GUIDE TO FOOD LABELLING AND ADVERTISING

Chapter 9

Supplementary Information on Specific Products

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Supplementary Information on Specific Products

This chapter highlights selected labelling issues for further clarification. For convenience, these can be grouped as follows:

- definitions of selected terms,
- explanations as to how polices introduced in previous chapters are applied in specific situations, and
- labelling requirements, usually specific to a product or a given situation, not covered in the preceding chapters of this *Guide.*

Clarifications in this chapter are based solely on requirements found in the *Food and Drugs Act* (FDA) and the *Consumer Packaging and Labelling Act* (CPLA) and their respective Regulations. Other legislation, such as the *Canada Agricultural Products Act and Regulations*, the *Meat Inspection Act and Regulations*, the *Fish Inspection Act and Regulations*)and provincial legislation should also be consulted when these apply to the product under consideration. The information provided here is not exhaustive, but highlights areas that may be more difficult to interpret.

This chapter follows the order in which items appear in the *Food and Drug Regulations* (*FDR*).

9.1 Prepackaged Meal Definition [Division 1, *FDR*]

A "prepackaged meal" is defined in B.01.001 as a prepackaged selection of foods for one individual that requires no preparation other than heating and that contains at least one serving, as described in *Canada's Food Guide to Healthy Eating* (see Health Canada's website: www.hc-sc.gc.ca) of:

- meat, fish, poultry, legumes, nuts, seeds, eggs, milk or milk products other than butter, cream, sour cream, ice-cream, ice milk and sherbet; and
- vegetables, fruit or grain products.

There are no specific labelling requirements for a prepackaged meal provided it is not packaged, sold or advertised for use in a weight-reduction diet. For more information on foods represented for use in a weight-reduction diet see 9.9.6 of this *Guide.*

For information on foods represented for use in weight maintenance, see Chapter 8 of this *Guide*.

9.2 Sweeteners and Sweetening Agents [Division 1, *FDR*]

Section B.01.001, *FDR*, defines "**sweetener**" as any food additive listed as a sweetener in Table IX to B.16.100. Examples of sweeteners are aspartame, sorbitol, and maltitol.

"**Sweetening agent**" includes any food for which a standard is provided in Division 18 of the *FDR*, but does not include those food additives listed in the table to Division 16 [B.01.001]. Examples of sweetening agents are sugar, honey and molasses.

9.2.1 Aspartame, Sucralose and Acesulfame-Potassium [Divisions 1, 16, *FDR*]

Aspartame, **sucralose**, and **acesulfame-potassium** are sweeteners approved for use in foods under the *FDR* [see B.01.014 and B.01.015 for labelling of aspartame, B.01.016 and B.01.017 for sucralose and B.01.019 and B.01.020 for acesulfame-potassium]. The label of a food that contains any of these sweeteners shall carry:

a) a statement on the principal display panel that the food "**contains (name of the sweetener)**" or is "**sweetened with (name of the sweetener)**", in letters of at least the same size and prominence as required for the numbers used in the numerical portion of the net quantity declaration as per Section 14, *CPLR*;

b) if any of these sweeteners is used in conjunction with another sweetener or sweetening agent, including those in Division 18, a statement on the principal display panel that the food "**contains**" or is "**sweetened with (name of the sweetener *and* [name of the other sweetener or sweetening agent])**", e.g., "**sweetened with aspartame and sucralose**" or "**contains aspartame and xylitol**" or "**sweetened with aspartame, fructose and sugar**", in letters of at least the same size and prominence as required for the numbers in the numerical portion of net quantity declaration;

c) a Nutrition Facts table

d) the (name of the sweetener) content expressed in milligrams per serving of stated size on any part of the label, except in the Nutrition Facts table, grouped together with the ingredient list [B.01.008(1)];

e) in the case of aspartame, a statement, grouped together with the ingredient list [B.01.008(1)], that aspartame contains phenylalanine;

f) in the case of a food that is a tabletop sweetener that contains aspartame, sucralose or acesulfame-potassium, either singly or in combination, in addition to the information in (a), (c), (d) and (e) above, the label:

- shall carry,, a statement of the sweetness per serving expressed in terms of the amount of sugar needed to produce an equivalent degree of sweetness, grouped with the ingredient list [B.01.008(1)];
- may carry the words "**low-Calorie**" if the energy value of a serving of the sweetener that is equivalent in sweetness to 5 g (one teaspoon) of sugar is no greater than two Calories [B.01.015, B.01.017, B.01.020].

9.2.2 Polydextrose [Divisions 1, 16, *FDR*]

The label of a food containing polydextrose shall indicate the amount of polydextrose, expressed in grams per serving of stated size [B.01.018]. This statement may be shown on any part of the label, except in the Nutrition Facts table, and must be grouped with the ingredient list [B.01.008(1)].

