

Online Food Labelling Consultation

Respectfully submitted by:
Canadian Celiac Association (CCA)
July 8, 2022

The Canadian Celiac Association (CCA) is pleased to participate in Health Canada and the Canadian Food Inspection Agency's public consultation to inform the development of voluntary guidance on the information that should be provided to consumers when they purchase foods through e-commerce.

Health Canada and the Canadian Food Inspection Agency have asked for comment on:

- proposed principles and approach for developing this guidance; and
- challenges faced in obtaining, providing and/or maintaining information about foods for sale through e-commerce

Questions about this submission can be directed to:

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Our organization

For nearly 50 years, the Canadian Celiac Association's mission as a national volunteer-led charity is to help every Canadian with celiac disease get diagnosed and empowered through education, awareness, and research. We represent nearly 2.5 million Canadians of which 340,000 have or are at risk for celiac disease and the rest have other gluten-related disorders or sensitivities due to other health reasons. You can learn more about CCA and our volunteer Board of Directors, [here](#).

CCA has an active subscriber base of over 32,000 individuals and Facebook Support Group with 17,000 members who receive peer support and resources from the CCA. We have 7,000 Instagram and nearly 10,000 Facebook Page followers.

CCA has a long-standing reputation within the international community. This is because we are backed by an internationally respected volunteer **Professional Advisory Board** of gastroenterologists, registered dietitians, medical practitioners and other industry experts who have a high degree of expertise diagnosing, managing and researching patients with celiac disease.

What is celiac disease?

Approximately one percent of Canadians are at risk for celiac disease (CD). Celiac disease is not an allergy. It is a lifelong genetic autoimmune disorder. When food containing or cross-contaminated with gluten – a protein found in wheat, rye, barley, and triticale (a cross-bred grain) – is ingested, the small intestine has an inflammatory response which damages the intestinal villi. Villi are key to absorbing important micro-nutrients like Vitamin D, calcium, and iron into the body for proper health and development.

Research has shown that ingestion of over 10 mg gluten/day can result in symptoms and damage to the intestinal villi for people with CD.

SHORT TERM SYMPTOMS

- low energy,
 - tiredness,
 - numbness and tingling in fingers,
 - severe diarrhea,
 - bloating,
 - constipation,
 - skin rash,
 - joint pain; and
 - headaches.
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LONG TERM COMPLICATIONS

- neurological damage (dementia, gluten ataxia),
 - osteopenia,
 - dental enamel damage,
 - reproductive problems,
 - infertility,
 - anemia; and
 - cancers of the gut such as lymphoma.
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Why is this consultation important to our community?

Consumers need to be able to make an informed choice for their health and well-being; having all the information as if they were shopping in person.

For people with CD, there is no cure or pharmacological treatment for the disorder except for following **a strict, lifelong gluten-free diet (GFD)**. The quality and safety of their food is their medication.

Illnesses from incidental cross contact can be felt from hours to one week in an individual. Depending on the severity, individuals can lose one day to one week of their quality of life and time at work or school. The impact is felt not only on the health system with unnecessary visits to a doctor's office or hospitalization but also lost economic revenue and productivity.

Our community relies on accessibility to safe gluten-free food. While there are many naturally gluten-free foods such as natural chicken, beef, pork and dairy, vegetables and fruit, patients rely on specially formulated gluten-free food products to round out their overall health requirements and quality of life such as cereals, breads, pastas, snack items, supplements, and condiments.

Food made for the gluten-free diet falls under Division 24 of the Canadian Food and Drug Regulation for food for special dietary use. These foods must not contain more than 20ppm (parts per million or milligrams per kilogram).

Online sales – The Good News

Online sales provide more product choice and improve convenience. Accessibility of gluten-free food has improved over the past 10 – 15 years mainly in large urban centres. In-store product selection and availability are reduced greatly in more rural and remote areas. People with CD in these communities rely on online ordering to supplement their diets.

During the COVID-19 pandemic, more consumers used online grocery retailers to deliver food direct to home to avoid exposure or during quarantine periods.

People in our community with visual impairments should be able to use retail websites to better review labels and ingredients through accessible websites and tools. So, it is key that all point of consumer decision-making—whether in-store or online – be available for all individuals.

Canadians with English as a second language use online sites to shop. They can use tools such as Google Translate to highlight ingredient names that they do not recognize as they shop. But it is key that labelling information is the same as if the individual is shopping in-store so they can clearly make an informed choice.

More standardized sites would allow for successful sales and satisfied consumers. Happy consumers will mean repeat business.

Online sales afford the opportunity for individuals who are home-bound, with limited mobility to access safe and a variety of gluten-free foods.

Access to safe food is a human right.

