



CANADIAN HEALTH FOOD ASSOCIATION

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May 21, 2025

Food and Nutrition Directorate

Food Incorporation by Reference Unit

Submitted via email: food.ibr-ipr.aliments@hc-sc.gc.ca

Re: Feedback on Proposal to Modify the Use of Caffeine as a Supplemental Ingredient

On behalf of the Canadian Health Food Association (“CHFA”), we are writing to provide comments on the proposal to modify the use of caffeine as a supplemental ingredient. 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 and sell a variety of products including foods, vitamin and mineral supplements, herbal products, health and beauty aids, as well as products falling within the definition of a supplemented food that would be subject to the proposed changes to caffeine labelling.

General

As an industry stakeholder, CHFA recognizes the importance of consumer safety and ensuring the prevention of overconsumption of caffeine by Canadians. We strongly encourage Health Canada to continue expanding consumer education initiatives on the use of caffeine, specifically on how to make informed choices and moderate consumption. We support a forward-looking regulatory framework that fosters innovation and growth within the food and beverage sector, especially the expansion of

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food categories under the *List of Permitted Supplemented Food Categories* to include ‘gummies with a texture spanning from hard to soft.’ This category expansion will create opportunities for Canadian businesses to develop new products that meet evolving consumer tastes. Based on the current market dynamics and growing consumer demands, it will be essential to encourage innovation among Canadian businesses. Therefore, by aligning regulatory guidance with consumer preferences and enabling clear, transparent food labelling, we are working together to empower consumers to make informed choices that reflect their dietary needs and values.

Enhancing Clarity of Labelling

As consumers often have limited time to interpret labelling, clarity will be an essential factor. Packaging is a useful tool for consumers to discern information and make informed purchases. When there are multiple warnings or cautions present on a single product this could result in confusion as it may overwhelm consumers with information. A meta-analysis review of 114 studies on front-of-package labelling found that this labelling system did not lead to meaningful changes in people’s eating or drinking habits¹. The research also suggests that front-of-package symbols may generate a halo effect, leading to a more positive perception of virtue (healthy) and vice (less healthy) products. For consumers, there are specific factors that stand out such as price, value for money, and quality of the product. Cultural preferences and taste can also play a key role in decision making².

This highlights the critical need for consistent and coherent labelling to support informed decision making. At this time there are already caution identifiers on the front panel and further statements around consumption in addition to ‘high caffeine’ or ‘contains caffeine.’ Overloading packages with warnings could lead to diluted messaging and consumers may ignore longer sections of text.

¹ <https://link.springer.com/article/10.1007/s11747-019-00663-9>

² <https://www.food.gov.uk/research/consumer-responses-to-food-labelling-a-rapid-evidence-review>



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Therefore, the addition of extra cautionary statements such as 'Do not [eat/drink] on the same day as any other source of caffeine' may be ineffective.

Expanding Public Health Education for Canadian Consumers

This approach places a lot of onus on the food manufacturer to educate the consumer. Public health education is crucial to ensuring that labelling standards around supplemented foods translate into meaningful health outcomes and informed decisions by consumers. While these policy initiatives are developed to provide clear, accessible information and promote moderation of caffeine, their effectiveness depends on consumers' ability to understand this additional information. For supplemented food packaging, which often carries nutrition related cautions, there's a risk for misinterpretation. Without education, consumers may make potentially misguided decisions in their purchasing choices.

To address this, CHFA encourages Health Canada to invest in further public education initiatives that equip Canadians with the knowledge and skills to interpret food labels accurately. These initiatives would empower consumers to make informed decisions. When consumers are educated about the contents or potential risks of overconsumption of products like supplemented foods, they are more likely to choose healthier options which align with their needs. For consumers, there can be confusion regarding the amount of caffeine in certain foods, beverages, and other products like natural health products. Greater awareness around everyday sources of caffeine, along with practical, science-based guidelines for consumption, are needed to help Canadians safely enjoy caffeine in their diets.

Beyond the safety component, improving public health education can lead to long-term cost savings for Canada's healthcare system. Poor dietary habits contribute to a range of chronic diseases, such as cardiovascular disease, and obesity, which place a huge financial burden on the healthcare system. For

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example, a study conducted in Canada estimated that not adhering to Canadian food recommendations led to an economic cost of CAD\$15.8 billion annually, encompassing both direct healthcare costs and indirect costs such as lost productivity³. By encouraging healthier eating and mindful consumption of foods through targeted education, Canada can reduce the prevalence of potential diet-related conditions or complications, ultimately lowering healthcare costs. Robust public health education can better health outcomes and lead to a reduction in spending, contributing to the overall efficiency of the Canadian healthcare system.

