



CANADIAN HEALTH FOOD ASSOCIATION

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Submitted via e-mail to: bns-bsn@hc-sc.gc.ca

Stephen Norman
A/Director General
Food Directorate
Health Canada

Re: Notice of Intent to permit vitamin D fortification of yogurt and kefir

On behalf of the Canadian Health Food Association (“CHFA”), we are writing to submit the following comments regarding the Minister of Health’s intention to publish market authorizations to permit vitamin D fortification of yogurt and kefir. CHFA appreciates the opportunity to provide comments.

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 and sell a variety of products including plant-based-food alternatives to yogurt and kefir as well as vitamin supplements.

We wish to express our support for the proposal to allow vitamin D fortification of yogurt and kefir and implore the Minister to consider extending the scope of the permitted market authorizations to include plant-based alternatives to yogurt and kefir. Furthermore, we advocate for the revision of D.03.002 within the Food and Drug Regulations to include plant-based dairy alternatives, such as yogurt and kefir. The equitable treatment of plant-based yogurt and kefir alongside their dairy counterparts when it comes to vitamin D fortification will play a significant role in decreasing the risk of vitamin D deficiency in Canadians and supporting bone health, dental health, tissue health, colon health and immunity for all Canadians, particularly those following a primarily plant-based diet.

As underscored in the Notice of Intent, vitamin D deficiency is a widespread concern in Canada, and its implications for overall health and well-being cannot be understated. In addition to general risk factors for Canadians such as reduced sun exposure during the winter months, individuals who adhere to a plant-based diet may face challenges in obtaining adequate vitamin D through dietary sources alone, compounding their risk of vitamin D deficiency. Research on vitamin D levels in vegans and vegetarians suggests that limited intake of animal products may be a greater risk for vitamin D deficiency than non-

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vegetarians¹²³. By allowing vitamin D fortification of plant-based alternative yogurt and kefir, Health Canada would be taking a pivotal step toward addressing this nutritional gap and ensuring it is done so without bias for Canadians dietary preference.

The nutritional benefits of vitamin D are well-documented, with a critical role in supporting bone health, immune function, and overall vitality. By extending the opportunity for fortification to plant-based yogurt and kefir, Health Canada would not only align with evolving dietary preferences and the recommendations in Canada's food guide to choose protein foods that come from plant-based sources more often⁴, but also promote inclusivity in fortification practices. This step would enable all Canadians, irrespective of their dietary choices, to access essential nutrients vital for their well-being.

Furthermore, by permitting vitamin D fortification in plant-based alternative yogurt and kefir, Health Canada would demonstrate its commitment to evidence-based policymaking and public health. As the scientific community continues to emphasize the importance of vitamin D and its impact on chronic disease prevention, adjusting regulations to encompass a wider range of fortified foods would be a commendable stride forward.

As part of a comprehensive strategy to tackle vitamin D deficiency among Canadians, extensive research highlights the efficacy of vitamin D supplementation in maintaining optimal serum vitamin D levels⁵. Nonetheless, the Canadian Natural Health Product (NHP) industry faces a multitude of challenges that threaten a sustainable supply of affordable supplements for Canadians. These challenges are predominantly attributed to a confluence of over-regulation and regulatory burden. We respectfully urge Health Canada to undertake a thorough review of its existing regulatory framework, particularly those outdated and onerous regulations that add unnecessary burdens. Many of these outdated regulations have minimal demonstrable impact on enhancing health and safety, while they critically disrupt supply chains. This disruption further compounds when these regulations are not aligned with other federal priorities, particularly concerning economic competitiveness. If not diligently addressed, Canada's capacity to provide accessible products may continue to dwindle, perpetuating the issue of affordability and availability. For instance, in the realm of NHPs, the introduction of cost recovery and new labelling requirements has culminated in a climate where many NHP manufacturers and retailers find it arduous to conduct business within Canada. The escalating complexity and cost-effectiveness issues have made the Canadian market less appealing for NHP companies to do business in Canada. This unintended consequence paradoxically

¹<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2677010/#:~:text=Background%3A%20Vegans%20and%20other%20vegetarians,currently%20occurs%20in%20few%20foods>.

²<https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2016.4547>

³<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1949171/>

⁴<https://food-guide.canada.ca/en/tips-for-healthy-eating/make-healthy-meals-with-the-eat-well-plate/>

⁵<https://pubmed.ncbi.nlm.nih.gov/26690210/>



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weakens health and safety, as Canadians may resort to cheaper alternatives from unregulated sources, primarily through 90-day personal importation allowances from countries like the United States. This trend poses a substantial risk since it can compromise the quality and safety of the supplements Canadians are using. The efficacy of vitamin D supplementation as a means to mitigate the risk of vitamin D deficiency is undermined when the cost of safe supplements surges. However, an escalation in supplement prices could prompt a decline in their usage among Canadians, exacerbating the risk of vitamin and mineral deficiencies across the population. To limit the risk of vitamin D deficiency Canada must reassess and alleviate any unnecessary regulatory burdens on an already heavily regulated Natural Health products industry.

In conclusion, the CHFA urges Health Canada to consider the importance of treating plant-based alternative yogurt and kefir equivalently to dairy yogurt and kefir in the context of vitamin D fortification. This measure would serve to mitigate vitamin D deficiency risk, bolster bone health, and exhibit a forward-thinking approach to public health and nutrition.

Thank you for considering our comments on this matter. We look forward to the opportunity for further engagement and collaboration on this and other matters of mutual interest.

Kind regards,

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

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

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