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## NUTRITION LABELLING AND CLAIMS REGULATIONS

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### FREQUENTLY ASKED QUESTIONS

SEPTEMBER 16, 2003

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#### A. NUTRITION LABELLING

##### 1) Implementation Date

i) **Question:** Must all labels printed after December 12, 2002 have the new nutrition labelling format, or can the old formats continue to be used until December 12, 2005?

**Answer:** The old format can be used until December 12, 2005 (or for small manufacturers until December 12, 2007). However, compliance with the new Nutrition Facts table becomes mandatory **immediately** when a label or advertisement displays **one or more of:**

the expression “nutrition facts”, “valeur nutritive” or “valeurs nutritives”;  
the health claims in Column 1 of the table following Section B.01.603;  
the nutrient content claims regarding % fat free, *trans* fatty acids, and omega fatty acids (Column 4 for items 15, 16, and 22 to 26 of the table following Section B.01.513) (Schedule L).

##### 2) Prohibitions, Exemptions and Voluntary Nutrition Labelling

###### a) Prepackaged foods

i) **Question:** Must all prepackaged foods carry a Nutrition Facts table?

**Answer:** A number of prepackaged foods that have specific nutrition labelling requirements under the *Food and Drug Regulations*, are **prohibited from carrying a Nutrition Facts table** and from using the phrase “Nutrition Facts”, “valeur nutritive”, or “valeurs nutritives”. They include: formulated liquid diets, human milk substitutes, foods represented as containing a human milk substitute, meal replacements, nutritional supplements and foods represented for use in very low energy diets [B.01.401(5)].

The manufacturer of foods used solely in the manufacture of other foods (B.01.404), and multiple-serving, ready-to-serve foods to be served by an institution, an industrial or

commercial enterprise (B.01.405) must provide the required nutrition information, but it **does not have to be in a Nutrition Facts table format.**

Finally, some foods are **exempted from carrying any nutrition information** [B.01.401(2)]. They include:

- Foods for which all mandatory nutrients may be expressed as "0" (e.g., spices);
- Beverages with an alcohol content of more than 0.5%;
- Fresh vegetables or fruits, with no added ingredients;
- Raw single ingredient meat, meat by-product, poultry or poultry meat by-product (but not if the meat or poultry is ground);
- Raw single ingredient marine or freshwater animal products;
- Foods sold at retail where the product is prepared and processed, unless it is made from a premix with only water added;
- Foods sold at a roadside stand, craft show, flea market, fair, farmers' market or sugar bush by the person who prepared and processed them;
- Individual servings of food sold for immediate consumption, such as salads and sandwiches, that have not been treated or packaged to extend their durable life;
- Foods sold at retail where the product is packaged, if the product is labelled with a sticker with an available display surface of less than 200 cm<sup>2</sup>;
- One bite confections;
- Prepackaged individual portions of food solely to be served with meals or snacks by a restaurant or other commercial enterprise;
- A variety of cow and goat milk products sold in refillable glass containers.

**ii) Question:** Are prepackaged fresh eggs exempt from nutrition labelling?

**Answer:** No, prepackaged fresh eggs are not exempt from nutrition labelling.

**iii) Question:** Why is there an exemption from nutrition labelling for foods made from a premix that are prepared and sold at retail, if an ingredient other than water is added to the premix [B.01.401(2)(b)(v)]?

**Answer:** This exemption was made in recognition of the difficulties associated with the accurate labelling of foods prepared with limited standardization and measures of control at the retail level.

**iv) Question:** When nutrition information is provided on a food that is consumer served from a bulk bin at retail, must the information be presented in the format specified?

**Answer:** Foods sold from bulk bins in retail stores are not considered to be “prepackaged” and are therefore exempt from most federal labelling requirements. However, nutrition information may be provided **voluntarily** for bulk foods. When it is, the nutrition labelling format specified in the Regulations must be used [B.01.401(3)(e)].

It should be noted that shipping containers of bulk product sold to the retailer must carry a Nutrition Facts table in the appropriate format (“prepackaged product” B.01.001).

**v) Question:** Why don't the mandatory nutrition labelling regulations apply to liquor (i.e., beer, spirits, etc.)?

**Answer:** The labeling of alcoholic beverages is a complex matter, with implications for trade, jurisdiction, health, etc. No plans are currently underway in Canada for requiring nutrition labelling on such products.

#### **b) Non-prepackaged foods**

**i) Question:** Are food service beverage portion cups (e.g., coffee cups) exempt from nutrition labelling?

**Answer:** Yes, because they are not considered to be “prepackaged” foods and are therefore exempt from labelling (B.01.001). However, sealed portion cups of juice and cartons of milk are prepackaged foods and must be fully labelled, including a Nutrition Facts table.

**ii) Question:** Are cheese and meat sold at a deli counter required to carry a Nutrition Facts table?

**Answer:** Packages of cheese and meat sold to a retailer for use at a deli counter must carry a Nutrition Facts table. If these products are cut and packaged prior to sale in the retail store, they also require a Nutrition Facts table [B.01.401(1)]. However, if they are cut and/or packaged at a customer's request, they are not regarded as prepackaged products and do not require nutrition labelling.

iii) **Question:** Is a dehydrated soup that is sold to a retail/grocery facility where it is rehydrated with water and then sold as an individual serving of food for immediate consumption (e.g., at a soup bar) required to have nutrition labelling?

