizes for wine](#) are standardized and metric. The most common containers for wine are 750 milliliters as well as 1, 1.5 and 2 liter formats. U.S. exporters should refer to the CFIA [Industry Labelling Tool](#) for complete information on alcoholic beverage labeling requirements. In 2018, Canada introduced a new standard for [labeling wines blended in Canada](#) that [eliminated the "cellared in Canada"](#) label statement.

For additional information related to marketing wine in Canada please consult [GAIN Report CA2021-0039](#) on the Ontario Wine Market and [GAIN Report CA2021-0040](#) on the Quebec Wine Market.

On May 1, 2019, CFIA issued a [news release](#) and [notice to industry](#) announcing new [compositional standards](#) for beer. Domestic and imported products will need to comply with new regulatory requirements and labeling changes by December 14, 2022. For additional information please consult [GAIN Report CA2019024](#) on the new Canadian beer standards.

On June 26, 2019, the Canadian Food Inspection Agency (CFIA) issued a [news release](#) and [notice to industry](#) announcing new [compositional standards for vodka](#). Domestic and imported products will need to comply with new regulatory requirements and labeling changes by December 14, 2022. For additional information please consult [GAIN Report CA2019025](#) on the new Canadian vodka standards.

## **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, labeling, grades and inspection regulations apply equally to organic and to non-organic foods.

Products [labelled organic](#) must be in compliance with [Part 13 of the Safe Food for Canadians Regulations](#). Producers must be prepared to demonstrate that organic claims are truthful and not misleading, and that all commodity-specific requirements have been met. Additional information (including Canada's new 2020 [Organic Standards](#)) can be found on CFIA's webpage dedicated to [Organic Products](#).

In 2009, the United States and Canada signed an [organic equivalence arrangement](#), under which most products that bear the USDA Organic seal may also use the Canada organic logo. U.S. organic products imported into Canada must be accompanied by an organic certificate issued by a U.S. accredited certifying agent listed in the [Organic certifying agents List](#), and a document which has the following attestation statement: "Certified in compliance with the terms of the US-Canada Organic Equivalency Arrangement."

The following products **may not** be sold or marketed as organic Canada:

- Agricultural products produced with the use of sodium nitrate;
- Agricultural products produced by hydroponic or aeroponic production methods;
- Agricultural products derived from animals not produced according to livestock stocking rates set out in the most recent version of Canada's organic production systems standards ([CAN/CGSB-32.310](#)).

## **Irradiated Food**

Health Canada is responsible for regulations specifying which foods may be irradiated and the treatment levels permitted; this information is included in [Division 26](#) of the [Food and Drugs Regulations](#). The following irradiated products may be sold in Canada: potatoes, onions, wheat and flour, spices and dehydrated seasoning preparations, fresh and frozen raw ground beef.

[Requirements for the labeling of irradiated foods](#) apply equally to domestic and imported foods and 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.



Additional information on food irradiation can be found on [this CFIA webpage](#).

### **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, nutritional supplements, gluten-free foods, protein reduced foods, and low calorie foods. The [Labelling Requirements for Foods for Special Dietary Use](#) apply in addition to the general requirements enumerated in the [Industry Labelling Tool](#).

### **Confectionary, Chocolate, and Snack Food Products**

These products are regulated under the [Food and Drug Regulations](#). Most confectionary products and snack foods are “unstandardized foods,” meaning that there are no standards of composition. However, this is not the case for chocolate products, such as bittersweet, semi-sweet, or dark chocolate. Canadian composition standards and other requirements for chocolate and cocoa products are listed under [Part B, Division 4](#) of the [Food and Drug Regulations](#).

Chocolate, and other products for which there is a standard of composition, must use the appropriate standard common name when referring to the product, such as “dark chocolate.” However, products that are unstandardized or that deviate from the standard of composition may not use the standard common food name. More information on the use of common food names in labeling is available on [this CFIA webpage](#).