9.2.3 Sugar Alcohols [Divisions 1, 16, FDR]

The presence of sugar alcohols in a food, more specifically lactitol, maltitol, maltitol syrup, mannitol, sorbitol, sorbitol syrup, xylitol, erythritol, hydrogenated starch hydrolysates and isomalt, triggers a declaration of the sugar alcohol content in the Nutrition Facts table. The content is expressed in grams per stated serving size. For details on the manner of expression and the rounding rules, see Table 2 in 6.1 of this *Guide* [B.01.402 and the table to B.01.402].

9.2.4 Cyclamate and Saccharin Sweeteners [Division 1, Part E, *FDR*]

Saccharin or cyclamates are not permitted in foods and are considered adulterants when added to a food [B.01.046, E.01.001].

Cyclamate and saccharin sweeteners may be sold for direct consumer use, under specified conditions [E.01.002].

- Saccharin sweeteners may only be sold in pharmacies [E.01.002].
- No representation other than the name, price and quantity of the sweetener may be made when advertising cyclamate and saccharin to the general public [E.01.003].

The following cautionary statements must appear on the label:

- in the case of cyclamate, a statement that the sweetener should only be used on the advice of a physician [E.01.004(1)]; and
- in the case of saccharin, a statement that continued use of saccharin may be injurious to health, and that the sweetener should not be used by pregnant women except on the advice of a physician [E.01.004(2)(b)].

The label must show

- a list of ingredients;
- the quantity of each of the following in the sweetener: cyclohexyl sulfamic acid, a salt of cyclohexyl sulfamic acid, saccharin, a saccharin salt or carbohydrates, where present; and
- the energy value expressed in Calories per teaspoonful, drop, tablet or other measure used in the directions for use and per 100 grams or millilitres of the sweetener. [E.01.005].

9.3 Chocolate and Cocoa Products [Division 4, *FDR]*

Chocolate and cocoa are different products, with chocolate having a considerably higher cocoa butter content than cocoa. It should not be implied that products containing cocoa contain chocolate. In the case of a few foods where "chocolate" has traditionally been used as part of the common name, such as chocolate pudding, chocolate cake, chocolate cookies, chocolate cake (mix) and chocolate frosting (icing), there is no objection to the use of the word "**chocolate**" to indicate the flavour of the final food, since consumers are not likely to be deceived by such use. Advertisers are reminded that under subsection 7.(2), *CPLA*, a "false or misleading representation" includes any representation that implies, or may reasonably be regarded as implying, that a prepackaged product contains any matter not actually contained in it.

Compound coatings, which are products having the appearance but not the composition of chocolate, are often used as an outside layer or coating for biscuits, candy and frozen confections or as chips within baked goods. There should be no indication in the advertisements for these products that the coatings are “chocolate”. However, "**chocolate flavoured**", "**chocolate-like**" and "**chocolaty**" have been accepted as appropriate descriptions of such coatings and chips.

9.4 Dairy Products: Milk and Milk Products [Division 8, *FDR*]

Division 8, *FDR*, has a number of specific labelling requirements for dairy products that have not been reproduced here. Examples of these are the percent (%) milk fat and moisture declarations on some products. As well, the *Canada Agricultural Products Act* includes the *Dairy Products Regulations* with additional labelling requirements. Provincial regulations should also be consulted for more labelling requirements.

9.4.1 Common Names of Dairy Products

Milk, unless otherwise designated, refers to cow's milk [B.08.003]. The standards for fluid milks are set and enforced by municipal, provincial and federal authorities. Division 8, *FDR* provides a number of standards for fluid milks and other dairy products. Milk from an animal other than a cow must include the animal source of the milk.

As with all foods with a standard of identity, the use of a common name of a standardized dairy product is restricted to foods that meet the provisions set out in the standard for composition, strength, potency, purity, quality or other property for that food. See Chapter 4 of this *Guide* for further information on common names. [6, FDA; B.01.001]

The appropriate common name must be used when referring to a milk product. For example, "**skim milk powder**" should not be referred to as "**milk**" or "**powdered milk**", nor should "**chocolate partly skimmed milk**" be called "**chocolate milk**". It is generally considered acceptable to identify a product by use of a trade name or a coined name providing the product has first been clearly identified by its common name [5, *FDA*] and the coined or trade name would not mislead the consumer.

- For example, it would be considered acceptable to refer to partly skimmed milk containing 2% butter fat by a trade name such as "Sun’s Glo 2%" if the product is first clearly designated on its label and in an advertisement as "partly skimmed milk" or “partially skimmed milk”.

In lengthy descriptions, the designated common name should be used the first time the common name appears. Subsequent references to the product within the same description may use a modified version, providing the modified common name is not misleading. Names such as "**2% milk**" constitute an improper use of the common name "milk" and should not be used, unless accompanied by the common name "**partly skimmed milk**".

A food that deviates from the prescribed standard may not use the common name prescribed by the applicable standard unless the standardized common name is modified to indicate how the food differs in every respect, from the food described by the standard.

