

Clarifying the Labelling Guidelines for Method of Production Claims on Meat, Poultry and Fish Products - A Discussion Paper

An Invitation

The Canadian Food Inspection Agency (CFIA) is proposing the following guidelines and policy to clarify the labelling and advertising of meat, poultry and fish products carrying method of production claims.

The CFIA believes that these Guidelines would improve current labelling and advertising information and address industry concerns by:

- ▶ Providing consumers with clear relevant information regarding method of production claims and claims referring to the presence or absence of certain ingredients in animal feed.
- ▶ Providing fair guidelines for claims on method of production and feed.

This initiative is intended to help promote fair labelling and advertising by providing meaningful information to consumers and industry.

These guidelines were developed to provide policy support to section 5.1 of the *Food and Drugs Act* and section 7 of the *Consumer Packaging and Labelling Act*

Also taken into consideration are the principles of the *Codex General Guidelines on Claims* (CAC/GL 1-1979 Rev.1-1991). The Codex Alimentarius (Latin, meaning food law or code) is a collection of internationally adopted food standards of the Food and Agriculture Organization (FAO) of the United Nations and the World Health Organization (WHO) Food Standards Program.

The principles on which the Codex Guidelines are based include:

- i) *That no food should be described or presented in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.*
- ii) *The person marketing the food should be able to justify the claims made.*

A claim is defined as “any representation which states, suggest or implies that a food has particular characteristics relating to its origin, nutritional properties, nature, production, processing, composition or any other quality.”

We would like to hear from you by, April 1, 2005

It is important that you have the opportunity to express your views, as these proposed guidelines and policy for the use of method of production claims in the labelling and

advertising of meat, poultry and fish products affects many Canadians.

To make informed choices, Canadians rely on the accuracy and truthfulness of product information. Misrepresentation of a food's composition or method of production could mislead consumers and could result in an unfair advantage to the party making the claims.

To collect your opinions, the CFIA is launching a public consultation as a first step in the process of establishing guidelines for these claims.

The CFIA invites all interested Canadians to contribute their knowledge, concerns and opinions to help identify the issues that need to be addressed and help determine the most effective way to apply the proposed policy and guideline changes.

THE DISCUSSION PAPER - AN OVERVIEW

This publication provides some of the background information you will need to know to understand the issues around the labelling and advertising of meat, poultry and fish products with method of production claims. It also sets out the CFIA's views about what policy and guidelines are needed. It is organized with the following sections:

- I. Understanding the Issue
- II. What do Current Canadian Laws and Guidelines Say?
- III. What are Others Doing?
- IV. Our Proposal
- V. Commenting – How, When, and Where
- VI. References

Please provide your comments on the four labelling proposals that are being considered by answering the questions provided in the document.

You can submit comments by the **internet**, e-mail, fax, or mail. There is specific contact information on how to send your comments near the end of the document.

This is your chance to contribute in the development of guidelines on the labelling and advertising of meat, poultry and fish products with method of production claims. Please let us know your views.

The consultation period will last 90 days.

I. UNDERSTANDING THE ISSUE

Before introducing the issue here are the definitions for “label”, “advertisement” and “principal display panel” found in the *Food and Drugs Act*.

A **label** “includes any legend, word or mark attached to, included in, belonging to or accompanying any food.....”

An **advertisement** “includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal of any food.....”

Principal display panel generally means that part of a label applied to the principal display surface, which is the side or surface of a container that is displayed or visible under normal or customary conditions of sale or use. For more specific details refer to the Consumer Packaging and Labelling Regulations.

Animal Welfare/Treatment

In the last few years, the market place has seen the appearance of a number of meat, poultry and egg products carrying labelling or advertising claims relating to the treatment and living conditions of the animals from which these products were derived. Some restaurants are also making humane treatment claims regarding the food products appearing on their menus. These claims include: “certified humane treatment”, “humane society certified eggs” and “dolphin friendly tuna”.

Some of these claims are made in conjunction with associations that promote the humane treatment of animals and some claims indicate that associations have certified the product. In many cases there is no explanation on the label or advertisement indicating what aspect of the product is certified or how this certification relates to the treatment and welfare of the animals. Also, no information is provided regarding how these products differ from conventional products that lack such certification claims.

Some of these claims are accompanied by an Internet address however, based on complaints received by CFIA, this information has not been considered helpful to consumers as the information is not available at the time they are making their purchase.

There have also been meat, poultry and egg product labels and advertisements making claims about the method used to raise the animals from which the product was derived. There have also been inquiries from both industry and consumers regarding method of production claims for fish, honey, and dairy products. Claims such as “free range”, “freedom raised”, “free run” and “free farmed” appear on labels and advertising and often no explanation accompanies these claims. Without an explanation accompanying these claims, the true meaning of these claims is difficult to identify.

