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Bill S-11, *Safe Food for Canadians Act*

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On November 22, 2012, Bill S-11, *Safe Food for Canadians Act* (the Act) received royal assent. The Act is the most recent attempt by the Canadian government to modernize the Canada's food regulatory scheme administered and enforced by the Canadian Food Inspection Agency (CFIA). The Act aims to accomplish this through the consolidation of the *Meat Inspection Act*, the *Fish Inspection Act*, the *Canadian Products Act*, and the food provisions of the *Consumer Packaging and Labelling Act*, each of which is to be repealed. The *Food and Drugs Act* will remain unchanged and continue to operate to provide "overarching protection for consumers from any foods that are unsuitable for consumption".¹

The Act, however, does more than merely consolidate existing legislative measures. In an effort to modernize the regulatory scheme, the Act includes a number of new and expanded provisions and powers, including those related to trade, both international and interprovincial, of "food commodities". "Food commodities" is defined to mean food as defined in the FDA; animals, plants and parts thereof from which food may be derived; and anything prescribed to be a food commodity by regulation.²

In addition to certain new prohibitions respecting the importation of unsafe food, the Act provides for a licensing and/or registration regime applicable to the trade (international and/or

¹ Canadian Food Inspection Agency (CFIA), "*Safe Food for Canadians Act: An Overview*", available at: <http://www.inspection.gc.ca/about-the-cfia/acts-and-regulations/initiatives/sfca/overview/eng/1339046165809/1339046230549>

² Bill S-11, *Safe Food for Canadians Act*, s. 2

interprovincial) in prescribed food commodities, and related activities. While the scope of the regime cannot be fully evaluated until such time as regulations establishing the food commodities to which it would apply, and any associated terms and conditions are promulgated under the Act, it can be expected that these provisions will increase import control and, by holding importers accountable for the safety of imported food, “promote a level playing field between importers and domestic producers.”³

In addition to the above and in an effort to facilitate the export of food to other countries that increasingly require that imported foods be certified, the Act empowers the Minister to issue export certificates.⁴ In so doing, the Act aims to increase international market opportunities for the Canadian industry.⁵

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For further information, please contact a member of our [International Trade Group](#).

³ Supra note 1

⁴ Ibid, s.48

⁵ Supra note 1