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Canada

Exporter Guide

A Practical Handbook

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Report Highlights:
Canada continues to rank as one of the top destinations for U.S. agricultural exports. In fiscal year 2014, U.S. agricultural exports to Canada reached US$21.7 billion making Canada the second largest export destination followed by China. However, a closer look reveals Canada remains in the number one position as the ideal export market for U.S. consumer oriented/value added products, reaching $17 billion, an amount double to the second highest export destination, Mexico. This report is a practical guide for U.S. food exporters interested in marketing and shipping products to Canada. We encourage first time exporters and new to market companies to read thoroughly through this guide and from time to time refer to it as reference guide.

Post:
Ottawa

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SECTION I. MARKET OVERVIEW

A) General

Canada continues to rank as one of the top destinations for U.S. agricultural exports. In fiscal year 2014, U.S. agricultural exports to Canada reached $21.7 billion making Canada the second largest export destination followed by China. [1] Agricultural exports from the United States to Canada accounted for 14 percent of global U.S. food and agricultural product exports as total U.S. exports amounted to $152 billion. However, a closer look reveals Canada remains in the number one position as the ideal export market for U.S. consumer oriented products, reaching $17 billion, an amount double to the second highest export destination, Mexico. Consumer-oriented agricultural products accounted for 78 percent by value of total U.S. food and agricultural export sales to Canada in FY2014. This is a 3 percent increase from the previous fiscal year

During FY 2014, 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 ($2.1 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 $912 million in FY2014. Despite being a major producer and world exporter of forest products, Canadian imports of U.S. forest products reached $2.4 billion in FY 2014. Combined U.S. agricultural, fishery, and forestry product exports to Canada reached $26.5 billion.

The United States and Canada maintains the world's largest bilateral trading relationship. During CY 2013, two-way merchandise trade of all goods was valued at US$588 billion, representing almost $1.7 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 $44.5 billion in FY2014, or approximately $126 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. This past January marked the 20th Anniversary of NAFTA. Since that time, Canada's grocery product and food service trades have been quick to seize opportunities under NAFTA, which has permitted the expansion of geographical sourcing from the United States. Additionally, U.S.–Canada agricultural trade is largely influenced by a substantial amount of intra-industry trade, particularly in value-added products. 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. However, as similar as the

[1] US Fiscal Year 2014 (FY14) began on October 1, 2013 and ended September 30, 2014.
[2] 1998 U.S. agricultural exports to Canada were valued at $6.8 billion.

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 by Canadians	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, particularly on small shipments

B) Consumer Trends in Retail Food

Canada's population as of July 1, 2014 was estimated at 35.5 million. The population's growth rate was the highest among the G7 countries at 1.1 percent. 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 at 1.2 percent
- Graying population – The number of Canadians between 55 to 64 exceeds those between the ages of 15 to 24.
- Seniors, (aged 65 and over) represent 14.2 percent or five 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 percent of Canada's population growth rate is attributed to the arrival of new immigrants.

Graying Population

- Seniors make up the fastest-growing age group.
- 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.
- The growing number of seniors are well off financially, well educated, and willing to spend.
- Seniors have time to shop for what they want.

Canadian Food Expenditures

- Food and beverage expenditures have decreased to 11 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.

Market Place Behavior

- Consumers still seek fresh, tasty, and high quality foods.
- Growing segment of Canadians have become price conscious shoppers.

[3] South Asians comprise of people from India, Pakistan, Bangladesh, Sri Lanka and others from this part of the world.

- 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 percent in the next 15 years.
- 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

- 88,000 foodservice establishments in Canada.
- Total foodservice sales (HRI) in 2013 reached C$71 billion (US$69 billion).
- 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

- 20,108 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 percent 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 strategically plan as to where the product has the best positioning 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 five percent of the total retail beverage and food markets are represented by five grocery companies. [4] In 2013, strategic acquisitions were made by the two leading grocery chains. This was reported in the GAIN Report CA 13050/Increased Competition Brings Changes in Canadian Grocery Market.
- **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. Store labels provide a competitive advantage for retailers. In 2013, private label represented C$12.1 billion in sales.
- **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. A trend that steadily continues. At the end of 2013, Nielsen Research reported discount retailers captured 42 percent of the grocery retail market. 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:** While retail sales of frozen foods remain at a 1 percent growth rate they remain popular among consumers. Frozen, single-serving sizes of microwavable meals continue to be in demand.

[4] The five major retail groups reported by Nielsen Research were Loblaw Companies, Sobeys Canada Inc., Metro Inc., Walmart Canada, and Costco.

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:** Snacks account for 50 percent of the eating occasions. Canadians seek nutritious portable snacks (NPS). This trend continues to grow with national projected sales in 2015 for this category alone estimated at $4 billion in sales.
- **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. Shoppers seek healthy products with key nutrients.
- **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 (US$1.8 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.
- **Popular dietary components:** Top dietary components are fiber, whole grains, protein, calcium, omega-3 fats, potassium, probiotics, and omega-6 fats.

