

Some Canadian legislation relating to the marketing of foods for infants and young children

In light of all the nutrition and health claims, that parents are currently being flooded with - for infant formulas as well as cereals etc. the legislation in the

Gazette Part II number 1 sections B.01.601.(1)(i)

*A food with a label or advertisement that carries a statement or claim set out in column 1 of the table following section B.01.603 is **exempt** from the provisions of the Act and its Regulations with respect to drugs, and from subsection 3(1) and (2) of the Act if*

(c) the food is not

(i) intended solely for children under two years of age

and in

B.01.503.(2)

Despite subsection (1), no person shall, on the label of or in any advertising for a food that is intended solely for children under two years of age, make a statement or claim set out in column 4 of the table following subsection B.01.513, unless it is a statement or claim respecting one of the following subjects set out in column 1:

(a) "source of protein", set out in item 8;

(b) "excellent source of protein", set out in item 9;

(c) "more protein", set out in item 10;

(d) "no added sodium or salt", set out in item 35; or

(e) "no added sugars", set out in item 40.

In other words nutrient content claims are only permitted for the above and no other health or nutrient content or functional claims are permitted.

Another section I use quite routinely when complementary foods are marketed for infants under the age of six months:

B.25.061.(1)

...no person shall include on the label of a food any representation representing the consumption of the food by an infant whom is less than six months of age.

Infant formulas are exempt from this.

An action under Section 5 would proceed on the basis that the selling and/or advertising of the new formulas has been misleading and that the manufacturer has created an erroneous impression of the new formula's value and/or safety.

3. *(1) No person shall advertise any food, drug, cosmetic or device to the general public as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states referred to in Schedule A.*

(2) No person shall sell any food, drug, cosmetic or device

(a) that is represented by label, or

(b) that the person advertises to the general public

as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states referred to in Schedule A. ...

4. *No person shall sell an article of food that*

(a) has in or on it any poisonous or harmful substance; ...

5. *(1) No person shall label, package, treat, process, sell or advertise any food in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety. ...*