In order for consumers to make informed choices and to not be misled, more information on how these animals were raised and what differentiates them from conventional products needs to be made available.

Feed Claims

Generally, objection, resulting from a CFIA label or advertisement review, is not made to claims regarding the feed animals and fish have been raised on, as long as the claims are factual and not misleading, deceptive or likely to create an erroneous impression regarding its character, value, composition, merit, safety or method of production.

Producers and processors have been voicing concerns to CFIA regarding the meaning of some feed claims appearing on certain meat and poultry product labels and advertising. For example, the claim “all grain fed” could mean that the feed given the animal is all grain and does not contain any other ingredients. However most feeds contain ingredients other than grain such as animal by-products, vitamins, minerals, antibiotics, preservatives, flavours and enzymes.

Different meanings have been attributed to the claim “grain fed”. These include:

- the animals in question were raised on a feed that contains only grains and no other ingredients;
- grain is one ingredient amongst other ingredients in a feed which could also include ingredients of animal origin; and / or
- the feed given the animal was grain based and therefore does not contain any ingredients of animal origin however, would contain other ingredients normally found in feed

A claim like “vegetable grain with vitamins and minerals” has been considered by CFIA’s Process, Formulation and Label Registration Unit (PFLRU) to be an indication that the feed is made up of only grain, vitamins and minerals. This statement could be considered misleading if other ingredients are present and not declared as part of the claim.

Currently the claim “vegetable grain fed, no animal by-products” has not been considered by CFIA’s PFLRU as a claim that the feed in question contains only grains and no other ingredients. This claim has not been objected to by CFIA during reviews of labels and advertising when used to describe a feed which is grain based and containing no animal or animal by-products. However, the feed in question could and usually contains other ingredients found in feed including vitamins, minerals, veterinary drugs and preservatives.

The claim “fed no animal by-products” has also not been objected to by CFIA’s PFLRU if the animals in question have been raised on feed that does not contain animal by-products and animal products including products and by-products of milk and eggs.

Also this feed would not be expected to contain products and by-products of marine and fresh water animals.

When making claims for the absence of animal products and animal by-products the industry needs to take into consideration that most feeds contain vitamins and minerals encapsulated in gelatin which is considered an animal by-product. As well, most vitamin D3, which is an ingredient in most feeds, is derived from the lanolin of sheep wool. Furthermore some feed mills also manufacture animal feeds that include bakery and snack food waste which contains animal products as well as animal by-products.

It should be noted that when CFIA evaluates a feed claim that it is understood that the animals subject to the feed claims, except for chicken and fish, were nourished with their mothers' milk. This milk is not taken into consideration when evaluating a claim for the absence of animal products and animal by-products in the animal's diet.

Antibiotic Free

Products sold making the claim "antibiotic free", with no other information accompanying the claim, could create the impression that the meat being sold is antibiotic free. This could result in creating the impression to consumers that products not carrying the claim contain antibiotics.

A claim like "fed no antibiotics" may imply that the feed is the only potential antibiotic source while other sources exist such as injecting, spraying and via drinking water. Without further explanation these claims can be misleading; additional information on the label is needed in order for consumers to make an informed choice.

Hormone Free

The market place has also seen claims of "hormone free" without any other information appearing on the label and consumers could be left with the impression that the meat in question does not contain hormones. Animal and fish products contain naturally occurring hormones therefore the claim "hormone free" is incorrect and should not be used.

Claims for "no growth stimulants" are also making their way into the market place and may be misleading for consumers. Hormones are considered growth stimulants as well, some stakeholders are of the opinion that most of the ingredients in feed mixes such as vitamins, minerals and grains stimulate growth. Low doses of antibiotics in feed are also considered growth stimulants, therefore a simple statement, "no growth stimulants" could mean the absence of a number of substances and the presence of others.

Responding to Issues

Canadian consumers, as well as the food industry, have expressed concerns to CFIA regarding humane treatment and animal husbandry claims on food products. Concerns expressed include that the endorsements and claims for humane treatment create a false impression about the treatment of animals used to source products that do not carry a certification claim. Without an accompanying statement explaining the meaning of a humane treatment claim, consumers are not aware of how the treatment of the animal whose product makes such a claim differs from the treatment of the animal whose product does not carry a humane treatment claim.

Similar concerns have been expressed for other method of production claims such as “grain fed” and “no animal by-products” because they are often not accompanied by an explanatory statement informing consumers as to the difference between conventional products and those making the claims.

