

GUIDE TO FOOD LABELLING AND ADVERTISING

SECTION VII – HEALTH-RELATED CLAIMS

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VII – Health-Related Claims

7.1 Health, Healthful, Wholesome, Nutritious

No single food, with the exception of specially-formulated foods such as infant formula and formulated liquid diets, will maintain health for a prolonged period. Therefore, descriptions such as "**health food**", "**healthful**" and "**healthy**" should be avoided where they might infer that health will be obtained and/or maintained through consumption of individual products. Some foods may be nutritionally superior to others, but none on its own will give, restore or ensure health. A food may be described as "**nutritious**", "**wholesome**" or "**good for you**" to refer to the nutritional value in a general way. Consumers usually infer from such a claim that the product is a good source of some nutrients. These claims can be misleading unless it can be shown that the food in question is a good source of at least one nutrient. These terms, however, do not trigger a nutrient declaration, the nutrition labelling core list or a linking statements to dietary guidelines. Additional nutrient content claims made in conjunction with the above claims would trigger nutrient declaration.

7.1.1 Balanced

No single food can be thought of as "**balanced**" or of being able to balance a meal or a diet. Nutritional "**balancing**" probably can occur only over a reasonable period of time. Nutritious foods may help contribute to a balanced diet, but the use of the term in this way should be made with caution.

7.2 Healthy Eating and Dietary Guidance

Diet plays an important role in maintaining health and reducing the risk of nutrition-related diseases. The General Principles for Labelling and Advertising Claims that Relate to the Nutrition Recommendations and Canada's Food Guide to Healthy Eating relate to the use of nutrition recommendations/dietary guidelines in food labelling and advertising, and to any claim which states, suggests or implies that a food has one or more characteristics which make it a suitable part of a pattern of healthy eating.

Health sectors, such as the Heart and Stroke Foundation of Canada, generally agree that there is one healthy eating pattern for all rather than several different diets. The *Nutrition Recommendations for Canadians (NRC)* provides guidance in the selection of a dietary pattern that will supply recommended amounts of all essential nutrients while reducing the risk of chronic diseases. *Canada's Guidelines for Healthy Eating (CGHE)* are the principal messages to be communicated to healthy Canadians. *Canada's Food Guide to Healthy Eating (CFGHE)* takes *CGHE* one step further giving consumers more detailed information on establishing healthy eating habits through the daily selection of food.

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Food labels and advertising can play an important role in support of a broader nutrition education initiative. Provision of nutrition information at the point of choice in grocery stores and restaurants has the potential to improve food choices and promote health in large segments of the population. The challenge requires intersectoral co-operation and a co-ordination of effort.

Policies, programs and promotions to the consumer should support these dietary guidelines. The following policy documents, included in the annexes to this Section, will be of assistance. A summary of the main points is provided in Sections 7.2.1. to 7.4, which follow:

- *Guidelines for Health Information Programs Involving the Sale of Foods* (Food Directorate, Health Canada, March 1995) (see Annex 6)
- *General Principles for Labelling and Advertising Claims that Relate to the Nutrition Recommendations and Canada's Food Guide to Healthy Eating (GP)* - (Food Directorate, Health Canada, revised December 1993) (see Annex 6) **and** *Guidelines on the Application of the General Principles*. (Food Division, Agriculture and Agri-Food Canada, April 1993 (see Section 7.2.2 and Annex 3)
- *Policy - Advertising Claims Relating to Nutrition Recommendations made by Organizations which do not Control Food Packaging or Labelling (OWLs)* (Food Division, Agriculture and Agri-Food Canada, December 1995) (see Section 7.2.3 and Annex 4)
- *Policy - Educational Material versus Advertising Material* (Food Division, Agriculture and Agri-Food Canada, March 1991) (see Section 7.2.4 and Annex 6, Appendix I)
- *Policy on the Use of Third-Party Endorsements, Logos, and Seals of Approval* (Food Division, Agriculture and Agri-Food Canada, March 1991) (see Section 7.3 and Annex 6, Appendix II)
- *Policy Respecting the Use of Heart Symbols and Heart Health Claims on Food Labels and in Food Advertisements* (Food Division, Agriculture and Agri-Food Canada, October 1992) (see Section 7.3.1 and Annex 5)
- *IL 793 - Guidelines for Foods Represented for Use in Achieving and Maintaining Healthy Body Weights* (Food Directorate, Health Canada, April 1991) (see Annex 3)

7.2.1 Guidelines for Health Information Programs Involving the Sale of Foods (see also Annex 6)

1. The Guidelines provide guidance for health information programs involving the sale of food in retail food outlets and restaurants, regarding compliance with the *Food and Drugs Act and Regulations*.

2. Accordingly, point-of-purchase information about food products is considered either labelling or advertising. The person selling the food is responsible for the propriety of the information provided about the food they are selling and, in particular, for ensuring that it is in compliance with the *Food and Drugs Act and Regulations*.
3. The legal status of various in-store vehicles for presenting the information will vary according to the nature of the information required. Posters and shelf-markers are generally considered advertisements, but if placed next to the food and the food is not packaged (i.e., does not already have a label), these may be considered as labels. Menus, shopping bags, brochures and other material may be classed as advertisements.
4. Where a claim is made on the label, the required declaration is to appear on the label. If the claim appears in an advertisement, the declaration must appear in the advertisement if it is not on the label. A nutrient declaration would, therefore, be required on a shelf-label, poster, table-top tent or menu, to support claims if there is no food label.
5. The seller is responsible for the accuracy of food labels and advertisements. The values declared should be accurate for the food **as sold**.
6. In the case of prepackaged food, the manufacturer is responsible for the accuracy of the information presented on the label, but the seller is responsible for any in-store advertising or shelf-labelling material developed for that food.
7. Section 3 of the *Food and Drugs Act* prohibits advertisement where a specific product is linked to a disease set out in Schedule A. However, certain general fact situations that do not appear to offend Section 3 are presented (see **Disease Prevention and Drug-like Claims**, Section 7.11).

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7.2.2 "General Principles for Labelling and Advertising Claims that Relate to the Nutrition Recommendations and Canada's Food Guide to Healthy Eating" and "Guidelines on the Application of the General Principles" (see Annex 3 and Annex 6)

1. The General Principles apply to the use of the NRC, CGHE and CFGHE that provide guidance for the recommended pattern of eating (hereinafter, the three guidance documents are referred to as "**the recommended pattern of eating**").
2. The Guidelines on the Application of the General Principles provide guidance to label/ad reviewers on the application of the "General Principles" relating to the use of "the recommended pattern of eating" on labels or in advertisements, including claims linking foods to healthy eating.
3. The goals are to encourage a consistent message about healthy eating to avoid misleading consumers and enable them to make informed choices for healthy eating.
4. Dietary guidance and healthy-eating claims should conform to the messages describing the recommended pattern of eating. References to the recommended pattern of eating should be accompanied by the nutrition labelling core list. In the case of an advertisement, the information should be provided in the advertisement if it is not provided on the label.
5. Flexibility in wording of recommendations is acceptable but should be faithful to the recommended pattern of eating.
6. References to a part of the recommended pattern of eating may be used but should be prefaced by an indication to the effect that this is **one component of** healthy eating.
7. The nutrients which may be mentioned are those in the NRC and its *key findings*, and those in the report of the Scientific Committee if they are compatible with the NRC.
8. References to nutrients which are not quantified, i.e., sodium, cholesterol, dietary fibre, should not give the impression that official quantitative recommended intakes exist. Linking "**low**"/"**reduced**" levels or reducing/limiting intake to healthy eating is acceptable.
9. Reference to include/increase dietary fibre from a variety of sources is acceptable for foods which contain ≥ 2 grams of dietary fibre/serving.

7.2.2.1 References to Other Dietary Guidelines

1. The use of a variety of dietary guidelines is confusing and potentially misleading to the consumer. Only messages describing the pattern of eating, contained in *Nutrition Recommendations... A Call for Action** should be used.
2. Statements claiming that health professionals/organizations recommend a specific dietary practice and statements indicating that a recommended dietary practice is widely accepted are considered as references to the NRC and should be substantiated. All major health-related associations have accepted the nutrition recommendations as their own.

(* *Nutrition Recommendations...A Call for Action*, Health Canada, 1989, is available on request from Publications, Health Canada, Postal Locator 0913A, Ottawa, Ontario, K1A 0K9.)

7.2.2.2 "Healthy Eating", "Healthy Choice"

1. A food should not be described as "**healthy**" or be represented in a manner that implies that the food in and of itself is healthy.
2. Claims referring to "**healthy choice**" or "**part of healthy diet/eating**" or synonymous terms can be acceptable if accompanied by a statement relating the food to the recommended pattern of eating (linking statement) and by the nutrition labelling core list (energy value as Calories and kilojoules, protein, fat and carbohydrate in grams). In the case of an advertisement, the information should be provided in the advertisement if it is not provided on the label.
3. Any word or word set containing the word "**health**", "**healthy**" or "**healthful**" and referring to diet, eating, lifestyles and individual food choices are considered synonymous terms to "**healthy**".
4. The linking statement can consist of a nutritional characteristic of the food relating to one or some of the recommendations, or portions thereof, if they are positioned as one component of the recommendations, guidelines, or guide. For example, "**XX brand yogurt is part of a healthy diet because it is low in fat; one of the Nutrition Recommendations for Canadians states that the Canadian diet should include no more than 30% of energy as fat**" and "**Consuming a variety of fibre- containing foods is part of a healthy diet, product YY is a high in fibre**".
5. Advertising claims linking food groups with the recommendations/healthy eating are exempt from nutrition labelling provided the entire food group of

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Canada's Food Guide to Healthy Eating is identified (see the OWLs policy below).

7.2.2.3 References to Canada's Food Guide to Healthy Eating (see Annex 2)

1. References to "Canada's Food Guide to Healthy Eating" should use the official title.
2. When a food is associated with Canada's Food Guide to Healthy Eating on the label or in an advertisement, the label should carry a statement relating the food to:
 - a) one or more directional statements in Canada's Food Guide to Healthy Eating, and/or
 - b) the recommended number of servings listed in Canada's Food Guide to Healthy Eating.
3. In the case of an advertisement, the information should be in the advertisement if it is not provided on the label.
4. No comparison should be made between foods from different food groups or between a food from a food group and a food from the "Other Foods" category. When foods in the "Other Foods" category are associated with Canada's Food Guide to Healthy Eating, the statement should include the concept of moderation.
5. References to Canada's Food Guide to Healthy Eating should be accompanied by the nutrition labelling core list and, in the case of an advertisement, the information should be provided in the advertisement if it is not provided on the label.

7.2.3 Advertising Claims Relating to Nutrition Recommendations made by Organizations which do not Control Food Packaging or Labelling (OWLs) (see Annex 4)

This policy deals with advertising claims about "**healthy eating**" made by advertisers who are not responsible for food labelling and packaging, such as food marketing organizations or any other promotional/informational organization including health organizations.

In the case of claims about **groups of foods**, the claims should satisfy all the requirements of the General Principles. However, the nutrition labelling core list (energy in Calories and kilojoules, protein, fat, and carbohydrate in grams) and the linking statement relating the food to the recommended pattern of eating are not required provided that:

- a) the product is identified generically as the entire food group; and

b) it does not refer directly or indirectly to a specific food, such as in illustrations of single foods.

For claims relating to **specific foods**, the claims should satisfy all the requirements of the *Food and Drug Regulations* and the General Principles. However, the nutrition labelling core list and the linking statement relating the food to the recommended pattern of eating may appear in a place other than in the advertisement where the claim appears. For example:

a) in the case of broadcast advertisements, the nutrition labelling substantiation may appear in the advertisement, or via a 1-800 telephone number, or in printed material available in a substantial number of retail establishments at no cost at the point-of-purchase. If the information is not provided on the label, it should be in the advertisement;

b) in the case of print advertisements, the nutrition labelling substantiation must appear in the advertisement;

c) for retail advertisements, the nutrition labelling substantiation may appear either in a printed advertisement, beside the food (shelf-talker, poster, video, brochure), or elsewhere in the store, providing consumers are notified of its availability in close proximity to the claim.

d) with restaurant advertisements, the nutrition labelling substantiation may appear either in a printed advertisement (menu, poster), tabletop printed material, or elsewhere in a restaurant, providing consumers are notified of its availability in close proximity to the claim.

e) current requirements for nutrition claims under the *Food and Drug Regulations* continue to apply. There is no flexibility on the location of the nutrient content information triggered by specific nutrition claims on a label, e.g., if the claim is made on the label, the information must be provided on the label.

7.2.4 Advertisement versus Educational Material (see Annex 6, Appendix I)

1. This policy applies to printed and broadcast materials produced, sponsored or distributed by persons advertising or selling food, with or without the collaboration of health associations.
2. It clarifies what is considered "educational material" as distinguished from "advertising" for the purpose of enforcing the *Food and Drugs Act and Regulations*, especially subsection 3(1) of the Act.

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3. "Advertisement includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal of any food, drug, cosmetic or device" (section 2 of *Food and Drugs Act*).

4. In general, printed and broadcast material will be assessed on a case-by-case basis. To qualify as educational material:
 - the content is considered educational in nature when it is designed to inform consumers, that is, the material is a statement of fact without commercialization, giving relevant facts and points of view, not just those that favour the sponsor;
 - the sponsor may be identified, but no brand names should appear other than in the sponsorship statement which should not be given undue prominence;
 - if the material focuses on a class of foods, it should **be presented in the context** of the nutrition recommendations and should meet the requirements of the General Principles;
 - the material should be displayed away from the foods (e.g. in the front of the store). Educational material is considered to be advertising if it is displayed at point-of-sale next to the foods mentioned therein.
5. If educational material is produced solely by an organization which does not sell foods, the retailer, restaurateur, etc., who has displayed the material may be deemed responsible for its use as advertising.

