

Chapter 6:

It's the Law!

Learning Objectives

After completing this chapter, you will be able to:

- Describe the federal and provincial legislation that applies to food products
- Identify the regulatory agencies that govern the sale of food at Alberta Approved Farmers' Markets
- Outline the different responsibilities of the Canadian Food Inspection Agency (CFIA) and regional health authorities (RHA) in Alberta
- Explain how the *Public Health Act* regulates Alberta Approved Farmers' Markets
- Describe the legislation and regulations that apply to products made and sold in Alberta and interprovincially

Chapter 6: It's the Law!



Pam and Liane Expand Their Operation

Pam and Liane prepare the preserves and pickles sold at the year round urban market in a community hall that is about 25 kilometers (15 miles) from their farm. They use the hall because it has a food establishment permit from the regional health authority. This allows Pam and Liane to sell their products anywhere in Alberta.

However, it is expensive and time consuming to haul their ingredients and supplies to the hall and transport the finished products home for storing. As demand for their processed products increases, they realize they can afford to build a small processing facility on the farm. They develop a basic design and start working with their public health inspector. Pam and Liane discover that having their own permitted facility allows them to increase their production so they can sell pickles and preserves at all their Alberta markets.



Heidi's Labelling Improves Her Marketing Advantage

In talking to the public health inspector, Heidi learns that she can supply pies to the teahouse only from a permitted facility. She wonders whether she should build her own facility or produce her pies at the local community hall that is already permitted by the local regional health authority. She analyzes her situation to determine the best scenario for her business while complying with the law.

The public health inspector suggests there may be federal rules that she needs to be aware of as her business expands. Heidi checks out the Canadian Food Inspection Agency website and discovers that there are rules about labelling and packaging. Heidi calls a provincial marketing specialist for help and learns that following the labelling rules gives her a marketing advantage. Even better, the labels can be printed easily on her computer.



Research and follow all the regulations that pertain to your farmers' market or farm direct business from production through processing and marketing. This resource discusses only those that pertain to food safety when farm direct marketing. Consult with the public health inspector at the regional health authority before starting any business that involves food.

Legislation and Related Regulations

There are numerous regulations and requirements that you must follow to sell food products directly to consumers through Alberta Approved Farmers' Markets, direct to restaurants or through other farm direct marketing channels. This resource discusses only those regulations pertaining to food safety. It is up to you to research and follow **all** the regulations that pertain to your business.

Speak to the public health inspector at the regional health authority before starting any business that involves food. Producers and processors should be aware that laws, regulations, codes and standards are treated very seriously; failure to comply can result in serious fines and imprisonment.

Government Roles

Government agencies have specific roles with regard to food safety:

- Health Canada establishes standards for the safety and nutritional quality of foods sold in Canada
- The Canadian Food Inspection Agency (CFIA) enforces those standards by being the agency responsible for all federal inspection services related to food, animal health and plant protection
- The Government of Alberta establishes provincial statutes that complement the federal legislation and ensure food safety for products under provincial jurisdiction
- Inspectors from the regional health authorities and Alberta Agriculture, Food and Rural Development (AAFRD) enforce this legislation

Knowing which federal and provincial legislation applies to your farm direct marketing operation or Alberta Approved Farmers' Market is crucial. Inspectors from the CFIA and regional health authorities have an educational as well as an enforcement role. They will help you understand and comply with the legislation, ensuring a safe food supply for all consumers.

Relationship Building

It is important to build working relationships with the CFIA and public health inspectors who will be inspecting and approving your facilities and/or products. As you develop your product, contact the appropriate inspectors for advice on the regulations you need to meet for your business and vehicles, as well as at the Alberta Approved Farmers' Market(s) or other farm direct marketing venues at which you are planning to sell. If you are selling in a region other than the one in which you produce, you will probably need to develop a relationship with those inspectors as well. Be aware that each regional health authority can establish standards in addition to those set out in the Food and Food Establishments Regulation.

This resource will help you determine who to contact for assistance. Introduce yourself to the federal and provincial inspectors. Inspectors can help you comply with the law and are a valuable business resource.

The CFIA staff provides a free consultation service including advice, interpretation and direction on how the federal legislation impacts your farm direct operation or Alberta Approved Farmers' Market. Contact the CFIA at (780) 495-3333 (Edmonton) or (403) 292-4650 (Calgary).

Farm Direct Marketer Responsibilities

As a farm direct marketer, you need to know:

- Federal legislation and applicable regulations that apply to your business
- Provincial legislation and applicable regulations that apply to your business
- Different legislation that sometimes applies to each marketing channel (i.e., Alberta Approved Farmers' Market, farm gate, restaurant, etc.), even when the product is the same
- Different legislation that sometimes applies to each selling point (health regions, province, out of province), even when the product is the same



Food Safety Plan – Legislation

Now is the time to start developing your food safety plan. You can use a binder with dividers or whatever system works best for you. Create a section for Legislation and Regulations. Make a list of all the regulations that apply to your business and update annually. Use this list as a checklist when training staff.

Staff Training

All staff should be aware that your business must meet certain legislative requirements. Staff working in critical roles must be trained to ensure that your operation complies with the law.



