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Canada

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:
In the fall of 2013, the Government of Canada moved the Canadian Food Inspection Agency (CFIA) from the Agriculture portfolio to the Ministry of Health. The Safe Food for Canadians Act received Royal Assent in November 2012 and strives to simplify and consolidate the authorities under previous acts regulating food. Implementing regulations are currently being drafted with significant input from stakeholders in the hopes of minimizing trade disruptions. The Regulatory Cooperation Council and the Beyond the Border Initiative continue as successful platforms to advance bilateral issues on security, trade, and economic competitiveness.

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Section I. Food Laws:

The Canadian Food Inspection Agency (CFIA)

The Canadian government has recently passed the "Safe Food for Canadians Act" which will result in changing regulations for food products entering the Canadian market. It will be important to monitor changes caused by this act over the coming year. The Forward Regulatory Plan 2012-2014 provides regulatory initiatives that CFIA expects to bring forward for public consultation and can be viewed at the following website:

http://inspection.gc.ca/about-the-cfia/acts-and-regulations/forward-regulatory-plan/2012-2014/eng/1361998257864/1361998363824

Since April 1997, all federally mandated food inspection and quarantine services for domestic and imported foods were consolidated into the CFIA. On October 9, 2013, the Government of Canada announced the transfer of the Canadian Food Inspection Agency (CFIA) to report to the Minister of Health as opposed to the Minister of Agriculture. The three authorities responsible for Canada's food safety, now under the Minister of Health, are Health Canada (HC), the Public Health Agency of Canada (PHAC) and the food-safety responsibilities of the Canadian Food Inspection Agency (CFIA). Agriculture and Agri-Food Canada (AAFC) will continue to oversee the non-food safety agricultural activities of the CFIA such as economic and trade issues as well as the animal health and plant protection work. The following are brief descriptions of Canadian legislation that applies to imports. Readers should note that while the official Acts are the enabling legislation, it is the associated regulations that contain detailed requirements pertaining to imports. Full texts of Canada's Laws are available at www.justice.gc.ca.

Customs Act

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

Export and Import Permits Act

The authority to control the importation and exportation of commodities and technologies is derived from this Act.
The Export and Import Permits Act provides for the establishment of a series of lists known as the Import Control List (ICL), the Export Control List (ECL), the Automatic Firearms Country Control List (AFCCL), and the Area Control List (ACL). For each one of these lists, the Act sets out criteria that govern the inclusion of goods or countries on the respective lists. By issuing import and export permits, government controls the flow of goods named on these lists, and export/import to specific destinations. The Export and Import Permits Act provides the Minister of Foreign Affairs with the authority to allocate quotas to Canadian firms. Once quotas are allocated, import permits will be issued to quota holders up to their quota level as long as the terms and conditions of the permit are met. Canada's tariff rate quotas on certain agricultural products are administered by the Department of Foreign Affairs and International Trade and Revenue Canada. See also, Section VI, Tariff Rate Quotas.

Fisheries Act

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

Food and Drugs Act

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

Health of Animals Act

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

Plant Protection Act

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

Safe Food for Canadians Act

On November 22, 2012, the Safe Food for Canadians Act received Royal Assent. Implementing regulations are currently being drafted and stakeholders are encouraged to accompany these forthcoming new regulations to ensure compliance to minimize trade disruptions.
The SFCA consolidates four food-related statuses (Canada Agricultural Products Act, Fish Inspection Act, Meat Inspection Act, and the food-related provisions of the Consumer Packaging and Labeling Act) in addition to its own new legislation. The proposed legislation focuses on three important areas: (1) Improved food safety oversight to better protect consumers, (2) Streamlined and strengthened legislative authorities, and (3) Enhanced international market opportunities for Canadian industry.
New introductions by the act include:

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

The new Safe Food for Canadians Act consolidates the authorities of the following Acts:

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

Canada Agricultural Products (CAP) Act and Associated Regulations: The CAP Act and associated regulations are designed to set national standards and grades for agricultural products and to regulate the marketing of agricultural products in import, export, and interprovincial trade. They provide for the licensing of dealers in agricultural products; the inspection, grading, labeling, and packaging (including standardized sizes) of regulated products. The following regulations fall under the CAP Act:
Dairy Products Regulations
Egg Regulations
Fresh Fruit and Vegetable Regulations
Honey Regulations
Licensing and Arbitration Regulations
Maple Products Regulations
Processed Egg Regulations
Processed Products Regulations
Livestock & Poultry Carcass Grading Regulations
Organic Product Regulations

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

Consumer Packaging and Labeling Act: The Consumer Packaging and Labeling Act provides for the uniform labeling of consumer packaged goods for sale at the retail level. The Regulations prescribe requirements for bilingual labeling, metric net quantity declarations and for the size and location of mandatory labeling information. Currently these Regulations also prescribe standardized sizes for some butter, and wine, but there is an interest among Canadian regulators to bring these products under the CAP Act.

Additional information on the status of the Safe Food for Canadians Act can be obtained through the following website:

http://www.inspection.gc.ca/about-the-cfia/acts-and-regulations/regulatory-initiatives/sfca/eng/1338796071420/1338796152395

Weights and Measures Act

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

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

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

Agriculture and Agri-Food Administrative Monetary Penalties Act

The Agriculture and Agri-Food Administrative Monetary Penalties Act establishes a system of administrative monetary penalties for the enforcement of the following acts: the CAP Act, the Feeds Act, the Fertilizers Act, the Health of Animals Act, the Meat Inspection Act, the Plant Protection Act, and the Seeds Act. The Monetary Penalties Act authorizes monetary penalties on violators of Canadian regulations.

