



Guide for the Labelling and Advertising of Pet Foods

Prepared by the Working Group on the
Labelling and Advertising of
Pet Food in Canada

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Canadian Kennel Club

Canadian Veterinary Medical Association

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Now that their efforts are complete, I would like to take this opportunity to thank the Working Group on the Labelling and Advertising of Pet Foods for the expertise and enthusiasm that they demonstrated in making *The Guide for the Labelling and Advertising of Pet Food* a reality. The finished product would not have been possible without the sustained effort and commitment shown by the Working Group.

The mandate of the Working Group at its inception was ambitious: to assemble a broad cross-section of stakeholders to create a guide that would form a set of industry standards, setting out the very best practices in labelling and advertising of pet food, as well as a benchmark for the Competition Bureau to use when enforcing the *Competition Act* and the *Consumer Packaging and Labelling Act* with respect to pet food labelling and advertising. I hope that you will find upon reviewing the enclosed guide that the Working Group fulfilled that mandate.

On behalf of the Competition Bureau, I am pleased to endorse *The Guide for the Labelling and Advertising of Pet Food* to all those in the pet food industry, and to serve notice that the Competition Bureau will be using this guide as a reference point for the vigorous application of the laws it administers with respect to pet foods sold in Canada.

Raymond Pierce
Deputy Commissioner of Competition
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Introduction

During recent years, Canadian pet food manufacturers and consumers have expressed the desire to see a more uniform approach to labelling and advertising of pet food in the Canadian market as well as more rigorous application of the *Consumer Packaging and Labelling Act* and the *Competition Act* in matters concerning false and misleading representations.

In April 1998, the Competition Bureau of Industry Canada, within its mandate to promote the fair and efficient operation of the Canadian marketplace, organized a working group consisting of Canadian pet food manufacturers and importers, federal government officials, and consumer representatives, to address concerns from the public about the lack of uniformity and monitoring of pet food labelling. The goal of this working group was to create a guide that would provide a set of industry standards, setting out best practices for industry in the labelling and advertising of pet foods, as well as a benchmark for enforcement purposes by the Competition Bureau. This Guide is the result of the working group's efforts.

The Guide applies to all claims concerning pet food products included in labelling, advertising, promotional materials and all other forms of marketing in connection with the sale of these products. Please note, however, that the Guide is restricted to the labelling and advertising of prepackaged pet food for dogs and cats, and does not apply to pet treats or to food for other pets. Products that are considered to be "drugs" as defined by the *Food and Drugs Act* are also not covered by this guide.

This guide is not law. Readers should refer to the appropriate legislation when questions of law arise and, if a particular situation gives rise to concerns, should obtain legal advice. Section 1.4 of the Guide outlines labelling requirements which are mandatory under the *Consumer Packaging and Labelling Act*, and which are further prescribed by regulations in force under that statute.

In all other areas, the Guide highlights labelling practices that will ensure consumers receive clear and meaningful information to help them make informed purchasing decisions. The Guide also illustrates the types of claims that would provide a 'safe harbour' for manufacturers and importers who want to be assured that their claims will not mislead consumers. Additionally, the Guide reflects benchmarks that the Competition Bureau will consider when evaluating possible violations of the provisions of the *Consumer Packaging and Labelling Act* and the *Competition Act* which prohibit false or misleading representations. It is unlikely the Competition Bureau would take exception to the labelling and/or advertising of a pet food product if this guide is followed.

The following federal government departments are involved with the regulation of pet food:

- The Canadian Food Inspection Agency regulates the movement of inedible meat products and administers legislation requiring the certification of certain imported pet foods containing animal products.
- Health Canada administers legislation prohibiting unsubstantiated health claims in the advertising and labelling of pet food.
- The Competition Bureau of Industry Canada administers legislation requiring that prepackaged pet food destined for retail consumption be labelled with a bilingual common name, metric net quantity declaration and dealer name and address. The legislation also prohibits false and misleading representations and deceptive marketing practices.

This guide may be reviewed and updated periodically to reflect changes in technology or marketplace needs.

Guide for the Labelling and Advertising of Pet Foods

The following is provided as general guidance for the development of complete and useful labelling information that is truthful and not misleading for consumers.