The CFIA proposes to establish policy and guidelines for the use of these claims which could assist consumers in making more informed food choices by providing clear meaningful information when making food choices as well as assist industry in compliance with legislation and consumer protection.

These proposed guidelines which would apply to various claims would be applicable whether the claim is used alone or in conjunction with another claim such as “grain fed–raised without the use of antibiotics”

II. WHAT DO THE CURRENT CANADIAN LAWS AND GUIDELINES SAY?

Most of the labelling and advertising requirements for foods sold in Canada can be found within the *Food and Drugs Act (FDA) and Regulations* and the *Consumer and Packaging and Labelling Act (CPLA) and Consumer Packaging and Labelling Regulations (CPLR)*.

The *Food and Drugs Act*, Section 5(1), states:

5(1) No person shall label, package, treat, process, sell or advertise any food in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit, or safety.

The *Consumer Packaging and Labelling Act*, Section 7, states:

7(1) No dealer shall apply to any prepackaged product or sell, import into Canada or advertise any prepackaged product that has applied to it a label containing any false or misleading representation that relates to or may reasonably be regarded as relating to that product.

7(2) For the purposes of this section, "false or misleading representation" includes

b) any expression, word, figure, depiction or symbol that implies or may reasonably be regarded as implying that a prepackaged product contains any matter not contained in it or does not contain any matter in fact contained in it;

c) any description or illustration of the type, quality, performance, function, origin or method of manufacture or production of a prepackaged product that may reasonably be regarded as likely to deceive a consumer with respect to the matter so described or illustrated.

Meat Inspection Regulations, 1990, Section 94(7), states:

(7) No word, picture or design that conveys a false or misleading impression as to the contents, quality, quantity, weight, method or date of production or manufacture or place of origin of the contents of any meat product bearing the meat inspection legend shall be used on the label of or in connection with the meat product.

The following definitions found in the various legislation that govern the labelling and advertising of foods in Canada should also be taken into consideration:

The Food and Drug Regulations define "Marine and fresh water animal" as:

(a) fish

(b) crustaceans, molluscs, other invertebrates

(c) marine mammals, and

(d) frogs

and also define "antibiotic" as:

"any drug or combination of drugs such as those named in C.01.401 to C.01.592 which is prepared from certain micro-organisms, or which formerly was prepared from micro-organisms but is now made synthetically and which possesses inhibitory action on the growth of other micro-organisms"

The Health of Animals Act defines "animal by-product" «sous-produit animal» as :

"includes blood or any of its components, bones, bristles, feathers, flesh, hair, hides, hoofs, horns, offal, skins and wool, and anything containing any of those things;

and also defines "animal product" «produit animal» as:

"includes cream, eggs, milk, non-fertilized ova and semen" .

The CFIA's 2003 *Guide to Food Labelling and Advertising* (the Guide) section 7.3 *Third-Party Endorsements, Logos and Seals of Approval* was written in consultation with stakeholders and addresses third-party endorsements, logos and seals of approval as they relate to nutritional claims. Although this section was not written to address certification or endorsement of humane treatment claims or method of production claims, the principle that supporting information must accompany claims is discussed in the Guide and should be kept in mind when using method of production claims and humane treatment claims so that there is consistency in the guidelines.

The CFIA enforces the humane transportation and slaughter of animals under the authority of the federal *Health of Animals Act* and *Meat Inspection Act*. Provincial governments have the primary responsibility for the manner in which animals are raised on farms however, CFIA promotes standards for farm animal care that have been set out in the *Recommended Codes of Practice for the Care and Handling of Farm Animals*. Under the auspices of the Canadian Agri-Food Research Council, these codes are developed by experts from the livestock and trucking industries, the veterinary profession, the research community and representatives of animal protection organizations. These, however, remain only codes and are not legislation; the treatment of animals at the farm level is not regulated by CFIA and these codes do not address the labelling and advertising of food products displaying humane treatment claims.

Although federally registered plants must have labels for single ingredient meat products making claims registered by CFIA non registered plants are not required to submit their labels for review or registration with the CFIA. However some are voluntarily submitted and in the absence of clear guidelines or regulations concerning humane treatment and method of production claims, CFIA's Fair Labelling Practices Program of the Bureau of Food Safety and Consumer Protection has not been objecting to these type of claims as long as they are factual and not misleading.