**Answer:** The package of dehydrated soup sold to the retailer is a prepackaged product and requires a Nutrition Facts table. However, the individual serving of rehydrated soup sold to a customer **for immediate consumption** requires no labelling, whether it is preportioned or not [B.01.401(2)(b)(vii)].

#### c) Natural health products and drugs

i) **Question:** Is nutrition labelling required on a product that is registered as a drug or a supplement, such as a traditional herbal medicine?

**Answer:** No, the nutrition labelling regulations apply only to products meeting the definition of food under the Food and Drugs Act.

#### d) Ingredients for manufacturing other foods

i) **Question:** Are **ingredients for use in manufacturing other foods** exempt from nutrition labelling?

**Answer:** The nutrition information for a prepackaged product that is intended **solely for use as an ingredient in the manufacture of other products** by a commercial or industrial enterprise or institution (e.g., restaurant, cafeteria, hospital, or manufacturer, including a retail manufacturer) (B.01.404):

**must** provide all of the nutrition information required by B.01.401 and B.01.402;  
**may** provide additional information (B.01.402);  
**must** declare the nutrients in absolute amounts per gram or per 100 grams, or per millilitre or per 100 millilitres, depending on the net quantity of the product.

In addition:

the nutrition information **must** accompany each delivery of the product; either on the label, on a specification sheet, a work sheet, a bill, etc.;

information on serving of stated size and percentages of daily values are optional;

the numeric quantity of the nutrients **must not** be rounded;

the nutrition information is **not** required to appear in a Nutrition Facts table format.

**e) Multi-serving ready-to-serve foods**

**i) Question:** Are **multi-serving ready-to-serve foods**, intended for commercial enterprises or institutions, exempt from nutrition labelling?

**Answer:** The nutrition information for a prepackaged product that is a **multiple-serving ready-to-serve food**, that is intended **solely** to be served in a commercial or industrial enterprise or institution (e.g., hospital, restaurant, cafeteria) (B.01.405):

**must** provide all of the required information outlined in B.01.401 and B.01.402;  
**may** provide additional information (B.01.402);  
is **not** required to appear in a Nutrition Facts table format.  
**must** accompany each delivery of the product either on the label, on a specification sheet, a work sheet, a bill, etc.

**f) Voluntary nutrition labeling**

**i) Question:** If a manufacturer chooses to provide nutrition labelling voluntarily on a food that is otherwise exempt, must the labelling regulations be followed?

**Answer:** Yes. Exempted foods may **voluntarily** provide the Nutrition Facts table, as long as all applicable nutrition labelling regulations are followed [B01.401(3)(e)].

**3) Serving Size and Reference Amounts**

**i) Question:** When a food such as cake or pizza is divided into pieces before consumption, how should the serving size be declared ?

**Answer:** The serving size used must be stated in a commonly used fraction followed by the corresponding metric weight, e.g.,  $\frac{1}{4}$  pizza (150 g).

**ii) Question:** When a food is sold as individual pieces (e.g., cookies, bagels), must both the number of pieces per serving and their metric measure be declared, e.g., 2 cookies (32 g)?

**Answer:** Yes, the number of pieces in a serving should be stated as the commonly used unit, so the example of 2 cookies (32 g) is fine (Table following B.01.401 item 1).

**iii) Question:** Does the serving size of ice cream have to be declared in both volume and weight?

**Answer:** No, the metric unit used for the serving size of a food, (except for pickles, olives and fruit for garnish or flavour, e.g., maraschino cherries), must be the same as the unit used to declare the net quantity of the food as offered for sale (B.01.002A).

Since ice cream is sold by volume, the serving size declaration must include a household measure followed by the volume in milliliters in brackets, e.g., ½ cup (125 ml). If a metric measure is used as the household measure (e.g., 125 ml), it does not have to be repeated in brackets.

**iv) Question:** Must the reference amount of a food, as identified in Schedule M in the Regulations, be used as the serving size?

**Answer:** No, the reference amount does not have to be used as the serving size. Serving sizes may be determined by the manufacturer, but it is recommended that they be chosen from within the ranges set out for the product category in the Canadian Food Inspection Agency's *Guide to Food Labelling and Advertising*. The ranges of the serving sizes listed in the Guide encompass the reference amount.

**v) Question:** Why were the reference amounts for snack foods and soft drinks increased?

**Answer:** One of the uses of the reference amounts established in the Regulations is to determine what constitutes a single serving container of a food [B.01.002A(2)]. Over the past few years there has been a noticeable increase in the size of single serving containers of snack foods and carbonated and non-carbonated beverages on the market. Based on nutrition labeling consultations, it was agreed that consumers need nutrition information based on the entire content of a package likely to be consumed as a single serving. With the growing concern about obesity, it is particularly important that consumers have clear information on the calorie content of the foods they consume. Therefore, to reflect the changes in the market place, the reference amounts were increased for snack foods from 30 g to 50 g and for carbonated and non-carbonated beverages from 250 ml to 355 ml.

