

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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POLICY

Required Report - public distribution

Date: 12/22/2010

GAIN Report Number: CA0051

Canada

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

Updates have been made in many sections of this report including Label Changes on Sodium Diacetate, Processed Horticultural Products, Marine Standards, Vitamin and Mineral Fortification, Organic Foods, Import Procedures, Labeling Service Offices, Non-Resident Importers, and Forms. New sections have been added on: Mandatory Records Keeping for the Equine Industry, Meat Packaging Registration, New Regulations to Address Regulatory Gaps in Imported Food Sector and Health Claims Assessment.

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Executive Summary

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

Section I. Food Laws

The Canadian Food Inspection Agency (CFIA)

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

Canada Agricultural Products (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

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.

Customs Act

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

Export and Import Permits Act

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

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

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

Fish Inspection Act

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

Fisheries Act

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

Food and Drugs Act

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

Health of Animals Act

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

Meat Inspection Act

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

North Pacific Fisheries Convention Act

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

Plant Protection Act

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

Weights and Measures Act

The Weights and Measures Act establishes net quantity requirements for products sold on the basis of measure and sets out the criteria to be used for determining commodity compliance to those requirements. The Weights and Measures Act does not apply to products subject to net quantity requirements set out in other federal legislation, and therefore does not apply to food packaged for direct sale to the consumer which are covered under the Consumer Packaging and Labeling Act. The Weights

and Measures Act, however, does apply to foods in shipping containers destined for commercial or industrial enterprises or institutions, products shipped in bulk, and clerk served foods at retail.

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

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

Countries, and permits Canada to restrict the importation of wildlife designated as harmful to Canadian ecosystems.

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

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

Guide to Food Labeling and Advertising

The Canadian Food Inspection Agency has prepared a Guide to Food Labeling and Advertising, which details the regulatory requirements for selling packaged foods in Canada. In 2008, the CFIA revised the guidelines pertaining to the use of Product to Canada and

Made in Canada but they apply to the product ingredient origin identification used by Canadian food processors and are not country of origin labeling requirements. The CFIA Guide includes information on):

Basic Labeling Requirements

Advertising Requirements

Claims as to the Composition, Quality, Quantity and Origin of Foods

Product of Canada

Made in Canada

Nutrition Labeling

Nutrient Content Claims

Health-Related Claims

Other Product Specific Requirements

The full guide is available on the CFIA website at:

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

Foods Requiring a Label

All prepackaged food products require a label with the following exceptions:

- One-bite confections, such as a candy or a stick of chewing gum, sold individually; and
- Fresh fruits or vegetables packaged in a wrapper or confining band of less than 1/2 inch (12.7 mm).

Note: Clerk-served foods, which are packaged at the time of sale, are not considered to be prepackaged foods and are therefore exempt from having a label.

Bilingual 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.olf.gouv.qc.ca/>

Shipping Containers

Labels of shipping containers are exempt from bilingual labeling requirements. The outer container requires a product description, the name and address of the U.S. company and a net quantity declaration in either metric or imperial measure. If the food in the inner container(s) is not for sale directly to customers (i.e., food service, industrial, 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 on the shipping container, not on each individual enclosure.

Enforcement

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.

Label Review

The CFIA consolidates federal food label review under its Food Labeling Information Service. The labeling service, designed particularly for new entrants in the marketplace who are not familiar with the Canadian regulatory system, is provided at specified regional locations across Canada. These offices

coordinate the requirements of the aforementioned federal departments to simplify product approval and label compliance. It is recommended that U.S. exporters submit their labels to the closest regional office. Prompt answers can often be received to general and specific label questions.

<http://www.inspection.gc.ca/english/fssa/labeti/guide/ch1e.shtml#1.6>

Nutrition Labeling

Canada's mandatory nutrition labeling requirements came into effect on December 12, 2007. U.S. food products exported to Canada must meet the same labeling requirements as foods produced in Canada and the U.S. nutrition panel cannot be used on packaged foods sold in Canada.

