



The Law of Yogurt

The lack of regulations covering yogurt has allowed producers to innovate and grow

Cultured milk products have been produced as food for thousands of years, being a homemade staple in many parts of Asia and in Eastern and Central Europe. It fell to a Sephardic Jewish entrepreneur named Isaac Carasso to industrialize the production of yogurt. In 1919, Carasso started a small yogurt business in Barcelona and named it Danone (“little Daniel”) after his son. Yogurt has come a long way since then.

Yogurt is simply milk or cream that is cultured with active live cultures, which are basically good bacteria that are necessary for the body to function at its best, preventing growth of harmful bacteria that cause bacterial infections and diseases. Yogurt’s growth in popularity is truly extraordinary. According to the latest sector profile published by Agriculture and Agri-Food Canada, total production climbed 45 per cent from 2001 to 2005. Per capita consumption of yogurt in Canada almost tripled during the same period. And last year, Canadian retail sales for yogurt-type products exceeded one billion dollars. Danone is the largest yogurt producer worldwide, and has a 31-per-cent share of the Canadian market (under brands Danone, Silhouette and Activia), followed by Ultima (Yoplait) and Parmalat (Astro, Beatrice). There continues to be great growth potential because Canadians still eat only about one third of the yogurt that Europeans consume.

The key driver for this growth in popularity is yogurt’s generally accepted health benefits, especially for digestive health. The benefits to good health can be almost instantaneous and with so many Canadians suffering from digestive problems, such as heartburn, irritable bowel syndrome and stomach ulcers, it’s not surprising that hundreds of digestive health products with yogurt have been launched in North America this past year. There is even some science to suggest that some yogurts can boost the immune system. In a world where a fair level of consumer skepticism remains towards many functional foods, probiotics have a rare level of trust. In particular, the remarkable success of Danone’s Activia launched in North America in 2005 – a brand now highly recognized by Canadians – has significantly raised awareness of probiotics and their health benefits in North America.

Surprisingly, the law of yogurt does not contain a federal standard. There is no federal regulation, but the National Dairy Code (which has not been put into regulation by Canada, although that was the original intent) states that yogurt must contain *Lactobacillus bulgaricus* and

Streptococcus thermophilus in order to be called yogurt on the Principal Display Panel. But there are no other restrictions. There is, however, a standard in Quebec, and because so much yogurt is made in that province this standard has become the *de facto* Canadian standard. In a regulation under the *Quebec Food Products Act*, yogurt must have the same bacteria set out in the National Dairy Code and may contain several ingredients including additives, flavourings, vitamins, minerals, and omega fatty acids that are allowed under the *Canadian Food and Drugs Act*. It also allows for sweeteners and cultures of harmless micro-organisms. This latter provision is what allows yogurt manufacturers to add “designer” bacteria for special results. For example, Danone uses its proprietary *probiotic B.L. regularis* to achieve significant additional functional benefits.

However, the Quebec standard may already be proving to be problematic, depending on its interpretation. It demonstrates the danger of trying to fix in time a rigid standard. There have been rumours that the federal government was working on a federal standard for yogurt, but I’m advised that Canada has wisely decided not to go there. There are lessons here for other quality regulations for foods, such as standards of identity. Canada has hundreds of them. Rigid standards of identity can serve to maintain a level playing field and prevent misrepresentation, but for many foods they have also stifled innovation, research and new product development.

Canada’s overly restrictive regulations on health claims for food have limited the ability of yogurt manufacturers to fully inform consumers of other health benefits of yogurt so they have all been quite “creative” in using implied claims. The current regulatory confusion on probiotics (a policy has been said to be imminent for over a year) and the mixed messages and ever-changing regulatory mess on food-like natural health products has created considerable regulatory confusion, but that’s another story for another day.

High in calcium, more easily digestible for the lactose intolerant than any other dairy product, a good source of protein, vitamins and minerals, yogurt is a pure health food that does not need more regulation.

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