#### 4) Calorie and Nutrient Declarations

##### a) Mandatory declaration of additional information

i) **Question:** When is a declaration of potassium required in the Nutrition Facts table?

**Answer:** A declaration of potassium in the Nutrition Facts table is required as follows:

if potassium is added as a mineral nutrient to a food, such as a fruit drink;  
when a nutrient content claim or health claim related to potassium is made;  
when any form of potassium salts, including additives, are added to a food and the label contains a claim for salt or sodium.

##### b) Units of declaration

i) **Question:** Can absolute amounts of vitamins and mineral nutrients be stated in the Nutrition Facts table? If not, where do the regulations say that they cannot?

**Answer:** On those foods requiring a Nutrition Facts table, vitamins and mineral nutrients must be expressed as a % Daily Value per serving of stated size within the Nutrition Facts table [B.01.401(1)]. However, amounts of vitamins and mineral nutrients can be stated elsewhere on the label, provided they are declared in the appropriate units as set out the Table I to Division 1 and Table I to Division 2 of Part D of the *Food and Drug Regulations* [B.01.301(1)(b)].

ii) **Question:** What is the Daily Value and why are nutrients now expressed in the % Daily Value?

**Answer:** The Daily Values comprise two sets of dietary standards: the reference standards for fat, saturated and trans fat, cholesterol, carbohydrate, fibre, sodium and potassium [B.01.001(2)] and Recommended Daily Intakes for vitamins and mineral nutrients (Part D of the *Food and Drug Regulations*, Table I to Division 1, and Table I to Division 2).

The % Daily Value shows the percent (or how much) of the reference Daily Value of a nutrient in the stated serving of food. By using the % Daily Value, consumers can tell if this amount is high or low. For example, by looking at a product with 2 mg of iron and 10 g of fat, per stated label serving and a % DV of about 15% for both nutrients consumers can tell that both values are relatively high.

**iii) Question:** Is there a minimum amount of *trans* fatty acid content needed to trigger a mandatory declaration in the Nutrition Facts table?

**Answer:** No, a declaration of *trans* fat must always appear in the Nutrition Facts table, even if it can be expressed as “0”. If a food meets the conditions for a simplified declaration and when the simplified format is used, *trans* fat may appear within the statement “not a significant source of (naming the omitted nutrients)” [B.01.401(6)].

**c) Rounding and calculations**

**i) Question:** If a product contains an un-rounded carbohydrate value of 0.483 g, is this value declared in the Nutrition Facts table as 0 or 1?

**Answer:** Since it is less than 0.5 g, it is declared as “0” (Table following B.01.401 Item 9 Column 4).

**ii) Question:** What are the rounding rules for a product with less than 2 servings per container?

**Answer:** Such products would be identified as a single serving, when the package contains less than 200% of the reference amount (if the reference amount is less than 100 g or 100 ml), or when it is less than 150% of the reference amount (if the reference amount is more than 100 g or 100 ml (B.01.002A). In all other cases the serving size would be rounded to 2. For example, a 284 ml can of peas containing 200 ml of drained peas may be labelled with a 125 ml serving size. Since the can contains more than 150% of the 125 ml reference amount, the number of servings in the can would be rounded to 2..

**d) Source of labelling values (database/laboratory)**

**i) Question:** Can manufacturers use databases to generate their Nutrition Facts information?

**Answer:** Manufacturers are responsible for ensuring the accuracy of the nutrient information on their product labels, and it is their choice how they determine the nutrient content. If a manufacturer chooses to use an ingredient database to calculate nutrient information, he should be assured of the accuracy of this information, and that it is representative of the company’s food products and food ingredients. In general, some analyses are recommended to verify the accuracy of the calculations resulting from the use of a database.



**ii) Question:** If products are imported from the US, is it necessary to have Canadian labs verify the nutritional content of the products?

**Answer:** No, as long as US manufacturers are aware of differences between Canadian and US requirements and supply the information on the basis of Canadian requirements.

**iii) Question:** What laboratories should be used for product analysis?

**Answer:** It is suggested that the laboratory or laboratories chosen are accredited by the Standards Council of Canada (<http://www.scc.ca>). The laboratory chosen should also be accredited for the particular analysis involved, and the methods used should be validated for the food matrix being tested. A guidance document for generating accurate nutrition labelling values is presently being developed by Health Canada.

## **5) Nutrition Facts Table Format**

### **a) Available display surface**

**i) Question:** The size of the Nutrition Facts table is dependent on the available display surface. What is meant by the available display surface?

**Answer:** The available display surface (ADS) is essentially the total surface area of a container, including the bottom, that is available for labelling. With an ornamental container it includes the total surface of the bottom, or of both sides of tag attached to the container. With a package that cannot be labelled, the ADS consists of both sides of a tag attached to it.

The ADS **does not include** the area of a package to which a label cannot be physically applied, or which the consumer is unable to view easily under customary conditions of purchase. It also does not include the area covered by the Universal Product Code, or any part of a package, other than a single serving container, that will be destroyed when the package is opened (B.01.001).

