

February, 2018

Proposed Changes to Food Labelling:
Health Canada Consultation

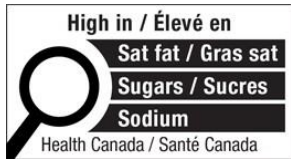



As a part of its continuing initiative to modernize food labelling, Health Canada has initiated a formal consultation about proposed food labelling requirements intended to raise awareness of risks associated with foods high in saturated fat, sugar, or sodium. The federal government recognizes that while existing requirements, such as the Nutrition Facts Table and voluntary nutrient content claims are helpful, more obvious “front-of-package” (“FOP”) information is needed to identify products containing high levels of saturated fat, sugar, or sodium. With certain exceptions (such as 2% and whole milk), the new labelling requirements will apply to packaged food products containing more than 15% of the daily recommended requirement of saturated fat, sugar, or sodium.

The goal of the new labels is to address health problems such as obesity and high blood pressure and help consumers make healthier choices. Other regulatory changes will be made at the same time as the FOP changes, including changes to the “Table of Permitted Nutrient Content Statements and Claims”, changes to Vitamin D fortification levels in milk, goat’s milk and margarine, and changes to address inconsistencies in the labelling of foods containing certain high-intensity sweeteners.

This consultation follows earlier phases launched in 2013 to identify key issues and in 2014, to consider potential options. Health Canada’s February 9, 2018 press release outlines specific proposed changes to the FOP requirements. The release includes an online link that can be used to respond to questions about the options being considered.¹

¹ Summary of proposed changes and link to Health Canada’s online consultation portal at: <https://www.canada.ca/en/health-canada/programs/consultation-front-of-package-nutrition-labelling-cqi.html>

Health Canada is considering four options for specific labels to warn consumers about products that are high in saturated fat, sugars and sodium:

 <p>High in / Élevé en Sat fat / Gras sat Sugars / Sucres Sodium Health Canada / Santé Canada</p>	 <p>High in / Élevé en Sat fat / Gras sat Sugars / Sucres Sodium Health Canada / Santé Canada</p>	 <p>High in / Élevé en Sat fat / Gras sat Sugars / Sucres Sodium Health Canada / Santé Canada</p>	 <p>High in / Élevé en Sat fat / Gras sat Sugars / Sucres Sodium Health Canada / Santé Canada</p>
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Health Canada is seeking input from interested parties, including consumers, industry members and associations, health professionals, consumer associations, academics and others. Comments must be filed by April 26, 2018.

The complete *Canada Gazette* notice, including the draft regulations and the government’s Regulatory Impact Analysis, is also available online.² More detailed submissions can be filed to address the FOP and other changes by the April 26, 2018 deadline.

Once the changes have been finally approved and enacted through new regulations to the *Food and Drugs Act* later this year, they will be enforced by the Canadian Food Inspection Agency (the “CFIA”). The CFIA is responsible for enforcing food regulations and shares responsibility with Health Canada for responding to questions from industry about regulations after they have come into force.

Manufacturers will be given a five-year transition period within which to meet the new labelling requirements.

Please address any questions about the Health Canada consultation or any other regulatory matter to Carol Anne O’Brien at caob@caobrienlaw.com, or (416) 640-7270.

Carol Anne O’Brien’s law practice is focused on regulatory matters including Health Canada’s regulation of food, drugs, medical devices, cosmetics and natural health products, consumer product regulation, communications law (broadcasting and telecommunications), competition law, and advertising and marketing.

² “Regulations Amending Certain Regulations Made Under the Food and Drugs Act (Nutrition Symbols, Other Labelling Provisions, Partially Hydrogenated Oils and Vitamin D)”. February 10, 2018, 108 pages: <http://gazette.gc.ca/rp-pr/p1/2018/2018-02-10/html/reg2-eng.html>