7.3 Third-Party Endorsements, Logos and Seals of Approval (see Annex 6, Appendix II)

The following summarizes the policy on the use of third-party endorsements, logos and seals of approval in labelling and advertising:

1. Endorsement by private organizations could contravene subsections 3(1) and/or 5(1) of the *Food and Drugs Act*. Endorsements which state, suggest or imply that a single food or brand of food is "**nutritionally superior**" to or "**healthier**" than other foods are considered misleading, since health is imparted by the total diet rather than by individual foods. An endorsement which suggests that a food may prevent a Schedule A disease is false and is specifically prohibited.
2. The policy does not apply to the gluten-free symbol of the Canadian Celiac Association or the food choice values of the Canadian Diabetes Association (see Section 7.15.7).
3. **General Principles**
 - The use of the name, logo, symbol, seal of approval or other propriety mark of a third-party organization on a food label or in an advertisement, may be perceived by consumers as an endorsement of the food.
 - Third-party endorsements may be considered misleading because a food bearing an endorsement can be perceived as being superior in terms of health, safety and/or nutrition.

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4. Conditions for Use of Name, Statement, Logo, Symbol or Seal of Approval of a Third Party

No impression should be given that the food is superior in terms of health, safety and/or nutrition, or that the food is a treatment, preventative or a cure for disease.

One of the following should appear on the label:

- a) the reason for the use of the logo should be made clear, e.g., financial support;
- b) it be stated that the name, logo, etc., does not constitute an endorsement of the food; or
- c) the name of the organization should appear in conjunction with the nutrition recommendation(s)/dietary guidelines of the third-party organization.

7.3.1 Use of Heart Symbols and Heart Health Claims (See also Section 7.11 and Annex 5)

The following summarizes the policy on the use of heart symbols and heart health claims on food labels and in food advertisements:

1. The use of heart symbols on a food or in a menu next to a food selection may give the erroneous impression that consumption of the food, in and of itself, will provide heart health.
2. A heart symbol or name may be acceptable in a logo or wordmark, or in conjunction with an organization's name, if no impression is given that a particular food may help prevent heart disease, and its appearance satisfies the conditions of the policy for third-party endorsements, logos and seals of approval.
3. Objection is taken to claims for foods or on menus such as "**heart smart choices**" or "**heart smart eating/eating out the heart smart way**". These suggest that a food may prevent a Schedule A disease, a claim which is specifically prohibited in subsections 3(1) and/or 5(1) of the *Food and Drugs Act* when, in fact, a healthy diet may help reduce the risk of disease and is only one factor in the multiple etiology of the disease.
4. Nutrition information programs incorporating heart health in restaurants may identify menu items using a check mark (✓) as good or healthy choices if the information provided satisfies the requirements of the General Principles, and the reason for the program is made clear, e.g., "**The Heart Smart program is a public education program of the Heart and Stroke Foundation of Canada**".

7.4 Foods Represented for Use in Weight Maintenance (See Information Letter No. 793, Health Protection Branch, Health Canada).

The following guidelines apply to foods represented for use in achieving and maintaining healthy body weights.

A food may be represented for use in achieving and maintaining a healthy body weight provided that the following conditions are met:

1. The principal display panel of the label of the food and any advertisements for the food carries the statement "**As part of healthy eating, this food may assist in achieving and maintaining a healthy body weight because it is...**" e.g., "**lower in energy than...**", "**low in fat**", "**portion controlled**".
2. The label carries the nutrition labelling core list, energy value and content of protein, fat and carbohydrate.
3. References may be made on labels or in advertisements to the Nutrition Recommendations for Canadians and/or Canada's Guidelines for Healthy Eating provided that when one or more statements are used they are positioned as components of the recommendations and comply with the Recommendations or Guidelines.
4. The label, packaging or advertisements do not give the impression that the food is for use in a weight reduction diet.
5. Brand, and trade names traditionally considered as claims for weight reduction are qualified with the statement "**for weight maintenance**" next to the brand or trade name on the principal display panel.

7.5 Biological Role Claims for Nutrients (includes physiological effect claims for fibre)

7.5.1 Biological Role of Nutrients

Under the *Food and Drugs Act and Regulations* (B.01.311, D.01.006, D.02.004), claims are permitted for the action or effects of the following nutrients:

protein
fat
carbohydrate
sugars (all monosaccharides and disaccharides)
sorbitol
mannitol
xylitol

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starch
dietary fibre
amino acids
linoleic acid
cis-methylene interrupted polyunsaturated fatty acids
cis-monounsaturated fatty acids
saturated fatty acids
vitamins and mineral nutrients listed in Tables 1 and 2 of Part D of the Regulations,

under the following conditions:

1. The claim **may not** refer directly or indirectly to the treatment, mitigation or prevention of any disease, disorder or abnormal physical state, or symptoms of same, **nor may it** refer directly or indirectly to correcting, restoring or modifying organic functions (see Section 7.11.3 for the definition of a drug).
2. The claim may not refer directly or indirectly to the treatment, prevention or cure of diseases listed in Schedule A of the *Food and Drugs Act*, subsection 3(1).
3. A claim may be made to the effect that the substance for which the claim is made is generally recognized as an aid in maintaining the functions of the body necessary for the maintenance of good health and normal growth and development. The generally-recognized functions of nutrients may be found in the NRC.

Examples of **acceptable** claims include:

- **"Calcium aids in the growth and maintenance of bones and teeth."**;
- **"Protein is needed for the maintenance and repair of body tissues."**

Examples of **unacceptable** claims include:

- **"Calcium fights bone diseases such as osteoporosis."**;
- **"Protein builds muscles and makes you stronger."**

4. The claim triggers a declaration of the nutrient content in a food serving of stated size.
5. A minimum level of the nutrient is to be present in the food. In the case of protein, a reasonable daily intake must have a protein rating of at least 20; in the case of vitamins and mineral nutrients, a serving of stated size must contain at least 5 percent of a "recommended daily intake" of the nutrient.
6. The claims for the action or biological role of nutrients should not imply that consumption of the food, by itself, will have the effect attributed to the nutrient.

An example of an **acceptable** claim is:

- **"Milk is an excellent source of calcium which helps build strong bones and teeth."**

An example of an **unacceptable** claim is:

- **"Milk helps build strong bones and teeth."**

7. The following general claims for biological role, which are generally-recognized functions of all nutrients (B.01.311, D.01.006, D.02.004), are permissible:

- **"(name of the nutrient) is a factor in the maintenance of good health",** or
- **"(name of the nutrient) is a factor in normal growth and development".**

7.5.2 Specific Claims

The following table summarizes the acceptable biological role claims for nutrients:

ACCEPTABLE BIOLOGICAL ROLE CLAIMS FOR NUTRIENTS	
PROTEIN	- helps build and repair body tissues - helps build antibodies
FAT	- supplies energy - aids in the absorption of fat-soluble vitamins
CARBOHYDRATE	- supplies energy - assists in the utilization of fats
VITAMIN A	- aids normal bone and tooth development - aids in the development and maintenance of night vision - aids in maintaining the health of the skin and membranes
VITAMIN D	- factor in the formation and maintenance of bones and teeth - enhances calcium and phosphorus absorption and utilization
VITAMIN E	- protects the fat in body tissues from oxidation
VITAMIN C	- factor in the development and maintenance of bones, cartilage, teeth and gums
THIAMINE (VITAMIN B ₁)	- releases energy from carbohydrate - aids normal growth
RIBOFLAVIN (VITAMIN B ₂)	- factor in energy metabolism and tissue formation
NIACIN	- aids in normal growth and development - factor in energy metabolism and tissue formation

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ACCEPTABLE BIOLOGICAL ROLE CLAIMS FOR NUTRIENTS	
VITAMIN B ₆	- factor in energy metabolism and tissue formation
FOLACIN	- aids in red blood cell formation
VITAMIN B ₁₂	- aids in red blood cell formation
PANTOTHENIC ACID	- factor in energy metabolism and tissue formation
CALCIUM	- aids in the formation and maintenance of bones and teeth
PHOSPHORUS	- factor in formation and maintenance of bones and teeth
MAGNESIUM	- factor in energy metabolism, tissue formation and bone development
IRON	- factor in red blood cell formation
ZINC	- factor in energy metabolism and tissue formation
IODINE	- factor in the normal function of the thyroid gland

7.5.3 Claims for Physiological Effects of Fibre

Claims for the promotion of "**laxation**" or "**regularity**" are acceptable for foods which contain a minimum of **7 g** of dietary fibre from **coarse wheat bran** in a reasonable daily intake. Such claims may be made for **other foods** provided that the claim is substantiated by evidence from clinical studies that a reasonable daily intake of the foods has a laxation effect and no adverse effects. If a reasonable daily intake is made up of **several servings**, the amount of the food required to produce the laxation effect and the number of servings it comprises should be declared as part of the claim.

Claims that a food is a "**laxative**" or that a food will prevent or treat "**constipation**" or claims to the effect that a food or fibre will reduce blood lipids or cholesterol, affect blood glucose levels or aid in weight reduction or appetite control, are considered to fall within the definition of a drug and are not acceptable.

7.6 Testimonials and Guarantees Regarding Vitamins and Mineral Nutrients

In an advertisement or on a label of a food that is represented as containing a vitamin or mineral nutrient, it is prohibited to give any assurance or guarantee of any kind with respect to the result that may be, has been or will be obtained by the addition of the vitamin or mineral nutrient to a person's diet. It is also prohibited to refer to, reproduce or quote any testimonial (D.01.012, D.02.008, *FDR*).

Guarantees should not be used in conjunction with nutritional or therapeutic claims. The *Food and Drugs Act and Regulations* do not permit manufacturers or advertisers to guarantee satisfaction nor to give assurances regarding results to be obtained from the addition of vitamins or other nutritional elements to the diet. Thus, a claim such as

"**Drink Sunlite orange juice every day to be sure that you will never lack vitamin C**" would **not** be allowed in a food advertisement (D.01.012 and D.02.008, *FDR* and subsection 52.(1) of the *Competition Act*).

7.7 Tonic Foods

The term "**tonic**" food has been used to describe a class of foods believed to have the power to restore a normal degree of vigour or to restore good health. Today, this term does not apply. No food can be described as an effective tonic. There are exceptions, however, such as "**tonic water**".

7.8 Digestibility

Digestibility in its popular sense refers to the ease or comfort with which a food is assimilated and to the absence of distressing effects after consumption. References in technical literature to a coefficient of digestibility with respect to specific nutrients, such as protein, have quite a different meaning and cannot be used to connote the digestibility of food.

7.9 Essential Foods

Individual foods should not be described as "**essential**" to the diet. Health Canada and professional associations periodically issue nutrition recommendations for Canadians, designed for use in education programs to assist the public in selecting an appropriate diet. Such recommendations should not be used to justify the use of this term.

7.10 Dietary Standards

Advertisements should not use official or quasi-official dietary standards that list or suggest intakes of specific nutrients to recommend the consumption of specific foods. Such dietary standards deal with total dietary needs and are not designed for the promotion of one food or a class of foods. For example, it would be considered misleading to claim that 100 percent of the "recommended daily intake" of a nutrient could not be met unless a specific food was consumed.

7.11 Disease Prevention and Drug-Like Claims

7.11.1 Treatment for Schedule A Diseases

Subsection 3(1) of the *Food and Drugs Act* states that "*No person shall advertise any food, drug, cosmetic or device to the general public as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states referred to in Schedule A*" (see Annex 1).

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Subsection 3(1) of the *Food and Drugs Act* was enacted to prevent claims directed to the general public concerning serious health problems which should be diagnosed and treated by a medical practitioner.

7.11.2 Diet and Disease Information Which Does Not Offend Section 3 of the *Food and Drugs Act*

A statement such as "a diet low in saturated fat may help reduce the risk of heart disease" is only permissible if **no** linkage is made to a specific product. Such a message positioned on a food label or in a product-specific advertisement would be deemed to offend subsections 3(1) and 3(2).

The following general fact situations are not considered to offend subsections 3(1) and 3(2):

- a) messages which are non-product specific, describing the role of diet in disease prevention with corporate announcements (e.g., public service announcements);
- b) books and educational material (see **Advertisement versus Educational Material**, Section 7.2.4) which describe the role of diet in disease prevention with corporate sponsorship or corporate brand sponsorship providing that such is not deemed to be an advertisement for the food product;
- c) dietary guidelines/recommendations on food labels and in advertising which are endorsed (see **Third-Party Endorsements, Logos and Seals of Approval**, Section 7.3) by a non-governmental health agency but which do not mention disease prevention, treatment or cure.

7.11.3 Treatment of Other Diseases

Although there is no specific prohibition against the advertising of a food(s) for the prevention or cure of diseases other than those shown under Schedule A, such claims bring the food within the definition of a drug under the *Food and Drugs Act*, section 2, which defines a drug as "*any substance or mixture of substances manufactured, sold or represented for use in:*

(a) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in man or animal;

(b) restoring, correcting or modifying organic functions in man or animal."

7.12 Obesity: Diet Plans

Since obesity is included in Schedule A of the *Food and Drugs Act*, foods may not be advertised as a treatment, preventative or cure. However, a distinction has been made between being obese and being overweight. For the purposes of Schedule A, anyone with a body mass index in excess of 37 is considered to be suffering from obesity.

The only foods allowed to be advertised for use in weight reduction plans are described under Division 24 of the *Food and Drug Regulations* (see **Foods for Special Nutritional Purposes**, Section 7.15), and are:

- a) specially formulated meal replacements;
- b) prepackaged meals represented for weight reduction;
- c) foods sold by weight reduction clinics; and
- d) foods represented for use in very low-energy diets.

The labels of meal replacements **not** making up the entire diet and pre-packaged meals for weight reduction must include in the directions for use a 7-day menu plan which, if followed, would result in a daily energy intake of at least 1200 Calories (5040 kJ).

The advertisement for a meal replacement or a prepackaged meal is required by regulation to state that adherence to the directions for use may reduce energy intake which is a requirement for weight loss.