- For example, Cheddar Cheese must contain a minimum of 31% milk fat. A cheese made exactly like cheddar cheese in every respect except for a lower milk fat content, would have to indicate, within the common name, that the product has a lower fat content than

"cheddar cheese". Such a product might be called "Reduced Fat Cheddar Cheese" providing all the compositional and labelling requirements for a "reduced fat" claim were met, see Chapters 5 and 7 of this *Guide* for more information on requirements.

- Another example of a modified standardized common name would be "Cheddar Cheese with hot peppers" to describe a cheddar cheese with added hot peppers, the hot peppers not being permitted in the standard for cheddar cheese.

Alternatively, a descriptive common name that does not incorporate the common name prescribed by regulation can be used. See 4.2.2 of this *Guide* for more information.

9.4.2 Highlighting Dairy Products Used as Ingredients in Other Foods

Highlighting the presence of a dairy ingredient, either within the common name of a food or as a separate claim, is often encountered. This should only be done when the dairy ingredient is present in a significant proportion and a statement of the amount of the dairy ingredient should be made in close proximity to the common name or claim. See 4.2.3 and 4.2.4 of this *Guide* for more information on highlighting or emphasizing ingredients in foods.

When a food includes a dairy flavour, such as cheddar cheese flavour, which is highlighted on the label, the words "flavour" or "artificial flavour" should accompany the flavour designation. When flavours are used to characterize a product, claims must not give the impression that the flavour is a result of the presence of a dairy ingredient.

9.4.3 Sensory Characteristic Descriptions

This section was repealed.

9.5 Fats and Oils [Division 9, *FDR*]

The *Food and Drug Regulations* have standards of identity for fats and oils in Division 9. Some provinces also have regulations that should be consulted for specific requirements.

9.5.1 Oil Content Claims on Margarine

The claim "**contains (naming the percentage) (naming the oil)**" in advertisements for margarine should always be based on the percentage of oil by weight of the total product. When one type of oil is named, all the oils used in making the margarine should be named. For example, if a margarine is made from a mixture of corn oil, cotton seed oil and soybean oil, it would be considered misleading to refer only to the corn oil content in an advertisement for the margarine. On the other hand, the mixture of oils could be correctly referred to as "**vegetable oils**". (See *Mandatory Common Names of Ingredients and Components,* Chapter 2, Annex 1 of this *Guide*.)

9.6 Fresh Fruits and Vegetables [Division 11, *FDR*]

The *Fresh Fruit and Vegetable Regulations* of the *Canada Agricultural Products Act* and applicable provincial regulations should also be consulted for labelling information such as standards of identity and grade markings.

9.6.1 Beverages or Beverage Mixes Identified with Name of a Fruit

Beverages which include the name of a fruit within the common name must be labelled and advertised to distinguish them clearly from standardized juices. When fruit juice is present in a significant quantity in a beverage, its inclusion within the common name or as part of a claim is considered acceptable. The statement that the beverage is "**flavoured**" or is "**made in part with fruit juice**" is acceptable when the amount of juice present is stated. For more information, see 4.2.3 of this *Guide* on ingredient claims.

Products containing at least 25% of a single juice (as consumed), may incorporate the name of the juice within the common name of the food, e.g., "(naming the fruit) juice drink", “(naming the fruit) juice beverage” or "(naming the fruit) juice cooler". However, since this type of common name emphasizes the juice content of the product, it could create an erroneous impression with respect to the actual juice content of the product. A declaration of the percentage of juice present should appear on the principal display panel of the label, clearly and prominently displayed, in a type size at least as large as that required for the numerical portion of the net quantity declaration.

When the percentage of juice is less than 25%, the word "juice" may not appear in the common name of the food. However, a claim separate from the common name, such as "made with X% fruit juice" may be made. De-characterized juices must NOT be included in the calculation of the percentage of juice present.

Note that a de-characterized juice cannot be declared as "(naming the fruit) juice" in the list of ingredients since it no longer meets the standard for fruit juice in B.11.120, or any of the specifically named fruit juice standards in the *Food and Drug Regulations*. "De-acidified (naming the fruit) juice", "de-coloured (naming the fruit) juice" and "de-flavoured (naming the fruit) juice" can be claimed, as applicable.

When only artificial flavour is used, claims must not give the impression that juice or natural fruit flavour is present. Where natural fruit flavours are used, the product may be described as "**containing natural fruit flavours or flavours derived from fruit**".

While flavour claims such as "**has the taste of freshly-squeezed orange juice**" are generally acceptable, care must be exercised to ensure these are not used in a manner that misleads consumers about the true nature of the product.

9.7 Mineral Water, Spring Water and Bottled Water [Division 12, *FDR*]

Potable water obtained from an underground source other than a public community water supply and represented as "**mineral water**" or "**spring water**", must meet the requirements for "mineral water" or "spring water" specified in Division 12, FDR. However, the water need not meet the requirements for mineral or spring water if it is described and represented as "**bottled water**", "**table water**" or by any other acceptable term.

