



December 2, 2020

Jodi White
Director of Consumer Protection and Competitive Fairness Division
Canadian Food Inspection Agency
1400 Merivale Road Tower 2, Floor 6
Ottawa, ON K1A0Y9

Dear Ms. White,

RE: Proposed CFIA changes to guidelines for simulated meat and simulated poultry products

Beef Farmers of Ontario (BFO) appreciates the opportunity to provide feedback on the proposed changes to guidelines for simulated meat and simulated poultry products. BFO represents the 19,000 beef farmers across Ontario by advocating in the areas of policy planning, industry development, research, environment, animal health and welfare, and domestic and export market development.

BFO strongly supports the review of the Government of Canada's guidelines for simulated meat and poultry products. We further support the policy intent of creating clearer guidelines to help distinguish meat and poultry products from simulated meats and other products which do not substitute for meat and poultry products. However, based on our review of the proposed guidelines, we remain concerned that the guidelines do not sufficiently ensure market consistency in labeling and consumer identification, nor do they provide sufficient protection or response to mislabeling of products. Both of these gaps should be addressed.

Specifically, BFO recommends that additional clarity be provided in the definition of the term "simulated meat" as some products could fall within both Categories 2 and 3.

The only difference between Category 2 and 3 products is that Category 3 needs to meet the following requirements:

- Do not contain meat, poultry or fish products [B.01.001(1), FDR].
- Must meet the minimum protein content and rating requirements [B.14.085-B.14.090; B.22.029, FDR].
- Must meet the specified requirements for fat content [B.14.085-B.14.090; B.22.029, FDR].
- May contain food additives. For a list of additives permitted for foods, refer to Health Canada's list of permitted food additives.



Besides the nutritional difference between Category 2 and 3, there is none. The new labeling requirements need to be based on the appearance of the product, not the nutritional facts, because the appearance will have a higher likelihood of misleading the consumer.

To add clarity to the guidelines, BFO recommends combining Categories 2 and 3 to reduce confusion with products that could fall into either category. If left unaddressed, companies may choose to have products follow the guidance of the section most appealing to that company or product, which could cause confusion for consumers and promote disparity between similar products.

Appearance

As stated in Category 2, under the appearance section:

- *The product is purposefully formulated to resemble a meat or poultry product, for example, a non-meat product which is formulated to have the appearance of a beef burger, by adding components to simulate bleeding or to simulate a marbling of fat effect.*

Additional labeling requirements are needed to support products that fit within the above appearance description. Without additional labeling guidance, products that fit this category have a high likelihood of confusing and misleading consumers.

Under Category 3:

- *... are not aiming to be like a meat product. For example, a soy burger may have discrete non-meat ingredients...*

This point reinforces our earlier concern that some products in Categories 2 and 3 are being positioned to be an animal-based meat substitute. BFO would underscore its recommendation to apply the same guidelines to both Categories 2 and 3.

Common Name

Allowing products to use terminology that has long been associated with traditional animal-based meat products, such as burger and patty, promotes confusion for consumers, particularly when these products are marketed next to each other at retail.

Under Category 2, meat cut naming conventions are used as guidance, stating:

- *Simulated “naming the standardized meat cut”: simulated sirloin, simulated tenderloin, simulated steak.*

BFO strongly opposes references to muscle groups reserved for live animals to be marketed on simulated meat product packaging, such as tenderloin, striploin, and sirloin. We also question whether providing such guidance would conflict with CFIA’s definition of meat as standardized meat cuts are in direct reference to an animal carcass.



With respect to the guideline for the word “simulated” to be at least the same size as the common, animal-based product, BFO recommends that the word “simulated” be required to be larger than the common animal-based product name to ensure visual separation between meat and simulated meat.

Contains no meat/Contains no poultry declaration

BFO supports the guidance for Category 2 products to declare in close proximity to the common name that they do not contain meat. However, we remain concerned that guidance under Category 3 will not provide similar distinction protections, as it states:

- *The declaration “contains no meat” or “contains no poultry” is not required on the label but may be applied*

Currently, products in Category 3 would be allowed to use terms like burger and patty, positioning themselves to compete with traditional meat products. If these products do not declare that they contain no meat, they would have a significant competitive advantage over traditional meat products because they would mislead consumers. As such, BFO recommends that Categories 2 and 3 be combined into one set of guidelines. At a minimum, Category 3 products should be required to label that the product “contains no meat,” similar to Category 2 products.

Advertisement and Representations

Allowing the use of common animal-based product names on simulated meat labels is a direct example of product misrepresentation unless robust labeling and enforcement measures are put in place to ensure a clear distinction between products. The current guidance document falls short in this regard.

In addition, the current complaint-based system of label enforcement places a near-exclusive onus on the meat protein industry to manage. BFO would like to see greater emphasis placed on labeling approvals and/or proactive enforcement or routine audits of products. In particular, products that are clearly introduced as an alternative to a pre-existing product, such as simulated meats, should receive heightened focus by regulators in terms of both product advertisements and representations.

Category 3 guidance further states:

- *Naming the animal species, meat cuts to compare the product to meat on the label and/or advertising is not permitted*

BFO supports this point.

Under **graphical representations**, Category 3 states:

- *The labels and/or advertising may include graphical representation related to meat, animal source, or poultry bird (for example, the image of a turkey bird)*



BFO strongly opposes any allowance that permits graphical representations of the product they are trying to mimic. This may be the clearest example of product misrepresentation within the entire guidance document and will once again promote the intentional misleading of consumers to the detriment of the products, sectors, and producers these products are trying to imitate.

Conclusion

The proposed changes to the guidelines for simulated meat and simulated poultry products will provide value to the government, industry, and consumers if the concerns raised by BFO and others within the meat sector can be addressed. BFO believes there is ample room for competing products in the marketplace but also expects regulators to ensure distinctions between animal-based products and simulated meat products are clear, distinct, and enforceable. The current iteration of the guidance document falls far short of this baseline expectation, which is of serious concern to our members and the broader beef and meat sector at large.

Sincerely,



Rob Lipsett
President

cc: Canadian Cattlemen's Association
Ontario Federation of Agriculture
CFIA President, Dr. Siddika Mithani

