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# Canada

# Exporter Guide

# Exporting to Canada: A Practical Handbook

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**Report Highlights:**
Canada is among the top destinations for U.S. agricultural exports, in Fiscal Year 2013 U.S. agricultural exports to Canada reached $21 billion in agriculture and fish products. This reflects an yearly increase of 3% for a mature market. Consumer-oriented agricultural products accounted for 75 % of total U.S. food and agricultural product sales to Canada in FY2013 with red meats, fresh vegetables, fresh fruits, snack foods, and processed fruits and vegetables, coffee extracts and food preparations as the category leaders. This report is a practical guide for U.S. food exporters interested in marketing and shipping product to Canada. The report highlights consumer and product trends, market sector reports, and best prospects for U.S. consumer-oriented agricultural products in the Canadian market.

**Post:**
Ottawa

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# SECTION I. MARKET OVERVIEW

## A) General

According to the trade statistics published by the U.S. Census Bureau, Canada continues to rank as one of the top destinations for U.S. agricultural exports. In fiscal year 2013 (FY 2013), U.S. agricultural exports to Canada reached $ 21 billion making Canada the second largest export destination following China. This reflects an increase of 3% from the previous year statistics.[1] Agricultural exports from the United States to Canada accounted for 15% of global U.S. food and agricultural product exports of $ 141 billion. Consumer-oriented agricultural products accounted for 75 percent by value of total U.S. food and agricultural export sales to Canada in FY2013. The leading products were red meats, fresh vegetables, fresh fruits, snack foods, and processed fruits and vegetables, coffee extracts and preparations, breakfast cereals, and fruit and vegetable juice fruit and vegetable juice products. Products from the United States accounted for 61% percent of total Canadian agricultural and food imports in 2012.

During FY 2013, the majority of consumer-oriented agricultural categories such as fresh fruits, red meats, snack foods, fresh vegetables, breakfast cereals, pet foods, wine and beer, tree nuts, posted record annual sales to Canada. The top five categories were red meat ($ 2.3 billion), prepared foods ($ 1.9 billion), fresh fruits ($ 1.8 billion), fresh vegetables ($1.8 billion), and non-alcoholic beverages (1.2 billion).

Canada is also an important market for U.S. fish and forestry exports. Canada is the second largest export market for U.S. fishery products, and exports reached $ 925 million in FY2013. Despite being a major producer and world exporter of forest products, Canadian imports of U.S. forest products reached $ 2.3 billion in FY 2013. Combined U.S. agricultural, fishery, and forestry product exports to Canada reached $ 26 billion.

The United States and Canada have the world's largest bilateral trading relationship. During CY 2012, two-way merchandise trade of all goods was valued at US$ 573 billion, representing $ 1.6 billion worth of goods and services crossing the border every day. For 50 of the U.S. states, on average 38 of them count Canada as their number one export market. Total bilateral agricultural trade between the United States and Canada reached $ 43 billion in FY2013, or approximately $ 117 million per day.

Under the tariff elimination provisions of the North American Free Trade Agreement (NAFTA), the majority of U.S. agricultural products have entered Canada duty-free since January 1, 1998. Since that time, U.S. agricultural exports have more than tripled in value.[2]

Trade with Canada is facilitated by proximity, common culture, language, similar lifestyle pursuits, and the ease of travel among citizens for business and pleasure. Many U.S. products have gained an increased competitive edge over goods from other countries as the result of the FTA/NAFTA. Also U.S. manufacturers generally have a competitive advantage over Canadian manufacturers in the scale of production. Canada’s grocery product and food service trades have been quick to seize opportunities under FTA/NAFTA, which permit them to expand their geographical sourcing area to include the United States. Declining import duties under the trade agreements and an easing of Canadian packaging requirements for processed horticultural products for the food service market have resulted in significant gains in the Canadian market for U.S. consumer-ready foods and food service foods.

[1] US Fiscal Year 2013 (FY12) began on October 1, 2012 and ended September 30, 2013.
[2] 1998 U.S. agricultural exports to Canada were valued at $ 6.8 billion.

However, as similar as the United States and Canada are, there are differences that exporters need to recognize. Understanding the nuances of a marketplace is critical to a successfully launching a product in any foreign market.

| **Canadian Market Overview Summary** | |
|---|---|
| **Advantages** | **Challenges** |
| Proximity | A sophisticated selection of product is already available in the Canadian market |
| Wide exposure to U.S. culture | Bilingual (English and French) labeling required for retail products |
| Similar consumption and shopping patterns | Differences in standard package sizes |
| High U.S. brand awareness | Differences in nutrition labeling |
| Frequent business and personal trips to United States | Conversion of measurements to metric system required |
| Ease of entry for business travel | Standard Canadian English required |
| Duty free tariff treatment for most products under NAFTA | Tariff rate quotas imposed on certain products |
| High U.S. quality and safety perceptions | Differences in chemical residue tolerances |
| U.S. origin top choice among imported foods | Higher landed costs, especially for small shipments |

**B) Consumer Trends in Retail Food**

Canada's population as of July 1, 2013 was estimated at 35.1 million. The population's growth rate is just less than 1%. The popularity of U.S. food products is very high and Canadian consumers are keenly aware of new product offerings in the United States. The close integration of the North American food market under NAFTA means that U.S. food and agricultural products are in high demand by Canadian retailers. There are some important trends in the Canadian retail food market that can help U.S. food exporters better understand the market. The following highlights are taken from an Agriculture and Agri-Food Canada review with updates and/or additional information incorporated by the Foreign Agricultural Service in Canada. For more information on food marketing and trends in Canada, see Section III on Market Sector Structure.

Overview

- Population growth was less than 1% in 2012.
- Graying population - Canadians 45 years of age and older now account for 40% of the population and by 2016 it will be 45%.
- Seniors, (aged 65 and over) represent 14.4% or five million of the total population. By 2033, this number is expected to double to 10 million.

- Family structure, average household size decreased from 3.7 people in 1970 to fewer than 2.5 people in 2011. The number of children in the average Canadian household dropped from 2.7 in 1961 to 1.1 in 2011.
- Canada per-capita immigration rate is one of the highest in the world; more than 50% of Canada's population growth rate is attributed to the arrival of new immigrants.

Graying Population

- Seniors make up the fastest-growing age group.
- Seniors are well off financially, well educated, and willing to spend.
- Have time to shop for what they want.
- Increasingly interested in health and product quality.
- Increasing demand for smaller portions, single packages, easy to open and easy to read labels.

Cultural Diversity

- Canadian ethnic diversity is different from the United States with less Hispanic influence and more Asian influence.
- Ethnic diversity – Asian immigrants make up more than half of all immigrants. Chinese, Filipinos and South Asians represent the largest immigrant groups in Canada. [3]
- The cultural diversity is an increasingly important force in the marketplace, particularly in urban centers, creating new demands in the food industry.
- Currently there are six million people in Canada who belong to an ethnic minority. This number is expected to increase to 14 million in the next twenty years.
- Ethnic foods like pad thai, masala and shwarma have gained in popularity.
- The growing halal sector is gaining market share among selected grocery chains.

Economic/Demographic Trends

- Real personal disposable income growth has experienced a slowdown during the past ten years but price inflation has been low.
- Dual-income families are the norm but single-parent families are more prominent than a decade ago.
- There are now more one-person households than couples with children.
- Increasing number of women in the workforce.

Canadian Food Expenditures

- Food and beverage expenditures have decreased to 14 percent of the income of the average Canadian household.
- Increase in consumption of fresh and frozen fruits and vegetables, alcoholic beverages, soft drinks, fish, rice, breakfast foods, cereals, grains, pulses and nuts.
- From 2008 to 2013, grocery expenditures have increased significantly for baked goods and ingredients, hot and cold cereals, coffee, candy and chewing gum, condiments, dressings, dried foods, juices, frozen foods, fresh produce, nuts, relishes and spaghetti/lasagna sauces, spreads, jams, jellies, preserves, syrups and spreads, dry pasta, and snack foods.

[3] South Asians comprise of people from India, Pakistan, Bangladesh, Sri Lanka and others

Market Place Behavior

- Consumers still seek fresh, tasty, and high quality foods.
- Growing segment of Canadians have become price conscious shoppers.
- An increasing number of consumers are concerned about the safety and nutritional value of their foods they eat.
- Foods that address specific dietary needs and health issues, as obesity, digestive problems or diabetes provide special opportunities.
- Demand for organic foods continues to increase considerably as it expected to grow 20% in the next 15 years.
- More consumers own microwaves than own barbeques.
- Consumers seek convenient meal solutions and thus an increased demand for home delivery, "ingredient solutions," home meal replacements, hand-held foods and microwavable products.
- Growing demand for snack foods.
- The majority of fish and seafood sales are in foodservice.
- Kosher and Halal food sales are rising rapidly.
- Increase in private label products in which consumers have confidence.

Food Service Trends

- 81,400 foodservice establishments in Canada.
- Consumer spending on food purchased outside the home (restaurants) increased slightly to 28% of total food expenditures.
- Fast food restaurants are providing healthy meal choices with greater nutritional content.
- Increased demand for ethnic foods.
- Increased visits to quick service restaurants.

Retail Store Trends

- 23,957 grocery retail establishments in Canada.
- Growth in discount grocery stores and mass merchandisers.
- Grocery stores are growing in size with most new superstores over 97,000 sq. ft.
- More prepared foods available to store customers.
- Big supermarkets are in battle for market share against the big box stores and the mass merchandisers.
- Expanding ethnic food aisles and sections.
- Major chains increasingly have organic sections.

Increase in Food Safety and Label Consciousness

- Growing awareness among shoppers about the safety of their food supply in Canada.
- Canadians are becoming more conscious of reading the Nutrition Facts Table on food products.
- There is increased concern for the levels of trans fats, sodium, fiber, and sugar in packaged foods and an increased awareness of the issues surrounding allergens, food fortification, and health claims.
- There are different regulations than in the United States for listing ingredients, allergens, and the content and presentation of the nutrition label.

## SECTION II. MARKET STRUCTURE AND TRENDS

In addition to the market opportunities created by reduced tariffs, changing lifestyles in Canada are helping increase the demand for U.S. agricultural products.

U.S. food exporters face a knowledgeable and more demanding Canadian buyer and consumer. To be successful in the Canadian marketplace, U.S. exporters should study the business channels and food trends. The following highlights the business landscape and trends that are influence market success and purchases by Canadian buyers.

*Market Characteristics and Geography*

- **Smaller Food Market Size:** Selecting the appropriate Canadian business partnership and targeting the type of food accounts is critical in a smaller food market. While the demand is promising, U.S. exporters are reminded the Canadian market is approximately 10% the size of the U.S. food market. The impact of key business decisions is more apparent in a smaller market.
- **Relationship-Based Marketing:** Business relationships are strongly influenced by getting to know your Canadian clientele/partners and building a sense of *trust*. This seems more evident in a smaller market where competitors and associates know one another well.
- **Large Land Mass:** Canada has the second largest land mass in the world and is treated by marketers as a country comprised of five regional markets rather than one single market. Consequently, marketing efforts are focused on one regional market at a time. The country is divided into; Ontario, Quebec, Atlantic Canada, Prairies, and Western Canada.

*Business Channels*

- **Sales Channels:** U.S. companies are urged to study the retail or food service landscape and plan to where the product will be positioned in the market. For example, will the product be sold in an independent gourmet store or through a larger grocery chain?
- **Consolidation of Canadian Grocery Markets:** Seventy one percent of the total retail beverage and food markets are represented by four grocery companies. Further consolidation is expected in the coming year.
- **Type of Canadian partnership:** Some U.S. food companies have had success selling directly into the Canadian market or working through an importer/distributor while others; particularly small to medium sized firms prefer appointing a food broker. Food brokers work on a fee-basis and help to 'pioneer,' a new product in the market by calling on various food accounts.

*Value*

- **Private Label:** Traditionally, private label has been seen as lower quality and generally less desirable than national brands but this has changed. In 2011, private label represented C$ 11.3 billion in sales and is forecasted to grow in 2013.
- **Economical Meal Solutions:** A resurgence of traditional products that offer value such as dehydrated soups.
- **Promotional Priced Products:** Higher retail food prices have caused consumers to seek out promotions and encouraged more Canadians to shop at discount retailers. This trend is expected to grow through 2013. However, Canadians are discerning shoppers and will not sacrifice quality for price.

*Quality/Freshness*

- **Fresh Foods:** Consumers are switching to fresh foods because they equate fresh with better value that offers taste, health and nutrition. Canadian Grocer reports that Target stores in Canada will offer a limited selection of fresh products in a reasonable price range for consumers.
- **Frozen Foods:** Retail sales of frozen foods grew by 3% and are predicted to increase as new technology helps to keep the flavors fresh. Microwavable frozen meals that offer steam packaging have become popular.

*Convenience*

- **Ready to Heat and Eat Foods**: Women continue to do the majority of food purchasing, preparation and clean up. As a result, the demand for foods that are easy and quick to prepare yet tasty, fresh and nutritiously sound continues to grow.
- **One Dish Meals**: Growth in quick one-dish meal kits such as stir-fries and stew are expected to grow.
- **Custom Quick Food**: Consumers do not spend an extensive amount of time preparing meals, but it still is important to feel that they have contributed something to the preparation. Therefore, there will be an opportunity for ready meals or kits, which allow the people preparing to add their own personal touch.
- **Smaller Food Portions and Packages:** Individual portion sizes are in demand as there are more single-person households. Individual portion sizes also cater to the trend of "eating-where-you-are."
- **Flexible and Portable Packaging:** Eating in vehicles or "Dashboard Dining," as well as eating lunches at the work desk is more common.
- **Snacks and Mini Meals:** Canadian eating patterns are changing from eating three main meals a day to eating several smaller meals throughout the day. Convenient, nutritious snacks or mini meals will increase in demand (i.e. breakfast bars, wraps, sports drinks).
- **Innovation:** Convenience foods will continue to be popular but the key to success will be innovation.
- **Physical and Emotional Energy:** Stressed out consumers that are seeking energy, power and performance from food are turning to sports drinks, energy bars and snacks.

*Health and Wellness*

- **Correcting Condition:** Food and food ingredients continue to increase in popularity as a method for self-medication and disease prevention. As a result, the demand for functional and nutraceuticals foods will continue to increase and new products will be developed.
- **Healthy Foods for Kids:** Approximately 26 percent of Canadian children ages 2-17 years old are currently obese.
- **Food Safety:** Consumers are increasingly interested in food products that provide reassurances about food safety.
- **Gluten-Free:** The demand for these products will continue to grow as they have doubled since 2005.
- **Low Sodium:** Canadian consumers are becoming conscious about the level of sodium in prepackaged processed foods and in restaurant meal foods. Health Canada is currently reviewing new recommended target levels of sodium intake.
- **Low Sugar:** *Canada's Food Guide* recommends moderate consumption of sugar, glucose, fructose, and various kinds of syrups as they are the major contributors to weight gain.
- **Low Calorie:** Interest in weight loss products and lower calorie foods continues to be high among Canadians.