For confectionary items, if the product is sold as a one-bite confection, the product is exempt from the nutrition facts table requirement. However, a larger retail package containing multiple one-bite treats would be subject to standard labelling requirements.

### **Pet Food**

The [Consumer Packaging and Labelling Act](#) and the [Competition Act](#) govern the labeling and advertising of pet foods sold in Canada. All pet food labels and advertising are to be truthful and verifiable. Pet food labeling guidelines are available [here](#). CFIA regulates pet food imports and related products to prevent animal diseases from being introduced into Canada under the [Health of Animals Regulations](#). Exporters may review CFIA pet food import policies at [this CFIA webpage](#).

The USDA Animal and Plant Health Inspection Service (APHIS) provides information on pet food exports to Canada through its [IRegs](#) system. The webpage includes Notices regarding new requirements introduced by CFIA in April 2021, with an 8-week transition period. After June 8, 2021, please refer to the following information:

- [Thermally Processed Pet Food/Pet Treats/Compound Chews](#) (formerly “Heat-Processed, Shelf-Stable Pet Foods, Treats, Compound Chews”)
- [Unprocessed \(Raw\) or Minimally Heat-Treated Pet Food and Pet Treats](#) (formerly “Raw (BARF) Diets”)

### **Livestock Feeds**

Under the [Feeds Act](#), CFIA administers a national livestock feed program to regulate domestic and

imported livestock feeds by means of pre-sale product evaluation and registration as well as post-market inspection and monitoring. As an initial step, U.S. livestock feed exporters must apply to have all feeds registered in Canada. Further, U.S. exporters must retain an agent who resides in Canada and has the legal authority to act on their behalf. The current list of approved feed ingredients (as either single ingredient feeds or as mixed feeds) is published in Schedules [IV](#) and [V](#) of the [Feeds Regulations](#).

Additional information on the requirements for livestock feeds in Canada and the online forms for product registration are available on [this CFIA webpage](#).

## **Health Claims**

[Health claims](#) on pre-packaged foods must be truthful and not misleading. Health claims must be substantiated before they can be used on food labels in Canada. Claims generally fall into one of three categories: general health, function, and disease risk reduction.

[General health claims](#) do not require approval by the Canadian government as they promote broad claims of healthy eating and provide dietary guidance. This kind of claim does not refer to a health effect, disease, or health condition. Statements that imply a ‘healthy choice’ or that use a logo/symbol are subject to review and must not be false, misleading or deceptive.

[Disease risk reduction and therapeutic claims](#) are statements that link a food or a constituent of a food to reducing a risk of developing a diet-related disease or condition. These claims are substantiated by sound scientific evidence that have established a relationship between certain elements of healthy diets and the risk reduction of certain diseases. These claims are specific to the food composition and labeling conditions that are to be met. For example, “A healthy diet containing foods high in potassium and low in sodium may reduce the risk of high blood pressure, a risk factor for stroke and heart disease. (Naming the food) is a good source of potassium and is low in sodium.” CFIA provides a [table of acceptable claims](#) under [Part B, Division 1](#) of the [Food and Drug Regulations](#).

[Function claims](#) describe the specific beneficial effects of foods or food constituents on normal functions or biological activities of the body associated with health or performance. They are based on the specific role that the food or food constituent plays when consumed at a level consistent with normal dietary patterns. There are conditions of use, including minimum levels and content requirements, before a function claim can be made. Claims should be submitted to Health Canada for an acceptability review prior to use on Canadian food packaging labels. A table of acceptable function claims previously reviewed by Health Canada is available [here](#).

[Nutrient function claims](#) are a subset of function claims that pertain to a food’s energy value or a nutrient contained in the food recognized as an aid to maintain functions of the body in good health and normal growth and development. A table of acceptable nutrient function claims previously reviewed by Health Canada is available [here](#).