9.7.1 Natural Mineral Water

Mineral water which does not have its composition modified through the use of chemicals may be described as **"natural mineral water"**. A mineral water containing carbon dioxide which originated underground may, upon emergence from the source, have carbon dioxide added to it, provided that:

a) the added carbon dioxide originates from the decarbonation of the water upon its emergence from the underground source; and

b) the carbon dioxide is not added to a level greater than the naturally occurring level, prior to the water's emergence from underground [B.12.003].

The above mineral and spring water may be described as "**natural**", "**naturally carbonated**" or "**sparkling**".

When carbon dioxide (other than that originating from decarbonation of the water upon emergence of the water from the underground source) is added to the water, the word "**carbonated**" must appear first as part of the English common name [B.12.003]. The same is true if the carbon dioxide obtained from the decarbonation of the water at emergence is present in the bottled product in a quantity greater than was originally present in the underground water.

9.7.2 Indicating the Source of Mineral Water

An **underground source**, for the purposes of the *Food and Drug Regulations*, refers to the deeper waters of a water-bearing formation in the zone of saturated earth below the upper part of the ground-water zone.

A statement of the geographic location of the source of the mineral or spring water is required on the label [B.12.002(a)]. Geographic location means the name of the closest commonly recognized locality near or in which the source is located. Vignettes should not be used to misrepresent the geographic location. For example, it is misleading to depict a mountain scene on the label of a product whose source is located on the prairies.

The common name of a manufactured product made by adding mineral salts to water should be chosen carefully to fully distinguish it from the standardized product. An appropriate name would be "**water flavoured with mineral salts**" or "**mineralized water**". Such a product must not be described as mineral water or spring water and the label of such products must carry a complete list of ingredients.

No therapeutic or prophylactic claims may be made for mineral water or mineralized water. Products represented as containing mineral nutrients for use in human nutrition must meet the requirements of Part D of the *Food and Drug Regulations*. However, no objection is taken to a quantitative declaration of the ion content of the water in parts per million (ppm) outside the Nutrition Facts table. Nutrient content claims such as "sodium-free" are permitted provided that the product meets the compositional and labelling requirements set out in Chapter 7 of this *Guide*. Those products containing significant amounts of the core mineral nutrients need to carry a simplified format of the Nutrition Facts table.

9.8 Grain and Bakery Products [Division 13, *FDR*]

9.8.1 Flour and Bread

Flour, white flour, enriched flour and enriched white flour are the acceptable options for the common name of the same food. This food must contain added thiamine, riboflavin, niacin, folic acid and iron at the levels prescribed by regulation [B.13.001]. In addition, vitamin B_6, d-pantothenic acid, magnesium and calcium may also be added to prescribed levels [B.13.001]. When any of these nutrients are added to flour, a claim may be made to that effect in advertising and on the label [D.01.004]. Added nutrients must be declared in the Nutrition Facts table.

Vitamins and minerals are added to flour to restore some of the nutrients lost during processing. The resulting levels of vitamin and mineral nutrients are sufficient to permit claims for these nutrients on bread made with enriched flour [D.01.006, D.02.004]. For information on nutrient content claims, refer to 7.23 of this *Guide*.

White bread and **enriched bread** are both made from enriched flour. The addition of vitamin and mineral nutrients directly to bread is not permitted by D.03.003. Therefore the minimum nutrient levels prescribed for enriched bread are obtained via its ingredients.

Enriched Bread is required to contain per 100 parts (by mass) of flour, either two parts (by mass) of skim milk solids, or four parts (by mass) of whey powder, or sufficient protein from peas or soybeans to provide 0.5 parts (by mass) of protein per 100 parts of flour. This addition will be sufficient to provide the prescribed amount of thiamine, riboflavin, niacin, folic acid and iron. Enriched bread will also contain vitamin B_6, d-pantothenic acid, magnesium and calcium when these are added to the flour.

The label or advertisement for enriched bread may include claims regarding the vitamin and mineral nutrients added via the flour, providing the requirements of D.01.004, D.01.007, D.02.002 and D.02.005 of the *Food and Drug Regulations* are met. When enriched flour is used as an ingredient in any food, the vitamin and mineral nutrient components are not required to be declared in the list of ingredients [B.01.009]. However, if they are declared in the list of ingredients, they are still exempt from declaration in the Nutrition Facts table [B.01.402(7)], except if they are the subject of a claim [B.01.402(4)]. In other words, these nutrients maintain their exemption from declaration in the Nutrition Facts table even when voluntarily declared within the list of ingredients. However, this exemption is lost should these nutrients become the subject of a claim.

