

Analysis of the Draft Regulation to Revoke the Regulation Respecting Fresh Fruits and Vegetables

Impacts of the draft regulation:

Elimination of all standards concerning the processing, sale, packaging and marking of fresh fruits and vegetables sold **in retail stores and wholesale outlets**.

The federal regulation concerning the export and import of fruits and vegetables remains the same. Thus, categories and grades will remain the same for imported and exported products.

For example: a Québec producer who sells his product in Québec will be able to do what he wants. But whenever he exports his products he will have to meet federal standards. Imported products will have to meet federal standards when entering Canada, but in Québec they will be allowed to be sold in-store or wholesale without having to meet category and grade standards. It's the retailer's choice.

Positive changes:

- It is no longer mandatory to identify the country of origin of products sold in stores or published in flyers if they are fruits and vegetables that are not similar to those grown in Québec and are not produced in Québec, such as oranges, pineapples, mangoes, etc. This will help improve in-store management and reduce the risk of errors.
- It is now legal to sell vegetables that are or appear "misshapen". They do not have to meet any minimum standard or specification.
- Products can now be sold in innovative ways. For example, it will be possible to sell a bag of assorted apples, regardless of their category, size and colour.

Changes to watch for:

- Since product categories and quality standards will no longer apply to fruits and vegetables produced in Québec, it will be the retailers' responsibility to clearly communicate their standards to their suppliers.
- The lack of standards may cause produce quality and presentation to diminish. However, for example, Québec apples with the *Pommes Qualité Québec* logo will still have to meet the latter's quality standards. Furthermore, packagers should still require all other produce to meet their requirements.
- Since Québec produce will no longer come in standardized containers, it will be the buyer-retailers' responsibility to develop their own standards.
- As for imported products, once they have arrived in Québec in the packaging in which they were originally imported, retailers and/or wholesalers will be able to sell them in different types and formats of containers.
- It will still be necessary to identify the country of origin of produce similar to fruits and vegetables produced in Québec but not produced in Québec. For example, apples from Ontario or apples from the USA.

- Québec's Regulation respecting food (chapter P-29, r. 1) will still have to be respected, most notably the prohibition against deception (section 1.5.1.), marking requirements (sections 3.3.3, 3.3.4 and 3.3.6) and food safety standards.

Detailed impacts of the draft regulation: Four (4) major changes

1) Elimination of categories (category 1 and 2):

- Quality requirements will be abolished: shape, softness, ripeness and colour will no longer be regulated.
- Sizing will be abolished: all lengths and diameters will be allowed.
- For example:
 - It will be legal to sell misshapen produce.
 - It will be legal to sell small potatoes and new potatoes year-round, and they will no longer have to be labelled as such.

2) Elimination of packaging and presentation requirements:

For example, it will be legal to sell:

- A bag of apples of assorted colours, varieties and shapes.
- Various pieces of asparagus of varying quality, ripeness and size (not only the spears).
- Fresh strawberries with the calyx removed.
- Fresh fruits and vegetables in containers of varying sizes and formats.

3) Elimination of requirements for advertisements, special offers and other advertising methods (flyers and such):

For example, it will no longer be necessary for flyers to include the following:

- Category designation.
- Country of origin or, in the case of a Canadian product, the word "Canada" or the province of origin of products from outside Québec.
- Net weight, quantity or size of fruit, lettuce, cauliflower and celery.
- "Product of Québec" for fruits and vegetables produced in Québec.
- Type of apple.

This means that a flyer could contain a picture of a fruit or a vegetable with a price next to it and no additional information. That being said, if the retailer wishes to include more information for the client's information, he can still do so.

For additional information in the flyer, the retailer can use a font of any size (the Regulation respecting fresh fruits and vegetables' requirement of at least 1/8" no longer applies).

4) Less information about the fruits and vegetables sold in bulk in-store:

The following information no longer has to be clearly displayed above the product:

- a) Category designation.
- c) Type of apple.
- d) Country of origin or, in the case of a Canadian product, the word "Canada" or the province of origin of products from outside Québec.
- e) "Product of Québec" for fruits and vegetables produced in Québec.
- f) Size of the products.