- **Organics:** The value of organic food products is estimated at C$ 2 billion and is predicted to grow steadily.
- **Trans Fats and Saturated Fats:** Canadians are continually concerned about fat intake and health concerns associated with trans and saturated fats. As a result, low-fat cereals, dairy products and frozen meals are rising.

*Pleasure/Ethnic Foods*

Economic growth and rising disposable income has made Canadians more confident about spending for products and services that make their lives easier or provide pleasure.

- **Indulgence or Comfort Foods:** Although Canadians are concerned about the nutritional value of food, they still are reaching out for tasty snacks that are high in fat, sugar and salt. The demand for these foods continues to be high for they are often considered a reward for healthy eating or surviving the stresses of everyday life.
- **Gourmet products of Meal Excitement:** New, unique, high quality and expensive products will be small indulgences for consumers who are seeking meal entertainment.
- **Regional Cuisine:** Consumers are becoming more interested in seasonal, regional and high flavor foods.
- **Ethnic Foods:** Immigration to Canada and the number of visible minority groups have increased dramatically. Consumers are flocking to healthful and flavorful ethnic cuisines such as Asian and Mediterranean foods where the emphasis is on ingredients such as vegetables,
- grains and fish. In 2010, ethnic food markets generated C$ 65 billion in food sales and are projected to increase 15 -20 percent annually.

*Ethical Buying*

A small but growing number of Canadians are making buying choices based on where and how their foods are grown. This trend goes beyond taste and health concerns and into the realm of green politics and anti-globalization. It includes the concepts of "fair trade", "sustainable practices", and "food miles."

- **Buy Local Products:** Consumers are concerned about their local economy and where there foods come from. Although, U.S. foods are not viewed as local this may present opportunities for U.S. food companies. Canadians view U.S. products as safer and of better quality than imports from other countries.
- **Recycled and Biodegrable Food Packaging:** Many Canadian cities have instituted recycling programs for their citizens and businesses. Each sector is looking to maintain a 'green image.'

**Market Sector Reports**

Listed below are the food sector and marketing reports published by the Office of Agricultural Affairs in Ottawa and Toronto, Canada. For a complete listing of other Post reports and of FAS' worldwide agricultural reporting, visit the FAS GAIN web page and be sure to insert the report number at: http://gain.fas.usda.gov/Lists/Advanced%20Search/AllItems.aspx

| AGR REPORT# | Title of Report | Date |
|---|---|---|

| | | |
|---|---|---|
| CA 13057 | Dairy and Dairy Products Report | 10/24/13 |
| CA 13053 | Potatoes Annual | 10/04/13 |
| CA 13046 | 2013 Livestock Annual | 09/06/13 |
| CA 13045 | CFIA Releases Food Safety Forum Consultation Report | 08/21/13 |
| CA 13042 | Wine and Spirits | 07/26/13 |
| CA 13041 | Grain and Feed Annual | 07/26/13 |
| CA 13040 | Poultry Annual | 07/24/13 |
| CA 13036 | Biotechnology Annual | 07/05/13 |
| CA 13034 | Biofuels Annual | 06/28/13 |
| CA 13018 | CFIA Consults on Inspection Modernization and Sets the Stage for Future Food Regulations | 04/03/13 |
| CA 13015 | Oilseeds and Products Annual | 03/22/13 |
| CA 13008 | Survey Voluntary – Canadian Consumer Insights | 02/08/13 |
| CA 13001 | Retail Food Sector Report | 01/22/13 |

FAS/Ottawa publishes the GAIN report *This Week in Canadian Agriculture (TWICA)* which highlights current Canadian ag and policy issues that are of concern to U.S. Agriculture. Interested U.S. exporters may contact agottawa@fas.usda.gov to receive a copy.

An example of a TWICA story line:

*From Issue 15 of 2013 (CA 13058)*
**Further Consolidation of Canadian Grocery Market Could Impact Access of U.S. Products:**

The Canadian food and beverage retail market is already heavily consolidated with the top four grocery companies accounting for approximately 71 per cent of total food and beverage retail spending in 2012. Canada's grocery retailers are altering their business plans in response to increased competition from non-traditional retailers and new-to-market competitors. With the Canada's Competition Bureau's approval of the Sobey's and Safeway grocery chains merger, the further consolidation of the retail market has raised concerns that it be more difficult for U.S. products, particularly those not currently sold in Canada, to gain access to the proper buyers needed to get their products on the shelf. In addition, it is expected that the retail chains will begin to make more demands on suppliers in order to cut costs. More information can be found in the GAIN report *Increased Competition Brings Changes in Canadian Grocery Market* which is available at the following URL address:

http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Increased%20Competition%20Brings%20Changes%20in%20Canadian%20Grocery%20Market_Ottawa_Canada_10-1-2013.pdf

| **AGR REPORT#** | **TWICA Reports** | **Date** |
|---|---|---|
| CA 13061 | This Week in Canadian Agriculture – Issue 16<br>*Highlights:* Canadian Biodiesal Plant Achieves Shipment Milestone and Commercial Beekeepers Disappointed by Federal Report | 11/13/13 |
| CA 13058 | This Week in Canadian Agriculture – Issue 15<br>*Highlights:* Canada and the European Announce Agreement in Principle Reached in the Canada European Union Comprehensive Economic and Trade Agreement (CETA) | 10/25/13 |
| CA 13048 | This Week in Canadian Agriculture – Issue 14<br>*Highlights:* Agriculture Canada Predicts Bumper Crop in Western Canada, Tri-National Agricultural Accord | 09/30/13 |
| CA 13047 | This Week in Canadian Agriculture – Issue 13<br>*Highlights:* Greek Yogurt Production Capacity to be Expanded with Support from Quebec Government, Field Crop Stocks Report Released | 09/17/13 |
| CA 13044 | This Week in Canadian Agriculture – Issue 12<br>*Highlights:* CFIA Launches Web Tools to Explain Food Safety Processes, Guide to Violations and Penalties under the Canada Consumer Product Safety Act (CCPSA). | 08/02/13 |
| CA 13033 | This Week in Canadian Agriculture – Issue 11 | 06/27/13 |
| CA 13029 | This Week in Canadian Agriculture – Issue 10 | 05/24/13 |
| CA 13024 | This Week in Canadian Agriculture – Issue 09 | 05/06/13 |

## SECTION III. BEST HIGH-VALUE PRODUCT PROSPECTS

Canada's wholesale, retail, and food service industries watch and follow the trends in packaged and processed foods in the U.S., anticipating they will soon have traction in Canada. While there are differences in the consumption patterns of selected food items in the two countries, there is a growing demand in Canada for innovative value-added foods that are market-proven in the United States.

In 2012, consumer –oriented agricultural products represented 75% of total U.S. food and agricultural products. A number of consumer-oriented agricultural product categories posted record sales to Canada including fish products, breakfast cereals and fruit and vegetable juices. The top five categories were red meat ($ 2.2 billion), fresh vegetables ($1.6 billion), fresh fruits ($1.7 billion), snack foods ($1.7 billion), and processed fruits and vegetables ($ 1.3 billion).

### What's Hot?

What's hot in the Canadian retail grocery market? What are some of the trends in retail grocery sales that U.S. exporters can capitalize on? While the previous paragraphs identify the leading U.S. consumer-oriented agricultural product categories that are dominating U.S. agricultural exports to Canada, the following are some of the hottest and trendiest foods and food trends capturing consumer attention and increased market share.

#### Low Sodium Foods

Canadian consumers are becoming more conscious about the level of sodium in prepackaged processed foods and in restaurant meal foods. A Canadian coalition of health groups is urging the Canadian government to set graduated targets for sodium according to food categories and to monitor the food industry's progress. Figures from Statistics Canada show that the average Canadian consumes in excess of 3,100 mg of sodium a day with the major source identified as processed foods. Health Canada (like the U.S. National Academy of Sciences) has determined that an appropriate daily intake for a healthy adult is 1,200 mg to 1,500 mg of sodium. Health Canada has established a Food Regulatory Advisory Committee (FRAC) to help set new policies and standards for reducing dietary sodium levels. FRAC and its predecessor, the Sodium Working Group has since set a target of 33 percent reduction in average sodium intake to 2300 mg/day by year 2016. These are voluntary targets for food processors and are not mandated by the Canadian government.

### Functional Foods/Super foods

Functional foods, often referred to as "super foods" are gaining wide popularity among Canadian consumers focused on choosing foods that may help prevent disease and aging. Blueberries, almonds, yogurt, kefir, and even dark chocolate are some of the foods that are gaining favor in Canada as the new "super foods." Antioxidants as immune boosting foods are receiving special attention as well.

### Organics

Sales of organic foods continue to increase, and Canada is an important market for U.S. organic food. The U.S. supplies about 74 percent of the total market in Canada for prepackaged organic foods. Canadian organic production has concentrated on exports, mostly of bulk grains and oilseeds. In Canada, organic food sells at a price premium and sales are forecasted to rise, especially as quality and availability matches that of conventionally produced foods. The total retail market is estimated to be over C$ 2.2 billion in value and growing at 5 - 10 percent per year. Mutual recognition between the countries' organic certification procedures enables U.S. producers to export to Canada with USDA certification.

### Gluten Free

With an estimated 1 in every 133 Canadians effected by Celiac Disease, there has been a strong push in Canada to offer more gluten-free food products. Celiac Disease is a medical condition in which the absorptive surface of the small intestine is damaged by gluten. Gluten is a protein commonly found in wheat, rye, tritcale, and barley. This has led towards growing popularity in ancient grains that are gluten free like millet, sorghum, quinoa, and amaranth. Other gluten-free foods growing in popularity are soybeans, corn, taro, yams, potatoes, rice, and tapioca. There continues to be an on-going debate whether a gluten-free diet is healthier but for some it helps with digestive disorders, particularly among an aging population.

### Pre-packaged Foods with Low Levels of Trans Fats

Canada was the first country to require that the levels of trans fat in pre-packaged food be included on the mandatory nutrition facts table. This was in response to the growing scientific evidence that saturated and trans fat contributed to the risk of developing heart disease. The requirement took effect on December 12, 2007 and was intended, in part, for food labels to act as an incentive for the food industry to decrease the trans fat content of foods. Health Canada recommends a trans fat limit of 2 percent of the total fat content for all vegetable oils and soft, spreadable margarines, and a limit of 5 percent of the total fat content for all other foods, including ingredients sold to restaurants. Health Canada (HC) established a Trans Fat Monitoring Program that periodically analyzes the trans fat content in foods every six months. The fourth set of data is the last data set reported by this program and can be reviewed at: [http://www.hc-sc.gc.ca/fn-an/nutrition/gras-trans-fats/tfa-age_tc-tm_e.html](http://www.hc-sc.gc.ca/fn-an/nutrition/gras-trans-fats/tfa-age_tc-tm_e.html)

### Snack Foods

Snacking continues to be an important contributor to Canadians' daily food consumption as more and more Canadians find themselves 'eating on the run.' It is estimated that 67 percent of Canadians eat 1-2 snacks daily. Controlled portions like 100 calorie snacks have grown in popularity. The savory snack category is expected to grow by 20.8% in Canada by 2020 and the sweet category may grow by 6.2% over the same period.

**Clean Diet**

Clean diet is a trend that is coming from Canadian mothers as primary caregivers for their family and children. A clean diet focuses on eating foods and food ingredients that the average consumer can pronounce. The objective is to reduce the consumption of artificial preservatives and non-natural occurring food products.

**Local Foods**

A growing number of Canadians are making buying choices based on where and how their foods are grown as there is a desire to support their local economy. This is particular evident with fresh produce during the later part of the summers season, end of July through early September when the domestic crop is in season. Recently, the CFIA defined local foods as those products bought within a 32 mile radius of the buyer and are within Canada borders. Although, it is clears U.S. foods are not local this may present some challenges as well as long term opportunities since most Canadians preferred U.S. foods as their choice of imported foods. Additional information and insights can be found in the 2012 GAIN Report (CA 13008) that measures Canadian Consumer attitudes on the foods they consume.

## SECTION IV. ROAD MAP FOR MARKET ENTRY

### Entry Strategy

Food product manufacturers from the United States seeking to enter the Canadian marketplace have a number of opportunities. The United States is Canada's primary trading partner – with more than 77 percent of Canada's processed food imports originating from the United States. The demand for U.S. foods can be attributed to many factors, such as; proximity to the market, reliable shipping methods, similar business practices and similar food tastes between Canadians and Americans.

Although, Canadians are looking for new and innovative U.S. products, there still are a number of challenges U.S. exporters must prepare for and learn to manage. The main challenges include currency, customs procedures, regulatory compliancy, and labeling requirements.

Overcoming these obstacles is possible with the right tools. FAS together with agricultural partners facilitate the exporting process and we recommend the following as first steps when entering the Canadian market:

1. Contact your state regional trade office or the international specialist of your State Department of Agriculture.
2. Thoroughly research the competitive marketplace.
3. Locate a Canadian partner, such as a broker/distributor/importer to help in identifying key Canadian accounts.
4. Learn Canadian government standards and regulations that pertain to your product.

*Step 1:* Contact your State Regional Trade Office or the international specialist of your State Department of Agriculture.

The State Regional Trade Group (SRTG) offices are supported through U.S. government funding. Their goal is to help promote the export of U.S. food and agricultural products from specific geographical regions of the United States. In some cases they are in a position to provide limited financial assistance to a small and medium sized firms that meet the U.S. government's criteria for assistance. U.S. exporters are encouraged to either contact their State Department of Agriculture's International representative or their regional SRTG office. Click below the appropriate SRTG:

| State Regional | Web Site | States |
|---|---|---|
| Food Export USA Northeast | http://www.foodexportusa.org | Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont |
| Food Export Association of the Midwest USA | http://www.foodexport.org | Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin |
| Southern U.S. Trade Association (SUSTA) | http://www.susta.org | Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Puerto Rico, Virginia, West Virginia |
| Western U.S. Agricultural Trade Association (WUSATA) | http://www.wusata.org | Alaska, Arizona, American Samoa, California, Colorado, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming |
| National Association of State Departments of Agriculture (NASDA) | http://www.nasda.org/9383/States.aspx | State Directory of the State Department of Agriculture |

*Step 2:* Research the competitive marketplace

The State Regional Trade Groups will often have available information on specific markets. In addition, the FAS/Canada publishes market reports through the Global Agriculture Information Network (GAIN) for a number of commodities. To access these reports go to: http://gain.fas.usda.gov/Lists/Advanced%20Search/AllItems.aspx

*Step 3*: Locate a Canadian partner - broker/distributor/importer

It is recommended that most new entrants to the Canadian market consider appointing a broker or develop a business relationship with a distributor/importer to enter the Canadian market. As the market is smaller than that of the United States, food companies are urged to closely evaluate their Canadian business partners well before entering into a contractual arrangement. Factors such as work experience, the Canadian firm's financial stability, product familiarity, account base, sales force, executive team commitment, and other considerations should all be taken into account prior to appointing the Canadian partner and or a entering into a future business transactions.