Testimonials claiming rapid weight loss, which is considered hazardous to health, and testimonials for weight reduction by people who were obese, are unacceptable (see **Schedule A Diseases**, Annex 1)

7.13 Medicated

A product should not be sold as a food if it is described as "**medicated**" since this is a term used to describe products containing an added medicinal substance to treat or prevent a disease. Such a claim would bring the food within the definition of a drug under the *Food and Drugs Act* and must be labelled and advertised as drugs as required by the *Food and Drug Regulations*.

7.14 Laxative/Laxation Claims

Products represented as laxatives are considered as falling within the definition of a drug. The mention of "**laxative effect**" or "**relief of constipation**" on a label or advertisement characterizes the product as a drug. The term "**laxation**" and the action of "**promoting laxation**", on the other hand, are not considered to be drug claims when used in connection with a food. The term "**laxation**" is accepted as referring to the normal softness and bulking of the stool resulting from such factors as increased undigested residue or bacterial mass, trapping of gases or water retention (see **Claims for Physiological Effects of Fibre**, Section 7.5.3).

7.15 Foods for Special Nutritional Purposes

7.15.1 Foods for Special Dietary Use [*FDR, Division 24*]

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The compositional and labelling requirements for "foods for special dietary use" contained in the Regulations are detailed and explicit.

A "food for special dietary use" is defined in section B.24.001 of the Regulations as a food that has been specially processed or formulated to meet the particular requirements of a person:

- in whom a physical or physiological condition exists as a result of a disease, disorder or injury; or
- for whom a particular effect, including but not limited to weight loss, is to be obtained by a controlled intake of foods.

In general, only foods listed in section B.24.003(1) of the Regulations may be represented in a manner likely to create the impression that it is a food for special dietary use. Foods described as "**carbohydrate-reduced**", "**sugar-free**", "**calorie-reduced**", "**energy-reduced**", "**low in energy**", "**low-calorie**", "**low-sodium**" and their synonyms, must meet the requirement for foods for special dietary use in Division 24. A formulated liquid diet, a meal replacement for weight reduction and a nutritional supplement as well as a gluten-free food, and a food represented for either a protein-restricted diet, low-amino acid diet or very low-energy diet are also considered to be foods for special dietary use in Division 24.

For example, "**contains 25% less salt than...**", "**unsalted**", "**no added salt**", are not considered to be for special dietary use. Similar claims for carbohydrate, sugar, Calories and carbohydrates may be permitted for foods which are not foods for special dietary use (see **Nutrient Content Claims**, Section VI).

The following foods for special dietary use may be represented for use in a weight reduction diet if they meet the requirements set out in Division 24 -- meal replacements for weight reduction, prepackaged meals for weight reduction, foods sold by a weight reduction clinic to clients of the clinic for use in a weight reduction program supervised by the staff of the clinic, and foods represented for use in very low-energy diets.

7.15.2 Carbohydrate-Reduced Foods [FDR, B.24.004 and B.24.009]

A "carbohydrate-reduced" food is defined as a food:

- that would, if it were not carbohydrate-reduced, derive at least 25 percent of the Calories in that food from its carbohydrate content; and
- that, when ready-to-serve, contains not more than 50 percent of the carbohydrate content and provides no more Calories than would be present in the food if it were not carbohydrate-reduced.

A "carbohydrate-reduced" food must carry a declaration of the content of specific nutrients on the label, as well as the expression "**carbohydrate-reduced**" on the

principal display panel in close proximity to, and in the same size type as, the common name. Both the label and advertisement for a "carbohydrate-reduced" food are required to carry a statement to the effect that the food is suitable or recommended for "**carbohydrate-reduced diets**" (B.24.009).

7.15.3 Sugar-Free Foods [FDR, B.24.005, B.24.010]

A "sugar-free" food is defined as a carbohydrate-reduced food that, when ready to serve:

- contains not more than 0.25 percent available carbohydrate, as determined by an acceptable method; and
- provides, except in the case of chewing gum, not more than one calorie per 100 g or per 100 ml of that food.

A "sugar-free" food must carry a declaration of the content of specific nutrients on the label, as well as the expression "**sugar-free**" or "**sugarless**" on the principal display panel in close proximity to, and in the same size type as, the common name. Both the label and advertisement for a "sugar-free" food are required to carry a statement to the effect that the food is suitable or recommended for "**carbohydrate-reduced diets**" (B.24.010).

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7.15.4 Calorie-Reduced Foods [FDR, B.24.006, B.24.011]

A "calorie-reduced" food is defined as a food that, when ready to serve, provides not more than 50 percent of the Calories that would be normally provided in that food if it were not calorie-reduced.

A "calorie-reduced" food must carry a declaration of the content of specific nutrients on the label, as well as the expression "**calorie-reduced**" on the principal display panel in close proximity to, and in the same size type as, the common name. Both the label and advertisement for a "calorie-reduced" food are required to carry a statement to the effect that the food is suitable or recommended for "calorie-reduced diets" (B.24.011).

7.15.5 Low-Calorie Foods [FDR, B.24.007, B.24.012]

A "low-calorie" food is defined as a food that:

- is a calorie-reduced food; and
- when ready to serve, provides not more than 15 Calories per average serving and not more than 30 Calories in a reasonable daily intake of that food as set out in Schedule K (see Section VI, Annex 1).

A "low-calorie" food must carry a declaration of the content of specific nutrients on the label as well as the expression "**low-calorie**" on the principal display panel in close proximity to, and in the same size type as, the common name. Both the label and advertisement for a "low-calorie" food are required to carry a statement to the effect that the food is suitable or recommended for "**calorie-reduced diets**" (B.24.012).

7.15.6 Low-Sodium Foods [FDR, B.24.008, B.24.013]

A "low-sodium" food is defined as a food that, when ready to serve, contains:

- not more than 50 percent of the sodium that would normally be present in that food if it were not sodium reduced;
- not more than 40 mg of sodium per 100 g of food, except in the case of meat, fish and poultry products, and cheddar cheese;
- not more than 80 mg of sodium per 100 g of food, in the case of meat, fish and poultry products;
- not more than 50 mg of sodium per 100 g of food, in the case of cheddar cheese; and
- except in the case of salt substitutes, no added salts of sodium.

A "low-sodium" food must carry a declaration of the content of specific nutrients on the label, as well as the expression "**low-sodium**" on the principal display panel in close

proximity to, and in the same size type as, the common name. Both the label and advertisement for a "low-sodium" food are required to carry a statement to the effect that the food is suitable or recommended for "**sodium-restricted diets**" (B.24.013).

7.15.7 Gluten-Free Foods [FDR, B.24.018, B.24.019]

A food is not permitted to be labelled, packaged, sold or advertised in a manner likely to create an impression that it is "gluten-free" unless it does not contain wheat, including spelt and kamut, or oats, barley, rye, triticale or any part thereof.

A food represented as "gluten-free" must declare the content of energy value, protein, fat and carbohydrate on the label (B.24.019) (see Section 7.3 and Annex 6, Appendix II).

7.15.8 Formulated Liquid Diets [FDR, B.01.001, B.24.100 to B.24.103]

A "formulated liquid diet" is defined in section B.24.001 of the Regulations as a food that

- is sold for consumption in liquid form; and
- is sold or represented as a nutritionally complete diet for oral or tube feeding of a person in whom a physical or physiological condition exists as a result of a disease, disorder or injury.

A formulated liquid diet is required to be a complete substitute for the total diet in meeting the nutritional requirements of a person (B.24.102). It is not permitted to be advertised to the general public (B.24.100) and is not to be confused with infant formula (see **Infant Foods and Infant Formulas**, Section 7.16).

The compositional requirements for a formulated liquid diet are set out in section B.24.102 of the Regulations. The labelling requirements are set out in section B.24.103.

7.15.9 Meal Replacements [FDR, B.24.200, B.24.202, B.24.204]

A "meal replacement" is defined in section B.01.001 of the Regulations as a formulated food that, by itself, can replace one or more daily meals.

The compositional requirements for a meal replacement are set out in section B.24.200 of the Regulations. They include a minimum food energy value of 225 Calories per serving, a specified amount and quality of protein, a maximum amount of fat (35 percent of energy), and a specified amount of various vitamins and mineral nutrients. Where a meal replacement is represented as a replacement for all daily meals, the maximum amount of fat is 30 percent of energy and the maximum of saturated fat is 10 percent of energy.

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The labelling requirements for a meal replacement are set out in sections B.24.202 and B.24.204 of the Regulations. Labelling requirements differ according to whether a meal replacement is sold or advertised as a replacement for all daily meals, for some daily meals or for use in a weight reduction diet. Some labelling requirements include:

- specific nutrient content declarations per serving as sold and per stated quantity when ready-to-serve;
- directions for use that would result in the daily energy intake of at least 1200 Cal (5040 kJ) where sold or advertised for use in a weight reduction diet (B.24.204(b)). If the meal is a replacement for all daily meals, directions for use that would result in the daily energy intake of 900 Cal (3780 kJ) must be provided;
- the statement "**useful in weight reduction only as part of an energy-reduced diet / utile pour perdre du poids seulement dans le cadre d'un régime à teneur réduite en énergie**" prominently displayed on the principal display panel, when sold or advertised for use in a weight reduction diet (B.24.202(e)). (This statement must also be included in all advertisements for the product);
- where the meal replacement is not represented as a replacement for all daily meals, a sample seven-day menu in the directions for use, showing the meal replacement being used, when it is packaged, sold or advertised for use in a weight reduction diet.

The requirements for the menu plan are set out in section B.24.204 of the Regulations. The daily menu must include at least one serving from each of the four food groups in *Canada's Food Guide to Healthy Eating*. In addition to the menu providing a minimum daily food energy intake of 1200 Calories, the content of other nutrients (e.g., fat, saturated fat, vitamins and mineral nutrients) is also regulated. The menu must not include any reference to vitamin or mineral supplements.

No direct or indirect reference is permitted on labels or in advertisements to any vitamin or mineral nutrient supplement. The label or advertisement must not create the impression that consumption of any vitamin or mineral nutrient supplement must or should be part of a weight reduction diet.

7.15.10 Nutritional Supplements [FDR, B.24.201, B.24.202]

A "nutritional supplement" is defined in section B.01.001 of the Regulations as a food sold or represented as a supplement to a diet that may be inadequate in energy and essential nutrients.

The compositional requirements for a nutritional supplement are set out in section B.24.201 of the Regulations. Requirements differ depending on the Calories per serving provided by the nutritional supplement. For example, when a nutritional supplement contains less than 225 Calories per serving, requirements include a minimum food energy content of 150 Calories per serving, a specified amount and quality of protein and a specified amount of various vitamins and mineral nutrients. When a nutritional supplement provides 225 or more Calories, requirements include a specified amount and quality of protein, a maximum amount of fat, and a specified amount of various vitamins and mineral nutrients.

The labelling requirements for a nutritional supplement are set out in section B.24.202 of the Regulations. Some labelling requirements include the declaration of the content of specific nutrients per serving as sold and per stated quantity when ready-to-serve.

7.15.11 Prepackaged Meal Definition

A "prepackaged meal" is defined in section B.01.001 of the Regulations as a prepackaged selection of foods for one individual that require no preparation other than heating and that contains at least one serving, as described in *Canada's Food Guide to Healthy Eating*, of:

- meat, fish, poultry, legumes, nuts, seeds, eggs, milk or milk products other than butter, cream, sour cream, ice-cream, ice milk and sherbet; and
- vegetables, fruit or grain products.

There are no specific labelling requirements for a prepackaged meal when it is not packaged, sold or advertised for use in a weight reduction diet. For prepackaged meals represented for use in weight maintenance, see **Foods Represented for Use in Weight Maintenance**, Section 7.4.

7.15.11.1 Prepackaged Meals for Use in a Weight-Reduction Diet

[FDR, B.24.203, B.24.204, B.24.205]

The labelling requirements for a prepackaged meal that is packaged, sold or advertised for use in a weight-reduction diet are set out in sections B.24.203 and B.24.204 of the Regulations. Some of these labelling requirements include:

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- specific nutrient content declarations per serving as sold and per stated quantity when ready-to-serve (B.24.203 (a));
- the statement "**useful in weight reduction only as part of an energy-reduced diet / utile pour perdre du poids seulement dans le cadre d'un régime à teneur réduite en énergie**" prominently displayed on the principal display panel (B.24.203(b)). (This statement must also be included in all advertisements for the product.); and
- a sample seven-day menu in the directions for use, showing the prepackaged meal being used (B.24.204).

The requirements for the menu plan are set out in section B.24.204 of the Regulations. The daily menu must include at least one serving from each of the four food groups in *Canada's Food Guide to Healthy Eating*. In addition to the menu providing a minimum daily food energy intake of 1200 Calories, the content of other nutrients (e.g., fat, saturated fat, vitamins and mineral nutrients) are also regulated. The menu must not include any reference to vitamin or mineral supplements.

No direct or indirect reference is permitted on labels or in advertisements to any vitamin or mineral nutrient supplement. The label or advertisement must not create the impression that consumption of any vitamin or mineral nutrient supplement must or should be part of a weight-reduction diet.

7.15.12 Foods Sold by Weight-Reduction Clinics [FDR, B.24.203, B.24.204, B.24.205]

Weight-loss clinics are permitted to represent and sell foods to their clients as part of a weight-reduction diet supervised by the clinic.

The labelling requirements for foods sold by weight-reduction clinics are set out in sections B.24.203, B.24.204 and B.24.205 of the Regulations. Some of these labelling requirements include:

- specific nutrient content declarations per serving as sold and per stated quantity when ready-to-serve (B.24.203 (a));
- the statement "**useful in weight reduction only as part of an energy-reduced diet / utile pour perdre du poids seulement dans le cadre d'un régime à teneur réduite en énergie**" prominently displayed on the principal display panel (B.24.203(b)). (This statement must also be included in all advertisements for the product.);
- a sample seven-day menu in the directions for use, showing the food sold by the weight-reduction clinic being used (B.24.204).