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.

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 Biodegradable Food Packaging:** Many Canadian cities have instituted recycling programs for their citizens and businesses. Each sector is looking to maintain a 'green image.'

Non-Traditional Media Influencers

Canadians rank among the top users in the world for various social media platforms, such as twitter, facebook, pinterest, and other social networks.

- **Social Media Engages Consumers:** Nielsen Canada reports 30 percent of total Millennials feel more connected to a brand when they follow the product through social media.
- **Popular platforms:** Facebook and twitter are most effective mediums among Millennials.

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 percent20Search/AllItems.aspx

AGR REPORT#	Title of Report	Date
CA 14117	An Overview of the Food Processing Sector in Canada	12/17/14
CA 14103	Entering Canada with Products for a Show or Trade Fair	11/07/14
CA 14090	Potato Annual	10/10/14
CA 14088	Livestock Annual	10/07/14
CA 14087	Canada Announces Consultations on Standards of Identity for Beer	10/07/14
CA 14078	Poultry Annual	10/21/14

CA 14075	CFIA Webinar on New Food Regulations	08/08/14
CA 14072	Nutritional Labelling – Additional Consultations Documents	08/05/14
CA 14054	Turkey Meat in Canada	05/28/14
CA 14044	Impact of Canadian Trade Action Taken Against US-Origin Pizza Toppings Kits	05/07/14
CA 14024	Canadians to Consume More Poultry Meat in 2014	02/27/14
CA 14017	Canada Top Market for U.S. High Value Agricultural Exports	02/10/14
CA 14022	Retail Foods – Canada	02/19/14
CA 14009	Polar Vortex May Create Opportunities for U.S. Wines	01/22/14
CA 13008	Survey Voluntary – Canadian Consumer Insights	02/08/13

FAS/Ottawa publishes the GAIN report *Current Canadian Agricultural News (C-CAN)* 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 C-Can story line:

From Issue 5 of 2014 (CA 14053)
Opposition to Artic Apples Continues:

Artic apples which possess a non-browning trait through genetic modification continue to face opposition from anti-GMO groups in the province of British Columbia. The lobby organization GE Free BC, whose purpose is to prevent the adoption of biotechnology, issued a press release on May 26, 2014 demanding that the provincial government in BC conduct a review of the apples before they can be approved by Health Canada and the Canadian Food Inspection Agency (CFIA), the Canadian regulatory bodies that review the safety of plants with novel traits. Regulatory bodies in Canada and the United States that oversee food safety are currently both reviewing the company's submission seeking approval for unconfined environmental release for commercial planting purposes. At the time that the submission was made to Health Canada and the CFIA in 2012, a number of the province's municipalities expressed significant concerns. The provincial government of British Columbia responded at that time by stating that should the federal government grant the approvals, that they recognized that there may be implications the production of genetically engineered fruit trees and their products may have implications for market acceptance in export and domestic markets. It also promised to explore the GE fruit issue, as well as the request by BC municipalities to ban GE fruit production, and to share its findings with the Union of British Columbia Municipalities (UBCM). GE Free BC is demanding that the government conduct the study promised in 2012.

Okanagan Specialty Fruits submitted a risk assessment petition for non-browning apples to the United States Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) in late 2010. This was the first petition that USDA has received for genetically modified apples. In 2012, a similar submission seeking approval for unconfined environmental release for commercial planting purposes, livestock feed and food use for apple (*Malus x domestica*) events GD743 and GS784 which have been genetically engineered to be non-browning was given to the CFIA. According to information posted on the company website, the non-browning effect is achieved by silencing the polyphenol oxidase enzyme. Okanagan Specialty Fruits believes that non-browning apples will help apples capture a segment of the fresh-cut produce market which it has eluded them due to, the company believes, the unappetizing appearance of apples that have been pre-cut. They will be marketed under the name "Arctic."

More information on this submission is available at the following URL address: http://www.inspection.gc.ca/plants/plants-with-novel-traits/notices-of-submission/okanagan-specialty-fruits-inc-/eng/1335141426301/1335142810470. More information on the non-browning apples can be found on the company website: Okanagan Specialty Fruits

AGR REPORT#	C-Can Reports	Date
CA 14052	C-Can Issue 6	05/28/14
CA 14048	C-Can Issue 5	05/16/14
CA 14030	C-Can Issue 4	03/07/14

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. closely, anticipating which products can be successfully sold in the market. There is a growing demand among Canadians as they seek for unique and innovative value-added foods with a proven sales record in the United States.

During FY 2014, 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 ($2.1 billion), prepared foods ($1.9 billion), fresh fruits ($1.8 billion), fresh vegetables ($1.8 billion), and non-alcoholic beverages (1.2 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.

