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Report Highlights:

In June 2019, Canada published proposed draft regulations as part of its Food Labeling Modernization Initiative. Following a public consultation period, final regulations are expected to be published in early-2020. Front-of-package labeling regulations are expected to be published in 2020. Keywords: Canada, FAIRS, Regulations, Standards, Labeling, Packaging

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Executive Summary

Canada continued to be the top agricultural trading partner for the United States in 2018, with U.S. exports topping $20.8 billion[1] and total two-way agricultural trade exceeding $44 billion. The United States and Canada maintain the world's largest bilateral trading relationship as $120 million worth of food and agricultural products cross the U.S.-Canada border both ways every day.

In 2018, U.S. products represented 59 percent of Canada's total global imports of agricultural products. High-value products accounted for $16.2 billion of these products, representing 80 percent of the total value of U.S. exports to Canada. The top five consumer-oriented agricultural categories were meat/poultry fresh and processed products ($2.1 billion), prepared foods ($1.9 billion), fresh vegetables ($1.9 billion), fresh fruits ($1.6 billion), and snack foods ($1.4 billion).

In 2019, Canada moved forward with the implementation of two recently concluded free trade agreements: CETA (Canada-European Union Comprehensive Economic and Trade Agreement) and the CPTPP (Comprehensive and Progressive Agreement for Trans-Pacific Partnership). Under these two agreements, market access via tariff rate quotas (TRQs) continued to expand for agricultural products subject to import controls: dairy, poultry and eggs. USMCA (United States-Mexico-Canada Agreement) was concluded in November 2018 and is awaiting ratification in Canada and the United States.

Canada moved one step further in its Food Labelling Modernization Initiative by publishing, in June 2019, proposed draft regulations. Following a public consultation period which ended in September 2019, final regulations are expected to be published in early 2020. In addition, front-of-package labeling regulations are also expected to be published in 2020, as Health Canada is likely to advance these regulations after no developments in 2019. In accordance with various timelines stipulated by Canada's Safe Food for Canadians Regulations, several regulatory requirements will come into force in January 2020, such as preventive controls and traceability requirements for the fresh fruit and vegetable sector.

[1] All values are reported in U.S. dollars unless otherwise noted.

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 as opposed to the Minister of Agriculture. The three authorities responsible for Canada's food safety under the Minister of Health are: Health Canada (HC), the Public Health Agency of Canada (PHAC) and the food-safety responsibilities of the Canadian Food Inspection Agency. Agriculture and Agri-Food Canada (AAFC) 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) in addition to new legislative measures. The SFCA focused on three important areas: (1) improved food safety oversight to better protect consumers, (2) streamlined and strengthened legislative authorities, and (3) enhanced international market 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 product 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 Getting started: Toolkit for businesses and the glossary of key terms to familiarize themselves with the SFCR requirements. CFIA recommends businesses 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 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.

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 enter 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). However, in general, the new requirements for "other foods" come into force on July 15, 2020.
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 Regulations, 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

CFIA's "step-by-step" guide to importing food is specifically tailored to SFCR compliance for Canadian food importers. 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

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: 2019 to 2021 provides information on regulatory proposals that the CFIA expects to bring forward over the next two years.

Section II. Labeling Requirements

General Requirements

In 2014, CFIA replaced the Guide to Food Labelling and Advertising with the Industry Labelling Tool to provide a single-source of food labelling guidance to industry. The Industry Labelling Tool content is drawn from the Labelling Legislative Framework and can be actively searched from the CFIA Food 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*

**Regulations differ from the United States and require adherence for retail sales in Canada.*

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

Food Labeling Modernization

CFIA is nearing completion of its Food Labelling Modernization Initiative, which aims to improve consumer access to information, enhance consumer protection and improve regulatory responsiveness. Proposed draft regulations were published in June 2019:

- Regulations amending the Food and Drug Regulations
- Regulations amending the Safe Food for Canadians Regulations

A public consultation period followed, and ended in September 2019. Final regulations are expected to be published in early-2020.