Compliance and Enforcement Strategy – Nutrition Labeling Regulations

The CFIA is responsible for the enforcement of the *Food and Drugs Act* and the *Food and Drug Regulations* as they relate to food, including the recent amendments to the Regulations concerning nutrition labeling, nutrient content claims and diet-related health claims.

Certain foods and beverages are exempted from the new labeling requirements, for example, fresh fruit and vegetables and raw single ingredient meat and poultry that are not ground. Health Canada claims that while some manufacturers may choose to start placing a Nutrition Facts table on labels almost immediately, companies have up to three years to comply with the new regulations. Small businesses have five years.

Further information and a downloadable copy of the Nutrition Labeling Regulations are available on the following Health Canada and CFIA web pages:

http://www.hc-sc.gc.ca/hpfb-dgpsa/onpp-bppn/labelling-etiquetage/index_e.html

<http://www.inspection.gc.ca/english/fssa/labeti/nutrition-pagee.shtml>

Amendments, clarifications and information letters to Industry concerning Canada's Nutrition Labeling regulations are catalogued on the CFIA webpage listed below. Some important changes since last year's FAIRS report include an information letter on "no sugar added" claims and on the nutrient content claims of food sold in restaurants and foodservice establishments.

<http://www.inspection.gc.ca/english/fssa/labeti/nutrition/arcarce.shtml>

Diet-Related Health Claims

Amendments to Canada's Food and Drug Regulations in 2002 allow diet-related health claims on foods for the first time. The Regulations now provide for claims, which 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.

The Regulations prescribe the exact wording for the permitted diet-related health claims. For full information and example tables, see the CFIA's 2003 Guide to Food Labeling, Section 8, at the link below: <http://www.inspection.gc.ca/english/fssa/labeti/guide/ch8e.shtml#8.4>

Section III. Packaging and Container Regulations

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

Section IV. Food Additive Regulations

The use of food additives is strictly controlled by Canada's Food and Drugs Act and Regulations. Most foods approved for sale in the U.S. would comply with Canadian additive regulations, but differences can occur in the permissible levels and uses of food colorings and food preservatives. The food additive tables in Division 16 of the Regulations prescribe which additives may be used in foods sold in Canada, to which foods they may be added, for what purposes, and at what levels. Products containing non-permitted food additives may be refused entry into Canada. Canada's Food and Drugs Regulations are available on the internet at: http://www.hc-sc.gc.ca/fn-an/legislation/acts-lois/fda-lad/index_e.html

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

Bureau of Chemical Safety
Health Protection Branch
Health Canada
Frederick G. Banting Building
Tunney's Pasture
Ottawa, Ontario Canada K1A 0L2
Telephone: (613) 957-1700

Section V. Pesticide and Other Contaminants

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

Health Canada's Health Protection Branch sets maximum residue limits (MRL) for pesticides. A full listing of Canadian MRLs is available on the Pest Management Regulatory Agency's (PMRA) website at:

