

FOOD IN CANADA: 2018 YEAR IN REVIEW

03 January 2019

This article originally appeared in Food in Canada and is republished with the permission of the publisher.

With so many legislative proposals, regulatory initiatives and policy changes going on with Health Canada and the Canadian Food Inspection Agency (CFIA), it can be easy to lose track of all the threads food companies need to follow. The end of 2018 is a perfect opportunity to recap some developments from the past year, and take a snap shot of initiatives that may impact the business plans food companies are weaving.

SFCR: Most obviously, the long awaited Safe Food for Canadians Regulations (SFCR) were published in Canada Gazette Part II in May 2018. Companies have been working ever since to comply with the requirements by January 15, 2019 and/or July 15, 2020, as applicable. This has been easier said than done, and while January looms, CFIA guidance has been slow to materialize and many questions remain.

One aspect of the Safe Food for Canadian's Act (SFCA) that hasn't received as much attention is its authorization of administrative monetary penalties (AMPs) in respect of all food commodities. The CFIA published proposed regulations amending the Agriculture and Agri-Food Administrative Monetary Penalties Regulations ("AAAMPR") in Canada Gazette Part I in October 2017; however, final regulations have not been registered as of the time of writing. As Gowling WLG counsel Ron Doering wrote in 2014 when AMPs were introduced for products regulated under the Meat Inspection Act, AMPs have significant implications for the food industry, providing CFIA with another tool to manage non-compliance. The final regulations amending the AAAMPR, when they come, will provide important clarity.

Front-of-pack labelling: Health Canada pre-published a regulatory proposal in the Canada Gazette, Part I in February 2018, setting out criteria and requirements for a front-of-pack symbol that would flag "unhealthy" foods to consumers through a readily apparent symbol on certain food labels. Health Canada simultaneously launched an online consultation on the actual front-of-package symbol itself, to explore what Canadians find more useful in making food choices. The proposal created waves within the food industry, resulting in a large volume of comments being submitted for consideration by Health Canada as they finalize the symbol and associated regulations.

Food labelling modernization ("FLM") initiative: CFIA first launched this initiative in 2013, and it has since undergone three rounds of consultation. The FLM and front-of-pack labelling are in addition to the nutrition facts table and ingredient list changes that were published back in December 2016, which must be implemented by December 2021. If this implementation date is not pushed back upon the registration of these other labelling changes, it could result in a two- or three-step label update process, or a rush to implement the new changes on an accelerated basis in order to only update labels once and still hit the December 2021 date.

Marketing to children: Throughout 2017 and early 2018, Health Canada underwent consultations on its proposed approach to restricting marketing of unhealthy food and beverages to children. The proposal of front-of-pack labelling created waves within the food industry to support the legislative Bill S-228: the Child Health Protection Act, with an aim to publishing proposed regulations in Fall 2018. Proposed regulations have not been published as of the time of writing, but given the broad potential implications suggested by the early consultations, they are certainly something to look out for.

Cannabis edibles: In addition to the ongoing food initiatives discussed above, Health Canada and CFIA have been tasked with developing a framework for the production, advertising and sale of food products that contain cannabis (commonly referred to as "edibles"). As discussed in our July column, there are still more questions than answers with respect to the edibles framework, but we do know that this is a complex issue, and it will take significant resources at Health Canada and CFIA to address.

The above snap shot does not even begin to cover the policy and guidance changes that are underway to support and implement the myriad legislative and regulatory changes, in particular with respect to the SFCR, not to mention other on-going initiatives, such as supplemented foods. Suffice to say that the regulators and industry have their work cut out for them.

taken as, legal advice. You should not rely on, or take or fail to take any action based upon this information. Never disregard professional legal advice or delay in seeking legal advice because of something you have read on this website. Gowling WLG professionals will be pleased to discuss resolutions to specific legal concerns you may have.

Related [Food & Beverage](#)

Author

Katrina Coughlin

Associate - [Ottawa](#)

 Email

katrina.coughlin@gowlingwlg.com

 Phone

+1 613-786-0155

 vCard

Katrina Coughlin