Sugar-free and Low Sugar Foods

According to Nielsen Canada's consumer survey, sugar remains a top concern among Canadians. The Heart and Stroke Foundation has estimated that Canadians consume 13 percent of their total calorie intake from added sugars. It has been scientifically confirmed that excess sugar consumption contributes to only obesity, diabetes, high blood cholesterol, but heart disease. Additionally, Canadians have become keenly aware that sugar is present in a number of foods from beverages to processed foods.

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.

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

Low Glycemic Diet

The number of adult diabetics in recent years has caused health experts to promote a low glycemic diet. The Glycemic Index (GI) measures the impact of carbohydrates on the blood sugar levels. Foods with a higher index will raise the blood sugar levels rapidly while those with a lower glycemic index value will keep blood sugar levels because they have the ability to burn fat more efficiently. Some lower GI foods are fresh fruit and vegetables and whole wheat, along with selected rice varieties.

Functional Foods/Superfoods

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 premium price but there is a growing segment of consumers willing to pay the price for their organic choice. 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$4 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.

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 percent in Canada by 2020 and the sweet category may grow by 6.2 percent over the same period.

Clean Foods

Clean diet is a growing trend among older Canadians and new mothers that are concern of the foods their children eat. These are foods with no artificial preservatives, artificial coloring or flavors. Clean eating is a new way of thinking about foods. They are foods that have been less refined and processed as it is said they provide more nutritional value to their natural state. Some examples are bulgur wheat, quinoa, brown rice, millet, natural nut butters, and a variety of nuts.

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 latter 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 64 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 are a number of challenges U.S. exporters must be prepared to meet. Some of them include currency, customs procedures, regulatory compliancy, and labeling requirements.

Overcoming these hurdles 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. Conduct a thorough research on 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 for small and medium sized firms that meet the U.S. government's criteria for assistance. This assistance may include reimbursements for; marketing and point-of-sale reimbursements, package and label modifications, tradeshows, and advertising. 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 percent20Search/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. The next show will take place in Toronto from Tuesday, April 28th to Thursday, April 30th of 2015. 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 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 3:00 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 and label compliancy. 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.

Some U.S. firms will engage the services of a labelling specialist to ensure they have met compliancy. For those U.S. exporters that meet the criteria to receive export assistance by their respective State Trade Regional Group (SRTG), these costs may qualify for partial reimbursement as noted on page 14. The marketing section of FAS/Canada maintains a list of established labelling service companies.

2. Question: How do I find a distributor?

Answer: The USDA/FAS Office of Agricultural Affairs, U.S. Embassy and Toronto U.S. Consulate in 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) maintains 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. 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 and these should not be confused for duty charges.

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 established 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. 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 & Director of Marketing
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
New Regulatory Framework for Federal Food Inspection	http://www.inspection.gc.ca/about-the-cfia/transforming-the-cfia/action-plan/food-regulatory-forum/presentations/discussion-document/eng/1370029593829/1370029641557?chap=10

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 Database	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
Proposed Changes to Format Requirement on Nutrition	http://www.hc-sc.gc.ca/fn-an/consult/2014-format-requirements-exigences-presentation/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 and its agricultural partners offer a variety of export marketing services that includes market intelligence/data to information on trade shows in Canada and around the world. To access this information go to:

http://www.fas.usda.gov/topics/exporting/getting-started

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 Guide

The Country Commercial Guides (CCG) provides a general overview of Canada. This guide is prepared by the U.S. Embassy staff annually and contains 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$2,500 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

6. If U.S. exporters do not use a customs broker and decide to self-clear the goods themselves then a Business Number (BN) will be required to be noted on the documentation. To obtain a BN number go to: http://www.cra-arc.gc.ca/E/pbg/tf/rc1/rc1-13e.pdf or online at http://www.cra-arcgc.ca/bro/ For further questions, please contact Canada Revenue Agency at 1-866-453-0452 (Eastern Canada) 1-866-705-1785 (Western Canada).

   A step-by-step guide to importing commercial goods in Canada is available at: http://www.cbsa-asfc.gc.ca/import/guide-eng.html#s1

✓ ***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. [5] 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

[5] 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 35 of the report for further explanation.

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 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: EDIcoorination@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 percent 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).[6] 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.

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

- ✓ ***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 not for commercial sale but intended for research, evaluation, or display at trade shows and food exhibitions are permitted entry. For meat, poultry, dairy or egg, and fruits and vegetable samples either an import permit or an official inspection certificate will 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 on the samples. Volume limit is not to exceed100 kilograms (or approximately 220 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.*** Also, U.S. exporters are urged to review all requirements on the AIRS system at: http://inspection.gc.ca/english/imp/airse.shtml

FAS/Canada recently published the GAIN Report on *Entering Canada with Products for a Show or Trade Fair* (CA1403). The report outlines thoroughly the necessary procedures and Canadian documentation.