For people with celiac disease, gluten-free food is their medicine.

“The right to food is recognized in the 1948 Universal Declaration of Human Rights as part of the right to an adequate standard of living and is enshrined in the 1966 International Covenant on Economic, Social and Cultural Rights”¹.

Food must be available, accessible, and adequate.

According to Food and Agriculture Organization of the United Nations, [countries] have to respect people’s existing access to food and means of obtaining food and that food security exists “when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food. The right to food is a human right recognized under international law that provides entitlements to individuals

¹ [FactSheet34en.pdf \(ohchr.org\)](#)

to access to adequate food and to the resources that are necessary for the sustainable enjoyment of food security meets their dietary needs and food preferences for an active and healthy life.”²

Vulnerable Populations

Without standardization and regulation of online sales, seniors, people who are homebound or with certain disabilities - our most vulnerable - are at increased risk if online orders are not accurate or safe. They risk increased illness and adverse events as they rely on other individuals to order and prepare their food. These caregivers or individuals may not have the necessary education or health literacy to navigate complex labelling. Clarity and ease are key to avoid waste, illness, and hospitalization.

Gluten-free food is our medicine.

Once on a sustained gluten-free diet (GFD), the villi in the small intestines begin to heal, and if no long-term damage has been done, individuals can live a long and relatively healthy life. There is no pharmacological treatment for CD. The GFD is considered one of the most burdensome to follow because gluten can be found – either intentionally added or accidentally cross-contaminated - in a wide variety of food (e.g. sauces, dressings, spices, snack items) and natural health products (supplements), prescription and over the counter medications, and beverages (e.g. beer, added flavours). Restaurants and dining out pose some of the greatest risks to our community.

Individuals with CD and associated co-morbidity diseases experience even more of a burden. For example, someone who has Type-1 diabetes and celiac disease he/she must manage both sugar controls and their gluten intake. People with IBS or Crohn’s and celiac disease must navigate diets such as celiac and low FODMAP.

Navigation food of complex food labels

People with celiac disease must have access to food ingredients to make a purchase. The experience should be almost equal to an in-store purchase, less the physical product in hand. People with celiac disease learn to **read every food label, every time** to ensure they can safely consume the food or prepare it for others. Individuals must seek out food that is either labelled gluten free or investigate each and every label of food not labelled GF by reviewing the **ingredient list, contains** and **precautionary statements** on products. This also goes for natural health products and medications that are ingested.

CCA provides a myriad of free resources for individuals, families, and caregivers to help them navigate ways to purchase, order and prepare food for safe consumption. Learn more [here](#).

Foods sold in-store have a standard labelling format that manufacturers are required to follow. All the necessary information is available at point of purchase. Given the immense importance of knowing what ingredients are in food, **online websites for food sales need to provide the same information as in-store.**

² [FactSheet34en.pdf \(ohchr.org\)](#)

Imported Food from Other Countries

It is important for consumers to have protection and education when purchasing food from US or foreign sites. Websites such as Amazon may offer Canadians access to imported foods and ship within Canada. Canadian labelling laws are different from many countries, especially with priority allergen, gluten and sulphites. Canadian websites that sell and distribute foreign products must be regulated and inspected to ensure products meet the Canadian food labelling and quality standards to protect consumer health.

Incorrectly Tagged Products

CCA and its community have observed with online sites that gluten-free products can be incorrectly tagged for product searches. Products on some sites have been tagged as gluten free when they are not. Incorrect tagging reduces potential for illness, frustrates consumers, creates incorrect orders, and causes unnecessary delays. We have anecdotal reports from our Facebook Support Group that products have been purchased online only to receive a delivery of a product they can't consume. Products may be outdated on the website and the new product that is no longer gluten free is shipped or is substituted without prior consultation.

Nutrition and Online Sales

Availability and access to a wide variety of GF foods is essential to meet Canada's Food Guide recommendations.

Unfortunately, access to gluten-free food is not universal across Canada. Online sales offer a chance for consumers to increase variety to maintain their health if they can review the nutritional information along with the ingredients. GF processed and packaged food can be higher in sugar and saturated fats to increase the taste and texture of food like snack products. **Regulations should require that all nutritional facts are clearly displayed for informed choice.**

Fortification Disparities

Unfortunately, GF foods that are fortified are not allowed to be advertised at retail or online ([Reg. D.03.003](#)). This reduces choice for consumers to select healthier options to help them meet the Canada Food Guide recommendations.

Unlike its gluten-containing counterpart, gluten-free flour is not required to be enriched. **67.8%** of newly diagnosed individuals with CD have an iron deficiency anemia¹, which is considered a severe health concern in a population according to the World Health Organization¹. Requiring GF flour products to be equally fortified like enriched flour, would allow our consumers to have healthier choices that will improve their overall health in a significant way. It would reduce their need for expensive supplements.

