



More Talk, No Action

Yet another Health Canada consultation on health claims is announced

Well, here we go again. If Legislative Renewal, Smart Regulation, Blueprint for Renewal, Blueprint for Renewal II, and Towards a Regulatory Modernization Strategy for Food and Nutrition weren't enough, we now have Managing Health Claims for Foods in Canada: Towards a Modernized Framework. This one is another doorstopper, weighing in at 134 pages. Health Canada likes the word "towards" and "modernize." But will anything actually happen? The food industry is deeply skeptical.

Take, for example, the firm commitment to bring forward a new regulatory framework for product specific health claims. Health Canada highlighted this commitment in the Smart Regulation initiative, and the proposal had its origin in a consultation document released for consultation in October 2001. Five years later, Health Canada made a commitment to consult Canadians again in January or February 2006, with a promise that publication of the regulation would follow soon in *Gazette Part I*. The commitment was prefaced with the statement that the Framework would "set out the conditions for issuing, on a product-by-product basis, certain types of claims and disease risk reduction claims currently considered drug claims."

Health Canada confirmed that the range of health claims currently permitted for food is too limited, and consequently "food manufacturers are not able to deliver messages about the health benefits of their products using food labels or advertising." This regulatory change would be "smart" because it would "enable more informed choices in purchasing food products." It would also "improve competitiveness as a result of the ability to make claims similar to those permitted in the United States."

In a previous article in *Food in Canada* (February 2006), I praised the Food Directorate at Health Canada for making this a priority. What happened to this promise? Almost seven years since the consultation began, after constantly repeating how important it was and that it was coming soon, it is gone. Like Legislative Renewal, it is dead in the water, without anybody even having the decency to announce its death or to bury it. There will be no approvals for any new health claims for any food or food-like natural health products any time soon. Get used to it.

The other regulatory initiative I praised two years ago

was the one to "develop a more efficient and responsive regulatory framework to minimize delay for pre-market approval of such products as additives, novel foods and infant formulae." In the Treasury Board Smart Regulation publication that was released with such fanfare by the previous Liberal government in 2005, Health Canada stressed the importance of making improvements so that consumers would have "more timely access to innovative food products" and it committed to complete consultation in spring 2006 and to proceed to regulatory amendment in *Canada Gazette Part I* soon after. Where is this important regulatory initiative two years later? Nowhere, but that may be just as well. The consultation document has some laudable objectives (for example, service standards) but it completely misses the point. You cannot just say that the approvals will be faster. Indeed, the documents set the objective for additive approvals at 90 days, the current regulatory standard that is patently silly. No jurisdiction, not even the private sector, can complete the evaluation of a new food additive in 90 days. There is a complete disconnect from reality. Moreover, the creation of a new Submission Management Unit just looks like another layer of bureaucracy. This should be filed under Bad Idea Department.

The solution to the delay in additive approvals is to create a new system in which, after the Health Risk Assessment is complete, the approval is administrative without the need to go to Cabinet twice every time. This significant and long overdue reform is being worked on, apparently, with promises to have something announced in a matter of months. There is no balancing of interests here. No one disagrees. Everyone, including all Health Canada officials, agree it should have been done years ago. For manufacturers, such a system would enhance competitiveness and innovation. For Health Canada it would allow resources to be allocated to more productive work.

But talk is easy. I'll reserve my praise this time for action.

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