

**Diabetes Canada
Response to Canada Gazette Part 1,
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*Regulations Amending Certain Regulations
Made Under the Food and Drugs Act
(Nutrition Symbols, Other Labelling Provisions,
Partially Hydrogenated Oils and Vitamin D)*

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Submitted to:

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Diabetes Canada is pleased to provide feedback to the proposed *Regulations Amending Certain Regulations Made Under the Food and Drugs Act (Nutrition Symbols, Other Labelling Provisions, Partially Hydrogenated Oils and Vitamin D)*, as outlined in Canada Gazette Part 1: Vol. 152, No. 6 (February 10, 2018), hereafter referred to as CG1. We acknowledge the Government of Canada for taking an important step toward promoting healthy eating through the legislation of front-of-package (FOP) labelling on many of the foods and beverages available in the Canadian marketplace. FOP labelling serves the important public health function of alerting people to the presence of nutrients of concern in the items they purchase and consume. Research shows that, done effectively, food and beverage labelling can inform people of what is in their food, thereby helping them identify and choose healthier products. Adopting a nutritious diet goes a long way to reducing risk of developing, or exacerbating, type 2 diabetes and several other chronic conditions.

As the national organization representing 11 million Canadians living with diabetes or prediabetes, we know how high the stakes are when it comes to the current disease state and our food environment. Diet-related chronic disease, including type 2 diabetes, is a leading cause of death in our country and costs billions of dollars annually to treat. Healthy eating is a key pillar in the management of diabetes, and the prevention of type 2 diabetes. Diabetes alone threatens to bankrupt our healthcare system and damage our social fabric if prevalence continues its upward trend in Canada, as predicted. Many jurisdictions around the world face a similar reality and have also implemented FOP labelling, based on evidence that it can positively influence consumer behaviour. Canada is following in the footsteps of the United Kingdom, the Netherlands, Finland, Australia, New Zealand and Chile, where FOP labelling is presently in effect, and Diabetes Canada applauds this move.

We assert that, as part of the broader Healthy Eating Strategy, FOP labelling has the potential to help Canadians more quickly identify healthy choices when shopping and eating. In this submission, we indicate support for elements of the proposed regulations and provide recommendations for enhancing them in order to meet the policy objectives, while limiting any unintended consequences. Though it is beyond the scope of CG1, Diabetes Canada also offers suggestions to the Government of Canada to strengthen the impact of this regulatory initiative.

Regulatory and non-regulatory options considered

Diabetes Canada supports:



- A regulatory approach to FOP nutrition labelling, over the status quo (which includes no changes to current labelling practices and proprietary labelling systems) or a voluntary, government-led approach

The labelling system presently in place does not provide Canadians with nutrient information in a format that allows them to easily understand and assess the healthfulness of products available for purchase. We feel consumers would benefit greatly from simple, consistent and credible information on the front-of-package to help with decision making. The status quo is therefore not an option. Uptake for a voluntary labelling system is likely to be unbalanced, also making this not the ideal way of doing things. We believe regulation is required to enact the necessary changes that will most significantly impact consumer behaviour.

- An FOP approach that is evidence-based

We support a “high in” approach, as research has shown it to be effective in other jurisdictions and analyses of the Canadian context suggest it to be the best option here as well.

Considerations:

Once FOP labelling has been legislated and is in place, the approach should be evaluated to gauge its effectiveness. Evaluation results will help to determine whether the approach is achieving targeted outcomes. They will also serve to inform the development of future communication and education plans to enhance Canadians’ use of FOP labels in making healthy choices. It will be important to assess the impact of any unintended consequences on purchasing decisions and consumption patterns. Legislators and policy makers will require data over time to ascertain whether the objectives of FOP labelling have been met. Plans for short-term and long-term evaluation of the approach should be established and shared with stakeholders.

Recommendation #1: Health Canada should develop a plan to evaluate the impact and effectiveness of FOP labelling, once established, and share its methodology and results with stakeholders.