People with CD also have other vitamin deficiencies including folate and B vitamins.

Oats – A Case Study

While regular oats are naturally gluten free, they are frequently grown, harvested, and processed with other gluten-containing grains – wheat, rye and barley – and as such are listed with those grains as containing gluten. Only oats that have been specially grown, harvested and processed and tested under 20ppm can be labelled gluten-free oats under a special 2015 Health Canada Marketing Authorization. As such for oats to be included in a GF product they must be labelled specifically as “gluten-free oats” in the ingredient list.

Oats are a valuable, low-fat source of fibre, iron, and magnesium. For people with CD with no ability to consume regular grains, pure, uncontaminated oats offer a healthy, nutritious and affordable option for our community.

CCA conducted a *Gluten Free Oat Product Review* spanning from 2021 -2022. Staff and volunteers from across Canada reviewed over **305** products of 95 brands and **461** data points. The study revealed that **39%** of gluten-free oat products sold in stores and online were labelled incorrectly. Out of the 461 data points, **307** products were sold online of which **40%** of these products were incorrectly labelled.

While we believe the products were, for the most part, safe for people with CD to consume, gaps in regulation for online sales and a confusing Marketing Authorization for oats have created challenges. In speaking with manufacturers, it appears there is a variety of interpretation of the Marketing Authorization which only causes consumer confusion and question the safety of the product.

Access to GF products is key for people with CD and incorrectly or confusing labels only leads to distrust, confusion and products that may be safe to consume not being purchased, thus reducing options available.

CCA has recently shared this internal study with Health Canada representatives in the Food Allergy and Protection Section. We would be pleased to review this study more in-depth upon request.

Nuts – A Case Study

In the fall of 2020, CCA studied the availability of nut products for people with celiac disease to consume. This ingredient had been previously considered to be high risk.

Due to a unique nutrient composition, nuts have been repeatedly shown to have numerous beneficial effects on human health.³ Nuts are rich in unsaturated fatty acids, high-quality plant-based protein, fiber, vitamins (e.g., folic acid and other B vitamins and vitamin E), minerals (e.g., iron, calcium, magnesium and potassium) and other bioactive compounds. This nutrient dense food group is of special importance for people with celiac disease, as fiber, iron, folic acid and other B vitamins are harder to get on a gluten-free diet.⁴ In addition, non-dairy sources of calcium might also be of particular interest, as celiac disease is often accompanied by lactose intolerance.

Out of 47 nut brands, 25 brands (53%) had products mostly safe for individuals with celiac disease, whereas 14 additional brands (30%) had mostly unsafe products. Overall, no apparent misrepresentations were found on the nut packages checked.

The problems that were found, for which the companies were contacted, were all related to a misleading information presented on the company websites (outdated photos of the products, false gluten-free claims, etc.).

Furthermore, for one of the products checked, the product label has been recently changed and a precautionary statement of wheat has been removed from the package. This might happen, for example, because a company has changed a supplier of one of the product ingredients or multiple other reasons. That reinforces the recommendation that the only source of information that should guide the decision about the product safety should be a label of the actual product at the point of purchase.

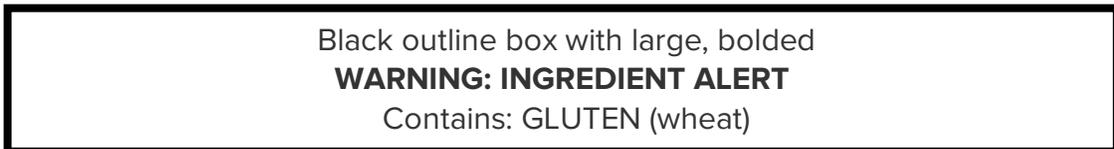
We would be pleased to review this study more in-depth upon request.

³ Ros E. Health benefits of nut consumption. *Nutrients*. 2010;2(7):652-682. doi:10.3390/nu2070652

⁴ Cooper C. Reversing Nutrition Deficiencies in Celiac Disease Patients. Available at: <https://www.todaysdietitian.com/pdf/courses/CooperCeliac.pdf>. Accessed November 29, 2020.

CCA Recommendations

- a. **Point of Purchase** - Ensure that all information a consumer needs to make an informed, safe decision is displayed on a retailer’s website.
- b. **Additional Priority Allergen and Gluten Warnings** – Require online retailers to clearly highlight or emphasize priority allergen warnings in a special section and standardize how these warnings should be displayed. Consideration should be given to those individuals with low vision or low literacy.