- ✓ ***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 percent. 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) is required. U.S. exporters may contact the Canada Revenue Agency at 1-866-453-0452 or consult with their customs broke. Further information can be reviewed at:

CRA – Doing Business in Canada – GST/HST Information for Non-Residents
http://www.cra-arc.gc.ca/E/pub/gp/rc4027/README.html
Registering your business
http://www.cra-arc.gc.ca/E/pbg/tf/rc1/rc1-13e.pdf

C) Food Regulations

Purpose Labeling Requirements

The Canadian Government is updating the guidelines for all food labelling. It is anticipated that these changes will be announced by the summer of 2015. We urge all U.S. exporters to keep informed of these changes by periodically visiting the CFIA's *Updates to Food Labelling and Advertising Information* at:

http://www.inspection.gc.ca/food/labelling/updates/eng/1398697584083/1398776210946

The three primary functions labelling serves are:

1. Basic product information
   - Common name
   - List of ingredients
   - Net quantities expressed in metric units
   - Name and address of Manufacturer /Canadian Dealer, noted **"imported for/importé pour"**
   - In some cases, grade/quality and country of origin

2. Provides health and safety, and nutrition information
   - Identifies allergens in foods
   - Nutrition information on quantities of fats, proteins, carbohydrates, vitamins and minerals
   - Specific information on products for dietary use
   - Storage and handling- durable life date

3. Acts a marketing and promotion tool
   - Key promotional information as claims such as low fat, cholesterol-free, high source of fiber.

All food labels destined for the consumer food sector will be required to be in **English and French. Page 28 of this guide delineates all labelling requirements.** 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**

Last year 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 numbers 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

- **Food-Specific Labelling Requirements**

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:

http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/eng/1383607266489/1383607344939

The CFIA's Food Industry Labelling in Canada

The Canadian Food Inspection Agency (CFIA) has prepared a *Labelling Tool* 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. This tool is provides core labelling requirements, claims and statements, and food specific requirements at:

http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/eng/1383607266489/1383607344939

Core elements on Labelling:

1. **Bilingual Labelling, French and English**

2. Common Name
3. Country of Origin
4. Date Markings
5. Identity and Principal Place of Business
6. Irradiated Foods
7. Net Quantity
8. Legibility and Location
9. List of Ingredients and Allergens
10. Net Quantity
11. Nutrition Labelling
12. Sweeteners

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) 536-1010
Fax: (902) 536-1098

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 and West
Room 671 RME – 2001 University Street
Montreal, Quebec H3A 3N2
Tel.: (514) 283-8888
Fax: (514) 283-3143

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) 363-3618
Fax: (250) 363-0144

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) 259-1400
Fax: (204) 259-1331

Saskatchewan
301 – 1800 11th Avenue
Regina, Saskatchewan S4P 0H8
Tel.: (306) 780-5180
Fax: (306) 780-5177

1421 Downey Road, Room 301
Saskatoon, Saskatchewan S7N 4L8
Tel.: (306) 385-4949
Fax: (306) 385-4941

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

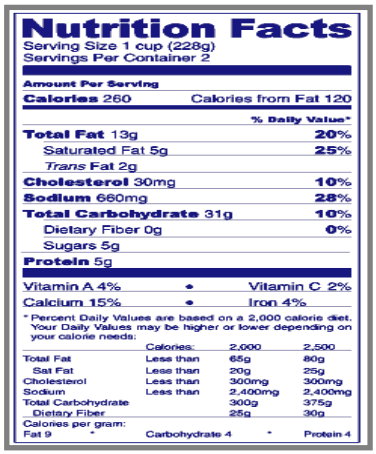
Nutrition Labeling

U.S. nutrition panel is not permitted on the labels of foods sold in Canada and exporters are to adhere to Canadian guidelines. As mentioned, earlier the Canadian Government will be introducing new guidelines to the Nutrition Facts Table (NFT) in 2015. Changes are anticipated with regards to:

- Serving size declarations
- Reference amounts
- Daily Values
- List of core nutrients
- Format of the NFT
- List of ingredients

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



Nutrition Facts
Serving Size 1 cup (228g)
Servings Per Container 2

Amount Per Serving
Calories 260 Calories from Fat 120

	% Daily Value*
Total Fat 13g	**20%**
Saturated Fat 5g	**25%**
Trans Fat 2g	
Cholesterol 30mg	**10%**
Sodium 660mg	**28%**
Total Carbohydrate 31g	**10%**
Dietary Fiber 0g	**0%**
Sugars 5g	
Protein 5g	

Vitamin A 4% • Vitamin C 2%
Calcium 15% • Iron 4%

* Percent Daily Values are based on a 2,000 calorie diet. Your Daily Values may be higher or lower depending on your calorie needs:

