



CANADIAN HEALTH FOOD ASSOCIATION

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Bureau of Policy, Intergovernmental and International Affairs  
Food Directorate  
Health Products and Food Branch  
Health Canada

Submitted via email: [bpia-bpaii@hc-sc.gc.ca](mailto:bpia-bpaii@hc-sc.gc.ca)

***Re: Feedback on Future Food Regulatory Modernization Priorities***

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On behalf of the Canadian Health Food Association (“CHFA”), we are writing to provide comments on the consultation for the *Future Food Regulatory Modernization Priorities*. CHFA appreciates the opportunity to provide feedback. As Canada’s largest trade association dedicated to natural health, organic and wellness products, CHFA is committed to representing our members and the industry 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 natural health products and food products. These businesses produce a variety of pre-packaged foods and would be affected by regulatory modernization initiatives of the *Food and Drug Regulations*, including changes to the use of best before dates as a strategy to address food waste.

**Health Canada’s Potential Future Food Regulatory Modernization Priorities - Stakeholder Questions:**

*Question # 1: In your view, does this list accurately reflect and describe the key outstanding items/issues that need to be addressed? If not, please indicate any that are missing along with a brief description of the issue.*

CHFA appreciates the opportunity to provide input on the regulatory priorities for the next phase of food regulatory modernization. The list provided by Health Canada captures several key priorities that pose significant challenges and opportunities to industry at this time. In question 2 we have prioritized the five

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crucial areas that warrant immediate consideration and regulatory action.

Overall, we are supportive of the items that have been identified as priorities by Health Canada. In saying that, innovation in the wellness industry which CHFA represents continues to evolve at a fast pace. We will keep our eyes on emerging priorities and preserve the option to contact you at a later time should other pressing issues surface or if there are additional concerns that we believe should be addressed. In the current technology age, food innovation is happening at a much faster pace than in previous decades. For Canada to truly embrace food regulatory modernization and respond in an agile way, we urge Health Canada to reserve space in the priority list and dedicate resources towards regulatory action for advancements in science and technology in the coming years. Example of topics that we are seeing today could include, regulations for cultured meat, a scientific review of the safety of non-nutritive sweeteners, and modifications to permitted protein claims to align with national recommendations for plant-based protein in Canada's Food Guide.

Question #2: Of the items set out in the list (including any missing items that you've proposed for addition), please rank, in order of importance, your top 5 items and briefly explain why these items should be prioritized.

In order of importance, CHFA has ranked the top 5 items as follows:

1. Amend the Food and Drug Regulations to accommodate plant-based foods.
2. New Regulations to enable clinical trials involving foods for special dietary purposes (FSDP)
3. Modernize the regulatory framework for health claims on foods
4. CHFA Addition - reserve space in the priority list and dedicate resources towards regulatory action for advancements in science and technology in the coming years
5. Amendments to the allergen labelling regulations for high protein ingredients

CHFA would like to request regulatory changes to *the Food and Drug Regulations* to permit the Canadian food



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industry to better position plant-based foods to align with today's consumer, and today's marketplace. The Canadian consumer has changed significantly since the *Food and Drug Regulations* were developed. Consumers have become more aware of plant-based foods and are incorporating these foods as part of their everyday diets. There has been a drastic increase in demand for products across the whole plant-based food sector. In order to modernize our regulations to reflect the Canadian consumers understanding of plant-based food products revision to the following sections of the *Food and Drug Regulations* are necessary: Division 8 on Dairy Products, Division 14 on Meat Products, and Division 22 on Poultry, and Poultry Meat Preparations and Products. Currently, using common names like "milk," "cheese," "butter," "meat," or "egg" for plant-based foods is prohibited in Canada. We advocate for a change that allows these common names to be permitted when combined with prefacing the names with the plant source (e.g., soy, cashews) and the product presentation (e.g., block, slice, shredded). For instance, "Plant-based Almond Milk," "Shredded Plant-based Cheese," and "Plant-based Soy Burger". By aligning regulations with consumer preferences and enabling clear food labeling, consumers can make informed choices that suit their dietary needs and values, while maintaining the integrity of our food regulations.

With the growth of the plant-based protein sector and the increasing use of novel proteins in prepackaged products, consumer use of these ingredients is more widespread. CHFA is aware of the increasing instances of cross-reactivity of alternative protein such as peas and edible insects which are not priority allergens requiring allergen labelling in Canada. CHFA represents an industry that caters to consumers with allergies and other dietary restrictions. We support reviewing the scientific literature, and if necessary, making changes to the regulatory framework to reflect the evolving science and the needs of the Canadian consumer.