1. GENERAL

- 1.1 Specific label requirements relating to a wide range of information are set out in Federal and Provincial Acts and Regulations, including but not limited to, the *Consumer Packaging and Labelling Act and Regulations*, the *Competition Act*, and the *Food and Drugs Act*.
- 1.2 A label must contain sufficient legible information to provide the consumer with the common name, net weight, list of ingredients, feeding instructions (subject to section 1.7), guaranteed analysis, and the nutritional adequacy or intended life stage for which it is suitable.
- 1.3 A label must not bear a statement of identity, a vignette or any other representation, pictorial or otherwise, that has the capacity, tendency or effect of misleading or deceiving consumers with respect to the composition, form, suitability, quality, colour, flavour, performance, method of manufacture or intended use of the product or any of its ingredients.
- 1.4 The *Consumer Packaging and Labelling Act* and its regulations specify the information which must appear on a label and the manner in which this information must be shown. More detailed information on the labelling requirements can be found in the document *Guide to the Consumer Packaging and Labelling Act and Regulations*. This can be found on the Competition Bureau's web-site at <http://competition.ic.gc.ca> . In general, the Act prescribes the three mandatory labelling requirements:

a) Product Identity

The common or generic name of the product, such as "Dog Food" or "Cat Food" or similar designations in both English and French, must appear on the principal display panel. It must be easily legible to the consumer under normal or customary conditions of sale or use.

b) Net Quantity

The net quantity statement, in English and French, must be shown on the principal display panel in metric units of measurement. The use of a correct metric symbol meets the bilingual net quantity requirement.

c) Dealer name and Principal Place of Business

The label must specify the name and principal place of business of the person by or for whom the product was manufactured or produced for resale. This name and address should be sufficient for postal delivery. The declaration may be in either English or French and can be located anywhere on the outside surface of the package except the bottom.

Where a pet food product is wholly manufactured or produced in a country other than Canada, any one of the following formats will satisfy the requirements of this section:

- the name and address of a Canadian dealer preceded by the words “imported by / importé par” or “imported for / importé pour”
- the statement of geographic origin (for example “Made in X” or “Product of Y”) immediately adjacent to the name and address of the Canadian dealer
- the name and address of a dealer outside Canada

- 1.5** If a product is being sold in Quebec or in any other province where provincial language legislation exists, the label must conform to the requirements of that legislation.
- 1.6** Labels for products that are formulated for or suitable for only a limited purpose, such as supplemental feedings or that are limited to specific life stages, must contain a statement to that effect.
- 1.7** Feeding instructions must appear on the product label unless intended for intermittent or supplemental feeding or under the direction of a veterinarian. Where the size of the packaging (156 g size package or less) provides insufficient space for detailed feeding instructions, feeding instructions can be abbreviated (for example: feed adult cat two 84 g cans daily).
- 1.8** All claims that a product meets the criteria for nutritional adequacy must be accurate and verifiable.

2. GUARANTEED NUTRIENT ANALYSIS

- 2.1** A guaranteed analysis must be shown on the label and include the following: (Values should be stated on an “as fed” basis):

[Crude] protein	Minimum percent
[Crude] fat	Minimum percent
[Crude] fibre	Maximum percent
Moisture	Maximum percent

- 2.2** A guaranteed analysis must be expressed in quantitative units. The addition of other nutritional guarantees may be shown. A “Minimum” or “Maximum” or similar terms should accompany each as appropriate. The nutrient content must be verifiable by an established Association of Official Analytical Chemists (AOAC) method or other recognized analytical method.
- 2.3** If the label calls attention to preservatives or other similar ingredients, these need not be included in the guaranteed analysis statement.

3. INGREDIENTS

3.1 Ingredient Definitions

- a)** Feed ingredient definitions can be found in the current version of the Association of American Feed Control Officials (AAFCO) Official Publication. They are recommended as the definition guidelines for ingredient labelling in Canada.
- b)** The onus is on the manufacturer or importer to ensure that all ingredients are allowable under Canadian law and that the addition of any ingredient, or the addition of any ingredient beyond certain levels, does not make the product a drug as defined by the *Food and Drugs Act*.

3.2 Ingredient Statements

- a)** Ingredients must be listed and must be identified by the common or usual name of the ingredient. Brand or trade names must not be used.
- b)** Each pet food label must carry under the heading “Ingredients” a complete list of major ingredients. Preservatives must also be listed. Minor ingredient categories such as vegetable gums or vitamins and minerals may be grouped or expressed as a group.
- c)** All ingredients (major, minor or categories), as mentioned above must be listed in descending order by percentage of weight.
- d)** When water is added in the preparation of pet food, a statement of that fact, for example, “sufficient water has been added for processing” may appear at the conclusion of the ingredient list.

4. PRODUCT NAME

- 4.1** When used as part of a pet food name or statement of identity, the name of a specific ingredient must not create the impression that there is a greater proportion of that ingredient than is actually contained in the product.