9.8.2 Specialty Breads

A separate standard exists for **specialty breads** [B.13.029] which provides for the use of ingredients that are either not permitted in the general standard for bread (such as fruits, nuts, seeds and flavours) or other ingredients (mostly various flours, meals and starches) that are permitted in greater amounts than in the general standard. The inclusion of these ingredients in the formula may alter the nutritive value of the bread.

- For example, "**protein bread**" is a specialty bread wherein the quality and quantity of the protein content have been increased to the point where the protein rating is 20 or more.

When a specialty bread complies with one of the other bread standards in Division13, *FDR*, in addition to complying to the specialty bread standard, it must be labelled by the common name

prescribed by the specific standard to which it complies. For example, a bread containing 50% raisins by weight of the flour has to be called “Raisin Bread” since it meets the standard prescribed in B.13.025. The manufacturer does not have the option of calling such a bread “Fruit Bread” even though it meets the minimum fruit content required for a Fruit Bread as specified in Table 9-1 below.

In some instances, a high fibre ingredient is added to bread to increase its fibre content. When this added ingredient is not permitted in bread, the resulting product must not be described as “bread”. However, no objection would be taken to the common name "**bread with added (name of the fibre source)**" on condition that the fibre source provides 2 g dietary fibre per serving, and that the qualifier appears in letters not less than half the size of the word "**bread**". (See Table 7-13 of this *Guide*, *Summary Table of Permitted Fibre Claims*.)

The following table lists some of the common specialty breads and indicates the minimum content of the specialty ingredients:

Specialty Breads: Specialty Ingredients
Table 9-1

Specialty Breads		
Type of Bread	**Specialty Ingredient**	**Minimum amount of Specialty Ingredient as % of Flour**
Graham Bread	Graham Flour	150
Milk Bread	Milk Solids	6 [B.13.022, *(d)*]
Potato Bread	Potato Flour	5
Honey Bread	Honey	5
Cheese Bread	Cheese	12
Oatmeal Bread	Oats	20
Cracked Wheat Bread	Cracked Wheat	20
Wheat Germ Bread (Bread with Wheat Germ)	Wheat Germ	2
Egg Bread	Whole Egg Solids	1.5
Fruit Bread or Loaf	Fruit	40
Triticale Bread	Triticale Flour	20
Rye Bread	Rye Flour	20
Raisin Bread	Seedless Raisins	50 [B.13.025]
	OR a mixture of raisins and Currants	35 plus 15 maximum

Specialty Breads		
Type of Bread	**Specialty Ingredient**	**Minimum amount of Specialty Ingredient as % of Flour**
Bran Bread	> 2 g dietary fibre from wheat bran per serving	
Protein Bread	Must have a protein rating of 20 or more.	

9.8.3 Breakfast Cereals

Due to different degrees of milling, cereal products and flours vary greatly in their nutritive value. Some milled or processed whole grain cereals, such as rolled oats and cracked wheat, retain most of their original nutritive value and are described as "**whole grain cereals**" or "**whole (name of the grain) cereal**". Others (such as farina, corn meal, white rice, corn flakes and puffed cereals) which require more extensive processing are called "**refined cereals**". The claim "**made from (name of the grain)**" should not be used to describe a breakfast cereal that does not contain the **whole** grain and most of the original nutritive value of the whole grain.

Breakfast cereals may contain added thiamine, niacin, vitamin B_6, pantothenic acid, folic acid, iron, magnesium and zinc to levels specified by regulation [B.13.060] and the content of the added vitamins and minerals is required in the Nutrition Facts table [B.01.402(7)]. Nutrient content claims such as “source of protein” or “source of energy” must follow the requirements of nutrient content claims regulations of the *FDR*. See Chapter 7 of this *Guide* for the compositional criteria and the labelling requirements a food product must meet in order to make these nutrient content claims.

Advertisers should be careful when producing breakfast cereal advertisements, especially television commercials intended for children. Energy claims and physical actions exaggerated beyond the limits of credibility are considered particularly unacceptable when directed at children. Depiction of physical action in games requiring more skill than actual physical energy is not usually considered to be a violation, provided there is no suggestion that such actions are the result of consuming the product. For nutrient content claims for foods solely for children under two years of age, refer to 5.13 of this *Guide*. Health claims are prohibited on foods intended for children under two.

Breakfast cereals are only one part of a good breakfast, and commercials or visual depictions should not give the impression that they constitute the whole meal or that they are the most important part of that meal.

9.9 Foods for Special Dietary Use [Division 24, *FDR*]

A "food for special dietary use" is defined in B.24.001, *FDR*, as a food that has been specially processed or formulated to meet the particular requirements of a person:

a) in whom a physical or physiological condition exists as a result of a disease, disorder or injury; or

b) for whom a particular effect, including but not limited to weight loss, is to be obtained by a controlled intake of foods.

In general, only the following foods meeting the criteria in B.24.003(1), *FDR,* may be represented in a manner likely to create the impression that they are foods for special dietary use.

