

TO: Chair and Members of the Board of Health

FROM: Christopher Mackie, Medical Officer of Health  
Emily Williams, Chief Executive Officer (Interim)

DATE: 2021 September 16

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## Feedback on Proposed Regulations for Supplemented Foods

### Recommendation

*It is recommended that the Board of Health:*

1. *Receive Report No. 38-21 “Feedback on Proposed Regulations for Supplemented Foods” for information; and,*
2. *Direct the Medical Officer of Health to send a letter to Health Canada, responding to the public health concerns associated with these amendments, attached as [Appendix A](#).*

### Key Points

- The proposed regulatory framework may lead to greater availability and marketing of supplemented foods, which include energy drinks, potentially leading to health risks for vulnerable populations such as children/youth and pregnant women.
- The availability and promotion of supplemented food products within the food supply does not align with Canada’s Dietary Guidelines.
- A comprehensive strategy is needed to mitigate the health risks potentially associated with the proposed regulatory changes.

## Public Health Considerations for Proposed Amendments to Supplemented Foods Regulations

Health Canada has recently proposed amendments to [Food and Drug regulations for Supplemented Foods](#). Supplemented foods are defined in the legislation as “prepackaged foods containing one or more added supplemental ingredients, which are vitamins, mineral nutrients, amino acids, or other ingredients (e.g., caffeine, herbal extracts), which have historically been marketed for the purpose of providing specific physiological or health effects”. A few examples of popular supplemented foods include energy drinks or other foods with caffeine added and protein bars.

These amendments have been proposed, according to Health Canada, in order [“to provide a predictable regulatory environment for supplemented foods that continues to protect the health and safety of Canadians, while also allowing industry to bring new and innovative products to market.”](#) However, there are number of public health concerns arising from these proposed changes.

The [regulatory proposal](#) points out the research showing children and young adults 12 – 30 years of age represent the largest proportion of caffeinated energy drink users, and that these drinks may be more likely to affect children and adolescents than they do adults. But in the current approach, a cautionary statement indicating that those aged 14-17 “should not consume” such products, **is not required** on the label. Furthermore, the amendments appear to reduce barriers for the food industry to gain market approval for

supplemented food products, including the potential for accelerated approval timelines, which could lead to greater access by children and youth to products such as energy drinks.

[Canada's Dietary Guidelines](#), released by Health Canada in 2019, outline that processed or prepared foods and beverages high in sodium, free sugars, or saturated fat, undermine healthy eating and should not be consumed regularly. The possibility of increased availability and consumption of supplemented food products, as a result of these amendments, most being high in these ingredients of health concern, contradicts Health Canada's own dietary guidance.

In order to address the health risks of increased marketing and access to some supplemented food products, policy and program measures are needed, including additional restrictions on marketing to children and youth as well as clear language at point-of-purchase.

In summary, the MLHU response, attached as [Appendix A](#), to the proposed amendments includes the following recommendations:

- Revise the proposed front of package symbols and wording to convey a cautionary, "warning" message;
- Develop a communication campaign to educate consumers, especially vulnerable populations, on the potential risks of the proposed regulatory changes;
- Develop an evidence-informed, comprehensive strategy that establishes policy and program measures to mitigate the possible negative health and environmental impacts of the proposed regulations; and
- Establish a transparent and comprehensive process to collect and synthesize data and research evidence on the health risks associated with consuming supplemental ingredients and supplemented food products.

This report was prepared by the Healthy Living division.



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