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Canada

Food and Agricultural Import Regulations and Standards

Technical Requirements for the Canadian Food Market

1999

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

Section I. Food Laws

The Canadian Food Inspection Agency

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

Canada Agricultural Products Act and associated Regulations (CAP Act)

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

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

Consumer Packaging and Labeling Act (CPLA)

The CPLA provides for the uniform labeling of consumer packaged goods for sale at the retail level. The Regulations prescribe requirements for bilingual labeling, metric net quantity declarations and for the size and location of mandatory labeling information. Currently these Regulations also prescribe standardized sizes for

some consumer products for the following foods: glucose syrup and refined sugar syrup, peanut butter, and wine, but there is an interest among Canadian regulators to bring these products under the CAP Act.

Customs Act

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

Export and Import Permits Act

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

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

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

Fish Inspection Act

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

Fisheries Act

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

Food and Drugs Act

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

Health of Animals Act

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

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

Meat Inspection Act

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

North Pacific Fisheries Convention Act

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

Plant Protection Act

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

Weights and Measures Act

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

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

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

Other Acts:

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

Agriculture and Agri-Food Administrative Monetary Penalties Act

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

Websites:

Canadian Food Inspection Agency
<http://www.cfia-acia.agr.ca>

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

Section II. Labeling Requirements**A. General Requirements**

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

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

Enforcement

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

B. Label Review

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

The CFIA will provide advice on the labeling requirements of all the acts that the agency administers. If U.S. exporters provide sufficient information with their submissions, a complete label assessment can be accomplished in about two weeks. Detailed information on Canadian labeling requirements may be obtained from any of the regional access offices and on the Internet at:

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

C. Nutrition Labeling

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

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

Web Site: <http://www.cfia-acia.agr.ca/english/toc.html>

Guide to Food Labeling and Advertising

The Canadian Food Inspection Agency has prepared a Guide to Food Labeling and Advertising which details the regulatory requirements for selling packaged foods in Canada. This extensive document is available on the Internet at <http://www.cfia-acia.agr.ca/english/toc.html>

The CFIA Guide includes information on:

- Basic Labeling Requirements
- Advertising Requirements
- Claims as to the Composition, Quality, Quantity and Origin of Foods
- Nutrition Labeling
- Nutrient Content Claims
- Health-Related Claims
- Other Product Specific Requirements

Section III. Packaging and Container Regulations

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

Section IV. Food Additive Regulations

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

http://www.hc-sc.gc.ca/datahpb/datafood/english/main_e.htm

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

Bureau of Chemical Safety
Health Protection Branch
Health Canada
Frederick G. Banting Building
Tunney's Pasture
Ottawa, Ontario Canada K1A 0L2

Telephone: (613) 957-1700

Section V. Pesticide and other Contaminants

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

Health Canada's Health Protection Branch sets maximum residue limits (MRL) for pesticides. A full listing of Canadian MRLs is available on the Pest Management Regulatory Agency's (PMRA) website at:
<http://www.hc-sc.gc.ca/pmra-arla/mainmrle.html>

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

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

Section VI. Other Regulations and Requirements

Inspection and Registration Fees

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

Container Sizes: Processed Meats

Canada's Meat & Poultry Inspection Regulations stipulate the standard package size requirements for processed meat poultry products such as bacon, sausages, sliced meats and wieners. Common U.S. package sizes for these products are different from Canadian standardized sizes. For example, sliced bacon cannot be sold in a 1 lb. package in Canada. It is mostly sold in 500 g packages, one of the standardized sizes in the regulations. Schedule II of the Meat and Poultry Inspection Regulations lists all the acceptable package sizes for processed meats. It can be viewed on the CFIA website at:
<http://www.cfia-acia.agr.ca/english/actsregs/meatreg/home.html>

Requirements for Fresh Fruits and Vegetables

All fruits and vegetables imported into Canada must meet specific standards and packaging regulations laid out

in the Canada Agricultural Products Act's Fresh Fruit and Vegetable Regulations and Processed Product Regulations. The regulations are available on the Internet at: <http://www.agr.ca/lawse.html>

U.S. fresh fruits and vegetable exporters must:

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

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

In 1997, the CFIA eased the standard container size requirements for apples (under the Fresh Fruit & Vegetable Regulations) by means of a two-year test market. The change increases to 200 kg (from 25 kg) the size of permissible shipping containers for U.S. apples for fresh market use.

Canada Customs requires an invoice form for all shipments. A copy should accompany the bill of lading. Canada Customs invoices are available at commercial printing establishments throughout the United States. For information about the nearest commercial printer, who may be selling the forms, contact a district USFCS office of the Department of Commerce.