In some cases explanatory statements have been required to accompany the claim on the label so that the meaning of the claim is clear and not in contravention of section 5.1 of the Food and Drug Regulations and or the Consumer Packaging and Labelling Act section 7(1),7(2)b and c. (See part 1). Currently, this includes claims such as "Raised Without Antibiotics", "Vegetable Grain Fed–No Animal By-Products" or "No Animal Meal, No Animal Fat". Claims need to be substantiated by submitting a production protocol and audit report to the PFLRU of the Food of Animal Origin Division for verification. The PFLRU will evaluate the submission and upon acceptance will register labels bearing these claims. It is important that the requirements of the *Meat Inspection Regulations, 1990, Section 94(7)*, and the *Food and Drugs Act, Section 5(1)*, be respected.

As for advertising of meat, poultry and fish products making method of production claims, these claims are not objected to as long as the claim is factual and in some cases accompanied by an explanatory statement so that the meaning of the claim is

clear and not misleading.

III. WHAT ARE OTHERS DOING?

To put the issue into an international context the following is provided:

Codex Alimentarius

Codex Alimentarius has General Guidelines on Claims which apply to all claims made on food. The fundamental principle on which the guidelines are based is that no food should be described or presented in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.

These guidelines include:

- The person marketing the food should be able to justify the claims made.
- Claims which can not be substantiated are prohibited.
- Claims which could give rise to doubt about the safety of similar food or which could arouse or exploit fear in the consumer are prohibited.
- Claims that a food has special characteristics when all such foods have the same characteristics are prohibited unless this fact is apparent in the claim.

United States

On December 30, 2002, the United States Department of Agriculture (USDA) published proposed minimum standards for livestock and meat industry production / marketing claims which when adopted, will become the U.S. Standards for Livestock and Meat Marketing Claims. The comment period for these proposed standards was to end March 31, 2003; however, in April 2003 the USDA's Agricultural Marketing Service announced that final standards for claims related to antibiotics, hormones and breed designation claims and the terms "free-range: and "grass-fed" would only be established after further technical input was obtained from interested parties and an additional public comment period would be conducted. These proposed standards are available at www.ams.usda.gov/lsg/stand/claim.htm

At the present time the Food Safety and Inspection Service (FSIS) of the USDA has not approved claims related to humane treatment of animals unless these claims have been accompanied by an explanatory statement appearing on the label with the claim. For example; "turkeys that were raised in ways that reduce stress"; they have more room to roam in the building, (3.0 square feet per hen from 5 to 15 weeks verses 2.5 square feet)". Documentation supporting the claim needs to be provided to the FSIS when application is made for registration of a label making a humane treatment claim.

Feed claims such as “not fed animal by-products”, “raised without added hormones” or “grass fed” are permitted as long as documentation supporting the claim is provided to the FSIS which can include operational protocols which describe in detail the production practices employed, feed formulas and, in some cases affidavits.

Claims of “free range” and “free roaming” are permitted on meat and poultry products as long as the animals are given access to the outdoors.

European Union

The Poultry Meat and Marketing Standard Regulations and the Eggs (Marketing Standards) Regulations were adopted by the European Union (EU) to facilitate the harmonization of standards throughout the EU for the marketing of poultry meat and eggs. These regulations specify the criteria which must be met before claims about certain types of farming can be made. The regulations seek to protect the consumer by setting high uniform standards and providing informative labelling. They also protect the producer against unfair competition.

The following are the claims permitted under these regulations.

Claim of “Free Range” in Poultry Meat Production

Very specific conditions must be met in order for poultry products to bear the claim “free range”

Claim of “Free Range” in Egg Production

Hen eggs in small packs bearing the words 'Free range eggs' must be produced in poultry enterprises under very specific criteria.

In addition to “Free Range”, eggs or poultry may be labelled as “Traditional Free Range” and “Free Range–total freedom”.

There are different requirements for “Traditional Free Range” and for “Free Range”. “Traditional Free Range” requires more extensive open-air access, a lower stocking density, and a greater minimum age at slaughter. “Free Range–Total Freedom” has similar requirements, but birds must have unrestricted day-time open-air access.

The only feed Special Marketing Terms for poultry which are permitted by the regulations are “fed with x%...” (e.g. “fed with 50% corn”) or “oats fed goose”.

For further details see www.defra.gov.uk/foodrin/poultry/epfaq.htm#smt

IV. OUR PROPOSAL

HUMANE TREATMENT OR LIVING CONDITIONS

Claims such as “certified humane treatment”, “humane society certified eggs” and “dolphin friendly tuna” are appearing in the market place often without any explanation of what aspect of the product is certified or how this certification relates to the treatment or welfare of the animals. As well, claims such as “free range”, “freedom raised”, “free run” and “free farmed” appear on labels and advertising and often with no explanation as to their meaning. Without an explanation accompanying these claims, their true meaning is difficult to determine.