Nutrition symbol requirement

Diabetes Canada supports:

- Mandatory FOP labels on foods and beverages in designated classes that meet or exceed the prescribed threshold for nutrients of public health concern (sodium, sugars and/or saturated fat)



There is abundant evidence to show that excessive consumption of sodium, sugars and/or saturated fat is associated with increased risk of disease and poor health outcomes. FOP “high in” labels will help to protect the public by offering them a clear indication of what is in their food. Labels will also encourage product reformulation, which may also help improve the healthfulness of food and beverages available in Canada.

Nutrition symbol and its attributes

Diabetes Canada supports:

- Additional research of proposed FOP symbols to select one that allows the objectives for a food and beverage labelling system to be met

We are pleased that Health Canada intends to continue studying FOP nutrition symbols carefully over the coming months, with the end goal of selecting the most appropriate design. We endorse the front-of-package nutrition symbol consumer consultation that is providing Canadians the opportunity to review symbols and provide input on those that resonate the most. Through social media channels, Diabetes Canada has encouraged our constituent group and the public at-large to contribute to the conversation and to register their views online through the Health Canada consumer consultation. The meaningful engagement of end users in the development of the regulations is critical to their comprehension and use of the FOP labelling initiative.

In lieu of recommending a particular symbol through the online consumer consultation, there are certain principles we feel should be respected in choosing a symbol. As articulated in our submission to Health Canada’s FOP labelling consultation in January 2017, Diabetes Canada endorses any FOP nutrition symbol that is:

- ✓ familiar to consumers
- ✓ easily interpreted
- ✓ clearly visible in a large enough size and in contrast to the package colour

Considerations:

Diabetes Canada acknowledges that some focus-testing was conducted to arrive at the short-list of symbols included in the parallel consumer consultation. However, it is not clear if Health Canada intends to engage in any research that involves simulated use of the symbol, in order to better assess its impact on behaviour. This type of research will inform the selection of the most appropriate symbol for front-of-package use.

Recommendation #2: Health Canada should pilot test proposed nutrition symbols prior to implementation. Simulated use of the symbols would help to provide data on any related changes to purchasing and consumption behaviour and guide symbol selection.



Thresholds for prepackaged products for the general population

Diabetes Canada supports:

- A “high in” sodium, sugars and/or saturated fat designation on items that meet or exceed 15% of Daily Value (DV) for each of these nutrients of public health concern

This approach aligns well with public, evidence-based messaging that 15% or more of any nutrient is considered “a lot” of that nutrient and frequent, excessive consumption of items containing large amounts of sodium, sugars and/or saturated fat could increase risk of harm to health.

- For “high in” labelling determination, use of a reference amount of 50 g for foods with a serving size and reference amount less than 50 g and that contain at least 5% of the DV of the nutrient of concern per reference amount or serving of stated size, whichever is greater

This will help better inform Canadians about foods that contain concentrated amounts of nutrients of public health concern.

Considerations:

Proposed FOP labelling regulations suggest a “high in” symbol be applied to a product based on the greatest quantity between the reference amount, the serving of stated size that appears on the Nutrition Facts table (NFt) and 50 g of food (as described above). Reference amounts are defined as “standardized amounts of foods, set out in Health Canada’s *Table of Reference Amounts for Food*, that are typically consumed at an eating occasion”.¹ The reference amount for certain foods may be based on outdated consumption data. Therefore, some products will qualify for “high in” symbols based on reference amounts that are inconsistent with current eating patterns.

Recommendation #3: Health Canada should reevaluate the validity and relevance of contemporary reference amounts.

There are certain products that have high amount of nutrients of public health concern, but for which moderate consumption should not be discouraged. Examples include certain types of cheese and yogurt. Caution should be taken to ensure that a nutrition symbol applied to these products is not interpreted to mean that they are inherently unhealthy and should not be consumed; indeed, cheese and yogurt can be part of a healthy, balanced diet. Nutrition education offered in tandem with FOP labelling legislation will improve nutrition literacy within the population and better equip Canadians to make healthy choices.



Recommendation #4: In its communication and education campaigns about healthy eating, Health Canada should promote a balanced diet that may include moderate amounts of certain healthful products carrying a “high in” nutrition symbol.