Other Acts
Feeds Act
Fertilizers Act
Plant Breeders‟ Rights Act
Seeds Act
Trade Marks Act

Websites:
Canadian Food Inspection Agency
http://www.inspection.gc.ca/
Health Canada Food and Drugs Act
http://www.hc-sc.gc.ca

Section II. Labeling Requirements:

General Requirements

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

- Labels in English and French
- Net quantities expressed in metric units
- List of ingredients, (including food allergens)
- Durable life date (if shelf life 90 days or less)
- Common name of product
- Name and address of Manufacturer /Canadian Dealer, noted "imported for/importé pour"
- Nutrition Facts Table in accordance with the Canadian format
- Starting August 2012, declaration of food allergens on pre-packaged foods
- Follow minimum type size specifications
- Conformity to standardized package sizes stipulated in the regulations
- Country of origin labeling on shipping container

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.

The Guide to Food Labeling and Advertising in Canada

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

The CFIA Guide includes information on:

- Basic labeling requirements *
- Advertising requirements
- Claims as to the composition, quality, quantity and origin of foods
- Nutrition labeling *
- Nutrient content claims *
- Health-related claims *
- New regulations on food allergens *
- Other product specific requirements for alcoholic beverages, processed fruits and vegetables, honey, meat and poultry, fish and supplementary products*

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

The full guide is available on the CFIA website at:
http://www.inspection.gc.ca/food/labelling/guide-to-food-labelling-and-advertising/eng/1300118951990/1300118996556

In 2013, the CFIA removed its Label Registration Unit that eliminates the mandatory pre-market registration of labels for certain meats and processed products. Additional recent amendments to CFIA's Food Labelling and Advertising requirements is available on the CFIA website at:

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

Food Labeling Information Service

The CFIA consolidates federal food label review under their Labeling Information Service. The labeling service is designed for new entrants into the marketplace who are not familiar with the Canadian regulatory system. This service is available at specified regional CFIA locations across Canada. These offices coordinate the requirements of the aforementioned federal departments to simplify product approval and label compliance. U.S. exporters are advised to contact the closest regional office as listed in the link below with further questions:
http://www.inspection.gc.ca/english/fssa/labeti/guide/ch1e.shtml#1.6

Note: Label registration is required for all processed meat products under the Meat Inspection Act and Regulations. All U.S. exporters are urged to complete the form below and provide along with the appropriate copies of the label and formulation and the specified fee.

Request for Registration of Labels, Markings and Containers:
http://inspection.gc.ca/english/for/pdf/c1478e.pdf

Clerk- Label and Recipe Registration
1431 Merivale Road
Ottawa, Ontario K1A 0Y9, Third Floor
Ottawa, Ontario K1A OY9
Email. Label-etiquette@inspection.gc.ca

CFIA will review a limited number of non-mandatory labels per company. A U.S. exporter may receive information about submitting their request by contacting 1-800-667-2657 or email the draft label to labelwindow@inspection.gc.ca

Canadian Food Inspection Agency Food Labeling Information Service Offices:

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) 452-3923

Newfoundland and Labrador
Northwest Atlantic Fisheries Centre
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 B2Y 1Y9
Tel: (902) 426-2110
Fax: (902) 426-4844

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

Ontario Province

Northeast Region
Auriga Drive, Unit 8
Ottawa, Ontario K2E 8A5
Tel: (613) 274-7374
Fax: (613) 274-7380

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

Toronto Region
1124 Finch Avenue West, Unit 2
Downsview, Ontario M3J 2E2
Tel. (416) 665-5055
Fax (416) 665-5069

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

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

Québec Province

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

Québec
Place Iberville IV
2954, Laurier Blvd, suite 100
Ste-Foy (Québec) G1V 5C7
Tel: (418) 648-7373
Fax: (418) 648-4792

Montreal West
2021 Union Street, Room 1450
Montreal, Québec H3A 2S9
Tel: (514) 283-8982

St-Hyacinthe
3100 Laframoise Boulevard, Room 206
St-Hyacinthe, Quebec J2S 4Z4
Tel : (450) 773-6639

Fax: (514) 283-1855

Fax : (450) 774-8522

Western Provinces

Alberta - Calgary
110 County Hills Landing NW, Suite 202
Calgary, Alberta T3K 5P3
Tel: (403) 292-4650
Fax: (403) 292-5692

Alberta - Edmonton (includes NWT and Nunavut)
7000 - 113 St, Room 205
Edmonton, Alberta T6H 5T6
Tel: (780) 495-3333
Fax: (780) 495-3359

British Columbia - Coastal Region
4321 Still Creek Dr., Suite 400
Burnaby, British Columbia V5C 6S7
Tel: (604) 666-6513
Fax: (604) 666-1261

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

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

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

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

Bilingual Labeling Requirements

All mandatory information on food labels must be shown in both official languages, i.e., French **and** English, with one exception:

- The identity and principal place of business of the person by or for whom the prepackaged product was manufactured, processed, produced or packaged for resale, may be in either English or French.

