

Caution:

This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

FOOD SAFETY AND QUALITY ACT, 2001

Amending O. Reg. 119/11

(PRODUCE, HONEY AND MAPLE PRODUCTS)

1. (1) Subsections 2 (2) to (4.1) of Ontario Regulation 119/11 are revoked and the following substituted:

(2) Despite section 3 and subject to subsection (3), this Regulation does not apply to food described in subsection (1) in respect of any activity carried out at a place in Ontario if that activity is,

- (a) a prescribed activity under the *Safe Food for Canadians Act* (Canada); and
- (b) carried out by a person who is licensed to perform the prescribed activity under the *Safe Food for Canadians Act* (Canada).

(3) This Regulation does apply to food described in subsection (1) with respect to an activity described subsection (2) if the food,

- (a) is separated by physical or other effective means from any food that is packed, repacked or otherwise processed under the *Safe Food for Canadians Act* (Canada) and the *Safe Food for Canadians Regulations* (Canada); and
- (b) is intended for distribution or sale exclusively in Ontario.

(4) For greater certainty, subsections (2) and (3) apply with respect to activities described in those subsections whether the food that is subject to the activities was,

- (a) produced in Ontario; or
- (b) produced outside Ontario and imported into Ontario in accordance with the *Safe Food for Canadians Act* (Canada) and the *Safe Food for Canadians Regulations* (Canada).

(4.1) Despite the exemptions in subsections (2) and (3), Parts V and VI of this Regulation apply to the sale or offering for sale in Ontario of any food that is a produce, even if the produce was produced, packed, repacked or otherwise processed under the *Safe Food for Canadians Act* (Canada) or the *Safe Food for Canadians Regulations* (Canada).

(2) Paragraph 2 of subsection 2 (5) of the Regulation is amended by striking out “at a registered establishment” at the end and substituting “by a person who holds a licence to do so under the *Safe Food for Canadians Act* (Canada)”.

2. Paragraph 2 of subsection 17 (2) of the Regulation is revoked and the following substituted:

- 2. A container of a size required under the *Safe Food for Canadians Regulations* (Canada) in respect of consumer prepackaged honey within the meaning of those Regulations.

3. Subsection 19 (3) of the Regulation is amended by striking out “*Consumer Packaging and Labelling Act* (Canada)” and substituting “*Safe Food for Canadians Act* (Canada)”.

4. Subsection 20 (3) of the Regulation is amended by striking out “*Fresh Fruit and Vegetable Regulations made under the Canada Agricultural Products Act*” at the end and substituting “*Safe Food for Canadians Regulations (Canada)*”.

5. Subsection 21 (4) of the Regulation is revoked and the following substituted:

(4) A container of honey shall not contain a statement indicating that the honey is from a specified floral source unless the honey meets the composition requirements for the particular kind of honey set out in the Table of Composition of Specific Kinds of Honey in the document entitled “Canadian Grade Compendium, Volume 6 — Honey”, prepared by the Canadian Food Inspection Agency and available on its website, as that document is amended from time to time.

6. The definition of “principal display panel” in subsection 26 (7) of the Regulation is amended by striking out “*Consumer Packaging and Labelling Regulations made under the Consumer Packaging and Labelling Act (Canada)*” and substituting “*Safe Food for Canadians Regulations (Canada)*”.

Commencement

7. [Commencement]