

LEGISLATIVE REQUIREMENTS

Currently, there are no regulations specific to wine kits. However, the Food and Drug Act and Regulations and the Consumer Packaging and Labelling Act and Regulations require that the list of ingredients and net quantity declarations on the labels of food offered for sale to consumers be true, not misleading or deceptive.

LEGISLATIVE REFERENCE

The *Food and Drugs Act* and the *Consumer Packaging and Labelling Act*

The *Food and Drugs Act* prohibits the labelling, packaging, treating, processing, selling or advertising of any food (at all levels of trade) in a manner that would mislead or deceive consumers as to the character, value, quantity, composition, merit or safety of the product. As well, it prohibits health claims that might suggest that a food is a treatment, preventative or cure for specified diseases or health conditions. It also requires bilingual labelling.

The *Food and Drug Regulations* prescribe the labelling of all prepackaged foods, including requirements for ingredient labelling, durable life dates, nutrient content claims, mandatory nutrients declarations and foods for special dietary needs.

The *Consumer Packaging and Labelling Act* provides for a uniform method of labelling and packaging of consumer goods (products sold at retail). It prevents fraud and deception by providing for factual label information from which consumers can make an informed choice. It also requires the use of metric units of measurement and bilingual labelling.

The following excerpts from the *Food and Drugs Act* and *Consumer Packaging and Labelling Act* are important in regard to food advertising and labelling. There are also other references to these regulations throughout this Guide. (See: <http://www.cfia-acia.agr.ca/english/ppc/label/2-home.html>)

- "Advertise means to make any representation to the public by any means whatever, other than a label, for the purpose of promoting directly or indirectly the sale of a product" (*Consumer Packaging and Labelling Act*).
- "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, *Food and Drugs Act*).
- A "label includes any legend, word or mark attached to, included in, belonging to or accompanying any food, drug, cosmetic, device or package" (section 2, *Food and Drugs Act*). "Label" means any label, mark, sign, device, imprint, stamp, brand, ticket or tag (section 2, *Consumer Packaging and Labelling Act*).
- "Sell includes offer for sale, expose for sale, have in possession for sale and distribute, whether or not the distribution is made for consideration" (section 2, *Food and Drugs Act*).
- "Sell includes:
 - (a) offer for sale, expose for sale and have in possession for sale, and
 - (b) display in such manner as to lead to a reasonable belief that the substance or product so displayed in intended for sale" (section 2, *Consumer Packaging and Labelling Act*).
- "No person shall label, package, treat, process, sell or advertise any food in a manner that is false, misleading deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety" (subsection 5(1), *Food and Drugs Act*).
- "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 (1)" (subsection 5(2), *Food and Drugs Act*).
- "No dealer shall apply to any prepackaged product or sell, import into Canada or advertise any prepackaged product that has applied to it a label that contains any false or misleading representation relating to or that may reasonably be regarded as relating to that product" (subsection 7(1), *Consumer Packaging and Labelling Act*).
- "No dealer shall, in advertising any prepackaged product, make any representation as to net quantity except

Guide to Food Labelling Requirements: Section II - Basic Labelling Requirements

The following information is from the Guide to Food Labelling requirements
reference: <http://www.cfia-acia.agr.ca/english/ppc/label/2-0-0.html>

2.1 Definitions

A "**prepackaged product**" means any food that is contained in a package in the manner in which it is ordinarily sold to, used by or purchased by, a consumer or by a commercial enterprise, without being repackaged.

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

2.2 General Labelling Requirements [FDA 5(1)], [FDA A.01.016], [FDR B.01.008], [CPLA 14]

All of the information on food labels must be true, and not misleading or deceptive, and the required information must be:

- easily read and clearly and prominently displayed (with a minimum type height of 1.6 mm [1/16 inch], based on the lowercase letter "o", unless otherwise specified);
- on any panel except the bottom, except for the information required to appear on the principal display panel.

2.3 Foods Requiring a Label [FDR B.01.003], [CPLA 4]

All prepackaged products require a label **with the following exceptions:**

- one-bite confections, such as a candy or a stick of chewing gum, sold individually;
- fresh fruits or vegetables packaged in a wrapper or confining band of less than 1/2 inch (12.7 mm);

Note: Clerk-served foods which are packaged at the time of sale are not considered to be prepackaged foods and are therefore exempt from having a label.

2.4 Bilingual Requirements [FDR B.01.012, B.01.054], [CPLR 6]

All **mandatory** information on food labels must be shown in both official languages, i.e., French and English, with the following exception:

- the **identity and principal place of business** of the person by or for whom the prepackaged product was manufactured, processed, produced or packaged for resale, may be in either English or French.