The province of Quebec has additional requirements concerning the use of the French language on all products marketed within its jurisdiction. Information on these requirements can be obtained from:

Ministère de l'Agriculture, des Pêcheries et de l'Alimentation du Québec
200-A Chemin Sainte-Foy

Québec, Québec G1R 4X6
Tel. (418) 643-2500
Fax (418) 644-3049

Quebec French language labeling information can also be found at the Website of l'Office de la langue française: http://www.oqlf.gouv.qc.ca/

Labeling of Shipping Containers

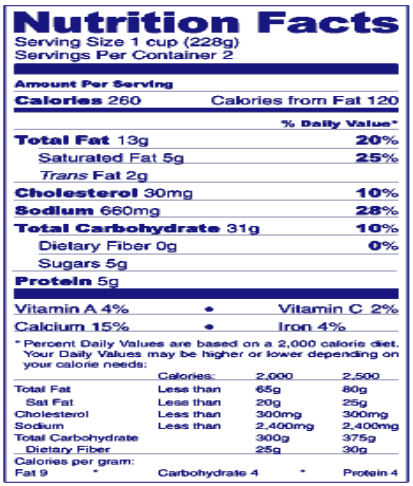
Labels of shipping containers used for industrial or institutional use are exempt from bilingual labeling requirements. The outside of the container requires a product description, the name and address of the U.S. company and a net quantity declaration in either metric or imperial units (under the Weights and Measures Act). 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. http://www.inspection.gc.ca/english/fssa/labeti/guide/ch2ae.shtml#2.15

Nutrition Labeling

On December 12, 2007, Canada's mandatory nutrition labeling regulations for prepackaged foods came into effect. The U.S. nutrition panel is not permitted on the labels of foods sold in Canada. All U.S. prepackaged food product exporters are advised to review the Canadian nutrition labeling regulations and to bring their packaging into compliance to avoid entry refusals at the border or product detention. Nutrition labeling policy is set by Health Canada while the Canadian Food Inspection Agency is responsible for enforcement. The nutrition labeling toolkit website is located at: http://www.inspection.gc.ca/english/fssa/labeti/nutrikit/nutrikite.shtml

Example of U.S. Nutrition Label

Example of Canadian Nutrition Label



Source: CRFA, Imported Food and Manufactured Food

Labeling Exemptions

Some prepackaged foods are exempt from mandatory nutrition labeling. The following products are exempt from displaying a nutrition facts table (excerpt from the 2011 CFIA Guide to Food Labeling and Advertising, Chapter 5, Section 5.3):

a) foods, such as spices and some bottled waters, for which all the nutritional information (other than serving of stated size) set out in column 1 of the table to B.01.401 may be expressed as "0";
b) beverages with an alcohol content of more than 0.5 percent;
c) fresh vegetables and fruits without added ingredients, oranges with color, and fruit and vegetables coated with paraffin wax or petrolatum;
   This category includes fresh herbs such as parsley, basil, thyme, etc. (but not dried herbs); sprouts; and fruits and vegetables that are minimally processed (e.g., washed, peeled, cut-up, shredded, etc.), including mixtures of fruits and vegetables, such as bagged mixed salad and coleslaw (without dressing, croutons, bacon bits, etc.).
   NOTE: The exemption is lost if any health claim set out in the table following B.01.603 is made, including the following: "A healthy diet rich in a variety of vegetables and fruit may help reduce the risk of some types of cancer," [B.01.401 (3)(e)(ii), and item 4 of the table following B.01.603].
d) raw, single ingredient meat, meat by-product, poultry meat, and poultry meat by-product;
   NOTE: Prepackaged ground meat, ground meat by-product, ground poultry meat and ground poultry meat by-product must always carry a Nutrition Facts table [B.01.401(3)(d)].
e) raw, single ingredient marine or freshwater animal products (such as fish, crustaceans, etc.);
f) foods sold only in the retail establishment where the product is prepared and processed, including products made from a pre-mix when an ingredient other than water is added to the pre-mix;
   NOTE: A Nutrition Facts table is required when only water is added to a pre-mix or when a product is only baked, cooked, etc. on the premises without the addition of other ingredients.
g) foods sold only at a roadside stand, craft show, flea market, fair, farmers' market and sugar bush by the individual who prepared and processed the product;
h) individual servings of foods that are sold for immediate consumption (e.g., sandwiches or ready-made salads), when these have not been subjected to a process or special packaging, such as modified atmosphere packaging, to extend their durable life;
i) foods sold only in the retail establishment where the product is packaged, if the product is labeled by means of a sticker and has an Available Display Surface less
   than 200 cm^2;

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

k) prepackaged individual portions of food that are solely intended to be served by a restaurant or other commercial enterprise with meals or snacks (e.g., crackers, creamers, etc.); and
l) a variety of cow and goat milk products sold in refillable glass containers.

Losing the Exemption

Excerpt from the 2011 Guide to Food Labelling and Advertising, Section 5.3.1:
The last three items listed above (a one-bite confection, an individual portion served with meals, milk in glass containers) never lose their exemption. The remaining items listed above lose their exempt status and are required to carry a Nutrition Facts table when:

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

Allergen Labeling Regulations on Pre-packaged Foods

Health Canada has added gluten sources, mustard, and sulphites to the list of Priority Food Allergens list (see table below). As of August 4, 2012, the Canadian Food Inspection Agency (CRFA) and Health Canada will require most pre-packaged products containing these allergenic ingredients be noted on the label in a form of list or in a statement such as “Allergy and Intolerance Information”; Contains (name the allergen). The new regulations also require manufacturers to use common names, for example spelt and kamut are to be declared as wheat for allergen labeling purposes. Products must list any components of an ingredient that are food allergens, gluten sources, or sulphites (when 10 ppm or more).