Assessing the Cost Impact of Packaging Revisions

In reference to the *Regulatory Impact Analysis Statement for the Supplemented Foods Regulations* by Health Canada the estimated expense per SKU ranged from \$19,200 to \$26,000 in 2021 to incorporate the new updates for supplemented foods⁴. Furthermore, industry stakeholders indicated that the lifecycle for supplemented foods and their labels is typically every four to five years unless otherwise required by regulations. This suggests that businesses have already dedicated resources to updating their labels within this lifecycle. If new proposals necessitate additional label redesigns before January 1, 2028, it would impose further financial and resource burdens on the industry. This will hit small and medium-sized businesses the hardest, many of our members simply don't have the capacity to keep redoing packaging every few years without it affecting their bottom line. According to Health Canada's previous Regulatory Impact Analysis Statement (RIAS) for the Supplemented Foods Regulations, small businesses, which are defined by an annual gross revenue below \$5 million are significantly impacted by the Supplemented Foods Regulations, as they make up a good portion of the companies making

³ [Economic Burden of Not Complying with Canadian Food Recommendations in 2018 - PubMed](#)

⁴ <https://gazette.gc.ca/rp-pr/p1/2021/2021-06-26/html/reg3-eng.html>

products in this space⁵. The RIAS estimates that the one-time compliance cost for a small business to update labels averages \$108,696⁶.

These figures underscore the substantial financial burden that label updates impose on small and medium-sized businesses, highlighting the importance of considering these impacts when implementing new regulatory proposals that will lead to further packaging changes, in an effort to mitigate the cumulative fiscal impact on the industry.

Outside of packaging and labelling updates, businesses will also need to consider how they are educating their consumers through other mediums like their website copy or marketing. As many Canadians may not have followed the media campaign around supplemented foods the new warning ‘Do not [eat/drink] on the same day as any other source of caffeine’ on all solid foods under the supplemented foods framework could spark questions. More time, effort, and resources will be needed to support consumer understanding. At this time, the burden for consumer education is falling too heavily on businesses. We believe it is the responsibility of Health Canada to undertake broader public education efforts.

Alignment of Caffeine Labelling Requirements with Other Jurisdictions

In comparison to other countries globally, Canada’s proposed approach for caffeine labelling is far more prescriptive. For instance, in the United States, the addition of caffeine is only required in the ingredients list by the Food and Drug Administration (FDA) and amount of caffeine is not required to be listed on the label⁷. Looking at the European Union, any food or beverages with over 150 mg/L of

⁵ <https://gazette.gc.ca/rp-pr/p1/2021/2021-06-26/html/reg3-eng.html>

⁶ <https://gazette.gc.ca/rp-pr/p1/2015/2015-06-13/html/reg1-eng.html>

⁷ <https://onlinelibrary.wiley.com/doi/10.1111/nure.12136>

caffeine must have a caution statement 'Contains caffeine. Not recommended for children or pregnant women⁸.' Canada's suggested requirement of caution statements such as "Do not [eat/drink] on the same day as any other source of caffeine" for all solid supplemented foods (candies, chocolate confectioneries, protein-isolate- and cereal-based bars, and chewing gums) if the food contains more than 56 mg caffeine per serving goes far beyond the FDA guidance and EU regulation.

CHFA members already face a variety of regulatory challenges, both in the domestic and international markets, which can complicate the trade of food and beverages. Differing regulatory requirements across jurisdictions can create unnecessary barriers. We recommend the harmonization of Canada's caffeine regulations with international standards to facilitate smoother trade. For Canada, it would be most beneficial to align caffeine labelling with the European Union and United States to lessen the burden on business as they are highly utilized as direct trading partners.

Conclusion

CHFA fully supports the expansion of supplemented food categories to align with consumer preferences, and foster growth within Canada's natural, organic and wellness industry. We advocate for amendments that provide greater flexibility while supporting innovation and meeting today's consumer demands. We encourage Health Canada to consider the cumulative impacts of these labelling amendments and place further efforts to develop public health education around caffeine consumption for Canadians.

We appreciate the opportunity to contribute to this consultation and hope to see more guidance that reflects the evolving consumer interests. As a committed stakeholder, CHFA stands ready to offer our expertise and support in these efforts, and we hope our feedback is given due consideration. We look

⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32011R1169>



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forward to ongoing collaboration to ensure that Canada's regulatory framework for supplemented foods supports innovation, transparency, and consumer choice in this growing sector.

Sincerely,

Ashley Cornell

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

When we all do well, Canadians live well.