A partial listing of Canadian food brokers is available on our latest brokers report, Agent/Broker Directory – Central Canada (CA 11025) available online at: http://gain.fas.usda.gov

FAS/Canada can provide some assistance in identifying a broker/distributor/importer but is not in a position to endorse any Canadian firm. Furthermore, companies are encouraged to visit and/or participate in specific trade shows in Canada (see http://www.ats-sea.agr.gc.ca/eve/eve-can-eng.htm for a complete listing of trade shows in Canada) as this will help in evaluating the market and meeting potential Canadian partners.

FAS/USDA recommends a number of Canadian food Shows. FAS/USDA endorses one of the largest food shows in Canada, SIAL Canada. The event alternates between Montreal, Quebec and Toronto, Ontario. The show takes place in Montreal the even years and in Toronto the odd years. This year the show will open its doors in Montreal from on Wednesday, April 2nd to Friday, April 4th of 2014. The USA Pavilion provides added support to exhibitors, such as an educational briefing breakfast on the Canadian market. U.S. food companies wanting to exhibit in the USA Pavilion may contact Sharon Cook, USDA/FAS Washington, DC at sharon.cook@fas.usda.gov

For those U.S. firms that choose to sell directly into the retail or food service market, then FAS/Canada recommends they closely assess whether the type of store account will encourage or detract from future sales into the market. For example, selling the same brand into a discount chain may discourage future sales in a high-end or specialty shop. Also, selling directly to a large retailer or mass merchandiser may require the U.S. firm meet certain supply quantity guarantees.

*Step 4:* Understand Canadian government standards and regulations that pertain to your product

Review this Exporter Guide for Canadian government standards and regulations that pertain to your product. FAS/Canada recommends contacting the Canadian National Import Service Centre to ensure all customs paperwork is accurate and allow for pre-clearance of exported goods from the U.S. Canadian agents, distributors, brokers, and/or importers are also very adept to assisting exporters through the import regulatory process.

**Canadian National Import Service Centre**
7:00 a.m. to 03:00 a.m. (Eastern Time)
Telephone and EDI( electronic data interexchange: 1-800-835-4486 (Canada or U.S.A.)
1-289-247-4099 (local calls and all other countries)
Fax: 1-613-773-9999

Mailing Address:
1050 Courtney Park Drive East
Mississauga, Ontario L5T 2R4

The best entry method depends on the food product and the sub-sector identified as appropriate for each food product. Government and industry import policies and trade acts regulate each sub-sector. Each U.S. export opportunity must be thoroughly investigated relative to the legislation that exists for the product requesting entry. For additional information on the broadest Canadian regulations see the Food and Agricultural Import Regulations and Standards (FAIRS) Country Report and the FAIRS Export Certificate Report available online at: http://gain.fas.usda.gov

## SECTION V. FREQUENTLY ASKED QUESTIONS AND THEIR ANSWERS

The following are some of the common questions asked by U.S. food and agricultural product exporters of the staff at the Office of Agricultural Affairs in Ottawa.

1. Question: Who can assist me with my labels?

*Answer:* The Canadian Food Inspection Agency consolidates federal food label review under its "Food Labeling Information Service". At regional locations across Canada, these offices coordinate the requirements of all federal departments to simplify product approval and label compliance. It is recommended that U.S. exporters contact the CFIA regional office closest to the targeted marketing area (see list in "Label Review") for further questions.

2. Question: How long does it take to get a label review?

*Answer:* If the U.S. exporter provides sufficient information with their submission to CFIA, a complete label assessment can be accomplished in about three to five weeks.

3. Question: How do I find a distributor?

*Answer*: The USDA/FAS Office of Agricultural Affairs, U.S. Embassy Canada can provide marketing lists in helping U.S. companies identify a potential broker/distributor. Services available to help exporters locate appropriate brokers/distributors include USDA endorsed pavilions at various Canadian trade shows and referrals to the appropriate State Regional Trade Group (see "Entry Strategy" section).

4. Question: I know that Canada has a tariff rate quota for certain dairy and poultry products. How do I know if my particular dairy or poultry product is going to be affected by Canadian tariff rate quotas?

*Answer:* For a determination as to whether or not the product you intend to export into Canada is within the scope of Canada's tariff rate quota (TRQ), contact Canada Border Services Agency. Contact information can be found at the following webpage:
http://cbsa-asfc.gc.ca/publications/dm-md/d10/d10-18-1-eng.html

5. Question: How do I identify the major Canadian importers of my product(s)?

*Answer:* Industry Canada (IC) has a database of major Canadian importers by product type. To access the database, go to IC's web page at http://www.ic.gc.ca/eic/site/cid-dic.nsf/eng/home

6. Question: Will there be import duties on my food products entering Canada?

*Answer:* Under provisions of the U.S./Canada Free Trade Agreement and the North American Free Trade Agreement (NAFTA), the majority of Canadian import duties on all U.S. food and commercial products have been phased out with a few exceptions like over-quota tariffs on dairy and poultry products. However, there are federal excise taxes and surcharges on alcoholic beverages. If using the services of a customs broker, there will be clearance and handling fees as well.

7. Question: I've heard that U.S. fruit and vegetable exporters can't sell apples or potatoes to Canada. Is this true?

*Answer:* There are package-size regulations restricting bulk imports if Canadian supplies are available, but imports in consumer and wholesale sized packages are permitted. In fact, US apple exports to Canada averaged $150 million per year between 2008 and 2013. Commonly referred to as Canada's "bulk waiver" requirement (or ministerial exemption), processors or packers must apply to the Canadian Food Inspection Agency (CFIA) for a special exemption to import bulk products. In late 2007, the United States and Canada inked an arrangement to facilitate bilateral potato trade. The arrangement will provide U.S. potato producers with predictable access to Canadian Ministerial exemptions.

8. Question: My company is new to exporting. Can I test market my product(s) in Canada with my U.S. label? I don't want to produce a label for the Canadian market until I know it will be successful.

*Answer:* Canada offers a test marketing provision, however, this provision has certain limitations and is specifically designed to facilitate those products that are highly unique and not currently found in Canada. This provision **does not apply to U.S. brand introductions** into Canada for processed foods commonly found on retail shelves. However, we highly encourage U.S. exporters to work with their respective State Regional Trade Group to see if they qualify for export assistance programs as some of the costs on packaging and labeling modifications may be covered.

## SECTION VI. CONTACTS

Office of Agricultural Affairs
U.S. Embassy, Canada
P.O. Box 5000, MS-30
Ogdensburg, NY 13669-0430
Telephone: (613) 688-5267
Fax: (613) 688-3124
Email: agottawa@fas.usda.gov

Kathryn Ting, Agricultural Minister-Counselor
Jeff Zimmerman, Agricultural Attaché
Darlene Dessureault, Senior Agricultural Specialist
Mihai Lupescu, Agricultural Specialist
Sonya Jenkins, Marketing Specialist
Joyce Gagnon, Administrative Assistant

Foreign Agricultural Service
U.S. Consulate General Toronto
P.O. Box 135
Lewiston, NY 14092-0135
Telephone: (416) 646-1656
Fax: (416) 646-1389
Email: agtoronto@fas.usda.gov

Maria Arbulu, Senior Agricultural Marketing Specialist

### Summary of Useful Websites

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

| | |
|---|---|
| **Canada Border Services Agency** | http://www.cbsa-asfc.gc.ca/menu-eng.html |

| **Canadian Food Inspection Agency** | |
|---|---|
| Home Page | http://www.inspection.gc.ca |
| Acts and Regulations | http://www.cfia-acia.agr.ca/english/reg/rege.shtml |
| *Guide to Food Labelling and Advertising* | http://www.inspection.gc.ca/english/fssa/labeti/guide/toce.shtml |
| Meat & Poultry Inspection Regulations | http://www.inspection.gc.ca/english/fssa/meavia/meaviae.shtml |
| Fish Import Program Policy | http://www.inspection.gc.ca/food/fish-and-seafood/imports/documents/fish-import-program-policy/eng/1360859473208/1360859694298 |

| | |
|---|---|
| **Department of Foreign Affairs and International Trade** | http://www.international.gc.ca/international/index.aspx |

| | |
|---|---|
| **Bank of Canada** *Daily Currency Convertor* | http://www.bankofcanada.ca/rates/exchange/daily-converter/ |

| **Industry Canada** | |
|---|---|
| Home Page | http://www.ic.gc.ca/eic/site/ic1.nsf/eng/home |
| Canadian Importers | http://www.ic.gc.ca/eic/site/cid-dic.nsf/eng/home |
| Trade Data Online | http://www.ic.gc.ca/eic/site/tdo-dcd.nsf/eng/Home |

| **Health Canada** | |
|---|---|
| Home Page | http://www.hc-sc.gc.ca/index-eng.php |
| Food and Drugs Act | http://laws.justice.gc.ca/en/F-27/ |
| Nutrition Labeling | http://www.hc-sc.gc.ca/fn-an/label-etiquet/nutrition/index_e.html |
| Natural Health Products | http://www.hc-sc.gc.ca/dhp-mps/pubs/natur/index-eng.php |
| Food Allergen Labeling | http://www.hc-sc.gc.ca/fn-an/label-etiquet/allergen/index-eng.php |

| | |
|---|---|
| Novel Foods | http://www.hc-sc.gc.ca/fn-an/gmf-agm/index-eng.php |

| **Justice Department** | |
|---|---|
| On-Line Access to Official Canadian Acts & Regulations | http://www.justice.gc.ca |

| **Pest Management Regulatory Agency** | |
|---|---|
| Maximum Residue Levels | http://www.pmra-arla.gc.ca/english/aboutpmra/about-e.html |

## SECTION VII. EXPORTER SERVICES, BUSINESS PROCEDURES, AND FOOD REGULATIONS

### A) Export Services for U.S. Food and Agricultural Exporters

USDA-FAS offers a variety of export marketing services specifically designed for U.S. agricultural and food exporters. Whether a new or experienced exporter, USDA-FAS services offer tools to grow a business.

**Services**

- United States Department of Agriculture/Foreign Agricultural Service Foreign Buyers Lists (FBL) – This service offers information on foreign buyers both here in Canada and worldwide of food, farm, fish, seafood and forest products. To sign up for this service, U.S. companies must complete the FBL order form by going onto:
  - http://www.fas.usda.gov/agexport/forbuy.html

- State Regional Trade Groups - U.S. suppliers new to exporting or new to a foreign market are encouraged to contact their State Regional Trade Groups (SRTGs) for assistance. The SRTGs, administer and market FAS/USDA export assistance programs. They offer a range of customized export assistance services that are tailored to U.S. food processing firms.
  - http://www.fas.usda.gov/agx/counseling_advocacy/srtg_directory.asp

**Departments of Agriculture**

The state departments of agriculture and associated organizations promote U.S. food, beverage, and agricultural exports and are FAS agricultural partners. Some departments of agriculture may be staffed with an international trade specialist that can provide one-on-one counseling and valuable resources. The National Association of State Departments of Agriculture (NASDA) represents all 50 state departments of agriculture and those from the territories of Puerto Rico, Guam, American Samoa, and the Virgin Islands. In addition, there are four regional organizations associated with their respective departments of agriculture. Prospective exporters are encouraged to check with their respective state and/or regional organizations for assistance. Website: http://www.nasda.org

**Country Commercial Guides**

The Country Commercial Guides (CCG) are prepared by U.S. Embassy staff annually and contain information on the business and economic situation of foreign countries and the political climate as it affects U.S. business. Each CCG contains the same chapters and an appendix which include topics such as marketing, trade regulations, investment climate, and business travel. This information is available at http://export.gov/mrktresearch/index.asp

**Food Brokers**

For U.S. companies entering the Canadian market, it is helpful to find a Canadian food broker to help with the logistics of entering the country in addition to marketing products. For a partial listing of Canadian food brokers refer to the latest food brokers report (CA 11025) on the FAS web site: http://gain.fas.usda.gov

**Credit Checks**

Besides the well-known private credit service checks that may be available, the U.S. Commercial Service (USCS) International Trade Administration offers the International Company Profile Service designed to verify the credit worthiness of companies in Canada. A U.S. company seeking more information on the World Traders Data Report (WTDR) service should contact the closest U.S. Export Assistance Center (USEAC) in the United States. The USCS also offers additional services to help U.S. exporters: http://export.gov/salesandmarketing/eg_main_018198.asp

Additionally, there are private U.S. firms, such as, Dun & Bradstreet and Equifax, which offer credit checks and a history of a firm's account payments for a fee.

**B) Business Customs Import Procedures and Documentation**

**The Commercial Customs Documentation**

In order to bring goods into Canada, importers must provide the proper documents to the Canadian Border Services Agency (CBSA) including:

1. Two copies of the cargo control document (CCD)
2. Two copies of the invoice; http://www.cbsa.gc.ca/publications/forms-formulaires/ci1.pdf
3. Two copies of a completed Form B3-3 (04), Canada Customs Coding Form
4. Most U.S. products receive a duty free tariff treatment under NAFTA. Shipments exceeding CAD$ 1,600 require a copy of the NAFTA certificate of origin to be retained by the importer on file for up to ten years. http://forms.cbp.gov/pdf/CBP_Form_434.pdf
5. Any import permits, health certificates, or forms that other federal government departments require; calculate and declare the value for duty of the imported goods (where necessary) according to the valuation provisions of the Customs Act; all goods are to be properly marked with their country of origin; pay any duties that apply.

**This information can be found at the site below:**
http://www.cbsa-asfc.gc.ca/import/acc-resp-eng.html

- ✓ ***Tip*****:** To ease the customs documentation process, U.S. exporters are recommended to use the CBSA Canada Customs Invoice Form (C/1) as indicated in point 2 of the above list.