The requirements for the menu plan are set out in section B.24.204 of the Regulations. The daily menu must include at least one serving from each of the four food groups in *Canada's Food Guide to Healthy Eating*. In addition to the menu providing a minimum daily food energy intake of 1200 Calories, the content of other nutrients (e.g., fat,

saturated fat, vitamins and mineral nutrients) are also regulated. The menu must not include any reference to vitamin or mineral supplements.

No direct or indirect reference is permitted on labels or in advertisements to any vitamin or mineral nutrient supplement. The label or advertisement must not create the impression that consumption of any vitamin or mineral nutrient supplement must or should be part of a weight-reduction diet (B.24.205).

7.15.13 Foods Represented for Use in Very Low-Energy Diets [FDR, B.24.300 to B.24.306]

The sale and advertising of foods represented for use in very low-energy diets is restricted. They are not permitted to be advertised to the general public (B.24.300). Only a pharmacist is permitted to sell these foods to the general public and only with a written order from a physician (B.24.301, B.24.302). Health Canada must be notified of the intention to sell the food or advertise the food for sale, including when the food has undergone a major change (B.24.306). The Regulations also set out the requirements for the pre-market notification, including labels.

The compositional requirements for foods represented for use in very low-energy diets are set out in section B.24.303 of the Regulations.

The labelling requirements for foods represented for use in very low-energy diets are set out in section B.24.304 of the Regulations.

7.16 Infant Foods and Infant Formulas [FDR, Division 25]

No person shall sell or advertise for sale an infant formula that, as normally consumed, does not comply with the compositional requirements set out in the *Food and Drug Regulations* for infant formula.

No person shall sell or advertise for sale an infant formula that, when prepared according to directions, requires the addition of a nutritive substance other than water, a source of carbohydrates or both.

Other than identifying the quantity of iron on the label, no person shall make any claim with respect to the iron content of an infant formula unless it contains at least 1 mg of iron per 100 available Calories.

Very explicit labelling requirements exist in Division 25 of the *Food and Drug Regulations* for infant formula.

All infant formula which has undergone any changes is subject to pre-market notification. Labels must be submitted to Health Canada for review as part of the pre-market notification.

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The use of food additives in infant formula is strictly controlled under the *Food and Drug Regulations*.

Infant foods are subject to maximum sodium levels. It is an offence to sell or advertise for sale an infant food that contains more sodium than that provided for in the Regulations.

7.17 Beverages for Athletes, Isotonic

7.17.1 Beverages for Athletes

Beverages represented for use by athletes are subject to the requirements for foods in general and there are no special provisions for the addition to them of any vitamins, mineral nutrients (including electrolytes), or amino acids.

Claims made for such beverages should be restricted to those referring to the replacement of fluid (water) losses and, in the case of beverages containing a source of carbohydrates, to the provision of carbohydrate as a source of food energy (see **Energy**, Section 6.2.1). Claims regarding any specific functions of carbohydrate in these products will be examined on a case-by-case basis.

7.17.2 Isotonic

The term "isotonic", in reference to a beverage, denotes a solution having the same concentration of electrolytes and non-electrolytes as another solution with which it is being compared. For example, a beverage could be isotonic with perspiration, serum, etc. There is no objection to the use of this term when the claim is accurate and the comparison appropriate.

Annex 1 – Schedule A Diseases from the *Food and Drugs Act*

Alcoholism	Gout
Alopecia (except hereditary androgenetic alopecia)	Heart disease
Anxiety state	Hernia
Appendicitis	Hypertension
Arteriosclerosis	Hypotension
Arthritis	Impetigo
Asthma	Kidney disease
Bladder disease	Leukemia
Cancer	Liver disease (except hepatitis)
Convulsions	Nausea and vomiting of pregnancy
Depression	Obesity
Diabetes	Pleurisy
Disease of the prostate	Rheumatic fever
Disorder of menstrual flow	Septicemia
Dysentery	Sexual impotence
Edematous state	Thrombotic and embolic disorders
Epilepsy	Thyroid disease
Gall bladder disease	Tumor
Gangrene	Ulcer of the gastro-intestinal tract
Glaucoma	Venereal disease

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Annex 2 – Canada's Food Guide to Healthy Eating

(graphic to be added at time of printing)

Annex 3 – Guidelines on the Application of the *General Principles for Labelling and Advertising Claims that Relate to the Nutrition Recommendations*

Purpose

The following guidelines are intended to provide guidance to government officials on the application of the *General Principles for Labelling and Advertising Claims That Relate to the Nutrition Recommendations**. The policy goals of the *General Principles* are:

- to encourage the food industry to participate in delivering messages describing the pattern of healthy eating contained in the *Nutrition Recommendations... A Call for Action***;
- to encourage the delivery of a consistent message;
- to avoid misleading and confusing information being conveyed to consumers; and
- to enable consumers to make informed choices of foods for healthy eating.

(* Food Directorate Guideline No. 5, Health Protection Branch, Health and Welfare Canada, March 1, 1991 - does not include claims relating to Canada's Food Guide to Healthy Eating.

** *Nutrition Recommendations... A Call for Action*, Health and Welfare Canada, 1989, is available on request from Publications, Health Canada, Postal Locator 0913A, Ottawa, Ontario K1A 0K9)

Scope

The *General Principles* and these guidelines relate to:

- the use of nutrition recommendations/dietary guidelines in food labelling and in food advertising; and
- any claim which states, suggests or implies that a food has one or more characteristics which make it a suitable part of a pattern of healthy eating.

Note: *These General Principles do not supersede any provisions in the Food and Drugs Act and Regulations.*

A. General Criteria for Claims Assessment

The following criteria should be applied when reviewing all messages or claims as outlined in part B.

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1. Acceptable Messages

(a) Recommended Pattern of Eating

Only messages describing the recommended pattern of eating contained in *Nutrition Recommendations... A Call for Action* should be used. These include:

- *Canada's Guidelines for Healthy Eating* (CGHE) (Section VII, Annex 2, of this Guide);

(Note: These are the key messages and where possible, their use is preferred.)

- *Nutrition Recommendations for Canadians* (NRC) (Section VII, Annex 6, Appendix IV, of this Guide);

- statements in the *key findings* (Section VII, Annex 6, Appendix IV, of this Guide) which do not refer to disease or modification of body functions (i.e., statements which do not offend subsection 3(1) of the *Food and Drugs Act*, or do not bring the food within the definition of a drug).

(b) Nutrients Which May Be Mentioned

(i) As part of the recommended pattern of eating, it is acceptable to mention energy and nutrients identified in the NRC or CGHE, including essential nutrients (protein, linoleic acid, vitamins and mineral nutrients [those for which claims are permitted under the *Food and Drug Regulations*]), fat, saturated fatty acids, carbohydrate and sodium and other nutrients mentioned only in the *key findings*, including dietary fibre, complex carbohydrate, β -carotene and cholesterol.

Examples of acceptable messages:

- "One of the *Nutrition Recommendations for Canadians* states that the Canadian diet should include no more than 30% of energy as fat."
- "Consuming less cholesterol is one element of healthy eating."
- "This high-fibre cereal contains dietary fibre from oat bran and wheat bran; consuming a variety of fibre containing foods is part of a healthy diet."

(ii) Statements regarding nutrients not mentioned by name in the *key findings*, but appearing in the body of the Report of the Scientific Review Committee *Nutrition Recommendations** (SRC

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Report) may be made, provided they are compatible with the *Nutrition Recommendations... A Call for Action* (e.g., essential nutrients: protein, vitamin and mineral nutrients and linoleic acid).

(* Nutrition Recommendations, The Report of the Scientific Review Committee, Canadian Government Publishing Centre, Public Works and Government Services Canada, Ottawa, 1990.)

Statements suggesting that the content of polyunsaturated or monounsaturated fatty acids should be increased in the diet or that sugar should be reduced in the diet are not acceptable since these statements are not consistent with evidence presented in the SRC Report and the nutrients are not the subject of a recommendation.

Certain individual fatty acids and groups of fatty acids mentioned in the SRC Report cannot be mentioned due to a general prohibition under section B.01.311 of the *Food and Drug Regulations*. These include linolenic acid, unsaturated fatty acids, omega-3 and omega-6 fatty acids, and *trans* fatty acids.

Examples of acceptable messages (from SRC Report):

- **"Calcium is an essential nutrient. One of the Nutrition Recommendations states that the Canadian diet should include essential nutrients in recommended amounts."**
- **"Golden Brand sunflower oil is a source of linoleic acid; consuming the recommended amount of linoleic acid, an essential nutrient, is part of healthy eating."**

Example of an unacceptable message:

- **"X brand corn oil margarine contributes to healthy eating because it is high in polyunsaturated fatty acids."**

(c) Quantification of the Recommendations

The NRC and the *key findings* include quantitative recommendations regarding total carbohydrate, fat and saturated fat and the SRC Report provides recommended nutrient intakes for vitamins and mineral nutrients. However, there are no recommended amounts established for cholesterol, sodium, complex carbohydrate or dietary fibre intake and

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as such, no impression should be given that there are established quantitative recommendations for these nutrients.

Example of an unacceptable quantitative message:

- **"Experts recommend that Canadians consume 20-30 grams of dietary fibre per day."**

Examples of acceptable messages:

Quantitative:

- **"One part of a healthy diet is to include not more than 10% of energy from saturated fat."**

Non-Quantitative:

- **"Experts recommend choosing a variety of fibre-containing foods."**

2. Presentation of Messages

- (a) Flexibility in the wording of messages is acceptable provided the messages remain faithful to the recommended pattern of eating (including nutrients) and are not misleading.
- (b) Complete or partial NRC/CGHE recommendations may be used. When a reference is made to only one or some of the recommendations or a part of a recommendation, it should **not** be presented in a manner which suggests that it is the sole or predominant feature. For example, a partial statement such as "**limit fat**" should be expressed as "one part" or "one component" of the NRC/CGHE or may be qualified by other statements that imply the same message.

Examples of acceptable messages:

- **"One of *Canada's Guidelines for Healthy Eating* recommends emphasizing cereals, breads, and other grain products, vegetables and fruit."**
- **"Consuming no more than 30% of energy as fat is part of the *Nutrition Recommendations for Canadians*."**
- **"Increasing carbohydrates is part of healthy eating."**

3. References to Other Dietary Guidelines

Reference to **other** dietary guidelines, including foreign guidelines, are acceptable **provided they are equivalent** with the recommended pattern of eating outlined in the publication *Nutrition Recommendations... A Call for Action*. An important part of Health Canada's strategy has been to encourage health organizations to formally adopt or endorse the NRC/CGHE. It should be noted that, in most cases, foreign dietary guidelines are likely not to be equivalent to the Canadian recommendations in some respects (e.g., a recommendation to limit sugar or a recommendation that the diet should be limited to or provide a particular level of sodium, cholesterol or dietary fibre).

B. Conditions for Use

Following are the conditions for use in labelling and advertising for: (1) references to the NRC/CGHE, (2) healthy eating/diet claims, (3) generic NRC/CGHE/healthy eating statements in advertisements and (4) references to maintaining a healthy body weight. **In addition, each type of claim must also be evaluated in relation to the criteria outlined in part A.**

1. NRC/CGHE Statements and Other Recommendations

(a) Description of Claim

This is a **statement of or reference to one or more of the NRC/CGHE which is not associated with any claims regarding the nutrient content of the food.**

Cautionary Note: In some instances the appearance of a single recommendation/ guideline may imply that the food has a nutritional benefit consistent with the recommendation or guideline. Such statements may contravene subsection 5(1) of the *Food and Drugs Act*. For example, the appearance of the statement "**Canada's Guidelines for Healthy Eating recommend choosing lower fat dairy products**" on the label of "**Brand X Yogurt**", could imply that this yogurt is low, reduced or a lower fat product as referred to in *Canada's Food Guide to Healthy Eating* (see fact sheets, *Canada's Food Guide to Healthy Eating: Food Guide Facts Background for Educators and Communicators*, Health Canada, 1992). If it is not, the statement should not be used.

Dietary recommendations made by health professionals and/or health organizations or statements indicating that a recommended dietary practice is widely accepted are considered to be references to the NRC/CGHE.

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Examples:

- "_____ health organization recommends decreasing total fat and saturated fat as part of a healthy diet."
- "health professionals suggest..."
- "it is well known that..."

(b) Labelling Requirement

When the claim appears on the label, the nutrition labelling core list for the food (energy, protein, fat and carbohydrate) must be shown on the label.

(c) Advertising Requirement

When the claim appears in an advertisement for the food, the nutrition labelling core list should appear in the advertisement if it does not already appear on the label of the food.

Examples:

- (1) Claim: **"Canada's Guidelines for Healthy Eating state in part:**
- **enjoy a variety of foods."**
 - **emphasize cereals, breads, other grain products, vegetables and fruits."**
 - **"choose lower-fat dairy products, leaner meats and foods prepared with little or no fat."**

Requirement: Nutrition labelling core list.

- (2) Claim: **"It is well known that Canadians should consume less fat."**

Requirements: Nutrition labelling core list and the claim must be reworded to indicate that this is only one part of the recommended pattern of eating.

- (3) Claim: **"Enjoying a variety of foods is one part of healthy eating."**

Requirement: Nutrition labelling core list.

2. Healthy Eating / Diet Claims

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A food should **not** be described as healthy, e.g., "**healthy (naming the food)**" or be represented in a manner that implies that the food in and of itself is healthy or will provide, maintain or restore health. However, a food **may** be described as **part of** healthy eating or as a healthy choice.

(a) Description of Claim

Any **claim stating, suggesting or implying that a food:**

- (i) **contributes to or is part of a "healthy diet" or "healthy eating" or synonymous terms.** For the purpose of these guidelines, "synonymous term" **includes** any word or word set containing the word "health", "healthy" or "healthful" and referring to eating, diet, lifestyles or individual food choices.

