

DONE LIKE DINNER: UPDATED GUIDANCE PUBLISHED BY THE CANADIAN FOOD INSPECTION AGENCY FOR SIMULATED MEAT AND POULTRY PRODUCTS

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The recent rise of simulated meat and poultry products is eliciting a growing demand for clear and consistent regulatory guidelines. On October 5, 2023, the Canadian Food Inspection Agency (“**CFIA**”) released updated guidance (the “**Updated Guidelines**”) for [simulated meat and simulated poultry products](#), in addition to foods that do not fit the definition of simulated meat or poultry products^[1] (the “**Adjacent Products**”).

As [we previously reported](#), the CFIA initiated dialogue in late 2020 about revising the guidelines for simulated meat and poultry products, leading to the publication of a [What We Heard Report](#) from the CFIA (the “**Report**”), which summarized input from the public consultation of [proposed guidelines](#) (the “**Proposed Guidelines**”). This bulletin provides an analysis of the key changes and their implications for the industry.

Key Takeaways for the Industry:

- **Labelling and Clarity:** CFIA has emphasized clear and truthful labelling based on sensory characteristics and advertising representations. Industry stakeholders should review product labels for accuracy and clarity.
- **Guidelines and Compliance:** Compliance could be immediate or deferred. Using the existing inspection procedures, the CFIA may (but is not obligated to) extend corrective action timeframes if non-compliance is found, potentially offering a transition period until January 1, 2026, based on risk assessments.
- **Advertising Guidelines:** Initially referenced as identifiably a non-meat product, Adjacent Products now must (i) neither resemble meat, (ii) nor be advertised or represented as being like meat. Moreover, Adjacent Products now must not be “likely to be mistaken” for a meat product, looking at the “overall impression” of the product from labelling and advertisements. Both simulated products and Adjacent Products have more robust guidance on what is or is not permitted when advertising, as discussed further below.

Simulated Meat and Simulated Poultry Products:

“Simulated meat and poultry products” refer to foods which do not contain meat, poultry, or fish, yet mirror the appearance of meat or poultry products. This includes sensory characteristics (*i.e.*, visual appearance, texture, flavour and odour) and advertising or representation (labelling, marketing, etc.) of these products.

The following categories summarize the Updated Guidelines for simulated products, including how they differ (if at all) from the Proposed Guidelines and feedback in the Report.

Appearance: In line with feedback outlined in the Report, the definition of what it means for a product to “resemble” meat or poultry has been expanded. In the Proposed Guidelines, the focus was on intentional formulation to simulate meat or poultry products. The Updated Guidelines emphasize sensory characteristics, such as visual appearance, texture, flavour, and odour. Furthermore, their labelling, advertising, or marketing, should indicate that they simulate the attributes of meat or poultry products. An example provided in both Guidelines is a non-meat item designed to simulate a beef burger’s appearance, complete with simulated bleeding or marbling of fat.

Common name: The requirement to prefix the word “simulated” to the meat or poultry product they intend to simulate, remains largely consistent with the Proposed Guidelines. The prefix continues to extend to any abbreviations or alternative spellings (e.g. “chick’n”) which may be acceptable to the CFIA. Despite objections in the Report, no change was made regarding the usage of the muscle group (e.g. tenderloin) or descriptive term (e.g. burger) for simulated products. A continued nuance is that non-prepackaged simulated products need to have a sign displaying the common name legibly and conspicuously on or next to the product.

Composition: Further from the Proposed Guidelines, the Updated Guidelines tweak the guidelines regarding composition to underline the fact that simulated products are still subject to compositional requirements. Specifically, simulated products now have the following criteria which were not included in the Proposed Guidelines:

- Must “not exceed” fat content restrictions;
- Typically comprises primarily plant-based ingredients but can also have other components (as the Proposed Guidelines did not mention this criteria); and
- May include other animal-derived products and additives, such as dairy and eggs.

“Contains No Meat” / “Contains No Poultry” Declaration: This requirement remains virtually unchanged from the Proposed Guidelines. Labels for simulated products still must have a declaration of “contains no meat” or “contains no poultry,” close to and in a font size and style comparable to the product’s name, or on signage in close proximity for non-prepackaged products. When simulated products are ingredients in other foods (e.g.

soup), the declaration is still not necessary, so long as the final product's packaging does not falsely suggest the presence of meat, unless otherwise added via a different ingredient. This carve out for adding via a different ingredient is a new change.