- **North American Free Trade Agreement (NAFTA) Certificate and the Harmonized Tariff Classification Number**

  As highlighted in Section I of Market Overview on page 3 of this report, in 1994, the North American Free Trade Agreement was established. NAFTA systemically eliminated tariff barriers on a number of food products from the U.S., with some exceptions. [4] To ensure those agricultural and food products are recognized by the Canada Border Services Agency as duty free goods, U.S. exporters will need to complete a NAFTA certificate for those first time shipments exceeding $1,600. The certificate requires a Harmonized Tariff Classification number in section 6 of the document. This number can range from 6 to 12 digits. U.S. exporters can obtain this number by clearly describing their product and its' end use through the:

**Automated Import Reference System (AIRS) of the Canadian Food Inspection Agency**

http://www.inspection.gc.ca/english/imp/airse.shtml

For further explanation on tariff classifications and harmonized system codes (HS) go to: http://www.cbsa-asfc.gc.ca/trade-commerce/tariff-tarif/2013/01-99/tblmod-05-eng.html

Additional assistance on tariff classifications can be obtained by contacting a tariff specialist at the Canadian Border Services Agency (CBSA) at 204-983-3500 or 506-636-5064.

- ✓ ***Tip*: ** The tariff schedule is organized in a hierarchical order with the least processed foods in the first chapters and the more processed foods in the later chapters. e.g. vegetables in chapter 7 and cereal preparations in chapter 19.

- ✓ ***Tip***: Exporters are urged to write in the complete set of 8 to 12 digit HS code on their customs documents as this will avoid shipment delays.

**Canada's Import Notification Requirements and Electronic Data Interchange (EDI)**

In 2009 the Canadian Food Inspection Agency (CFIA) announced new import notification requirements for selected commodities regulated under the Food and Drug Act and Regulations. The new import notification requirements are being implemented in 12 phases. Those commodities phased in are identified by their International Harmonized System code (HS code) number.
Those commodities that require an import notification can be identified with the commodities' HS code at:

*CBSA's Harmonized Commodity Description and Coding System*
http://www.cbsa.gc.ca/eservices/ogd-amg/hs-sh-eng.html

Importers and brokers are expected to notify the CFIA of the importation of these commodities via the Electronic Data Interchange (EDI) for electronic release. Failure to do so may result in the CBSA rejecting the release of goods. Importers and brokers who currently do not have an EDI profile may apply for one, and develop and test the compatibility of their data systems with the CFIA's system. To obtain an EDI profile, importers and brokers are required to complete the application and testing

[4] Commodities not included under NAFTA are broiler hatching eggs & chicks, chicken & chicken products, turkey & turkey products, eggs & egg products, milk & dairy products, and margarine. Please see page 33 of the report for further explanation.

processes with both CBSA ACROSS Phase III and then with the CFIA. To obtain up to date changes and how to apply for an EDI application go to:

*CFIA's Changes in Import Notifications Requirements:*
http://www.inspection.gc.ca/food/non-federally-registered/imports/notification-requirements/tenth-phase-amendments/eng/1345228143818/1345228304261

Further questions may be directed to:

CFIA EDI Coordinator
Email: EDI-CFIA-ACIA@inspection.gc.ca
Tel.: (613) 773-5322

- ✓ ***Tip:*** Declare all products with a detailed description on the commercial invoice, (if applicable, also include the description of the packaging or container of the commodity being shipped).

**Canadian Food Inspection Agency – The IMPORT SERVICE CENTER**

The Canadian Food Inspection Agency's (CFIA) National Import Service Centre (ISC) serve as a control point in the import process and can respond to import information requests electronically, by phone, or by fax. The ISC works closely with the Canada Border Services Agency (CBSA) in determining the Customs release of agricultural and food items. The ISC handles telephone inquiries and will review and approve proper documentation for all commodities regulated by the CFIA.

http://www.inspection.gc.ca/english/imp/importe.shtml

*National Import Service Centre*
7:00 a.m. to 03:00 a.m. (Eastern Time)
Phone and EDI: 1-800-835-4486 (Canada or U.S.A.)
1-289-247-4099 (local calls and all other countries)
Fax: 1-613-773-9999 (number for commercial documentation)

Mailing Address:
1050 Courtney Park Drive East
Mississauga, Ontario L5T 2R4

- ✓ ***Tip****:* Pre-clearance is available on meat items and U.S. exporters may contact ISC beforehand with further questions on their documentation.

**Customs Brokers**

Many U.S. firms use the services of a Canadian customs broker (a private company operating as a trade facilitator). According to the Canadian Society of Customs Brokers close to 80% of import transactions into Canada are handled by a customs broker. These companies assist exporters in complying with Canadian import requirements and clearing shipments at the border. The Canada Border Services

Agency (CBSA) licenses customs brokers to carry out customs related responsibilities on behalf of their clients. Some brokers' services may include:

- Obtaining release of the imported goods
- Paying any duties that apply
- Obtaining, preparing, and presenting or transmitting the necessary documents or data
- Maintaining records
- Responding to any Canada Customs and Revenue Agency concerns after payment
- Warehousing and distribution of a exporter's products

Clients must pay a fee for these services, which the brokerage firm establishes. These fees vary based by broker and shipment.

Alternatively, importers who do not wish to use the services of a customs broker may authorize an agent to represent them. Although importers may use an agent to complete transactions with the CBSA, the importer is ultimately responsible for the accounting documentation, payment of duties and taxes, and subsequent corrections such as re-determination of classification, origin and valuation. The importer remains liable for all duties owing, either the importer or the agent may pay them on their client's behalf.

Agents are required to obtain written authorization from their clients in order to transact business on behalf of their clients. This business may include but is not limited to:

- Registering for a Business Number (BN), Importer/Exporter Account
- Providing assistance in cases involving the Special Import Measures Act (SIMA)
- Submitting refund requests (B2s)
- Preparing release (interim accounting) documentation
- Preparing final accounting documentation
- Remitting payment of duties and taxes to the Receiver General of Canada

For additional information, contact:

Canadian Society of Customs Brokers
Suite 320, 55 Murray Street
Ottawa, ON K1N 5M3
Tel.: 613-562-3543 Fax: 613-562-3548
Email: cscb@cscb.ca
Web Site: www.cscb.ca
Searchable list of members: http://www.cscb.ca/

✓ ***Tip***: Brokerage fees are determined by the cost of goods and the amount. U.S. exporters should inquire about these fees prior to shipping their products as this may influence the selling price to their Canadian customer. Custom clearance charges a proportionally higher on smaller shipments.

**Small Parcel Shipments**

In recent years both Canada Post and courier companies have seen an increase in cross-border shipments due to the influence of e-commerce. The exporter is required to complete all necessary documentation as e.g. way bill, commercial invoice, if applicable, permits, certificates or forms mandated by the Canadian government.

Those shipments exceeding C$ 20.00 are subject to custom duties, a handling fee and sales taxes (Goods and Services Tax /Harmonized Tax are collected by the Canada Border Service Agency (CBSA).[5] Exporters from the United States are encouraged to calculate all charges beforehand, including brokerage fees if applicable, as these added costs may significantly affect the selling price to the buyer/customer.

For additional information please visit:

> Canada Border Services Agency on *Importing by Mail*
> http://www.cbsa-asfc.gc.ca/import/postal-postale/duty-droits-eng.html
>
> United States Postal Service (USPS) on *Country Conditions for Mailing – Canada*
> http://pe.usps.com/text/imm/ce_003.htm

- ✓ ***Tip:*** U.S. exporters are urged to research their options when shipping small parcels to Canada. As previously mentioned, custom clearance charges on small courier parcels can be significantly higher.

- ✓ ***Tip****:* To avoid courier shipments being stuck in customs, U.S. exporters are urged to inquire if the appointed courier service is able to act as their assigned customs broker. If so, then please write in clearly the name of the customs broker on the courier way bill.

- ✓ ***Tip:*** To avoid shipments delays, U.S. shippers are recommended to assume all duty (if applicable), tax, clearance, and shipping charges and check the box on the way bill under *Payment of Charges*. If the Canadian customer/buyer is unfamiliar with importations from the U.S., then it is recommended to either itemize these charges on the invoice or roll it into the selling price.

**Sample Products**

Food samples for research, evaluation, or display at trade shows and food exhibitions are permitted entry, but are not be offered for commercial sale. For meat, poultry, dairy or egg, and fruits and vegetable samples either an import permit or an official inspection certificate will likely be required by the Canadian Food Inspection Agency. 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. For most products, there is a limit that the weight of the samples not exceed100 kilograms (or approximately220 pounds). To ensure there are no cross border delays, U.S. exporters are reminded to note on their commercial invoice; ***products not for resale – samples only.*** U.S. exporters are urged to review all requirements on the AIRS system at: http://inspection.gc.ca/english/imp/airse.shtml

Import Guide for Trade Fairs and Shows in Canada:
http://www.inspection.gc.ca/food/imports/commercial-importers/trade-fairs-and-shows/eng/1376454237591/1376454238341

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[5] Customs duties are not to be confused with other duties. Products qualifying under NAFTA are duty free.

- ✓ ***Tip:*** Ensure all shipments are accompanied with a complete invoice and identify the name of the trade show, along with booth number and complete address as the consignee.
- ✓ ***Tip:*** To ease customs clearance, U.S. exhibitors are recommended to attach a copy of the CBSA letter directed to show management that goods are being imported temporarily under tariff item 9993.00.00.00

**Non-Resident Importers and the Good and Services Tax/Harmonized Sales Tax**

Most basic groceries are zero-rated by the Canadian Revenue Agency (CRA) and do not pay federal taxes, referred as the Goods and Services Tax (GST) / Harmonized Sales Tax (HST). However, certain foodstuffs as alcoholic beverages, carbonated drinks, snack foods and candies are taxable. To review the definition of basic groceries go to:

*Canada Revenue Agency – 4.3 Basic Groceries*
http://www.cra-arc.gc.ca/E/pub/gm/4-3/README.html

For those taxable food items, exporters may consider the benefits of establishing their company as a Non-Resident Importer (NRI) as they may reclaim the Federal Goods and Services Tax (GST) of 5%. Those exporters not registered as a NRI, will have no recourse to claim the GST assessed on their shipments to Canada. In the provinces of British Columbia, Ontario, and the Atlantic Provinces the federal tax has been harmonized with the provincial tax and are recognized as the Harmonized Sales Tax (HST). In Quebec, the taxes are combined as well but are referred to as the Quebec Sales Tax (QST). In both instances a non-registered NRI will be assessed both provincial and federal taxes and will have no opportunity to reclaim either taxes.

To register as a NRI, a Business Number (BN) and an import/export account registered with the Canadian Border Services Agency and Canadian Revenue Agency is required. U.S. exporters can contact a customs broker for further information or visit the following sites:

*CRA – Doing Business in Canada – GST/HST Information for Non-Residents*
http://www.cra-arc.gc.ca/E/pub/gp/rc4027/README.html
*CBSA- Registering your business*
http://www.cbsa-asfc.gc.ca/import/rb-ee-eng.html#P183_14485

**C) Food Regulations**

**Labeling Requirements**

All retail prepackaged food products are subject to the packaging and labeling requirements set by the CFIA. The basic requirements for agricultural exports to Canada are:

- Common name of product
- Net quantities expressed in metric units
- Name and address of Manufacturer /Canadian Dealer, noted **"imported for/importé pour"**
- List of ingredients, (including food allergens)
- Nutrition Facts Table in accordance with the Canadian format
- Durable life date (if shelf life 90 days or less)
- As of August 2013, mandatory declaration of food allergens on pre-packaged foods
- **Labels in English and French**
- Follow minimum type size specifications

- Conformity to standardized package sizes stipulated in the regulations
- Country of origin labeling on shipping container

Products for commercial, industrial or institutional use as food service products are exempt from the bilingual labelling and nutrition labelling requirements. However, a number of processors provide this information voluntarily.

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

*Comparisons of food labelling*

**U.S. Labeling** **Canadian Labeling**

**U.S. Labeling** **Canadian Labeling**

*Source: M. Arbulu - FAS/Canada*

- **Meat Labeling**

This past spring CFIA eliminated the requirement of registering labels and the recipe for meat and meat products. However, all U.S. exporters are still responsible for meeting all regulations. If you previously registered and were assigned a number you may continue to enter these number on your documents. CFIA recommends those who filed label registrations earlier with the *Clerk-Label and Recipe Registration Unit;* retain all registration files for a period of 10 years.

Detailed labeling instructions specific for meat and poultry products can be found at:

http://www.inspection.gc.ca/english/fssa/labeti/meaviae.shtml

*Source: CRFA – Example of Canadian Core Labeling requirements*

- **Pet Food Labeling**

The labeling and advertising of pet food sold in Canada is governed by the *Consumer Packaging and Labelling Act* and the *Competition Act* administered by the Competition Bureau of Industry Canada. The Bureau oversees the pet food labels and advertising are truthful and verifiable.

There are voluntary labeling and advertising standards in place, these guidelines are restricted to pet food for dogs and cats, and do not apply to pet treats or to food for other pets. Further information can be found at:

*Guide for the Labelling and Advertising of Pet Foods*
http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/01229.html

- **Other Commodity Specific Labeling**

Additional labelling on specific commodities such as alcoholic beverages, fresh fruits/vegetables, grain/bakery products, nuts, infant foods, fish, honey, and other products can be found at:

*Commodity Specific Labelling and Advertising* http://www.inspection.gc.ca/food/labelling/labelling-of-specific-foods/eng/1300119279253/1300119323369

**The Guide to Food Labeling and Advertising in Canada**

The Canadian Food Inspection Agency (CFIA) has prepared a *Guide to Food Labelling and Advertising* that details the regulatory requirements for selling packaged foods and beverages in Canada. The CFIA has the authority to refuse entry, detain, return, or remove from retail shelves any imported processed food product that does not meet the federal food labeling requirements. The labeling Guide is divided into 15 chapters and addresses specific commodities and compliance elements:

1. Introduction
2. Basic Labeling Requirements*
3. Advertising Requirements
4. Composition, Quality, Quantity, and Origin Claims
5. Nutrition Labeling*
6. Elements of the Nutrition Facts Table*
7. Nutrient Content Claims*
8. Health Claims*
9. Supplementary Information of Specific Products
10. Alcoholic Beverages
11. Processed Fruits and Vegetables
12. Honey*
13. Labeling of Maple Products*
14. Meat and Poultry Products*
15. Fish and Fish Products*

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

| The full guide, along with each chapter and sections is available at: |
| --- |
| http://www.inspection.gc.ca/english/fssa/labeti/guide/toce.shtml |

**Food Labeling Information Service**

The CFIA consolidates federal food label review under their Labeling Information Service. The labeling service is designed for new entrants into the marketplace who are not familiar with the Canadian regulatory system. This service is available at specified regional CFIA locations across Canada. These offices coordinate the requirements of the aforementioned federal departments to simplify product approval and label compliance. CFIA will review a limited number of non-mandatory labels per company. U.S. exporters are advised to contact the closest regional office as listed in the link below with further questions:

**Canadian Food Inspection Agency Food Labeling Information Service Offices**
http://www.inspection.gc.ca/food/labelling/contacts/eng/1300275138875/1300275631949