Examples of claims:

- **"healthful diet", "healthy catch", "healthy harvest", "healthy choice", "healthy lifestyle", "_____ brand food is part of a healthy lifestyle".**

- (ii) **has one or more characteristics which make it a suitable part of NRC/CGHE/healthy eating,** e.g., a claim is made regarding the nutrient content of the food in proximity to a recommendation or a healthy eating statement. In general, nutrient content claims meeting the requirements for source/low/reduced/free may be associated with the corresponding NRC/CGHE statement.

Example of claim:

- **"Sodium-Free" associated with "Limiting salt intake is part of healthy eating"**

When a claim regarding a specific amount of sodium, cholesterol, fat or saturated fat in a food is associated with healthy eating or a recommendation to lower/reduce the intake of these nutrients, the amount in the food should be relatively low, such that it contributes to an overall dietary reduction. Thus amounts which satisfy the regulatory definition for "**low**" or "**free**" or guideline requirements for "**X% reduced**" can be shown in association with the recommendation. When these levels are not met, as is often the case for claims such as "**controlled sodium/cholesterol**" or "**only X mg of...**", a case-by-case evaluation in relation to subsection 5(1) of the *Food and Drugs Act* is necessary.

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Example of an acceptable claim:

- The claim "**only X grams of fat per serving**" appearing on a prepared meat label with the recommendation "**One part of healthy eating is to choose leaner meats**" is acceptable if the product meets the criteria for "**lean**".

When a claim is made regarding a specific amount of complex carbohydrate or dietary fibre, and the amount satisfies the criteria for at least a "**source**" claim, then the claim can be shown in association with the carbohydrate recommendation mentioned in the *key findings*. However, a particular level of intake of complex carbohydrate or dietary fibre cannot be stated.

Example of an acceptable claim:

- "**17 grams of complex carbohydrate per 30 gram serving**" on a cereal label associated with "**Part of healthy eating is to provide 55% of energy as carbohydrate from a variety of sources.**"

(b) Labelling Requirements

- (i) When the claim appears on the label, the label shall **carry a statement relating the food to the recommended pattern of eating**. Usually, such statements will include a mention of a nutritional characteristic of the food and the guideline or recommendation which is relevant to that characteristic. For claims where the link between the food and the recommended pattern of eating is clear, no additional information is required. The **linking statement** should appear in its entirety in one of the following three locations:
- as part of or in close proximity to the most prominent claim which states or implies that the food contributes to "**healthy eating**", etc.; or
 - clearly linked to this claim on the same panel by means of an asterisk; or
 - grouped with the nutrition information, providing the "**healthy eating**" claim is accompanied by a statement indicating where this information appears, e.g., "**part of a healthy diet (see _____ panel)**"

- (ii) The nutrition labelling core list (energy, protein, fat and carbohydrate) and any information required by the mention of the characteristic of the food in the linking statement must be shown on the label.

(c) Advertising Requirements

When the claim appears in the advertisement, the nutrition labelling core list and the linking statement should appear in the advertisement itself if they do not appear on the label of the food.

Examples of healthy eating claims:

- (1) Claim: "**X brand yogurt is part of a healthy diet.**"

Requirements:

- (a) Linking statement: "**Low in fat; one of the Nutrition Recommendations for Canadians calls for a reduction in fat intake.**"

- (b) Nutrition labelling core list.

- (2) Claim: "**X brand Light Cottage Cheese is a healthy choice.**"

Requirements:

- (a) Linking statement: "**50% less fat than our regular cottage cheese; choosing lower fat dairy products is one component of healthy eating.**"

- (b) Nutrition labelling core list.

- (3) Claim: "**Apples are a healthy choice.**"

Requirements:

- (a) Linking statement: "**Canada's Guidelines for Healthy Eating include emphasizing vegetables and fruits.**"

- (b) Nutrition labelling core list.

- (4) Claim: "**X brand Whole Wheat Cereal has 5 grams of fibre in an average serving; one of the new Health Canada nutrition recommendations suggests increasing fibre intake in the diet.**"

Requirements:

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- (a) Linking statement: No linking statement is required as the claim is complete and the product is high in fibre.
 - (b) Nutrition labelling core list and a declaration of the dietary fibre content.
- (5) Claim: **"Controlled in saturated fat; it is well known that the Canadian diet should not include more than 10% energy as saturated fat"**

Requirements:

- (a) Linking statement: Assuming the product is low in saturates or relatively low in saturates when assessed on a case-by-case basis under paragraph B.2(a), no linking statement is required as the link is clear. However, the recommendation must be reworded to indicate that this is only one part of a recommended pattern of healthy eating.
- (b) Nutrition labelling core list and fatty acid profile as required under section B.01.303 of the *Food and Drug Regulations*.

3. Generic NRC/CGHE/Healthy Eating Statements in Advertisements

Statements or claims made in advertisements associating a **food group** with the NRC/CGHE or healthy eating **are not** required to show the nutrition labelling core list information provided that the foods are identified generically as an entire food group of Canada's Food Guide to Healthy Eating, i.e., grain products, vegetables and fruit, milk products, meat and alternatives.

Examples:

- (1) Advertising claim: **"Vegetables and fruit are part of healthy eating"**

Requirements: There are no specific advertising or labelling requirements.

- (2) Labelling claim: **"Vegetables and fruit are part of healthy eating."**

Requirements: The requirements outlined in section B.1 (i.e., nutrition labelling core list) must be met.

4. References to Maintaining a Healthy Body Weight - Information Letter #793 (Health Protection Branch, Health Canada, 1991)

A food may be represented for use in achieving and maintaining a healthy body weight, provided that:

- (a) the **principal display panel** of the label of the food and any advertisement for the food carry the following statement: "**As part of healthy eating, this food may assist in achieving and maintaining a healthy body weight because it is... e.g., lower in energy (with appropriate comparison statement); portion-controlled; low in fat**",
- (b) the label carries the nutrition labelling core list (energy value, protein, fat and carbohydrate), and
- (c) the food is not labelled, packaged, advertised or sold in a manner likely to create the impression that it is for use in a weight-reduction diet (for full details, see Information Letter #793).

Note: A supplementary guideline will be developed to clarify the role of Canada's Food Guide to Healthy Eating issued on November 20, 1992 in the labelling and advertising of foods.

Food Division
Consumer Products Branch
Consumer and Corporate Affairs Canada*

April 1, 1993

* Consumer and Corporate Affairs ceased to exist as of June 25, 1993. Its responsibilities respecting food labelling and advertising were transferred to the Food Division, Food Production and Inspection Branch of Agriculture and Agri-Food Canada (as of April 1, 1997, Food Division, Canadian Food Inspection Agency).

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Annex 4 – Policy - Advertising Claims Relating to Nutrition Recommendations made by Organizations which do not Control Food Packaging or Labelling (OWLs)

Scope

This policy applies to statements and/or claims made in **advertising** associating foods with the Nutrition Recommendations for Canadians (NRC), Canada's Guidelines for Healthy Eating (CGHE), Canada's Food Guide to Healthy Eating (CFGHE) and/or references to "Healthy Eating", "Healthy Diets", "Healthy Choice." This policy is intended to supplement the "General Principles for Labelling and Advertising Claims that Relate to the Nutrition Recommendations and Canada's Food Guide to Healthy Eating" ("General Principles").

Goal

To provide alternative approaches/mechanisms for the use of nutrition recommendations/healthy eating claims for producers' and manufacturers' associations, marketing boards and similar product promotional/informational organizations, including health organizations, which do not control or are not responsible for the packaging or labelling of the foods they advertise.

Policy

(1) Groups of Foods and "Healthy Eating" Claims

Statements and claim(s) made in advertising, which associate a **group of foods** with one or more of the NRC/CGHE/CFGHE, and/or make references to "healthy eating", "healthy diet", "healthy choice" or any synonymous terms with the word "health/healthily" should satisfy **all** requirements outlined in the "General Principles" **except that**:

The nutrition labelling core list (i.e., energy as Calories and kilojoules, protein, fat and carbohydrate), and the linking statement relating the food group to the recommended pattern of eating described in *Canada's Guideline for Healthy Eating, Canada's Food Guide to Healthy Eating, and the Nutrition Recommendations for Canadians* **will not** be required, provided that:

- (i) the foods are identified generically **as the entire food group**, i.e., "**grain products**", "**vegetables and fruit**", "**milk products**" and "**meat & alternatives**"; and
- (ii) the statement or claim does not refer directly or indirectly to a specific food(s), e.g., a statement such as "**Choose leaner meats as part of a healthy diet**", but showing only beef, would be considered as an indirect reference to beef.

Examples of claims eligible for the above-noted exemptions:

- "One of Canada's Guidelines for Healthy Eating suggests: 'Emphasize cereals, breads, other grain products, vegetables and fruits'.";
- "Choose leaner meats - one part of healthy eating.";
- "Milk products are part of a healthy diet.";
- "Vegetables and fruit contribute to a healthy diet.";
- "Grain products contribute to healthy eating."

(2) Specific Foods and "Healthy Eating" Claims

Advertising claims associating **specific food(s)** with one or more of CGHE, NRC, CFGHE, and/or make reference to "healthy eating", "healthy diet", "healthy choice" or synonymous terms (e.g., "**beef can contribute to a healthy diet**", should satisfy **all** requirements outlined in the "General Principles." However, the nutrition labelling core list may be provided **elsewhere** than in the advertisement in which the claim(s) appear, as follows:

(a) Broadcast Advertisements:

Where the claim is made in broadcast **advertisements**, the nutrition labelling core list is to be provided in the advertisement, **or** by one of the following means:

- (i) via a telephone number given in the advertisement, i.e., a 1-800 number or other appropriate number, depending on the reach of the advertisement, **or**
- (ii) in printed material (e.g., brochures), provided that the material is free of charge and is readily available to consumers at the point-of-purchase (where possible, next to the food(s) advertised) or if not possible, it may be provided elsewhere in the store and customers notified of availability next to the food.

Note: Evidence of availability of printed material may be required as a condition for approval of broadcast advertisements. Availability requirements will depend on the reach of the advertisement. If the scope is national, the supporting print material should be available across Canada in a substantial number of retail establishments.

(b) Printed Advertisements:

Where the claim is made in printed advertisements appearing in newspapers, magazines, brochures, coupons and other mass circulation materials, the nutrition labelling core list is to be provided in the advertisement.

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(c) Retail Advertisements:

Where the claim is made in an advertisement appearing in a retail outlet (e.g., shelf-talker or store flyer), the nutrition labelling core list is to appear in the printed advertisement itself, or is to be made easily available to consumers beside the food (e.g., in the form of a video, brochure, poster or other printed material). Alternatively, the material may be provided elsewhere in the store **and** consumers notified, in close proximity to the claim, of its availability.

It should be noted that the retailer is responsible for ensuring that the "General Principles" and any other requirements or policies prescribed under the authority of the *Food and Drugs Act and Regulations* are met. This also applies when entering into partnership agreement with organizations providing health information programs at retail.

(d) Restaurant Advertisements:

If an advertisement appears in a restaurant (e.g., on the menu), the nutrition labelling core list is to appear in the printed advertisement itself or it may appear in other tabletop printed material, such as tabletop tents. It may also be provided via material, such as posters or brochures located elsewhere in the restaurant in a prominent manner **and** consumers notified, in close proximity to the claim, of its availability.

It should be noted that the restaurateur is responsible for ensuring that the "General Principles" and any other requirements or policies prescribed under the authority of the *Food and Drugs Act and Regulations* are met. This also applies when entering into partnership agreement with organizations providing health information programs in a restaurant.

General Note: For **specific food(s)** involving **specific** nutritional claim(s):

Current requirements for nutrition claims under the *Food and Drug Regulations* will continue to apply. A claim for a nutrient would require the declaration of the amount of the nutrient claimed per serving of stated size to be given in the advertisement or on the label of a food if the claim is made in the advertisement; if the claim is made on the label, the information must be provided on the label. This condition applies whether or not a healthy eating claim is made. For example, "**Strawberries are an excellent source of vitamin C.**" - vitamin C is declared as a percentage of the Recommended Daily Intake per serving; "**Cod is low in fat.**" - fat content is provided in grams per serving.

Implementation and Evaluation

This policy is effective immediately. The application of the policy will continue to be monitored and evaluated to ascertain the effectiveness of the various vehicles for presenting the required nutrition labelling information. Organizations are encouraged to conduct surveys to assist in this evaluation process.

Nutrition Recommendations...A Call for Action, Health Canada, 1989, includes *Canada's Guidelines for Healthy Eating* and *Nutrition Recommendations for Canadians* and "Key Findings." It is available on request from:

Publications
Health Canada
Postal Locator 0913A
Ottawa, Ontario, K1A 0K9

18 December 1995

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Annex 5 – Policy Respecting the Use of Heart Symbols and Heart Health Claims on Food Labels and in Food Advertisements

Background

Historically, representations such as the use of **"heart" symbols** and statements such as **"heart healthy"** on food labels or in advertising have been considered likely to offend the *Food and Drugs Act* because they can be potentially misleading under subsection 5(1) and/or may represent the product as a preventative for heart disease [subsection 3(1)].

As a result of the work of the Ad Hoc Intersectoral Committee on Health Information Programs Involving the Sale of Foods and on the Use of Nutrition Recommendations in Food Labelling and Advertising, policies were issued on March 1, 1991 under the title **"Guidelines for Health Information Programs Involving the Sale of Foods"** (Guideline #6, Food Directorate, Health Protection Branch, Health Canada) (see Section VII, Annex 6, of this Guide).

One of the policies contained in this document addressed label and advertising claims relating to disease prevention. This policy statement reiterated the government's commitment to upholding section 3 of the *Food and Drugs Act*, confirmed that the practice of relating a specific food product to disease prevention is prohibited under section 3 of the Act and described several situations in which the food industry could deliver information on disease prevention without offending section 3. The document did not, however, specifically address the issue of the use of **"heart" symbols** and **"heart health"** claims in food labelling and advertising.