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

Source: CFIA, Imported Food and Manufactured Food

Example of Canadian Nutrition Label

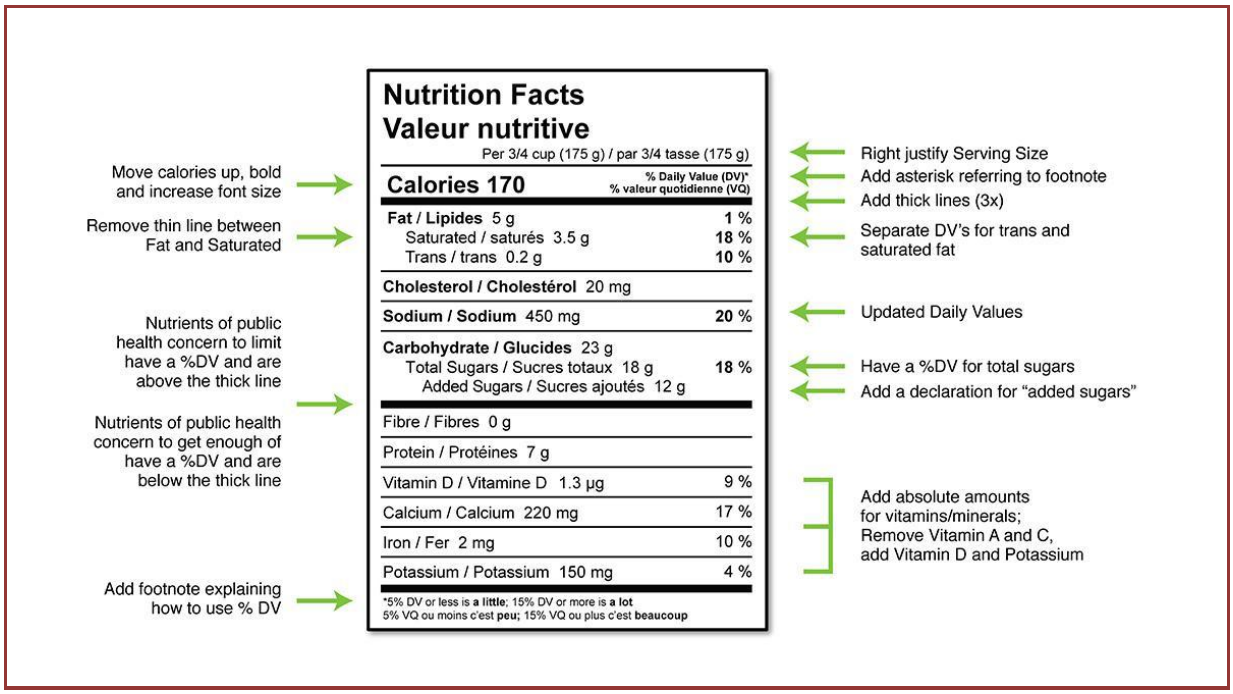
Nutrition Facts
Valeur nutritive
Per 1 cup (264g)
pour 1 tasse (264g)

Amount / Quantité	% Daily Value / % valeur quotidienne
Calories / Calories 260	
Fat / Lipides 13g	**20%**
Saturated / saturés 3g + Trans / trans 2g	**25%**
Cholesterol / Cholestérol 30mg	
Sodium / Sodium 660mg	**28%**
Carbohydrate / Glucides 31g	**10%**
Fibre / Fibres 0g	**0%**
Sugars / Sucres 5g	
Protein / Protéines 5g	
Vitamin A / Vitamine A	4%
Vitamin C / Vitamine C	2%
Calcium / Calcium	15%
Iron / Fer	4%

✓ *Tip*: To review guidelines on formatting Nutrition Facts Tables go to:

http://www.inspection.gc.ca/english/fssa/labeti/guide/ch5e.shtml

Example of the Proposed Changes on Nutrition Facts Table (not yet into law)



Source: Health Canada and CFIA

a. Labeling Exemptions

Some prepackaged foods are exempt from mandatory nutrition labeling. [B.01.401 (2) (a,b) B.01.401 (3) of the Food and Drug Regulations (FDR)].

http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/nutrition-labelling/exemptions/eng/1389198015395/1389198098450?chap=2

a) foods, such as spices, vinegar, coffee and (but not sweetened versions), and some bottled waters;

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

c) fresh vegetables and fruit or any combination of fresh vegetables or fruits without any added ingredients, orange with added color or a fresh vegetable or fruit 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.).

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(2)(b) (iii), FDR];

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 from bulk at retail are one variety of food (such as the egg rolls alon,etc.) , unless it has a ADS of less than 200 cm^2 or consists of individual servings sold for immediate consumption [B.01.401(2) (b)(v), FDR].