- a formulated liquid diet
- a meal replacement
- a nutritional supplement
- a gluten-free food
- a food represented as:
- a protein-restricted diet,
- a low-amino acid diet, or
- a very low-energy diet

Formulated liquid diets, meal replacements, nutritional supplements and foods represented for use in a very low-energy diet have detailed and explicit nutrition and other labelling requirements set out in Division 24, *FDR*. The labels for these products are prohibited from using the Nutrition Facts table **heading** (i.e. “Nutrition Facts”, ”valeur nutritive” or “valeurs nutritives”), but they may voluntarily use the Nutrition Facts table **format** with respect to order of presentation, naming of nutrients, fonts, layout, etc. provided the applicable requirements of Divisions 24 are met [B.01.401(4) & (5)].

Prior to the enactment of the nutrition labelling regulations, the use of claims such as “carbohydrate-reduced”, “sugar-free”, “Calorie-reduced”, “low Calorie”, and “low sodium” were limited to foods for special dietary use. With the new regulations, these claims are now considered nutrient content claims and may be used on any foods that meet the criteria. There are no carbohydrate nutrient content claims provided for in the nutrient content claims amendments to the *Food and Drug Regulations*.

For more information on these and other nutrient content claims, refer to Chapter 7 of this *Guide*.

Weight-reduction diets

The following foods for special dietary use may be represented for use in weight-reduction diets if they meet the requirements set out in Division 24:

- meal replacements for weight reduction;
- prepackaged meals for weight reduction;
- foods sold by a weight-reduction clinic to clients of the clinic for use in a weight-reduction program supervised by the staff of the clinic; and
- foods represented for use in very low-energy diets.

Foods represented for use in a weight-reduction diet differ from foods represented for use in achieving and maintaining a healthy body weight, see 8.9.2 of this *Guide*.

Energy-reduced diets

In addition, foods may be represented for use in an energy-reduced diet if they meet the requirements of one of the following nutrient content claims [B.01.507]:

- free of energy;
- low in energy;
- reduced in energy;
- lower in energy; or
- free of sugars.

Foods that meet the criteria for and carry one of the claims above may be represented as “diet” or “dietetic” [B.24.003(4)].

Sodium-restricted diets

Foods may be represented as for use in a sodium-restricted diet if they meet the requirements of one of the following nutrient content claims [B.01.508]:

- free of sodium or salt;
- low in sodium or salt;
- reduced in sodium or salt; or
- lower in sodium or salt.

9.9.1 Formulated Liquid Diets [B.24.001, B.24.100 to B.24.103]

A "formulated liquid diet" is defined in B.24.001, *FDR*, as a food that:

- is sold for consumption in liquid form; and

- is sold or represented as a nutritionally complete diet for oral or tube feeding of a person in whom a physical or physiological condition exists as a result of a disease, disorder or injury.

A formulated liquid diet is required to be a complete substitute for the total diet in meeting the nutritional requirements of a person [B.24.101]. Formulated liquid diets may not be advertised to the general public [B.24.100] and should not be confused with infant formula. (See Infant Foods and Infant Formulas, 9.10 of this *Guide.*)

Formulated liquid diets have detailed and explicit compositional requirements [B.24.102] and labelling requirements [B.24.103] set out in Division 24, *FDR*. The labels for these products are prohibited from using the Nutrition Facts table heading (i.e. "Nutrition Facts", "valeur nutritive" or "valeurs nutritives"), but they may voluntarily use the Nutrition Facts table format with respect to the order of presentation, naming of nutrients, fonts, layout, etc. provided the applicable requirements of Division 24 are met [B.01.401(4) & (5)].

9.9.2 Meal Replacements [B.24.200, B.24.202, B.24.204]

A "meal replacement" is defined in B.01.001, *FDR*, as a formulated food that, by itself, can replace one or more daily meals.

The **compositional requirements** for a meal replacement are set out in B.24.200, *FDR*. These include a minimum food energy value of 225 Calories per serving, a specified amount and quality of protein, a maximum amount of energy derived from fat (35 percent), and a specified amount of various vitamins and mineral nutrients. When a meal replacement is represented as a replacement for all daily meals, the maximum amount of energy from fat is reduced to 30 percent, of which no more than 10 percent may be from saturated fat.

Meal replacements also have detailed and explicit labelling requirements, including nutrition labelling requirements [B.24.202, B.24.204] set out in Division 24, *FDR.* The labels for these products are prohibited from using the Nutrition Facts table heading (i.e. "Nutrition Facts", "valeur nutritive" or "valeurs nutritives"), but they may voluntarily use the Nutrition Facts table format with respect to order of presentation, naming of nutrients, fonts, layout, etc. provided the applicable requirements of Divisions 24 are met [B.01.401(4) & (5)].