The following policy is intended to further clarify the position concerning the use of **"heart" symbols** and **"heart health"** claims, and complements the more general policies of the aforementioned Ad Hoc Intersectoral Committee on Health Information Programs.

Scope

The policy will apply to the use of **"heart" symbols** and **"heart health"** statements or claims on food labels and food advertisements.

Policy

1. Heart Symbols

- (1) Representations which state, suggest or imply that a particular food is nutritionally superior to or healthier than other foods are considered misleading, since one's entire food intake, not a single part of it, is the critical variable in determining the nutritional adequacy of the diet and its contribution to reducing risk for chronic disease. Accordingly, the use of heart symbols in food labelling or advertising (including the "hearting" of restaurant menu items), may create an erroneous impression regarding the merit or value of the food by suggesting that consumption of the specific food or menu selection will, by itself, provide health as it relates to the heart and cardiovascular system. As the use of these

symbols in this manner is considered to constitute a potential violation of subsection 5(1) of the *Food and Drugs Act*, they should not be used.

- (2) A heart symbol which appears in the logo/word mark of, or is used in conjunction with, the name of a non-governmental health organization, or a health information program of a health organization, **may** be acceptable on a food label or in a food advertisement on condition that: (a) no impression is given that the food may help prevent heart disease, and (b) the appearance of the health organization's name or logo itself satisfies the conditions outlined in the "**Policy on the Use of Third-Party Endorsements, Logos and Seals of Approval**" (see Guideline #6).
- (3) No objection will be taken to heart symbols used in a manner traditionally-recognized as indicating affection or endearment, e.g., heart shapes on the label of Valentine candies.

2. "Heart Healthy", "Heart Healthy (Naming the Food)" or "Heart Healthy Choice" Statements or Claims

As in the case of heart symbols, the use of the term "**heart healthy**" to describe a food or food choice in food labelling and advertising, may create an erroneous impression regarding the merit or value of the food, by suggesting that it will, by itself, provide heart health. As such terms are considered to constitute a potential violation of subsection 5(1) of the *Food and Drugs Act*, they should not be used.

3. "Heart Healthy Eating" or "Heart Healthy Diet"

The use of the terms "**heart healthy eating**" or "**heart healthy diet**" on the labels and/or in the advertisements for specific foods (e.g., "**choose X-brand margarine for your heart healthy diet**") may give an erroneous impression about the merit or value of the subject food(s). Objection is taken to the use of these terms in association with individual foods for the following reasons:

- (1) the consumer may incorrectly conclude that the food itself is "good for the heart" or that it has particular usefulness in providing heart health;
- (2) health authorities agree that a single pattern of healthy eating should be recommended to the public to meet the needs for essential nutrients while minimizing risk for chronic disease. The term "**heart healthy diet**" suggests and promotes the concept of disease- or organ-specific patterns of eating; this is considered confusing and potentially misleading to the public;
- (3) a healthy diet may help reduce the risk of cardiovascular disease, but it is only one factor in the multiple etiology of the disease. Promotion of a "heart healthy" diet to the exclusion of other lifestyle factors in the labelling and advertising of a food, may give an erroneous impression of the impact of both the diet and that food on heart health.

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4. Misleading Words or Phrases Employing the Term "Heart"

- (1) Objection is taken to the use of terms employing the word **"heart"**, such as **"heart beat"**, **"whole hearted"** and **"heart smart"** to describe individual foods, menu selections or patterns of eating, where the use of such terms or phrases suggests or implies that the food or diet is **"heart healthy"**.
- (2) Terms employing the word **"heart"** may be acceptable as part of the name of an information program of a health organization provided the program is identified as such, e.g., **"the Heart Smart program is a public education program of the Heart and Stroke Foundation of Canada"**.

Implementation

Steps should be taken by food manufacturers, importers and marketers to ensure the correction of domestic and imported product labels, advertisements and menus now bearing heart symbols and heart health statements or claims in contravention of this policy.

In this regard, the removal or correction (i.e., over-stickering) of existing heart symbols as per item #1 and label or menu claims as per items #2, 3 and 4 will be expected within six months from the date of this policy or at the time of next label or menu printing, whichever occurs first. The subject symbols and claims should not be used on new labels, menus or advertisements produced subsequent to the date of this policy.

In the case of the "Heart Smart" Restaurant Program of the Heart and Stroke Foundation of Canada, a new program is currently being introduced which is in keeping with this policy. Restaurants are being informed of the changes by the provincial Heart and Stroke Foundations, and no additional corrective action is required at this time.

Food Directorate
Health Protection Branch
Health Canada

Food Division
Consumer Products Branch
Consumer and Corporate Affairs Canada*
October 9, 1992

* Consumer and Corporate Affairs ceased to exist as of June 25, 1993. Its responsibilities respecting food labelling and advertising were transferred to the Food Division, Food Production and Inspection Branch of Agriculture and Agri-Food Canada (as of April 1, 1997, Food Division, Canadian Food Inspection Agency).

Annex 6 – Guidelines for Health Information Programs Involving the Sale of Foods
(Guideline No. 6, issued by the Food Directorate, Health Protection Branch, Health Canada,
March 1995)

Introduction

Health Canada recognizes the importance of health information programs undertaken at the point of purchase. A major component of many of these programs is a nutrition education strategy involving food labelling and advertising in retail food outlets and restaurants. It is at this point that health information activities interface with the federal statutes which regulate commercial interests selling food.

Under the *Food and Drugs Act and Regulations*, the legal status of these retail and restaurant programs is as follows: point-of-purchase information about food products is considered to be either labelling or advertising. The person selling the food, in this case the retailer or restaurateur, is responsible for the propriety of the information provided about the food they are selling and in particular for ensuring that it is in compliance with the relevant provisions of the *Food and Drugs Act and Regulations*⁽¹⁾ and the *Consumer Packaging and Labelling Act*⁽²⁾. The Guide for Food Manufacturers and Advertisers⁽³⁾, provides comprehensive information about the application of these statutes and contains guidelines pertaining to claims. The Guidelines on Nutrition Labelling⁽⁴⁾ set out a uniform system of nutrition labelling to be used in Canada.

Purpose

To provide guidance for health information programs involving the sale of food undertaken in retail food outlets and restaurants, regarding compliance with the *Food and Drugs Act and Regulations*.

Relevant Definitions and Sections of the *Food and Drugs Act*

"Advertising" - includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal of any food, drug, cosmetic or device. (Section 2, The Act)

"Drug" - includes any substance or mixture of substances manufactured, sold or represented for use in a) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in human beings or animals, b) restoring, correcting or modifying organic functions in human beings or animals. (Section 2, The Act)

"Food" - includes any article manufactured, sold or represented for use as food or drink for human beings, chewing gum and any ingredient that may be mixed with food for any purpose whatever. (Section 2, The Act)

"Label" - includes any legend, word or mark attached to, included in, belonging to or accompanying any food, drug, cosmetic or device. (Section 2, The Act)

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Subsection 3(1) - "No person shall advertise any food, drug, cosmetic or device to the general public as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states mentioned in Schedule A".

Subsection 3(2) - "No person shall sell any food, drug, cosmetic or device (a) that is represented by label, or (b) that the person advertises to the general public as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states referred to in Schedule A".

Schedule A lists 40 diseases, including cancer, diabetes, heart disease, hypertension, kidney disease, and obesity.

Subsection 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".

Subsection 5(2) - "An article of food that is not labelled or packaged as required by, or is labelled or packaged contrary to, the regulations shall be deemed to be labelled or packaged contrary to subsection 5(1)".

Claims for the Nutritional Characteristics of Foods

Claims for the nutritional characteristics of foods include claims for energy, fat, saturated fat, cholesterol, sodium, dietary fibre, vitamins and minerals. These claims are controlled in a general way under subsection 5(1) of the Act. In addition, specific regulatory requirements have been set out in the *Food and Drug Regulations* and guidelines on claims are contained in Section VI of the Guide to Food Labelling and Advertising. Those provisions of most interest to health information programs follow. Regulations are identified as (R) and guidelines as (G).

I. Fat

When a statement or claim is made about the fat content of a food, the total fat content must be declared in grams per serving. The criteria for specific claims are as follows:

"low fat/low in fat" (R)

- The food may not contain more than 3 g fat/serving and 0.15 g fat/g dry matter.

"lean"

- In the case of meat, fish, poultry, the food should contain not more than 10% fat (G) except lean ground meat which may contain up to 17% fat.

Comparative Claims (G)

"lower in fat.../less fat than..."

- The foods compared should be similar.
- The compared foods should be identified and the amount of the difference in fat content given, e.g. one third lower in fat than food X.
- There should be a difference of at least 25 per cent in the fat content and a significant difference in the amount per serving

Statements such as "trimmed", "with the fat cut off", "made with skim milk" etc. would not require a declaration of the fat content.

II. Fatty Acids and Cholesterol

When a statement or claim is made for polyunsaturates, monounsaturates, saturates or cholesterol in a food, all four components must be declared in grams per serving except for cholesterol which is declared in milligrams per serving, along with the total fat content. Criteria for specific claims are as follows:

"low in saturated fatty acids/low saturates" (R)

- The food may not contain more than 2 g saturated fatty acids per serving and not provide more than 15 percent of energy from saturated fatty acids.

"low cholesterol" (R)

- The food may not contain more than 20 mg cholesterol both per serving and per 100 g. It must also be low in saturated fatty acids as defined above.

"cholesterol free" (R)

- The food may not contain more than 3 mg cholesterol per 100 g and must also be low in saturated fatty acids as defined above.

"source of polyunsaturates" (G)

- The food should contain not less than 2 g polyunsaturates per serving.

Note: Fatty acid declarations on foods containing partially hydrogenated fats will not "add up" to the total fat content because of the presence of "trans" isomers formed during the hydrogenation process. Only the "cis" isomers of monounsaturated and polyunsaturated fatty acids are to be declared.

III. Salt and Sodium

When a statement or claim is made about the sodium content of a food, the amounts of both sodium and potassium must be declared in milligrams per serving. A claim for the salt content

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of a food is considered to be a claim for its sodium content. Criteria for specific claims are as follows:

"low sodium" (R)

- Food must have a 50 percent reduction in sodium content, contain not more than 40 mg sodium per 100 g of the food (except cheddar cheese, not more than 50 mg sodium per 100 g and meat, fish and poultry, not more than 80 mg per 100 g) and may not contain added sodium salts e.g. sodium citrate.
- The energy value, protein, fat and carbohydrate content and the sodium and potassium content per serving must be given on the label.

Comparative Claims (G)

"reduced sodium.../less salt than... /lower in salt than..."

- The foods compared should be similar.
- The foods compared should be identified and the amount of the difference in sodium content given.
- There should be a difference in the sodium content of at least 25 per cent and a significant difference in the amount per serving.

IV. Energy

Some of the more common statements or claims regarding the energy value of a food are covered by regulations or guidelines. When a statement or claim is made about the energy value of a food, the energy value must be declared in both Calories and kilojoules per serving. Criteria for specific claims are as follows:

"low calorie" (R)

- The food must have at least a 50 percent reduction in energy value and may not contain more than 15 Calories per serving.
- The energy value, protein, fat and carbohydrate content per serving must be given on the label.

"calorie-reduced" (R)

- The food must have at least a 50 per cent reduction in energy value.
- The energy value, protein, fat and carbohydrate content per serving must be given on the label.

Comparative Claims (G)

"lower in Calories than.../one third less Calories..."

- The foods compared should be similar.
- The foods compared should be identified and the amount of difference in energy value given.
- There should be a difference in the average energy value of at least 25 per cent and a significant difference in the number of Calories (kJ) per serving.

V. Light/Lite (G)

The term "light/lite" is frequently used to describe the nutritional attributes of a food. When used, it should be accompanied by qualifying information which describes in what way the food is considered to be light. In addition, a food described as light should be either "low" or reduced in energy or in a nutrient, and meet the criteria for either "low" or for comparative claims.

For example, if food X, containing 33 1/3% less fat, is described as "light X", the label should go on to say "one third lower in fat than our regular food X".

There are other common uses for the term "light/lite". These may include references to colour, alcohol, texture and flavour.

VI. Dietary Fibre (G)

When a statement or claim is made about the dietary fibre content of the food, the dietary fibre content of the food must be declared in grams per serving. Criteria for specific claims are as follows:

"source of"

- The food should contain at least 2 g dietary fibre per serving.

"high source of"

- The food should contain at least 4 g dietary fibre per serving.

"very high source"

- The food should contain at least 6 g dietary fibre per serving.

VII. Vitamins and Minerals

When a statement or claim is made for vitamins or minerals, the amount of the vitamin or mineral in the food must be declared as a percentage of the "Recommended Daily Intake" per

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serving (except in the case of sodium and potassium). No claims are permitted for vitamins and minerals for which there are no "Recommended Daily Intakes" (RDI), for example, biotin and copper. Criteria for specific claims are as follows:

"contains/source of" (R)

- The food must contain at least 5% of the RDI per serving.

"high source of/good source of" (G)

- The food should contain at least 15% of the RDI per serving (at least 30% for vitamin C).

"very high source of/excellent source of" (G)

- The food should contain at least 25% of the RDI per serving (at least 50% for vitamin C).

General Requirements for the Declaration of Nutrient Content (R)

When a statement or claim is made for the nutritional characteristics of a food, the amount of the specific nutrient(s) that is the subject of the claim must be declared in specified units per serving of stated size (as sold), e.g., the statement, "a low fat food", would trigger a declaration of "x g fat per xx g/ml serving".

Placement of Required Information

The legal status of various in-store vehicles for presenting information will vary depending upon the nature of the information and whether it promotes the sale of foods (proximity to foods, etc.). Posters and shelf markers in grocery stores are generally considered advertisements, but if placed next to a food and the food is not packaged (i.e. does not already have a label), these may be considered as labels. Menus, shopping bags, brochures and other materials may be classed as advertisements.