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 serving that is sold for immediate consumption that has not been subjected to a process to extend its durable life, including special packaging [B.01.401(2)(b)(vii), FDR];

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 [B.01.401(2) (b) (vii), FDR] Available Display Surface (ADS)

b. Losing the Exemption

Some of the reasons for losing an exemption may vary. Following are some examples:

- 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 function claim
    - A health claim
    - A health-related name, statement, logo, symbol, seal of approval or trade-mark
    - The phrase "nutrition facts", "valeur nutritive" or "valeurs nutritives"

Gluten-free and other allergen-free claims are not considered to be nutritional or health-related properties on their own.

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) in August of 2012. The Canadian Food Inspection Agency (CFIA) and Health Canada require most pre-packaged products containing the allergenic ingredients listed on or noting on the label 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

A list of Ingredients and Allergens can be found at:

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:

Priority Food Allergens includes their Derivatives
Almonds, Brazil nuts, cashews, hazelnuts (filberts), macadamia nuts, pecans, pine nuts (pinyon, pinon), pistachios and walnuts;
Peanuts
Sesame seeds
Wheat or tricale
Eggs
Milk
Soybeans
Crustaceans
Shellfish
Fish
Mustard Seeds

Manufacturers are recommended to access CFIA's Tool for Managing Allergen Risks in Food Products at:

http://www.inspection.gc.ca/english/fssa/invenq/inform/toualle.shtml

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/food/labelling/updates/eng/1398697584083/1398776210946

Tariffs and Tariff Rate Quotas (TRQs)

Effective January 1, 1989 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, is publicly available at Controlled Products .

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 39 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 – Table 1
http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._870/page-160.html#h-110

Lists of Permitted Food Additives
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.: 613-960-0552 Email: smiu-ugdi@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

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: 1-855-444-0082 (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 AMS EV program. The red meat export requirements for shipments to Canada are detailed on the FSIS site and will require FSIS form 9135-3: 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:

Nutrient Enrichment or Fortification
http://www.inspection.gc.ca/food/non-federally-registered/product-inspection/inspection-manual/eng/1393949957029/1393950086417?chap=3#a234 (2.3.4)

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.

Marketing **Authorizations**

The Marketing Authorizations (MA) are issued by Health Canada. These authorizations 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 products with fortification levels not currently subscribed under the Food and Drug Act. Firms may submit MA application which is closely screened by a team of specialists under the Food Directorate of Health Canada.

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

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

The applications follow three category streams. They are:

Stream 1 – An application with an administrative change. These are applications that currently have an existing authorization and are amending possibly a name change on the product, change in the manufacturer's address, etc. These applications do not require a scientific review.

Stream 2 – A new authorization or an extension on an existing order. These applications are likely to include the addition of new product lines, for example new flavors or new sizes.

Stream 3 – New Products not covered in the two above stream categories.

The application processing time to receive a response from Health Canada for products under Stream 1 is on average 21 days, Stream 2 is 60 days, and Stream 3 is 150 days. During the assessment period, Health Canada may request for additional information. Those companies that do not receive approval will be sent a *Refusal Letter* and those obtaining approval will be issued a Temporary Marketing Authorization Letter (TMAL).

- **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.** 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*. Those who receive a TMAL will be asked to maintain records and share any further research and scientific findings with Health Canada that will help support of a proposed amendment to the *Food and Drug Regulations*.

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.

General 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) and Other Authorizations: Processed Food Products

The TMAs under Canada's *Processed Product Regulations (PPR)* are issued by the Canadian Food Inspection Agency (CFIA). They allow special instances for test marketing of domestically manufactured or imported processed food products that are not in compliance with standard container sizes, current packaging, labeling, or compositional requirements under the Processed Products 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. 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. These authorizations are temporary and are granted for a period between 12 to 24 months.

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

CFIA, Test Market Authorizations:
http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/test-marketing/eng/1394481525962/1394481573609?chap=1#s2c1

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/eic/site/cipointernet-internetopic.nsf/eng/h_wr00003.html?Open&src=cipo-mm-cpyrght

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

The Use of Health Claims and Types

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:

Health Claims
http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/health-claims/eng/1392834838383/1392834887794

- **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. These claims do not refer to health effect, disease, or health condition. For more details go to:

http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/health-claims/eng/1392834838383/1392834887794?chap=10

- **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.

Acceptable Disease Risk Reduction Claims and Therapeutic Claims:
http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/health-claims/eng/1392834838383/1392834887794?chap=6#s8c6

- **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.

Conditions and Acceptable Function Claims Table

http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/health-claims/eng/1392834838383/1392834887794?chap=7

- **Nutrient Function Claims**

  These statements 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 conditions and acceptable nutrient functions claims go to:

  http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/health-claims/eng/1392834838383/1392834887794

- **Probiotic Function Claims**

  These statements are a subset to function claims. These claims relate to live microorganisms which when administer in adequate amounts provide a health benefit. An example is "contains bacteria that are essential to the healthy system."

  http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/health-claims/eng/1392834838383/1392834887794?chap=9

Method of Production Claims and Types

These claims refer to how a product is produced, grown, handled and manufactured. Those claims related to the method of production are subject to the Foods and Drugs Act (section 5(1) and the Consumer Packaging and Labelling Act (section 7).