<http://www.pmra-arla.gc.ca/english/legis/maxres-e.html>

Maximum Residue Limits (MRL) for Pesticides on Food

MRLs in Canada are currently established under the Food and Drugs Act administered by Health Canada. The process to establish MRLs falls under the Pest Control Products Act. The CFIA is responsible for monitoring domestic and imported foods as well as for carrying out enforcement activities to prevent the sale of food containing excessive residues. The CFIA analyzes approximately 10,000 samples every year for agricultural chemical residue. The Chemical Residue Sampling Program conducted by the CFIA is divided into three phases: monitoring, surveillance and compliance. The monitoring phase is designed to gather data and provide information on the occurrence of chemical residues in a predefined sampling population of fresh fruits and vegetables. The information from monitoring is obtained through random samples of produce that appears normal. This phase is conducted to detect potential violations. If the samples are found to be in violation of established MRLs, the product is put under the surveillance phase. The surveillance phase is conducted to confirm presumptive positive results and identify suspected problems. This phase targets a specific commodity to collect and analyze samples from five shipments. If all five samples are found to be in compliance with Canadian regulatory limits, the product is returned to the monitoring list. However, if *any one* of the five samples are found to be in violation with the MRL, that product is placed under compliance status. The compliance phase is implemented to remove contaminated product from the marketplace. Regulatory action is always directed at a specific source, such as the grower or shipper. The specific commodity is removed from the marketplace until at least five shipments are tested at a recognized laboratory at the expense of the grower or shipper. If all five samples are found to be in compliance with Canadian regulatory limits, the compliance status will be removed and the product will be placed under the monitoring phase.

The CFIA tests for chemicals from an extensive list of potential contaminants, including pesticides and toxic metals. From this list the CFIA attempts to concentrate its inspection, sampling and testing resources on the chemicals of greatest public health concern. Canadian MRLs are listed in [Table II of Division 15 of the Food and Drug Regulations](#) and can be viewed on the Health Canada Web site at <http://www.hc-sc.gc.ca/cps-spc/pest/protect-proteger/food-nourriture/mrl-lmr-eng.php>.

Canadian Proposal to Revoke 0.1 ppm General Maximum Residue Limit

On June 23, 2006 Health Canada issued a discussion document, with a 90 day public comment period, on proposed changes to its default MRL for pesticides of 0.1 ppm. The proposed changes would revoke Canada's "general MRL limit" of 0.1 parts per million (ppm) for products for which no MRL has been established. In replacing the general limit of 0.1 ppm, Canada will make use of specific U.S. MRLs below 0.1 ppm, and will also consider Codex Alimentarius Commission standards. Canada noted that this proposal will lead to further harmonization between Canada and the United States. To date no timeframe has been officially announced. An electronic copy of the discussion document is available at:

http://www.hc-sc.gc.ca/cps-spc/pest/part/consultations/_dis2003-01/index-eng.php

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

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

Section VI. Other Regulations and Requirements

Summary of Most Recent Regulatory Initiatives:

Other Label Changes – Sodium Diacetate

In 2008 Health Canada has issued an interim marketing authorization as amendment to the Food and Drug Regulations to permit the use of sodium diacetate and sodium acetate as preservatives in standardized and unstandardized preparations of meat, meat by-products, poultry meat, poultry meat by-products, prepared and preserved fish products, at a maximum level of use of 0.25 percent of final product weight. This temporary authorization is still in effect and Canadian health authorities are working on a proposal to amend the Food and Drug Regulations in order to make the provision permanent. The timeframe for completing this process is mid-2011.

Mandatory Records Keeping for the Equine Industry

Effective July 31, 2010, it will be mandatory for all Canadian Food Inspection Agency (CFIA) inspected facilities in Canada engaged in equine slaughter for edible purposes to have complete records for all animals (domestic and imported) presented for slaughter. These records will include unique identification for each animal, a record of illness and a record of medical treatments administered to the animal for the six-month period preceding slaughter.

A template entitled "Equine Information Document" (EID) shall be used by equine owners to provide the required information for individual equine animals. A completed individual animal EID contains a standardized description of the animal, as well as a comprehensive record of the equine's medical

treatment for at least the preceding six months. The various options for identification, including visual and written descriptions, are listed in the EID. The EID is intended to accompany the equine, at the time of ownership transfer, to the buyer of the animal. The EID requires a signed declaration by the owner of the equine as to the accuracy of the information recorded in the EID.

For more information about this regulation, including an EID template and the list of drugs that are prohibited or allowed for use in equine slaughtered for food, please visit the link below:

<http://www.inspection.gc.ca/english/fssa/meavia/man/ch17/annexee.shtml>

Meat Packaging Registration

The Canadian Food Inspection Agency (CFIA) is collaborating with Health Canada to review the current regulatory scheme for the pre-market assessment and registration of meat packaging components used by federally registered establishments. This regulation is applicable only to domestically packaged meat products.

