



Canadian Federation of Agriculture (CFA)

Submission to the Senate Standing Committee on Agriculture & Forestry

Restrictions on marketing whole wheat, whole grain and white bread in relation to the definition of Unhealthy Food for Children

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The Canadian Federation of Agriculture

This submission represents the official position of the Canadian Federation of Agriculture (CFA), Canada's largest farmers' organization, through its members representing approximately 200,000 Canadian farmers and farm families from coast to coast. CFA was formed in 1935 to answer the need for a unified voice to speak on behalf of Canadian farmers. It continues today as a farmer-funded, national umbrella organization representing provincial general farm organizations and national commodity groups. The CFA's mission is to promote the interests of Canadian agriculture and agri-food producers, including farm families, through leadership at the national level and to ensure the continued development of a viable and vibrant agriculture and agri-food industry in Canada.

CFA's Perspective

CFA strongly supports the core objective of the *Healthy Eating Strategy*, to help consumers make informed, healthier choices, as well as the broader mandate of Health Canada,

“to promote health and safety and to prevent injury to health, develops and promotes evidence-based, national food and healthy eating policies and standards to help ensure the safety and nutritional quality of food and enable Canadians to make informed decisions in relation to their health and safety.”¹

CFA is committed to improving the health of Canadian children through the promotion of healthy eating habits and informed healthy-eating decisions. We recognize that restrictions on marketing to children can play a part in achieving this objective if implemented appropriately. However, Health Canada's Regulatory Policy Approach on Restricting the Advertising of Unhealthy Food to Children, as shared with stakeholders on November 5th, 2018, has brought to light potential unintended consequences for a wide range of nutritious food products that extend well beyond whole wheat, whole grain and white bread.

Many of these products are comprised, at least in part, of ingredients produced by Canadian farmers, posing unintended consequences for the consumption of these products, but also the economic viability, growth, and job creation potential of Canadian producers.

Despite these concerns, CFA believes there is a clear path forward that can see the intent behind this proposed regulatory approach, and the legislation it intends to support (Bill S-228), achieved. The following outlines CFA's concerns with the existing approach, followed by a clear recommendation that would see these unintended consequences addressed, while maintaining the intent and principles behind Bill S-228.

¹ Canada Gazette Part I. Regulations amending certain regulations made under the Food and Drugs Act (nutrition symbols, other labelling provisions, partially hydrogenated oils and vitamin D). 2018-02-10 Vol.152, No.6.

Unintended Consequences

Bill S-228, the Child Health Protection Act, proposes to restrict the marketing of certain food and beverage products to children by providing Health Canada with authority to legally define, in regulations, 'unhealthy' foods for the purposes of this legislation. Health Canada currently proposes to define any food that meets either of the following criteria as 'unhealthy':

1. "food with added sodium, added fat and/or free sugars and where the total sodium, total saturated fats and/or total sugars, respectively, exceeds prescribed thresholds"²; OR
2. "food with a front-of-package nutrition symbol."³

Under the first criteria, the proposed thresholds would equate to thresholds for nutrient content claims "low in sodium", "low in saturated fatty acids", and "low in sugars"⁴.

These criteria and their use in defining 'unhealthy' foods raise a number of significant concerns for Canadian farmers that are outlined below. CFA believes these concerns reflect unintended consequences that are not fundamental to the intent of the proposed regulatory approach, or the legislation which they propose to support.

Misleading terminology:

The proposed definition of 'unhealthy' foods required by Bill S-228 grants Health Canada unprecedented authority to define specific food products as 'unhealthy'. Current Health Canada proposals would see a wide range of food products identified as such. Preliminary analyses of these criteria suggest that the following products, amongst others, would be defined as 'unhealthy' by Health Canada:

- **An estimated 99% of all breads** (whole grains, whole wheat and white), despite a wide range of positive nutrient contributions from these same products, including high dietary folate, iron, fibre, thiamin, niacin and riboflavin.
- **Up to 91% of all dairy product SKUs**, despite dairy products representing the primary vehicle for vitamin D fortification and calcium intake for many Canadians. Health Canada's Evidence Review noted that these products are associated with bone health and the prevention of musculoskeletal disease, while identifying musculoskeletal disease and insufficient intake of both calcium and Vitamin D as health outcomes of concern.
- **Upwards of 90% of Canadian meat products**, such as extra lean ground beef, which provide important sources of protein, iron, B vitamins, vitamin E, zinc, and magnesium.

As the nutritional profile of these foods makes evident, labelling of these products as simply 'unhealthy' is both inaccurate and misleading, while unduly characterizing consumption of these products as inherently unhealthy.

² Health Canada, Restricting the Advertising of Unhealthy Food to Children: Regulatory Policy Approach (Presentation), Engage Session, November 5th, 2018

³ Ibid

⁴ Ibid

Inconsistent guidance:

While the intent of this legislation is specific to marketing restrictions for children, Health Canada defining such foods as 'unhealthy' holds the potential to create confusion amongst consumers, as this definition is also inconsistent with the variety of products intended to comprise the Healthy Eating Strategy. For example, Canada's Food Guide "helps people make choices to meet nutrient needs, improve their health, and reduce their risk of nutrition-related chronic diseases" by "interpret[ing] complex nutrition information in a practical way".