[Probiotic claims](#) are another subset of function claims relating to live microorganisms, which provide a health benefit when administered in adequate amounts. Health Canada provides specific [guidance](#) regarding the use of probiotic microorganisms in food and the conditions for acceptable probiotic function claims. In particular, use of the term “probiotic” should be accompanied by specific, validated statements about the effect of the probiotic, which should be identified by the Latin name and strain

identity of the specific microorganism. CFIA provides a table identifying a limited number of acceptable non-strain specific claims about probiotics [here](#).

### **Method of Production Claims**

[Method of production claims](#) refer to how a product is produced, grown, handled or manufactured. Such claims are subject to subsection 5(1) of the [Food and Drugs Act](#) and section 7 of the [Consumer Packaging and Labelling Act](#), which prohibit statements and claims that are false, misleading, and deceptive or that create an erroneous impression regarding the product, including its method of production.

#### *Natural / Feed Claims*

CFIA provides the conditions for the use of the word “natural” (and other permutations thereof) [here](#). For meat, poultry, and fish products to be labeled as “naturally raised,” further specific information explaining the meaning of the claim must be included on the label to avoid confusion. CFIA provides the conditions under which a meat, poultry, or fish product can make certain feed claims, such as “raised without ...,” [here](#).

#### *Homemade / Artisan Made Claims*

CFIA [defines](#) “homemade” products as those foods that are not commercially prepared. The claim “artisan made” refers to products that are made in small batches with limited use of automated machines. CFIA considers the use of a brand name or a trademark symbol in conjunction with the term “homemade” to be misleading when the product is prepared at a commercial scale. Terms “homemade style,” “home-style,” or “like homemade” are acceptable for those foods that contain mixes in whole or in part from commercial or private recipes.

#### *Kosher/Halal Claims*

[Kosher](#) food certification that a food is processed in accordance with the requirements of the Kashruth is made by a Rabbi or Rabbinical organization and is identified by the appropriate Rabbi or Rabbinical organization symbol. Similarly, [Halal](#) foods must be certified by a certifying body or person and the name of that certifying authority should appear on the product label. Both Kosher and Halal certifying authorities are private entities in Canada and are not regulated under Canada’s food related acts and regulations.

### **Gluten-Free Claims**

There is a range of gluten-free products available in Canada. [Gluten-free claims](#) fall under [Division 24](#) of the [Food and Drug Regulations](#), which covers food for special dietary use, and have been interpreted by Health Canada [here](#). It is prohibited to claim or give the impression that a product is ‘gluten-free,’ if derived from barley, rye, oats, triticale, or wheat, kamut, or spelt. The prohibition also applies to products derived from modified gluten proteins as well as gluten protein fractions derived from any of the aforementioned cereals. Food products containing less than 20 parts per million (ppm) of gluten may be considered gluten-free foods provided they are prepared under good manufacturing practices. Health Canada has determined that [glabrous hull varieties of canary seed](#) and “[gluten-free oats](#),” which contain less than 20 ppm of gluten from aforementioned grains, are acceptable ingredients in gluten-free foods. Gluten-free claims on beer are permitted for beers brewed from other than the aforementioned grains.

## Natural Health Products

Health Canada regulates vitamins, minerals, and supplements, which are not considered food, as natural health products (NHPs) under the [Natural Health Products Regulations](#). Authorized NHPs are issued an eight-digit product license number, referred to as a natural product number (NPN), which must appear on the NHP product label. To legally sell NHPs, all importers and distributors must acquire a site license, particularly if they intend to warehouse the product in Canada. To obtain this license, the Canadian business must demonstrate implementation of good manufacturing practices (GMPs). For this reason, most U.S. exporters do not sell directly into the Canadian market and prefer to work with a Canadian partner. GMPs ensure the identity, strength, and quality of the product by putting in place good operational practices, such as manufacturing, storage, handling and distribution practices. Health Canada provides NHP guidance documents [here](#) and outlines the site licensing process [here](#).