Labelling requirements differ according to whether a meal replacement is sold or advertised as a replacement for all daily meals, for some daily meals or for use in a weight-reduction diet.

a) Labels must declare specific nutrient content per serving as sold and per stated quantity when ready-to-serve.

b) If the food is sold or advertised for use in a weight-reduction diet, the label must include directions for use that would result in the daily energy intake of at least 1200 Cal (5040 kJ) [B.24.204*(b)*]. If the meal is a replacement for all daily meals, directions for use that would result in the daily energy intake of 900 Cal (3780 kJ) must be provided.

c) If the food is sold or advertised for use in a weight-reduction diet, the statement "**useful in weight reduction only as part of an energy-reduced diet / utile pour perdre du poids seulement dans le cadre d'un régime à teneur réduite en énergie**" must be prominently displayed on the principal display panel [B.24.202*(e)*]. This statement must also be included in all advertisements for the product.

d) If the meal replacement is **not** represented as a replacement for all daily meals, a sample seven-day menu must be included. The requirements for the menu plan are set out in B.24.204, *FDR*.

- The daily menu must include at least one serving from each of the four food groups in *Eating Well with Canada's Food Guide* (refer to Health Canada’s web site at www.hc-sc.gc.ca).

- In addition to the menu providing a minimum daily food energy intake of 1200 Calories, the content of other nutrients (e.g., fat, saturated fat, vitamins and mineral nutrients) is also regulated.

- The menu must not include any reference to vitamin or mineral supplements.

No direct or indirect reference to using a vitamin or mineral nutrient supplement is permitted on labels or in advertisements. The label or advertisement should not create the impression that consuming a vitamin or mineral nutrient supplement is part of a weight-reduction diet.

As there is no **reference amount** for these foods, only the claims which are not based on reference amount can be made. For example, the following claims can appear on the label or packaging of a meal replacement: "source of protein" or "source of five vitamins and minerals", provided the product meets the conditions for the claim.

9.9.3 Nutritional Supplements [B.24.201, B.24.202]

A "nutritional supplement" is defined in B.01.001, *FDR*, as a food sold or represented as a supplement to a diet that may be inadequate in energy and essential nutrients.

The **compositional requirements** for a nutritional supplement are set out in B.24.201, *FDR*. Requirements differ depending on the Calories per serving provided by the nutritional supplement. Examples are given below.

- When a nutritional supplement contains less than 225 Calories per serving, requirements include a minimum food energy content of 150 Calories per serving, a specified amount and quality of protein and a specified amount of various vitamins and mineral nutrients.

- When a nutritional supplement provides 225 or more Calories, requirements include a specified amount and quality of protein, a maximum amount of fat, and a specified amount of various vitamins and mineral nutrients.

Nutritional supplements also have detailed and explicit labelling requirements, including nutrition labelling requirements [B.24.202] set out in Division 24, *FDR*. Some labelling requirements include the declaration of the content of specific nutrients per serving as sold and per stated quantity when ready-to-serve. The labels for these products are prohibited from using the Nutrition Facts table **heading** (i.e. “Nutrition Facts”, ”valeur nutritive” or “valeurs nutritives”), but they may voluntarily use the Nutrition Facts table **format** with respect to the order of presentation, naming of nutrients, fonts, layout, etc. provided the applicable requirements of Divisions 24 are met [B.01.401(4), (5)].

As there is no reference amount for these foods, only the claims which are not based on reference amount can be made. For example, the following claims can appear on the label or packaging of a meal replacement: "source of protein" or "source of five vitamins and minerals", provided the product meets the conditions for the claim.

9.9.4 Gluten-Free Foods [B.24.018, B.24.019]

A food is not permitted to be labelled, packaged, sold or advertised in a manner likely to create an impression that it is "gluten-free" unless it **does not contain wheat, including spelt and kamut, or oats, barley, rye, triticale or any part thereof**.

As per B.01.401(3)*(e)*(ii), any food represented as having a particular nutritional or health-related property, such as “gluten-free”, must carry the Nutrition Facts table. Any exemption permitted by B.01.401(2), *FDR*, no longer applies when a food is represented as “gluten-free”.

9.9.5 Foods Represented for Use in Very Low-Energy Diets [B.24.300 to B.24.306]

The sale and advertising of foods represented for use in very low-energy diets is strictly controlled by the *Food and Drug Regulations.* These foods are not permitted to be advertised to the general public [B.24.300]. Only a pharmacist is permitted to sell these foods to the general public and only with a written order from a physician [B.24.301, B.24.302]. Compositional and labelling requirements are also strictly governed by regulation [B.24.303, B.24.304]. As Health Canada must be advised prior to marketing these products, readers are advised to contact Health Canada prior to manufacturing, labelling or importing these type of foods. Enquiries should be directed to:

Assistant Deputy Minister
Health Products and Food Branch
Health Canada
1st Floor, Health Protection Building
Tunney's Pasture, A.L. 0701A1
Ottawa, Ontario
K1A 0L2

9.9.6 Prepackaged Meals for Use in a Weight-Reduction Diet [B.24.203, B.24.204, B.24.205]

The **labelling requirements** for a prepackaged meal that is packaged, sold or advertised for use in a weight-reduction diet are set out in B.24.203 and B.24.204, FDR. (See 9.1 of this *Guide* for the definition of "prepackaged meal".)