**National Headquarters**

**1431 Merivale Road**

**Ottawa, Ontario K1A 0Y9**
**Tel.: 1-800-442-2342 or (613) 225-2342**
**Fax: (613) 228-6601**

**Atlantic Provinces**

*New Brunswick*
850 Lincoln Road, P.O. Box 2222
Fredericton, New Brunswick E3B 5G4
Tel.: (506) 452-4964
Fax: (506) 452-2923

*Newfoundland and Labrador*
P.O. Box 5667
St. John's, Newfoundland A1C 5X1
Tel.: (709) 772-8912
Fax: (709) 772-5100

*Nova Scotia*
1992 Agency Drive
Dartmouth, Nova Scotia B3B 1Y9
Tel.: (902) 426-2110
Fax: (902) 426-4844

*Prince Edward Island*
690 University Ave
Charlottetown, Prince Edward Island
C1E 1E3
Tel.: (902) 566-7290
Fax: (902) 566-7334

**Ontario Province**
Tel. 1-800-667-2657
Email. labelwindow@inspection.gc.ca

*Central Ontario*
709 Main Street West
Hamilton, Ontario L8S 1A2
Tel.: (905) 572-2201
Fax: (905) 572-2197

*North East Ontario*
Unit 8 - 38 Auriga Dr
Ottawa, Ontario K2E 8A5
Tel.: (613) 274-7374
Fax: (613) 274-7380

*Southwest Ontario*
1200 Commissioners Rd E, Unit 19
London, Ontario N5Z 4R3
Tel.: (519) 691-1300
Fax: (519) 691-0148

*Toronto*
1124 Finch Avenue West, Unit 2
Downs view, Ontario M3J 2E2
Tel.: (416) 665-5055
Fax: (416) 665-5069

*North Toronto*
145 Renfrew Drive, Unit 160
Markham, Ontario L3R 9R6
Tel.: (905) 513-5977
Fax: (905) 513-5971

**Quebec Province**

*Montréal East*
Carillon Place II
7101 Jean-Talon St E, Suite 600
Anjou, Québec H1M 3N7
Tel.: (514) 493-8859
Fax: (514) 493-9965

*Montréal West*
2021 Union Street, Room 1450
Montreal, Quebec H3A 2S9
Tel.: (514) 283-8982
Fax. (514) 283-1855

*Quebec*
Place Iberville IV
2954, Laurier Blvd, Suite 100
Ste-Foy (Quebec) G1V 5C7
Tel.: (418) 648-7373
Fax: (418) 648-4792

*St-Hyacinthe*
3224 Cusson Avenue, Suite 4500
St-Hyacinthe, Quebec J2S 0H7
Tel.: (450) 768-1500
Fax: (450) 768-1473

**Western Provinces**

*Calgary*
110 County Hills Landing NW, Suite 202
Calgary, Alberta T3K 5P3
Tel.: (587) 230-2450
Fax: (587) 230-2451

***Edmonton (includes** NWT **and Nunavut)***
8403 Coronet Road NW
Edmonton, Alberta T6E 4N7
Tel.: (780) 395-6700
Fax: (780) 395-6792

*British Columbia Coastal*
4321 Still Creek Dr., Suite 400
Burnaby, British Columbia V5C 6S7
Tel.: (604) 292-5700
Fax: (604) 292-5605

*British Columbia Coastal*
4475 Viewmont Avenue, Suite 103
Victoria, British Columbia V8Z 6L8
Tel.: (250) 363-3455
Fax: (250) 363-0366

*BC* ***Mainland/Interior***
***(includes Yukon)***
1853 Bredin Road
Kelowna, British Columbia V1Y 7S9
Tel.: (250) 470-4884
Fax: (250) 470-4899

*Manitoba*
269 Main St., Room 613
Winnipeg, Manitoba R3C 1B2
Tel.: (204) 983-2220
Fax: (204) 984-6008

***Saskatchewan***
421 Downey Road, Room 301
Saskatoon, Saskatchewan S7N 4L8
Tel.: (306) 975-8904
Fax: (306) 975-4339

**Labeling of Shipping Containers**

Labels of shipping containers used for industrial or institutional use as mentioned above are exempt from bilingual labeling requirements and providing the nutrition facts table. The outside of the container requires a product description, the name and address of the U.S. company and a net quantity declaration in either metric or imperial units. If the food inside the container(s) is not for sale directly to consumers (e.g., foodservice, etc.), that label may also be in either French or English, but all other mandatory label information, such as the list of ingredients, is required to be shown. Please review section 2.15 - http://www.inspection.gc.ca/english/fssa/labeti/guide/ch2ae.shtml#2.15

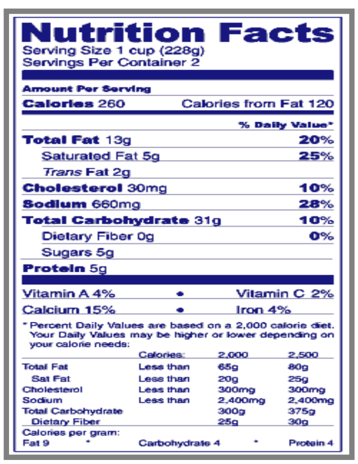
**Nutrition Labeling**

U.S. nutrition panel is not permitted on the labels of foods sold in Canada. While some of the information may be similar the format is different than in the U.S. This type of information is referred as the *Nutrition Facts Table*. All U.S. prepackaged food product exporters are advised to review the Canadian nutrition labeling regulations and to bring their packaging into compliance to avoid entry refusals at the border or product detention.

CFIA offers a link to a nutrition labeling toolkit to assist all manufacturers in meeting regulations:

http://www.inspection.gc.ca/english/fssa/labeti/nutrikit/nutrikite.shtml

**Example of U.S. Nutrition Label** **Example of Canadian Nutrition Label**



*Source: CFIA, Imported Food and Manufactured Food*

- ✓ *Tip*: To review guidelines on formatting Nutrition Facts Tables go to: http://www.inspection.gc.ca/english/fssa/labeti/guide/ch5e.shtml

**a. Labeling Exemptions**

Some prepackaged foods are exempt from mandatory nutrition labeling.

The following products are exempt from displaying a nutrition facts table *(excerpt from the 2011 CFIA Guide to Food Labelling and Advertising,* Chapter 5, Section 5.3[B.01.401 (2]

a) foods, such as spices and some bottled waters, for which all the nutritional information (other than serving of stated size) set out in column 1 of the table to B.01.401 may be expressed as "0";

b) beverages with an alcohol content of more than 0.5 percent;

c) fresh vegetables and fruits without added ingredients, oranges with color, and fruit and vegetables coated with paraffin wax or petrolatum;
This category includes fresh herbs such as parsley, basil, thyme, etc. (but not dried herbs); sprouts; and fruits and vegetables that are minimally processed (e.g., washed, peeled, cut-up, shredded, etc.), including mixtures of fruits and vegetables, such as bagged mixed salad and coleslaw (without dressing, croutons, bacon bits, etc.).
*Note:* The exemption is lost if any health claim set out in the table following B.01.603 is made, including the following: "A healthy diet rich in a variety of vegetables and fruit may help reduce the risk of some types of cancer," [B.01.401 (3)(e)(ii), and item 4 of the table following B.01.603].

d) raw, single ingredient meat, meat by-product, poultry meat, and poultry meat by-product;
*Note:* Prepackaged ground meat, ground meat by-product, ground poultry meat and ground poultry meat by-product must always carry a Nutrition Facts table [B.01.401(3)(d)].

e) raw, single ingredient marine or freshwater animal products (such as fish, crustaceans, etc.);

f) foods sold only in the retail establishment where the product is prepared and processed, including products made from a pre-mix when an ingredient other than water is added to the pre-mix;
*Note:* A Nutrition Facts table is required when only water is added to a pre-mix or when a product is only baked, cooked, etc. on the premises without the addition of other ingredients.

g) foods sold only at a roadside stand, craft show, flea market, fair, farmers' market and sugar bush by the individual who prepared and processed the product;

h) individual servings of foods that are sold for immediate consumption (e.g., sandwiches or ready-made salads), when these have not been subjected to a process or special packaging, such as modified atmosphere packaging, to extend their durable life;

i) foods sold only in the retail establishment where the product is packaged, if the product is labeled by means of a sticker and has an Available Display Surface less than 200 $cm^2$; see definition in 5.5.1 of the CFIA Food Guide

j) prepackaged confections, commonly known as one-bite confections, that are sold individually (e.g., small individually wrapped candies, mints, etc.);

k) prepackaged individual portions of food that are solely intended to be served by a restaurant or other commercial enterprise with meals or snacks (e.g., crackers, creamers, etc.); and

l) a variety of cow and goat milk products sold in refillable glass containers.

**b. Losing the Exemption**

*Excerpt from the 2013 Guide to Food Labelling and Advertising,* Section 5.3.1 [B.01.401 (3)]

The last three items listed above (a one-bite confection, an individual portion served with meals, milk in glass containers) never lose their exemption. The remaining items listed above lose their exempt status and are required to carry a Nutrition Facts table when:

- A vitamin or mineral nutrient is added to the product;
- A vitamin or mineral nutrient is declared as a component of an ingredient (other than flour);
- Aspartame, sucralose, or acesulfame-potassium is added to the product;
- The product is ground meat, ground meat by-product, ground poultry meat or ground poultry meat by-product; or
- The label or advertisement contains one or more of the following:
  - A nutritional reference or nutrient content claim,
  - A biological role claim,
  - A health claim,
  - A health-related name, statement, logo, symbol, seal of approval or other proprietary mark of a third party, or
  - The phrase "nutrition facts", "valeur nutritive" or "valeurs nutritives".

**Enhanced Labeling Regulations on Pre-packaged Foods - Allergens**

Health Canada added gluten sources, mustard, and sulphites to the list of Priority Food Allergens list (see table below). **As of August 4, 2012, the Canadian Food Inspection Agency (CFIA) and Health Canada require most pre-packaged** products containing the allergenic ingredients listed below must be noted on the label in a form of list or in a statement such as "*Allergy and Intolerance Information"; Contains (name the allergen).* The new regulations also require manufacturers to use common names. The following are specific examples:

- Spelt and kamut are to be declared as wheat
- Hydrolyzed vegetable protein is to be declared as hydrolyzed soy protein

An overview of all the new requirements can be found at:

CFIA – *Enhanced Labelling Regulations for Food*

http://www.inspection.gc.ca/food/labelling/core-requirements/ingredients/allergen-labelling/enhanced-regulations/eng/1342147908053/1342147983364

To help the food industry ensure the safety of food products for consumers with food allergies, and to prevent the need for costly recalls, the CFIA suggests food companies establish effective allergen controls to minimize the potential for allergic reactions . To following checklist is available to assist manufacturers meet compliancy, firms are recommended to use the following checklist:

*Allergen Check List for Food Suppliers and Manufacturers*
http://www.inspection.gc.ca/english/fssa/invenq/inform/toualle.shtml

| Priority Food Allergens |
|---|
| **Peanut or its** derivatives, e.g., Peanut - pieces, protein, oil, butter, flour, and mandelona nuts (an almond flavored peanut product) etc. Peanut may also be known as **ground nut.** |
| **Tree Nuts** (almonds, Brazil nuts, cashews, hazelnuts (filberts), macadamia nuts, pecans, pine nuts (pinyon, pinon), pistachios and walnuts **or their** derivatives, e.g., nut butters and oils etc. |
| **Sesame or its** derivatives, e.g., paste and oil etc. |
| **Milk or its** derivatives, e.g., milk caseinate, whey and yogurt powder etc. |
| **Eggs or its** derivatives, e.g., frozen yolk, egg white powder and egg protein isolates etc. |
| **Fish or its** derivatives, e.g., fish protein, oil and extracts etc. |
| **Crustaceans** (including crab, crayfish, lobster, prawn and shrimp) **and Shellfish** (including snails, clams, mussels, oysters, cockle and scallops) **or their** derivative, e.g., extracts etc. |
| **Soy or its** derivatives, e.g., lecithin, oil, tofu and protein isolates etc |
| **Wheat, triticale or their** derivatives, e.g., flour, starches and brans etc. Includes other wheat varieties such as spelt, durum, kamut, emmer etc. |
| **Mustard or its** derivatives, e.g., mustard seeds, mustard flour, ground mustard, prepared mustard etc. |
| **Sulphites**, e.g., sulphur dioxide and sodium metabisulphites etc. |

**Canadian Food Inspection Agency Labeling Updates**

U.S. food exporters are recommended to keep current on any labeling changes as periodically there may be amendments to the regulations. The list of these updates can be found at:

CFIA's Updates on Food Labelling and Advertising Information
http://www.inspection.gc.ca/english/fssa/labeti/amende.shtml

**Tariffs and Tariff Rate Quotas (TRQs)**

Effective January 1, 1998 the tariff provisions of the U.S. - Canada Free Trade Agreement (FTA) removed all tariffs between the two countries with the exception of those products for which Canada implemented tariff rate quotas on January 1, 1995. The provisions of the FTA were incorporated into the NAFTA to which Mexico is also a signatory. The NAFTA came into effect on January 1, 1994.

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 that 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. To import and market TRQ commodities at the lower within quota rate of duty, a business must be a registered Canadian business entity and must be in possession of an import permit. These companies are referred to as 'quota holders.' For most commodities, TRQs are already allocated with only a few available for new Canadian businesses. The provisions related to TRQs affect exporters of the following U.S. agricultural commodities:

- Broiler Hatching Eggs & Chicks

- Chicken and Chicken Products
- Turkey and Turkey Products
- Eggs and Egg Products
- Milk and Dairy Products (including cheese)
- Margarine

The Canadian Department of Foreign Affairs, Trade and Development (DFATD) is responsible for the administration of all such TRQs. Import permits are required and are allocated annually, free of charge, to several groups of qualified Canadian importers (such as historical, processors, distributors, and food service entities) who use the permits throughout the year. DFATD charges a small processing fee for the issuance of permits and makes the list of the importing companies (quota holders), as well as other TRQ related information, publicly available on its website.

Under Canada's trade agreements, U.S. exporters enjoy duty-free access for the amounts of supply managed products shipped under the quantitative limits of the TRQs. A number of Canadian importers solicit U.S. exporters to pay considerable amounts of money so they can recover the so called "price of import permits". These requested amounts can represent more than 50 percent of the value of the product being exported. Canadian importers justify this as their cost of purchasing import permits from the original companies that received the permits from DFATD and which do not intend to use them. While U.S. exporters have the latitude to engage in business transactions that they deem appropriate, Canadian importers often overcharge US businesses in their efforts to pass the cost of the import permits to the suppliers while collecting additional “rent”. The price differential between the strictly controlled Canadian and the open U.S. markets is typically amply sufficient to allow importers to recover the so called "price of import permits" without U.S. exporters paying any additional amount.