- **Natural 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/food/labelling/food-labelling-for-industry/method-of-production-claims/eng/1389379565794/1389380926083?chap=9#s4c9

- **Kosher Claims**

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/food/labelling/food-labelling-for-industry/method-of-production-claims/eng/1389379565794/1389380926083?chap=4

- **Halal Claims**

"Halal" is an Arabic word meaning lawful or permitted and is the dietary standard of observant Muslims. The use of the word "halal" or any letters of the Arabic alphabet, or any other word, depiction, sign, symbol, device or other representation may be only be used on the label when the name of the body certifying body is indicated on the label, package, or in the advertisement of the food.

It is recommended that companies obtain halal certification from recognized certifying organizations. Halal certification agencies include Islamic Society of North America (ISNA) and the Halal Product Development Service (HPDS). On April 23, 2014 new amendments were made to the Food and Drug Regulations in regards to Halal claims and can be found here:

Halal Food [B.01.050, FDR]
http://www.gazette.gc.ca/rp-pr/p2/2014/2014-04-23/html/sor-dors76-eng.php

- **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:

Compliance and Enforcement of Gluten-Free Claims (B.24.018)
http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/allergens-and-gluten/gluten-free-claims/eng/1340194596012/1340194681961

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.inspection.gc.ca/food/labelling/food-labelling-for-industry/method-of-production-claims/eng/1389379565794/1389380926083?chap=3

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

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

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/food/labelling/food-labelling-for-industry/alcohol/eng/1392909001375/1392909133296

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 percent 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 ensure the identity, strength, and quality of the product by putting in place good operational practices, such as manufacturing, storage, handling and distribution practices. Health Canada provides 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/form/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 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 is being managed by:
http://naccvp.com/
North American Compendiums

F) A New Food Regulatory Framework – Expected to Start in 2015

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. In the last three years government has been reviewing each of 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.

Through public consultations with industry, recommendations have been considered that will support continued commerce while at the same time ensure food safety for all Canadians.

Of key importance, the Food and Drug Administration (FDA) in the U.S. is currently modifying their food safety laws as well. Due to the significant trade relationship between Canada and the U.S., both governments are working together to align certain food regulations and laws where it is mutually beneficial in both jurisdictions. This joint effort will help in facilitating trade between Canada and the U.S.

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 is of great relevance for many 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.

Under the existing proposal (Annex 3, Part 2), a non-resident importer may obtain a license for any products which are manufactured in the U.S. if the company or its supplier have a fixed place of business in a foreign state that has a food safety system that provides a similar level of protection to that

of Canada. Currently, the United States and Canada are working on developing a food safety system recognition agreement. Thus, under this proposal, a non-resident could ship to Canada as a licensee and importer the products they manufacture or are manufactured in the U.S. by another supplier meeting the above conditions. They could not, however, ship products manufactured in other countries that they have imported into the U.S. even though the U.S. considers them safe and meeting the food safety regulations in the U.S.

Food exporters are encouraged to follow these developments closely since, in the absence of such an agreement, all exporters will have to either establish a physical presence in Canada in order to obtain a license, or to work with a Canadian customer that obtains a license or may have to operate two methods of shipment to Canada, one for the U.S. produced product and one for the non-U.S. product.

An Overview of Proposed New Food Regulations

A number of the proposed regulations are likely to be consolidated in a single set of food regulations and establish minimum food safety requirements for all food imported or prepared domestically across all provinces. The aim of the new set of regulations would reflect internationally recognized standards and management based requirements, including HACCP principles and good manufacturing practices. Certain commodity-specific requirements and processes would maintain their current approach but are likely to be re-written to streamline, consolidate and allow for innovation.

The proposed regulatory framework would further:

- focus on prevention and enable regulated parties to rapidly mitigate emerging food safety risks;
- confirm industry responsibility and accountability for preparing safe food;
- enable the CFIA to apply a consistent science and risk-based approach to inspection;
- apply consistent approaches to procedural elements of the regulations (e.g. seizure and detention, applications for Ministerial Exemptions, use of inspection marks); and,
- address non-food safety requirements in a more consistent manner.