Think about how you can remind staff about the pertinent rules and regulations (for example, regular reminders at staff meetings or posting on a bulletin board).

Managers of farmers' markets need to ensure that the market and vendors comply with federal and provincial legislation.

Market Manager Responsibilities

As an Alberta Approved Farmers' Market manager you are responsible for ensuring that all vendors are complying with the appropriate legislation at all times. To meet your responsibility:

- Know all the federal and provincial legislation that applies to the products being sold in your market
- Develop operational guidelines that incorporate the regulations associated with the different pieces of legislation. Ensure all vendors know the guidelines. Personally inspect vendors' tables, etc. to ensure compliance
- Work closely with your public health inspector to ensure that the requirements of the *Public Health Act* and the Food and Food Establishments Regulation are met regarding the sale of food at an Alberta Approved Farmers' Market
- Ensure that a food establishment permit is obtained for the market every year

Food Safety Process Control Systems

Consumers are looking for assurances that their food is being produced in a safe manner. In response to this consumer demand, industry and governments are working together to develop process control systems that address food safety. These systems are based on the principles of Hazard Analysis Critical Control Point. Food safety process control systems focus on preventing hazards rather than detecting problems during inspection of the end products.

There are three major programs that can help you provide consumers the assurance they are seeking.

On-Farm Food Safety (OFFS) Programs

OFFS programs help create a proper operational environment for food safety through the implementation of Good Production Practices (GPPs) on the farm. These types of practices can be applied to any type of agricultural production operation. The keys are:

- A thorough knowledge of the hazards and risks on the farm
- A good understanding of the GPPs recommended for the commodity and type of farming operation
- An effective written plan for the individual farm

Commodity associations are in varying stages of developing new codes of practice and programs for OFFS. These national standards programs are voluntary and are being managed by producer groups.



For information on OFFS programs, visit [www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/afs4361?OpenDocument](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/afs4361?OpenDocument) or contact the provincial commodity association for information on the OFFS program for the specific commodity.

Hazard Analysis Critical Control Point (HACCP)

The HACCP system is a proactive program that is internationally recognized as an effective approach to food safety in processing facilities. HACCP requires an assessment of what food safety problems can occur at any stage of the process. Control measures are then identified to prevent, reduce or eliminate these hazards to an appropriate level to avoid adverse human health consequences. While HACCP is still voluntary, many companies are choosing to develop and implement a HACCP program. Implementing such a program shows due diligence in product manufacturing, meets consumer demands and gains access to markets with HACCP requirements.

Currently, the OFFS program and HACCP are voluntary. FSEP is mandatory for federally registered meat and poultry establishments. It is voluntary for the remaining federal establishments but the CFIA is moving towards mandatory implementation for all federally registered facilities.

The Food and Drugs Act applies to all food, drugs and cosmetics sold in Canada and is paramount over all other food-related legislation.

Food Safety Enhancement Program (FSEP)

FSEP is the Canadian Food Inspection Agency's approach to encourage and support the development, implementation and maintenance of HACCP systems in all federally registered establishments of the meat, dairy, honey, maple syrup, processed fruit and vegetable, shell egg, processed egg and poultry hatchery sectors. The core of FSEP is the internationally recognized General Principles of Food Hygiene which consists of prerequisite programs and HACCP.

Federal Legislation

Four pieces of legislation apply to food products:

- *Food and Drugs Act*
- *Canada Agricultural Products Act*
- *Consumer Packaging and Labelling Act*
- *Fish Inspection Act*

Food and Drugs Act

The *Food and Drugs Act* is the primary legislation that applies to all food, drugs and cosmetics sold in Canada (imported or domestic). It is paramount over all other food-related legislation, both federal and provincial. This legislation describes provisions related to product composition, minimum health, safety and facility standards as well as provisions preventing fraud or deception in the labelling, composition, packaging, treatment, processing, sale and advertising of food. The CFIA Food Safety and Fair Label Practices Program enforces the act.

The *Food and Drugs Act* defines the following:

Food – “any article manufactured, sold or represented for use as food or drink for human beings, chewing gum, and any ingredient that may be mixed with food for any purpose whatsoever.”

Label – “any legend, word or mark attached to, included in, belonging to or accompanying any food, drug, cosmetic, device, or package.”

Package – “any thing in which any food, drug, cosmetic or device is wholly or partly contained, placed or packed.”

Sell – “offer for sale, expose for sale, have in possession for sale and distribute, whether or not the distribution is made for consideration.”

Part I of the *Food and Drugs Act* deals specifically with food, drugs, cosmetics and devices. The following are the sections of the *Food and Drugs Act* pertaining to food. Note that these are not the only sections of the act and corresponding regulations that might impact your business.