Health Canada provides the following reference guidance to food companies:

Food Allergen Labelling Guidance for Industry
http://www.hc-sc.gc.ca/fn-an/label-etiquet/allergen/guide_ligne_direct_indust-eng.php

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

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 . CFIA provides the following checklist for food manufacturers to help mitigate these risks. The list can be found at:
Allergen Check List for Food Suppliers and Manufacturers
http://www.inspection.gc.ca/english/fssa/invenq/inform/toualle.shtml

Section III. Packaging and Container Regulations:

Canadian regulations governing package sizes for fruits and vegetables, processed horticultural products and processed meats stipulate standardized package sizes 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/english/reg/rege.shtml

Note that in April 2012, CFIA announced on its website that "…the CFIA will be removing regulations that restrict the sizes of containers for food," but details have not been finalized. Updates may be found at: http://www.inspection.gc.ca/food/labelling/reference-documents/labelling-tool/eng/1334084456060/1334084643798.

- **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 under the *Honey Regulations.* The regulations are available under CRFA's *Canadian Import, Export and Interprovincial Requirements for Honey*: http://www.inspection.gc.ca/english/fssa/honmiel/cdnreqe.shtml#pres

- **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. 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. These requirements can be reviewed at:

General Packaging and Labelling Requirements for Fresh Fruit and Vegetables:
http://www.inspection.gc.ca/english/fssa/frefra/qual/fruveglabetie.shtml

Please see other requirement for grading, licenses and waivers under **Section VI. Other Regulations and Requirements/Requirements for Fresh Fruits and Vegetables**.

- **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/page-37.html#docCont

Section IV. Food Additives 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 on the Internet at:

Food and Drug Regulations, Division 16 B. 16.001 -

http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C_c._870/page-157.html#docCont

Food Additive Dictionary
http://www.hc-sc.gc.ca/fn-an/securit/addit/diction/dict_food-alim_add-eng.php

Health Canada will review. They are to be submitted to Health Canada either by email or mail, along with the food additive submission checklist. For further information please visit: http://www.hc-sc.gc.ca/fn-an/securit/addit/sub_prep_demande-eng.php.
Canadian regulations on food flavoring are not comprehensive. Health Canada officials approve flavorings and/or 'new' food additives upon request, on a case by case basis only. Health Canada requires manufacturers to submit a formal request describing the intended use and levels of flavorings not specified in the regulations. This must be supplied together with information relating to the estimated intake of the flavoring by the consumer under normal consumption patterns. Submission and specific questions relating to ingredients, food additives, and chemical residue limits may be directed to:

Bureau of Chemical Safety, Food Directorate
Health Products and Food Branch
Health Canada
251 Sir Frederick Banting Driveway, Tunney's Pasture
Ottawa, Ontario K1A 0K9
Tel. 613-957-0973
Email: bcs-bipc@hc-sc.gc.ca
Website: http://www.hc-sc.gc.ca/fn-an/securit/addit/sub_prep_demande-eng.php

Food Additive Submission Checklist:
http://www.hc-sc.gc.ca/fn-an/pubs/additive-checklist_additifs-aide-memoire-eng.php

Section V. Pesticides and Other Contaminants:

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

Canada is currently reviewing its policy of the 0.1 ppm default level. A discussion document issued by Health Canada on this policy review is available at:
http://www.hc-sc.gc.ca/cps-spc/pest/part/consultations/_dis2006-01/index-eng.php

Health Canada's Health Protection Branch sets maximum reside limits (MRL) for pesticides. A full listing of Canadian MRLs is available on the Pest Management Regulatory Agency's (PMRA) website at: http://www.pmra-arla.gc.ca/english/legis/maxres-e.html

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

Pest Management Regulatory Agency
Health Canada
2720 Riverside Drive
Ottawa, Ontario K1A 0K9
Telephone: (613) 736-3799

Section VI. Other Regulations and Requirements:

Summary of Regulatory Initiatives

Regulatory initiatives affecting food are posted for review by industry on the Canadian Food Inspection Agency website at the following URL address:

http://www.inspection.gc.ca/about-the-cfia/acts-and-regulations/regulatory-initiatives/eng/1299849033508/1299849093611

The following regulatory proposals were recently pre-published in the Canada Gazette, Part 1:

Icewine Regulations. June 15, 2013
Regulatory Impact Analysis Statement and Proposed Regulations (Canada Gazette website)

Regulations Amending the Food and Drug Regulations (Halal food), June 1, 2013
Regulatory Impact Analysis Statement and Proposed Regulations (Canada Gazette website)

Regulations Amending the *Seeds Regulations* (oilseed soybeans and forages), March 9, 2013
Regulatory Impact Analysis Statement and Proposed Regulations (Canada Gazette website)

Regulations amending the Health of Animals Regulations, July 14, 2012
Examples of reporting requirements under the proposed pig traceability system

News release

Regulatory Impact Analysis Statement and Proposed Regulations (Canada Gazette website)

Notice of Intent with respect to a proposal to establish an Importer Licensing regime
April 21, 2012
Notice of Intent (Canada Gazette website)

Regulations Amending the *Meat Inspection Regulations*, 1990, April 7, 2012
Information Documents

Regulatory Impact Analysis Statement and Proposed Regulations (Canada Gazette website)

Inspection and Registration Fees

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

Beef and Bison Export Verification

Following the identification of a BSE-infected animal in Washington State, on December 23, 2003, the Canadian government introduced certain import restrictions on U.S. beef and live cattle. On several occasions beginning January 22, 2004, again on April 23, 2004, and in June 2006, the restrictions were partially eased but some special entry requirements remain in effect. 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. 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 Food Safety and Inspection Service (FSIS) website: http://www.fsis.usda.gov/Regulations_&_Policies/Canada_Requirements/index.asp#Documentation. For more information on the Export Verification Program for Bison or Buffalo to Canada, go to: http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELDEV3103514 .