Proposed Guidelines

A) Humane Treatment or Living Conditions

When a label or advertisement for a food makes a claim relating to the “humane treatment” or “living conditions” of an animal or fish from which the food product is derived, the claim shall be accompanied by a statement, explaining how these conditions or treatment are different than those raised using conventional methods. This explanatory statement:

- shall appear on labels in print size of no less than 1.6 mm in height;
- if not adjacent to the claim, its location shall be indicated by use of an asterisk; and
- if the claim is made in an advertisement, the explanatory statement shall also appear in the advertisement (includes print, radio, television and Internet advertising).

For example; if a label for chicken carries the claim “free range chicken” an explanation shall accompany the claim. The explanatory statement shall explain how this chicken differs from conventionally raised chicken and could read “These free range chicken are given access to the outdoors 24 hrs a day and are free to roam and perch in a coop provided with natural lighting.”

Rationale: If an explanation accompanies this type of claim consumers will be informed at the point of purchase as to the meaning of the claim.

B) Humane Treatment or Living Conditions (Third Party Endorsement)

In cases where a third party has endorsed or certified that a product meets their code or standards of animal welfare the differences between the code of practices of the certifying body and those of the Canadian AGRI-Food Research Council (voluntary codes of practice for industry) should appear in the explanatory statement. Also if fees

have been paid for this certification this should also appear as part of the explanatory statement. This explanatory statement:

- shall appear on labels in print size of no less than 1.6 mm in height;
- if not adjacent to the claim, its location shall be indicated by use of an asterisk; and
- shall appear in the advertisement along with the claim or the claim can appear on its own and the explanation appear on the product label

Rationale: Without this information consumers have no indication for the reason of certification. Stating in the explanatory statement that a fee was paid for the certification and the use of a third party's name informs consumers that some products may not carry a certification claim for financial reasons, not because the product failed to meet the certification criteria.

For example; for the claim "Certified to meet Animal Friendly Society's Standards" the explanatory statement might say "Company X has paid for certification by the Animal Friendly Society as meeting their standards. These differ from the Canadian AGRI-Food Research Council's codes in space allotment and slaughtering practices. Information available at 1-888-###-####."

FEED CLAIMS

The CFIA has seen different meanings attributed to various feed claims which has resulted in confusion in the market place.

Such claims include "grain fed" which could mean:

- the animals in question were raised on a feed that contains only grains and no other ingredients;
- grain is one ingredient amongst other ingredients in a feed which could also include ingredients of animal origin; and / or
- the feed given the animal was grain based and therefore does not contain any ingredients of animal origin but would contain other ingredients normally found in feed.

Confusion could arise in other circumstances for example:

"All grain fed" could create the impression that the feed given the animal is all grain and does not contain any other ingredients. However most feeds contain other ingredients besides grains.

"Vegetable grain with vitamins and minerals" has been used to describe a feed made up of only grain, vitamins and minerals. This claim could be considered misleading if other ingredients are present and not declared as part of the claim.

“grain fed no animal by-products” has been used to describe a feed which contains no animal by-products however, the feed may contain other ingredients found in feed including vitamins, minerals, veterinary drugs and preservatives.

It should be noted that when evaluating a feed claim it is understood that the animals subject to the feed claims (except for chicken and fish) were nourished with their mothers milk. This milk is not taken into consideration when evaluating a claim for the absence of animal products and animal by-products in the animals diet.

When making claims for the absence of “animal products” and “animal by-products” it needs to be taken into consideration that most feeds contain vitamins and minerals encapsulated in gelatin which is considered an animal by-product. As well, most vitamin D3, which is an ingredient in most feeds, is derived from the lanolin of sheep wool. Furthermore, some feed mills also manufacture animal feeds that include bakery and snack food waste which contains animal products as well as animal by-products.

A) “no animal products”, “no animal by-products”, “no animal fat–no animal meal”, “no bone meal–no animal fat”

Current Policy Proposed as Guideline

The above claims would be preceded by the words “raised” or “fed” to read “raised without animal products”, “raised without animal by-products”, “raised without animal fat or animal meal”, “raised without bone meal or animal fat”, “fed no animal products”, “fed no animal by-products”, “fed no animal fat or animal meal” and “fed no bone meal or animal fat” and should only appear on animal and fish products which were raised on feed containing no ingredients of animal origin including no animal products and no animal by-products.

For example, vitamins and minerals which are encapsulated in gelatin (which is considered an animal by-product) would not be acceptable in the feed of animals whose resulting product label makes raised without or fed no “animal products”, “animal by-products”, “animal fat–no animal meal”, and “bone meal–no animal fat” claims.