CHFA and its members are aligned with Health Canada's decision to prioritizing the review of its allergen labelling to ensure that Canadian consumers are empowered with the information they require to make informed decisions about the safety of their food products, especially when it comes to properly notify consumers of allergens that could lead to severe allergic reactions. As part of these amendments, we would like to see more specificity provided on "free-from" allergy claims.

With the modernization work for foods with special dietary use (Division 24) already in progress, an opportunity

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arises to optimize ongoing efforts. This can be achieved by expanding the scope to include complementary priorities, such as new regulations enabling clinical trials involving foods for special dietary purposes (FSDP) and establishing a regulatory framework for health claims on foods. Extending the scope to encompass new regulations facilitating clinical trials for these products unlocks untapped innovation and growth potential in the food industry. This step would further reinforce Canada's position in the global marketplace, attracting investments and fostering collaborations. Notably, this initiative supports economic growth while benefiting vulnerable populations that require specialized products, which hold the promise of transforming lives and improving the well-being of those in need. Prioritizing clinical trial regulations for specialized products can accelerate groundbreaking discoveries, revolutionizing the food landscape and addressing the needs of vulnerable populations sooner. This priority promotes innovation while upholding rigorous evaluation and safety standards, striking a balance that prioritizes public health without impeding progress. Together, industry and government can drive progress towards a future where Canada stands as a leader in the global food market.

Revising the regulatory framework for health claims on foods in Canada would open significantly more opportunities for investment from international markets and encourage market growth in Canada. Many global companies have difficulty offering their innovative products in Canada as they are not able to advertise the benefits of their products which help to justify their price. As such, Canadian consumers are not offered innovative food products with health benefits. It would be important to get transparency on what exactly will be involved with updating the health claim framework and how it will impact both supplemented foods and NHPs. In addition, clarity on the review process will be needed. Overall, we believe modernizing the health claim framework has the potential to lead to further growth of the food, health and wellness industry as a whole.

Overall, to foster innovation and encourage growth within the food industry, it is important for Canada to address outdated regulations that are holding back the health and wellness food sector. A sector closely aligned and in support of Health Canada's *Healthy Eating Strategy*. Embracing modernization in the five priority areas CHFA has identified could play a pivotal role in positioning Canada as a leader in adopting cutting-edge innovations, advancing Health Canada's public health goals, and meet the needs and aspirations of Canada's consumers and industry stakeholders. CHFA advocates for a proactive approach to regulatory modernization,

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positioning Canada to maintain relevance and strengthen its competitive edge in the global market.

### **Addressing food waste including potential revisions to Canada’s regulations for best before date labelling on foods**

It is undeniable that food loss and food waste is a global concern with environmental and sustainable impacts that Canada should address. The World Resource Institute’s food loss and waste protocol serves as a strong foundation for a national guideline for describing food waste and loss within food business and governmental jurisdictions. The institute has collaborated with governments and industries worldwide to develop an international standard for defining and measuring food loss and waste throughout the agri-food system<sup>1</sup>.

*Question #1: What purposes do best before dates serve for you or your members? Do they perform a function beyond communicating quality and freshness to consumers? Have you identified that best before dates contribute to food waste? If so, please explain any available evidence.*

While best-before dates are meant to act as an indicator of freshness, taste, and nutritional value, consumers will often use the date as an indicator of food safety. A study completed by Dalhousie University’s Food Analytics Lab confirms that 25% of Canadians consider a ‘Best Before’ date an indicator of food safety and 65% have thrown out unopened food because the ‘Best Before’ date had passed<sup>2</sup>. Without the proper education on what is safe to consume, consumers often struggle to make an informed decision using best before date labelling.

However, the root of the problem is not date labelling, it is a mis-informed Canadian consumer. Removing the use of the best-before-date, would be eliminating the Canadian consumers right to make a decision about their food based on freshness and nutritional value. Rather than completely eliminating best before

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<sup>1</sup> <https://www.wri.org/initiatives/food-loss-waste-protocol#:~:text=The%20FLW%20Standard%20is%20designed,%2C%20providing%3A%20robust%2C%20credible%20and>

<sup>2</sup> [Best Before Date Report \(Agri-Food Analytics Lab, Dalhousie University\)](#)

dates or implementing mandatory labelling changes to best before dates, CHFA urges Health Canada to consider education campaigns on food safety and date-labelling.