When a claim is made on the label, the required declaration is to appear on the label. If the claim appears in an advertisement, the declaration must appear in the advertisement if it is not on the label (R). Therefore, a nutrient declaration would be required on a shelf label, poster, table-top tent or menu, to support claims if there is no food label. These nutrient declarations may take the form of a list of the foods included in the claim with the content of the nutrient claimed for each; e.g. foods designated as "low fat" could be listed in a column with the fat content in g per serving of each on the shelf label or in a sheet attached to the menu etc. or could be included in brochures that are always and prominently available in the restaurant or store.

Compliance

The seller is responsible for the accuracy of food labels and advertisements. The quantities declared should be accurate for the food as sold.

In the case of a prepackaged food, the manufacturer is responsible for the accuracy of the information presented on the label. The seller, however, is responsible for any advertising or shelf-labelling material developed for that food.

Disease Prevention Claims

"Drug-type" Claims

Claims that a food will restore, correct or modify organic functions and claims that a food will prevent or treat or mitigate a disease or disorder or abnormal physical state or its symptoms are deemed to bring the food within the definition of a drug, by virtue of the definition of a drug (see page 2).

Section 3 / Schedule A

Section 3 of the *Food and Drugs Act* (see page 2, subsections 3(1) and 3(2)) protects the public against injury to health by self-diagnosis and treatment with foods that are advertised as treatments, preventatives or cures for diseases that are listed in Schedule A. It is important to note that Section 3 is not limited to false or misleading advertisements; it prohibits advertisements that are true where a specific product is linked to a disease set out in Schedule A.

This means that a statement such as "a diet low in saturated fat may reduce the risk of heart disease", is permissible only if no linkage is made to a specific product being offered for sale. If this message is positioned on a food label or in a product-specific advertisement, it is deemed to offend either subsection 3(1) or 3(2).

Under this law, relating a food product to the prevention of a disease listed in Schedule A is forbidden.

The application of Section 3 to a number of general fact situations has been examined. It has been concluded that the following do not appear to offend Section 3:

- 1) messages which are non-product specific, describing the role of diet in disease prevention with corporate identification (e.g. public service announcements);
- 2) books and educational material* which describe the role of diet in disease prevention with corporate sponsorship or corporate brand sponsorship providing that such is not deemed to be an advertisement for the food product;
- 3) dietary guidelines/recommendations on food labels and in advertising which are endorsed** by a nongovernmental health agency but which do not mention disease prevention, treatment or cure.

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* For information regarding the distinction between advertising and educational material, see Policy - Educational Material Versus Advertising Material of the Department of Consumer and Corporate Affairs in Appendix I.

** See Policy on the Use of Third-Party Endorsements, Logos and Seals of Approval of the Department of Consumer and Corporate Affairs in Appendix II.

General Principles for Labelling and Advertising Claims that Relate to the Nutrition Recommendations and Canada's Food Guide to Healthy Eating

These general principles relate to:

- The use of nutrition recommendations/dietary guidelines in food labelling and advertising; and
- Any claim which states that a food has one or more characteristics which make it a suitable part of a pattern of healthy eating.

Policy Goals:

- To encourage the food production, manufacturing, retail and food service industries to participate in delivering messages describing the pattern of healthy eating contained in the publication *Nutrition Recommendations... A Call for Action** and *Canada's Food Guide to Healthy Eating*.
- To encourage the delivery of a consistent message.
- To avoid misleading and confusing information being conveyed to consumers in the marketing of foods.
- To enable consumers to make informed choices of foods for healthy eating.

Background:

Diet plays an important role in maintaining the health of the population and reducing the risk of nutrition-related diseases. In the past, consumer confusion resulted from differing nutrition messages. A positive development is the agreement of many sectors that there is one healthy eating pattern for all rather than several different diets.

The Review of *Nutrition Recommendations* provides the best wisdom we have today on the relationship of diet to health. The publication *Nutrition Recommendations...A Call for Action* incorporates the key findings of the Scientific Review Committee's Report *Nutrition Recommendations*, as well as *Canada's Guidelines for Healthy Eating*. The desired characteristics of the Canadian diet that it outlines are those considered most important for health.

Canada's Guidelines for Healthy Eating were developed as the principal messages to be communicated to healthy Canadians. They reflect changes in current dietary practices thought to be most important to allow Canadians to consume a diet as outlined by the *Nutrition Recommendations for Canadians*.

Canada's Food Guide to Healthy Eating takes *Canada's Guidelines for Healthy Eating* one step further. It describes a pattern of eating based on a total diet approach which provides guidance

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on the selection of all foods. *The Food Guide* portrays examples of foods which are part of the four food groups.

Influencing dietary change requires an aggressive and prolonged communication and educational process and considerable financial resources. Many sectors have a role to play in delivering the nutrition message. The challenge requires intersectoral cooperation and a coordination of effort. Food labels and advertising can play an important role in support of a broader nutrition education initiative. Provision of nutrition information at the point of choice in grocery stores and restaurants has the potential to improve food choices and promote health in large segments of the population.

Policies, programs, and promotions to the consumer should support these dietary guidelines. Health Agencies and Professional Associations may adopt the official *Nutrition Recommendations for Canadians* and *Canada's Guidelines for Healthy Eating* as their own and use them in labelling and advertising. Guidelines or messages that are in conflict or that would cause confusion should not be promoted.

These general principles are designed to enable the food industry to provide consumers with meaningful and truthful information which supports a consistent pattern of healthy eating.

* *Nutrition Recommendations...A Call for Action*, Health and Welfare Canada, 1989, is available on request from Publications, Health Canada, Postal Locator 0913A, Ottawa, Ontario, K1A 0K9. *Nutrition Recommendations ... A Call For Action* includes *Canada's Guidelines For Healthy Eating* (Appendix III) and *Nutrition Recommendations For Canadians* and "Key Findings" (Appendix IV).

General Principles for Claims that Relate to Nutrition Recommendations, Canada's Guidelines for Healthy Eating and Canada's Food Guide to Healthy Eating

1. The use of a variety of differing dietary guidelines and food guides is confusing and potentially misleading to the consumer. Only messages describing the pattern of eating, contained in *Nutrition Recommendations... A Call for Action* and *Canada's Food Guide to Healthy Eating* should be used.

Nutrition Recommendations and Canada's Guidelines for Healthy Eating

2. The messages contained in *Canada's Guidelines for Healthy Eating* are the principal messages to be communicated.
3. *Canada's Guidelines For Healthy Eating* and *Nutrition Recommendations for Canadians* both describe a consistent pattern of eating. Flexibility in the wording of messages on labels and in advertisements is acceptable, provided the messages remain faithful to the recommended pattern of eating.
4. Not all statements in *Canada's Guidelines for Healthy Eating* and *Nutrition Recommendations for Canadians* must be used. When only part of the recommended pattern of eating is referred to, the statement should indicate that it is one component of the recommended pattern of eating.
5. Any statement or claim about "healthy eating" or a "healthy diet" is considered to be a statement or claim about the recommended pattern of eating described in *Nutrition Recommendations...A Call for Action*.
6. A food should not be described as healthy or be represented in a manner that implies that the food in and of itself is healthy.
7. When a food is described as part of "healthy eating" or a "healthy diet" or as a "healthy choice" on the label or in an advertisement, the label should carry a statement relating the food to the recommended pattern of eating described in *Nutrition Recommendations...A Call for Action*. In the case of an advertisement, if the statement is not provided on the label, it should be provided in the advertisement. When only part of the pattern of eating is used, it should be positioned as one component as described in point 4.
8. When a label or an advertisement for a food carries a statement or claim about *Canada's Guidelines for Healthy Eating*, *Nutrition Recommendations for Canadians*, "healthy eating", "healthy diet" or "healthy choice" the label should provide consumers with the nutrition labelling core list (energy value, protein, fat, and carbohydrate). In the case of an advertisement, if the information is not provided on the label, it should be provided in the advertisement.
9. Statements or claims made in advertisements associating a food group with *Canada's Guidelines for Healthy Eating*, *Nutrition Recommendations for Canadians*, "healthy

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eating" or "healthy diet" would not require nutrition labelling or the statement called for in paragraph 7, provided that the group is identified as the entire food group, i.e. "Grain Products", "Vegetables and Fruit", "Milk Products" and "Meat and Alternatives".

Canada's Food Guide To Healthy Eating

10. References to "*Canada's Food Guide to Healthy Eating*" should use the official title. Once the official title has been used, use of a shorter version, "*The Food Guide*", is acceptable.
11. Except as noted in paragraph 12, flexibility in the wording of messages on labels and in advertisements is acceptable, provided the messages remain faithful to the recommended pattern of eating.
12. When "*Canada's Food Guide to Healthy Eating*" is quoted, only the Food Group names that appear in the *Food Guide* should be used, namely "Grain Products" "Vegetables and Fruit", "Milk Products", "Meat and Alternatives". For example: "*Canada's Food Guide to Healthy Eating* recommends that we eat 5 to 12 servings daily of Grain Products including bread".
13. When food group names are used without specifically referring to "*Canada's Food Guide to Healthy Eating*", the wording should remain faithful to the intent of the food group name. For example: "Enjoy 5 to 10 fruits and vegetables daily".
14. Comparisons between *Canada's Food Guide (1982)* and *Canada's Food Guide to Healthy Eating (1992)* are not encouraged. If comparisons are made, they should clearly reflect the different basis of each food guide (e.g. 1982, a foundation diet; 1992, a total diet).
15. No comparison should be made between foods from different food groups or between a food from a food group and a food from the "Other Foods" category.
16. A food should not be described as "healthy" or be represented in a manner that implies that the food in and of itself is healthy.
17. When a food is associated with *Canada's Food Guide to Healthy Eating* on the label or in an advertisement, the label should carry a statement relating the food to:
 - a) one or more directional statements in *Canada's Food Guide to Healthy Eating* (see Appendix V), and/or
 - b) the recommended number of servings in *Canada's Food Guide to Healthy Eating*.

In the case of an advertisement, if the information is not provided on the label, it should be in the advertisement.

18. When only part of a directional statement in *Canada's Food Guide to Healthy Eating* is used, the fact that it is only part of the statement should be indicated. For example: "Within Grain Products, choosing enriched products more often is one of the recommendations of *Canada's Food Guide To Healthy Eating*."
19. When foods in the "Other Foods" category are associated with *Canada's Food Guide to Healthy Eating*, the statement should include the concept of moderation.
20. When a label or an advertisement for a food carries a statement or claim about *Canada's Food Guide to Healthy Eating*, the label should provide consumers with the nutrition labelling core list (energy value, protein, fat, and carbohydrate). In the case of an advertisement, if the information is not provided on the label, it should be provided in the advertisement.
21. Statements or claims made in advertisements associating a food group with *Canada's Food Guide to Healthy Eating* would not require nutrition labelling or the statement called for in paragraph 17 provided that the group is identified as the entire food group, "Grain Products", "Vegetables and Fruit", "Milk Products" and "Meat and Alternatives".

Note: These General Principles do not supersede the regulations and guidelines contained in the *Food and Drug Regulations* and the Guide for Food Manufacturers and Advertisers, pertaining to statements and claims about nutrients in foods.

Reproduction of Canada's Food Guide to Healthy Eating

To encourage the reproduction of *Canada's Food Guide to Healthy Eating*, the following note was added to the notice of copyright: "No changes permitted. Reprint permission not required". This means that *Canada's Food Guide to Healthy Eating* may be reproduced in its entirety (both sides) without permission. For any deviation, prior permission in writing is required.

Send reproduction requests to:

Publishing Unit
Communications Directorate
Health Canada
12th floor, (0912D)
Brooke Claxton Building
Tunney's Pasture
Ottawa, Ontario
K1A 0K9

Tel (613) 957-2970
Fax (613) 952-7266

December 1, 1993

GUIDE TO FOOD LABELLING AND ADVERTISING

References

1. Food and Drugs Act and Regulations
Supply and Services Canada
Publishing Centre
Hull, Quebec
K1A 0S9
2. Consumer Packaging and Labelling Act
Merchandise Standards Division
Consumer Products Branch
Industry Canada
3. Guide for Food Manufacturers and Advertisers
Consumer Products Branch
Consumer and Corporate Affairs Canada
Revised Edition, 1988
4. Guidelines on Nutrition Labelling
Food Directorate
Health Protection Branch
Health and Welfare Canada
November 1989

Policy - Educational Material versus Advertising Material

Introduction

There is a need for a guideline to assist food manufacturers, advertisers, retailers and restaurateurs in distinguishing between "advertising" and "educational/informational materials" and thereby facilitate compliance with the *Food and Drugs Act*. This distinction is a key element of the second principle described under item IV, Clarification of Applicability of subsections 3(1) and 3(2), contained in the Health and Welfare Canada document "Guidelines for Health Information Programs Involving the Sale of Foods".

Background

(1) The definition of "advertisement" contained in the *Food and Drugs Act* is all inclusive as follows: "advertisement includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal of any food, drug, cosmetic or device". For this reason, it is recognized that distinguishing between product promotional or advertising material(s) and material(s) intended only to educate/inform consumers can be difficult.

(2) Historically, it has been the administrative practice of Consumer and Corporate Affairs Canada and Health and Welfare Canada to consider certain materials produced or sponsored by the food industry as primarily "educational" rather than as "advertisements". For example, some materials have not been treated strictly as advertisements for the purposes of the Act and Regulations because of their restricted distribution and/or target group. These include materials requested in writing from manufacturers, factual materials designed for, and distributed in, the classroom and materials designed for, and distributed to, health professionals. In addition, subsections 3(1) and 3(2) of the Act and certain regulations (e.g. Part D - vitamins and minerals) refer to "advertising to the general public" and thus exclude advertising to health professionals.

(3) Conversely, the aforementioned materials when displayed in close proximity to the subject products at point-of-sale, have been considered advertising. This principle has served as an important control of nutrition fad advertising and irresponsible claims for food supplements and similar products.

Scope

This policy applies to printed and broadcast materials produced, sponsored or distributed by persons advertising or selling food, including manufacturers, retailers, restaurateurs, producer organizations and advertisers, with or without, the collaboration of health associations.