4. *No person shall sell an article of food that*
 - (a) *has in or on it any poisonous or harmful substance;*
 - (b) *is unfit for human consumption;*
 - (c) *consists in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance;*
 - (d) *is adulterated; or*
 - (e) *was manufactured, prepared, preserved, packaged or stored under unsanitary conditions.*
5. (1) *No person shall label, package, treat, process, sell or advertise any food in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.*
 - (2) *An article of food that is not labelled or packaged as required by, or is labelled or packaged contrary to, the regulations shall be deemed to be labelled or packaged contrary to subsection (1).*
6. (1) *Where a standard for a food has been prescribed, no person shall*
 - (a) *import into Canada,*
 - (b) *send, convey or receive for conveyance from one province to another; or*
 - (c) *have in possession for the purpose of sending or conveying from one province to another any article that is intended for sale and that is likely to be mistaken for that food unless the article complies with the prescribed standard.*
 - (2) *Paragraphs (1)(b) and (c) do not apply to an operator of a conveyance that is used to carry an article or to a carrier of an article whose sole concern, in respect of the article, is the conveyance of the article unless the operator or carrier could, with reasonable diligence, have ascertained that the conveying or receiving for conveyance of the article or the possession of the article for the purpose of conveyance would be in contravention of subsection (1).*

The Food and Drug Regulations of the Food and Drugs Act ensure the provisions of the act are put into effect.

- (3) *Where a standard for a food has been prescribed, no person shall label, package, sell or advertise any article that*
 - (a) *has been imported into Canada,*
 - (b) *has been sent or conveyed from one province to another;*
or
 - (c) *is intended to be sent or conveyed from one province to another in such a manner that it is likely to be mistaken for that food unless the article complies with the prescribed standard.*

6.1 (1) *The Governor in Council may, by regulation, identify a standard prescribed for a food, or any portion of the standard, as being necessary to prevent injury to the health of the consumer or purchaser of the food.*

- (2) *Where a standard or any portion of a standard prescribed for a food is identified by the Governor in Council pursuant to subsection (1), no person shall label, package, sell or advertise any article in such a manner that it is likely to be mistaken for that food unless the article complies with the standard or portion of a standard so identified.*

7. *No person shall manufacture, prepare, preserve, package or store for sale any food under unsanitary conditions.*

If you are creating or selling cosmetics, you must be in compliance with the Cosmetics sections of the *Food and Drugs Act* and the *Food and Drug Regulations*. The regulations prescribe the standards of composition, strength, potency, purity, quality or other properties pertinent to the referred product.

Canada Agricultural Products Act

The Canada Agricultural Products Act regulates the marketing of agricultural products for import, export and interprovincial trade.

The *Canada Agricultural Products Act* regulates the marketing of agricultural products for import, export and interprovincial trade. It also provides for national standards and grades of agricultural products, their inspection and grading, the registration of establishments and standards governing establishments. This act, along with the *Food and Drugs Act*, defines the standard for selling food outside the province of origin.

If you are selling interprovincially, your food establishment **must** be inspected and approved by the CFIA under the appropriate regulation of the *Canada Agricultural Products Act*:

- Dairy Products Regulations
- Egg Regulations
- Fresh Fruit and Vegetable Regulations
- Honey Regulations
- Licensing and Arbitration Regulations
- Maple Products Regulations
- Processed Egg Regulations
- Livestock and Poultry Carcass Grading Regulations
- Processed Products Regulations



All federal legislation and related regulations can be obtained from the Department of Justice Canada at canada.justice.gc.ca/en/



Determining Appropriate Regulations

Using the above list, write down the regulations that apply to your business.

Review the food safety regulations that apply to you at www.inspection.gc.ca/english/reg/rege.shtml

The Consumer Packaging and Labelling Act and Regulations deal with the packaging, labelling, sale, importation and advertising of food and non-food products.

Honey Regulations

The *Canada Agricultural Products Act* and the Honey Regulations deal with the import, export or interprovincial trade of honey. The CFIA “ensures that any honey or honey products leaving CFIA inspected establishments, or any honey imported into Canada, is safe, meets standards and is appropriately labelled.” Honey must be graded, packaged and labelled according to the regulations, including indication of floral source. For example, when labelled correctly, a honey jar labelled ‘Saskatoon Honey’ is not honey flavored with fruit from saskatoons but honey produced from bees foraging on saskatoon plants.

Consumer Packaging and Labelling Act

The *Consumer Packaging and Labelling Act* and the Consumer Packaging and Labelling Regulations deal with the packaging, labelling, sale, importation and advertising of prepackaged consumer goods. They also specify the net quantity requirement in food labeling. Division 1 of the Food and Drug Regulations under the *Food and Drugs Act* establishes all other labelling requirements.

The Food and Drug Regulations and Consumer Packaging and Labelling Regulations together set standards to inform consumers about the quality, nutritional content, safety and ingredients in a product, as well as net quantity and accuracy in advertising. The CFIA enforces Canada’s packaging and labelling laws, checking labels for honesty and accuracy.

You **must** label all prepackaged products according to federal regulations as laid out in the *Food and Drugs Act* and the *Consumer Packaging and Labelling Act* (see Figure 6.1). The details you provide on the label depend on the type of food and marketing channel. All food labels must include the information below.

The *Consumer Packaging and Labelling Act* defines the following:

Label – “any label, mark, sign, device, imprint, stamp, brand, ticket or tag.”

