

## ADVERTISING & MARKETING BULLETIN

February 2004

### LABELLING FOR LIFE

There has been an increasing desire among Canadians to lead a healthy life. With this goal there has been a tendency towards reading labels at the grocery store, supplementing our meals with vitamins, and paying attention to the amount, and *kind*, of calories and fat we consume.

Accomplishing this task is no small feat as food and natural product manufacturers have historically had few obligations to meet in this regard. But that is quickly changing. Over the past few years, Health Canada has been hard at work putting regulations in place that will oblige manufacturers to keep Canadians well informed of what they are putting into their bodies. These regulations largely follow what has already been the law for some years in the United States and Europe.

The *Natural Health Products Regulations* and the *Nutrition Labelling Regulations* are the tools that are leading this brigade. This bulletin provides a general discussion of the requirements under these Regulations, as well as the impact these changes will have on manufacturers and consumers.

### NUTRITION LABELLING

Food products have long lacked clear and consistent labelling requirements. The information provided regarding the fat content of foods is an extreme example of this. Although consumers are becoming increasingly aware of the difference between good high-density lipids, and bad trans fats, manufacturers frequently choose to leave trans fats off the nutrition information listing. The Nutrition Labelling Regulations, published on January 1, 2003, are designed to require standard nutrition labelling on most foods, enhance requirements for nutrient content claims, and to allow diet-related health claims for food in an effort to allow consumers to know what they are consuming – the good and the bad.

Producers of pre-packaged foods will have to state the number of calories, the amount of fat (including saturated *and* trans fats), cholesterol, fiber, sugars, protein, vitamins A and C, calcium and iron in the product. Foods such as fresh fruits and vegetables, as well as raw meat and poultry that has not been ground or mixed with any other product, are not required to be labelled. Where it is scientifically established that a certain substance is linked to the reduction in risk of a chronic disease, for example calcium and osteoporosis, manufacturers may claim this link on the packaging of the product.

There is a two-stage implementation process. Companies with more than a million dollars in sales per year have three years to comply (Jan. 2006). Small companies with less than a million dollars in sales per year have five years to comply (Jan. 2008). The Canadian Food Inspection Agency will enforce compliance with the Nutrition Labelling Regulations primarily by responding to enquiries.

### NATURAL HEALTH PRODUCTS

In June 2003, the Minister of Health announced the adoption of the *Natural Health Products Regulations* (the “NHP Regulations”) that will govern the manufacture and sale of natural health products in Canada. The new NHP Regulations require product and site licensing, good manufacturing practices and improved labelling for all natural health products in Canada. They will apply to all manufacturers, importers, distributors, labellers and packagers of natural health products in Canada and will be implemented over the next six years.

The natural health products that will be affected include any products that contain substances set out in the NHP Regulations. For example, products containing amino acids, essential fatty acids, vitamins, folate, niacin, and minerals are all affected. Products containing such substances are required to be labelled with information such as the product name, quantity of product in the bottle, specific directions for usage, recommended dosage, recommended use or purpose, medicinal and non-medicinal ingredients, warnings or any contra-indications or known adverse reactions associated with the product and any special storage conditions required.

Manufacturers of these products will need to acquire a Product License Number by submitting detailed information on the product to Health Canada for assessment purposes. The presence of a Product License Number on a label will signal to consumers that Health Canada has approved the product for safety and efficacy.

The NHP Regulations also require the licensing of any site where natural health products are manufactured, packaged, labelled or stored before being sold. Site licensing and good manufacturing practices refer to standards described in the Regulations pertaining to quality assurance, manufacturing conditions, storage conditions, handling and distribution, equipment used, personnel and recall reporting.

### **GETTING REALLY TOUGH**

In addition to the new regulations, there are two private members' Bills that have been introduced in this area to amend Canada's *Food and Drugs Act*. Bill C-398 has been introduced in order to require that restaurants make known the number of calories, fat content, including saturated and trans fats, and sodium content of each item on the menu. For vending machines and menu boards at fast-food restaurants only the number of calories is required. This Bill also dictates labelling requirements for imported foods and pre-packaged foods. The Bill had its first reading on February 20, 2003 and there is no certainty that it will ever come into law. But it does demonstrate the trend towards consumers wishing to become more informed.

Also, a new private members Bill was introduced on February 6, 2004 which seeks to effectively eliminate trans fatty acids in all foods. The member of parliament responsible for this Bill, Pat Martin, has stated that the new labelling requirements are not enough – trans fats should be banned altogether.

### **INFORMED CHOICES FOR HEALTHY LIVING**

The recent blitz of changes to labelling requirements of food and natural products will assist Canadians in making choices that lead to healthier lifestyles. While the burden on manufacturers to comply with these requirements may appear steep, these amendments will empower Canadians to make informed decisions based on complete and accurate information.

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*The foregoing provides only an overview. Readers are cautioned against making any decisions based on this material alone. Rather, a qualified lawyer should be consulted.*

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