Thresholds for prepackaged products intended solely for children one year of age or older but less than four years of age

Diabetes Canada supports:

- Use of the 15% DV threshold for the one to four year age category when it comes to FOP labelling of items specifically intended for this cohort

This will ensure the nutritional needs of young children are accounted for in the labelling process.

Thresholds for prepackaged meals and main dishes

Diabetes Canada supports:

- Modifying the threshold for prepackaged meals and main dishes to 30% DV

We feel it is appropriate to use a higher %DV for these products due to the fact that they contribute more nutrients and represent a greater contributor to total daily energy in the diet than do individual foods.

Exemptions

Diabetes Canada supports:

- Granting an exemption to fresh, frozen or canned vegetables and fruits or any combination of these foods without any added ingredients except water and approved food additives

Diabetes Canada’s 2018 Clinical Practice Guidelines for the Prevention and Management of Diabetes in Canada (CPGs) support dietary patterns that include regular consumption of vegetables and fruits. Several servings of these foods eaten daily have been shown to improve hemoglobin A1c and decrease risk of cardiovascular and all-cause mortality in people with diabetes, and to lower diastolic blood pressure in people with prediabetes and metabolic syndrome.²

- Granting an exemption to non-flavoured whole and partly skimmed milk, obtained from any animal, in liquid or powder form

Milk provides several essential nutrients to the diet and can be part of a healthy eating pattern.

- Granting an exemption to whole eggs, in fresh, liquid, frozen or powdered forms



People living with diabetes or prediabetes are at greater risk than the general population of developing cardiovascular disease. The cardio-protective fatty acid profile of eggs makes them a healthful food for this cohort, if consumed in moderation.

Considerations:

We do not believe sweetening agents, specifically, but not limited to, honey, syrups and molasses, or flavoured salts (listed in Division 7 of the *Food and Drug Regulations*, like celery salt, garlic salt and onion salt), should be exempt from FOP labelling. To say that a “high in” symbol would be redundant on these items is to assume a basic standard of nutrition literacy within the population that does not exist. The published literature notes that “little is known regarding general knowledge of nutrition principles and ‘how to’ knowledge; assumptions therefore cannot be made regarding nutrition literacy proficiencies in the general population, nor in individuals”.³ Many Canadians are likely unaware that honey, syrups and molasses are high in sugar, for example, or that a flavoured sea salt is high in sodium. The presence of a “high in” label would help to alert them to this fact and potentially influence their consumption of these products.

Recommendation #5: Health Canada should require that sweetening agents and salts listed in Division 7 of the *Food and Drug Regulations* be subject to the same 15% DV thresholds as other prepackaged products.

While we understand that products not required to carry a NFt will be exempt from a nutrition symbol, we believe that there are some foods that should be subject to NFt regulation and, consequently, also FOP labelling regulation. Products sold at deli counters and in bakeries often are not required to have a NFt, however, processed meats, pastries, baked goods and desserts can be quite high in nutrients of public health concern. Consumers are entitled to know what is in deli and bakery items, in order to help inform their choices.

Recommendation #6: Though it is beyond the scope of the current consultation, Health Canada should consider the implications that a lack of NFt has on FOP labelling regulation and adjust accordingly. Where NFt information is known, this information should be made available at the point of purchase. When the saturated fat/sugars/sodium content in a product exceeds FOP thresholds, these products should be required to display a nutrition symbol on the package.



Diabetes Canada's 2018 CPGs speak to emerging data showing weight loss and cardiovascular benefits in people with and without diabetes who consume certain dairy products.² Some studies indicate higher intakes of yogurt may be associated with decreased body weight in people with and without diabetes, while a protective association has been suggested between cheese and incident coronary heart disease in people with diabetes.²

It is in our collective interest to promote all practices that reduce chronic disease risk. While the above findings are promising, evidence to support consumption of these products specifically to decrease risk of diabetes is, to date, not sufficiently robust. As future data emerge, and should they show that consumption of yogurt and/or cheese reduces risk of developing diabetes and/or enhances health outcomes in people living with diabetes, we would need to consider alternative policies and/or directed education for these products (and any others with similarly strong health outcome data in their favour) to ensure Canadians are informed to make the best decision for their health.

