



CANADIAN HEALTH FOOD ASSOCIATION

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February 28, 2024

Bureau of Nutritional Sciences
Food Directorate
Health Products and Food Branch
Health Canada

Submitted via email: nut.labelling-etiquetage@hc-sc.gc.ca

Re: Feedback on proposal to update Table of Reference Amounts for Food (NOP/ADP-QRA-2023-2)

On behalf of the Canadian Health Food Association (“CHFA”), we are writing to provide comments on the proposal to update the *Table of Reference Amounts for food (TRA)*. We sincerely appreciate the opportunity to provide feedback.

CHFA stands as Canada’s largest trade association dedicated to natural health, organic, and wellness products. Committed to representing our members and the industry, we take a proactive stance on proposed regulatory changes that will directly influence their business operations. Our membership base consists of hundreds of businesses across Canada, including manufacturers, retailers, wholesalers, distributors and importers of food and natural health products. The proposed changes to nutrition labelling for very high-fibre cereal, fondue, cooking broth, and nutritional yeast directly affect these businesses, prompting our vested interest and concerns.

Our primary concern pertains to the proposed implementation timelines, which as currently proposed allow less than two years from the confirmation of the proposed changes to update labels. This update to the TRA could have significant nutrition labelling implications for very high fibre cereals, nutritional yeast, and cooking broth. The adjustments may impact the declaration of serving sizes and the information within the Nutrition Facts table (NFt). Additionally, since claim eligibility is assessed against both the stated serving size and the reference amount, the proposed changes could potentially affect the ability to make certain claims. It should also be noted that reference amounts also factor into the requirements for front-of-pack nutrition symbols.

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Given the proposed changes would necessitate mandated labelling updates, this warrants a minimum two-year transition period in accordance with the Food Labelling Coordination Policy. As the regulatory landscape moves towards repealing regulations and incorporating more documents by reference, we emphasize the importance of providing a transition period aligning with the established standard. Anything less than the stipulated two-year transition sets a concerning precedent, which risks undermining industry confidence in the ongoing process of regulatory modernization. For regulatory changes, this timeline is measured from publication in the *Canada Gazette, Part II*. Consequently, we propose that the minimum two-year transition period for label impact resulting from changes to IbR documents should commence only upon the notice transitioning from a Notice of Proposal to a Notice of Modification. It is only at this crucial juncture, once the proposed change have been confirmed, that industry can confidently allocate resources and take the necessary steps to implement label changes.

Additionally, we note that the notice for the change to the Table of Reference Amounts was published on the cusp of the holiday season, with many industry stakeholders not receiving the notification or contemplating the potential impacts until after January 4, 2024. Given that the proposal lacked a Regulatory Impact Analysis Statement justifying accelerated transition timelines, and the changes do not address significant consumer deception or acute risks to health and safety, we advocate for a timeline that aligns with established and predictable norms consistent with the risk-based enforcement approach outlined in the Food Labelling Coordination Policy.

Considering the rationale outlined above, we propose that the implementation and enforcement timeline be extended to January 2028 to ensure a smoother transition for all stakeholders involved.

Thank you for affording us the opportunity to share our insights and concerns. As a dedicated and forward-looking stakeholder, we are hopeful that our comments are given the careful consideration they deserve. We stand ready to offer our expertise and support.

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Sincerely,

A handwritten signature in black ink that reads 'Ashley Cornell'. The signature is written in a cursive, flowing style.

Ashley Cornell
Directory of Regulatory Affairs and Policy
Canadian Health Food Association

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