

Ministry of Agriculture, Food and Rural Affairs

Selling Food in Ontario

Understanding the Basics of Food Regulation

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Why Do We Regulate?

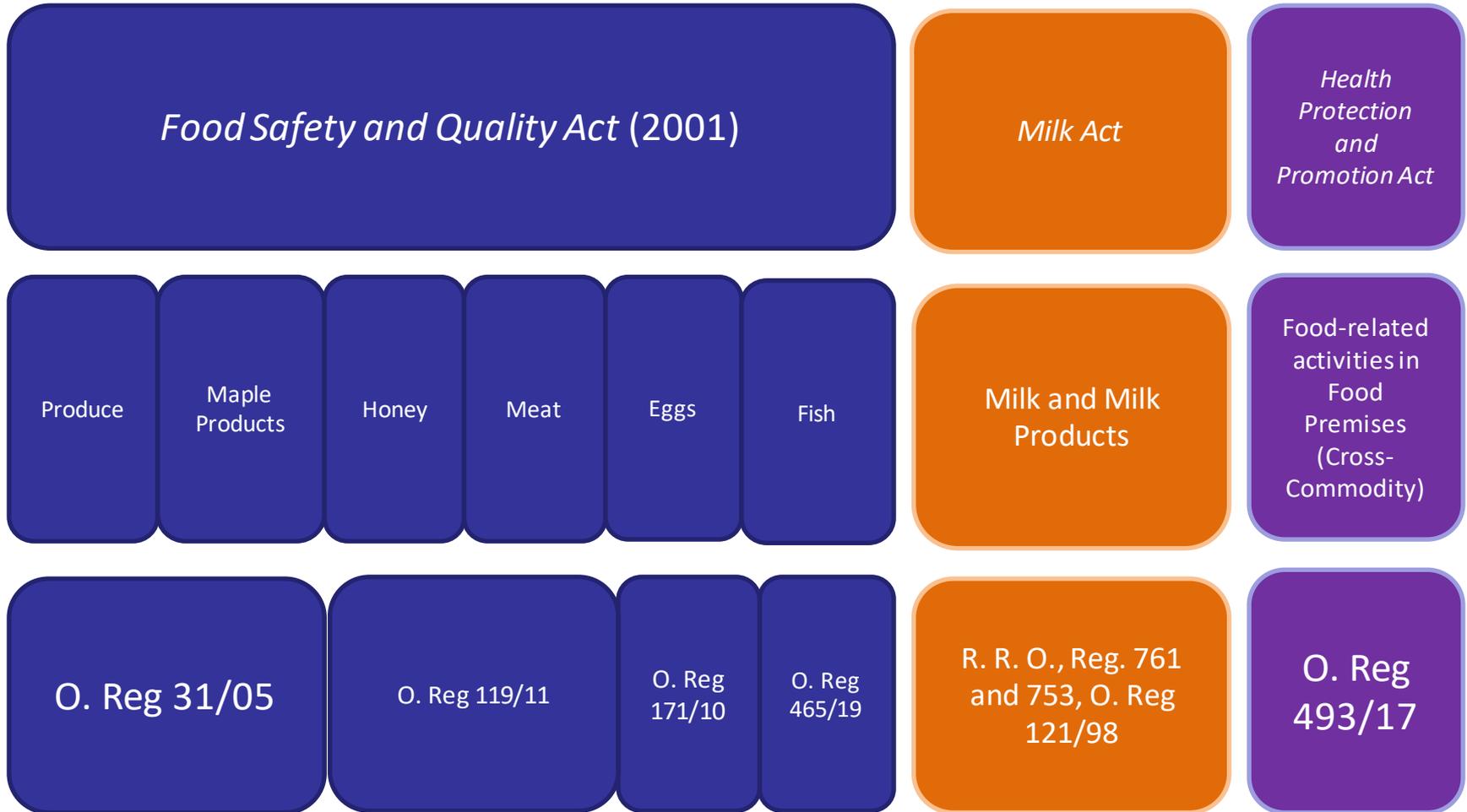
- Food Safety – ensuring protection and assurance in the agri-food System
- Economic Development – fair marketplace for all
- Consumer information – provide product details, allergens, weight, price, etc.
- Strengthen food integrity and prevent fraud and misrepresentation – country of origin, etc.

Legislative Authorities

In Ontario, food safety is a shared responsibility, and all levels of government – federal, provincial and municipal, have distinct but interconnecting roles.