Fortification and Nutrition Labelling: These categories remain the same from the Proposed Guidelines.

Advertisement and Representations: Following unanimous feedback noted in the Report, the Updated Guidelines have become more detailed and explicit, notably:

- The Updated Guidelines stipulate that any claims made must not only be truthful and not misleading but also not prohibited;
- The Updated Guidelines emphasize the importance of clarity in labelling by stressing that additional information must not be deceptive and that all mandatory requirements, including the clear indication that the food is a simulated meat or poultry product, must be met;
- The Updated Guidelines provide more detailed examples of acceptable claims, such as alternative spellings or phonetic renderings of meat-related terms; and
- While the Proposed Guidelines allow for general graphical representation related to meat or poultry, the Updated Guidelines delve deeper by stating that pictures, logos, and other visual elements should not mislead consumers and should be in line with the product's true nature, ensuring that the overall impression is not deceptive.

Adjacent Products:

Adjacent Products are foods that, while they might share certain visual or sensory similarities with meat or poultry products, are not intended to simulate them and are not marketed or labelled in a way that would suggest such resemblance. Foods in this category follow the same regulatory requirements that apply to all other unstandardized foods. In the Proposed Guidelines, this category was referred to as “Category 3” or “other products which do not substitute for meat or poultry products.”

Appearance: In keeping with the commitment made by the CFIA in their Report, the Updated Guidelines clarify that Adjacent Products, though similar in characteristics to meat and poultry products, should not be mistaken for or marketed/labelled as actual meat or poultry (e.g. a tempeh patty should not be viewed as resembling meat, especially without relevant advertising).

Common Name: The Updated Guidelines provide more details than the Proposed Guidelines, emphasizing accurate product naming, focusing on the primary ingredient and product form (e.g. “patty” or “sausage”) without implying meat or poultry likeness (e.g. “veggie burger” is acceptable, but “vegetarian chicken nugget” can be misleading). Following challenges in distinguishing between the two food categories outlined in the

Report, the term “flavoured” is allowed only if the Adjacent Product (i) does not have the appearance of a meat or poultry product; and (ii) is not likely to be mistaken for meat or poultry or simulated meat or poultry (e.g. “chicken-flavoured veggie loaf”).

Composition, Fortification and Nutrition Labelling: The Updated Guidelines do not offer substantive changes to these sections.

“Contains No Meat” / “Contains No Poultry” Declaration: The sole deviation from the Proposed Guidelines is the stipulation that this optional declaration be accurate and not misleading, which appears to simply be a restatement of the existing section 5(1) of the *Food and Drugs Act*.^[2] This contrasts with certain feedback in the Report, which suggested Adjacent Products should be required to have this declaration.

Advertisement and Representations: As for simulated products, the Updated Guidelines offer detailed guidance for Adjacent Products, namely:

- The Updated Guidelines clarify that not only should the product not be compared to meat or poultry, but also should not resemble or be mistaken for meat or poultry;
- The Updated Guidelines provide clearer examples of non-compliant representations, such as “vegetarian chicken nugget” or “plant-based drumstick,” which could be misleading; and
- The Updated Guidelines introduce guidelines for graphical representations, emphasizing that visual elements must not create a misleading impression. Images should not give the impression that the product looks like or could be confused with a meat or poultry product, for example, a chicken image on a “chicken flavoured soy nugget” is non-compliant. The same prohibition goes for a product “shaped or formulated to look like a meat product or meat cut”.

McMillan’s Regulatory Group will continue to monitor any revisions to the CFIA’s guidance and regulations. We remain willing and able to assist industry and interested parties with the implications of the Updated Guidelines. Please contact us if you have questions and we will be pleased to provide assistance.

by [Julia Loney](#), [Jacob Stucken](#) and Stephen Johnson, Articling Student

[1] Referred to in the Proposed Guidelines as “Category 3: Other products which do not substitute for meat or poultry products”.

[2] Food and Drugs Act, RSC 1985, c F-27, s 5.

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

The logo for mcmillan, featuring the word "mcmillan" in a lowercase, sans-serif font. The "m" and "c" are in a dark red color, while the "m", "i", "l", "l", "a", and "n" are in a light blue color. The logo is positioned in the top left corner of a banner image.

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