The requirement was identified by the Canadian meat industry as an unnecessary regulatory burden that puts Canadian companies at a competitive disadvantage vis-à-vis imported goods. Arguments have been made that the requirement has led to unnecessary delays in bringing new meat packaging products to market in Canada. The requirement for mandatory registration of packaging does not apply to other suppliers to the grocery sector, such as bakery goods, dairy products, cereals and spices. In Canada, food manufacturers are responsible for the safety of the products they use to package their products. A voluntary review of packaging is available from Health Canada and the extra registration requirement by CFIA is perceived by some in industry as representing a duplication that does not contribute to the safety of the meat available for sale.

A public consultation process was organized by CFIA and the comment period closed in November 2010. Upon assessment of all stakeholders' comments, CFIA will announce how to proceed further on this issue during the first half of 2011.

Revised Compositional Standards for Cheese

New cheese compositional standards came into force on December 14, 2008. These standards impose limitations on the dairy ingredients that can be used in cheese making and also bring in a regulatory scheme designed to make cheese importers more accountable for ensuring that imported product complies with the new regulations. The regulations limit dairy ingredients by requiring a “minimum percentage of casein from milk” categories, and the requirement of cheeses to meet the minimum ratios. To determine whether or not cheese to be imported complies with Canadian compositional standards, refer to an official copy of the regulations, available at:

<http://laws.justice.gc.ca/en/showtdm/cr/SOR-79-840> (English)

<http://laws.justice.gc.ca/fr/showtdm/cr/DORS-79-840> (French)

With the introduction of these revisions, Canadian cheese importers will now need a cheese import license to import cheese. The license is issued by the CFIA. The objective of this new licensing scheme is to require importers to assume more accountability for the product they are importing. An application for the license can be found at: <http://www.inspection.gc.ca/english/for/pdf/c5562e.pdf>.

To maintain a cheese import license in good standing, a cheese importer must be able to provide evidence that each imported cheese meets the Dairy Products Regulations. In relation to the new rules on cheese compositional standards, this means that Canadian cheese importers will be requiring documentation from cheese exporters demonstrating that the cheese being exported to Canada complies with the Canadian cheese compositional standards.

The exporter documentation to satisfy the requirements of the importer's license is only required with the first shipment of the cheese and must be maintained by the importer. A new set of documentation is needed only if the cheese formulation changes.

Assessment of compliance for imported cheese will not be done at the border but will take place as part of the CFIA's Importer Verification activity which assesses Good Importing Practices (GIP). The revised compositional requirements are part of this review and it is at this time that the importer's documentation supporting the fact that the imported cheese is in compliance with the compositional standards regulations will be verified. As stated above, acceptable documentation includes:

- Cheese specification sheets indicating specific ingredients
- Supporting documentation, including attestations

For prepared food that declares cheese as an ingredient, the verification of compliance with the compositional cheese standards will be done only if there is a complaint. Nevertheless, the regulated party has the responsibility of maintaining documentation demonstrating compliance.

Non-compliance could result in letters of non-compliance; seizure and detention of product, suspension/cancellation of license, and/or prosecution. The burden of proving compliance remains with the importer.

These regulations are currently being challenged (appealed) in the Canadian courts. A decision is expected in late 2010 or early 2011.

New Regulations under Development to Address Regulatory Gaps in Imported Food Sector

In mid-August, 2010, the Canadian Food Inspection Agency (CFIA) announced its intentions to move forward with proposed regulations designed to increase food importers' accountability when it comes to the safety of the food they import. For the moment, only imported foods with the following 2 criteria are targeted by these proposed regulations:

1. Products that are intended for use as food, or as an ingredient in food, which meet the definition of an agricultural product as defined by the *Canadian Agricultural Products Act* (CAPA)¹, and,
2. Products that are regulated solely under the *Food and Drug Act* (FDA).