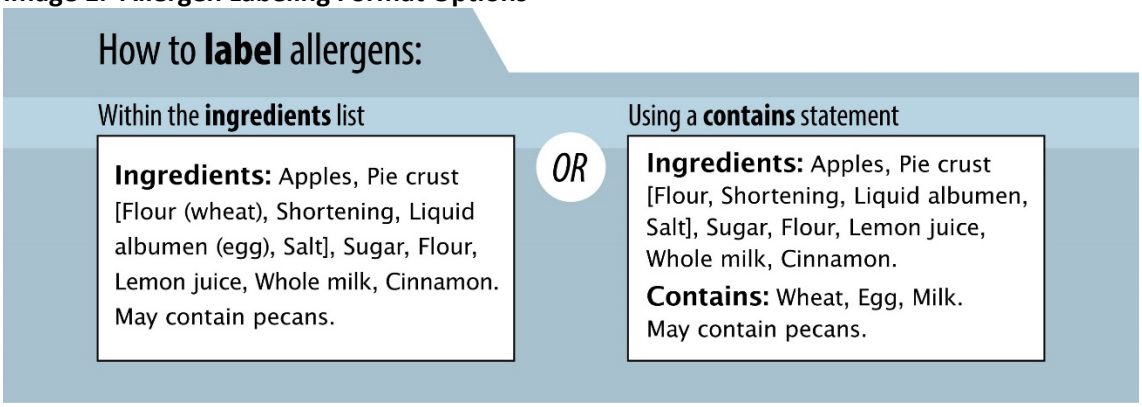
Allergens

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 (incl. Brazil nuts, cashews, hazelnuts, macadamia nuts, pecans, pine nuts, pistachios, and walnuts)
3. Sesame Seeds
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



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, Sake, 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

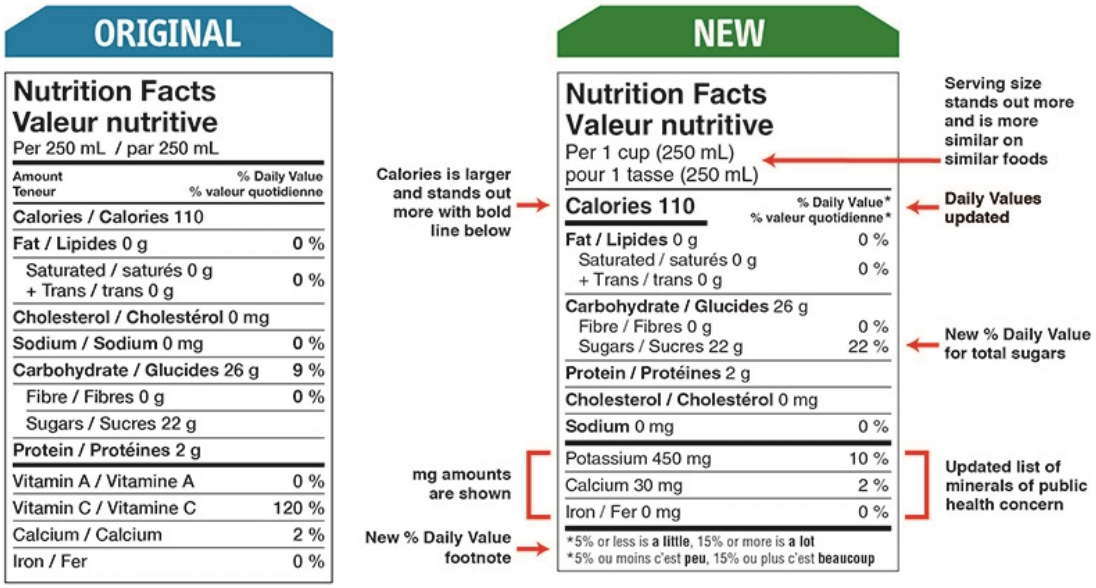
Quebec French language labeling information can also be found at the English language website of l'Office québécois de la langue française.

Nutrition / Ingredient Labelling Changes

On December 14, 2016, amendments to the nutrition labelling, list of ingredients and food color requirements of the *Food and Drug Regulations* entered into force. The original five-year transition period to the new labelling regime has been extended by one year and will end in December 2022 (in order to match the timeline for front-

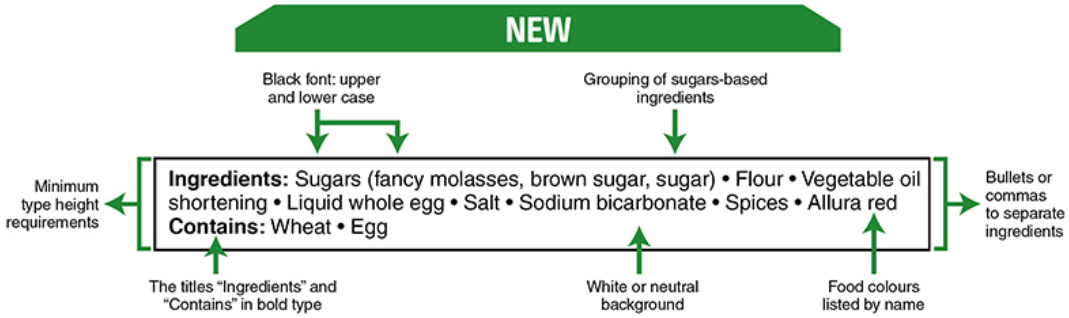
of-package labeling – see further below); until that time, both old and new label formats will be acceptable. For more information please consult the Health Canada Food Labelling Changes webpage, the associated CFIA webpage as well as the Health Canada Regulations and Compliance webpage. Additional nutrition labelling information can be found in the Industry Labelling Tool under Nutrition Labelling.

