

Frequently asked questions about the *Farm Products Grades and Sales Act*

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Infosheet

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1. What is the *Farm Products Grades and Sales Act (FPGSA)*?

The FPGSA and Regulation 378 (Grades – Fruit and Vegetables) regulate the quality, labelling, packaging and food safety issues for fresh fruits and vegetables in the province of Ontario.

The regulation also sets out the requirements for labelling and marking of packages/master containers; grade standards; retail display signage; and advertisements of fresh fruits and vegetables.

2. What produce is covered by Regulation 378 (Grades – Fruit and Vegetables) under the FPGSA?

Regulation 378 defines produce as any fruit, vegetable or sweet corn. Produce that can be grown in Canada is covered by Regulation 378.

3. What produce is not covered by Regulation 378 (Grades - Fruit and Vegetables) under the FPGSA?

Produce (any fruit, vegetable or sweet corn) that cannot be grown in Canada is not covered by Regulation 378.

4. Do I require a licence to operate a roadside stand to sell fresh fruits and vegetables?

No, a licence from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) is not required. If you are selling value-added products, such as jams, preserves, etc., you should contact your local health unit for advice regarding rules and regulations for processed products.

5. What information is required on retail display signs for produce?

Signs must have the following information:

- Origin of the produce:
 - For produce imported from outside Canada and repacked within Canada, the country of origin stated as “Product of” followed by the name of the country. For example: Product of U.S.A.
 - For Canadian grown produce, the words “Product of” followed by “Canada” **OR** the province name. For example:
Product of Canada
OR
Product of Ontario
- Where a grade standard exists, the grade of the produce.
- If the produce is sold by weight, the price per unit of weight must be stated.
- The variety name for pears and apples.
- The word “Sweet” or “Hot” for peppers.

6. What is the minimum font size for mandatory information on retail display signs for produce?

The font size must be in reasonable proportion to the retail display sign. Specifically, font size for signs must be at least one-quarter inch (1/4") in height.

7. What is the minimum font size for mandatory information on produce labels?

The font size must be in reasonable proportion to the package or label. Specifically, label font size must be:

- at least one-eighth inch (1/8") in height on tags or tomato tubes;
- at least three-sixteenths of an inch (3/16") in height on bags containing less than 10 pounds;
- at least one-half inch (1/2") in height for baskets and bushels;
- in all other cases, one-quarter inch (1/4") in height.

8. Are produce labels required to be bilingual?

Bilingual requirements are not regulated under the FPGSA, however, requirements are covered by the Consumer Packaging and Labelling Regulations of the *Consumer Packaging and Labelling Act*. This is available at <http://www.canlii.org/ca/regu/crc417/whole.html>.

The Canadian Food Inspection Agency (CFIA) regulates this matter and more information can be obtained from the CFIA website at <http://www.inspection.gc.ca/english/fssa/labeti/labetie.shtml> or by calling the CFIA at 1-800-667-2657.

9. Where a grade standard for the fruit or vegetable does not exist, does the FPGSA still apply?

Yes. Where no grade standards have been set for a particular fruit or vegetable, i.e. watermelons, all other requirements still apply provided it is grown in Canada.

10. Is the wording "Product of the Tropics" acceptable for retail display signage above products that cannot be grown in Canada, such as bananas or mangoes?

Produce that cannot be grown in Canada, such as bananas and oranges, are not regulated under the FPGSA. The use of "Product of the Tropics" signs on these products would not be incorrect under Regulation 378, however, it would contravene the Canada Agricultural Products Act.

Country of origin labelling requirements for commodities that cannot be grown in Canada are regulated by the CFIA. This requirements are available at <http://www.inspection.gc.ca/english/fssa/frefra/frefrae.shtml> or by calling the CFIA at 1-800-667-2657.

11. Can country of origin labelling reflect the country where the produce or processed product was packaged?

Signs and labels for produce covered by the regulations must declare the country where the produce was grown, regardless of where it was packed into retail containers. Some exceptions may apply. Health Canada and the CFIA regulate this matter. Please refer to the 2003 Guide to Food Labelling and Advertising available on the CFIA web site at <http://www.inspection.gc.ca/english/fssa/labeti/guide/toce.shtml>. Alternatively, call CFIA at 1-800-667-2657 for more information.