Requirements for Fresh Fruits and Vegetables

All fruits and vegetables imported into Canada must meet specific standards and packaging regulations laid out in the Canada Agricultural Products Act's Fresh Fruit and Vegetable Regulations and Processed Product Regulations. The regulations are available on the Internet at: http://laws.justice.gc.ca/en/C-0.4/index.html

U.S. fresh fruits and vegetable exporters must:

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

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

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

Consignment selling of fruits and vegetables into Canada is prohibited by law and a confirmation of sale form is required for entry. Only produce that is pre-sold will be released at the border by Canada Customs.
Where grades and standard container sizes are established in Canadian regulation, bulk imports require a special exemption from the CFIA. This exemption is not granted unless there is a shortage of domestic supply.

Further information on fruit and vegetable regulations is available from:
http://www.inspection.gc.ca/english/fssa/frefra/frefrae.shtml

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. The Processed Product Regulations are available for viewing at the following Justice Department website:
http://laws.justice.gc.ca/en/C-0.4/index.html

Tariff Rate Quotas

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

First-Come, First-Served (FCFS) TRQs

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

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

For more information on FCFS TRQs, see the Canadian Border Service Agency: http://www.cbsa-asfc.gc.ca

Non First-come, First-Served TRQs

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

Allocating TRQs

The Department of Foreign Affairs and International Trade (Export and Import Controls Bureau) is responsible for administering and allocating quotas for the non FCFS TRQ goods and for issuing import permits. Revenue Canada (Customs and Trade Administration) is responsible for the administration of FCFS TRQ goods, which includes monitoring the levels of their importation. For more information go to:
http://www.dfait-maeci.gc.ca/trade/eicb/agric/agric-en.asp

Section VII. Other Specific Standards:

Marine

Fish and fish products are subject to the Fish Inspection Act and Regulations, which contain requirements for wholesomeness, labeling, packaging, grading, and health and safety. The Canadian importers of fish and fish products must have an Import License issued by the CFIA and must notify the closest CFIA fish inspection office in writing each time they import fish. Restrictions apply to the importation of live or raw bivalve molluscan shellfish such as mussels, clams and oysters. Import permits may be required for certain types of cultured fish. Certain provinces may have additional requirements for the importation of live fish.

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

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

- Shipping containers for fresh or frozen fish must be stamped or stenciled on one end with all code markings that identify the packer, and day, month, and year of packing.
- For canned product, each can must be embossed, or otherwise permanently marked, in a code that identifies the name of the establishment, the day, month, and year of processing, and where required in the regulations, the species of fish. FID requires the Canadian importer to provide a list indicating the establishment and the number of containers for each production code.

General labeling requirements for fish and fish products in consumer packages include, but are not limited to: English and French for mandatory information, list of ingredients, including additives, the name and address of the packer or distributor, the common name of the product, and the weight in metric units (imperial weight units may appear in addition).

More information regarding the requirements to import fish into Canada can be found on the CFIA web site:
http://www.inspection.gc.ca/english/fssa/fispoi/fispoie.shtml

Novel Foods (Genetically Modified Foods)

Health Canada defines novel foods as: products that have never been used as a food; foods which result from a process that has not previously been used for food; or, foods that have been modified by genetic manipulation. These last categories of foods have been described as genetically modified foods.

Health Canada is responsible for ensuring that all foods, including those derived from biotechnology, are safe prior to their entering into the Canadian food system. The Novel Foods Regulation (under the Food and Drugs Act) requires that notification be made to Health Products and Food Branch (HPFB) by the company who wants to sell the product prior to the marketing or advertising of a novel food. Pre-market notification is designed to allow Health Canada to conduct a safety assessment of the biotechnology-derived food prior to permitting its sale in the Canadian marketplace.

For more information on the regulations governing genetically modified foods consult the Agricultural Biotechnology Report for Canada, report CA12029, which may be found at the following website: http://gain.fas.usda.gov.

The following is Health Canada's website for information concerning the sale of novel foods (genetically modified foods) in Canada.

http://www.hc-sc.gc.ca/fn-an/gmf-agm/index_e.html

Contact for Novel Food Pre-Market Notification/Submission:

Submission Management and Information Unit
Food Directorate, Health Products and Food Branch,

Health Canada
251, Sir Frederick Banting Driveway
Ottawa, Ontario K1A 0K9
Phone: (613) 960-0552
Fax: (613) 946-4590
Email address: smiu-ugdi@hc-sc.gc.ca

Vitamin and Mineral Fortification

The addition of vitamins and minerals to food in Canada is controlled by the Food and Drug Regulations and only foods fortified with certain nutrients, and to levels specified in the Regulations, may be sold in Canada. In 1998, Canada began a review of its food fortification policy. The review responded to concerns that the current policy and practices are too restrictive and that they limit the development of new products, as well as Canadians' access to fortified foods available in other countries. The proposed policy is outlined in the document, *Addition of Vitamins and Minerals to Food, 2005: Health Canada's Proposed Policy and Implementation Plans.* It would retain current fortification practices to prevent and correct nutritional problems, such as requiring the addition of Vitamin D to milk to combat the childhood disease of rickets and the addition of folic acid to flour to reduce birth defects. Fortifying foods to restore vitamins and minerals lost through processing would also continue. The document can be found here: http://www.hc-sc.gc.ca/fn-an/nutrition/vitamin/fortification_final_doc_1-eng.php
The policy would create a new provision for food fortification done at the "discretion" or "choice" of the manufacturer (within defined limits set by Health Canada) to meet a market demand, a process known as discretionary fortification. The policy also calls for an expansion of the product category of special purpose foods. The policy review is ongoing.