4.2 When an ingredient or combination of ingredients constitutes 90% or more of the total mass of all ingredients in the pet food formula, the name or names of such ingredients may form a part of the product name of the pet food without any qualification(s) (for example: *"My Brand" Beef Dog Food*).

a) If more than one ingredient appears in the product name, they must be listed in descending order by percentage of weight (e.g., *"My Brand Beef and Chicken Dog Food"*).

b) For the purposes of this requirement, water sufficient for processing, trace amounts of preservatives and condiments and trace nutrients will not be considered ingredients.

4.3 When an ingredient or combination of ingredients constitutes at least 25% but less than 90% of the total mass of all ingredients of a pet food formula, the name or names of such ingredients may form a part of the product name of the pet food only if the product name also includes a primary descriptive term such as "meatballs", "fish cakes", "dinner", "formula", "stew", or "meal" (for example: *"My Brand Beef Dinner Dog Food"*).

a) If more than one ingredient appears in the product name, they must be listed in descending order by percentage of weight (e.g., *"My Brand Beef and Chicken Dinner Cat Food"*).

b) For the purposes of this requirement, water sufficient for processing, trace amounts of preservatives and condiments and trace nutrients will not be considered ingredients.

4.4 When an ingredient or a combination of ingredients constitutes at least 3% but less than 25% of the total mass of all ingredients of a pet food formula, the name of any ingredient or combination of ingredients may appear in the product name, preceded by the designation "with" or a similar term, providing each named ingredient constitutes at least 3% of the total mass of all ingredients of a pet food formula (for example: *"My Brand Dog Food with Lamb and Rice"*). The descriptor, "with" shall be the same size, style and colour print as the ingredient name(s).

a) If more than one ingredient appears in the product name, they must be listed in descending order by percentage of weight.

b) For the purposes of this requirement, water sufficient for processing, trace amounts of preservatives and condiments and trace nutrients will not be considered ingredients.

c) For the purposes of this requirement, the 3% minimum level does not apply to claims for nutrients. This includes, but is not limited to, vitamins,

minerals, fatty acids and condiments.

- 4.5** When an ingredient or combination of ingredients is less than 3% of the total mass of all ingredients of a pet food formula, the name or names of such ingredients may form a part of the product name, only if associated with the term “flavour” (for example: “My Brand Beef Flavour Dog Food”). The descriptor “flavour” shall be the same size, style and colour print as the flavour designation(s).

a) If any flavour is designated on a pet food label, the flavour’s source must be readily identifiable in the ingredient statement.

b) If more than one ingredient appears in the product name, they must be listed in descending order by percentage of weight.

c) For the purposes of this requirement, water sufficient for processing, trace amounts of preservatives and condiments and trace nutrients will not be considered ingredients.

d) This requirement does not apply to claims related to vitamins, minerals, fatty acids and condiments.

- 4.6** Terms such as “burger”, “chunk”, “patty”, “cubes”, “meatballs”, “rissoles”, “croquettes”, “slice” or any other similar terms must not be used to describe a product or an ingredient thereof which does not have substantially the shape, form or composition so represented when it is sold to the retail purchaser.

5. NUTRITIONAL ADEQUACY & NUTRIENT PROFILES

5.1 Animal Feeding Tests

If a product has successfully passed an animal feeding protocol for a given life stage, then the following or a similar claim may be used on the product label:

“Animal feeding tests using procedures outlined in (insert name of program) substantiate that (insert product name) provides complete and balanced nutrition for (insert life stage(s)).”

5.2 Nutrient Profiles

If a product successfully meets the nutrient values in a nutrient profile program for a given life stage, then the following or a similar claim may be used on the product label:

“(insert product name) is formulated to meet the (insert name of organization)

Dog (or Cat) Food Nutrient profile for (insert life stage(s))”

Note: North American Associations that currently administer animal feeding protocols and nutrient profile programs include the Pet Food Association of Canada, the Canadian Veterinary Medical Association and the American Association of Feed Control Officials.

5.3 Limited or Supplemental Nutrition Claim

If a product is not intended to be the sole source of nutrition for an animal, then the following claim must be used on the product label:

“(insert product name) is intended for intermittent or supplemental feeding only.”

5.4 Special Dietary Use

If a product is intended to be used under the direction or supervision of a veterinarian, then the following claim must be used on the product label:

“Use only as directed by your veterinarian.”

5.5 Life Stages to be used in Nutritional Adequacy Statements:

- All Life Stages
- Gestation/Lactation (Pregnancy/Nursing)
- Growth
- Maintenance

Note: Evidence of a product meeting a more demanding life stage requirement will allow a less demanding life stage claim.