Rationale: . Based on the nature of these claims, it would not be expected that an animal or fish product carrying these claims would be given feed that contains any ingredient of animal origin including animal products and animal by-products. Having the claim preceded by “raised” or “fed” would help make it clear that the claim refers to the feed given the animals not the product being sold.

B) “No animal fat”, “no bone meal” or “no animal meal”

Choose one option

Option 1

The above claims would be preceded by the words “raised” or “fed” to read “raised without animal fat”, “raised without bone meal”, “raised without animal meal”, “fed no animal fat”, “fed no bone meal” and “fed no animal meal” and when appearing on animal or fish products shall be accompanied by the list of all other ingredients of animal origin present in the feed given the animal or fish from which the products originated. These ingredients would need to be listed adjacent to the claim in print height of at least 1.6 mm . If not adjacent to the claim their location would be identified by use of an asterisks. Advertising making these claims shall also have to declare the presence of other ingredients of animal origin.

Rationale: Based on the nature of the claims it would not be expected that an animal or fish product making the claim raised without or fed no “animal fat”, “bone meal” or “animal meal” would be given feed that contains ingredients of animal origin. Having the claim preceded by “raised” or “fed” would help make it clear the claim refers to the feed given the animals not the product being sold.

Option 2

The above claims would be preceded by the words “raised” or “fed” to read “raised without animal fat”, “raised without bone meal”, “raised without animal meal”, “fed no animal fat”, “fed no bone meal” and “fed no animal meal” and when appearing on animal or fish products would only be permitted when the feed given the animals and fish is void of all ingredients of animal origin including no animal products and no animal by-products.

Rationale: Based on the nature of the claims it would not be expected that an animal or fish product making these claims would be given feed that contains ingredients of animal origin. Having the claim preceded by “raised” or “fed” would help make it clear the claim refers to the feed given the animals not the product being sold.

C) Grain Fed Claims

Chose one option

Option 1

“Grain fed” would be permitted only on products originating from poultry, fish or animals which are raised on feed containing only grains, oil seeds including canola, soya and forage ingredients.

Rationale: “Grain fed” indicates that the animals in question were raised on grain only. It would not be expected that a product making the claim “grain fed” would originate from animals fed animal products or animal by-products as part of their diet. No other ingredients would be included in the animals feeding regime including drugs, vitamins, minerals, enzymes and ingredients of animal origin.

Option 2

All ingredients contained in the feed given to poultry, fish and animals whose products make the claim “grain fed” would need to be listed adjacent to the claim in print height of no less than 1.6mm. These ingredients would include all vitamins, minerals, animal by-products, drugs which are part of the animals diet. If these ingredients are not adjacent to the claim their location would be indicated by use of an asterisk. Advertisements making the claim “grain fed” would also have to declare all ingredients in the feed.

Rationale: This would clarify any misunderstanding of what is meant by “grain fed.” By declaring all other ingredients the claim provides a clearer understanding of its meaning for consumers.

Option 3

“Grain fed” would be permitted on poultry, fish or animal products derived from animals that are raised on feeds which contain no animal products or animal by-products which includes all ingredients of animal origin. Ingredients usually contained in feed such as vitamins, minerals, additives and medications would be permitted in the feed. For meat and poultry products “grain fed” animals would also include substances eaten while foraging.

Rationale: “Grain Fed” may be interpreted as an indication of the absence of animal and animal by-products in the feed. In this option it is presumed that consumers are aware that “grain fed” includes other ingredients and therefore it is not necessary to indicate these other ingredients with the claim “grain fed.”

Option 4

When a claim for “grain fed” appears on a poultry, fish or animal product and the animals from which these products are derived are fed other ingredients than grain, the % of grain in the diet of the animal shall be declared adjacent to the claim in print size of no less half the size of “Grain fed” and never less than 1.6 mm in height.

Advertisements for “grain fed” products would need to declare % of grain in the diet.

Rationale: By declaring the % of grain, consumers are informed that the grains are only a portion of the feed.

D) Milk Fed Claims

Chose one option

Option 1

“Milk fed” would be permitted on animal products which originate from animals that were raised on diets that consist exclusively of milk or milk products.

Rationale: “Milk fed” is a claim that the animals have been raised on milk or milk products. It would not be expected that a product making the claim “milk fed” would have been given ingredients other than milk or milk products as part of their diet. No other ingredients would be allowed in the animals feeding regime including no animal by-products, drugs, vitamins, minerals, enzymes and ingredients of animal origin except milk or milk products.