Image 2. Nutrition Facts Table Changes



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 aforementioned exemption if they add certain ingredients, labeling claims or images. Refer to this CFIA webpage for additional information.

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

Health Canada is planning to implement front-of-package (FOP) labeling requirements in December 2022. 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 was delayed, and publication may take place during the first half of 2020. Current proposed timelines call for a four-year phase-in period. Health Canada has indicated that the final FOP symbol would be selected from one of the four designs proposed in the consultation.

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 new Minister of Health Mandate Letter. The criteria are related to various thresholds for sugars, sodium and saturated fats. However, since Bill S-228, or 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 prior legislative action by the Canadian parliament. As a result, a new bill would have to be introduced in the Parliament, and currently there is no timeline or indication as to when this would happen. Between 2017 and 2019, Health Canada consulted extensively with a wide range of stakeholders on the merits of this initiative, and additional rounds of consultations are expected in the future, when the federal department is ready to publish a regulatory proposal.

Prohibiting the Use of Partially Hydrogenated Oils in Foods

On September 15, 2018, Health Canada's ban on the use of partially hydrogenated oils (PHOs) came into force. PHOs were added to Part 1 of the List of Contaminants and Other Adulterating Substances in Foods. The PHO ban applies to foods for human consumption, including the use of PHOs as both ingredients as well as minor use applications (e.g., a pan release agent), but the ban does not apply to the use of PHOs in natural and non-prescription health products or drugs. Fully hydrogenated oils are also 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, concluding that on average the population consumes twice the recommended levels.
Sodium reduction remains a priority for the federal government. Health Canada indicated that further actions could include an ongoing monitoring program and public commitments by manufacturers to reduce sodium. 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" or "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 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

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 housed 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, and prohibit the sale of a substance as an additive unless it is found on 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, 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 later set of Lists are being continuously updated and take 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 will see 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"). In general, the proposals from these re-evaluations would see the cancellation of outdoor uses of these neonicotinoids on feed and food crops as well as cancellation of the use of treated seeds. The final decisions for these three neonicotinoids related to aquatic risks is anticipated in 2020. Re-evaluations to date have not indicated an unacceptable risk to human health, therefore, there is currently no expectation that maximum residue limits (MRLs) would be changed given that product registration is anticipated to be maintained.

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 that 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."

Section VI. Other Requirements, Regulations, and Registration Measures

Meat and Poultry
Only U.S. meat and poultry establishments registered with USDA 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.

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 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 regulated by the U.S. Food and Drug Administration (FDA), such as freeze-dried eggs, cooked omelets, frozen egg patties, crepes, hard boiled eggs, egg substitutes, imitation egg products, mayonnaise, and foods containing egg extracts, must be accompanied by a certificate issued by USDA's Agricultural Marketing Service (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 the United States, in particular 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.

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 starting from January 15, 2020. However, the CFIA has granted an extension (see Note 3 to the timeline table) until January 15, 2021 for industry to use up existing packaging material. 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 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). In particular, 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: Confirmation of Sale | Ministerial Exemption

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.

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 use of an approved additive, then the importer would need to receive a Marketing Authorization from Health Canada before applying for a Test Market Authorization.

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*. 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.

For more information on the regulations governing genetically engineered foods please see GAIN Report CA18055, the 2018 Agricultural Biotechnology Annual Report. 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 and voluntary for others. This information is summarized in the table Foods to Which Vitamins, Mineral Nutrients and Amino Acids May or Must be Added.

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 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 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. 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 or 1, 1.5 and 2 liters. 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 CA2019-0035 on the Ontario Wine Market and GAIN Report CA2019-0034 on the Quebec Wine Market.

On May 1, the Canadian Food Inspection Agency (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 CA2019-2096 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 CA2019-2097 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, graded 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 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 to 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 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 common food names 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 on this CFIA webpage. The USDA Animal and Plant Health Inspection Service (APHIS) provides information on pet food exports to Canada through its IRegs system.

As of July 1, 2016, all U.S.-origin heat-processed, shelf-stable pet foods, treats, and compound chews must be certified for export to Canada by APHIS on the basis of APHIS inspection and approval of the manufacturing facilities. For specific information on exports of heat-processed, shelf-stable pet foods, treats, and compound chews to Canada, please refer to this APHIS webpage. For specific information on exports of unprocessed (raw) pet foods to Canada, please refer to this APHIS webpage.

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 2019-2021.

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

Licenses and permits authorizing the importation or exportation of cannabis (including CBD and CBD-containing products) may only be issued for medical or scientific purposes.

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. CIPO 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 as per the 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).

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 product that violates 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. In addition, CBSA provides a contact information directory broken down by region and/or by 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.

NAFTA Certificate of Origin
The NAFTA Certificate of Origin is used by Canada, Mexico, and the United States to certify that goods qualify for preferential tariff treatment accorded under NAFTA and must be completed by the exporter. This form remains valid and should continue to be used until further notice.

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.

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

Attachments:

No Attachments