Health Canada is currently in the process of updating the regulatory framework for NHPs to help strengthen the regulation of natural health products for the safety of consumers. Health Canada has proposed a regulatory framework that would cover all “[Self-Care Products](#),” including NHPs, under one set of rules that would assess and regulate products based on the potential health risks they pose to consumers. Summaries of consumer and industry comments on the proposed framework, collected through consultations in 2017, are available [here](#). More information on the self-care framework, including timelines for proposed regulatory changes, is available in the [Self-Care Framework - Forward Regulatory Plan 2021-2023](#).

## CBD (Cannabidiol) and CBD-containing Products

In Canada, the [Cannabis Act](#) defines “cannabis” as the cannabis plant, including:

- any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- any substance or mixture of substances that contains or has on it any part of such a plant; and
- any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

Given this definition, all cannabinoids in the cannabis plant, including CBD and THC, are regulated as “cannabis” under the Cannabis Act and its regulations. Therefore, any cannabis-containing products, including any CBD-containing products, may only be accessed in Canada via three channels:

1. **Retail or on-line cannabis outlets:** individuals may purchase CBD-containing products from a provincially authorized retailer, similar to purchasing THC-containing products for recreational purposes;
2. **Medical use:** individuals, with the support of their health care practitioner and a medical document, may purchase CBD-containing products from a federally licensed seller of cannabis for medical purposes;
3. **Prescription drugs:** individuals, under a prescription issued by their doctor or other prescriber, may purchase CBD-containing prescription drugs approved by Health Canada and bearing a Drug Identification Number (DIN).

Currently, Canada does not allow the [importation](#) of any cannabis or cannabis-containing products, including CBD and CBD-containing products, except for scientific purposes.

Additionally, the sale of natural health products (NHPs) containing any cannabinoid (including CBD) in Canada is prohibited. The [Canadian Hemp Trade Alliance](#) and the [Canadian Health Food Association](#) continue to advocate for a different regulatory regime for CBD-containing products.

For additional guidance and information, please consult Health Canada's [Guidance for Health Products Containing Cannabis](#) and the general [Cannabis](#) page.

### **Sample Products and Personal Consumption**

Food samples for research, evaluation, or display at trade shows and food exhibitions are permitted entry but may not be offered for commercial sale. 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. Typically, the weight of each product sample may not exceed 100 kilograms (about 220 pounds). CFIA provides detailed information on their webpage dedicated to the [importation of food and plant products for trade shows and exhibitions in Canada](#).

Importation for personal consumption is generally restricted to 20 kilograms per product. More information on products imported for personal consumption is available on [this CFIA webpage](#).

## **Section VIII. Trademarks, Brand Names and Intellectual Property Rights**

The [Canadian Intellectual Property Office \(CIPO\)](#) is the federal agency responsible for registering trademarks in 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 and may be renewed.

To register a trademark, an application (with fee) must be sent to [the Office of the Registrar of Trademarks](#). In most instances, a trademark must be used in Canada before it can be registered. CIPO advises that companies hire a registered trademark agent to search existing trade names and trademarks. The Canadian [College of Patent Agents and Trademark Agents](#) provides a [list of registered trademark agents](#) broken down by region. Detailed information on [trademarks](#), including on the [application process](#), and a [trademark database](#) can be found on [CIPO's trademarks webpage](#).

### **Geographical Indications**

After concluding the Canada-European Union Comprehensive Economic and Trade Agreement (CETA), the federal government amended Canada's [Trademarks Act](#) to extend protections for [geographical indications](#) per CETA provisions on [intellectual property](#). There are [143 European food product geographical indications](#) registered under CETA, of which 124 names receive full protection, while 19 names are subject to a number of exemptions (listed under [Article 20.21](#)). The full list of geographical indications recognized in Canada can be found [here](#).

## **Section IX. Import Procedures**

The Canada Border Services Agency (CBSA) is the first line regulatory agency at border points ensuring that all imports have appropriate documentation. However, the Canadian Food Inspection

Agency (CFIA) is the lead agency for ensuring that imports comply with the acts and regulations pertaining to food and agricultural products. CFIA has the power to detain, destroy or return products that violate Canadian food regulations. Re-inspection and storage costs associated with appeals on rejections may be borne by either the exporter or the importer. The majority of U.S. food exports to Canada are cleared at the border without delay.