According to the CFIA, the scope of these proposed regulations will encompass 86 percent of the food products that are currently regulated under the Food and Drug Act and be applied only to imported products, thus affecting 70 percent of food products imported and available in the Canadian marketplace.

¹ The Canadian Agricultural Products Act defines an agricultural product as: a.) an animal, a plant, or an animal or plant product; b.) a product, including any drink, wholly or partly derived of an animal or a plant.

These products include but are not limited to:

- Alcoholic and non-alcoholic beverages
- Confectionary
- Fats and oils
- Infant formula
- Coffee and tea
- Cereals
- Spices and seasonings
- Juices
- Bakery products

The proposed regulations have a "general provisions" component and an "importer licensing" component. The pre-consultation ended on October 4, 2010. Comments are being reviewed and considered in drafting the prepublication version of the regulations which is expected to be in the Canada Gazette (Part I) before the end of December 2010. There will be an opportunity for industry to comment at that time. The CFIA anticipates that the general provisions component to the proposed regulations would come into force at the time of the final publication of the regulations in the Canada Gazette. They anticipate the licensing provisions component to be come into affect two years after the regulations enter into force.

The regulatory proposal can be consulted at the following website:

<http://www.inspection.gc.ca/english/fssa/imp/lic/proe.shtml>

Health Claims Assessments

In May of 2010, Health Canada's Food Directorate approved the addition of plant sterols (phytosterols) to a limited range of food spreads, mayonnaise, margarine, calorie-reduced margarine, salad dressing, yogurt and yogurt drinks and vegetable and fruit juices. The Directorate's assessment also concluded that the health claim about plant sterols in foods and blood cholesterol lowering is supported by scientific evidence. Additional information on this health claim assessment is available from the following website:

<http://www.hc-sc.gc.ca/fn-an/label-etiquet/claims-reclam/assess-evalu/phytosterols-eng.php>

In late November of 2010, Health Canada's Food Directorate published its health claim assessment conclusions that scientific evidence exists in support of the claim linking the consumption of beta-glucan oat fibre to a reduction of blood cholesterol. Additional information on this health claim assessment is available on the following website:

<http://www.hc-sc.gc.ca/fn-an/label-etiquet/claims-reclam/assess-evalu/oat-avoine-eng.php>

Health Canada is in the process of drafting regulations to permit the use of these health claims, but no timeline has been given.

Benzene

On April 18, 2008, Canada announced precautionary actions against Bisphenol A (BPA), including a ban on the importation, sale, and advertising of polycarbonate baby bottles.

Health Canada conducted a [follow-up survey of soft drinks](#) and other beverages (i.e., follow-up to a 2006 survey) and concluded that the benzene levels in these products do not represent a risk to the public. The average benzene levels in most products in Canada remain low.

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>.

Container Sizes: Processed Meats

Canada's Meat & Poultry Inspection Regulations stipulate the standard package size requirements for processed meat poultry products such as bacon, sausages, sliced meats and wieners. Common U.S. package sizes for these products are different from Canadian standardized sizes. For example, sliced bacon cannot be sold in a 1 lb. package in Canada. It is mostly sold in 500 g packages, one of the standardized sizes in the regulations. Schedule II of the Meat and Poultry Inspection Regulations lists all the acceptable package sizes for processed meats. It can be viewed on the Department of Justice website at:

<http://laws.justice.gc.ca/en/M-3.2/index.html>

Requirements for Fresh Fruits and Vegetables

All fruits and vegetables imported into Canada must meet specific standards and packaging regulations laid out in the Canada Agricultural Products Act's Fresh Fruit and Vegetable Regulations and Processed Product Regulations. The regulations are available on the Internet at:

<http://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>

Tighter Feed Controls; Canada’s Enhanced Feed Ban

The scientific community generally believes that the primary spread of bovine spongiform encephalopathy (BSE) in cattle populations is caused by feeding protein products made from infected cattle. Canada introduced a feed ban in 1997 to limit the spread of BSE through domestic feed, but with the subsequent detection of BSE in Canadian-born cattle beginning in May 2003, Canada announced enhancements to its feed ban in June 2006 to further reduce the potential spread of BSE.

