



Health Canada & Canadian Food Inspection Agency  
Government of Canada  
Ottawa, Ontario  
By email to: [hc.bpiia-bpaii.sc@canada.ca](mailto:hc.bpiia-bpaii.sc@canada.ca)

April 3, 2021

**Re: Comments on the Draft Joint Policy Statement on Food Labelling Coordination**

I am pleased to make comments on behalf of the Centre for Health Science and Law (CHSL)<sup>1</sup> on the plan to coordinate future, non-urgent regulatory reforms to mandate revisions to prepackage food labels by two of the federal government authorities with statutory mandates to do so: Health Canada and the Canadian Food Inspection Agency.

CHSL and I, on behalf of a variety of Canadian NGOs, have advocated for the promulgation and, sometimes, significant course-corrections to five of the nine food and alcohol labelling reforms proposed since 2001 and listed in Appendix A of your *Draft Statement*. Generally, our focus has always been premised on the belief that it is better to ensure that the regulations themselves are optimally protective of public health—than shortening the transition period by a few months or a—because foreseeable, unjustified exemptions design flaws could be in place for 20 or more years. For instance:

- The public health impact of mandatory back-of-pack nutrition labelling regulations finalized in 2002 (which I enthusiastically supported at the time on behalf of many organizations) has been insufficiently fulfilled because the information mandated was incomplete, over-complicated, and insufficiently integrated into a single actionable number or message to effectively inform consumer choice; these observations have been made by governments, health advocates, and independent researchers worldwide in the intervening two decades, [notably in 2012](#)<sup>2</sup> and [2017](#).<sup>3</sup>
- Food allergen labelling regulations that were finalized in 2011, though valuable, were only foreseeably responsible for preventing a small fraction of approximately seven deaths per year, because most deaths average of 2.3 deaths per year in Ontario occurred outside the home, appeared unrelated to labelling failures, and appeared to already be declining in frequency at the time of regulation.<sup>4</sup>
- Food labelling regulations proposed by the previous government in 2015 and finalized by the current administration in 2016 mandated mainly minor refinements to nutrition labelling rules that will [continue to understate levels of sodium and sugar, and only mandated disclosure of the names of artificial dyes that are already strongly suspected to cause harm to children, rather than banning the use of such dyes altogether](#).<sup>5</sup>
- Following the 2018 proposal to mandate front-of-pack nutrition labelling—which considers only threshold amounts of sodium, saturated fat, and total sugar, and ignores amounts of:
  - unhealthful ingredients (e.g., refined grains, red and processed meat),
  - beneficial ingredients (particularly, whole grains, nuts, fruits, vegetables, and whole grains,
  - beneficial nutrients (e.g., polyunsaturated fat and fibre)—[we cautioned that reforms will often be nutritionally misleading and will typically undermine efforts to ensure that companies achieve Health Canada’s food-category-specific sodium-reduction targets](#)<sup>6</sup> (which correlate weakly with the sodium-label-warning thresholds).
- Flavoured purified alcohol labelling label changes mandated in 2019 in response to a teenager’s death attributed to consumption of sugar-sweetened alcohol [seemed insufficiently attentive to the larger problem of using sugar and label design to promote under-age drinking](#).<sup>7</sup>

In the modern era, when:

- graphic design is done digitally,
  - inventories (including pre-printed labels) are managed by computerized systems (often using just-in-time approaches), and
  - manufacturing processes are automated for large-scale operations (and nimble for small-scale)
- two years is a generous period for implementing label changes. If the *Joint Statement* aimed to make two-year transition periods the new normal, that could be a positive development for public health. However, this does not appear to be the case.

The *Draft Statement* did not lament long compliance delays nor propose to shorten them. The proposal appears to contemplate that implementation dates could be automatically delayed as long as four years if, for example, a final regulation were published on January 2, 2024 (a day less than the two-year gap to the first fixed implementation date of January 1, 2026). Furthermore, Health Canada’s prior practice—that was described without adverse comment in the *Draft Statement*—of allowing nearly four and up to five years for industry to comply with new label regulations, suggests that the two-year window for compliance will not be a target for prompt compliance. Instead, the two-year fixed compliance date appears to be only a convenient coordination date and transition periods may, under this proposed approach, become typically 3-6 years in the future, rather than 2 years or 2-4 years as might be implied by a more optimistic reading of the *Draft Statement*.

Please verify the meaning and intent of the *Draft Statement* on this important point before making inferences about support for it from the public health and consumer protection community. And, generally, consider devoting more effort to achieving quantifiable reductions in the rates of diet-related disease heart disease, stroke, diabetes and cancer based on the best available evidence than establishing elaborate ways to accommodate the manufacturing objectives of food companies.

Respectfully submitted,



Bill Jeffery, BA, LLB  
[BillJeffery@HealthScienceAndLaw.ca](mailto:BillJeffery@HealthScienceAndLaw.ca)

## Endnotes

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<sup>1</sup> The Centre for Health Science and Law is a non-profit non-governmental health advocacy organization focusing on nutrition and food safety.

<sup>2</sup> Centre for Science in the Public Interest. Media Statement. United Nations Food Law Body Advances Global Standard for Mandatory Nutrition Labelling. May 18, 2012.

<sup>3</sup> CHSL. United Nations Food Trade Body, hosted by Canada, to set guidelines for front-of-pack nutrition labels and explore alcohol warnings as Health Canada explores nutrition labelling options at home. October 18, 2017.

<sup>4</sup> See: Salter, Jane, et al., “A Study of 32 Food-Induced Anaphylaxis Deaths in Ontario, 1986-2000”, Anaphylaxis Canada. [www.anaphylaxis.org/content/programs/programs\\_research\\_deaths.asp](http://www.anaphylaxis.org/content/programs/programs_research_deaths.asp) (accessed March 2010) cited in Regulations Amending the Food and Drug Regulations (1220 — Enhanced Labelling for Food Allergen and Gluten Sources and Added Sulphites), *Canada Gazette Part II*, Vol. 145, No. 4 at Available at: <https://gazette.gc.ca/rp-pr/p2/2011/2011-02-16/pdf/g2-14504.pdf> and subsequently published as Xu et al. Anaphylaxis-related deaths in Ontario: a retrospective review of cases from 1986 to 2011. *Allergy, Asthma & Clinical Immunology* 2014, 10:38 at 5 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4322510/pdf/1710-1492-10-38.pdf>

<sup>5</sup> CHSL. “Health Canada’s Unambitious First Step to Update Food Labels Systematically Understates Levels of Salt, Sugar.” Media Statement. December 14, 2016.

<sup>6</sup> CHSL Comments on front-of-pack nutrition labelling proposal published Feb 10, 2018 in *Canada Gazette Part I*, Vol. 152, No. 6. April 26, 2018. Available at: <http://healthscienceandlaw.ca/wp-content/uploads/2018/04/CHSL-FOP-Nutrition-Labelling-April2018.pdf>

<sup>7</sup> See, for instance, Serving Alcohol Marketing to Kids: Not just a pint-sized problem in *Food for Life Report*. Issue 6, 2019. Available at: [http://healthscienceandlaw.ca/wp-content/uploads/2021/04/Alcohol-Marketing.Children.FLR6\\_.pdf](http://healthscienceandlaw.ca/wp-content/uploads/2021/04/Alcohol-Marketing.Children.FLR6_.pdf)