

Label Requirements 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 in the *Food Safety and Quality Act, 2001* came into effect. It replaced Reg. 378 Grades – Fruit and Vegetables in 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, is required to comply with the regulation.

In this regulation produce 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 that is 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, unless it is of a type that is not commercially grown or harvested in Canada, is subject to advertising and retail sign requirements in the regulation. Requirements are detailed in the *Advertising and Retail Display Signs for Produce in Ontario* infosheet.

Labelling, packaging, and grading requirements in O. Reg. 119/11 do not apply to:

- produce brought into Ontario through the *Canada Agricultural Products Act* and sold in Ontario in its original package
- produce grown or harvested by or for a person's own use or household
- produce, for example pineapples, from outside Canada that are of a type that is not commercially grown or harvested anywhere in Canada

- fruit or vegetables that are grown for the sole purpose of producing seed
- nuts not intended for human consumption.

Packers, transporters and vendors of produce that are not exempt from O. Reg. 119/11 must ensure the produce complies with the packing, labelling, transporting and sales requirements in the regulation

LABELS, PACKAGES AND MASTER CONTAINERS

In O. Reg. 119/11 a “package” means:

- A bag, receptacle or container of any size that includes a box or bin and a wrapper or confining band that contains the produce. It does not include foil wrap on individual potatoes or transparent film wrap on individual specimens of produce.
- A master container is a container holding more than one package.

A label can include any mark, sign, device, imprint, stamp, ticket or tag that is applied, affixed or attached to a package or master container.

PACKAGE AND MASTER CONTAINER LABEL REQUIREMENTS

Until July 1, 2016, potatoes must be packed in specified container sizes. All other produce may be packed in any container suitable for the produce.

The labelling requirements outlined in O. Reg. 119/11 are in addition to the requirements established in the *Consumer Packaging and Labelling Act* (Canada) and the *Food and Drugs Act* (Canada). For example, federal legislation sets out requirements for print size on labels. It is the packer's responsibility to ensure labels comply with applicable legal requirements of both federal and provincial regulations.

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Produce packed in previously used packages or master containers must have labels that meet O. Reg. 119/11 requirements. Non-compliant labels:

- must be completely removed and new labels applied or
- information on previous labels must be completely obliterated and any required information added

O. Reg. 119/11 requires that every label applied to a package or master container of produce must include:

- the name and full address of the packer or the person on whose behalf the produce is packed
- 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. This applies to produce grown or harvested in a country other than Canada

Example: Produce 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 the produce was grown or harvested. This applies to produce grown or harvested in Canada

Example: Product of Canada
Grown in Ontario

- the common name of the produce if the produce is packed in a way that the produce itself is not readily visible and identifiable
- in the case of potatoes (until July 1, 2016):
 - the grade name is required on the label of a package or master container above, beside or below the name of the country or province of origin and in the same print size as the name of the country or province of origin
- in the case of yellow fleshed potatoes:
 - the words “yellow fleshed” if the word “potatoes” appears elsewhere on the package or master container or

- the words “yellow fleshed potatoes” if the word “potatoes” does not appear elsewhere on the package or master container

- in the case of peppers, the word “sweet” or “hot”, as appropriate

Producers of nuts and edible fungi have until July 1, 2013 to comply with the requirement in O. Reg. 119/11 for the label to indicate the country or province of origin.

EXCEPTIONS TO LABELLING REQUIREMENTS

Labelling requirements do not apply to:

- packages of raspberries or strawberries that are packaged in the field in containers having a capacity of 1.14 litres or less
- packages of produce that are packaged in a wrapper or confining band of less than half an inch in width
- master containers where the labels on the packages are easily and clearly discernible in the master container
- packages of produce that are filled by consumers from a bulk display

MISREPRESENTATION

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

- the name and address of the packer, or the person on whose behalf the produce is packed
- the place where the produce was grown or harvested
- the amount of produce contained in the package or master container
- any grade of potatoes established under O. Reg. 119/11

LABELLING 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 Vegetables 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/>

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