The Regulatory Landscape



Selling Food in Ontario

- What questions should I ask myself...
 - What product will I sell?
 - Where will I be selling my product? e.g., farm gate, farmers' market, out of province...
 - Do I require a licence?
 - What are the food safety risks?
 - Will I require food safety inspection and audit checks?
 - What regulations apply to my operating facility?
 - What regulation apply to the sale of my products (i.e., labelling, packaging, grading, others)?
 - What does my intended buyer require?
 - Specific food safety programs such as Canada Gap, SQF, BRC

Provincial

FOODS OF PLANT ORIGIN

Ontario Regulation 119/11 (O. Reg. 119/11)

- Sets out requirements for grading, packaging, labelling, transporting, advertising, and sale of these regulated commodities in Ontario:
 - Produce
 - Honey
 - Maple Products
- The regulation does not apply to:
 - Minimally processed produce
 - Imported into Canada and not commercially grown or harvested in Canada
 - Products packed in a federally registered establishment
- O. Reg. 119/11 does not require producers of regulated commodities to apply for licences from OMAFRA to operate.

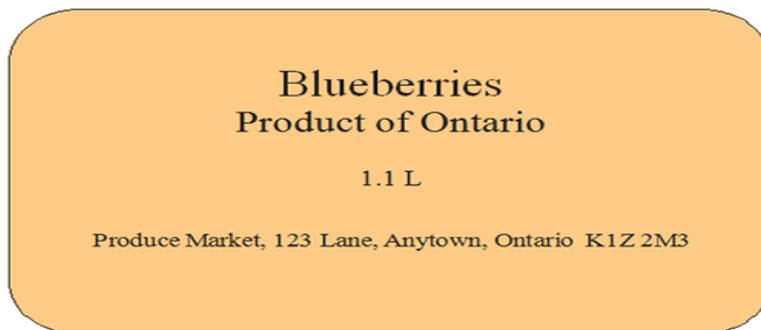


O. Reg 119/11 - Food Safety

- O. Reg. 119/11 prohibits:
 - Harvesting contaminated produce for human consumption.
 - Selling, packing or transporting contaminated produce, honey or maple products.
 - Mixing contaminated honey or maple product with honey or maple products that are not contaminated.
 - Premises, facilities, equipment and utensils used in the production or packing of honey or maple products that are not in a clean and sanitary condition.
 - As of January 1, 2018, all food contact surfaces that are used in producing or packing maple syrup must be made of food grade materials.

Produce Labelling

- Ontario Regulation 119/11 requires produce to be identified with specific information for labelling, signage and advertising.
- Labels on packages or master containers must include:
 - Name and full address of producer or packer.
 - Country or province of origin (i.e., Product of Ontario).
 - the common name of the product if it cannot be identified through the packaging.
 - In the case of potatoes of a yellow variety, must state yellow fleshed potatoes.
 - In the case of pepper, must say “sweet” or “hot”.



Advertising and Retail Display Sign Requirements

Advertisements

(written or otherwise)
must include:

- ✓ Country or province of origin in which the product was grown or harvested
- ✓ Net quantity, if packaged



- Must be on or immediately over the display of produce.
- Country or province of origin.
- Price per unit of weight, if sold by weight (in metric)
- In the case of peppers, the type “Sweet” or “Hot”.
- Print size – readily discernible and in reasonable proportions to the size of the sign.



O. Reg. 119/11 – Maple and Honey Grading, Packaging, Labelling

Grading

- Honey and Maple Syrup have mandatory grade and colour classification.

Packaging

- There are regulated container sizes for honey sold at retail.
- There are no container size requirements for maple products sold in consumer containers.
 - Maple syrup containers must be labelled with the production lot.

Labelling

- The words “Honey/Miel” or “Maple Syrup”.
- Name and full address of producer or packer.
- Grade and colour class.
- Net weight (honey) or volume (maple syrup).
- Notice that comb honey contains cells of pollen on the label.
- Honey or maple products that are produced outside Ontario and packaged or sold within Ontario must have the country or province of origin on the label.

O. Reg. 119/11 - Misrepresentation

- O. Reg. 119/11 prohibits any false or misleading information (e.g., country/province of origin).
 - On any label, package, container, advertisement, or produce retail display sign.
- In particular, it prohibits the misrepresentation of:
 - The name and address of the packer or the person for whom the produce, honey or maple product was packed.
 - The origin of any produce, honey or maple product.
 - The amount of produce, honey or maple product in a package or container.
 - Any grade or colour class of honey or maple syrup.



U.S.A.