In addition, **all information** on the labels of the following may be in one official language only:

- **shipping containers** that are not offered for sale to consumers;
- **local products** sold in a local area in which one of the official languages is the mother tongue of less than 10 percent of the residents;
- official **test market products** (see Test Market Foods, Section 2.14);
- **specialty foods**, as defined by the *Food and Drug Regulations*;

The province of Quebec has additional requirements concerning the use of French language on all products marketed within its jurisdiction. Information on these requirements can be obtained from:

Ministere de l'Agriculture, des Pecheries et de l'Alimentation du Quebec

200-A Chemin Sainte-Foy

Quebec (Quebec) G1R 4X6

Tel. (418) 643-2500

Fax (418) 644-3049

2.5 Common Name [FDR B.01.001, B.01.006], [CPLA 10]

The **common name** of a food is:

- the name prescribed by the *FDR*, e.g., "orange juice from concentrate", "60% whole wheat bread", "milk chocolate", "mayonnaise"; etc. **or**
- the name prescribed by any other federal regulation, e.g., mixed vegetables, breakfast sausage, etc.; **or**
- if not prescribed by regulation, the name by which the food is commonly known, e.g., orange drink, vanilla cookies, chocolate cake, etc.

When a prescribed common name for a food is used, the product must conform to the compositional standard established for the food by the applicable regulation.

The common name must be shown on the **principal display panel** of the food label (i.e., main panel) in **both French and English**, with a minimum type height of 1.6 mm (1/16 inch), based on the lowercase letter "o". The common name should not be misleading, i.e.:

- it should not incorporate words not justified by the composition of the food;
- it should not improperly suggest a place of origin;
- it should not resemble, directly or phonetically, the name of another product for which it is an imitation or substitute.

2.5.1 Abbreviations

Abbreviations, including initials, should not be used if they lead to deception. Generally, the *Food and Drug Regulations* and the *Consumer Packaging and Labelling Regulations* do not permit the use of abbreviations to provide mandatory labelling information except where specified in the regulations or policies.

2.6 Net Quantity [CPLR 14, 18], [*Weights and Measures Act and Regulations*]

Prepackaged products must have a net quantity declaration **with the following exceptions**:

- prepackaged individual servings of food prepared by a commissary and sold in automatic vending machines or mobile canteens;

- prepackaged individual portions of food that are served by a restaurant, airline, etc. with meals or snacks;
- certain products (called catchweight products) which vary in size (e.g., turkeys, meat cuts, etc.) **sold to a retailer** by a manufacturer.

The *CPLA* and *CPLR* require net quantity declarations on labels of foods packaged for consumers, and prescribe how the declaration must appear. The *Weights and Measures Act and Regulations* require a declaration of net quantity for foods **that have not been prepackaged for retail sale** (i.e., those foods not covered by the *CPLA*).

A **minimum type height** of 1.6 mm, based on the lowercase letter "o", is required for all information in the net quantity declaration, **except for the numerals** which are to be shown in bold face type and in the size shown in the following table.

2.6.1 Minimum Type Height for Net Quantity [CPLR 14]

Area of principal display surface		Minimum type height of numerals	
square centimetres	square inches	millimetres	inches
<i>less than or equal to 32</i>	<i>less than or equal to 5</i>	1.6	1/16
<i>greater than 32 to less than or equal to 258</i>	<i>greater than 5 to less than or equal to 40</i>	3.2	1/8
<i>greater than 258 to less than or equal to 645</i>	<i>greater than 40 to less than or equal to 100</i>	6.4	1/4
<i>greater than 645 to less than or equal to 2580</i>	<i>greater than 100 to less than or equal to 400</i>	9.5	3/8
<i>greater than 2580</i>	<i>greater than 400</i>	12.7	1/2

The **net quantity** must be declared in metric units on the **principal display panel** on consumer packages in **both French and English**. The following metric symbols are considered to be **bilingual**, (and should not be followed by a period):

g - for grams

kg - for kilograms

ml, mL or m/ - for millilitres

l, L or / - for litres

The net quantity must be indicated:

by volume, for liquids; e.g., millilitres, or litres (for amounts over 1000 ml)

by weight, for solids; e.g., grams, or kilograms (for amounts over 1000 g)

by count, for certain foods such as candied apples, etc.

The net quantity must be **rounded** to three figures, unless the net quantity is below 100, when it may be rounded to two figures,

e.g., 453.59 becomes 454

85.6 becomes 86

6.43 becomes 6.4

2.6.2 Canadian Units of Measure [CPLR 17]

Although **Canadian** (previously named "**Imperial**") units of measure are not required on labels, they are permitted to be used in addition to the required metric units. When the net quantity is shown in both metric units and Canadian units, the two must be grouped together on labels with no intervening material.