**ii) Question:** Are cellophane windows on boxes considered to be part of the available display surface?

**Answer:** Yes, cellophane windows are included, since they are potentially available for labelling (B.01.001).

**iii) Question:** Is an open window on a package (i.e., no cellophane) part of the available display surface?

**Answer:** No, since an open window is not available for labelling (B.01.001).

**iv) Question:** Are parts of a label that are destroyed upon opening, such as a tear strip or the neck label of a salad dressing jar, considered to be part of the available display surface?

**Answer:** Any part of the package that is destroyed upon opening, such as a tear strip or a label on a bottle that is torn when the bottle is opened, is not included in the ADS, **unless** the product is a single-serving package (i.e., the contents can reasonably be eaten by one person on a single occasion).

**v) Question:** Is the available display surface based on the current label size (e.g., the sticker on top of a tray of cookies, or a spot label on a bottle) or do you have to increase the label size if there is room on the container for a larger label?

**Answer:** The available display surface is based on the size of the package, not on the size of the current package label. If there is not enough room on the present label to display the required size of the Nutrition Facts table, based on the total available display surface of the package, a larger label will have to be made.

**vi) Question:** Can the date code area on a package be excluded from the available display surface?

**Answer:** No, the only areas that can be subtracted from the available display surface are the areas occupied by the Universal Product Code (UPC) and the area of a tear strip on packages that are not single-serving containers (B.01.001).

**vii) Question:** When calculating the available display surface for a carbonated soft drink bottle, would the cap be considered part of the calculation?

**Answer:** Yes, unless the label cannot be physically applied or the information cannot be legibly set out on the cap surface.

**viii) Question:** Why is the space required for ingredient listing not removed from the calculation of ADS since the listing is mandatory?

**Answer:** The requirement that no more than 15% of the available display surface of a food label needs to be used for the Nutrition Facts table was based on the manufacturer's need for adequate room for placing all of the other mandatory and the non-mandatory information on the label.

**b) Table size**

**i) Question:** Is there a minimum size for the Nutrition Facts table?

**Answer:** Yes, once an appropriate format type for the Nutrition Facts table has been selected, i.e. a standard (horizontal), simplified standard (horizontal) dual or aggregate formats (Tables to sections B.01.454 to B.01.459, and B.01.461 to .B.01.464), the minimum size will be the largest version of the selected format which does not exceed 15% of the available display surface, and that can be applied on a continuous display surface.

When none of the applicable format variations specified in the tables would fit within 15% of the available display surface, other options may be considered, including formats with reduced leading, the linear format, a simpler format type than the dual or aggregate formats and alternative methods of presentation such as the inner side of the label.

Nutrition labeling on packages with an available display surface less than 100 cm<sup>2</sup> is discussed under section 6 on small packages.

**ii) Question:** Is there a maximum size for the Nutrition Facts table?

**Answer:** No, the Nutrition Facts table can be larger than the minimum size specified in the Regulations, as long as all the characters are enlarged proportionally [B.01.450(3)(b)].

**c) Placement and orientation**

**i) Question:** A container has two equal surfaces suitable which are used as principal display panels (PDP). The side panels and ends are not large enough to accommodate the Nutrition Facts table. What options are there for placement of the table?

**Answer:** The Nutrition Facts table will have to be placed on either, or both of the large panels.

**ii) Question:** When can the inner side of the label be used to display Nutrition Facts?

**Answer:** The inner side of a label may be used for the Nutrition Facts table when **none** of the applicable format variations in the tables following sections B.01.454, B.01.455, B.01.461 or B.01.462, (namely standard and simplified formats both for adults and for children under two years of age), would fit in any orientation on a continuous display surface which occupies 15% or less of the available display surface of the package.

The dual and aggregate format cannot be used on the inner side of a label **except** for an assortment of foods that have different nutritional values and that are not intended to be eaten at the same time [B.01.457(2)(b)(iii), B.01.463(2)(b)(iii)].

If the Nutrition Facts table is placed on the inner side of the label, a statement regarding the location of the table (in not less than 8 point type), must be placed on the outer side of the label [B.01.466(2)].

**iii) Question:** Can the Nutrition Facts table be placed on the inside of the carton of prepackaged fresh eggs?

**Answer:** The Nutrition Facts table **may** be printed on the underside of the lid of the egg carton (pulp flat, foam flat, clear plastic), since the underside of the lid is considered as part of the available display surface when **any** information (e.g., nutritional, promotional or otherwise) is printed on it (B.01.001).

**iv) Question:** Can the Nutrition Facts table be placed on the bottom of a container?

**Answer:** Yes, **as long as** a label can be applied or printed on it **and** the contents of the package will not leak or be damaged if the package is turned over to view the table (B.01.001).

**v) Question:** What are some examples of products that might leak out or be damaged when a package is turned over?

**Answer:** Pies (e.g., fruit, lemon, custard), decorated cakes, some pre-packaged meats on foam trays covered with transparent film, cartons of milk, cream and juice.