Provincial Regulations

MEAT

Provincial Meat Regulation

- Any meat or meat product sold or distributed in Ontario must be:
 - From provincially licensed meat plant (licensed by OMAFRA).
 - Federally registered establishments (registered with CFIA).
 - Imported from federally approved sources.
- Provincially licensed meat plants must meet the requirements of the *Food Safety and Quality Act, 2001* and Ontario Regulation 31/05 (O. Reg. 31/05) Meat.
- O. Reg. 31/05 applies to abattoirs (slaughter activities), and freestanding meat plants that conduct:
 - High-risk activities such as:
 - canning, curing, dehydrating, emulsifying, fermenting or smoking of a meat product.
 - Low risk activities such as,
 - cutting, slicing, boning and marinating meat products with distribution to persons other than consumers (conditions apply).

O. Reg. 31/05

The regulation establishes requirements for:

- Licensing of slaughter plants and freestanding meat plants.
- Meat plant facilities, equipment and environment.
- Water used in plants.
- Meat plant operations and personnel.
- Handling and processing of meat products.
- Slaughter and inspection activities.
- Processing activities.
- Transportation and animal welfare.
- Provincial labelling.

Exemptions From a Meat Plant Licence

- Businesses that do not require a meat plant licence include:
 - A food service premises where more than 50% of the sales are meals, or meal portions prepared for immediate consumption.
 - Preparing only pizza, sandwiches, bouillon or edible oil/fat, products that contain 25% meat or less.
 - Conducting low risk activities and sell directly to consumers (i.e., butcher shops).
- These businesses fall under the Food Premises Regulations – O. Reg. 493/17 of the *Health Protection and Promotion Act*, and are inspected by local public health officials.

Meat Sales at Farm Gate and Farmers' Markets

- Livestock and poultry producers can sell their own meat at the farm gate or at local farmers' markets, provided;
 - The meat is processed at an inspected facility (federal or provincial).
 - It follows all federal and provincial mandatory labelling requirements.
 - Labels on meat products processed and packaged at provincially licensed plants must include a legend and be labelled in accordance with the *Safe Foods for Canadians Act* before they leave the plant.
- For federal requirements contact the CFIA.

Provincial Regulations

DAIRY

Dairy and Dairy Products

- OMAFRA licenses all Ontario dairy plants. Dairy plants that distribute finished products beyond provincial borders must also be federally registered.
- Dairy producers, transporters and manufacturers must operate under conditions that meet all provincial regulatory requirements of the *Milk Act*.
- The *Milk Act* was established to:
 - Stimulate, increase and improve the production of milk within Ontario;
 - Control and regulate all aspects of production or marketing of milk, cream or cheese, or any combination thereof, in Ontario.
 - Control and regulate the quality of milk, milk products and fluid milk products within Ontario.
- Provincial dairy regulations include:
 - Regulation 761: Milk and milk products
 - Regulation 753: Grades, standards, designations, classes, packing and marking.
 - Regulation 121: Administration and enforcement of the raw cow milk and cream quality program.

Dairy Regulations

- Ontario Regulation 761 sets out requirements for milk and milk products:
 - Licensing and inspection of processing plants, fluid milk distributors, and on-farm inspection.
 - Training, certification, and monitoring of milk transporters.
 - Food safety and animal health.
 - Testing of raw milk samples for quality, bacteria levels, and antibiotic residues.
- Ontario Regulation 753 sets out requirements for grades, standards, designations, classes, packing and marking.
- These regulations are applicable to cow and goat milk producers; does not cover milk from other species, e.g., sheep, buffalo.
- Administration and enforcement of regulations for the raw cow milk quality program have been designated to the Dairy Farmers of Ontario (Ontario Regulation 121/98).
- OMAFRA is responsible for the administration of the raw milk quality program for goat milk.

Provincial Regulations

FISH

Provincial Fish Processing Regulation

- Effective January 1, 2020, Ontario introduced a new fish processing regulation under the *Food Safety and Quality Act, 2001* (FSQA)
- Non-federally registered fish processing operations in Ontario must meet all relevant regulatory requirements of Ontario Regulation 465/19, Fish Processing.
- The regulation establishes requirements for:
 - Regulatable and Licensed activities
 - Fish processing plant facilities and equipment
 - Water use in plants
 - Plant operations and personnel
 - Handling, processing, packaging and labelling

Fish Product

"Fish product" means fish, or any food that contains fish, but does not include:

- Food that contains fish if the amount of fish contained constitutes 25 percent or less of the product, by weight, unless the food is a ready-to-eat fish product that contains raw fish,
- Fish or any food that contains fish that is used to make a product, other than a ready-to-eat fish product that contains raw fish, described in clause (a), or
- Food that contains both fish and meat if that food is regulated under Ontario Regulation 31/05 (Meat) made under the *Food Safety and Quality Act, 2001*.