6. CLAIMS

6.1 General

a) The following guidelines are applicable to statements made on labels, labelling or other promotional material, including but not limited to print and broadcast media and electronic commerce.

b) Claims, including, but not limited to, representations in the form of statements, guarantees of performance and efficacy, and explanatory statements:

- must be accurate and not misleading

- must be based on adequate and proper tests
- must be relevant to that particular product, and used only in an appropriate context or setting
- must not imply that the product is endorsed or certified by an independent third-party organization when it is not
- must not be made if, despite the representation being literally true, it is likely to be misinterpreted by consumers or is misleading through the omission of relevant facts
- must be presented in a manner that clearly indicates that the representation and the explanatory statement should be read together
- must, if based on a pre-existing but previously undisclosed aspect, be presented in a manner that does not lead consumers to believe that the representation is based on a new process or product modification (for example saying “now with added calcium” when the product has always contained calcium)
- must not be made where they are based on the absence of ingredients which have never been associated with the product category
- must be reassessed and updated as necessary to reflect changes in circumstances that could alter the accuracy of the representation

Data to justify the claim(s) should be kept on file with the manufacturer and must be made available to government officials upon written or verbal request.

c) A statement on a pet food label stating “new”, “improved” or a similar designation shall be substantiated and its use limited to a maximum of one year’s production.

6.2 Comparative Claims

(e.g. palatability preference, greater digestibility, less fat, reduced calorie or similar terms)

a) Whenever a comparison is made within a company’s line, the product of comparison must be listed. Legal advice should be obtained prior to listing the names of competitors’ products when making a comparison.

- b)** If the comparison involves nutrients such as fat or calories, the percentage change must also be included with the product of comparison.
- c)** Comparisons of nutrient content must be on a similar basis (example: dry vs dry), be accurate, the basis for the comparison must be fully disclosed and not misleading, and must be expressed using common quantitative units.
- d)** The use of claims stating preference or comparable attributes must be substantiated by adequate and proper tests and are valid for one year, unless there has been a reformulation of the test product or comparative product which is generally available at retail.
- e)** Data confirming the comparison will be kept on file with the manufacturer and will be made available to government officials upon written or verbal request.

6.3 Health Claims

- a)** Adequate and proper tests must confirm the benefit of the nutritional link to the health claim.
- b)** Current data confirming the health claim must be kept on file with the company and must be made available to government officials upon written or verbal request.
- c)** Health claims must comply with existing Canadian law with respect to drug claims. For example, the words “diagnose”, “cure”, “mitigate”, “treat” or “prevent disease” must not be used.

6.4 Nutrient Claims

- a)** If the label of a pet food product calls prominent attention to a nutrient, outside of the ingredient panel, then a guarantee of the nutrient must appear in the guaranteed analysis statement as outlined in section 2. Examples of nutrient claims include: Fortified with calcium; Extra vitamin E; Added vitamin C; Low magnesium. Statements for educational uses are exempted from this requirement. This exemption is restricted to non-quantitative representations provided for the purpose of educating consumers on the traditional role of required nutrients.
- b)** If nutrient claims are made in promotional materials but not on the label of the product, then the guaranteed analysis section of the label does not need to reflect this ingredient.
- c)** Nutrient statements must be accurate and not misleading.

7. MISREPRESENTATION OF THE CHARACTER & SIZE OF BUSINESS, EXTENT OF TESTING ETC.

An industry member must not, directly or indirectly, by way of its company, brand, trade name, or otherwise, make any false or misleading representation:

- Regarding the length of time it has been in business;
- Regarding the extent of its sales;
- Regarding its rank in the industry as a producer or distributor of a product or type of product ;
- Regarding any other material aspect of its business or products;
- That it owns or operates a laboratory, breeding or experimental kennel when such is not the case;
- That its products have been tested in any particular manner or for any period of time or with any particular results when such is not the case;
- That a product, ingredient or manufacturing process is new or exclusive when such is not the case.

8. DECEPTIVE ENDORSEMENTS, TESTIMONIALS & AWARDS

An industry member must not, directly or indirectly, by way of endorsement, testimonial, award, advertising, labelling, brand, trade name or otherwise, make any false or misleading representation:

- a) That a product or ingredient thereof
 - has been prepared according to the formula, direction or personal supervision of;
 - is prescribed by;
 - is the first choice of;
 - has been inspected, guaranteed, recognized, approved or used by;
 - meets or exceeds the specifications or standards of; or

- is otherwise endorsed by

a particular individual or class of individuals, such as: a governmental or non-governmental agency; professionals such as veterinarians or chemists; or organizations, breeders, kennels, sportsmen, hunt clubs or animal hospitals, when such is not the case;

- b)** That a product is the recipient of a bona fide merit award or seal of approval when such is not the case.

Data justifying claims of this type must be kept on file, by the company responsible for making such a claim, and be made available to government officials upon written or verbal request.