Health Canada is expected to draft regulations to implement the policy, although no time frame has been announced. There will be a comment period when the draft regulations are published in the ***Canada Gazette*** Part I. The regulatory process usually takes about 12-18 months. For more information on food fortification, visit www.healthcanada.gc.ca/fortification

Wine, Beer and Other Alcoholic Beverages

The federal Importation of Intoxicating Liquors Act gives the provinces and territories full control over the importation of intoxicating liquor into their jurisdictions. Provincial liquor commissions control the sale of alcoholic beverages in Canada and the market structure can vary considerably from province to province. Alcoholic beverages can only be imported through the liquor commissions in the province where the product will be consumed. In general terms, U.S. exporters are required to have their products “listed” by the provincial liquor control agency. In many provinces, U.S. exporters must have a registered agent who provides the necessary marketing support within the province to obtain a provincial liquor board listing. As an initial step, U.S. exporters should contact the provincial liquor board in the target market for a listing of registered agents. Canadian packaging and labeling requirements for wine and beer are administered under Canada’s Food and Drug Regulations and the Consumer Packaging and Labeling Regulations. In addition to the general packaging and labeling requirements for most foods, the regulations for alcoholic beverages cover common names and

standardized container rules. For example, light beer in Canada is defined by regulation as beer with a percentage alcohol of 2.6 to 4.0, by volume. Container sizes for wine are standardized and metric. The most common containers for wine are 750 milliliters or 1, 1.5 and 2 liters. The province of Quebec has additional requirements to alcoholic beverage labeling. The U.S. – Canada Free Trade Agreement (FTA) and the North America Free Trade Agreement (NAFTA) have created duty free access for most products entering Canada from the U.S., including wine. However, a federal excise tax for alcoholic beverages is imposed on domestic and imported products.

U.S. exporters are advised to contact the CFIA's Single Access Food Labeling Service offices for full label reviews of alcoholic beverages:
http://www.inspection.gc.ca/english/fssa/labeti/guide/ch1e.shtml#offbur

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.

As of June 30, 2009 the new organic products regulations (OPR) require mandatory certification in accordance with the National Standard for Organic Agriculture for all organic products. These regulations fall under the authority of the Canada Agricultural Product Act which regulate the use of the Canada Organic Label. Requirements and regulations for methods of production comply with the most recent edition of the CAN/CGSB-32.310 Organic Production Systems General Principles and Management Standards. Under this regime, in order to market a product as organic in Canada, the product needs to be certified by a certification body accredited by a Conformity Verification Body (CVB) recognized by the CFIA. Detailed information about organic foods in Canada can be found on CFIA's organic products page:
http://www.inspection.gc.ca/english/fssa/orgbio/orgbioe.shtml

Organic claims are required to be printed in English and French. A government logo bearing the official program name "Canada Organic" is available to indicate organic compliance to the Canadian regulation. Use of the seal is voluntary. The new version of the regulations also allows CFIA to enter into equivalency agreements with other countries.

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 food with regard to import requirements. Currently, all Canadian packaging and labeling, grade, and inspection regulations apply equally to organic and non-organic foods.

Other Specific Standards – Organics Equivalency Agreement

On June 17, 2009, the United States and Canada jointly announced that the two countries had reached 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 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. The equivalency agreement is expected to lead to greater market opportunities for organic producers in both countries.

The Organic Trade Association (OTA) in Canada has published an unofficial list of certifiers operating in Canada. Additions to this list, as well as details on certifiers active outside of Canada are expected in the coming year. To view this information visit:
http://www.ota.com/otacanada/abcb.html

For more information about the Canadian government's Organic Product Regulations and about the organic agriculture industry in Canada, go to the following websites:

Organic Products Regulations, 2009:
http://gazette.gc.ca/rp-pr/p1/2009/2009-02-14/html/reg1-eng.html

Canadian Food Inspection Agency:
http://www.inspection.gc.ca/english/fssa/orgbio/orgbioe.shtml

Agriculture & Agri-Food Canada:
http://www4.agr.gc.ca/AAFC-AAC/display-afficher.do?id=1183748510661&LANG=3

Organic Production Standards

The definitions of Canada's production methods for organic agriculture and the substances used (i.e., permitted substances list) are laid out in the Canadian General Standards Board's (CGSB) publications entitled the Organic Production Systems General Principles and Management Standards and the Organic Production Systems Permitted Substances List.

These documents are available on the following CGSB webpage:
http://www.inspection.gc.ca/food/organic-products/eng/1300139461200/1300140373901.

Kosher Foods

Kosher food products must adhere to the same packaging and labeling regulations as all other packaged food products sold at retail in Canada. 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, is prohibited if the food does

not meet the requirements of the Kashruth applicable to it. Kosher style foods are defined in Canada's Guide to Food Labeling and Advertising, available electronically at: http://www.inspection.gc.ca/english/fssa/labeti/guide/toce.shtml

Irradiated Foods Which May Be Sold in Canada

Food	Purpose of Treatment
Potatoes	To inhibit sprouting during storage
Onions	To inhibit sprouting during storage
Flour, whole wheat flour	To control insect infestation in stored food
Whole or ground spices and dehydrated seasoning preparations	To reduce microbial load

Regulations for the labeling of irradiated foods are administered by the CFIA and apply equally to all domestic and imported foods in Canada. The labeling regulations as outlined in the *Food and Drug Regulations* [B.01.035] require the identification of wholly irradiated foods with both a written statement such as "irradiated" or "treated with radiation" or "treated by irradiation" and the international symbol. Ingredients that constitute more than 10 percent of the final food must be identified in the list of ingredients as "irradiated". Signs accompanying bulk, displays of irradiated foods are also required to carry the same identification as that shown on package labels. Advertisements for irradiated foods must clearly reveal that the food has been irradiated. Shipping containers also require the identification of wholly irradiated foods with a written statement such as "irradiated" or "treated with radiation" or "treated by irradiation" but do not require the international symbol.