Option 2

All ingredients, other than milk and milk products that are permitted and contained in the feed given to the animals whose products carry the claim “milk fed”, would need to be listed adjacent to the claim in print size of no less than 1.6mm in height or these could be listed elsewhere on the label however their location would be indicated by use of an asterisk.

Advertisements making the claim “milk fed” products would also need to declare the ingredients contained in the feed.

Rationale: This would clarify any misunderstanding of what is meant by “milk fed”. By declaring all other ingredients consumers would not be misled by the claim “milk fed”.

Option 3

“Milk fed” would be permitted on products originating from animals that were raised only on milk and or milk products. Except for milk or milk-products, no other animal products or animal by-products would be fed to the animals. As well no grain, seed or plant products would be permitted in the feed given these animals. Ingredients usually found in feed including vitamins, minerals and drugs would however, be permitted.

Rationale: “Milk fed” is a claim for the absence of animal products, animal by-products, grains and plant products. In this option it is assumed that consumers are aware that the feed could include ingredients like vitamins, minerals and drugs.

Option 4

When the claim “milk fed” is made and the animals are fed ingredients other than milk or milk products, the % of milk and or milk products in the animals diet shall be declared adjacent to the claim “milk fed” in print size of at least one half the print size of “milk fed” and never less than 1.6 mm in height.

Advertisements for “milk fed” products would also have to declare the % of milk and or milk products contained in the feed.

Rationale: By declaring the % of milk or milk products in the total feed, consumers are informed that the milk and or milk products are only a portion of the feed.

ANTIBIOTIC CLAIMS

Claims such as “no subtherapeutic antibiotics”, “no detectable antibiotics” and “fed no antibiotics” appear to be claims for the absence of antibiotics. However, although these claims appear to be claims for the absence of antibiotics, the products making these claims could be from animals that were given antibiotics.

The claim “no subtherapeutic antibiotics” could appear on a product and although it may be factual that the animals were never given subtherapeutic antibiotics they may have received antibiotics to treat a specific illness. “No detectable antibiotics” could give the impression that the product contains no antibiotics or that the animals from which these products were derived were never administered antibiotics. However, the product carrying the claim could contain antibiotics but the methods use to detect them are not sensitive enough to detect their presence. The claim “fed no antibiotics” could be factual in that the animals were not fed any antibiotics however, this factual claim in some cases could be misleading if the animals were injected with antibiotics and this information did not accompany the claim.

Therefore, taking into consideration the complexity of antibiotic claims, and in order to avoid having antibiotic claims which are potentially misleading, CFIA is proposing the following:

“Raised Without the Use of Antibiotics”

Current Policy Proposed as Guideline

Animals and fish products raised without the following substances would be considered eligible to make the claim “raised without the use of antibiotics”:

- Drugs usually added to feed such as Monensin Sodium, virginiamycin, sulfa drugs, arsenicals and anticoccidial drugs
- All substances used for their antimicrobial activity including
 - ▶ vitamins and minerals at greater than nutritive levels
 - ▶ herbs or botanicals considered by Health Canada to be drugs
 - ▶ probiotics registered in Canada as drugs by the Bureau of Veterinary Drugs Directorate of Health Canada

The following are permitted in the production of foods of animal or fish origin labelled “raised without antibiotics” claims:

- Veterinary biological products:
 - ▶ vaccines
 - ▶ antisera

- ▶ colostrum
- ▶ direct fed microbial products registered with CFIA as feed ingredients for example Interbac

Rationale: “Raised without the use of antibiotics” would clearly state that no antibiotics were given to the animals and easily understood by all stakeholders.

HORMONES

The claim “hormone free” on animal and fish products is considered misleading as these contain naturally occurring hormones. Claims such as “no growth promotants” and “no growth stimulants” can also be confusing because growth stimulants and growth promotants are also used to describe other ingredients in feed such as vitamins, minerals and antibiotics.

Proposed Guidelines

“Raised Without the use of Hormones”

- 1) In cases where regulations permit the use of hormones and that none were used, the products from these animals could make the claim “raised without the use of hormones”.
- 2) For products that originated from animals for which the use of hormones is prohibited the claim “like other (naming the product) these (naming the product) were raised without the use of hormones”.

Rationale: “Raised without the use of hormones” is clear and makes it clear that the animals were not given hormones. Also consumers may not be aware that the use of hormones is only permitted with certain animals. If the disclaimer “like other animals” is not part of the claim consumers could be left with the impression that products that do not make the claim “raised without the use of hormones” could actually be raised with the use of hormones.

OVERALL RATIONALE

The CFIA believes that these Guidelines would improve current labelling and advertising information and address industry and consumer concerns by:

- Providing consumers with clear relevant information regarding method of production claims and claims referring to the presence or absence of certain ingredients in animal feed.