***Important note for U.S. meat exporters****:* Canada has further TRQs that affect both the level and the tariff rates of imports from non-NAFTA origin of pork, beef, and wheat, barley and their products, but they do not apply to imports of U.S. origin (or Mexican origin when eligible).

Detailed information is located at the link below:
http://www.international.gc.ca/controls-controles/prod/agri/index.aspx?menu_id=3&menu=R

**Packaging and Container Regulations**

Canadian regulations governing package sizes for fruits and vegetables, processed horticultural products and processed meats stipulate standardized package sizes that may differ from U.S. sizes. The standards of identity and the container sizes are generally stipulated in the regulations encompassing agriculture and food products. Electronic access to all Canadian food-related regulations is available through: http://www.inspection.gc.ca/food/processed-products/labelling-and-packaging/container-size-regulations/eng/1353621089533/1353621169021

- **Container Sizes: Honey**

Imported honey without added flavors must meet specific grades and standards. All honey must be sold in standard container sizes in specific net quantities and are outlined in section 29/part II the *Honey Regulations.* The regulations can be reviewed at: http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._287/index.html

- **Container Sizes: Processed Horticultural Products**

Imported processed horticultural products are subject to the requirements of Canada's *Processed Products Regulations*. These regulations stipulate the standards and grades for processed fruits and vegetables. The maximum container size permitted for importation is 20 kg or 20 liters. Beyond these sizes, Canadian rules require a ministerial exemption, or bulk waiver of standardized package. To review those processed products requiring specified container sizes please review schedule I, II, and III at the end of the table of contents of the *Processed Product Regulations* are available for viewing at the following Justice Department website: http://laws.justice.gc.ca/en/C-0.4/C.R.C.-c.291/index.html

- **Container Sizes: Fresh Fruit and Vegetables**

CFIA specifies container sizes for certain regulated produce commodities in Canada which may not be marketed in a container larger than 50 kg net weight, except for apples where the maximum container size is 200 kg. The standard container sizes for prepackaged produce are listed in schedule II (section 6.1) of the *Fresh Fruit and Vegetable Regulations* at:
http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._285/index.html

Please see other requirement for grading, licenses and waivers further ahead on page 37 as it pertains to **Fresh Fruit and Vegetables Requirements.**

- **Container Sizes: Processed Meats**

Canada's Meat & Poultry Inspection Regulations stipulate the standard package size requirements for processed meat and 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 Inspection Regulations* lists all the acceptable package sizes for processed meats. It can be viewed on the Department of Justice website at:
http://laws-lois.justice.gc.ca/eng/regulations/SOR-90-288/index.html

**Food Additive Regulations**

Canada's Food and Drugs Act and Regulations strictly control the use of food additives. Most foods approved for sale in the United States comply with Canadian additive regulations, but differences can occur at the permissible levels and in the use of food colorings and food preservatives. The food additive tables in Division 16 of the Food and Drug Regulations prescribe which additives are permitted in Canada, and those that can be added to food and their allowable levels. Products containing restricted food additives may be refused entry into Canada. Canada's Food and Drugs Act and Regulations are available at:

*Food and Drug Regulations, Division 16 B. 16.001*
http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._870/page-160.html#h-110

*Food Additives Permitted for use in Canada*
http://www.hc-sc.gc.ca/fn-an/securit/addit/list/index-eng.php

Requests for approval of a food additive not currently being used in retail foods must be submitted to Health Canada. Contact information for submissions is:

Submission Management and Information Unit
Food Directorate,
Health Products and Food Branch, Health Canada
Postal Locator 2202E
251 Sir Frederick Banting Driveway, Tunney's Pasture
Ottawa, Ontario K1A 0K9
Tel.: 613-957-0973 Email: bcs-bipc@hc-sc.gc.ca

Guide for the Preparation of Submissions of Food Additives
http://www.hc-sc.gc.ca/fn-an/pubs/guide-eng.php

**Pesticides and Other Contaminants**

Health Canada's Health Protection Branch sets **maximum residue limits (MRLs)** for pesticides. A full listing of Canadian MRLs is available on the Pest Management Regulatory Agency's (PMRA) website at: http://pr-rp.hc-sc.gc.ca/mrl-lrm/index-eng.php

Some agricultural chemicals approved for use in the United States are not registered in Canada, and therefore do not have an established MRL. As a result, imported foods which contain unregistered pesticide residues above 0.1 parts per million (ppm) 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.

Contact information for registration is:

Pest Management Regulatory Agency
Health Canada
2720 Riverside Drive
Ottawa, Ontario K1A 0K9
Tel.: (613) 736-3799
Email: Pmra-arla.docs@hc-sc.gc.ca

Electronic registration

http://www.hc-sc.gc.ca/cps-spc/pest/registrant-titulaire/eprs-serp/index-eng.php

- ✓ ***Tip***: Exporters are reminded to include with their registration correct labels and specific statements of product specifications (SPS), PRZ indexes, and notifications.

**D) 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. Canada claims its fee structure is consistent with WTO provisions for national treatment in that the fees apply equally to Canadian domestic and import sales.

- **Requirements for Fresh Meats**

Federally inspected USDA meat and poultry plants must be on the Food Safety Inspection Service's (FSIS) list of approved establishments to export fresh meats to Canada. All U.S. exporters should be aware that establishments not listed in the current FSIS Meat and Poultry Inspection Directory may experience delays in getting their certificates pre-verified. Contact the FSIS Policy Development Division for assistance:

Phone: (202) 720-0082 Fax: (202) 720-7990
Hotline: 1-800-233-3935, # 2 (6 a.m.-5 p.m. CT)
Website: http://askfsis.custhelp.com/

An Agricultural Marketing Service (AMS) Export Verification (EV) program is no longer required for export of beef and beef products to Canada, but it is required for bison or buffalo meat. Since U.S. bovine spongiform (BSE) regulations do not apply to bison or buffalo, meat and meat products derived from these species must be produced under an approved by the AMS EV program. The red meat export requirements for shipments to Canada are detailed on the FSIS site at: http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/exporting-products/export-library-requirements-by-country/Canada-Special

- **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 (CAPA), Fresh Fruit and Vegetable Regulations and Processed Product Regulations. Further information can be obtained at:

*Fresh Fruit and Vegetable Regulations:*
http://laws.justice.gc.ca/en/C-0.4/C.R.C.-c.285/index.html

All U.S. fresh fruits and vegetable exporters must:

- Comply with Canadian grade standards and packaging regulations
- Obtain Canadian Confirmation of Sale form
- Know consignment selling is prohibited
- Obtain a Canadian fresh fruit and vegetable license
- Obtain a Canadian special waiver of standard container regulations for bulk products
- File a Canada Customs invoice

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

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

If grades and standard container sizes are specifically addressed 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.

However, in November 2007, the United States and Canada signed an arrangement to facilitate bilateral potato trade. The arrangement will provide U.S. potato producers with predictable access to Canadian Ministerial exemptions, a regulatory vehicle to import potatoes that is only granted by the Government of Canada on a case-by-case basis to Canadian business when there is a proven shortage of potatoes in Canada. The arrangement, while not yet fully implemented, will allow contracts between U.S. growers and Canadian processors to serve as sufficient evidence of a shortage in Canadian potatoes.

Canadian importers may obtain more information in applying for a Ministerial Exemption at:

*Guidelines for requesting Ministerial Exemptions for fruits and vegetables*
http://www.inspection.gc.ca/english/fssa/frefra/qual/meguide.shtml

Canadian Import Requirements for Fresh Fruit and Vegetables can be found below.
http://www.inspection.gc.ca/english/fssa/frefra/cdnreqe.shtml

**E) Other Specific Standards**

**Food Fortification**

Under the Food and Drug Regulations of Canada, certain foods and beverages require **mandatory** fortification to help restore the vitamins and minerals lost through the manufacturing process. Under the food fortification policy, the aim to restore certain nutrients is to prevent certain illnesses and provide public health benefits to the general populations. For example, milk that is fortified with vitamins A and D has helped to prevent rickets among children. There are other foods/beverages where fortification is **voluntary**, such as cereals and juices. Food manufacturers may review the complete list of mandatory and voluntary requirements at:

Vitamins, Mineral Nutrients and Amino Acids May or Must be Added

http://www.inspection.gc.ca/english/fssa/labeti/guide/ch7-1e.shtml

In 1998, Health Canada began a review of its food fortification policy. The Centre for Science in the Public Interest (CSPI) estimates mandatory food fortification programs will not change. However, in response to the market trends, guidelines on **voluntary** fortification measures may change in the future. Both industry and government review these policies, regulations, and standards periodically. To review previous discussions and obtain updates go to:

*Vitamins and Minerals*
http://www.hc-sc.gc.ca/fn-an/nutrition/vitamin/index-eng.php

Although no policy has been legislated into law, those manufacturers with fortified products not meeting the current regulations may apply for Marketing Authorization (MA) and Temporary Marketing Authorizations (TMALs) with Health Canada in order to legally sell their product in Canada. The review process is rigorous and closely reviewed by the Assistant Deputy Minister of Health Products and Food Branch of Health Canada. Please read the sections below on these topics.

**M**arketing **Authorizations**

As of October 25, 2013, Health Canada is no longer issuing Interim Marketing Authorizations. They are referred to as Marketing Authorizations (MA) which permits the Minister of Health to legally implement certain food safety decisions not currently outlined in the Food and Drug Act of Canada. The MA is a tool that helps the government to authorize the sale of products and substances with beneficial health impacts on consumers. Examples of products with MAs are food additives with antimicrobial properties that improve the safety of meat products or allow faster specialized fortification for products like formulated liquid diets or infant formula for pre-term infants. Applications are closely screened and scientifically scrutinized.

*Table of Marketing Authorizations – Food Additives*
http://www.hc-sc.gc.ca/fn-an/legislation/acts-lois/ma-amm-eng.php#a5

*Interim Marketing Authorizations (current but no longer being issued by Health Canada)*
http://www.hc-sc.gc.ca/fn-an/legislation/ima-amp/index-eng.php

Food exporters interested in submitting a MA are urged to review the regulatory process outlined in Division B.01.054 (pages 67 – 70) of the Food and Drug Regulations at: http://laws-lois.justice.gc.ca/PDF/C.R.C.,_c._870.pdf .

For more information please contact:

*For Food Additives*
Director, Bureau of Chemical Safety
Food Directorate – Health Canada
Postal Locator: 2202C
Ottawa, Ontario K1A 0K9

Tel.: 613-957-0973 Fax: 613-954-4674
Email. bcs-bipc@hc-sc.gc.ca

*For Vitamins and Minerals*
Director, Bureau of Nutritional Sciences
Food Directorate - Health Canada
251 Sir Frederick Banting Driveway
Postal Locator A.L. 2203E
Tunney's Pasture
Ottawa, Ontario K1A 0K9
Tel.: 613-957-4546 Fax: 613-613-948-8470
Email. bns-bsn@hc-sc.gc.ca

- **Temporary Marketing Authorization Letter (TMAL)**

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

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

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

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

Information on Temporary Marketing Authorization can be found at:

*Guidance Document for Temporary Marketing Authorization for Foods*
http://www.hc-sc.gc.ca/fn-an/legislation/guide-ld/food-market-author-marche-aliment-eng.php

**Test Marketing Authorization (TMA): Processed Food Products**

Canada's *Processed Product Regulations* allow under special instances, the test marketing of domestically manufactured or imported processed food products that may not meet packaging, labeling, or compositional requirements of the regulations. Exporters are to take note that only

Canadian companies or importers with a registered establishment may submit an application directly to CFIA. The issuance of TMAs by the Canadian government is rare and need to be thoroughly justified by the Canadian applicant. The authorizations are temporary and are granted for a period between 12 to 24 months. These authorizations do not apply to U.S. brand introductions into Canada for processed foods of a type of food already available on retail shelves. By definition, a product that obtains Test Market Food status must never have been sold in Canada in that form and must differ substantially from any other food sold in Canada with respect to its composition, function, state or packaging form.

The procedure for an importer to apply for a TMA is outlined here:

*CFIA, Test Market Authorizations:*
http://www.inspection.gc.ca/english/fssa/protra/auto/guidee.shtml#a1

Applications are to be submitted to:

Director, Agrifood Division
Canadian Food Inspection Agency
1400 Merivale Road, T1-4-334
Ottawa, Ontario K1A 0Y9
Email: PPRTMA-RPTEMM@inspection.gc.ca

**Copyright and/or Trademark Laws**

The federal agency responsible for registering copyrights and trademarks in Canada is the Canadian Intellectual Property Office, a branch of Industry Canada.

The Canadian law protects all creative works, provided the conditions set out in the Copyright Act have been met. The general rule the copyright lasts for the life of the author, the remainder of the calendar year in which the author dies, and for 50 years following the end of the calendar year.

Registered trademarks are entered on the Trademark Register and can provide U.S. companies direct evidence of ownership. Trademark registrations are valid for 15 years in Canada.
To register a trademark, an application (with fee) must be sent to the Trademarks Office. In most instances, a trademark must be used in Canada before it can be registered. For more detail on the procedure, please review the Trademarks Act. The Trademarks Office advises that companies hire a registered trademark agent to facilitate registration.

For further information on making a copyright / trademark application in Canada, go to:

*Mail/Visit*
Canadian Intellectual Property Office
Industry Canada
50 Victoria Street, Room C-114
Gatineau, Quebec K1A 0C9

*Courier*
50 Victoria Street, Room C-114

Gatineau, Quebec J8X 3X1
Tel.: 1-866-997-1936 Fax: (819) 953-2476

*Copyrights*
http://www.cipo.ic.gc.ca/epic/site/cipointernet-internetopic.nsf/en/h_wr00002e.html

*Trade-marks*
http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr00002.html

**The Use of Health Claims**

Health claims must be truthful and not misleading. It is mandatory that health claims be substantiated before they are used on food labels in Canada. The Canadian government classifies health claims into three categories: **general health claims, function**, and **disease risk reduction.** To review all forms of claims go to:

*Chapter 8, Health Claims*
http://www.inspection.gc.ca/english/fssa/labeti/guide/ch8e.shtml

- **General Health Claims**

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

vitamin and mineral nutrients, body weight, the use of educational material, third-party endorsements and logos, heart symbols, and guidance for healthy eating. For more details go to: http://www.hc-sc.gc.ca/fn-an/label-etiquet/nutrition/cons/claims-reclam/table2-eng.php

- **Function Claims**

Health Canada defines function claims that describe the 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 role that the food or food constituent plays when consumed at level consistent with normal dietary patterns. There are conditions of use, including minimum levels and content requirements, before a function claim can be made. Scientific evidence should be ready to be presented, if requested by Health Canada. Table 8.2 of Chapter 8, section 8.5.3 under *Summary Table of Acceptable Function Claims as Applied to Food or Food* Constituents are found here:
http://www.inspection.gc.ca/english/fssa/labeti/guide/ch8e.shtml#a8_5

- **Nutrient Function Claims**

  These statements or claims are a subset to **function claims**. They pertain to a food's energy value or a nutrient contained in the food that is recognized as an aid to maintain functions of the body in good health and normal growth and development.