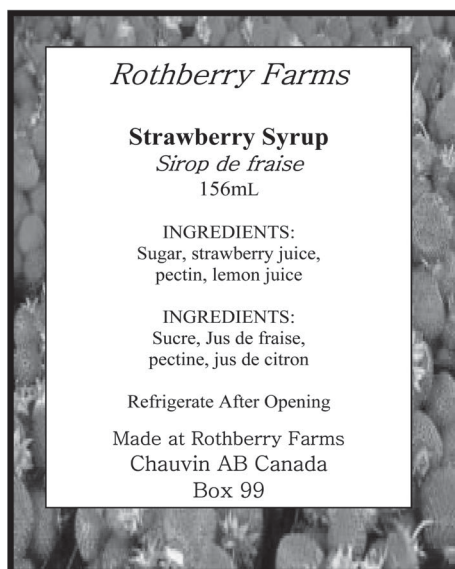
Prepackaged product – “any product that is packaged in a container in such a manner that it is ordinarily sold to or used or purchased by a consumer without being re-packaged.”



Label Information Checklist

Review one of your labels. Use the following checklist to determine if anything is missing. If the label is incomplete, consider changing it.

- Common name of the product
- Net quantity (metric)
- Contact information (business name and address to ensure postal delivery). Supplementary information such as e-mail address, 1-800 number or other contact details is recommended but not required.
- List of ingredients in descending order of amount; include water, artificial flavors, preservatives, etc. Food used as ingredients in other foods must be listed in their component ingredients.
- Durable life date if shelf life is 90 days or less
- Storage instructions (if required)
- “Previously frozen” identification on meat, poultry, fish and their byproducts as specified in the Food and Drug Regulations Division 1 section B.01.080
- Bilingual language, unless specifically exempt
- Nutrition labelling (Exemptions may exist for some small processors until December 12, 2007. If making a health claim, nutrition labelling **must** be included.)



- ❖ Name of responsible party
- ❖ Common name of product (Bilingual unless exempt)
- ❖ Net quantity declaration
- ❖ List of ingredients in descending order of amount
- ❖ Storage instruction, including a durable life date if shelf life is less than 90 days
- ❖ Durable life date
- ❖ Address of responsible party
- ❖ Nutritional information when required

Common name, net quantity, name and address have minimum type size requirements of 1.6mm based on the lower case “o”

No food products, including those sold at Alberta Approved Farmers’ Markets, are exempt from the Food and Drugs Act and the Consumer Packaging and Labelling Act and regulations.

Food label is based on the Consumer Packaging and Labelling Act and the Food and Drugs Act.

Figure 6.1 Example of Food Label



*If you are planning to sell your products in a municipality that is non-adjacent to your home municipality, you must follow the stipulations set out in the **Food and Drugs Act and related regulations including the requirements for bilingual labels.***

Basic labelling information can be found in the 2003 Guide to Food Labelling and Advertising Chapter 2 at www.inspection.gc.ca/english/fssa/labeti/guide/toce.shtml

Nutrition labelling is found in the 2003 Guide to Food Labelling and Advertising Chapters 5 through 8 at www.inspection.gc.ca/english/fssa/labeti/guide/toce.shtml

Contact either of the CFIA regional offices, Fair Labelling Practices Program for information on food labelling or nutrition labelling. Call (780) 495-3333 (Edmonton) or (403) 292-4650 (Calgary).

Weights and Measures Act

The *Weights and Measures Act*, administered by Industry Canada, requires that you use approved scales, of appropriate size for your operation. Measurement Canada performs the initial inspection of scales and will set up a maintenance and calibration schedule for the scale based upon use of that scale. For example, a scale being used at home will likely have a different maintenance schedule than a scale that is transported to the farmers' market every week. The market scale needs to be calibrated more frequently because transporting it affects the internal mechanisms that impact its accuracy.

UPC Code

The UPC code is an industry standard required by most retail markets, including large on-farm retail stores. Information is available from GS1 Canada (www.gs1ca.org) or the Food and Consumer Products Manufacturers of Canada (www.fcpmc.com).

Fish Inspection Act

The *Fish Inspection Act* and Fish Inspection Regulations deal with the interprovincial marketing and export of fish, fish products and marine plants as well as the import of all fish and fish products into Canada. The act sets criteria for the inspection of fish and marine plants. The regulations lay out the requirements for the inspection of processed fish and processing establishments. Only inspected fish may be sold. Fish and fish products **must** be processed in a registered establishment. The CFIA administers and enforces Canada's fish inspection legislation.

The *Fish Inspection Act* and Regulations are designed to verify that fish and fish products and marine plants are harvested, transported and processed under conditions that meet national and international standards of wholesomeness, composition, packaging and labelling. Fish is defined as any fish, including shellfish, crustaceans, marine animals, and any of their parts, products or byproducts. Processing includes cleaning, filleting, icing, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish for market in any other manner.



Canada's National Fish and Fish Products Inspection and Control System document provides a summary of the *Fish Inspection Act* and Regulations and can be found at www.inspection.gc.ca/english/anima/fispoi/natcane.shtml#1.2.

The Fish Inspection Act and Regulations deal with the interprovincial marketing, import and export of fish, fish products and marine plants.

The Food and Food Establishments Regulation governs the operation of all food establishments in Alberta. If you are selling processed food products from your farm store, to retail or food service establishments or other venues, you must obtain a food establishment permit. A permit is not required if you are only selling your own fresh produce.

