

Draft Regulations

Draft Regulation

Food Products Act
(chapter P-29)

Food — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting food, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation adds the requirement to display “packaged on” and “best before” and the associated dates on prepackaged products intended for human consumption with a durable life of 90 days or less and that were packaged by a retailer or a restaurateur. In addition, the draft Regulation provides rules for determining the durable life date of the product where one of those products is repackaged. Lastly, the draft Regulation harmonizes the new rules with other chapters of the Regulation.

Study of the matter has shown a relatively small economic impact for enterprises.

Further information may be obtained by contacting Serge Giasson, Direction des stratégies d’inspection et de la réglementation, Ministère de l’Agriculture, des Pêcheries et de l’Alimentation, 200, chemin Sainte-Foy, 11^e étage, Québec (Québec) G1R 4X6; telephone: 418 380-2100, extension 3096; fax: 418 380-2169.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Christine Barthe, in charge of the Sous-ministériat à la santé animale et à l’inspection des aliments, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

PIERRE PARADIS,
Minister of Agriculture, Fisheries and Food

Regulation to amend the Regulation respecting food

Food Products Act
(chapter P-29, s. 40)

1. The Regulation respecting food (chapter P-29, r. 1) is amended by inserting the following after section 3.3.3:

“3.3.3.1. If a retailer or a restaurateur packages or repackages food intended for human consumption with a durable life of 90 days or less, the prepackaged product containing the food must also display on its container, package or wrapping, in addition to the information required under the Food and Drug Regulations (C.R.C., c. 870), the following inscriptions in indelible, plainly legible and conspicuous characters:

(a) “packaged on” followed by the packaging date determined under the Food and Drug Regulations;

(b) “best before” followed by the durable life date in accordance with section 3.3.3.2 or an indication stating where the date can be found on the package. The “best before” indication may be posted on a sign near the prepackaged product where the total surface of the package is under 10 centimetres square and the food it contains has been packaged on the premises where the retail sale or restaurateur activity is carried on.

The requirement to indicate “best before” does not apply to

(a) fresh yeast;

(b) formulated liquid diet, a meal replacement, a food represented for use in a very low energy diet, a nutritional supplement or a human milk substitute within the meaning of the Food and Drug Regulations.

This section does not apply to prepackaged whole fresh fruits and vegetables. It does not apply either to prepackaged individual portions of food served with meals or snacks.

3.3.3.2. The durable life date of a prepackaged product is the date determined under the Food and Drug Regulations (C.R.C., c. 870), except the durable life date of a container of graded and marked eggs and of a package of eggs laid by a layer of a species other than the domestic hen established under sections 5.4.1 and 5.5.2 of this Regulation.

When repackaging a prepackaged product that has not been processed to significantly increase its durable life, the durable life date must be the date it had the first time it was intended for sale to consumers. Freezing is considered to be processing that does not increase the durable life of a prepackaged product.

If the product is repackaged after having been prepared with other food or another prepackaged product, the durable life date corresponds to the date of the food or product having the oldest durable life date.

Despite the foregoing, if, at the time of repackaging, the state of the new prepackaged product so requires, the durable life date must be prior to the date provided for in the second or third paragraph.

3.3.3.3. The dates referred to in section 3.3.3.1 are shown as follows:

(a) where it is required to indicate it, the year or at least the last 2 numbers of the year;

(b) the month, after the year if indicated, in letters or abbreviated as follows:

JA for JANUARY
 FE for FEBRUARY
 MR for MARCH
 AL for APRIL
 MA for MAY
 JN for JUNE
 JL for JULY
 AU for AUGUST
 SE for SEPTEMBER
 OC for OCTOBER
 NO for NOVEMBER
 DE for DECEMBER;

(c) after the month, the day in numbers.”.

2. Section 5.1.4.1 is amended by adding “, in accordance with paragraphs *b* and *c* of section 3.3.3.3” at the end of the fifth paragraph.

3. Section 5.4.1 is amended by inserting the following after the first paragraph:

“The date referred to in subparagraph 4 of the first paragraph must be indicated in accordance with paragraphs *b* and *c* of section 3.3.3.3.”.

4. Section 5.4.4 is amended by striking out “only”.

5. Section 11.8.13 is amended by replacing “by the date” in paragraph 9 by “by the durable life date, in accordance with sections 3.3.3.1 to 3.3.3.3”.

6. Section 11.12.3 is amended

(1) by inserting “or restaurateurs” after “Retailers” in the portion preceding paragraph 1;

(2) by replacing “by a date prior to or identical to the date on the original container or package” in paragraph 9 by “by the durable life date”;

(3) by adding the following paragraph at the end:

“The inscriptions provided for in paragraphs 9 and 10 must comply with sections 3.3.3.1 to 3.3.3.3.”.

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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