12. Are all processed fruit and vegetable products covered under the FPGSA and regulations?

Part VIII of Regulation 378 under the FPGSA contains standards for specific products processed in Ontario, including grade standards for produce being used for processing. The regulation contains a complete list of applicable produce grades.

Part VIII of Regulation 378 also requires that the appropriate grade information appear on containers before any person can pack, transport, ship, advertise, sell, or offer for sale fruit, fruit products, vegetables, or vegetable products that have been processed in Ontario. The regulation contains a complete list of applicable processed products, which are mainly canned or frozen produce.

13. Can a bin contain fruit or vegetables from more than one country? If so, what should the retail sign indicate?

A bin can contain fruit or vegetables from more than one country only if they are clearly separated. For example, if a bin contains one type of apple sourced from both Ontario and the U.S., the Ontario apples must be clearly separated from the U.S. apples. In such a case, individual retail display signs are required for the Ontario and U.S. apples. Please see question 5 above for more details on the retail display sign requirements.

14. Does the FPGSA cover products that are processed and packaged at retail and sold at the same location?

Processes or activities related to presentation or quality enhancements of whole fruits and vegetables (e.g. washing), including packaging or other processes intended to maintain or improve quality, do not exempt produce from any requirements for fresh fruits and vegetables. For example, if watermelon or cantaloupe are cut to reduce portion size and wrapped (with no further processing), it must be labelled as per Section 15 of Regulation 378.

Some specific products, such as trays of sliced fruit, are not covered by the FPGSA. For example, if watermelon or cantaloupe are cut and filled with fruit i.e. fruit salad, then wrapped, it would not fall under Regulation 378.

15. How are advertisements covered under the FPGSA?

Section 16 of Regulation 378 (Grades – Fruit and Vegetables) requires advertising to include the country or Canadian province of origin, the grade of the produce (where applicable) and the measure, weight or size of the package in every advertisement. Misleading claims of origin or grade in an advertisement are prohibited.

Section 8.1 of Regulation 386 (Maple Products) requires an advertisement for maple syrup that quotes a price to also state the grade and volume of the maple syrup as prominently as the price.

Section 5 of Regulation 384 (Honey) prohibits misrepresenting the class, grade, flavour, weight, ownership or origin of honey and Section 11 of the regulation prohibits making a misleading claim in an advertisement with respect to a honey substitute.

16. Some products already bear the country of origin, grade, weight and variety on the label – why do we also need a retail display sign with the same information (e.g. clamshell packages)?

Section 15 of Regulation 378 requires that any produce for sale at retail must display a sign. Please see question 5 above for more details on the retail display sign requirements.

The purpose of this section is to provide consumers with readily visible information so that they can make informed purchasing choices.

17. Is produce offered for sale on discount counters or carts required to follow retail display signage requirements?

Yes. Discounted product offered for sale must comply with the FPGSA and Regulation 378.

18. Can Foodland Ontario symbols be used to indicate product origin?

No. Foodland Ontario symbols are not considered an acceptable replacement for indicating product origin, but may be used in addition to proper retail display signage.

19. Where can I get more information?

For a list of ticketable offences under the FPGSA, refer to infosheet titled “Ticketable Offences Under the Farm Products Grades and Sales Act” available at:

http://www.omafra.gov.on.ca/english/food/inspection/fs_food_plant.htm

For more information about retail display sign requirements, please refer to the infosheet titled “Retail Display Sign Requirements Under the Farm Products Grades and Sales Act” available at:

http://www.omafra.gov.on.ca/english/food/inspection/fs_food_plant.htm

Farm Products Grades and Sales Act available at:

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90f08_e.htm

Regulation 378 (Grades—Fruit and Vegetables) available at:

http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900378_e.htm

Ontario Public Health Units available at:

http://www.health.gov.on.ca/english/public/contact/phu/phuloc_mn.html

Grade Standards available at:

http://www.omafra.gov.on.ca/english/food/inspection/fs_food_plant.htm

For access to complete statutes and regulations, please refer to the Ontario statutes and regulations website:

<http://www.e-laws.gov.on.ca/navigation?file=browseStatutes&reset=yes&menu=browse&lang=en>

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