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

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

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

Further information on fruit and vegetable regulations is available from:

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

Processed Horticultural Products: Special Container Size Provision for Foodservice

There is a special container size provision for U.S. sales of processed horticultural products to Canadian

foodservice customers. For products where standardized package sizes exist in Canada's Processed Product Regulations, the largest standardized sizes stipulated in the regulations are smaller than the sizes commonly used in the North American foodservice industry. The foodservice provision of the regulation, known as the "Larger than Largest", or LTL provision, permits imports in larger container sizes up to a maximum of 20 kg or 20 liters provided they are not for retail sale and the shipping container is marked in multiples of 500 grams or 500 liters. U.S. exporters interested in marketing to the foodservice sector in large package sizes must contact the Dairy, Fruit, and Vegetable Division of the CFIA (see address above) prior to export.

Tariff Rate Quotas (TRQs)

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

First-Come, First-Served (FCFS) TRQs

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

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

Non First-come, First-Served TRQs

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

Allocating TRQs

The Department of Foreign Affairs and International Trade (Export and Import Controls Bureau) is responsible for administering and allocating quotas for the non FCFS TRQ goods and for issuing import permits. Revenue Canada (Customs and Trade Administration) is responsible for the administration of FCFS TRQ goods, which includes monitoring the levels of their importation.

Section VII. Other Specific Standards

Marine

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

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

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

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

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

Fish Inspection Directorate
Canadian Food Inspection Agency
59 Camelot Drive
Nepean, Ontario K1A 0Y9
Telephone: (613) 225-2342
Website: http://www.cfia-acia.agr.ca/english/animal/fish_and_seafood/mainfish.html

Novel Foods

Health Canada is responsible for setting food labeling policies with respect to health and safety matters (i.e. nutritional content, allergens, special dietary needs etc.). This applies to all foods, including foods that have

been derived through genetic engineering. The Canadian Food Inspection Agency (CFIA) is responsible for the development of non-health and safety food labeling regulations and policies. More specifically, CFIA is responsible for protecting consumers from misrepresentation and fraud with respect to food labeling, packaging and advertising and for prescribing basic food labeling and advertising requirements applicable to all foods (i.e. listing of food ingredients and components, product claims, mandatory information and statements etc.). Again, these apply to all foods, including genetically engineered foods.

Under Canadian guidelines for genetically modified organisms (GMO), mandatory labeling is only required if there is a health or safety concern, i.e. from allergens or a significant nutrient or compositional change. Canada is a member of the Codex Alimentarius Commission, an international standards setting body for food. Through its Food Labeling Committee, which is chaired by Canada, Codex is developing guidelines for the labeling of foods derived from biotechnology. The CFIA's web site for novel food labeling information is: <http://www.cfia-acia.agr.ca/english/toc.html>

Wine, Beer and Other Alcoholic Beverages

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

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

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

Organic Foods

Canada implemented national standards for organic food in June 1999. The import and sale of organic food products in Canada are governed by the same rules and regulations that apply to non-organic food products. No distinction is made between organic and non-organic foods with regard to import requirements. Currently, all

Canadian packaging and labeling, grade, and inspection regulations apply equally to organic and non-organic foods.

Kosher Foods

In the labeling, packaging and advertising of a food, Canada's Food and Drug Regulations prohibit the use of the word kosher, or any letter of the Hebrew alphabet, or any other word, expression, depiction, sign, symbol, mark, device or other representation that indicates or that is likely to create an impression that the food is kosher, if the food does not meet the requirements of the Kashruth applicable to it. Kosher style foods are defined in Canada's Guide to Food Labeling and Advertising (mentioned above).

Special Dietary Foods

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

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

Sample Products

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

Test Marketing: Processed Food Products

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

Director, Processed Products
Dairy, Fruit & Vegetable Division
Canadian Food Inspection Agency
59 Camelot Drive

Nepean, Ontario
Canada K1A 0Y9
Telephone: (613) 225-2342
Facsimile: (613) 228-6632

Section VIII. Copyright and/or Trademark Laws

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

Registered trade-marks are entered on the Trade-mark Register and can provide U.S. companies direct evidence of ownership. Trade-mark registrations are valid for 15 years in Canada.

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

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

Section IX. Import Procedures

Canada imports almost \$20 million worth of U.S. food and agricultural products every day. While Canada Customs is the first line regulatory agency at border points ensuring that all imports have appropriate documentation, the Canadian Food Inspection Agency is the lead agency for ensuring that imports comply with the acts and regulations pertaining to food and agricultural products. The Canadian Food Inspection Agency has the power to detain, destroy or return product that violates Canadian food regulations. Re-inspection and storage costs associated with appeals on rejections are generally borne by either the exporter or the importer. The majority of U.S. food product exports to Canada are cleared at the border without delay.