Licensed activities

"Licensed activities" are defined as:

- Any activity undertaken in relation to processing or packaging a ready-to-eat fish product, unless the fish product is,
 - i. Processed or packaged only for persons who are consumers; or
 - ii. Sold, offered for sale or otherwise transferred, with respect to ownership, only to persons who are consumers.
- Any activity undertaken in relation to packaging a fish product, using modified atmosphere packaging or vacuum packaging, unless the fish product is,
 - i. Processed or packaged only for person who are consumers; or
 - ii. Sold, offered for sale or otherwise transferred, with respect to ownership, only to persons who are consumers.
- The processing of a fish product in a fish processing plant if the plant is also a meat plant.

Provincial Regulations

EGGS AND PROCESSED EGG

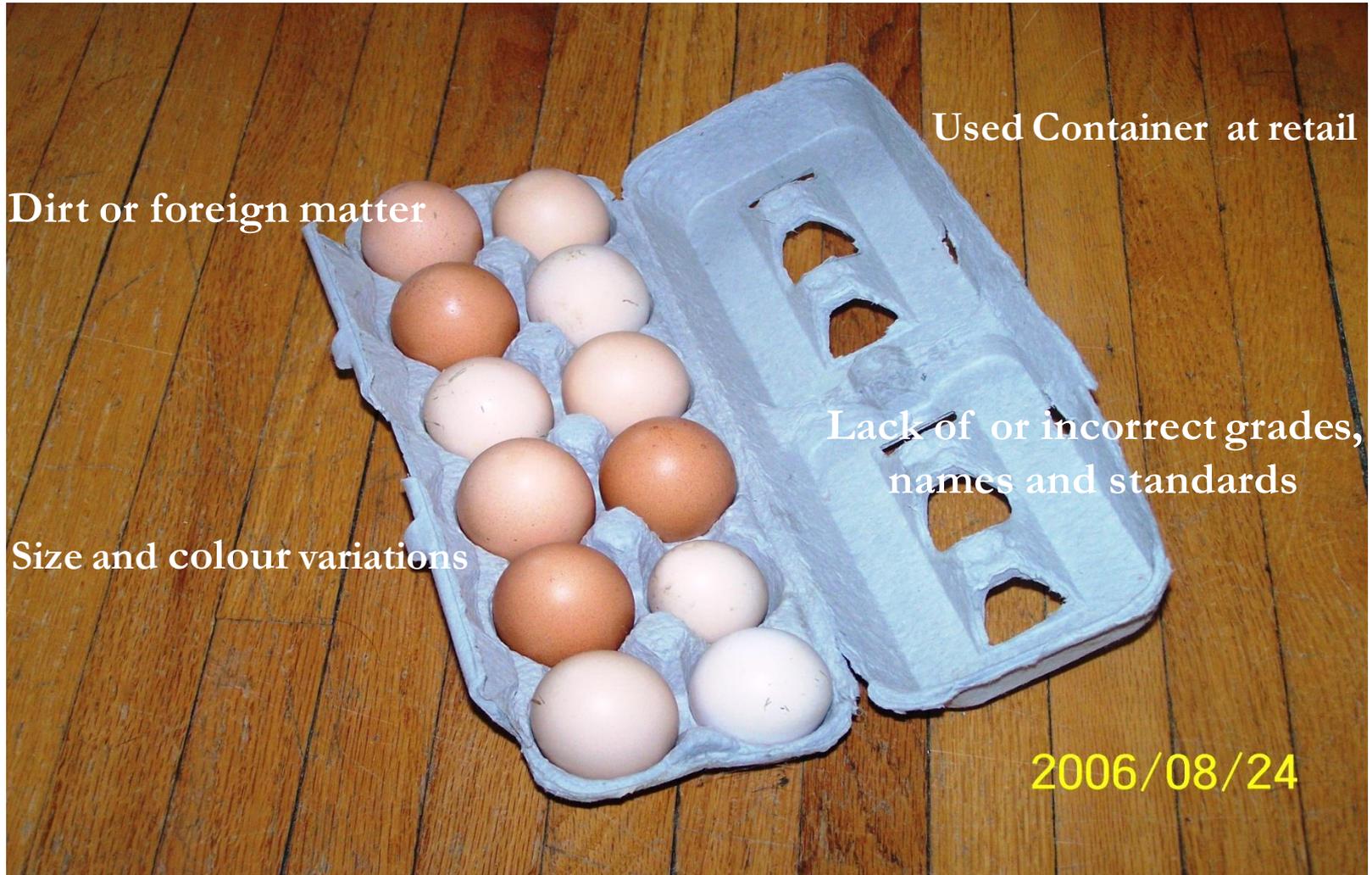
Eggs

Food Safety and Quality Act, 2001 – O. Reg 171/10

Ungraded eggs may only be sold at farm gate
Farmers Markets are **not** an extension of the Farm Gate!!