- Providing fair guidelines for method of production and feed claims.

By following the proposed guidelines industry will help create a market place where more meaningful and adequate information would be available regarding meat, poultry and fish products. Consumers will, therefore, have more information which could help them make more informed choices when purchasing products.

QUESTIONS ON THE PROPOSAL

- 1 a) Generally do you support the labelling and advertising proposal outlined above?
1 b) Why or why not?

- 2 a) Do you agree with some parts of it more than others?
2 b) Which ones are preferable and why?

- 3 a) Do you agree with the proposed guidelines for humane treatment or living conditions A) and B)?
3 b) Reasons for agreeing or disagreeing.

- 4 a) Do you agree with the proposed guideline for “no animal products”, “no animal by-products”, “no animal fat–no animal meal”, “no bone meal–no animal fat” claims?
4 b) Reasons for agreeing or disagreeing.

- 5 a) Which of the options do you prefer for: “no animal fat”, “no bone meal” or “no animal meal”?
5 b) Reasons for preference.

- 6 a) Which of the “grain fed” options is preferred?
6 b) Reasons for preference.

- 7 a) Which of the “milk fed” options is preferred” ?
7 b) Reasons for preference.

8. What are your thoughts on antibiotic claims?

- 9 a) Do you agree with the proposed guideline for “raised without the use of hormones” claim?
9 b) Reasons for agreeing or disagreeing.

10. What changes would you make to the proposal?

11. Are there any considerations that need to be addressed?

12. Do you have any other suggestions on how to deal with the issues?

V. COMMENTING— THE HOW, WHEN AND WHERE

When are comments due?

The deadline is, April 1, 2005. This gives you 90 days to put your comments together and send them in.

Where should I send my comments?

By answering the 12 questions above and adding any other comments, contributors can help identify issues that need to be addressed and contribute to the direction and content of the policy. Comments can be submitted in several ways to the following person:

Ms. Carla Barry: Subject: Discussion Paper— Guidelines for Method of Productions Claims

a) on-line: by visiting our Web Site at
<www.inspection.gc.ca/english/fssa/labeti/inform/20041221consulte.shtml>

b) e-mail: mopclaim@inspection.gc.ca

c) by fax: (613) 221-7295

d) by mail:
National Manager, Fair Labelling Practices Program
Bureau of Food Safety and Consumer Protection
Canadian Food Inspection Agency
159 Cleopatra Drive
Ottawa, Ontario
K1A 0Y9

I hereby authorize the Canadian Food Inspection Agency to disclose the information contained in these comments and answers for the purpose of drafting final guidelines for the use of method of production claims. Please indicate yes or no below.

Yes

No

All information provided in your comments and answers may be accessible or protected as required under the provisions of the *Access to Information Act* and the *Privacy Act*.

What happens next?

Phase 1 is the consultation. In Phase 2, contributors submissions will be used to further develop the policy and guidelines content and direction.

Where can I get more information?

The discussion paper is available on-line at

www.inspection.gc.ca/english/fssa/labeti/inform/20041221dise.shtml

For the purposes of this document readers can learn more about labelling and advertising by visiting the CFIA's Internet site at www.inspection.gc.ca or by viewing the *Guide to Labelling and Advertising* at

www.inspection.gc.ca/english/fssa/labeti/guide/toce.shtml, the *Food and Drugs Act and Regulations* at <http://laws.justice.gc.ca/en/F-27/index.html> and

<http://laws.justice.gc.ca/en/F-27/C.R.C.-c.870/index.html>, and the *Consumer Packaging and Labelling Act and Regulations* which can be found at

<http://laws.justice.gc.ca/en/C-38/index.html> and

<http://laws.justice.gc.ca/en/C-38/C.R.C.-c.417/index.html> respectively.

VI. References:

Canadian Food Inspection Agency, 2003 *Guide to Food Labelling and Advertising*

<http://www.inspection.gc.ca/english/fssa/labeti/guide/toce.shtml>

Government of Canada, Consolidation Consumer Packaging and Labelling Act and Regulations, Minister of Public Works and Government Services Canada, 1997.

Government of Canada, Food and Drugs Act and Regulations, Minister of Public Works and Government Services Canada, 2000.

The United States Department of Agriculture(USDA) proposed minimum standards for livestock and meat industry production/marketing claims.

<http://www.ams.usda.gov/lsg/stand/claim.htm>

Codex General Guidelines on Claims (CAC/GLI-1979 Rev. 1 - 1991)

<http://www.codexalimentarius.net>