

SECTION 3: LABELLING

Allergen Labels (Gluten Sources)

Issue

Gluten refers to a group of cereal proteins and is the "glue" that makes dough sticky and, due to its carbon dioxide content, enables bread to rise. It is found in wheat, rye, barley and oats and, accordingly, all products made from them. For people with gluten intolerance (celiac disease), foods containing gluten may lead to irritation of the digestive system, resulting in a range of health problems.

In 2008, Health Canada tabled draft allergen labelling (gluten sources) regulations which would, if adopted, amend the Food and Drug Regulations to require allergen warning labels on all bottles and cans of beer. In February 2011, the final regulations were released and beer received a temporary conditional exemption. No timeline was specified on the length of the exemption.

Quick Summary

- If adopted, all cans and bottles of beer would be required to identify barley as an ingredient if gluten protein is present in the final product.
- The allergen declaration would not be useful to celiacs that are unaware of their condition. Misdiagnosis is an acknowledged concern by the Canadian Celiac Association.
- The BAC's efforts continue to focus on maintaining the temporary exemption that beer received in the final allergen regulations released in February 2011.

Background

The proposed draft allergen regulations would have had the effect of requiring all cans and bottles of beer to identify barley (or wheat) as an ingredient if the gluten protein is present in the final product. As an example, in the case of barley, the label declaration would be as follows: *"Contains: Barley"*. This statement had been revised from the earlier: *"Allergen and Intolerance Information – Contains: Barley"*. In February 2011, Health Canada issued final regulations (effective August 4, 2012) in which beer was temporarily exempted.

For those brands that continue to follow the beer standard contained in the Food and Drug Act Regulations, the exemption from allergen labelling is maintained and there are no changes necessary. However, for those brands that are not fully compliant with the beer standard, additional labelling requirements may be required.



Background (continued)

For those beer brands that continue to follow the *standard of identity*, contained in the *Food and Drug Act Regulations*, the exemption from the new allergen labelling requirements is maintained and there are no changes necessary.

For those beer brands that do not meet the [standard of identity](#), there may be additional labelling requirements.

There are three additional areas highlighted for your consideration. They are:

1. If a voluntary *contains statement* is used on a container label, it must be full and complete in terms of declaring all priority food allergens and gluten sources used as ingredients.
2. If a voluntary *ingredient list* is used on a container label, it must be full and complete in terms of listing all priority food allergens and gluten sources used as ingredients.
3. If the product has *added sulphites* at levels of 10 parts per million or higher, it must be declared in either an ingredient list or a contains statement.

Industry Discussion Points

The following discussion and responsive points were made with respect to the proposed allergen (gluten) labelling regulations. Although Health Canada's final regulations subsequently provided a temporary exemption for beer, these points are still valid in defending against calls for removal of the exemption and the inclusion of beer:

- Beer is a standardized product under the Food and Drugs Regulations. Beer by definition is made with barley.
- Federal health officials must approve all ingredients, processing aids and additives used in the brewing process prior to use. The information is readily available to any consumer from either the government or from the Brewers Association of Canada. Of course, the brewers themselves will answer questions about their individual brands.
- The definition put forward for gluten in the proposed regulations deters research and investment into new beers less harmful to celiacs, therefore restricting the selection of beers available to celiacs and eliminating a market opportunity for Canadian brewers. If adopted, the proposed regulations as they would apply to beer, will impose cost to Canadian brewers and yet not address a pressing issue for the celiac community: misdiagnosis.
- There will be a significant cost to the industry as some brewers, such as the Steam Whistle Brewery and the Mill St. Brewery, will have to replace their entire bottle line. These requirements will not be effective in reaching the celiac community, as 1 in 133 Canadians are affected, and the majority are educated on the foods they can and cannot consume.



Responsive

- Deter Investment: Considerable effort goes into removing protein during the brewing process because it leads to “haze” or “cloudy” beer. It is very possible that the brewing process already removes the protein fragments harmful to celiacs. If not already, it could be a matter of a small additional step to ensure the complete removal of these fragments. The proposed regulations and the enforcement tools which were contemplated by Health Canada would eliminate the incentive to invest in these additional steps.
- Health Canada notes one of the labelling options it considered was rejected on the basis of having the potential to reduce the number of food choices available to consumers with celiac disease. “These individuals, on the basis of such labelling, would avoid foods presenting no risk to their health since the protein portion causing the adverse reaction may not necessarily be present in the food.” In our view, the regulatory proposal at the time did not meet one of the objectives of the Government’s broader initiative relating to food sensitivities, which is to maximize the choice of safe foods for those with dietary restrictions.
- In most instances, a large number of celiac do not know that they have the disease or have been repeatedly misdiagnosed. “A 2007 Canadian Celiac Health Survey showed that, on average, adults with celiac disease aren’t properly diagnosed for nearly 12 years.” The proposed regulations, as applied to beer, would be of no help to those celiacs unaware of their condition. What is essential for the celiac community is greater awareness in the medical community on how to diagnose celiac disease, which will not be addressed by the label content as proposed.

Industry Action

As a result of the efforts of the BAC at the bureaucratic and political levels, beer received a temporary conditional exemption from the final regulations issued in February 2011. BAC will continue to work closely with government to ensure an appropriate regulatory alignment for beer of benefit to the celiac community.