Some of these labelling requirements include the following.

a) Labels must state specific nutrient content declarations per serving as sold and per stated quantity when ready-to-serve [B.24.203 *(a)*].

b) The statement "**useful in weight reduction only as part of an energy-reduced diet / utile pour perdre du poids seulement dans le cadre d'un régime à teneur réduite en énergie**" must be prominently displayed on the principal display panel [B.24.203*(b)*]. This statement must also be included in all advertisements for the product.

c) A sample seven-day menu must be included in the directions for use, showing the prepackaged meal being used [B.24.204].

The requirements for the **menu plan** are set out in B.24.204 of the *FDR*. Some of the menu plan requirements are listed here:

- The daily menu must include at least one serving from each of the four food groups in *Eating Well with Canada's Food Guide*.
- In addition to the menu providing a minimum daily food energy intake of 1200 Calories, the content of other nutrients (e.g., fat, saturated fat, vitamins and mineral nutrients) is also regulated.
- The menu must not include any reference to vitamin or mineral supplements [B.24.204(*e*)].

No direct or indirect reference is permitted on labels or in advertisements to any vitamin or mineral supplement. The label or advertisement must not create the impression that consumption of any vitamin or mineral nutrient supplement must be part of a weight-reduction diet [B.24.205(3)].

9.9.7 Foods Sold by Weight-Reduction Clinics [B.24.203, B.24.204, B.24.205]

Weight-loss clinics are permitted to represent and sell food to their clients as part of a weight-reduction diet supervised by the clinic.

The labelling requirements for foods sold by weight-reduction clinics are set out in B.24.203, B.24.204 and B.24.205. They are identical to those which apply to prepackaged meals, outlined in 9.9.6 above, **except** that the sample seven-day menu in the directions for use, must specifically show **the food sold by the weight-reduction clinic being used**.

9.10 Infant Foods and Infant Formulas [Division 25, *FDR*]

No person shall sell or advertise for sale an infant formula that, as normally consumed, does not comply with the compositional requirements set out in the *Food and Drug Regulations* for infant formula.

It is also not permitted to sell or advertise for sale an infant formula that, when prepared according to directions, requires the addition of a nutritive substance other than water, a source of carbohydrates, or both.

Other than identifying the quantity of iron on the label, no one can make any claim with respect to the iron content of an infant formula unless it contains at least 1 mg of iron per 100 available Calories.

Infant formulas (human milk substitutes) and foods that are represented as containing infant formula, have detailed and explicit labelling requirements, including nutrition labelling requirements, set out in Division 25, *FDR*. The labels for these products are prohibited from using the Nutrition Facts table **heading** (i.e. “Nutrition Facts”, ”valeur nutritive” or “valeurs nutritives”), but they may voluntarily use the Nutrition Facts table **format** for children under two with respect to the order of presentation, naming of nutrients, fonts, layout, etc. provided the applicable requirements of Divisions 25 are met [B.01.401(4) & (5)].

All new infant formula and infant formula which have undergone minor changes in composition, manufacturing or packaging is subject to pre-market notification. Labels must be submitted to Health Canada for review as part of the pre-market notification, at the following address:

Assistant Deputy Minister
Health Products and Food Branch
Health Canada
1st Floor, Health Protection Building
Tunney’s Pasture, A.L. 0701A1
Ottawa, Ontario
K1A 0L2

The use of food additives in infant formula and infant foods is strictly controlled under the *Food and Drug Regulations.*

Infant foods are subject to specific maximum sodium levels. It is an offence to sell or advertise for sale an infant food that contains more sodium than that provided for in the *Food and Drug Regulations*.

Note that there are specific nutrition labelling requirements, including formats, Nutrition Facts table information, and nutrient content claims, for foods solely for children under two years of age (but not infant formulas). These are discussed in Chapter 5 of this *Guide*.

9.11 Beverages for Athletes, Isotonic

9.11.1 Beverages for Athletes

There are no provisions for the addition of vitamins, mineral nutrients (including electrolytes), or amino acids to beverages targeted for use by athletes. See Annex 7-1 of this *Guide* for foods to which vitamins or mineral nutrients may be added.

Functional claims made for such beverages are limited to those referring to the replacement of fluid (water) loss. Nutrient content claims may be made when criteria are met (see Chapter 7 of this *Guide*).

9.11.2 Isotonic

The term "isotonic", in reference to a beverage, denotes a solution having the same concentration of electrolytes as another solution to which it is being compared. For example, a beverage could be isotonic with perspiration, serum, etc. There is no objection to the use of this term when the claim is accurate and the comparison appropriate.