We recommend a government education initiative that would contrast and compare best-before dates with packaging dates and expiration dates, inform Canadians on the indicators of spoiled food, and provide safety precautions. Additionally, encouraging consumers to use their senses before discarding food past its best-before date. An example of this type of initiative is being done by the company 'Too Good to Go' which started in 2018 across Europe. In the EU, about 10% of the 88 million tons of food waste generated annually is linked to date marking<sup>3</sup>. Too Good to Go has worked closely with manufacturers such as Danone, Nestle and Unilever to include a 'Look, Smell, Taste' label on their Best Before dated products. The main objective is for education on the meaning of 'best before' dates and empower consumers to trust their senses past the date, therefore reducing food waste. CHFA would be interested and willing to sit in on a best before date education campaign working group to discuss possible options and help guide work in this area.

Question #2: What regulatory changes, if any, would you propose to best before dates in order to support the goal of reducing food waste?

CHFA supports the government's commitment to reduce food loss and waste by 2030, however we do not believe that removing, altering, or implementing new requirements for best before dates is a necessary or effective approach. The research indicates that most Canadians are against eliminating 'Best Before' dates on food packaging<sup>4</sup>.

It is worthwhile considering tax incentives for businesses that donate surplus food to charitable organizations. This would encourage food retailers, restaurants, and other foodservice establishments to participate in food recovery programs and donate excess food instead of disposing of it. Another important regulatory change would be introducing food waste reduction targets that provide a clear direction for

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<sup>3</sup> [Date marking and food waste prevention \(europa.eu\)](https://www.europa.eu)

<sup>4</sup> [Best Before Date Report \(Agri-Food Analytics Lab, Dalhousie University\)](#)

businesses, municipalities, and provinces. These targets can be based on a percentage reduction from baseline levels and can be periodically reviewed and adjusted.

An additional strategy that could be used is food redistribution liability protection. This would involve implementing legislation to protect food donors from liability when donating food in good faith to charitable organizations. Clear legal protections can help alleviate concerns and encourage more businesses to participate in food recovery efforts. It will also be important to assess regulatory changes in the context of food banks and other food donation programs.

*Question # 3: Are there any other approaches (including non-regulatory) that would be effective in reducing food waste?*

Consistent with the feedback above, CHFA recommends focusing on consumer education for expiration dates and best before dates. A valuable approach would involve creating an information guide on handling perishable items and packaged food, particularly those at higher risk of accumulating food pathogens. This guide could also provide information on food storage techniques to maintain freshness and safety to slow spoiling to reduce waste. Sharing this knowledge in an accessible format including social media and paid media, would ensure widespread reach among consumers. By empowering consumers with this knowledge, we enhance their understanding and confidence in making informed decisions about food safety, while preserving their right to assess the freshness and nutritional value of products.

An effective approach to reducing food waste is for government to encourage and support partnerships between organizations that specialize in food rescue and businesses along the food supply chain. One such example is Second Harvest, a company that collects surplus food from businesses and redistributes it to charities or nonprofit organization<sup>5</sup>. By fostering such collaborations, Canada could effectively divert edible food from going to waste and redirect it to those that can use it, contributing to a more sustainable and socially responsible food system.

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<sup>5</sup> <https://secondharvest.ca/about-us/what-we-do>



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Question # 4: What costs or business impacts would result from regulatory changes to current best before date labelling regulations?

Currently CHFA members are managing a multitude of labelling changes from various government departments such as foods, supplemented foods, and natural health products, and all which have a cumulative and significant effect on industry from a cost perspective. Any changes to labelling that do not impact Canadian consumers health should be considered optional rather than mandatory.

Question # 5: In light of the Health Canada/CFIA food labelling coordination policy “Food labelling coordination: Joint policy statement”, should you need to change food labels as a result of modifications to the requirements for best before date labelling, what is the feasibility of the January 1, 2026, or January 1, 2028, compliance dates?

If labelling changes are required, CHFA advises a generous compliance timeline of January 1, 2028, to give the industry an appropriate amount of time to prepare and budget accordingly.

Thank you for considering our feedback as part of your outreach on food regulatory modernization and food waste. As a dedicated and forward-looking stakeholder, we are hopeful that our comments are given due consideration and stand ready to lend our expertise and support.

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  
Canadian Health Food Association

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