Provincial Legislation

Provincial statutes complement federal legislation and ensure food safety for products under provincial jurisdiction. Federal legislation overrides all provincial legislation.

Four pieces of provincial legislation apply to the safety of food products:

- *Alberta Public Health Act*
- *Livestock and Livestock Products Act*
- *Vegetable Sales (Alberta) Act*
- *Dairy Industry Act*

Alberta Public Health Act

The *Alberta Public Health Act* prevails over all other provincial statutes except the *Alberta Bill of Rights*. All food produced and sold in Alberta falls under the federal *Food and Drugs Act* as well as the *Alberta Public Health Act*. If you sell outside Alberta, you **must** comply with the legislation for that location as well as all applicable federal legislation.

The *Public Health Act* Food and Food Establishments Regulation defines the following:

Food – “any substance, including water and ice, intended for use in whole or in part for human consumption, but does not include a drug, medication or health related product regulated under the *Pharmaceutical Profession Act* or the *Food and Drugs Act* (Canada).”

Food establishment – “premises where food that is intended for consumption by the public is served, offered for sale, displayed, processed, packaged, stored or handled.”

The first step in developing your food business is to check with your local regional health authority for the requirements in opening and operating a food establishment. All food establishments are required to operate in accordance with the Food and Food Establishments Regulation under the *Public Health Act*. In some circumstances in order to operate a food establishment, a food establishment permit is required (Part 1 of the Food and Food Establishments Regulation). Permit fees range from no cost to \$500 per year depending on the operation. Permits must be conspicuously displayed.

Parts 2 and 3 of the Food and Food Establishments Regulation provide information regarding permitted facilities such as how they need to be constructed, operated and maintained. If you sell your food products through any venue other than an Alberta Approved Farmers' Market, you must follow Parts 2 and 3 of the Food and Food Establishments Regulation.

If you are selling processed food products from your farm store, to retail or food service establishments or other venues, you **must** obtain a food establishment permit. A permit is not required if you are only selling your own fresh produce.



For more information on the Food and Food Establishments Regulation, visit

www.qp.gov.ab.ca/documents/Regs/2003_328.cfm?frm_isbn=0779732154&type=htm

There is an important difference between selling at an approved farmers' market and selling at any other venue. Food vendors selling at Alberta Approved Farmers' Markets have unique status under the Food and Food Establishments Regulation. However, food products sold at all other venues, such as public markets, flea markets and farm stores are subject to different rules. Farm direct marketers should contact their regional health authority for specific information.

If a farm direct marketer or Alberta Approved Farmers' Market vendor is selling interprovincially, the food establishment will need to be inspected and approved by the CFIA.

Regional Health Authorities

Under public health provisions, the regional health authorities (RHAs) can take any action to eliminate a health risk. The nine regional health authorities in Alberta enforce the *Public Health Act* and its regulations (see Figure 6.2 Regional Health Authorities).

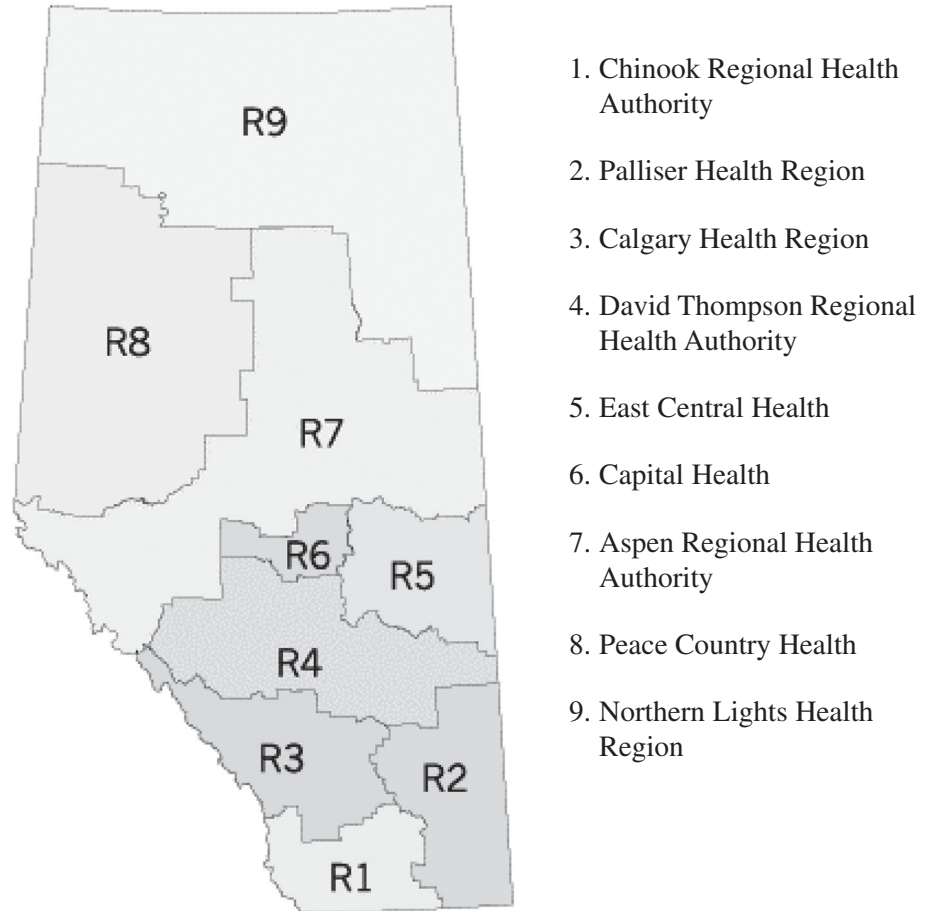


Figure 6.2 **Regional Health Authorities**



For a complete listing of all the towns and contact information in each health region, refer to www.health.gov.ab.ca/regions/map_lookup.htm



Your Regional Health Authority Contacts

Call the regional health authority office listed on the web page for information on how to reach the appropriate public health inspector.

