



## Food Law Guy is Back

(By Popular Demand)

Dear Food Law Guy:

I am the CEO and senior officer of a mid-size food company. We have many ongoing issues with both CFIA and Health Canada regarding various regulations and policies. Does my regulatory specialist have to register under the new federal act?

*Suzanna in Saskatoon*

Dear Suzanna:

The *Lobbyists Registration Act* requires individuals who are paid to communicate with federal public office holders in respect of the development, making or amendment of any federal law, regulation, policy or program or the awarding of any grant, contribution, or other financial benefits or federal contract, to register and disclose certain information. Under the new provisions, instead of individual company employees registering, it will be the responsibility of the CEO to provide the names of all senior officers and employees within the corporation who lobby as a significant part of their duties. So now, Suzanna, this responsibility rests with you and you will have to file every six months. I am always surprised by how many CEOs seem to have no knowledge of this federal Act (and several similar provincial ones), considering the level of fines and the associated embarrassment for non-compliance.

Dear Food Law Guy:

Did the government just change the law regarding trans fatty acids?

*Bill in Brantford, Ont.*

Dear Bill:

No, there is no change in the law yet. On Nov. 23, 2004, the House of Commons adopted an NDP Opposition Motion urging the government to change the law so that processed trans fats would be effectively eliminated from any food product sold in Canada within a year. This unusual move came after a fascinating seven hour debate in the House on November 18 that resulted in support from all parties. The government has established a multi-stakeholder Task Force to help it figure out what to do but it only has one year. Everyone in the food industry should read the debate to see how well our MPs understand nutrition and food law.

This is a good wake up call to the food industry, which doesn't seem to have fully grasped the implications of a minority government that can create these random acts of food policy making. Who knows what's coming next.

Dear Food Law Guy:

I do not add MSG to my tomato-based pasta sauce so do I say on my label "no MSG" or "no MSG added"?

*Tony in Toronto*

Dear Tony:

You can't say either unless you can prove there are no detectable glutamates in your product. As you know, many common food ingredients contain high levels of naturally occurring free glutamates (such as tomatoes, grapes, mushrooms and cheeses, such as Parmesan and Roquefort). It would be misleading to say that these products have "no MSG" especially when scientific studies show that with respect to adverse reactions, there is no difference in the physiological response to man-made and natural glutamates. This is all clearly set out in the CFIA Guide to Food Labelling.

Dear Food Law Guy:

I am a federally inspected fish processor and with all this talk about food safety I would like to advertise this fact on my label. Can I do this?

*Henry in Halifax*

Dear Henry:

Yes. So long as the fish are considered "Product of Canada", you are entitled to use the "Canada Inspected" logo on all fish products processed as part of your Quality Management Plan. There are no restrictions as to the size or colour of the logo and the CFIA will provide you with some interesting permitted examples. I have always been surprised by how few fish companies take advantage of this excellent marketing opportunity to reassure consumers.

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