- c. **Show Examples** - Provide a guidance document for online retailers to show examples and mock ups of what and how food products and ingredients should appear online.
 - i. The recent Natural Health Product regulations offer sample guidance to display how Product Fact Tables should be displayed to avoid confusion and misunderstanding.
- d. **Consumer decision points** – Regulations and guidance should require that online sales display key information the same as in-store products such as:
 - i. name of product and brand manufacturer,
 - ii. ingredient lists separately displayed in clear, easy to read text in addition to label and product images.
 - iii. serving size,
 - iv. precautionary and contains statements/declaration,
 - v. whole product image (not just label close up), front and back packaging (sides if relevant),
 - vi. image of ingredient list,
 - vii. images of “gluten free” graphics displayed on product, if so labelled; and,
 - viii. nutrition information table.
- e. **Correct Terms:** Use only the term **Gluten Free**, NOT free-from gluten, made without gluten ingredients or gluten-friendly. Consumers with CD are ‘trained’ to look for and trust gluten-free products which are specially formulated for their strict GFD.
- f. **Effective Date and Label Design** – Include image of label along with product release date to include on website for consumers.
- g. **Substitutions** – Require a pop-up alert before consumers select an out-of-stock item. Provide options for consumers to indicate no substitutions or delete product being offered for substitution on deliveries to avoid being sent gluten-containing products in error.
- h. **Before you Buy** - The full product information needs to be easily/readily available on the product information page before even selecting for potential purchase.
- i. **Import Checks** – Regulations and improved inspections are needed to protect consumers and ensure imported products sold online are meeting Canadian standards for labelling and safety.

Proposed principles and approach for developing this guidance

The consultation site encouraged stakeholders to comment on Section 4 of the draft consultation document.

4.1 Provide the same food information that is required to appear on any given label of food offered for sale in a physical store.

Fully support.

4.2 Provide allergen information (including precautionary statements) for any foods offered for sale through e-commerce, including those packaged or prepared by the seller (for example take-out food sold by a restaurant, foods sold in bulk and food sold from a deli case). The information should be provided before the purchase is concluded and it should accompany that food upon delivery to the consumer.

Fully support. See CCA recommendations page for additional suggestions.

4.3 Provide product images of a food to help consumers recognize the product. For example, use the images of the front of the package or the food itself (in the case of fresh foods).

Fully support. See CCA recommendations page.

4.4 Food information and product images should be provided on the product information page, before the purchase is concluded. If this is not possible, provide the information using another appropriate means, so long as the consumer is provided with clear direction on where to find the information and the consumer does not incur any additional charge to obtain it.

Fully support.

4.5 Indicate if and how the delivered food may differ from the one being offered for sale, and advise the consumer to verify the label of the delivered food for those differences.

Fully support. See CCA Recommendation page for additional suggestions.

4.6 Provide food information in both official languages (English and French), so that consumers can access and understand the information in their preferred language. E-commerce platforms should support accented characters that are required for proper spelling and reader comprehension (for example, é, à and ç).

Fully support.

4.7 Provide food information in a manner that reflects, as much as possible, the manner in which it is presented on the food's physical label.

Fully support. See CCA Recommendation page.

4.8 Provide food information in a consistent layout across all product information pages of an e-commerce platform, so that foods can easily be compared.

Fully support.

4.9 Provide food information on a product information page in a manner that is clear, prominent and legible. For example

- black text on a white background
- appropriate spacing between lines of text
- appropriate use of white space
- support text and image resizing without compromising legibility

Fully support. See additional recommendations.

4.10 Provide food information in a way that is readable by screen reader whether in text format or as an image.

Fully support.

4.11 Design the structure of an e-commerce platform (regardless of device or screen size) in a manner that helps the user easily navigate and find food information.

Yes, necessary to have easy access on all platforms

Challenges faced in obtaining, providing and/or maintaining information about foods for sale through e-commerce

While we believe this section was intended for manufacturers to offer comments, we feel there needs to be guidance on keeping websites up to date.

What responsibilities are there between an owner/operator versus third party service platforms to keep products and their descriptions updated and truthful? For example, Well.ca or Purity Life compared to Loblaw or Sobeys for instance. For in-store products, all labelling must be truthful and be adhere to the Safe Foods for Canadians Act.

With the explosion of online shopping, it is essential that manufacturers devote adequate resources for ongoing online updates when product packaging changes. The CCA continues to receive calls, emails and posts on CCA social media sites about numerous issues regarding inconsistent information online compared to the actual product package. This has resulted in unsafe product consumption, increased food waste, increased costs and has had an impact on mental health within our community.

Thank you for allowing us to be a part of this consultation. We look forward to continuing to work proactively with the government to help keep Canadians safe and thriving.