

Advertising and Retail Display Signs for Produce in Ontario

Ontario Regulation 119/11

Infosheet

July 2011

INTRODUCTION

On July 1, 2011, Ontario Regulation (O. Reg.) 119/11 Produce, Honey and Maple Products of the *Food Safety and Quality Act, 2001* came into effect. It replaced Reg. 378 Grades – Fruit and Vegetables under the *Farm Products Grades and Sales Act* which previously regulated produce in Ontario. O. Reg. 119/11 regulates the grading, packaging, labelling, transporting, advertising and sale of produce, honey and maple products in Ontario.

In O. Reg. 119/11, produce means fresh fruit and vegetables, sprouts, fresh culinary herbs, in-shell tree nuts and peanuts, and edible fungi that are grown or harvested for commercial purposes in Ontario. Produce, whether or not it is wrapped, packaged or cut into pieces for individual sale, must comply with the regulation.

This regulation does not include fruit and vegetables that are minimally processed or otherwise processed or used in the manufacture of other products. Minimally processed means produce peeled, cut, sliced or shredded in order to prepare and package it for sale as ready-to-eat or ready-to-cook. Processed means produce that is canned or preserved.

All produce packed or repacked in Ontario, unless it is of a type that is not commercially grown or harvested in Canada, is subject to advertising and retail display sign requirements in the regulation. OMAFRA encourages retailers to apply the advertising and retail display sign requirements to produce brought into Ontario so that consumers can easily make informed purchase decisions.

PRODUCE ADVERTISING

O. Reg. 119/11 requires advertisements, written or otherwise, to state this information:

- The country or province where the produce was grown or harvested,
 - ▶ use the words “Product of”, “Produce of”, “Grown in” or “Country of Origin” followed by the country name where the produce was grown or harvested when produce is grown or harvested in a country other than Canada
Example: Product of USA
 - ▶ use the words “Product of”, “Produce of”, “Grown in”, “Country of Origin” or “Province of Origin” followed by the word “Canada” or the name of the province where produce was grown or harvested when grown or harvested in Canada.
Example: Product of Canada or Grown in Ontario
- In the case of potatoes, the grade of the potatoes.
- If the produce is packaged, the net quantity of the produce.

PRODUCE RETAIL DISPLAY SIGNS

O. Reg. 119/11 requires a sign on or immediately over a display of produce offered for retail sale. This applies to produce that can be commercially grown or harvested in Canada. Retail displays must have the following information:

- The country or province where the produce was grown or harvested,
 - ▶ use the words “Product of”, “Produce of”, “Grown in” or “Country of Origin” followed by the country where the produce was grown or harvested when grown or harvested in a country other than Canada, or

- ▶ use the words “Product of”, “Produce of”, “Grown in”, “Country of Origin” or “Province of Origin” followed by the word “Canada” or the name of the province where the produce was grown or harvested when grown or harvested in Canada.

- In the case of peppers, use “sweet” or “hot” as appropriate.
- If the produce is sold by weight, the price per unit of weight.

The print on a retail sign should be easy to read and in proportion to the size of the sign.

Clear and accurate labelling and signage help consumers make informed purchasing decisions. Tips and easy-to-use, downloadable templates and instructions are available at http://www.omafra.gov.on.ca/english/food/inspection/fs_food_plant.htm

MISREPRESENTATION

False or misleading information on any label, package or master container of produce, in any advertisement for produce or in a retail display sign is prohibited by O. Reg. 119/11. The regulation prohibits misrepresentation of:

- the name and address of the packer. If the packer packs the produce on behalf of a retailer, producer or another person, the person on whose behalf it is packed must be stated.
- the place where the produce was grown or harvested
- the amount of produce contained in the package
- any grade of potatoes established under O. Reg. 119/11.

ADVERTISING AND SELLING RESOURCES

Provincial

Ontario Regulation 119/11 under the *Food Safety and Quality Act, 2001*

http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_110119_e.htm

Federal

Guidelines to Food Labelling and Advertising

<http://www.inspection.gc.ca/english/fssa/labeti/guide/toce.shtml>

Fresh Fruit and Vegetable Regulations under the *Canada Agricultural Products Act*

http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._285/index.html

Consumer Packaging and Labelling Act and Regulations

<http://laws-lois.justice.gc.ca/eng/acts/C-38/>

Food and Drugs Act and Regulations

<http://laws-lois.justice.gc.ca/eng/acts/F-27/>

For more information:

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