Customs Requirements:

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

- two copies of the cargo control document. This document may be a manifest, waybill or some other approved document obtained from the carrier or freight forwarder.
- two copies of an invoice to support the value of the goods. This invoice provides information concerning the

shipment including: details regarding the importer and exporter, a description of the goods, the value of the goods, the country of origin and destination of the goods, and the currency of settlement. A Canada Customs' invoice or a commercial invoice containing all the required information is necessary for goods with a value of C\$1,600 or greater. An additional copy of the invoice is required in cases where the importer or broker intends to transmit the final accounting data through the Customs Automated Data Exchange (CADEX).

-two copies of a fully completed Revenue Canada B3 form, for all shipments for commercial use in Canada, regardless of value. The B3 document is used for duty and tax purposes. A third copy of this form is required by Statistics Canada for shipments valued over C\$1,600.

-all permits, certificates, licences or other documentation required by Revenue Canada or other government departments for the release of food shipments. Generally, original documents are necessary.

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

Release on Minimum Documentation Option is another program offered by Revenue Canada, to importers or brokers who post security with Revenue Canada for release of goods prior to payment of duties. Importers or brokers requesting this option provide specified minimal documentation rather than the complete information otherwise required. When goods are released on minimum documentation, the importer or broker must present or transmit confirming accounting data within five full business days from the date the goods are released.

Further information regarding Canada Customs' release systems and procedures, duties, tariff classifications and taxes may be obtained from the regional Revenue Canada (Customs) offices listed in Appendix G.

Canadian Food Inspection Agency's Automated Import System (CFIA-AIS)

The Canadian Food Inspection Agency's Automated Import System (CFIA-AIS) is a computerized system for the management of all imported products regulated by the Agency, including all imported food. This program is designed to speed up transit through Customs of compliant agricultural products, which often have additional specific import requirements. It also allows inspectors to focus on high risk commodities.

The Automated Import Reference System (AIRS) is a comprehensive reference system that provides detailed information on import requirements for all food and other commodities inspected by the Canadian Food Inspection Agency. This reference tool is available to the import community on compact disk, and it will soon be published on the Canadian Food Inspection Agency's website for public information at: www.cfia-acia.agr.ca.

Forms

Canada Customs requires an invoice form for all shipments. A copy should accompany the bill of lading. Canada Customs invoices are available at commercial printing establishments throughout the United States. For information about the nearest commercial printer, who may be selling the forms, contact a district USFCS office

of the Department of Commerce. To ensure eligibility of products for free duty status for U.S. produce under the FTA/NAFTA, U.S. exporters should provide a copy of the Exporter's Certificate of Origin to their Canadian contact and maintain documentation to support certification to be eligible for the free rate. Certain exports require additional accompanying documentation such as a Food Safety and Inspection Service export certificate for meat products or an Animal and Plant Health Inspection Service phytosanitary certificate for plant and plant material. First time U.S. exporters to Canada may choose to hire customs broker services to assist in facilitating their exports to Canada.

Appendices

Appendix A. Major Regulatory Agencies

Canadian Food Inspection Agency
59 Camelot Drive
Nepean, Ontario
Canada K1A 0Y9
Telephone for all Divisions: (613) 225-2342

Fax Numbers for CFIA Divisions:

Dairy, Fruit & Vegetable Division (incl. Processed products); (613) 228-6632
Plant Protection Division; (613) 228-6602
Feed and Fertilizer Division; (613) 228-6614
Seed Division; (613) 228-6653
Meat and Poultry Products Division; (613) 228-6636
Animal Health Division; (613) 228-6630

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

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

Appendix B. Embassy Contacts

Office of Agricultural Affairs

U.S. Embassy,
100 Wellington Street, Ottawa
Ontario, Canada K1P 5T1
telephone: (613) 238-4470; extension 267
fax: (613) 233-8511

Norval Francis, Agricultural Minister-Counselor
Kathleen Wainio, Agricultural Attaché
George Myles, Agricultural Specialist
Marilyn Bailey, Agricultural Marketing Assistant
Joyce Gagnon, Administrative Assistant

Appendix C. Local Contacts

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

Appendix D. Food Additives

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

Appendix E. Single Access Food Labeling Offices**BRITISH COLUMBIA**

Agriculture and Agri-Food Canada
620 Royal Avenue, Room 202
New Westminster, B.C. V3L 5A8
Telephone: (604) 666-6513
Facsimile: (604) 666-6130

