

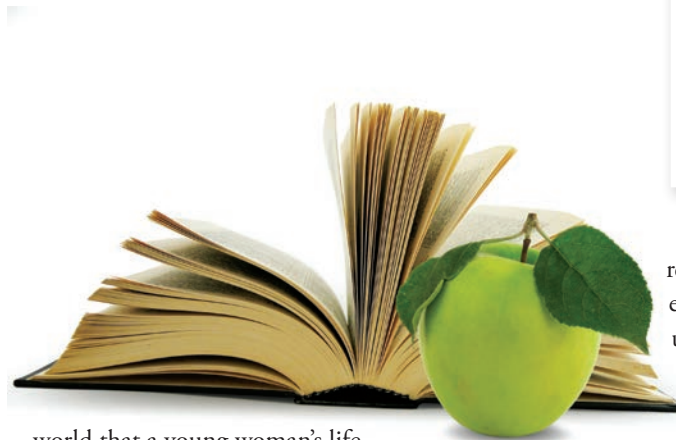
Food Lawyers

A brief retrospective

Except for maybe the *Income Tax Act*, it's hard to imagine any area of the law that is more intimately pervasive in the daily lives of Canadians than food law. It regulates the agriculture and food industry, the second largest sector of the Canadian economy. For reasons of health, trade and consumer protection, this large and rapidly growing field has over a dozen specific federal statutes and many more provincial ones that form the basis of thousands of pages of regulations.

The food regulations under the *Food and Drugs Act* are over 400 pages long and the nine sets of regulations under the *Canada Agricultural Products Act* are even much longer. And yet, surprisingly, in this country, food law has not been widely recognized as a distinct area of law as it has been in the United States and Europe. We still don't have a modern comprehensive text in food law. We don't have a regular reporting service. Our law societies don't recognize it as a separate area of specialization. Our law schools don't teach it. Even lawyers who work for food companies don't think of themselves as food lawyers. But this could all be changing.

One reason for the change is the dramatic growth in the scope and profile of food law over the last 20 years. While Canada got its first food adulteration statute as far back as 1876 and the original *Food and Drugs Act* in 1920, to my mind, the modern era of food law can be traced to the famous 1993 "Jack in the Box" case that graphically showed the



world that a young woman's life could be ruined just by eating a hamburger that had an invisible trace of a little known bacteria. Several other high-profile foodborne illness outbreaks in the U.S. soon followed.

Twenty years ago this winter, Canada led the world when it brought together 16 programs that had formerly been delivered by four departments to integrate

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the whole food chain — seeds, feeds, fertilizers, plant health, animal health, all food commodities including fish — by creating the Canadian Food Inspection Agency (CFIA), a true watershed in Canadian food law. In the years that followed Canada too experienced many major national foodborne illness outbreaks causing many deaths and a flurry of new laws and regulations.

With the growth of food law in the last 20 years came the concomitant explosion of media attention to food issues sensationalizing a whole range of controversial food stories on, for example, pesticide residues, genetically modified foods, the danger of imported food, and mad cow disease. What the poor public mostly got was contradictory nutrition advice and bad science

reporting. We saw the explosive growth of the urban foodie movement with its enthusiasm for local, organic and natural, whatever

that means. Food stories rode the rising wave of social media. In 1993 a young journalist turned professor started what was probably the world's first blog on food safety; now Doug Powell's barfblog has 75,000 direct subscribers in more than 70 countries. When I started this column over 14 years ago many readers told me that it was the first time that they had ever seen the words "food" and "law" together.

Which brings me to what may be another interesting step on the road to recognition for this burgeoning area of practice and study. The Schulich School of Law at Dalhousie University has partnered with a nascent group called the Food Lawyers of Canada to host The Future of Food Law and Policy in Canada, Nov. 3 to 4, 2016 in Halifax with the stated purpose of promoting greater understanding and recognition of food law as a distinct discipline (visit foodlaw.ca/halifax2016).

Some years ago a food industry executive said to me: "Because food is so highly regulated, I guess you damn food lawyers are a necessary evil." I took this as a compliment. We've been called worse. ●

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