From the map, identify your health region. _____

Go to the website listed above and write down the contact information for your health region. _____

Phone the health region to find the contact information of the public health inspector for your location.

What other health regions do you need to contact? _____

Alberta Approved Farmers' Markets

Alberta Approved Farmers' Markets provide a unique market opportunity to sell homegrown produce, processed food (restrictions do apply) and handcrafted products directly to consumers. Farmers' markets often serve as business incubators or test markets for start-up processors.



Look for the Sunny Girl logo at Alberta Approved Farmers' Markets.

The *Public Health Act* Food and Food Establishments Regulation defines:

Farmers' market – "a food establishment whose proposed operation by a person or group of persons has been approved by the Minister responsible for agriculture as an approved farmers' market program under the administration of that Minister's Department."

Potentially hazardous food – any food that is capable of supporting the growth of pathogenic microorganisms or the production of toxins, has a pH greater than 4.6 and a water activity (A_w) of 0.85 or more.

No food products, including those sold at Alberta Approved Farmers' Markets, are exempt from the Food and Drugs Act and the Consumer Packaging and Labelling Act and regulations.

Regional health authorities can establish additional standards to those set out in the Public Health Act and Food and Food Establishments Regulation. Contact your local public health inspector for more information.

Regional health authorities have detailed requirements for Alberta Approved Farmers' Markets and food vendors at the markets in their area. If you plan to sell at different farmers' markets, check the requirements for each location and expect to meet requirements for:

- Safe handling and preparation of foods
- Selling potentially hazardous foods
- Home canned foods
- Protection of foods
- Storage and sanitation
- Transportation
- Food handler hygiene
- Food samples

According to the Food and Food Establishments Regulation, vendors at Alberta Approved Farmers' Markets are allowed to produce non-perishable and non-hazardous products such as certain baked goods, jams, jellies and pickles in their home kitchens.

Some regional health authorities require that potentially hazardous foods sold at approved farmers' markets be prepared in a facility permitted by the local health authority. Contact the public health inspector responsible for the specific approved farmers' market for details on the requirements for the preparation of all foods. You do not require a food establishment permit to distribute free individually portioned samples of your food products.

Regional health authorities can establish additional requirements to those set out in the Food and Food Establishments Regulation. A number of regional health authorities now require all food establishments to be permitted, regardless of where the product is being sold. If you are selling at more than one Alberta Approved Farmers' Market, or if the market is located in a different health region than your residence, you will be required to meet the guidelines of the health region with the highest standards. Check with the public health inspector for local standards.

Alberta Approved Farmers' Markets are issued food establishment permits. Since the permit is issued for the market itself, the regulations stipulate certain protocols must be followed for that permit to be retained. As the permit holder, the market accepts all risks and liabilities associated with food safety issues. For this reason, Alberta Approved Farmers' Markets are required to carry liability insurance; many markets require vendors to have individual insurance as well.

A permitted facility, often known as a commercial kitchen, is one that has been constructed according to the regulations set out in Part 2 and operated and maintained in accordance with the regulations set out in Part 3 of the Public Health Act Food and Food Establishments Regulation.

Alberta Approved Farmers' Markets and vendors are exempt from Parts 2 and 3 unless the RHA has established additional standards. Alberta Approved Farmers' Markets are dealt with specifically under Part 4 of the *Public Health Act Food and Food Establishments Regulation*.

Part 4

Farmers' Markets

Interpretation for Part 4

34. *In this Part,*
- a. *“market permit holder” means the holder of a permit issued or renewed under section 4(4);*
 - b. *“stallholder” means a person who rents space at a farmers' market.*

General building requirements

35. *Except where the Alberta Building Code provides otherwise, a market permit holder shall ensure*
- a. *that the farmers' market is supplied with hot and cold running water that is safe for human consumption and available in quantities sufficient to meet the needs of the farmers' market, and*
 - b. *that toilet and handwashing facilities of a design and in a number sufficient to meet the needs of the farmers' market are provided*
 - i. *at the location of the farmers' market, or*
 - ii. *at a nearby location through agreement with another person.*

Regular duties of market permit holders

36. (1) *A market permit holder shall ensure that*
- a. stallholders' spaces are clean and sanitary,*
 - b. counters and display areas in stallholders' spaces are finished in or covered with a material that is easily cleaned,*
 - c. stallholders' spaces are cleaned at the end of each business day,*
 - d. there are sufficient refuse containers to service the customers visiting the farmers' market, and*
 - e. there is sufficient removal of refuse at the end of each business day.*
- (2) *A market permit holder shall ensure that adequate clean-up equipment is provided for the use of stallholders.*