Recommendation #7: The Government of Canada should be responsive to evidence that describes scientifically valid health benefits of foods that may be high in one or more nutrients of concern.

Nutrient content claims and other nutrition-related statements

Diabetes Canada supports:

- Restricting the placement of any claims or statements, voluntary or otherwise, to specified areas of the Principle Display Panel (PDP), so as to avoid confusing consumers

Information and symbols on the PDP must be clearly and consistently positioned to allow consumers to gather information about a product quickly and easily.

- Banning the use of a voluntary claim if a “high in” nutrition label has also been applied to a product

Dual claims that appear contradictory (e.g. a “high in” sugar label with a claim of “unsweetened”) are potentially confusing to consumers and shouldn't be permitted.

Considerations:

More work must be done to assess consumer understanding of a PDP when there are many different nutrient content and health claims included alongside a nutrition symbol.



Recommendation #8: Health Canada should engage in additional research to better determine how simultaneous use of the nutrient content claims, health claims and a nutrition symbol on the PDP will impact Canadians' comprehension and decision-making.

Labelling of foods containing certain high-intensity sweeteners

Diabetes Canada supports:

- Quantitative declaration of the content of high-intensity sweeteners in the food in milligrams per serving of stated size

It is important for consumers to be aware of the presence of high-intensity sweeteners in their food.

Considerations:

Many products in the Canadian food supply contain high-intensity sweeteners. An Acceptable Daily Intake (ADI) level has been established for adults for each sweetener that has been approved for public consumption and is individualized to the consumer (calculation of ADI is based on body weight in kilograms). Current evidence suggests that there are no adverse health outcomes associated with sweetener consumption if the ADI is not exceeded. It is anticipated that high-intensity sweetener use in products may increase once FOP labelling is legislated and products are reformulated; sweeteners may be used more often and in higher quantities, as sugars and other ingredients are removed from food products to keep them below %DV thresholds. Most people are likely unaware of ADI levels for the various sweeteners or do not understand how to calculate them. An education campaign should be undertaken to better inform Canadians about high-intensity sweeteners and their ADI levels to avoid risk of overconsumption and potential health harms.

Recommendation #9: Health Canada should engage in an education campaign when FOP labelling changes come into effect to ensure that Canadians have a better understanding of high-intensity sweetener use in food and beverages and ADI limits.

In conclusion, Diabetes Canada believes FOP labelling should be a complement to any government-led initiative that aims to assist people in achieving their health potential through the adoption of a healthy lifestyle, which includes good nutrition. Healthy eating is critical to preventing, delaying and treating a whole host of chronic conditions. And with



someone new in Canada experiencing a diabetes diagnosis every three minutes, the call for action is more urgent than ever.

We would like to thank Health Canada for the opportunity to provide feedback on the proposed regulation changes outlined in CG1. Diabetes Canada is pleased to endorse a rigorous FOP labelling system that will help Canadians to make informed purchasing and consumption decisions. We are committed to a comprehensive Healthy Eating Strategy and improved health and nutrition outcomes for Canadians, and support legislation that will result in far fewer cases of diabetes and disease in this lifetime.

¹ Food and Drugs Act: Regulations Amending Certain Regulations Made Under the Food and Drugs Act (Nutrition Symbols, Other Labelling Provisions, Partially Hydrogenated Oils and Vitamin D). (2018). Canada Gazette I, 152(6). Retrieved from the Canada Gazette website: <http://gazette.gc.ca/rp-pr/p1/2018/2018-02-10/html/reg2-eng.html>.

² Sievenpiper JL, Chan CB, Dworatzek PD, et al. Diabetes Canada 2018 Clinical Practice Guidelines for the Prevention and Management of Diabetes in Canada: Nutrition Therapy. *Can J Diabetes* 2018; 42(Suppl 1): S64-S79.

³ Carbone ET, Gibbs HD. Measuring Nutrition Literacy: Problems and Potential Solutions. *J Nutr Disorders Ther* 2013; 3(1): 1-2. Retrieved from <https://www.omicsonline.org/measuring-nutrition-literacy-problems-and-potential-solutions-2161-0509.1000e105.pdf>.