Canada's enhanced feed ban (EFB) entered into force on July 12, 2007. In infected cattle, BSE concentrates in certain tissues known as specified risk material (SRM). To limit BSE spread among cattle, the Government of Canada banned most proteins, including SRM, from cattle feed in 1997. Under the EFB of July 12, 2007, SRM are also banned from all animal feeds, pet foods and fertilizers and CFIA requires that SRM be identified and appropriately managed until disposal. Permits are required for anyone handling, transporting or disposing of SRM.

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 CA0026, at the following website:

<http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Biotechnology%20-%20GE%20Plants%20and%20Animals%20Ottawa%20Canada%2008-05-2010.pdf>

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

Novel Food Notification
Food Program
Food Directorate
Health Canada
4th Floor West
Sir Frederick G. Banting Research Center
Tunney's Pasture, PL 2204A1
Ottawa, Ontario K1A 0L2

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

Trans Fats

In June 2006, the Trans Fat Task Force, a multi-stakeholder group led by Health Canada in conjunction with the Heart and Stroke Foundation of Canada, submitted recommendations to the Minister of Health to reduce the levels of trans fats in the CFIA supply. In July 2007, Health Canada announced that it is adopting the Trans Fat Task Force's recommendation on trans fats, but will ask industry to voluntarily limit the trans fat content of vegetable oils and soft, spreadable margarines to 2 percent of the total fat content, and to limit the trans fat content for all other foods to 5 percent, including ingredients sold to restaurants. Health Canada said that it would give industry two years to reduce trans fats to the lowest levels possible as recommended by the Trans Fat Task Force. If significant progress has not been made over the next two years, it will regulate industry to ensure the levels are met. The Task Force released its fourth set of monitoring data report under its [trans fat monitoring program](#) in December 2009.

Canada was the first country to require that the levels of trans fat in pre-packaged food be included on the mandatory nutrition label. While some critics charged that the Canadian government chose to delay the regulation of trans fat limits to appease North American food manufacturers, health activists and Canada's foodservice industry support the move.

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>

Food Allergen Labeling; New Regulatory Proposal

In July 2008, the Government of Canada formally announced that it will implement new labeling requirements for food allergens, gluten sources and added sulphites in prepackaged foods. A regulatory proposal entitled [*Regulations Amending the Food and Drug Regulations \(1220 — Enhanced Labeling for Food Allergen and Gluten Sources and Added Sulphites\)*](#) was published in the Canada Gazette, Part 1 on July 26, 2008. The comment period ended on November 28, 2010. In June 2010, Health Canada published a summary of the comments received from its stakeholders. The summary of comments is available from the following website: <http://www.hc-sc.gc.ca/fn-an/label-etiquet/allergen/proj1220-comment-eng.php>

Once the final regulations are published in the Canada Gazette Part II, manufacturers and importers will have eighteen months to adopt the new labeling changes. The regulations will require the mandatory declaration of the sources of the common food allergens and gluten when present in a prepackaged food product.

Additional information on these proposed requirements are available at the following websites:

- [Allergen Labeling](#)
- [Background document: Newly Proposed Labeling Requirements for Food Allergens, Gluten Sources and Added Sulphites](#)

- [Government of Canada Announces Proposed New Labeling Requirements to Protect Health of Canadians](#) (News Release)
- [Questions and Answers on the New Regulations to Enhance the Labeling of Food Allergens, Gluten Sources and Added Sulphites](#)
- [Guidance to Industry](#).

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.pwgsc.gc.ca/cgsb/on_the_net/organic/index-e.html

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

<u>Food</u>	<u>Purpose of Treatment</u>
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).