### **Commercial Goods: Canada Border Services Agency**

Detailed information on importing goods into Canada, including accounting for your shipment, the release of the shipment, the reporting of the shipment, and the storing of your shipment are available at [this CBSA webpage](#).

It is also possible to [contact CBSA directly](#). CBSA provides a [contact information directory](#) broken down by region and/or function.

The use of a customs broker is very common when importing goods into Canada. CBSA licenses customs brokers to carry out customs-related responsibilities on behalf of their clients. A broker's services can 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 CBSA and/or Revenue Agency concerns after payment.

Clients have to pay a fee, established by the brokerage firm, for these services. CBSA provides [additional information on customs brokerage services](#) and a [list of licensed customs brokers](#).

### **Commercial Goods: Canadian Food Inspection Agency (CFIA)**

CFIA provides extensive [information on the programs and services](#) it offers for importing commercial foods into Canada, including a [Step-by-Step Guide](#). In addition, CFIA's [Automated Import Reference System \(AIRS\)](#) provides specific import requirements for food items by the Harmonized System (HS) classification, and detailed by place of origin (i.e., a specific U.S. state), destination in Canada (i.e., a specific province) and end use of the food item (e.g., for animal feed, for human consumption, etc.). The CFIA [Contact Us](#) webpage covers a range of issues, including contact information for [regional offices](#) and the [National Import Service Centre](#).

### **Sample Products and Personal Consumption**

Please consult Section VII of this report for information on importing commercial sample products and items for personal consumption.

### **Tariff Rate Quotas**

A number of agricultural products are import-controlled by Global Affairs Canada (GAC), meaning the access to the Canadian market is limited to a specified annual volume and the import conditions are strictly regulated. Canada uses a series of tariff rate quotas (TRQs) negotiated under several international trade agreements to regulate imports of certain agricultural products. Import permits are issued by the Canadian Government to selected importing companies (i.e., import quota holders).

The list below includes the agricultural commodities most relevant to U.S. exporters. For each of these product groups, GAC [provides information](#) on which exact HS lines are covered by the import control rules and TRQ as well as import quota holders and import quota utilization rates:

- Broiler Hatching Eggs & Chicks
- Chicken & Chicken Products
- Dairy Products (including Cheese)
- Eggs & Egg Products
- Margarine
- Turkey & Turkey Products

Since Canada does not control the importation of all dairy and poultry products (e.g., certain processed dairy and poultry products may enter Canada duty-free and quota-free), exporters should confirm the market access status of their product in advance.

To avoid difficulties at the border, companies may request CBSA provide an [Advance Ruling for Tariff Classification](#) to ensure proper tariff classification. An advance ruling is binding until it is revoked or amended by CBSA.

## **Section X. Trade Facilitation**

### **USMCA Certification of Origin**

With USMCA's coming into force on July 1, 2020, the former NAFTA Certificate of Origin (CBP Form 434) **is no longer valid**. Instead, importers, exporters, or producers will have to certify that a product meets the [requirements for preferential treatment](#) under USMCA.

The certification of origin requirement for USMCA preferential treatment **does not have to follow a prescribed format**. The certifier (importer, exporter, or producer) can make the certification on a commercial invoice or other document, as long as the information provided satisfies the **nine minimum data elements** set out in USMCA [Annex 5-A](#). For multiple shipments of identical goods, taking place within a period of up to 12 months, shippers may include a previously signed certification of origin. Additional guidance and information is available on the [U.S. Customs and Border Protection \(CBP\) website](#), and in CBP's [USMCA Implementation Instructions](#) document.

In the absence of an official, government certificate of origin, FAS/Canada has received numerous reports from industry sources that importers, customs brokers, freight forwarders, distributors, and/or buyers have developed individual certification of origin documents to prevent trade disruptions from July 1, 2020. FAS/Canada recommends all U.S. companies exporting goods eligible for preferential tariff treatment to Canada contact their export sales partners to confirm the USMCA certification of origin procedure to be used. FAS/Canada further recommends U.S. exporters review trade partners' certification of origin documents to ensure the data provided meets USMCA requirements.