Indicators of ungraded eggs



FEDERAL REGULATIONS

Federal Regulations

- To sell your product inter-provincially or internationally you must apply to the Canadian Food Inspection Agency for federal registration, and meet all regulatory requirements:

The *Safe Food for Canadians Act* consolidates the authorities of the *Fish Inspection Act*, the *Canada Agricultural Products Act*, the *Meat Inspection Act*, and the food provisions of the *Consumer Packaging and Labelling Act*.

The *Safe Food for Canadians Act*.

- makes food as safe as possible for Canadian families;
- protects consumers by targeting unsafe practices;
- implements tougher penalties for activities that put health and safety at risk;
- provides better control over imports;
- institutes a more consistent inspection regime across all food commodities; and
- strengthens food traceability.

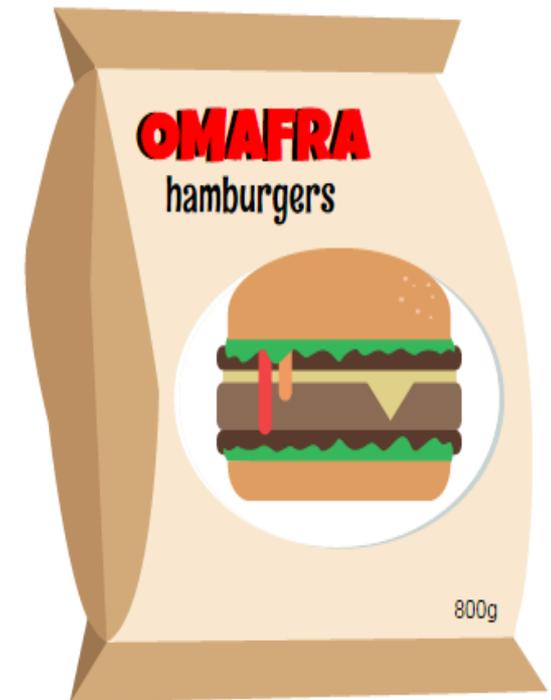
.....but you want to sell in Ontario only?

Producers should be familiar with national requirements under various federal legislation.

- *Food and Drugs Act* - all food sold in Canada must meet the requirements of the *Act* regardless of where the food is produced or sold.
 - sets out requirements for general labelling, allergen labelling and **nutrition labelling**; permissible nutrient content claims; and permissible health claims for foods.
- *Safe Food for Canadians Act*
 - regulates the packaging, labelling, grade, sale, and advertising of prepackaged and other consumer goods.

Labelling

- The common name.
 - The name of the food product as prescribed by regulation, or the name by which the food is generally known.
- Declaration of net quantity.
 - Net quantity of food which is the weight or volume in the package.
- A Nutrition facts table.
- A list of ingredients and allergens.
 - Ingredients: Listed in descending order of proportion by weight.
 - Allergen statements required for priority allergens.
- Identity of the principle place of business
- Date markings such as a best before or packed on date.



SUMMARY

Summary

- Do your homework and get thinking about regulatory requirements early.
- Both provincial and federal regulatory requirements may apply to your product.
- Incorporate the applicable regulations into your planning.
- Use the resources and contacts provided. We ARE HERE TO HELP!



Resources

- [Food Inspection Programs](#)
 - [Foods of Plant Origin - Inspection Programs \(gov.on.ca\)](#)
 - [Meat Inspection Program \(gov.on.ca\)](#)
 - [OMAFRA's Dairy Food Safety Program \(gov.on.ca\)](#)
 - [Fish Inspection Program \(gov.on.ca\)](#)
- [Food Safety and Quality Act, 2001, S.O. 2001, c. 20 \(ontario.ca\)](#)
- [Milk Act, R.S.O. 1990, c. M.12 \(ontario.ca\)](#)
- [Safe Food for Canadians Act \(justice.gc.ca\)](#)

Contact Us

[Agricultural Information Contact Centre \(gov.on.ca\)](http://gov.on.ca)

- Responding to farm, agri-business and rural business inquiries.
Get agriculture, food and rural info with ONE number
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Questions