Sale or offer for sale by stallholders

- 37 (1) *A stallholder shall not sell or offer for sale*
- a) uninspected meat,*
 - b) home-canned food other than jam, jelly and pickles,*
 - c) potentially hazardous food, other than whole raw shell poultry eggs, unless it is held at a temperature of not more than 4°C and not less than 60°C, or*
 - d) home prepared food unless it is protected in a manner adequate to prevent customer handling and contamination.*
- (2) *A stallholder shall not offer for sale whole raw shell poultry eggs unless they are stored at a temperature not exceeding 7°C.*
- (3) *The market permit holder shall ensure that stallholders comply with this section.*

Livestock and Livestock Products Act

Under the *Livestock and Livestock Products Act*, there are two regulations that apply to farmers' market vendors:

- Purchase and Sale of Eggs and Processed Egg Regulation (see Chapter 7 for details)
- Honey Grading Regulation

Honey Grading Regulation

This regulation applies to honey produced in Alberta that is to be sold in Alberta.

A beekeeper who sells honey directly to a consumer at the beekeeper's honey house or residence or at a farmers' market shall ensure that the container in which the honey is sold

- a) displays the name and address of the beekeeper, and*
- b) shows the net weight of the contents*

Honey sold directly to the consumer at your honey house or residence or at an Alberta Approved Farmers' Market does not have to be graded. It must be fit for human consumption and free of foreign material.

Vegetable Sales (Alberta) Act

The *Vegetable Sales (Alberta) Act* defines grade standards, packaging requirements and inspection authority for the marketing of fresh vegetables in Alberta.

The *Vegetables Sales (Alberta) Act* Grades, Packages and Fees Regulation states that this regulation does not apply to vegetables sold directly to a consumer at an Alberta Approved Farmers' Market, the producer's farm or another location such as a restaurant. However, if a producer is having vegetables graded or packaged to sell into another outlet where the buyer is not the end consumer, that is, a retail outlet, the regulations must be adhered to.

Dairy Industry Act and Dairy Industry Regulation

It is unlawful to sell or give away unpasteurized milk. Pasteurized milk is considered to be processed. Cheese does not have to be pasteurized as long as it has been manufactured in compliance with the *Food and Drugs Act*.

You must cool milk and farm separated cream to 4°C immediately after pasteurization. In the case of batch pasteurization, you must achieve cooling to 4°C within one hour. You must keep all dairy products requiring refrigeration, including cheeses with a moisture content of 36 percent or higher, at a temperature of not less than 1°C and not more than 4°C.

The Honey Grading Regulation applies to honey produced and sold in Alberta.

Vegetables sold directly to a consumer at an Alberta Approved Farmers' Market, producer's farm or another location such as a restaurant do not have to be graded or packaged according to the Vegetable Sales (Alberta) Act.

It is unlawful to sell or give away unpasteurized milk in Alberta.

All dairy production and processing facilities in Alberta, regardless of volume, must be inspected and licensed. The Regulatory Services Division of Alberta Agriculture, Food and Rural Development administers regulatory functions pertaining to the Dairy Industry Act and the National Dairy Code. Small dairy processors require a food establishment permit.

All dairy production and processing facilities, regardless of volume, are subject to inspection. The Regulatory Services Division of AAFRD administers and enforces the *Dairy Industry Act* and Regulation.

If you produce and sell fluid goat or sheep milk in Alberta, you must obtain a producer's license issued by AAFRD. There is no quota requirement for goat or sheep milk.

If you produce less than 50 litres per day of cow's milk for sale, you require a producer's license from AAFRD. If you produce more than 50 litres per day of cow's milk for sale, you must be licensed with Alberta Milk. Before any license to produce is issued, an inspector from AAFRD is required to complete a pre-license inspection of your dairy production buildings and equipment.

If you process (pasteurize) less than 50 litres per day of cow, sheep or goat milk for sale, you must also contact your public health inspector for an inspection and obtain a food establishment permit. If you process for sale more than 50 litres per day of goat or sheep milk, you must be licensed as a processor by AAFRD.

If you process for sale more than 50 litres per day of cow's milk, you must register with and be licensed by Alberta Milk. You will also need quota from Alberta Milk.

The *Dairy Industry Act* defines the following:

Processor – “any person who processes, for sale, 50 litres or more of milk or dairy product on any day, but does not include a retail establishment that operates or uses a freezing device to freeze a frozen dairy product mix manufactured by a processor licensed under this act or the *Marketing of Agricultural Products Act*.”

Producer – “a person who sells, or supplies for sale or processing, milk or farm-separated cream that has been produced by one or more dairy animals owned or controlled by that person.”

Selling Cheese

The regulatory requirements for developing a cheese production and marketing enterprise are significant. If you market all your product in Alberta, a provincial inspector with the Regulatory Services Division of AAFRD has to inspect the facility and grant a license for goat and sheep cheese. If the cheese is made from cow's milk, the inspector will recommend that Alberta Milk grant a license.