In the coming year, U.S. exporters are strongly encouraged to review some of the proposed changes by reviewing the following link:

> *A New Regulatory Framework for Federal Food Inspection: Overview of Proposed Regulation*
> http://www.inspection.gc.ca/about-the-cfia/accountability/consultations/federal-food-inspection/overview-of-proposed-regulations/eng/1400451508255/1400451811916

APPENDIX. Statistics

Table A. Key Trade and Demographic Information

Agricultural Imports/from All Countries/2013/U.S. Market Share [1/]	$33.4 billion/ 61 percent
Consumer Food Imports/from All Countries/2012/U.S. Market Share [1/]	$25.6 billion/ 64 percent

Total Population, July 2014 [2/]	35.5 million

	Imports from the World	Imports from the U.S.	U.S. Market Share among all imports
Urban Population / Rural Population / Percent Urban/2006 [2/]			25.2 mil./6.2 mil/ 80 percent urban/ 20 percent rural
Number of Metropolitan Areas Over 100,000			33
Per Capita Gross Domestic Product (U.S. dollars); 2013 [3/estimate]			$43,100
Unemployment Rate (September 2014), Statistics Canada			6.8 percent
Average Household Spending on food and drink, retail/foodservice, 2012; (U.S. dollars) [4/]			$626 monthly/ $7,514 annually • $5,410/Retail • $2,104/Foodservice
Total Employment / Full & Part Time; November 2013 [5/]			17.8 million
Exchange Rate, average annual 2013 [6/]			$1USD = $1.03CAD

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

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

	2011	2012	2013	2011	2012	2013	2011	2012	2013
Consumer – Oriented Agricultural	22.8	24.3	25.6	14.3	15.5	16.4	63 percent	64 percent	64 percent
Fish & Seafood	2.4	2.4	2.6	0.9	0.9	0.9	36 percent	36 percent	35 percent
Total Agricultural	31.1	32.4	33.4	18.2	19.8	20.5	59 percent	61 percent	62 percent
Agricultural, Fish & Forestry	37.0	38.7	40.0	21.5	23.3	24.1	58 percent	60 percent	60 percent

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

Consumer-Oriented Agricultural Imports into Canada			
$US billion	**2011**	**2012**	**2013**
World	**22.8**	**24.3**	**25.6**
United States	**14.3**	**15.5**	**16.4**
U.S. market share	***63 percent***	***64 percent***	***64 percent***
Mexico	1.17	1.20	1.4
Italy	0.69	0.71	0.73
France	0.64	0.64	0.67
Chile	0.51	0.50	0.53
China	0.50	0.53	0.53
Australia	0.38	0.39	0.39
Germany	0.27	0.29	0.31
New Zealand	0.35	0.32	0.28
Netherlands	0.24	0.24	0.24
All other countries	3.75	3.98	4.12
Source: Estimates derived from Global Trade Atlas are in $US billion			

Fish and Seafood Product Imports into Canada			
$US billion	**2011**	**2012**	**2013**
World	**2.43**	**2.44**	**2.6**
United States	**0.87**	**0.88**	**.90**
U.S. market share	***36 percent***	***36 percent***	***35 percent***
China	0.40	0.38	0.38

Thailand	0.40	0.42	0.34
Vietnam	0.13	0.13	0.17
Chile	0.11	0.11	0.12
India	0.07	0.07	0.11
Norway	0.06	0.06	0.07
Russia	0.02	0.02	0.06
Indonesia	0.03	0.03	0.04
Ecuador	0.02	0.02	0.03
Taiwan	0.02	0.02	0.03
All other countries	0.30	0.30	0.35
Source: Estimates derived from Global Trade Atlas are in $US billion			

Total Agricultural Product Imports into Canada			
$US billion	**2011**	**2012**	**2013**
World	**31.1**	**32.4**	**33.4**
United States	**18.2**	**19.7**	**20.5**
U.S. market share	***59 percent***	***61 percent***	***62 percent***
Mexico	1.22	1.25	1.43
Italy	0.82	0.84	0.87
Brazil	1.05	0.91	0.76
France	0.73	0.71	0.74
China	0.67	0.73	0.71
Chile	0.54	0.54	0.60
Australia	0.41	0.43	0.43
Germany	0.34	0.37	0.40
Columbia	0.40	0.35	0.33
Indonesia	0.50	0.39	0.32
All other countries	6.22	6.18	6.31
Source: Estimates derived from Global Trade Atlas are in $US billion			

Total Agricultural, Fish, and Forestry Product Imports into Canada			
$US billion	**2011**	**2012**	**2013**
World	**37.0**	**38.7**	**40.0**
United States	**21.5**	**23.3**	**24.1**
U.S. market share	***58 percent***	***60 percent***	***60 percent***

China	1.65	1.78	1.76
Mexico	1.24	1.27	1.46
Italy	0.85	0.86	0.90
Brazil	1.10	0.96	0.82
Chile	0.72	0.72	0.78
France	0.74	0.72	0.75
Thailand	0.85	0.82	0.74
Germany	0.40	0.42	0.45
Australia	0.42	0.44	0.43
India	0.33	0.41	0.41
All other countries	7.20	7.00	7.40
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
CPLA – Consumer Packaging Labelling Act
EDI – Electronic Data Interchange
FBL – Foreign Buyers List
FDR – Food Drug Regulations
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
PPR- Processed Product Regulations
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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