**vi) Question:** Please clarify the meaning of B.01.452(3) Subsection (1) regarding the orientation of a Nutrition Facts table that is set out on the top or bottom of a prepackaged product.

**Answer:** When the Nutrition Facts table is displayed on either the top or the bottom of a package, it may be oriented in any manner without regard for any other information appearing on the label of the package.

**d) Bilingual requirements**

**i) Question:** Are shipping containers required to carry bilingual nutrition labelling?

**Answer:** The Nutrition Facts table on a shipping container destined to a commercial or industrial enterprise or institution can be in **English or French only**, provided that the shipping container and its contents are not resold as a one unit prepackaged product to a consumer at the retail level [B.01.012(11)].

**Note:** Quebec may have additional language requirements which can be accessed at <http://www.olf.gouv.qc.ca/>.

**e) Font and abbreviations**

**i) Question:** What is meant by 8 point type and 12 point leading? How is leading measured?

**Answer:** "Point" is a printer's unit of measurement, for both type size and line spacing, equal to 0.351 mm (1/72 inch). This definition is consistent with current norms in desktop publishing. So 8 point type measures 2.81 mm in height.

"Leading" (line spacing) is a measure from the baseline of the letters in one line of type to the baseline of the letters in the line of type above it. So 12 point leading measures 4.21 mm.

**ii) Question:** What font is allowed for use on the Nutrition Facts table?

**Answer:** The Regulations require that the characters in the Nutrition Facts table "be displayed in a single standard sans serif font that is not decorative" [B.01450(3)(a)], such as Helvetica, Arial and Universe. The use of serif and fancy type fonts is not permitted.

**iii) Question:** What abbreviations can be used in the Nutrition Facts table?

**Answer:** The following abbreviations are permitted (Table following B.01.401). Their use should be limited to those labels where the full words will not fit.

“Vit” for Vitamins  
“% DV” for % Daily Value \*  
“% VQ for % valeur quotidienne\*  
tsp for teaspoon: (English only)  
tbsp for tablespoon: (English only)  
c. à thé **or** cuil. à thé for cuillère à thé: (French only)  
c. à soupe **or** cuil. à soupe for cuillère à soupe (French only).

In addition the following metric symbols must be used in the Nutrition Facts table:

kJ for kilojoule  
mg for milligram  
g for gram  
mL or ml for millilitre

\* If this term is abbreviated in the subheading, it must be asterisked to a statement for the full term at the bottom of the table.

**iv) Question:** Is a bilingual version of the linear format allowed?

**Answer:** No. A bilingual linear format is not permitted because it greatly compromises legibility. However, to save space, both the French and the English information in the linear format may appear in a single “box”, with one language above the other (not mixed together) (See note to Figure 16.1 of Schedule L).

#### **f) Nutrient declarations in advertisements**

**i) Question:** Do advertisements for foods including point of sale information, web sites and recipe booklets need to provide nutrition information in any special format?

**Answer:** Food advertisements are never required to provide nutrient information in a Nutrition Facts table. However, if a nutrient content claim, a biological role claim or a health claim is made in an advertisement for a specific food, and the nutrition information required to support the claim is not on the food label, this information must be provided in the advertisement [B.01.312(1), B.01.503(1)©), B.01.601(1)(b)].

In addition, when the **manufacturer** makes the claim in an advertisement for a prepackaged food that would **otherwise be exempt** from nutrition labelling, the Nutrition Facts table must be provided **on the food label** [B.01.401(3)(e)(ii)].

## 6) Small Packages

i) **Question:** Is a Nutrition Facts table required on a small package with less than 100 cm<sup>2</sup> available display surface ?

**Answer:** No, unless:

the product contains an added vitamin or mineral nutrient [B.01.401(3)(a).

a vitamin or mineral nutrient is declared as a component of one of the ingredients, other than flour [B.01.401(3)(b)];

the product contains aspartame, sucralose or acesulfame-potassium [B.01.401(3)(c)];

the label or advertisement placed by the manufacturer refers to the energy value, core nutrients (table to B.01.401) or additional nutrients (table to B.01.402), or their constituents (except in a common name used in the ingredient list, and for information required by Division 12 on prepackaged water and ice) [B.01.401(3)(e)(i)].

the label or advertisement by the manufacturer contains a representation that expressly or implicitly indicates that the food has particular nutritional or health-related properties, including nutrient content claims (table following B.01.513), health claims (table following B.01.603), biological role claims (B.01.311), vitamin claims (D.01.006) and mineral claims (D.02.004) [B.01.401(3)(e)(ii)];

the label or advertisement by the manufacturer contains a health-related name, statement, logo, symbol, seal or approval or mark [B.01.401(3)(e)(iii)].

the label or advertisement by the manufacturer contains the phrase “nutrition facts”, “valeur nutritive” or “valeurs nutritives” [B.01.401(3)(e)(iv)].

ii) **Question:** What are the nutrition labelling requirements on a small package if a nutrient content claim such as “a good source of protein” is made on the label or in an advertisement?

**Answer:** When such a claim is made on the label or in an advertisement by the manufacturer, the Nutrition Facts table must be provided on a tag attached to the package, a package insert, the inner side of a label, a fold-out label, an outer sleeve, an over wrap or a collar.