To review acceptable nutrient function claims go to the summary table 8.6.4 at http://www.inspection.gc.ca/english/fssa/labeti/guide/ch8e.shtml#a8_5

- **Disease Risk Reduction Claims**

Disease risk reduction 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.

An example of a label advertising a food which is low in sodium and reduces risk of high blood pressure might carry the following disease risk reduction claim (assuming specific composition and labeling conditions are met): "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."

The Food and Drugs Act and Regulations provide for claims that deal with the following relationships:

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

Some acceptable disease health claims can be found here:
http://www.hc-sc.gc.ca/fn-an/label-etiquet/claims-reclam/assess-evalu/index-eng.php

**Labeling Claims on Meat, Poultry and Fish Products**

The term “natural” cannot be used on any meat, poultry and fish products in Canada, as it is felt that the term cannot be defined properly in terms of the context of food production. Any natural product can only have come from completely wild and unfarmed animals/fish that have been harvested and processed. However, the Method of Production protocol can be submitted to CFIA prior to label application. The phrase must be worded exactly as printed in the Canadian policy on Method of Production claims.

This protocol must include a written description of the procedures that are in place to validate the claim made (e.g. meat raised without the use of antibiotics would require evidence from birth, from hatcheries and feed mills, if applicable) from slaughter and from processing that there is segregation of the product from the conventional line). These protocols must be audited by an independent third person auditor who then will send a report to CFIA. There are 20-30 common method of production claims that have been approved by the Fair Labelling Unit. Some of these claims include:

- Raised without the use of antibiotics (this includes anticoccidials)
- Raised without the use of added hormones
- Raised without animal by-products
- Free-range

- Free run
- Grain-fed
- Vegetable Grain-fed
- Milk-fed veal

There has been some tightening of definitions of the above label claims. The above list of claims is not exhaustive, and a company may submit a Method of Production claim for review by CFIA. Further guidelines are available at:

*Guidelines on Natural, Naturally Raised, Antibiotic and Hormone Claims*
http://www.inspection.gc.ca/english/fssa/labeti/natall/instmpanie.shtml

**Gluten Free Claims**

In recent years, there has been a flood of gluten free products entering the market. It is prohibited to claim a product is or give the impression that it is 'gluten free,' should it be derived from barley, oats, rye, triticale, or wheat, kamut, or spelt. This also applies to products derived from modified gluten protein, protein fraction derived from any cereals, and/or a hybridized strain deemed as a gluten product. Food products containing less 20 ppm (parts per million or milligrams per kilogram) of gluten may be considered gluten – free foods provided they are prepared under good manufacturing practices. CFIA advises those products with less than

20 ppm of gluten still state on their label that the product 'contains less than 20 ppm gluten.' As a further note, U.S. 'certified gluten free oats,' are not currently accepted in Canada. To read more go to:

Health Canada's Position on Gluten-Free Claims
http://www.hc-sc.gc.ca/fn-an/securit/allerg/cel-coe/gluten-position-eng.php

Summary of Comments on Revising Canada's Gluten-Free Labelling Requirements
http://www.hc-sc.gc.ca/fn-an/consult/gluten2010/summary-sommaire-eng.php

**Fish and Seafood**

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.

There is no requirement under those regulations for imported fish products to be accompanied by a health certificate. However, the person who imports fish into Canada must hold a fish import license and must provide written notification to the Canadian Food Inspection Agency (CFIA) for each imported shipment of fish and must make the fish available for inspection. Product inspections are conducted at frequencies that depend on the product's risk and the trader's history of compliance. The normal inspection frequency for fresh fish such as wild caught salmon from an exporter with a good history of compliance would be 2 percent. More information regarding the requirements to import fish into Canada can be found on the CFIA web site under the *Import Inspection Program:*
http://www.inspection.gc.ca/english/fssa/fispoi/import/inspe.shtml

**Novel Foods (Foods Containing Genetically Modified Crops)**

Health Canada defines novel foods as: products that have never been used as a food; foods that do not have a history of safe use as a food; or foods that have been modified by genetic manipulation (i.e., from foods containing genetically modified (GM) crops).

Under the Novel Foods Regulations, such foods can only be sold in Canada once approved by Health Canada. More information can be found at:

*GM Foods and Other Novel Foods*
http://www.hc-sc.gc.ca/fn-an/gmf-agm/index-eng.php

*Approved GM products*
http://www.hc-sc.gc.ca/fn-an/gmf-agm/appro/index-eng.php

- **Pre-Market Notification for Novel Foods**

To obtain approval for GM products not on the approved list, companies must submit scientific data and safety assessment data to Health Canada. Guidelines for the pre-submissions can be found at: http://www.hc-sc.gc.ca/fn-an/legislation/guide-ld/nf-an/guidelines-lignesdirectrices-eng.php

The following offices are responsible for reviewing submissions:

**Novel Food:**

Submission Management and Information Unit
Food Directorate, Health Products and Food Branch,
Health Canada
Sir Frederick G. Banting Research Centre, Room E224
251, Sir Frederick Banting Driveway
Tunney's Pasture, PL 2202E
Ottawa, Ontario K1A 0K9
Phone: (613) 960-0552 Fax: (613) 946-4590
Email: smiu-ugdi@hc-sc.gc.ca

**Novel Feed/Plants with Novel Traits:**

Canadian Food Inspection Agency
Animal Feed Division and Plant Biosafety Office
59 Camelot Drive
Ottawa, Ontario K1A 0Y9
Fax: (613) 228-6614 or (613) 228-6140
Email: presubmissionconsultations@inspection.gc.ca

## Halal Foods

"Halal" is an Arabic word meaning lawful or permitted and is the dietary standard of observant Muslims. Canadian halal consumers may have different ethnic heritages but they share religious-based dietary restrictions.

Examples of halal ingredients:

- Grains, starches, sees, nuts, fruits and vegetables
- Milk from cow, sheep or goat
- Cheese (but not with pork rennet or other haram ingredients)
- Egg or egg ingredients
- Fish (with scales)
- Shellfish (not accepted by all groups)
- Microorganism-based ingredients are permitted such as yeast and enzymes from microbiological sources
- Spices/seasoning/flavors with no alcohol
- Bovine, sheep, goat, poultry meat/ingredient/derivative from animals must be slaughtered according to Islamic requirements (Zabiha)

Haram, or prohibited, foods include but are not limited to:

- Alcohol, alcohol flavoring, or alcohol containing products
- Pork products and by-products
- Meat of dead animals
- Blood or food containing blood
- Foods with questionable ingredients
- Foods that come in contact with any of the above

It is recommended for companies to maintain a recognized halal certification, which is accepted by the target consumer, for its products. Halal certification agencies include Islamic Society of North America (ISNA) and the Halal Product Development Service (HPDS). Halal processing requires no cross-contact with haram ingredients, including storage; Zabiha halal methods must be carried out by practicing Muslims; secondary production of a halal meat product or vegetarian product does not necessarily require the presence of a practicing Muslim; and new employee and annual refresher training of employees to understand halal requirements. Equipment blessing or presence of a cleric at manufacturing is not required.

**Kosher Foods**

Foods deemed as kosher must be processed in accordance with the requirements of the Kashruth made by a Rabbi or Rabbinical organization and identified by the appropriate Rabbi or Rabbinical organization symbol. 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 in its labeling or packaging. The terms "kosher style' and "kind of kosher" are prohibited. Food manufacturers are encouraged to review Chapter 4, section 16 of the Guide to Food Labelling and Advertising:

*Kosher Foods*
http://www.inspection.gc.ca/english/fssa/labeti/guide/ch4ae.shtml

**Baby Foods**

Foods intended for children under two maintain specific requirements as it pertains to additives, nutrition labeling, Nutrition Facts table information and, nutrient content claims. The Food and Drug Regulations (table 1 of section B.25.062) outline maximum levels of sodium allowed in infant foods and restrict certain additives, such as lecithin that may be found in certain cereals.
Information is available at:

*Infant Foods and Infant Formula*
http://www.inspection.gc.ca/english/fssa/labeti/babbebe.shtml

**Organic Foods**

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

All products claiming to be organic are governed by the Organic Products Regulations and must be certified and accredited by a CFIA designated conformity verification body. To review the regulations go to: http://laws-lois.justice.gc.ca/eng/regulations/SOR-2009-176/

- **Enforcement Date of Regulations**

Federal regulations for organic products – the Organic Products Regulations – came into full force on June 30, 2009. On this date, organic products marketed in or imported into Canada must be certified by a certification body accredited by the Canadian Food Inspection Agency (CFIA). The National Standard for Organic Agriculture sets out the permitted and prohibited practices. These can be downloaded through the Public Works and Government Services of Canada in section III of the General Principals and Management Standards, titled:

*Organic Practices*
http://www.tpsgc-pwgsc.gc.ca/ongc-cgsb/programme-program/normes-standards/internet/bio-org/principes-principles-eng.html#a013

- **Organic Equivalency Agreement**

On June 17, 2009, the United States and Canada jointly announced an organics equivalency agreement, the first one of its kind. The equivalency agreement follows a review by both nations of the other’s organic certification program and a determination that products meeting the standard in the United States can be sold as organic in Canada, and vice versa.

Under a determination of equivalence, producers and processors that are certified to the National Organic Program (NOP) standards by a U.S. Department of Agriculture accredited certifying agent do not have to become separately certified to the Canada Organic Product Regulation (COPR) standards in order for their products to be represented as organic in Canada. Likewise, Canadian organic products certified to COPR standards may be sold or labeled in the United States as organically produced. Both the USDA Organic seal and the Canada Organic Biologique logo may be used on certified products from both countries. An overview of the agreement can be accessed below:

Canada – US Organic Equivalence Agreement
http://www.inspection.gc.ca/food/organic-products/equivalence-arrangements/us-overview/eng/1328068925158/1328069012553

**Pet Food**

- **Animal Health Requirements Related to Pet Food**

CFIA regulates pet food imports and related products to prevent animal diseases from being introduced into Canada under the *Health of Animals Regulations*. Exporters are urged to review all regulations at:

*Import Policies - Pet Food* http://www.inspection.gc.ca/english/anima/petfaani/petfaanie.shtml

All U.S. exporters of pet food must meet three critical provisions.

First, products must be Specified Risk Material (SRM) free. Information on SRM as it pertains to pet foods is located at: http://www.inspection.gc.ca/plants/fertilizers/registration-requirements/srm/eng/1320613799112/1320615608072

Canada requires import permits, facility inspections and health certificates by the U.S. Animal and Plant Health Inspection Service (APHIS) for products with bovine ingredients. This provision will be enforced.

Second, facilities exporting pet food with bovine ingredients must either be dedicated or have a dedicated line. A dedicated line reinforces the fact that the product must be SRM-free.

Third, facilities exporting only non-bovine based pet food, are allowed to use a U.S. Food and Drug Administration (FDA) approved flushing and separation protocol to prevent product contamination.

The Canadian Food Inspection Agency issued the following directive in 2006 regarding imports of pet foods and chews that include products of ruminant origin.

1. Cooked canned commercially prepared pet food containing animal by-products (bone meal, meat meal, blood meal, rendered animal fats, glue stock, meat, and inedible meat):
   From the United States**:** Proof of origin acceptable to the Canadian Border Services Agency (CBSA), a copy of the list of ingredients, and a written declaration from the importer (dated, signed, and linked to the shipment being imported) stating that (1) there are no ingredients derived from bovine animals in the pet food, or (2) the bovine ingredients in the pet food are not derived from Specified Risk Material (SRM), or (3) the bovine animals from which the pet food ingredients are derived originated from the United States or Canada or a country considered to be

of negligible BSE-risk by the CFIA (Argentina, Australia, Brazil, Chile, New Zealand or Uruguay).

For pet food containing ingredients of ruminant (bovine, ovine or caprine) origin, the designated country must be free of foot-and mouth disease (FMD) and of negligible risk (category 1) for bovine spongiform encephalopathy (BSE). Dried pet chews such as cattle ears, bull pizzles and cow hooves must come from countries free from foot-and-mouth disease only **(**BSE is not a disease of concern for these last products).

2. Rawhide Pet Chews: From the United States: Proof of origin acceptable to CBSA, and a written declaration from the importer (dated, signed, and linked to the shipment being imported) stating that the finished product does not contain any hides or skins from the head of a ruminant. For finished rawhide pet chews, there are no diseases of concern.

If the pet food contains ingredients of porcine origin, designated country must be free of foot-and-mouth disease, swine vesicular disease, African swine fever, and classical swine fever (hog cholera).

If the pet food that contains ingredients of avian origin, the designated country must be free from Velogenic Newcastle disease and pathogenic avian influenza (fowl plague).