### **Advance Rulings for Tariff Classification**

To help determine the proper tariff classification of goods and to facilitate customs clearing, the Canada Border Services Agency (CBSA) offers [Advance Rulings for Tariff Classification](#).

These rulings, issued under paragraph 43.1(1)(c) of the [Customs Act](#), provide information on the importation of particular goods, including their 10-digit tariff classification number under the [Canadian Customs Tariff](#). These advance rulings are particularly useful when importing supply-managed products (dairy, poultry and eggs), since not all such products are subject to TRQs (see Section IX), and some products, depending on tariff classification, may be imported into Canada duty-free and quota-free. CBSA rulings are binding until revoked or amended.

### **CBSA Assessment and Revenue Management Project**

In 2021, the Canada Border Services Agency (CBSA) launched the [Assessment and Revenue Management \(CARM\)](#) project to modernize and streamline the process of importing commercial goods into Canada and offer importers simplified access to a range of CBSA services. The first phase of the project became operational on May 25, 2021, and enabled importers, brokers, and trade consultants to view their transactions and statements of account, request a ruling, and pay invoices with new electronic payment options. The second and final phase of the project is expected to be implemented in summer 2022. At that time, CARM will become mandatory for all importers of goods into Canada, including U.S. non-resident importers (NRIs).

### **Appendix I. Government Regulatory Key Agency Contacts**

[Canadian Food Inspection Agency](#)

[Health Canada](#)

[Pest Management Regulatory Agency](#)

[Health Canada, Bureau of Chemical Safety](#)

[Canada Border Services Agency](#)

[Provincial Liquor Boards](#)

[Global Affairs Canada, Trade Controls Bureau](#)

**Appendix II. Other Import Specialist Technical Contacts**

<p><b>All Languages Ltd.</b>  421 Bloor Street East, Suite 306  Toronto, ON M4W 3T1  Tel: 416-975-5000  Toll Free: 1-888-975-9544  Fax: 416-975-0505  Website: <a href="http://www.alllanguages.com">http://www.alllanguages.com</a>  Email: <a href="mailto:translations@alllanguages.com">translations@alllanguages.com</a>  *Label translations</p>	<p><b>ACC Label Inc.</b>  2001 Robert-Bourassa Boulevard, Suite 1700  Montreal, Quebec H3A 2A6  Tel: 514-228-7453  Website: <a href="http://www.acclabel.com">www.acclabel.com</a>  *Label translations and packaging compliance.</p>
<p><b>ETICON Consultants Ltd.</b>  43 Roydon Place, Suite 204  Ottawa, Ontario  Tel: 613-798-0136  Fax: 613-798-0140  Website: <a href="http://www.eticon.ca">www.eticon.ca</a>  Email: <a href="mailto:info@eticon.ca">info@eticon.ca</a>  *Labeling translations and regulatory review.</p>	<p><b>Innovative Consulting Solutions Inc.</b>  P.O. Box 68  South Slokan, British Columbia V0G 2G0  Tel. (250) 359-7873  Fax. (250) 359-7874  Website: <a href="http://www.innovating-canada.com">www.innovating-canada.com</a>  Email: <a href="mailto:info@innovating-canada.com">info@innovating-canada.com</a>  * Scientific and regulatory work, expertise in natural health Products, dietary supplements, foods and beverages.</p>
<p><b>MDB Enterprises</b>  Mississauga, Ontario  Tel: (416) 460-7687  Website: <a href="http://mdbenterprises.net/mdbent/index_e.html">http://mdbenterprises.net/mdbent/index_e.html</a>  *Translation and labeling capabilities.</p>	<p><b>McCarthy Consultant Services Inc.</b>  1151 Gorham Street, Unit #8  Newmarket, ON L3Y 8Y1 Tel:  905-836-0033  Fax: 905-836-0006  Website: <a href="http://www.mccarthyconsultant.com">www.mccarthyconsultant.com</a>  Additional contacts:  *Label translation and regulatory compliance consultant, NHPs.</p>
<p><b>In French Only Inc.</b>  25 Rockcastle Drive  Toronto, Ontario M9R 2V2  Tel: 416-248-5648  Fax: 416-614-3806  Website: <a href="http://www.translations.ca">www.translations.ca</a>  Email: <a href="mailto:info@translations.ca">info@translations.ca</a>  *Qualified to provide certified Canadian translations; labeling translations and regulatory review; food industry marketing and advertising services.</p>	<p><b>Norton Rose Fulbright Canada</b>  Royal Bank Plaza, South Tower,  Suite 3800 P.O.Box 84  Toronto, Ontario M5J 2Z4  Tel:(416) 216-2961  Fax: (416) 216-3930  Website: <a href="http://www.nortonrosefulbright.com">www.nortonrosefulbright.com</a>  *Legal advocacy with all branches of Health Canada on new ingredients and dietary supplements.</p>