The Canadian units "**fluid ounces**" and "**ounces**" are not interchangeable terms. For example, fluids such as juices and soft drinks must always be described as "fluid ounces" rather than "ounces". The following conversions may be used:

1 fl oz Canadian = 28.413 ml

1 oz = 28.350 g

2.6.3 Canadian versus U.S. Measure

U.S. (American) units of measure may also be used on labels provided an appropriate and accurate metric net quantity is declared. The U.S. fluid ounce is slightly larger than the Canadian fluid ounce and, if shown, does not need to be identified as "U.S.". The following conversion factors may be used:

1 fl oz U.S. = 1.041 fl oz Canadian = 29.574 ml

U.S. fluid measures, other than the U.S. fluid ounce, are smaller than Canadian measures and must be identified as "U.S." on the label. Non-metric declarations, e.g., fluid ounces, pounds, quarts, etc., if shown, may be in English or French.

2.7 Name and Address [FDR B.01.007], [CPLA 10], [CPLR 31]

The **name and address** of the responsible party by or for whom a prepackaged product is manufactured or produced, must be declared on any label panel except the bottom, in a **minimum type height** of 1.6 mm (1/16 inch) based on the lowercase letter "o", in **either French or English**. The address must be **complete enough** for postal purposes.

When a product packaged for sale to consumers has been wholly produced or manufactured outside of Canada, and the label carries the name and address of a Canadian dealer, the terms "**imported by/importée par**" or "**imported for/importé pour**" must precede this address, unless the geographic origin of the product is placed immediately adjacent to the Canadian name and address.

2.8 List of Ingredients [FDR B.01.008, B.01.010]

Prepackaged multi-ingredient foods require an **ingredient list, with the following exceptions:**

- prepackaged products packed from bulk at retail, except for mixed nuts;
- prepackaged individual portions of food served with meals or snacks by a restaurant, airline, etc. (e.g., coffee creamers, ketchup, etc.);

- prepackaged individual servings of food prepared by commissaries and sold in mobile canteens or vending machines;
- prepackaged meat, poultry and poultry meat by-products barbecued, roasted or broiled on the retail premises;
- standardized alcoholic beverages and vinegars.

In general, ingredients must be listed in **descending order of proportion** by weight in the food. The exceptions are spices, seasonings and herbs (except salt), natural and artificial flavours, flavour enhancers, food additives, and vitamin and mineral nutrients and their derivatives or salts, which may be shown at the end of the ingredient list in any order. The ingredient list must be shown in both **English and French**.

2.8.1 Ingredient Common Names

- **Ingredients** and their **components (ingredients of ingredients)** must be declared by their common names in the list of ingredients on a food label (see Mandatory Common Names of Ingredients and Components, Annex 1).
- Certain foods and classes of foods, when used as ingredients, may be listed by collective or class names (see Collective or Class Names for Ingredients, Annex 2).
- When preparations of vitamins, mineral nutrients, food additives or flavour enhancers are added to foods, they must be shown in the list of ingredients by the common name of the **active ingredient(s)** present, e.g., vitamin A palmitate. Yeast preparations may be declared as "yeast".

2.8.2 Component Declarations

Components (ingredients of ingredients) must be declared either:

- in parentheses following the ingredient name in descending order of proportion by weight in the ingredient; **or**
- in descending order of proportion by weight in the finished food, without listing the ingredient itself.

Many foods, when used as **ingredients** in other foods, are exempt from a declaration of their **components** (see Ingredients Exempt from Component Declaration, Annex 3).

Certain **food preparations and mixtures**, including flavours and seasonings, when used as ingredients, are exempt from a declaration of **most** of their **components** (see Component Declarations, Annex 4.a). The components which, if present, **must be declared as if they were ingredients** (see Component Declarations, Annex 4.b and 4.c), include any components which perform a function in, or have an effect on the final food, e.g., flavour enhancers.

2.8.3 Declaration of Processing Aids (*Amended 31/01/97*)

Processing aids are substances/ingredients which are added to a food for a technological effect during processing and which are not present in the finished food product or are present at insignificant or non-functional levels.

