X. LEGAL ISSUES INVOLVED WITH IMPORTING FOOD STUFFS FROM CANADA

1. RELEVANT LEGISLATION

The Ministry of Public Health has overall responsibility for the administration of legislation governing food and food stuffs in general. Without recourse to professional advice, it is difficult to determine the hand past legislation has in business today. However, it is the authors' understanding that the Food Act 1979 continues to govern the manufacture, storage and distribution of food for human consumption. References to the Skimmed Milk Act of 1927, the Liquor Act of 1950, and the Animal Feed Quality Control Act of 1982 have also been noted, but copies in English are not readily available. A copy of the Food Act 1979 in English is available from the Ministry of Public Health. Canadian exporters will wish to note in particular the powers conferred on the Minister of Public Health by Sections 14 and 15; the controls imposed by Chapter 4 (Sections 25 et seq) and the details to be provided (Section 35). The address for the Ministry of Public Health is located in Section XI of this report.

Restrictions and Prohibitions

Few products are specifically banned. Some other, mainly chemical, substances are prohibited from use in food. Lists of banned products and prohibited substances are attached at Annex I.

Many other foods are subject to control in one form or another. A general explanatory note including guidance on labelling and requirements on registration is at Annex II and III. Lists of general standards, controlled food, standardized food and food required to be labelled, all of which are the subject of Ministerial Notifications, are at Annex IV. The lists are updated to Autumn 1993. Also attached, Annex V, is a specimen Notification relating to labelling.

It should be noted that bans, prohibitions and controls apply equally to importation, local manufacture and distribution.

Approval

The controls referred to in the above section are exercised by the Food and Drug Administration, Ministry of Public Health, whose approval must be obtained prior to import. Approval is a lengthy process, likely to take six months or more, and includes product analysis by the Ministry's Department of Medical Sciences. Such analysis necessitates the disclosure of ingredients and production methods. It may also involve the need to translate technical information. Since analysis and testing will be based on the