If you market the product outside of the province, the plant must be federally licensed and inspected. This will require:

- Submission of blueprints for the facility
- Business plan with five years of projections
- Inspection by a CFIA inspector

Processors will also have to be licensed by Alberta Milk for their supply of raw milk. The Regulatory Services Division of AAFRD or the CFIA will grant a license upon inspection of the facility.

Selling Fish in Alberta

If you are an Alberta licensed commercial fisherman, you can sell freshwater fish caught in Alberta to individual consumers. You must obtain a commercial fishing license for the lake the fish are from and all sales must include a receipt documenting the sale. Fish can be sold fresh or frozen. Fresh fish must be kept at a temperature of not more than 3.3°C and frozen fish must be maintained at -18°C or less.

As an individual you can purchase fish such as salmon from a licensed establishment in another province for further processing, such as smoking, in Alberta. The fish must originate from a federally registered fish processing establishment that complies with the Quality Management Program and has a mandatory HACCP program. Further processing of the fish for sale in Alberta must comply with the Alberta *Public Health Act* and the Food and Food Establishments Regulation, that is, it must be smoked in a provincially inspected facility. In order to ensure certain bacteria are not allowed to grow in the processed fish, your packaging must follow Division B.21.025 of the federal Food and Drug Regulations.

Cheeses with a moisture content of 36 percent or higher, must be stored at a temperature of not less than 1°C and not more than 4°C.

Fish processors must comply with the Food and Food Establishments Regulation. They must obtain and display a food establishment permit.



Provincial Legislation

Write down all the provincial legislation that applies to your products or facilities. Ensure that you know the requirements under each piece of legislation or regulation.

Interprovincial Sales

The *Food and Drugs Act*, along with the Food and Drug Regulations and the *Canada Agricultural Products Act* and related regulations both deal with the preparation, processing and sale of food. These acts define the requirements for selling food outside the province of origin. Food products produced in Alberta cannot be sold interprovincially unless they meet the standards set out in these acts. Therefore, meeting the requirements set out in the *Public Health Act* Food and Food Establishment Regulations is not sufficient if you intend to sell the product outside Alberta. If you are an Alberta farm direct marketer selling into British Columbia or Saskatchewan or through farmers' markets in these provinces, you must meet the federal requirements.

Producers and processors must meet federal requirements to sell their products beyond Alberta including farmers' markets outside of the province.

What's Next

The next chapter introduces you to legislation that applies to the safety and sale of meat and poultry products. If you are not a market manager or a vendor of meat, poultry or processed meat products, you may want to skip to Chapter 8 that deals with premises and their impact on food safety.



Resources

Copies of provincial legislation and related regulations can be obtained from Queen's Printer, the official source of Government of Alberta laws and publications www.qp.gov.ab.ca/index.cfm

Copies of federal legislation and related regulations can be obtained from the Canadian Department of Justice at canada.justice.gc.ca/en/ or the Canadian Food Inspection Agency www.inspection.gc.ca/english/reg/rege.shtml

Information regarding nutrition labelling and the regulations can be found at www.hc-sc.gc.ca/hpfb-dgpsa/onpp-bppn/labelling-etiquetage/index_e.html

Alberta Food Retail and Foodservices Code

This document consists of model requirements for safeguarding public health and assuring food safety. It provides practical, user-friendly interpretations and guidance for compliance with legislation.

Available from Alberta Health and Wellness or online at www.health.gov.ab.ca/professionals/foodcode/Food_Code.pdf

Code of Practice for Minimally Processed Ready-to-Eat Vegetables

This Canadian Food Inspection Agency code of practice provides guidance for the safe manufacturing of minimally processed ready-to-eat vegetables, and was developed for manufacturing of raw vegetables that have been peeled, sliced, chopped or shredded. It is available online at

www.inspection.gc.ca/english/plaveg/fresh/read-eat_e.shtml#1-0

Farm Direct Sales: Know the Regulations.

Alberta Agriculture, Food and Rural Development. November 2003. Available online at

[www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/agdex3485?opendocument](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/agdex3485?opendocument)



Chapter Review

Review the chapter by answering True or False to the following statements.

1. The *Canada Agricultural Products Act* outlines the labelling requirements of products such as honey. _____
2. Inspectors from the regional health authorities and Alberta Agriculture, Food and Rural Development enforce federal legislation. _____
3. Food products sold at Alberta Approved Farmers' Markets are exempt from the *Food and Drugs Act* and the *Consumer Packaging and Labelling Act* and regulations. _____
4. When you are selling processed food products from your farm store, to retail or restaurants or at a craft show, you must obtain a food establishment permit. _____
5. Each regional health authority can establish requirements over and above those set out in the Food and Food Establishments Regulation. _____
6. It is the responsibility of the farmers' market manager to ensure that the market has its food establishment permit renewed on an annual basis. _____

Answers to Chapter Review

1. **True**
2. **False**, the CFIA enforces federal legislation.
3. **False**, legislation applies to all food sold in Canada.
4. **True**, a permit may not be required if you are selling your processed products at an Alberta Approved Farmers' Markets but is required for all other marketing channels in Alberta.
5. **True**
6. **True**, if the RHA fails to send out a renewal notice it is still the manager's responsibility to obtain the permit.