Agriculture and Agri-Food Canada
1921 Kent Road
Kelowna, B.C. V1Y 7S6
Telephone: (604) 861-6048
Facsimile: (604) 861-6046

ALBERTA

Agriculture and Agri-Food Canada
3650 36th Street North West
Calgary, Alberta T2L 2L1
Telephone: (403) 289-7736
Facsimile: (403) 221-3296

Agriculture and Agri-Food Canada
11713 82nd Street
Edmonton, Alberta T5B 2V9
Telephone: (403) 495-7287
Facsimile: (403) 495-3359

SASKATCHEWAN

Agriculture and Agri-Food Canada
P.O. Box 8060
Regina, Saskatchewan S4P 4E3
Telephone: (306) 780-6668
Facsimile: (306) 780-5177

MANITOBA

Agriculture and Agri-Food Canada
269 Main Street, Room 613
Winnipeg, Manitoba R3C 1B2
Telephone: (204) 983-3699
Facsimile: (204) 983-8022

ONTARIO

Agriculture and Agri-Food Canada
401 Champagne Drive, Unit #1
Downsview, Ontario M6A 3A6
Telephone: (416) 954-1714
or 1-800-667-2657
Facsimile: (416) 954-0608

QUEBEC

Agriculture et Agro-alimentaire Canada
2001, rue Université, pièce 746-I
Montréal, Québec H3A 3N2
Téléphone: (514) 283-8888
Facsimile: (514) 283-3143

Agriculture et Agro-alimentaire Canada
Gare Maritime Champlain
901, Cap Diamant, pièce 391
Québec, Québec G1K 4K1
Téléphone: (418) 648-4820
Facsimilé: (418) 648-4792

NEWFOUNDLAND

Agriculture and Agri-Food Canada
P.O. Box 460
St. John's, Newfoundland A1C 5W4
Telephone: (709) 772-5030
Facsimile: (709) 772-5100

NOVA SCOTIA AND PRINCE EDWARD ISLAND

Agriculture and Agri-Food Canada
P.O. Box 38001
Barnside Park Postal Outlet
Dartmouth, Nova Scotia B3B 1X2
Telephone: (902) 426-6055
Facsimile: (902) 426-4536

NEW BRUNSWICK

Agriculture and Agri-Food Canada
P.O. Box 6088
Moncton, New Brunswick E1C 8R2
Telephone: (506) 851-7650
Facsimile: (506) 851-3700

Appendix F. Fish Inspection Directorate Regional Offices

Atlantic Area

Regis Bourque
Executive Director
Atlantic Operations
Canadian Food Inspection Agency
Tel: (506) 851-7670
Fax: (506) 851-2911

Quebec Area

Yvon Bertrand
Executive Director
Quebec Operations
Canadian Food Inspection Agency
Tel: (514) 283-8888, ext. 322
Fax: (514) 496-4699

Ontario Area

Dave Graydon
Interim Executive Director
Ontario Operations
Canadian Food Inspection Agency
Tel: (519) 837-5802
Fax: (519) 837-9766

Western Region

Barry Stemshorn
Executive Director
Western Operations
Canadian Food Inspection Agency
Tel: (403) 292-4951
Fax: (403) 292-6741

Phil Amundson
Co-Executive Director
Western Operations
Canadian Food Inspection Agency
Tel: (403) 292-4951
Fax: (403) 292-6741

Appendix G. Provincial Liquor Control Commissions

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

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

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

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

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

Liquor Control Board of Ontario
55 Lake Shore Blvd. East
Toronto, Ontario
Canada M5E 1A4
T: (416)365-5900
F: (416)365-5911

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

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

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

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

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

Yukon Liquor Corporation
9031 Quartz Rd., Bldg. 278
Whitehorse, Yukon
Canada Y1A 4P9
T: (403)667-5245
F: (403)393-6306

Appendix H: Revenue Canada Customs Border Services Offices**Newfoundland**

St. John's: (709) 772 - 5544
6th floor, Sir Humphrey Gilbert Building
165 Duckworth Street
PO Box 12075
St. John's NF A1C 5V3

Nova Scotia

Halifax: (902) 426 - 2911
2nd floor, Ralston Building
1557 Hollis Street
Halifax NS B3J 2R7

New Brunswick

Edmundston: (506) 739 - 1820
Room 107
66 St. Francis Street
Edmonston NB E3V 1E6

Saint John: 506) 636 - 4904
126 Prince William Street
Saint John NB E2L 4H9

Woodstock: (506) 325 - 3160
Houlton/Woodstock Border Crossing
1403 Rte. 95
Woodstock NB E7M 4Z9