HOWEVER, sections 3.3.3., 3.3.4. and 3.3.6. of Québec's Regulation respecting food must be followed instead of those in the Regulation respecting fresh fruits and vegetables regarding product markings and notations.

Inscription requirements for conditioned fruits and vegetables:

No changes for conditioned fruits and vegetables¹, or in other words, prepackaged produce (in bags, baskets, boxes, nets or any other type of packaging). Compulsory inscriptions are:

- 3.3.3. *Compulsory inscriptions: Every product conditioned² with a view to sell must display on its container, package or wrapping in indelible, plainly legible and conspicuous characters:*
- a) *the markings necessary to show:*
 - i *the nature, condition, composition, use, exact quantity, origin and all other particulars of the product;*
 - ii. *the name and address of the manufacturer, preparer, conditioner, packer, supplier or distributor;*
 - iii. *its place of manufacture, preparation or conditioning;*

Listing of the constituents of a product must be according to decreasing order of their proportions in the product. The indication of weight must take into account the loss to which the product may normally be subject after its conditioning and must be expressed as net weight.

Inscription requirements for unpackaged fruits and vegetables:

There are two (2) changes regarding bulk products:

- 1) Fruits and vegetables that are not produced in Québec and that are not similar to those produced in Québec: it is no longer necessary to identify the country of origin if sold in bulk.
 - For example: Pineapples, lemons, grapefruits and avocados sold in bulk.
- 2) Québec fruits and vegetables sold in bulk: it is no longer necessary to place a sign next to Québec produce to specify that it is from Québec. The MAPAQ assumes that the absence of a sign implies that the product is from Québec, by default. It seems that at markets and in some stores products from Québec are not marked as a "Product of Québec."

PLEASE NOTE: Even though you are allowed, as per the Regulation, not to identify the country of origin of your products, you may still do so for your customers' information. If you do indicate the country of origin, you must make sure that it is the correct one. (Section 1.5.1 of the Regulation respecting food)

¹ This word is not defined in the Act or in the Regulation. However, it indicates that the product has been processed in some way, including being packaged into a bag, such as vegetables in a 5-pound bag.

² *ibid*

Here are the referenced sections:

3.3.4. *Labelling of displays: When displayed in a retail business establishment, the product, its packaging or container, or a sign referring to a single lot of identical products must bear a label including:*

- a) *the name of the product if there can be any uncertainty about its precise nature;*
- b) *indication of the source of the product in the case of an agricultural product which is similar to an agricultural product of Québec but does not come from Québec;*

3.3.6. *Indication of origin: The indication of origin of an agricultural product shall be given by inscribing the name of the country of origin or, in the case of a Canadian product, the word “Canada” or the name of the province of origin or an equivalent expression or designation.*

The word “Québec” is reserved exclusively for Québec agricultural products.

For example:

- It is necessary to indicate the origin of any produce not produced in Québec if it is similar to any Québec produce.
 - Apples from Ontario or apples from Canada (either one is acceptable under 3.3.6)
 - Apples from the USA
 - A retailer who wants to indicate the origin of an apple from Québec can label it “Apple of Québec” or “Apple of Canada.”

In addition, it is important to remember that all information must be true.

1.5.1. *Prohibition of deception: All deception or attempt to deceive, or false, inaccurate or deceitful statements or indications, in any manner or form, are forbidden, as regards:*

- a) *the nature, condition, composition, identity, source, origin, use, purpose, quality, quantity, value, price or other particulars of the product;*
- b) *the place, date or processes of preparation, manufacture, preservation, or conditioning of the product;*
- c) *the directions for use or preservation of the product;*
- d) *the identity, qualifications or capabilities of the producer, processor, manufacturer, preserver, conditioner or distributor of the product, or of the agent who sells or delivers it.*

If you have any questions or concerns, please contact us:

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