If the Nutrition Facts table is placed on a package insert or on the inner side of the label, a statement regarding the location of the table must be placed on the outer side of the label [B.01.466(2)].

**iii) Question:** When there is no nutrition labelling on a package because the package is too small to accommodate it, where can the consumer obtain the information?

**Answer:** Consumers can obtain the nutrition information about the food from the manufacturer who is required to provide an indication on the label, in a type size not less than 8 point type, of how they may obtain the nutrition information. The manufacturer can provide either a toll free number or the company postal address [B.01.467(3)(b)]. A manufacturer may also provide a website address, but this cannot substitute for either the required toll free number or the postal code. The information must be provided in either official language as requested by the consumer.

## **7) Prepackaged Individual Portions of Food**

**i) Question:** Are single-serve portion pack products required to carry Nutrition Facts labelling?

**Answer:** Yes, unless they are solely intended to be served by a restaurant or other commercial enterprise as an accompaniment to meals or snacks (e.g., creamers, crackers, vinegar, etc.) [B.01.008(2)(b)]; or, if the container in which they are sold has an available display surface of less than 100 cm<sup>2</sup> and carries no nutrition claims, and there is no nutrient added to the product (B.01.467).

**ii) Question:** If a nutrient content claim is made on single serve portion pack product, is a Nutrition Facts table required?

**Answer:** Yes, unless the product is an individual package such as a creamer, crackers, etc. that is served by a restaurant or other commercial enterprise with meals or snacks [B.01.401(2)(c)(ii)].

**iii) Question:** Are there specific rules for stating the serving size for the nutrition labelling of single serving containers and when they must apply?

**Answer:** Yes, the serving size for nutrition labelling **must equal the net quantity** of the food in the package in the following three cases:

if the quantity of food can reasonably be consumed by one person at a single sitting [B.01.002A(2)]

if the reference amount of the food is less than 100 g or 100 ml, **and** the package contains less than 200% of that reference amount [B.01.002A(2)(b)].

If the reference amount is 100 g or 100 ml or more, and the package contains 150% or less of that reference amount [B.01.002A(2)(c)].



**iv) Question:** How must the serving size of **single-serve prepared foods** be declared?

**Answer:** The serving size must be given in both a commonly used unit as well as a metric measure. If the food is sold by weight, the metric portion of the serving size would be declared in grams; and if it is sold by volume the serving size would be in milliliters. The serving size of a prepared food, packaged in an amount that could reasonably be consumed by one person in a single meal, would be the net weight or volume the package contents, as sold. The commonly used unit would be the whole package, e.g., 1 package (225 g), 1 can (355 ml).

### **8) Foods with Little Nutritional Value (simplified format)**

**i) Question:** What is meant by “not a significant source of” nutrients?

**Answer:** For the purposes of nutrition labelling, an amount that can be described as “not a significant source of” is an amount of a nutrient that can be declared as “0” in the Nutrition Facts table, based on the specified rounding rules (Column 3 of the tables to B.01.401 and B.01.402).

### **9) Foods Requiring Preparation (dual format)**

**i) Question:** For products such as cake mixes and condensed cream soups, where the addition of ingredients such as milk, eggs, etc. is required to prepare the final product, is the use of the dual format mandatory?

**Answer:** The Regulations require a declaration of nutrition information for the product “as sold”. Information on foods “as prepared” is optional. Therefore the dual format is optional [B.01.406(5)].

It should be noted that the Regulations do not provide for the use of the dual format for foods for children under 2 years of age because there is a large variation in the preparation of foods, such as infant cereals which require different dilutions for different age groups [B.01.406(6)].

**ii) Question:** If you have a product that can be prepared in two or more ways with different ingredients for each, can three or more columns be provided using the dual format option?

**Answer:** The Regulations require nutrition information only on the food “as sold”. However, the nutrient content of a food prepared in different ways can be presented in additional columns using the dual format, but the headings of the columns should clearly indicate how the preparations differ.

### 10) Assortments of Different Foods (aggregate format)

**i) Question:** For a variety box of chocolates, can you average the nutrient composition of the chocolates and present this in a Nutrition Facts table?

**Answer:** The manufacturer may choose to use **one** of the following:  
a Nutrition Facts table based on a weighted average of all the chocolates in the assortment [B.01.406(4)];  
an aggregate table (i.e., a Nutrition Facts table with nutrient content information and % Daily Values in separate columns for each variety).

**ii) Question:** Does a package containing two or more separately packaged foods that each carries a Nutrition Facts table, require a Nutrition Facts table on the outer package?

**Answer:** Unless the Nutrition Facts tables on the individual packages are clearly visible through the outer package, the Nutrition Facts table is required on the outside of the prepackaged product (B.01.001 "available display surface").

**iii) Question:** For "variety pack" foods, the Regulations require an aggregate format if the nutrition information for each product is different. What format can be used if the nutrition information for each is the same?

**Answer:** When the foods in a variety pack have the same nutritional content, only one set of values is required and the standard, horizontal or linear format of the Nutrition Facts table can be used, depending on the available display surface of the package [B.01.406(3)(b)].