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

Canada imports more than \$52 million worth of U.S. food, fish, forestry and agricultural products every day. While Canada Border Services Agency (CBSA) is the first line regulatory agency at border points ensuring that all imports have appropriate documentation, the Canada 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/general-generaux-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.

CFIA IMPORT SERVICE CENTERS ACROSS CANADA

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.)

1-905-795-7834 (local calls and all other countries)

Facsimile: 1-905-795-9658

Mailing Address:

1050 Courtney Park Drive East

Mississauga, Ontario

L5T 2R4

Eastern ISC

7:00 a.m. to 11:00 p.m. (local time)

Telephone: 1-877-493-0468 (inside Canada or U.S.)

1-514-493-0468 (all other countries)

Fax: 1-514-493-4103

Central ISC

7:00 a.m. to 12:00 a.m. (local time)
Telephone: 1-800-835-4486 (inside Canada or U.S.)
1-905-612-6285 (all other countries)
Fax: 1-905-612-6280

Western ISC

7:00 a.m. to 12:00 a.m. (local time)
Telephone: 1-888-732-6222 (inside Canada or U.S.)
1-604-666-7042 (all other countries)
Fax: 1-604-270-9247
EDI: 1-604-666-7073

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>

Labeling Service Offices (modified)

The Canadian Food Inspection Agency consolidates federal food label review under its Food Labeling Information Service. The labeling service, designed particularly for new entrants in the marketplace who are not familiar with the Canadian regulatory system, is provided at specified regional locations across Canada. These offices coordinate the requirements of the aforementioned federal departments to simplify product approval and label compliance. It is recommended that U.S. exporters submit their labels to the closest regional office. Prompt answers can often be received to general and specific label questions.

<http://www.inspection.gc.ca/english/fssa/labeti/guide/ch1e.shtml#1.6>

Canadian Food Inspection Agency Food Labeling Information Service Offices

National Headquarters

1400 Merivale Road
Ottawa, Ontario K1A 0Y9
Tel: 1-800-442-2342 or (613) 225-2342
Fax: (613) 228-6601

Atlantic Area

1081 Main St
PO Box 6088
Moncton, New Brunswick E1C 8R2
Tel: (506) 851-7400
Fax: (506) 851-2689

Prince Edward Island

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

New Brunswick

500 Beaverbrook Court
Suite 430

Newfoundland and Labrador

10 Barter's Hill
St. John's, Newfoundland A1C 5X1

Fredericton, New Brunswick E3B 5X4
Tel: (506) 452-4963
Fax: (506) 451-2562

Tel: (709) 772-4424
Fax: (709) 772-2282

Nova Scotia

1992 Agency Dr
PO Box 1060
Dartmouth, Nova Scotia B2Y 3Z7
Tel: (902) 426-2110
Fax: (902) 426-4844

Ontario Area

174 Stone Rd W
Guelph, Ontario N1G 4S9
Tel: (519) 837-9400
Fax: (519) 837-9766

Central

259 Woodlawn Road, West
Suite A
Guelph, Ontario N1H 8J1
Tel: (519) 837-5817
Fax: (519) 837-9774

North East

Unit 7 - 38 Auriga Dr
Nepean, Ontario K2E 8A5
Tel: (613) 946-7897
Fax: (613) 946-7902

Southwest

1200 Commissioners Rd E, Unit 19
London, Ontario N5Z 4R3
Tel: (519) 691-1300
Fax: (519) 691-1314

Toronto

1124 Finch Avenue West, Unit 2
Downsview, Ontario M3J 2E2
Tel: (416) 665-5055
Fax (416) 665-5069 or (416) 667-4965

Quebec Area

Room 746-C - 2001 University St
Montreal, Quebec
H3A 3N2
Tel: (514) 283-8888
Fax: (514) 283-3143