Temporary Marketing Authorization Letter

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

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

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

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

In February of 2012, Health Canada issued a General Guidance Document for Temporary Marketing Authorization for Foods, which may be found at the following link: http://www.hc-sc.gc.ca/fn-an/legislation/guide-ld/food-market-author-marche-aliment-eng.php.

Applications **for a Temporary Marketing Authorization Letter** should be addressed to:

Assistant Deputy Minister
Health Products and Food Branch
Health Canada
Ottawa, Ontario K1A 0L2

Questions regarding any procedural details in applying for the TMAL may be addressed to:

Chief, Nutrition Evaluation Division
Bureau of Nutritional Sciences, Food Directorate
Health Products and Food Branch
Health Canada
Ottawa, Ontario K1A 0L2
Tel. (613) 957-0352
Fax (613) 941-6636

Test Marketing: Processed Food Products

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

Director, Processed Products
Dairy, Fruit & Vegetable Division
Canadian Food Inspection Agency
59 Camelot Drive
Nepean, Ontario
Canada K1A 0Y9
Telephone: (613) 225-2342
Facsimile: (613) 228-6632

Special Dietary Foods

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

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

Sample Products

Food samples for research, evaluation, or display at trade shows and food exhibitions are permitted entry, but may not be offered for commercial sale. If the samples contain animal products such as meat or cheese, a declaration of importation must be provided at the port of entry. Entry at the border will be facilitated if U.S. exporters show proof of their food exhibition participation and that the products are of U.S. origin. Up to 10 samples are permitted entry, but the weight of each may not exceed 100 kilograms (about 220 pounds). Entries for personal consumption are generally restricted to 20 kg. For more information on limits applicable to sample products visit the following website: http://www.beaware.gc.ca/english/brirape.shtml#a1

Section VIII. Copyright and/or Trademark Laws:

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

Registered trademarks are entered on the Trademark Register and can provide U.S. companies direct evidence of ownership. Trademark registrations are valid for 15 years in Canada.

To register a trade-mark, an application (with fee) must be sent to the Trade-marks Office. In most instances, a trade-mark must be used in Canada before it can be registered. The Trade-marks Office advises that companies hire a registered trade-mark agent to search existing trade names and trade-marks. It will provide a list of registered agents upon request. For further information on making an application for a trade-mark in Canada, visit:
http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/wr00006.html

For more information about trademarks see Industry Canada's trade mark home page at:
http://strategis.ic.gc.ca/sc_mrksv/cipo/tm/tm_main-e.html?icservices=e_tra

Section IX. Import Procedures:

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

The Commercial Import Process

Canada Border Services Agency Requirements

Detailed information on importing goods into Canada, including accounting for your shipment, the release of the shipment, the reporting of the shipment, and the storing of your shipment are available at the following Canada Border Services Agency website:
http://www.cbsa-asfc.gc.ca/import/menu-eng.html

The website has links to other useful information such as importer programs that can help facilitate the import process.

The Canada Border Services Agency also published step by step guide to importing at the following website:
http://www.cbsa-asfc.gc.ca/sme-pme/i-guide-eng.html

Contact information for Canada Border Services Agency's Small and Medium-sized Enterprise Client Services Offices are available at the following website:
http://www.cbsa-asfc.gc.ca/sme-pme/cso-bsc-eng.html

It is also possible to speak directly to a Canada Border Services Agency agent. Contact information is available at the following website:
http://www.cbsa-asfc.gc.ca/contact/menu-eng.html.

CFIA Import Service Centers

CFIA's Import Service Centers (ISC) process import request documentation/data sent electronically or by fax by the importing community across Canada. Staff reviews the information and return the decision either electronically to Canada Border Services Agency(CBSA), which then relays it to the client, or by fax directly to the broker/importer, who then submits the release package to CBSA. In addition, ISC staff handles telephone inquiries regarding import requirements for all commodities regulated by the CFIA and, when necessary, coordinate inspections for import shipments.

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

The Canadian Food Inspection Agency also publishes the Guide to Importing Food Products Commercially. It is available on the following website:
http://www.inspection.gc.ca/english/fssa/imp/guide1e.shtml

Customs Brokers

Canada Customs and Revenue Agency licenses customs brokers to carry out customs-related responsibilities on behalf of their clients. A broker's services 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.