<p><b>Natural Sci Regulatory Consulting Corporation</b>  Guelph, Ontario  Tel. 519-279-8080, ext. 1  *Regulatory compliance for food and NHPS</p>	<p><b>Quality Smart Solutions</b>  4145 North Service Road, Suite 200  Burlington, Ontario L7L 6A3 Tel.  800-396-5144, ext. 4  *Registrations, NHPs</p>
<p><b>MMP Enterprises</b>  Tel. 905-532-9106, ext.  257 Fax. 905-532-9110  Website: <a href="http://www.mmplogistics.com">www.mmplogistics.com</a>  * Fulfillment, Cross-docking Canadian  Warehouse Natural Health Products</p>	<p><b>Cosmatos Consulting</b>  21 Worthington Private  Stittsville, Ontario K2S 0H2  Tel. (613) 271-7544  Fax. (613) 271-8283  Website: <a href="http://www.cosmatos.com">www.cosmatos.com</a>  *Label translations, regulatory review and  compliance, expertise with meat products.</p>
<p><b>DeValk Consulting Inc.</b>  1545 Carling Avenue  Ottawa, ON K1Z 8P9  Phone 613-739-7850  Fax 905-356-0753  Website: <a href="http://www.devalkconsulting.com">www.devalkconsulting.com</a>  *Label translations, regulatory review and  compliance.</p>	<p><b>Source Nutraceutical, Inc.</b>  1 – 1249 Clarence Ave.  Winnipeg, MB R3T 1T4, Canada  Phone: 204.254.2234  Toll Free: 1.877.254.2234  Fax: 204.254.7817  Website: <a href="http://sourcenutra.com/">http://sourcenutra.com/</a>  *Label solutions, regulatory review and  compliance</p>
<p><b>Dicentra Inc.</b>  21 Phoebe Street, Suite B0002  Toronto, Ontario M5T 1A8  Tel. (416) 361-3400  Fax. (416) 361-3304  Website: <a href="http://www.dicentra.com">www.dicentra.com</a>  Email: <a href="mailto:info@dicentra.com">info@dicentra.com</a>  * Scientific and regulatory work, expertise in  natural health products, dietary supplements,  foods and beverages, fertilizers.</p>	<p><b>Gowling WLG</b>  160 Elgin Street, Suite 2600  Ottawa, Ontario K1P 1C3  Tel: 613-783-8849  Fax: 613-788-3618  Website: <a href="https://gowlingwlg.com">https://gowlingwlg.com</a>  *legal advocacy with all branches of Health  Canada on new ingredients, dietary  supplements, and test market authorizations.</p>
<p><b>Intelli Trade Inc.</b>  5405 Eglinton West, Suite 100  Etobicoke, Ontario M9C 5K6  Tel: (416) 622-2235  * Customs tariff consultant and specializing in  advance rulings on tariffs.</p>	

**Attachments:**

No Attachments