Defining food products as 'unhealthy' ignores the complexity required when considering how food products' overall nutritional profiles fit within broader dietary patterns. Health Canada's proposed regulatory definition of 'unhealthy' foods, as would be currently required under Bill S-228, strips away this critical context from consideration and establishes a troubling precedent whereby Health Canada is tasked with defining individual food products as 'unhealthy'.⁵

The criteria of healthfulness:

The need for more inclusive dietary guidance is reflected in current scientific literature, which continues to espouse the need for focus on the overall nutritional profile of foods and dietary patterns when looking to reduce chronic diet-related diseases – not just specific nutrients in isolation⁶. Health Canada's own analysis within the Regulatory Impact Analysis for proposed Front-of-Package (FOP) Labelling regulations articulates that vitamin D and calcium intake are critical to addressing musculoskeletal diseases like osteoporosis, while there is significant evidence that nutritional drivers of obesity are far more nuanced than the overconsumption of the three nutrients of concern^{7,8,9,10}.

Defining a food product as 'unhealthy' based on just three nutrients ignores their broader nutritive properties and fails to reflect up-to-date scientific evidence, which introduces critical nuance. A definition of 'unhealthy' food products simply based on these three criteria holds the potential to vilify many nutritious food products, adversely affecting both the health of Canadians and the livelihoods of Canadian farmers who provide ingredients for these nutritious products.

Consequences for Canadian agricultural trade:

Defining nutritious, staple food products such as bread manufactured from Canadian wheat as 'unhealthy' provides competitors to unduly demonize Canadian agri-food products. For example, Italian farmers recently capitalized on unfounded fears regarding Canada's use of the herbicide glyphosate, a product that does not pose a risk to human health if the residues are within regulated limits known as Maximum Residue Limits (MRLs). In an effort to dissuade

⁵ Health Canada, Evidence Review for Dietary Guidance: Summary of Results and Implications for Canada's Food Guide: <https://www.canada.ca/en/health-canada/services/publications/food-nutrition/evidence-review-dietary-guidance-summary-results-implications-canada-food-guide.html>

⁶ Mozaffarian D. Dietary and policy priorities for cardiovascular disease, diabetes, and obesity: a comprehensive review. *Circulation* 2016;133(2):187-225.

⁷ Rippe JM & Angelopoulos TJ. Sugars, obesity, and cardiovascular disease: results from recent randomized control trials.

⁸ Mozaffarian D et al. Changes in diet and lifestyle and long-term weight gain in women and men. *N Engl J Med* 2011;364:2392-2404.

⁹ Johnson RK et al. Dietary sugars intake and cardiovascular health: a scientific statement from the American Heart Association. *Circulation* 2009;120:1011-1020.

¹⁰ De Souza RJ et al. Intake of saturated and trans unsaturated fatty acids and risk of all cause mortality, cardiovascular disease, and type 2 diabetes: systematic review and meta-analysis of observational studies. *BMJ* 2015.



imports of Canadian durum wheat, Italian farmers have stoked unfounded fear amongst Italian consumers, reducing imports and affecting the bottom line of Canadian farmers.

If Health Canada were to inaccurately define a wide range of Canadian agri-food products as 'unhealthy', it would provide a similar, ill-founded, rationale to reduce Canadian imports and affect international markets for Canada's agricultural producers. As a sector, Canadian agriculture is heavily dependent on export markets, jeopardizing job growth in a sector identified as a key growth sector by the Government of Canada, with ambitious growth targets set to increase agri-food exports to \$75 billion by 2025.

A path forward:

As noted previously, CFA supports the objective of reducing obesity and diet-related diseases in Canadian children. As such, CFA supports the intent behind Bill S-228 and the need to develop a regulatory framework in support of this legislation. However, concerns with the regulatory framework cannot be addressed without very minor amendments to Bill S-228.

While the majority of the legislation in Bill S-228 causes us no concern, the legislation's use of 'unhealthy', as a characterization of products restricted for the purposes of marketing to children, creates unintended consequences for a wide range of nutritious Canadian food products.

To avert unintended harm to the reputation of nutritious food products, and to Canada's agricultural producers, CFA would propose the following amendment that would see the intent and principles behind Bill S-228 as it relates to advertising to kids.

Recommendation:

Remove all references to the word 'unhealthy' from Bill S-228, replacing it with more nuanced and accurate wording, such as 'foods restricted for the purposes of marketing' or another, similar alternative.

Conclusion

The concerns outlined in this brief highlight a wide range of unintended consequence for both the nutrition of Canadians and the livelihoods of many Canadian farmers who provide raw ingredients for these products. Canadian farmers lie at the heart of a Canadian agri-food sector that employs 1 in 8 Canadians, generates more than \$110 billion in GDP, and has the potential to support inclusive growth across Canada.

CFA recognizes that further amendments will delay Bill S-228's Royal Assent, however in the absence of this minor amendment, the bill has the potential to create undue, long-lasting negative consequences for nutritious Canadian food products and, by extension, Canadian producers. For this reason, CFA strongly requests that members of the Senate address these concerns by removing all references to the word 'unhealthy' from Bill S-228, replacing it wording such as 'foods restricted for the purposes of marketing' or another, similar alternative.