Clients have to pay a fee for these services, which the brokerage firm establishes. For an on-line list of Customs Brokers, go to:

http://www.dfait-maeci.gc.ca/trade/eicb/general/brokers-en.asp

Forms

Canada Border Services Agency (CBSA) publishes a document describing the documents/forms needed to import commercial goods into Canada. This publication is available at the following website:
http://www.cbsa-asfc.gc.ca/publications/pub/bsf5079-eng.html

Links to the relevant publications and forms (such as a Canada Customs Invoice) needed to import to Canada are available at the following website:
http://www.cbsa-asfc.gc.ca/publications/menu-eng.html

Additional information on forms required for importing can be obtain from the Automated Import Reference System (AIRS), available at the following website:
http://www.inspection.gc.ca/english/imp/airse.shtml

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

NAFTA Certificate of Origin

This is a trilaterally agreed upon form used by Canada, Mexico, and the United States to certify that goods qualify for the preferential tariff treatment accorded by NAFTA. The Certificate of Origin must be completed by the exporter. A producer or manufacturer may also complete a certificate of origin in a NAFTA territory to be used as a basis for an Exporter's Certificate of Origin. To make a claim for NAFTA preference, the importer must possess a certificate of origin at the time the claim is made. NAFTA certificates of origin (CPB form 434) are available on line from U.S. Customs & Border Protection at: http://www.cbp.gov/xp/cgov/toolbox/forms/.

Section X. Other Developments:

The Regulatory Cooperation Council and Beyond the Border Initiative

In February of 2011, U.S. President Obama and Canadian Prime Minister Harper announced the creation of the Regulatory Cooperation Council (RCC) and the Beyond the Border Initiative (BtB). The RCC is a U.S. – Canada joint council composed of regulatory, trade, and foreign affairs officials. The RCC has a two-year mandate to work together in promotion of economic growth, job creation, and coordination through increased regulatory transparency and coordination. BtB is a U.S. – Canada joint operation that plans to strengthen partnership in the area of cross-border transportation (of people and goods). Similar to the RCC, BtB intends to do this in ways that support economic competitiveness, job creation, and prosperity.

The RCC met in Washington, D.C., on June 19, 2013, to discuss work under the 2011 Joint Action Plan, the next steps in furthering Canada-U.S. regulatory alignment, and the role of the Council moving forward. On December 19, 2013, the White House released the second annual Beyond the Border Implementation Report, which summarizes the significant progress made in the second year following the release of the *Beyond the Border Action Plan*.

The RCC and BtB have specific agriculture- and food- related issues that are already mentioned in their action plans. Issues intended to be addressed include:

- Meat and poultry export certification;
- Zoning for foreign animal diseases;
- Equivalence of meat safety systems;
- Meat nomenclature;
- Plant protection;
- Financial risk mitigation;
- Food safety approaches and testing;
- Crop protection product approvals and residue limits; and
- Nano / Biotechnology

More information on the RCC and the BtB Initiative can be found at the following webpages:

- RCC: http://www.trade.gov/rcc/
- BtB: http://www.dhs.gov/files/publications/beyond-the-border.shtm

Appendices:

Appendix I. Major Regulatory Agencies
(contact information not provided previously in the report)

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

Fax Numbers for CFIA Divisions:

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

Pest Management Regulatory Agency
Health Canada
2720 Riverside Drive
Ottawa, Ontario K1A 0K9
Telephone: (613) 736-3799
(MRL inquiries)

Bureau of Chemical Safety, Health Products and Food Branch
Health Canada
Sir Frederick Banting Research Centre
Ottawa, Ontario K1A 0L2
Telephone: (613) 957-0973; (food additive inquiries)

Provincial Liquor Control Commissions

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

Nova Scotia Liquor Commission
93 Chain Lake Drive
Halifax, Nova Scotia

Canada B3S 1A5
T: (902)450-6752
F: (902)453-1153

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

New Brunswick Liquor Corporation
Old Wilsey Road, Industrial Park
P.O. Box 20787
Fredericton, New Brunswick
Canada E3B 5B8
T: (506)452-6826
F: (506)462-2024

Société des Alcools du Québec
905 av. De Lorimier
Montreal, Québec
Canada H2K 3V9
T: (514)254-2020
F: (514)873-3162

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

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

Saskatchewan Liquor and Gaming Authority
Head Office, Box 5054
Regina, Saskatchewan S4P 3M3
F: (306)787-4213
F: (306)787-8201

Alberta Gaming and Liquor Commission
50 Corriveau Avenue
St. Albert, Alberta
Canada T8N 3T5
T: (780)447-8600
F: (403)444-8906

B.C. Liquor Distribution Branch
2625 Rupert Street
Vancouver, British Columbia
Canada V5M 3T5
T: (604)252-3000
F: (604)252-3200

Northwest Territories Liquor Commission
Suite 201, 31 Capital Drive
Hay River, NWT
Canada X0E 1G2
T: (403)874-8700
F: (403)874-8720

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

Appendix II. Other Contacts
(contact information not provided previously in the report)

Websites

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

Canadian Border Services Agency: http://www.cbsa-asfc.gc.ca

Canadian Food Inspection Agency: http://www.inspection.gc.ca

Acts and Regulations: http://www.inspection.gc.ca/english/reg/rege.shtml

Guide to Food Labeling:

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

Meat & Poultry Inspection Regulations:

http://laws-lois.justice.gc.ca/eng/regulations/SOR-90-288/index.html.

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

Department of Foreign Affairs and International Trade

http://www.dfait-maeci.gc.ca/trade/eicb/agric/agric-en.asp

Health Canada: http://www.hc-sc.gc.ca

Food and Drugs Act: http://www.hc-sc.gc.ca/fn-an/legislation/acts-lois/fda-lad/index_e.html

Nutrition Labeling: http://www.hc-sc.gc.ca/fn-an/label-etiquet/nutrition/index-eng.php

Food Additive Regulations; see Food & Drug Regulations: http://laws-lois.justice.gc.ca/eng/acts/F-27/.

Justice Department (for Canadian Food Laws): http://www.justice.gc.ca

Pest Management Regulatory Agency: http://www.hc-sc.gc.ca/cps-spc/pest/index-eng.php.