Goal

GUIDE TO FOOD LABELLING AND ADVERTISING

To clarify the definition of "educational/informational material" as distinguished from "advertising" which would be applicable for the purpose of enforcing the *Food and Drugs Act and Regulations*, and in particular subsections 3(1) and 5(1) of the Act.

Guidelines

Given the broad scope of the definition for advertising, it will be necessary to evaluate each item of printed material and material intended for broadcast on a case-by-case basis. It is acknowledged that some material could be designed both for educational purposes and for promoting the sale of a food. In general, for the purposes of the *Food and Drugs Act and Regulations*, to qualify as "educational/informational material(s)" as distinguished from product advertising or promotional material the following conditions should be satisfied:

1. Content

- a) The material should be obviously designed for the purpose of informing consumers rather than promoting the sale of a product, i.e. the material is a statement or presentation of fact without commercialization, giving relevant facts and points of view, not just those that favour the sponsor; and
- b) While the sponsor may be identified, the content should be generic in nature and should not mention product brand names, other than in the sponsorship statement which should not be given undue prominence; and
- c) If the material focuses on a class of foods, such as breads, meat or poultry, or a food group, such as fruits and vegetables, the class/group of foods should be presented in the context of the pattern of healthy eating contained in the "Nutrition Recommendations ... A Call for Action".

2. Distribution

- a) Materials qualifying as educational/informational, as per items 1 a), b) and c), will usually be considered advertising if displayed at point-of-sale with, or in close proximity to, the foods being referenced therein.

Note 1: Although dependent on specific circumstances, materials displayed away from the subject foods, i.e. the front of a store or restaurant, will be unlikely to violate this principle.

Note 2: There would be, of course, no objection to placing advertising materials at point-of-sale next to subject foods, as long as they are not misleading, do not refer to the prevention of disease, are consistent with the "General Principles for Labelling and Advertising Claims that Relate to the Nutrition Recommendations" and meet the requirements of the *Food and Drugs Act and Regulations*.

- b) If educational/informational material is produced solely by an organization which does not sell food (e.g. a health-related organization, producer group, marketing board), the retailer, restaurateur, etc. who has placed or displayed the material in close proximity to the foods referenced therein may be deemed responsible for its use as advertising.

Example:

Company X, which manufactures product Y, may choose to publish a brochure designed to inform consumers as to the role of the diet in disease prevention.

The class of foods to which Y belongs may be the main focus, but the food group/class is presented in the context of Canada's Guidelines for Healthy Eating.

Company X may identify its corporate brand of product Y on the cover of the brochure; however, no mention may be made therein of product Y or other products or brands it manufactures or distributes.

The brochure may not be displayed at point-of-sale in close proximity to either product Y or to the class of products to which Y belongs.

* Consumer and Corporate Affairs Canada ceased to exist as of June 25, 1993. Its responsibilities respecting food labelling and advertising were transferred to the Food Division, Food Production and Inspection Branch of Agriculture and Agri-Food Canada (as of April 1, 1997, Food Division, Canadian Food Inspection Agency).

GUIDE TO FOOD LABELLING AND ADVERTISING

Consumer Products Branch
Consumer and Corporate Affairs Canada*
1990

Appendix II

Policy on the Use of Third-Party Endorsements, Logos and Seals of Approval

Introduction

Consumer and Corporate Affairs Canada (CCAC) recognizes the need for collaboration among government, industry and non-government organizations in nutrition and health information programs and the desirability of providing useful information on labels and in advertising by manufacturers and third parties. It is, however, CCAC policy (as stated in Section 4.1.8 of the Guide to Food Labelling and Advertising) that logos, seals of approval and professional endorsements on food labels or in food advertisements should be used with caution to ensure that consumers are not misled as to the merits of the product involved.

Endorsements by private organizations could contravene subsections 3(1) and/or 5(1) of the Food and Drugs Act. Endorsements which state, suggest or imply that a single food or brand of food is "nutritionally superior" to, or "healthier" than, other foods are considered misleading, since health is imparted by the total diet rather than by individual foods. An endorsement which suggests that a food may prevent a Schedule A disease is false and is specifically prohibited.

Background

1. Increasing numbers of foods sold in retail outlets, in restaurants and food service establishments bear third party endorsements which imply nutrition or health-related benefits.
2. In view of the growing trend by manufacturers, retailers, restaurateurs and advertisers to enter into joint arrangements with health agencies and related organizations for the purposes of product promotion, there is concern that the proliferation of logos and seals of approval may lead to consumer confusion and, additionally, that the consumer is unable to judge the merit of the endorsing organizations. The criteria for describing foods in labelling and advertising have been established by regulations and guidelines. The development of alternative systems for describing foods may weaken the fabric of the regulatory base necessary for consumer protection. In this context, a clear policy is needed.

Policy Goal

To describe the conditions under which the name, statement, seal of approval, symbol, logo or other proprietary mark of a third party, suggestive of nutrition and/or health benefits, may be used on the label of, or in an advertisement for a food in a manner which will avoid misleading consumers.

1. **Scope**

- 1.1 This policy applies to the use of third party endorsements suggestive of a single food's or brand's nutrition and/or health-related benefits on food labels or in food advertisements including those in retail outlets, restaurants and food service establishments. The policy does not apply to logos, etc. of organizations providing health and nutrition information for groups or classes of foods in retail outlets, restaurants and food service establishments.
- 1.2 This policy does not apply to the use of the gluten-free symbol of the Canadian Celiac Association** or the food choice values of the Canadian Diabetes Association. These are intended only to provide information about a food's composition for consumers with celiac disease and diabetes respectively. These symbols are presented in such a way that only persons with celiac disease or diabetes recognize the symbols and are unlikely to be perceived by the general public as being endorsed by a health organization. Consideration may be given to additional exceptions on a case-by-case basis.

2. Definition

Third party endorsement means the approval or sanction of a food by any health professional or health organization or any individual or group represented as such.

3. General Principles

- (a) The appearance of the name, statement, logo, symbol, seal of approval or other proprietary mark of a third party organization, on the label of or in an advertisement for a food, may be perceived by consumers as an endorsement of that food by the organization involved.
- (b) Third party endorsements can be misleading or deceptive because a food bearing the endorsement on its label or in its advertisement can be perceived by consumers as being superior in terms of health, safety and/or nutrition to other foods not bearing the endorsement.

4. Conditions for Use of the Name, Statement, Logo, Symbol, Seal of Approval or Other Proprietary Mark of a Third Party

To minimize the potential for misrepresentation in the use of the name, statement, logo, symbol, seal of approval or other proprietary mark of a third party on a food label or in a food advertisement:

- (a) The name, statement, logo, symbol, seal of approval or other proprietary mark of a third party should not be used in a manner which implies that the food is, in and of itself, healthy; is superior in terms of health, safety and/or nutrition to any food not bearing the name, etc. of the third party; or is a treatment, preventative or cure for disease, **and**
- (b) One of the following conditions should be satisfied:

GUIDE TO FOOD LABELLING AND ADVERTISING

- (i) the reason for the appearance of the name, statement, logo, etc. of a third party, such as involvement in joint education programs, should be clearly explained. Where the use of the name, statement, logo, etc. of a third party involves financial support or sponsorship, this fact is to be declared, e.g. "Company X provides financial support to/is a sponsor of/the Nutrition Week Campaign of Organization Y"; or
- (ii) it should be clearly indicated that the name, statement, logo, etc. of the third party does not constitute an endorsement of the food; or
- (iii) the name of the third party, with or without its logo, symbol, seal of approval or other proprietary mark, should appear in conjunction with its nutrition recommendations/ dietary guidelines or those endorsed by it. Such food labels or advertisements should provide the nutrition labelling core list (energy value, protein, fat and carbohydrate).

* Consumer and Corporate Affairs Canada ceased to exist as of June 25, 1993. Its responsibilities respecting food labelling and advertising were transferred to the Food Division, Food Production and Inspection Branch of Agriculture and Agri-Food Canada (as of April 1, 1997, Food Division, Canadian Food Inspection Agency).

** See Section 7.15.7 for requirements triggered by "gluten-free" claims or logos.

Canada's Guidelines for Healthy Eating 1991

- Enjoy a VARIETY of foods.
- Emphasize cereals, breads, other grain products, vegetables and fruits.
- Choose lower-fat dairy products, leaner meats and foods prepared with little or no fat.
- Achieve and maintain a healthy body weight by enjoying regular physical activity and healthy eating.
- Limit salt, alcohol and caffeine.

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Appendix IV

Nutrition Recommendations For Canadians

The Canadian diet should provide energy consistent with the maintenance of body weight within the recommended range.

The Canadian diet should include essential nutrients in amounts recommended.

The Canadian diet should include no more than 30% of energy as fat (33 g/1000 kCal or 39 g/5000 kJ) and no more than 10% as saturated fat (11 g/1000 kcal or 13 g/5000 kJ).

The Canadian diet should provide 55% of energy as carbohydrate (138 g/1000 kcal or 165 g/5000 kJ) from a variety of sources.

The sodium content of the Canadian diet should be reduced.

The Canadian diet should include no more than 5% of total energy as alcohol, or two drinks daily, whichever is less.

The Canadian diet should contain no more caffeine than the equivalent of four regular cups of coffee per day.

Community water supplies containing less than 1 mg/litre should be fluoridated to that level.

"Key Findings"

(Nutrition Recommendations... A Call For Action. Health and Welfare Canada, 1989, Pages 4-6)

The Canadian diet should provide energy consistent with the maintenance of body weight within the recommended range. Physical activity should be appropriate to circumstances and capabilities. Both longevity and the incidence of a number of chronic diseases are associated adversely with body weights above or below the recommended range. There is, thus, a health benefit to controlling weight, but a possible downside to control by energy intake alone. Physical activity should also play a role. While the importance of maintaining some activity throughout life can be stressed, it is not possible to specify a level of physical activity appropriate for the whole population. As a general guideline it is desirable that adults, for as long as possible, maintain an activity level that permits an energy intake of at least 1800 kcal or 7.6 MJ/day while keeping weight within the recommended range.

The Canadian diet should include essential nutrients in amounts recommended. One of the reasons for including physical activity as a desirable element in weight control is the increasing difficulty in meeting the recommended nutrient intake (RNI) as energy intake falls below 1800 kcal or 7.6 MJ/day. While it is important that the diet provide the recommended amounts of nutrients, it should be understood that no evidence was found that intakes in excess of the RNIs confer any health benefit. There is no general need for supplements except for vitamin D for

infants and folic acid during pregnancy. Vitamin D supplementation might be required for elderly persons not exposed to the sun, and iron for pregnant women with low iron stores. It should be noted that while the habitual intake of certain nutrients, for example, protein and vitamin C, greatly exceeds the RNI, there is no reason to suggest that present intakes can be reduced.

The Canadian diet should include no more than 30% of energy as fat (33 g/1000 kcal or 39 g/5000 kJ) and no more than 10% as saturated fat (11 g/1000 kcal or 13 g/5000 kJ). Diets high in fat have been associated with a high incidence of heart disease and certain types of cancer and a reduction in total fat intake is an important way to reduce the intake of saturated fat. The evidence linking saturated fat intake with elevated blood cholesterol and the risk of heart disease is among the most persuasive of all diet/disease relationships and was an important factor in establishing the recommended dietary pattern. Dietary cholesterol, though not as influential in affecting levels of blood cholesterol, is not without importance. A reduction in cholesterol intake normally will accompany a reduction in total fat and saturated fat. The recommendation to reduce total fat intake does not apply to children under the age of two years.

The Canadian diet should provide 55% of energy as carbohydrate (138 g/1000 kcal or 165 g/5000 kJ) from a variety of sources. Sources selected should provide complex carbohydrates, a variety of dietary fibre and β -carotene. Carbohydrate is the preferred replacement for fat as a source of energy since protein intake already exceeds requirements. There are a number of reasons why the increased carbohydrate Calories should be in the form of complex carbohydrates. Diets high in complex carbohydrates have been associated with a lower incidence of heart disease and cancer, and are sources of dietary fibre and of β -carotene.

The sodium content of the Canadian diet should be reduced. The present food supply provides sodium in an amount greatly exceeding requirements. While there is insufficient evidence to support a quantitative recommendation, potential benefit would be expected from a reduction in current sodium intake. Consumers are encouraged to reduce the use of salt (sodium chloride) in cooking and at the table, but individual efforts will be relatively ineffective unless the food industry makes a determined effort to reduce the sodium content of processed and prepared food. A diet rich in fruits and vegetables will ensure an adequate intake of potassium.

The Canadian diet should include no more than 5% of total energy as alcohol, or two drinks daily, whichever is less. There are many reasons to limit the use of alcohol. From the nutritional point of view, alcohol dilutes the nutrient density of the diet and can undermine the consumption of RNIs. The deleterious influence of alcohol on blood pressure provides more urgent reason for moderation. During pregnancy it is prudent to abstain from alcoholic beverages because a safe intake is not known with certainty.

The Canadian diet should contain no more caffeine than the equivalent of four regular cups of coffee per day. This is a prudent measure in view of the increased risk for cardiovascular disease associated with high intakes of caffeine.

Community water supplies containing less than 1 mg/litre should be fluoridated to that level. Fluoridation of community water supplies has proven to be a safe, effective and economical method of improving dental health.

GUIDE TO FOOD LABELLING AND ADVERTISING

Appendix V

**Directional Statements
Canada's Food Guide To Healthy Eating**

- Enjoy a variety of foods from each food group every day. Choose lower fat foods more often.
- Choose whole grain and enriched products more often.
- Choose dark green and orange vegetables and orange fruit more often.
- Choose lower-fat milk products more often.
- Choose leaner meats, poultry and fish, as well as dried peas, beans and lentils more often.
- Taste and enjoyment can also come from other foods and beverages that are not part of the 4 food groups. Some of these foods are higher in fat or Calories, so use these foods in moderation.