Montreal East

Room 600
7101 Jean-Talon St E
Anjou, Quebec H1M 3N7
Tel: (514) 493-8859
Fax: (514) 493-9965

Montreal West

Room 1450
2021 Union St
Montreal, Quebec H3A 2S9
Tel: (514) 283-8982
Fax: (514) 283-1855

Quebec

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

St-Hyacinthe

Room 206 - 3100 Laframboise Blvd

St-Hyacinthe, Quebec J2S 4Z4
Tel: (450) 773-6639
Fax: (450) 774-8522

Western Area

1115 57th Ave NE
Calgary, Alberta T2E 9B2
Tel: (403) 292-4301
Fax: (403) 292-5707

Alberta North (includes NWT and Nunavut)

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

Alberta South

Floor 1, Room 102
110 Country Hills Landing NW
Calgary, Alberta T3K 5P3
Tel: (403) 299-7680
Fax: (403) 221-3296

BC Coastal

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

BC Mainland / Interior (includes Yukon)

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

Manitoba

Room 613 - 269 Main St.
Winnipeg, Manitoba R3C 1B2
Tel: (204) 983-2200
Fax: (204) 984-6008

Saskatchewan

Room 301 - 1800 11th Avenue
Regina, Saskatchewan S4P 4E3
Tel: (306) 780-5180
Fax: (306) 780-5177

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>

Non-Resident Importers

Non-Resident Importers are companies that import goods into Canada but which have addresses outside of Canada. These companies are required to have a Business Number (BN) and an import/export account registered with the Canada Customs and Revenue Agency.

Information on registering your business as a commercial importer is available at the following website:

<http://www.cbsa-asfc.gc.ca/import/rb-ee-eng.html>

Tax-related information for non-resident businesses is accessible from the "International and Non-resident Taxes" section of the Canada Revenue Agency Web site at the following URL:

Businesses - International and Non-resident Taxes

<http://www.cra-arc.gc.ca/tx/nrsdnts/bsnss/menu-eng.html>

For additional information, please contact the Canada Revenue Agency's International Tax Services Office. Contact information for the Office is accessible from the "Contact Us" section of the Canada Revenue Agency Web site at the following URL:

International Tax Services Office

<http://www.cra-arc.gc.ca/cntct/international-eng.html>

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 obtained 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/>

Appendices

Appendix A. Major Regulatory Agencies

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

Fax Numbers for CFIA Divisions:

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

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

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

Appendix B. Embassy Contacts

Office of Agricultural Affairs
U.S. Embassy,
P.O. 866, Station "B"
Ottawa, Ontario, Canada K1P 5T1
Telephone: (613) 688-5267; fax: (613) 688-3124
Email: AgOttawa@fas.usda.gov

Robin Tilsworth, Agriculture Minister-Counselor
Robin Gray, Agricultural Attaché
Darlene Dessureault, Senior Agricultural Specialist
Mihai Lupescu, Agricultural Specialist
Maria Arbulu, Agricultural Marketing Specialist, Toronto
Vacant, Agricultural Marketing Specialist, Ottawa
Joyce Gagnon, Administrative Assistant

Appendix C. Local Contacts

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

Appendix D. Food Additives

A complete listing of permissible food additives in Canada is available on the Health Canada website at:
http://www.hc-sc.gc.ca/food-aliment/friia-raaii/food_drugs-aliments_drogués/act-loi/e_index.html

Appendix E. 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)724-1100F: (709)754-0321

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

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

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

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

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

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

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

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

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

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

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

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://www.inspection.gc.ca/english/anima/meavia/meaviae.shtml>

Fish Inspection Directorate: <http://www.inspection.gc.ca/english/anima/fispoi/fispoie.shtml>

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://www.hc-sc.gc.ca/fn-an/legislation/acts-lois/fda-lad/index_e.html

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

Pest Management Regulatory Agency

Maximum Residue Levels: <http://www.pmra-arla.gc.ca/english/index-e.html>