



A Long Time Coming

An attempt to GUIDE you through food labelling and advertising

If you are good, Santa brings gifts. If not, you get a lump of coal in your stocking. On Dec. 24, 2003, the Canadian Food Inspection Agency (CFIA) revealed the *2003 Guide to Food Labelling and Advertising* (GUIDE) on its website. Whether this is a gift or lump of coal is up to individual perspectives.

It may be just my opinion, but the GUIDE has become the CFIA's most significant document with regard to broadening the understanding of food labelling and advertising regulations and providing a degree of consistency in the interpretation of various subject matters. For example, the broader context of the term "natural" is not defined in any regulation. However, the policy on the use of this term is described in the GUIDE. Policies are made by a government department in consideration of applicable legislation. In the case of "natural," those would be general provisions dealing with misrepresentation such as those in the *Food and Drugs Act* or the *Consumer Packaging and Labelling Act*. The "natural" policy could arguably require further refinement and could also be applied more consistently, even among the various divisions within the CFIA.

The most recent version of the GUIDE is a bit of an enigma. The major changes to the GUIDE obviously involve the new mandatory nutrition labelling (MNL), nutrient contents and diet-related health claims under the *Food and Drug Regulations*, which as of Dec. 12, 2003 were already a year old. The preface to the GUIDE (2003) indicates that amendments will be made to clarify what is already there. The consultative and amending process will likely occur through most of 2004.

So Houston, we have a problem. How useful is a guide if it already requires amendments, is incomplete and needs to

be brought up to date? Other questions food processors need answers to are: When will the CFIA be ready to respond to questions on the new nutrition labelling, nutrient content and diet-related health claims? When will the CFIA be able to answer questions about the 2003 GUIDE? Aside from labels requiring registration, the CFIA is still directing questions about the new regulations to Health Canada, and questions about the new GUIDE to headquarters in Ottawa. MNL becomes mandatory on Dec. 12, 2005 for most of the industry. It has taken a year to just get a peek at the new 2003 GUIDE.

There are a number of areas where the CFIA needs to provide clarification. The 2003 GUIDE to some degree attempts to do this. Guidance is provided when it comes to determining the appropriate nutrition facts table, but a significant investment in learning the fundamentals is still required. Examples of acceptable nutrient content claims, or alteration thereof, are offered. Some of these examples could be better and require further clarification. One example is the use of nutrient content claims for foods that have not been processed, formulated, reformulated or otherwise modified in order to meet the conditions of the claim and whether the label or the advertisement has to relate to all foods of that type. The new regulations also do not provide a definition of "nutrient."

It may be trite, but if you have two cents for CFIA on the GUIDE, now is the time to share your views. When the 2003 GUIDE is finally ready, likely by the end of 2004, let's hope it turns out to be a gift.

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