**Livestock Feeds**

Using the authority of the federal Feeds Act, the Canadian Food Inspection Agency (CFIA) administers a national livestock feed program to regulate domestic and imported livestock feeds. The program is delivered by means of pre-sale product evaluation and registration by staff of the Feed Section, and post-market inspection and monitoring by Agency field staff located in all provinces of Canada. As an initial step, U.S. livestock feed exporters must apply to have the feed registered in Canada. They must also retain an agent who is resident in Canada and has the legal authority to act on their behalf. For more information on how to meet requirements for livestock feeds in Canada and the online forms for product registration and resident agent, go to:
http://www.inspection.gc.ca/english/anima/feebet/feebete.shtml

**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 or consult the Office of Agricultural Affairs wine report (CA 13042) available at the Foreign Agriculture Service website under Attaché Reports for a partial listing of agents:
http://gain.fas.usda.gov

Provincial Liquor Commissions:

Alberta Gaming and Liquor Commission – http://www.aglc.ca
British Columbia Liquor Distribution Branch – http://www.bcliquorstores.com
Liquor Control Board of Ontario – http://www.lcbo.com
Manitoba Liquor Control Commission – http://www.liquormartsonline.com
New Brunswick Liquor Corporation – http://www.anbl.com
Newfoundland Liquor Corporation – http://www.nlliquor.com
Northwest Territories Liquor Commission - http://www.fin.gov.nt.ca/liquor-fund/index.htm
Nova Scotia Liquor Corporation - http://www.mynslc.com/
Prince Edward Island Liquor Control Commission - http://www.peilcc.ca
Saskatchewan Liquor and Gaming Authority – http://www.slga.gov.sk.ca
Société des alcools du Québec – http://www.saq.com
Yukon Liquor Corporation Board – http://www.ylc.yk.ca

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 include common names and standardized container rules. For example, light beer in Canada is defined by regulation as beer with a percentage alcohol of 1.0 to 4.0, by volume. Wine container sizes 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 that requires the label to be in French and English. Additional information can be found at:

> *Chapter 10, Labelling of Alcoholic Beverages*
> http://www.inspection.gc.ca/english/fssa/labeti/guide/ch10e.shtml

**Vitamins, Minerals, Probiotics, and Supplements**

FAS Canada provides export assistance to U.S. firms that process vitamins and supplements that are derived from at least 50% U.S. agricultural sources. Natural products as vitamins, minerals, and supplements are deemed as drugs and are regulated by Health Canada. They are classified as Natural Health Products (NHPs) and are subject to the Natural Health Products Regulations. Authorized NHPs bear an eight digit product license number preceded by the distinct letter NPN (Natural Product Number). **To legally sell NHPs, all importers and distributors must acquire a site license and demonstrate they have met Good Manufacturing Practices (GMPs**). For this reason, most U.S. exporters do not sell directly into the Canadian market and prefer working with a Canadian partner. GMPs ensures 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 various links to assist manufacturers and their Canadian importers at:

> *Guidance Documents for Natural Health Products*
> http://www.hc-sc.gc.ca/dhp-mps/prodnatur/legislation/docs/index-eng.php

> *Good Manufacturing Practices and Site Licensing Requirements*
> http://www.hc-sc.gc.ca/dhp-mps/prodnatur/applications/licen-site-exploit/docs-eng.php

*Applications and Submissions*
http://www.hc-sc.gc.ca/dhp-mps/prodnatur/applications/index-eng.php

- **Veterinary Vitamins and Supplements**

All veterinary health products deemed as natural products are considered drugs by the Veterinary Drug Directorate of Health Canada and must be approved a market authorization before they are sold in Canada. New veterinary drugs are reviewed and must satisfy all scientific requirements under the Veterinary Drug Evaluation. As with NHPs, proof of GMPs are required (please see the previous section on Vitamins, Minerals, Probiotics, and Supplements). All submissions are required to provide:

- Provide details of manufacturing and quality control as well as results of toxicity, pharmacology, residue and clinical studies.
- Furnish substantial evidence to support the product's quality, safety, and efficacy.
- Prove that the proposed labels for the new drug reflect the data submitted and specify adequate directions for use, including withdrawal periods for drugs used in food producing animals.

Once approved, the manufacturer will receive a *Notice of Compliance* and a valid *Drug Identification Number (DIN)*. This DIN number is to be printed on the label and adhered to the bottle. To submit an application please go to:

*Veterinary Drug Submission Fee Application Form (rev. December 2005)*
http://www.hc-sc.gc.ca/dhp-mps/vet/applic-demande/form/vdsfa-cepmv-eng.php

Health Canada is currently conducting a pilot project to ease the registration process of low risk health veterinary supplements (LRVHPs). This program is limited to natural health products sold for dogs, cats, and horses only (natural pet / veterinary foods do not qualify).

The Canadian company, North American Compendiums has been appointed by Health Canada to to assist manufacturers. There is a fee for this service. To learn more about the program go to:

For more information go to:

*Interim Notification Pilot Program for Low Risk Veterinary Health Products*
http://www.hc-sc.gc.ca/dhp-mps/vet/issues-enjeux/notification-declaration-faq-eng.php

*Low Risk Veterinary Health Product Notification Program*
http://naccvp.com/
North American Compendiums

U.S. Office:
942 Military Street, Port Huron, MI 48060
Tel. 800-985-5190
Email.support@naccvp.com

Canadian Office:
P. O. Box 39, Hensall, Ontario N0M 1X0
Tel. 877-203-3313
Email.support@naccvp.com

**F) Recent Regulatory Initiatives and Proposed Changes under Review**

**Safe Food for Canadians Act (SFCA) and Related Regulations**

One of the most important initiatives undertaken by the Canadian Food Inspection Agency (CFIA) in recent years was the development of the Safe Food for Canadians Act (SFCA). This

legislation was designed to modernize and strengthen the food safety system in Canada. The following provides an overview of the regulatory changes that are expected to occur over the next couple years, and the various consultative processes that will accompany the development of these regulations.

The SFCA passed the Canadian Parliament and received royal assent in November, 2012. Although the adoption of this Act created a wave of excitement last fall, the Act is not yet in force. The tremendous work of developing regulations only now begins, and the SFCA will be brought into force once the necessary new regulatory framework is developed.

Currently, various foods are regulated in Canada by the following acts and regulations:

1. Food and Drugs Act (as it relates to food) and its regulations
2. Canada Agricultural Products Act (CAPA) and its regulations covering the following:
    a. Dairy Products
    b. Eggs
    c. Fresh Fruit and Vegetable
    d. Honey
    e. Licensing and Arbitration
    f. Livestock and Poultry Carcass Grading
    g. Organic Products
    h. Maple Products
    i. Processed Egg
    j. Processed Products
3. Meat Inspection Act (MIA) with its Meat Regulations
4. Fish Inspection Act (FIA) with its Fish Regulations
5. Consumer Packaging and Labeling Act (CPLA, as it relates to food) and its regulations.

When brought into force, the SFCA will consolidate food provisions which are now administered and enforced under four of the five Acts listed above: only the Food and Drugs Act will continue to exist separately.

**CFIA Consults on Inspection Modernization and Sets the Stage for Future Food Regulations**

The proposed Food Inspection Model is CFIA's first step in modernizing and strengthening the food safety system in Canada. The Model sets the stage for the second step, which will be the development of new food regulations under the Safe Food for Canadians Act (SFCA). The Model sets the stage for the second step, which will be the development of new food regulations under the Safe Food for

Canadians Act (SFCA). It is important for U.S. exporters to stay abreast with these developments as it may influence business procedures in Canada.

**Proposed Import Licensing**

One of the major policy changes that CFIA wants to bring about with this new Act is the mandatory requirement to license all importers of all food products. Currently, under existing regulations, only a very limited number of products require importers to be registered or licensed.

CFIA argues that import licensing will strengthen the safety of imported food items by holding importers accountable. In addition, CFIA will also have the power to attach conditions to import licensing, for instance the implementation of a preventive food safety system, or the implementation of food recall protocols, or residency.

This very last requirement may pose problems for some U.S. exporters. Under existing legislation, a foreign company does not necessarily have to have a physical presence in Canada in order to be considered "importer of record" – this is the category of so called "non-resident importers." It is estimated that tens of thousands of U.S. companies currently fall into the non-resident importer category.

First introduced under the proposed Imported Food Sector Product Regulations (see next section in this Report), the residency requirement will ensure that a company with presence in Canada takes responsibility for the imported food, and that CFIA has the means to take action against importers. According to the residency requirement, only companies established in Canada could be licensed as food importers. Foreign companies, like those in the category of "non-resident importers," would have the option to either establish a presence in Canada or to use the services of a Canadian agent – in this last case, the agent being the licensed importer.

**Update on the Elimination of Container Size Restrictions**

This past year CFIA indicated the intention to launch a formal consultation early in 2013 in order to validate the feedback received from stakeholders during the months following the announcement made last summer to repeal provisions from various food regulations related to container size restrictions. The proposed changes, which will include a flexible implementation time frame of up to five years, as well as a detailed assessment of potential impacts, will be posted in Canada Gazette as soon as March 2013, according to a CFIA official. Following publication, a 75-day public consultation period will start.

CFIA's communique can be found at this URL:
http://www.inspection.gc.ca/food/processed-products/labelling-and-packaging/container-sizes/eng/1353621089533/1353621169021

## APPENDIX I. Statistics

### Table A. Key Trade and Demographic Information

| | |
|---|---|
| Agricultural Imports/from All Countries/2012/U.S. Market Share [1/] | $ 32.4 billion/ 61 percent |
| Consumer Food Imports/from All Countries/2012/U.S. Market Share [1/] | $24.3 billion/ 64 percent |
| Total Population, July 2013 [2/] | 35.1 million |
| Urban Population / Rural Population / Percent Urban/2006 [2/] | 25.2 mil./6.2 mil/ 80 percent |
| Number of Metropolitan Areas Over 100,000 | 33 |
| Per Capita Gross Domestic Product (U.S. dollars); 2012 [3/] | $ 43,400 |
| Unemployment Rate (November 2013), Statistics Canada | 6.9 percent |
| Average Household Spending on food and drink, retail/foodservice, 2011; (U.S. dollars) [4/] | $ 643 weekly/<br>$ 7,716 annually<br>-$ 5,532/Retail<br>-$ 2,184 /Foodservice |
| Total Employment / Full & Part Time; November 2013 [5/] | 17.8 million |
| Exchange Rate, average annual 2012 [6/] | 1USD = .99 CAD |

Footnotes:
[1]/Global Trade Atlas
[2]/Statistics Canada
[3]/ CIA World Factbook
[4]/ 2011 Survey of Household Spending Statistics Canada/based on 19.5 million households
[5]/ Canada: Economic and Financial Data, Statistics Canada
[6]/ Bank of Canada

**Table B. Consumer Food & Edible Fishery Product Imports into Canada**

| | Imports from the World | | | Imports from the U.S. | | | U.S. Market Share among all imports | | |
|---|---|---|---|---|---|---|---|---|---|
| | **2010** | **2011** | **2012** | **2010** | **2011** | **2012** | **2010** | **2011** | **2012** |
| Consumer –Oriented Agricultural | 20.2 | 22.8 | 24.3 | 12.6 | 14.3 | 15.5 | 62% | 63% | 64% |
| Fish & Seafood | 2.1 | 2.4 | 2.4 | 0.8 | 0.9 | 0.9 | 38% | 36% | 36% |
| Total Agricultural | 27.2 | 31.1 | 32.4 | 16.1 | 18.2 | 19.8 | 60% | 59% | 61% |
| Agricultural, Fish & Forestry | 32.6 | 37.0 | 38.7 | 19.2 | 21.5 | 23.3 | 60% | 58% | 60% |

*Source: Estimates derived from Global Trade Atlas are in $US billion*

**Table C. Top 10 Suppliers of Consumer Foods & Edible Fishery Products**

| Consumer-Oriented Agricultural Imports into Canada | | | |
|---|---|---|---|
| *$US billion* | **2010** | **2011** | **2012** |
| **World** | **20.2** | **22.8** | **24.3** |
| **United States** | **12.6** | **14.3** | **15.5** |
| ***U.S. market share*** | ***62%*** | ***63%*** | ***64%*** |
| Mexico | 1.10 | 1.17 | 1.20 |
| Italy | 0.61 | 0.69 | 0.71 |
| France | 0.56 | 0.64 | 0.64 |
| China | 0.44 | 0.50 | 0.53 |
| Chile | 0.48 | 0.51 | 0.50 |
| Australia | 0.37 | 0.38 | 0.39 |
| New Zealand | 0.28 | 0.35 | 0.32 |
| Germany | 0.23 | 0.27 | 0.29 |
| Brazil | 0.24 | 0.23 | 0.26 |
| All other countries | 3.3 | 3.76 | 3.96 |
| *Source: Estimates derived from Global Trade Atlas are in $US billion* | | | |

| Fish and Seafood Product Imports into Canada | | | |
|---|---|---|---|
| *$US billion* | **2010** | **2011** | **2012** |
| **World** | **2.1** | **2.4** | **2.44** |
| **United States** | **0.78** | **0.90** | **.90** |
| ***U.S. market share*** | ***38%*** | ***36%*** | ***36%*** |
| Thailand | 0.33 | 0.40 | 0.42 |
| China | 0.34 | 0.40 | 0.38 |
| Vietnam | 0.11 | 0.13 | 0.13 |
| Chile | 0.09 | 0.11 | 0.11 |
| India | 0.06 | 0.07 | 0.07 |
| Norway | 0.04 | 0.06 | 0.06 |
| Indonesia | 0.02 | 0.03 | 0.03 |
| Russia | 0.02 | .03 | 0.03 |
| Taiwan | 0.03 | 0.02 | 0.02 |
| Japan | 0.02 | 0.02 | 0.02 |
| All other countries | 0.26 | 0.21 | 0.27 |
| *Source: Estimates derived from Global Trade Atlas are in $US billion* | | | |

| Total Agricultural Imports into Canada | | | |
|---|---|---|---|
| *$US billion* | **2010** | **2011** | **2012** |

| | | | |
|---|---|---|---|
| **World** | **27.1** | **31.1** | **32.4** |
| **United States** | **16.1** | **18.2** | **19.7** |
| ***U.S. market share*** | ***60%*** | ***59%*** | ***61%*** |
| Mexico | 1.13 | 1.22 | 1.24 |
| Brazil | 0.79 | 1.05 | 0.91 |
| Italy | 0.74 | 0.82 | 0.84 |
| China | 0.59 | 0.67 | 0.73 |
| France | 0.62 | 0.73 | 0.71 |
| Australia | 0.40 | 0.41 | 0.43 |
| Thailand | 0.34 | 0.44 | 0.40 |
| Indonesia | 0.33 | 0.51 | 0.39 |
| Germany | 0.28 | 0.35 | 0.37 |
| Guatemala | 0.28 | 0.37 | 0.36 |
| All other countries | 5.50 | 6.33 | 6.32 |
| *Source: Estimates derived from Global Trade Atlas are in $US billion* | | | |

**Glossary of Acronyms**

AIRS – Automated Import Reference System (part of CFIA)
CAPA – Canada Agricultural Products Act
CBSA – Canadian Border Service Agency
CFIA – Canadian Food Inspection Agency
CCD – Cargo Control Document
CCG – Country Commercial Guides
CRA – Canadian Revenue Agency
EDI – Electronic Data Interchange
FBL – Foreign Buyers List
FAS- Foreign Agricultural Service (Division of USDA)
GST- Goods and Services Tax (federal)
GMP – Good Manufacturing Practices
HC – Health Canada
HST – Harmonized Sales Tax (federal and provincial)
ISC – Import Service Centre
VRVHPs - Low Risk Health Veterinary Supplements
MA – Market Authorization
MFN – Most Favored Nation
MRL – Maximum Residue Levels
NAFTA – North American Free Trade Agreement
NASDA – National Association of State Departments of Agriculture

NHP – Natural Health Products
NRI – Non- Resident Importer
NPN – Natural Product Number
PMRA – Pest Management Regulatory Agency
SFCA – Safe Food for Canadians Act
SRTG-State Regional Trade Group
TMA- Temporary Marketing Authorization
TMAL – Temporary Marketing Authorization Letter
TLS- Trade Lead System (of the Foreign Agricultural Service)
TRQ- Tariff Rate Quota
USCS – United States Commercial Service
USDA – United States Department of Agriculture
USEAC – United States Export Assistance Centers
WTO – World Trade Organization

*Summary of Key Resources*

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Health Canada
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U.S.D.A. /FAS. (2006-2011). *Global Agricultural Trade System.*