### 11) Foods Used in Different Amounts (dual or aggregate format)

**i) Question:** If you have foods that can be served in different amounts depending on their use, such as mini egg rolls, pizza rolls, and stuffed pastry, how can the Nutrition Facts table be presented?

**Answer:** The Regulations allow for an **optional** display of information on the basis of different serving sizes or amounts of a food. For example, when foods are promoted both as appetizers (hors d'oeuvres) and as a combination dish, the dual or aggregate format can be used to display nutrition information in more than one column. One column could be based on the serving size when used as a combination dish, and the other on their serving size as appetizers, with both expressed as number of units followed by the metric measure [B.01.406(7)].

## B. NUTRITION CLAIMS

### 1) General

**i) Question:** Are nutritional supplements and meal replacements, which are exempt from having a Nutrition Facts table, allowed to make nutrient content claims and health claims?

**Answer:** Nutrient content claims for vitamins and mineral nutrients are permitted on nutritional supplements and meal replacements (D.01.004, D.02.002). However, nutrient content claims and health claims provided in the table following sections B.01.513 and B.01.603, which are based on both a serving size and a reference amount established for the food category (Schedule M of the Regulations), may not be made at this time since no reference amounts have been established for these products.

### 2) Nutrient Content Claims

#### a) Food composition criteria

**i) Question:** May a “fat free” nutrient content claim be made on a product that contains 0.4 g per serving of total fat, consisting of 0.2 g of saturated fat, and 0.2 g of *trans* fat?

**Answer:** Yes, the claim “fat free” is permitted on a food that contains less than 0.5 g fat **per reference amount and per serving of stated size**. Since this product contains 0.2 g saturated fat and 0.2 g *trans* fat and these nutrients cannot be declared as “0”, a declaration of “0” for **fat** within the Nutrition Facts table is not permitted (B.01.401 Table Item 8). Therefore, the declaration for **fat** in the Nutrition Facts table would be 0.4 g fat.

**ii) Question:** If a low fat claim is made on a food that requires further preparation, e.g., the addition of milk and margarine, can that claim still be made even though it may no longer qualify for the claim after preparation?

**Answer:** Yes. However, in order not to mislead the consumer, the label should clearly indicate that the claim applies to the food as sold and whether there are directions for preparing the food, so that it meets the requirements of the claim.

**iii) Question:** Why is only one amount of cereal (30 g) considered when setting conditions for protein claims?

**Answer:** It was decided that no changes would be made to the criteria for protein claims until the WHO/FAO completed its review of protein rating requirements. Until then a 30 gram amount of cereal will continue to be used as the basis for protein claims.

**b) Labelling requirements**

**i) Question:** Is it correct to say that nutrient content claims and the statements they trigger (e.g., 50% less calories than product X), should be in the same type size and without any intervening material?

**Answer:** Yes, the Regulations require that claims identified in B.01.513, and the statements they trigger, must be in the same size type with no intervening printed, written or graphic material, both on food labels (B.01.504) and in advertisements (B.01.505 and B.01.506).

**ii) Question:** Does section B.01.504 mean that if a nutrition claim is made on the label it may be put on the package more than once? If so, does it have to be complete in both locations? For example, could you put only the claim on the main panel and then repeat the claim plus all of the triggered information on another panel?

**Answer:** B.01.504 requires that when a nutrition claim is placed on a food label it must be in the wording and format prescribed in B.01.513. Although the claim may appear more than once on the label, the triggered nutrition information is not required more than once, but it must be placed either adjacent to the most prominent claim on the principal display panel (PDP), or if no claim is made on the PDP, adjacent to the most prominent claim elsewhere on the label.

**c) Conditions for Advertising**

**i) Question:** Since single ingredient raw meat is exempted from nutrition labelling requirements, are organizations such as food marketing boards allowed to make nutrient content claims, health claims or health check logos on point of sale materials?

**Answer:** Yes. Exempted products for which claims are made by a third party do not lose their exemption. However, the advertisement must include a declaration of the nutrient that is the subject of the claim [B.01.503(1)(c)].

**d) Light claims**

**i) Question:** When is it possible to claim that a food is “light”?

**Answer:** The claim “light” is allowed to indicate a fat or energy reduction in a food, provided that the following information is provided on the label or advertisement for the food:

- the similar reference food;
- the amounts of the foods being compared (if the amounts are not equal);
- the difference in energy value or fat content between the compared foods, per serving of stated size, expressed as a % or fraction, or in Calories or in grams (Table following B.01.513, Item 45).

“Light” can also be used to describe sensory characteristics of a food, provided that the characteristic is clearly identified with the claim (e.g., light tasting, lite coloured).

There are also a few foods for which this claim may be made without additional labelling requirements, provided that the food meets the conditions for the claim:

- light beer (B.01.502)
- light salted fish (B.01.502)
- light maple syrup (B.01.513(2)(a))
- light rum (B.01.513(2)(b))

**e) Reference amounts**

**i) Question:** What is the difference between a non-carbonated beverage and a fruit drink beverage?

**Answer:** These two names may be synonymous except when fruit drinks are represented for use as substitutes for fruit juices (Items 23 and 83 of Schedule M).