The following substances/ingredients which are added to a food during processing for a "processing aid" function are not considered food ingredients, and are not required to be declared

Substances or Ingredients Currently Exempt From Labelling

1. Hydrogen for hydrogenation purposes (currently exempt under B.01.008)
2. Cleansers and sanitizers
3. Headspace flushing gases and packaging gases
4. Contact freezing and cooling agents
5. Washing and peeling agents
6. Clarifying or filtering agents used in the processing of fruit juice, oil, vinegar, beer, wine and cider (The latter three categories of standardized alcoholic beverages are currently exempt from ingredient listing.)
7. Catalysts that are essential to the manufacturing process and without which, the final food product would not exist, e.g. nickel, copper, etc.
8. Ion exchange resins, membranes and molecular sieves that are involved in physical separation and that are not incorporated into the food
9. Desiccating agents or oxygen scavengers that are not incorporated into the food
10. Water treatment chemicals for steam production

Note: A regulatory exemption for the labelling of food additives/ingredients which function as processing aids, but leave a residue in the food has been proposed in the Agriculture and Agri-Food Canada Regulatory Review Consultation Document, Project 21, March 1996. Comments on this proposal are still under review.

2.9 Artificial Flavours [CPLR 34]

When an **artificial flavour** (e.g., artificial apple flavour) is added to a food, whether alone or with natural flavouring agents, and a vignette on a food label suggests the natural flavour source (e.g., picture of an apple), information that the added flavouring ingredient is **imitation, artificial or simulated** must appear on or adjacent to the vignette in **both French and English** (see Vignettes, Section 4.1.5.2). This regulation applies to foods packaged for sale to consumers. The information must be in at least the same type height as that required for the numerals in the net quantity (see Minimum Type Height for Net Quantity, Section 2.6.1).

2.10 Durable Life Date [FDR B.01.007]

"Durable life" is the period, starting on the day a food is packaged for retail sale, that the food will retain its normal wholesomeness, palatability and nutritional value, when it is stored under conditions appropriate for that product.

A **durable life date ("best-before" date)** is required on prepackaged foods with a durable life of 90 days or less, **with the following exceptions:**

- prepackaged fresh fruits and vegetables;
- prepackaged individual portions of food served by restaurants, airlines, etc. with meals or

snacks;

- prepackaged individual servings of food prepared by a commissary and sold in automatic vending machines or mobile canteens;
- prepackaged donuts.

2.10.1 Foods Packaged at Other Than Retail

When a food packaged at other than retail has a durable life of 90 days or less, a "**best before**"/"**meilleur avant**" date, and **storage instructions** (if they differ from normal room storage conditions), must be declared in **both French and English** on any panel except the bottom. The date, however, may be placed on the bottom of the container, as long as a clear indication of its location is shown elsewhere on the label (B.01.005 (4), *FDR*).

The **bilingual symbols** for the months in the durable life date are as follows:

JA	for	JANUARY	JL	for	JULY
FE	for	FEBRUARY	AU	for	AUGUST
MR	for	MARCH	SE	for	SEPTEMBER
AL	for	APRIL	OC	for	OCTOBER
MA	for	MAY	NO	for	NOVEMBER
JN	for	JUNE	DE	for	DECEMBER

The durable life date must be given with the **year** first (if the year is required for clarity), followed by the month and then the day. An example of an acceptable declaration is as follows:

Best before
95 JN 28
Meilleur avant

2.10.2 Foods Packaged at Retail

Retail-packed foods with a durable life of 90 days or less may be labelled with either a durable life date and any necessary storage instruction, or a packaging date and accompanying durable life information, on the label or on a poster next to the food.

2.13 Labels of Shipping Containers [FDR B.01.012]

Labels of shipping containers such as those for commercial, industrial or institutional use, i.e., not for sale to consumers, are not required to be bilingual. Such products require a net quantity declaration under the *Weights and Measures Act* in **either metric or Canadian measure**. All other labelling information, as required by the *FDR*, must be provided as indicated in this document, including a list of ingredients.

CHWTA STANDARDS: LABELLING OF KITS DRAFT Sept 11, 2000
STANDARDS

- CHWTA to adopt the above sections of Section II: Basic Labelling Requirements.
- The name of the manufacturer (the company that produces the juice) must appear on label of the wine kit. This is consistent with the Basic Labelling Requirements (see section 2.7 Name and Address - FDR B.01.007)
- CHWTA trade mark names cannot be prepackaged in a retail store.
- Best before dates is optional for the manufacturers of wine kits.
- Under Good Management Practices, members are to identify their product by using the following order:
product code, manufacturer date, sequence
The members are to place these codes on either the bladder or box container or both if possible.
- Wine kits that are specifically made for the brew on premises in plain boxes must be properly labelled including the statement that they are “not for retail” or “to be made in a brew on premise facility.”
- The listing of sugar on as an ingredient could read “may contain sugar” provided that sugar is not being added by the manufacturer for every batch produced over a 12 month period.

ISSUE -- VARIETAL TYPE OR LISTING OF VARIETALS?