



Telling It Like It Is

DEAR FOOD LAW GUY:

I would like to label my product “grain fed—no animal by-products.” Are there precise standards I have to meet to make this claim?

Mary in Ottawa

DEAR MARY:

Not right now but there soon will be. The CFIA has recognized that claims like these have been proliferating and they can be misleading to the consumer. For example, you could make that claim but still use feed containing vitamins, minerals, veterinary drugs and preservatives. As well, most feed contains vitamins and minerals encapsulated in gelatin, which is considered an animal by-product. Even vitamin D3 is derived from the lanolin of sheep wool.

In order to create a level playing field and lessen the confusion in the market place on feed claims, the CFIA has recently published a very clear consultation document for public comment before it sets out clear policy guidance. This document also tries to bring some clarity to animal welfare claims such as “certified humane treatment” and “free range chicken” and to other production claims such as “antibiotic free”, “hormone free”, “no bone meal”, “milk fed”. For more information, see the CFIA website at www.inspection.gc.ca and follow the links.

DEAR FOOD LAW GUY:

Can we ship yellow margarine into Quebec yet?

Anne & Andy in Nepean

DEAR ANNE & ANDY:

No. The Supreme Court of Canada has ruled that this is an area of provincial jurisdiction so the latest chapter in the 118 year history of the butter/margarine wars continues. Surprisingly, the Government of Canada switched sides at the last minute. They had formerly supported Unilever by maintaining that this was an area of federal jurisdiction (the yellow margarine was imported from the United States). To some people, the federal reversal looks like an abdication of its responsibility to uphold federal jurisdic-

tion. You also have to wonder what this says about the federal support for the Agreement on Internal Trade (AIT) that is supposed to rid us of internal trade barriers. And speaking of hypocrisy, trade barriers and margarine, you should know that you still can't bring milk beverages into Ontario if they contain vegetable oil. On Christmas Eve (I'm not making this up), Ontario finally repealed the *Edible Oils Act* that clearly offended the AIT but at the same time quickly enacted regulations to achieve the same effect by limiting vegetable oil/dairy blend products from being produced in Ontario or imported from other provinces. Didn't the Ontario Throne Speech commit to reduce internal trade barriers? Is the AIT worth the paper it's printed on? As I have said before, it is not easy to take politics out of food law.

DEAR FOOD LAW GUY:

I understand from one of your earlier columns that effective this December most food companies will not be able to advise that their products are “low carb” even when the definitions are clear and the claim is factually correct. If the claim is not false and misleading today, how does it come to be deemed misleading in December. Is this legal? What science changed? Why does the food industry not challenge this nonsense?

Bill in Brantford

DEAR BILL:

Not only is the legality of government's action questionable but it is also bad public policy. The biggest food safety problem in this country is over consumption: why wouldn't we want consumers to have the same information as in the past to help them cut down on carbohydrate consumption? I have some ideas about why the food industry is too timid to challenge the government but that will have to be a story for another day.

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