**ii) Question:** Can nutrient content claims be made for a food for which there is no established reference amount?

**Answer:** No, when the compositional criteria for nutrient content claims and health claims are based on a reference amount, these claims cannot be made on foods.

### 3) Health Claims

#### a) Food composition criteria

**i) Question:** Can a frozen, prepared, single-serve food item that contains “one serving of vegetables” be permitted to make the claim for “A diet rich in a variety of vegetables and fruit may help reduce the risk of some cancers”?

**Answer:** No, this claim can be made if the product is a fruit or vegetable, (excluding potatoes, yams, cassava, plantain, corn, mushrooms, mature legumes, and fruits and vegetables used as condiments) that contains nothing other than sweetening agents, food additives, salt, herbs, spices, seasonings and water (Table following B.01.603 Item 4).

**ii) Question:** When health claims requiring 10% of the weighted Recommended Nutrient Intake (RNI) of a vitamin or mineral nutrient are made (B.01.603), are the nutrients added during the enrichment/ fortification of a food product included in the nutrient profile of the food?

**Answer:** Yes, since health claims are based on the combination of inherent and naturally occurring nutrient content of the food plus those nutrients added for purposes of enrichment or fortification.

**iii) Question:** How are the outstanding generic health claims going to be addressed by Health Canada, and what are the timelines?

**Answer:** The generic health claims, involving fat and cancer, fibre and cancer, and soluble fibre and heart disease were not supported by reviewers. A review of the generic claims involving diets rich in fruits, vegetables and whole grain cereal is in its final stages. It should be noted that all new claims will require an amendment to the Regulations before they can be used.

An interim guidance document for the submission of new generic diet related claims is in place. Enquiries and submissions for such claims may be sent to [healthclaims\\_submissions@hc-sc.gc.ca](mailto:healthclaims_submissions@hc-sc.gc.ca).

#### b) Wording Requirements

**i) Question:** Can the order of the sentences in the health claims (B.01.603) be reversed, so that the nutrient content claim precedes the health claim?

**Answer:** No, since the exact order and wording of permitted health claims for foods is specified in the *Food and Drug Regulations* (Table following B.01.603), and these claims can not be reworded or paraphrased.

## C. DIFFERENCES BETWEEN CANADA AND THE US

i) **Question:** What are the differences between the Canadian and the US Nutrition Facts table?

**Answer:** Some elements of the Nutrition Facts table are mandatory in the US but are optional in Canada: e.g., servings per container, Calories from fat, the footnote on percent Daily Value. Other differences include: the Daily Values for vitamins and minerals, some of the rounding rules, and the labelling of *trans* fat.

ii) **Question:** How do Canada and the US differ in the labelling of *trans* fat?

**Answer:**

In both Canada and the US, the Regulations require the declaration of *trans* fat. However, in Canada, both the amounts of saturated and *trans* fat are combined for the calculation of the % Daily Value whereas in U.S. the Daily Value applies only to saturated fat.

In Canada, the statement "Not a significant source of *trans* fat" may be used only when the simplified format is allowed, whereas in the US, it may be used as soon as *trans* fat may be expressed as zero.

The rounding rules for *trans* fat differ between Canada and the US.

iii) **Question:** What is Health Canada's rationale for developing more restrictive criteria for making saturated and *trans* free claims in Canada compared to the US?

**Answer:** The levels established for fats and *trans* fat are in line with the Nutrition Recommendations for Canadians, and are consistent with current knowledge respecting their nutritional effects.

iv) **Question:** How do the Canadian rounding rules for the Nutrition Facts table differ from those of the US?

**Answer:** There are a few differences in rounding between Canada and the US. Two examples include:

In Canada, total fat must be declared as zero when the product contains less than 0.5 g fat and contains less than 0.2 g of each saturated and *trans* fatty acids per serving and per reference amount. In the US the only requirement for declaring the total fat as zero is that the product must contain less than 0.5 g. fat per serving.

In Canada, saturated fat must be declared as zero when a food contains less than 0.2 g per serving and per reference amount. The same rule applies to *trans* fat. In the US the threshold level for both saturated fat and *trans* fat is 0.5 g per serving.

**v) Question:** If a product is to be sold in Canada and the US, will that product have two separate nutrition facts tables due to the different rounding and Daily Value rules?

**Answer:** No, only Nutrition Facts tables that comply with the *Food and Drug Regulations* may appear on food labels in Canada. As the American format does not meet the Canadian requirements, it cannot be used on foods sold in Canada (B.01.401).

**vi) Question:** Is Health Canada planning on working with the US to harmonize the Nutrition Facts table?

**Answer:** Increasing the compatibility of these Regulations with those of the US, to the greatest extent possible, continues to be a clear objective of Health Canada. However, emerging science, health concerns and differences in diet (e.g., content of *trans* fat in the Canadian diet) continue to limit the extent of harmonization, as do Canadian bilingual requirements and some differences between the units of measurement used in both countries.