

Section B

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Section B

What Products May Carry a Nutrition Facts Table?

1. When Do the Regulations Come Into Force?

The amendments to the *Food and Drug Regulations* pertaining to Nutrition Labelling, Nutrient Content Claims and Health Claims require that all prepackaged foods, with some exceptions, carry a Nutrition Facts table. The Regulations also set out requirements for nutrient content claims and health claims.

- The new Regulations are immediately triggered when a label or advertisement for a food, that is made or placed by the manufacturer, contains:
 - the statement “nutrition facts”, “valeur nutritive”, or “valeurs nutritives”;
 - nutrient content claims pertaining to: fat free (100 % or [percentage] fat free), trans fatty acids (free, reduced or lower), omega-3 fatty acids (source of), omega-6 fatty acids (source of) [Items 15, 16, 22-26 of the table following Section B.01.513]; and
 - a health claim outlined in the table to Section B.01.603.
- For most other foods subject to this legislation, the requirements come into force December 12, 2005 (i.e., foods should carry a Nutrition Facts table).
- For foods produced by small manufacturers with total annual sales of less than one million dollars for the 12-month period prior to December 12, 2002, the regulations come into force on December 12, 2007.

2. What Foods Require a Nutrition Facts Table?

[B.01.401(1)]

- The Nutrition Facts table (NFT) is mandatory for most prepackaged foods.
- There are some exceptions and exemptions.
- The NFT may be voluntarily declared on non-prepackaged foods or on prepackaged foods that are exempt from nutrition labelling.

3. What Foods are Specifically *Prohibited* from Declaring a Nutrition Facts Table?

[B.01.401(4)&(5)]

The following foods **must not** display a Nutrition Facts table:

- formulated liquid diets;
- infant formula;

- foods containing infant formula;
- meal replacements;
- nutritional supplements (that meet the requirements of Section B.24.201); and
- foods represented for use in very low energy diets.

These products have their own nutrition labeling requirements that are different from those of the Nutrition Facts table. Consequently, they are prohibited from using the Nutrition Facts table and the titles “Nutrition Facts”, “Valeur nutritive” or “Valeurs nutritives”. However, they may adopt the Nutrition Facts table format to display their nutrition information.

4. What Prepackaged Foods are Exempt From Mandatory Nutrition Labelling?

[B.01.401(2)]

(Excerpt from the 2003 Guide to Food Labelling and Advertising, Section 5.3)

The following products are exempt from displaying a Nutrition Facts table:

- a) foods, such as spices and some bottled waters, for which all the nutritional information (other than serving of stated size) set out in column 1 of the table to B.01.401 may be expressed as “0”;
- b) beverages with an alcohol content of more than 0.5 %;
- c) fresh vegetables and fruits without added ingredients, oranges with colour, and fruit and vegetables coated with paraffin wax or petrolatum;

This category includes fresh herbs such as parsley, basil, thyme, etc. (but not dried herbs); sprouts; and fruits and vegetables that are minimally processed (e.g., washed, peeled, cut-up, shredded, etc.), including mixtures of fruits and vegetables, such as bagged mixed salad and coleslaw (without dressing, croutons, bacon bits, etc.).

NOTE: The exemption is lost if any health claim set out in the table following B.01.603 is made, including the following: “A healthy diet rich in a variety of vegetables and fruit may help reduce the risk of some types of cancer,” [B.01.401(3)(e)(ii), and item 4 of the table following B.01.603].

- d) raw, single ingredient meat, meat by-product, poultry meat, and poultry meat by-product;

NOTE: Prepackaged ground meat, ground meat by-product, ground poultry meat and ground poultry meat by-product must always carry a Nutrition Facts table [B.01.401(3)(d)].

- e) raw, single ingredient marine or freshwater animal products (such as fish, crustaceans, etc.);
- f) foods sold only in the retail establishment where the product is prepared and processed, including products made from a pre-mix when an ingredient other than water is added to the

pre-mix;

NOTE: A Nutrition Facts table is required when only water is added to a pre-mix or when a product is only baked, cooked, etc. on the premises without the addition of other ingredients.

- g) foods sold only at a roadside stand, craft show, flea market, fair, farmers' market and sugar bush by the individual who prepared and processed the product;
- h) individual servings of foods that are sold for immediate consumption (e.g., sandwiches or ready-made salads), when these have not been subjected to a process or special packaging, such as modified atmosphere packaging, to extend their durable life;
- i) foods sold only in the retail establishment where the product is packaged, if the product is labelled by means of a sticker and has an Available Display Surface of less than 200 cm²;
- j) prepackaged confections, commonly known as one-bite confections, that are sold individually (e.g., small individually wrapped candies, mints, etc.);
- k) prepackaged individual portions of food that are solely intended to be served by a restaurant or other commercial enterprise with meals or snacks (e.g., crackers, creamers, etc.); and
- l) a variety of cow and goat milk products sold in refillable glass containers.

Losing the Exemption

[B.01.401(3)]

(Excerpt from the 2003 Guide to Food Labelling and Advertising, Section 5.3.1)

The last three items listed above (a one-bite confection, an individual portion served with meals, milk in glass containers) never lose their exemption. The remaining items listed above lose their exempt status and are required to carry a Nutrition Facts table when:

- a vitamin or mineral nutrient is added to the product;
- a vitamin or mineral nutrient is declared as a component of an ingredient (other than flour);
- aspartame, sucralose, or acesulfame-potassium is added to the product;
- the product is ground meat, ground meat by-product, ground poultry meat or ground poultry meat by-product; or
- the label or advertisement contains one or more of the following:
 - a nutritional reference or nutrient content claim,
 - a biological role claim,
 - a health claim,
 - a health-related name, statement, logo, symbol, seal of approval or other proprietary mark of a third party, or
 - the phrase “nutrition facts”, “valeur nutritive” or “valeurs nutritives”.