Quebec

Dorval: (514) 283 - 9900
Dorval International Airport
P.O. Box 21C
975 Roméo Vachon Blvd. North
Dorval QC H4Y 1H1

Lacolle: (514) 283 - 9900
Highway 15 South
Lacolle QC J0J 1J0

Montreal: (514) 283 - 9900
Room 120
400 Place d'Youville
Montréal QC H2Y 2C2

Quebec City: (418) 648 - 4445
P.O. Box 2267
130 Dalhousie Street
Québec QC G1K 7P6

Sherbrooke: (819) 573 - 2070
50 Place de la Cité
Sherbrooke QC J1H 5L8

Ontario

Fort Erie:
(905) 994 - 6330 or
(905) 994 - 6331
Peace Bridge Plaza
60 Walnut Street
Fort Erie ON L1A 5N7

Fort Frances: (807) 274 - 3655 Ext. 240
2nd floor
301 Scott Street
Fort Frances ON P9A 1H1

Hamilton: (905) 308 - 8715
Customs Border Services - Inland
Southern Ontario Region
400 Grays Road North
Hamilton ON L8E 3J6

Kingston: (613) 545 - 8049
2nd floor
294 King Street East
Kingston ON K7L 3B2

Mississauga: (905) 612 - 6532
1695 Drew Road
Mississauga ON L5S 1X6

Ottawa: (613) 993 - 0534
1st floor
2265 St. Laurent Blvd.
Ottawa ON K1G 4K3

Sarnia: (519) 257 - 6400

P.O. Box 640
Sarnia ON N7T 7J7

Sault Ste. Marie: (705) 941 - 3063
2nd floor
22 Bay Street
Sault Ste. Marie ON P6A 5S2

Thunder Bay: (807) 626 - 1603
1st floor
201 North May Street
Thunder Bay ON P7C 3P4

Toronto: (416) 973 - 8022
Southern Ontario Region
Pearson International Airport
P.O. Box 40
Cargo Building B
Toronto AMF ON L5P 1A2

Windsor: (519) 257 - 6400
P.O. Box 1655
5th floor
185 Ouellette Avenue
Windsor ON N9A 7G7

Manitoba

Emerson: (204) 373 - 2524
General Delivery
Emerson MB R0A 0L0

Winnipeg: (204) 983 - 6004
145 McDermot Avenue
Winnipeg MB R3B 0R9

Saskatchewan

North Portal: (306) 927 - 5511
General Delivery
North Portal SK S0C 1W0

Alberta

Calgary: (403) 292 - 8750
Bay 32
3033 - 34th Avenue Northeast
Calgary AB T1Y 6X2

Coutts: (403) 292 - 8750
P.O. Box 220
Coutts AB T0K 0N0

British Columbia

Osoyoos: (250) 495 - 6531
RR#1
Osoyoos BC V0H 1V0

Kingsgate: (250) 424 - 5391
General Delivery
Kingsgate BC V0B 1V0

Richmond: (604) 666 - 1802
Vancouver International Airport
Passenger Terminal
International Terminal Building
Room C2375.3A, Level 2
3211 Gran McConachie Way
Richmond BC V7B 1K6

Vancouver International Airport
Cargo Operations
113 - 5000 Miller Road
Richmond BC V7B 1K6
(604) 666 - 1803

Surrey: (604) 538 - 3600
Pacific Highway District
26 - 176th Street
Surrey BC V4P 1M7

Vancouver: (604) 666 - 0545
Metro Vancouver District
Main floor, 333 Dunsmuir Street

Vancouver BC V6B 5R4

Victoria: (250) 363 - 3531
West Coast & Yukon District
107 - 816 Government Street
Victoria BC V8W 1X1

Appendix F. Websites

Additional information on Canadian import requirements can be found on the following websites listed in this report:

Canadian Food Inspection Agency

Acts and Regulations: <http://www.cfia-acia.agr.ca/english/actsregs/listacts.html>

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

Meat & Poultry Inspection Regulations:
<http://www.cfia-acia.agr.ca/english/actsregs/meatreg/home.html>

Fish Inspection Directorate: http://www.cfia-acia.agr.ca/english/animal/fish_and_seafood/mainfish.html

Novel Foods: <http://www.hc-sc.gc.ca>

Health Canada

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

Pest Management Regulatory Agency

Maximum Residue Levels: <http://www.hc-sc.gc.ca/pmra-arla/qinter3-e.html>

Find Us On The Web

Visit our headquarter's home page at <http://www.fas.usda.gov> for a complete selection of FAS' worldwide agricultural reporting.

FAS/Ottawa email: usagr@istar.ca