



The Never Ending Story

Apparently Ottawa has the impression that the nutrition labelling regulations are not fun enough since it has made additional proposed regulations. Published in Canada Gazette I on May 7, you may find that now you've changed all your labels to meet the new regulations, you get to do it all over again.

Some of the new proposals will correct errors, such as assigning the correct definition of a point size, while others will clarify issues such as the type size and prominence of nutrient and health content statements.

In order to comply with the new prescription the proposal will offer a transition period of one year, ending Dec. 12, 2006. The extended transition period would only be available in respect to the new proposed requirements. The current transition period that ends Dec. 12, 2005 is still in effect. The following are some highlights of what is proposed.

Coffee and tea would be exempt from nutrition labelling. These would likely have been exempt anyway since they do not have significant levels of nutrients. Bottled water in 18 L jugs, and ground meats packaged at retail in containers with less than 200 sq. cm of available display surface will also be exempt from nutrition labelling.

Some amendments will correct errors or inadvertent omissions created by the regulations. The declaration of the amount of sugar alcohols in grams per stated serving size was repealed as the information is in the nutrition facts table (NFT). However, in the case where a NFT is not present on a label, like meal replacements or nutritional supplements, there would be no explicit requirement to declare the amount of sugar alcohols. The proposed regulations would address this.

Pre-packaged foods used as ingredients in the manufacture of other foods that are also sold at the retail level would require a NFT and nutrition information based on 100 g or 100 mL of product. The proposed regulations would prohibit the declaration of both forms of nutrition information on the label in such cases.

The long standing exemption from the declaration of



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vitamins and minerals as part of nutrition information in the case of flour when declared as components would come to end under the proposed regulations. It would have been consistent and more flexible to excuse all ingredients from the specific declaration of vitamins and minerals when they are declared components of ingredients.

There has been additional reference amounts proposed for side dishes, flavouring and certain foods for children under the age of 2 years, to mention a few. Clarity on the issue of reference amounts would have been preferred. It remains the position of Health Canada that nutrient content claims may not be made for foods without a reference amount in Schedule M of the *Food and Drug Regulations* (FDR), where the claim is

contingent on this. Yet the rounding of daily values for vitamins and minerals are based in part on reference amounts. This implies that all foods have reference amounts and are not limited to Schedule M. It would have been better to resolve the matter as in the case of reasonable daily intakes (RDI) related to Schedule K – FDR, where an RDI for a food not in Schedule K currently means a serving of that food. The proposed regulations would mess this up as well, by insisting that other than foods in Schedule K, a reference amount as per Schedule M be used.

There are also some conflicts that arise from the understanding of what constitutes a nutrient. In the proposed regulations issues related to fluoride in water and the declaration of the amount of alcohol in low alcoholic beverages are dealt with on a case by case basis. It would have been more practical to have a clear definition of a nutrient.

There are many other proposed changes. Visit <http://www.legalsuites.com/Foodsuite/CNLWRKSHPRC.htm> to view the document. It's very likely that there will be further changes to nutrition labelling down the road. For those in the compliance business, job security is assured.

Gary Gnirss is a partner and president of Legal Suites Inc., a Mansfield, Ont.-based firm specializing in regulatory software and services. Email: president@legalsuites.com