

By **Carol T. Culhane, PHEc, MBA**

The changing sunset of claims

In Canada, during the late 1980's, carbohydrate was the source of nutritional scientific scrutiny. An entire section of the Food & Drugs Regulations, B.01.300, was created to specifically legislate carbohydrate content claims and assist consumer choice. Regulatory provisions were created for declarations such as 'low-sugar', 'lower in sugar' and that much coveted in the new millennium, 'low-carbohydrate'.

Interestingly, the maximum carbohydrate requirements specified by the "regs" so many years ago are more stringent than the maximum carbohydrate content prevalent in many low-carb foods today. A low-carb food compliant with B.01.300 can contain no more than 10% of all carbohydrate as available carbohydrate, and must provide 2 grams or less of available carbohydrate per serving. There are very few (perhaps any) low-carb products in Canadian stores that offer 2 grams or less of 'available' carbohydrate. Market surveys indicate that any single-digit carbohydrate content is acceptable to the low-carb market.

New legislation came into force in 2002 that places a sunset on these claims of December 12, 2005, after which date they will be illegal in Canada.

The 'reduced' option

Legislation for 'carbohydrate-reduced' claims (B.24.009) has existed since 1978 and will continue to be in force after December 2005. The content requirements embody four major conditions: i) the food must be described as 'carbohydrate-reduced' ii) it must be labeled, and if advertised, as recommended for 'carbohydrate-reduced diets' iii) the carbohydrate content must be reduced by at least 50% from its 'full-carb' counterpart iv) no incremental calories per serving.

Is it "Low" or "No Go"?

A group of food manufacturers have been lobbying for a legal provision for low-carb claims that i) accommodate available carbohydrate values greater than 2 g per serving; ii) will continue in perpetuity. A review of the media articles and press releases devoted to this issue reveals no mention of the carbohydrate-reduced regulations. The desire is for specifically 'low-carb' claims .

Yet, the compositional requirements of B.24.009 do not appear to be restrictive. Is it not reasonable to require that a low-carb whatever not have more than 50% of the usual amount of carbohydrate? Lower carbohydrate does suggest a means to weight reduction, therefore, should there not be a cap on calories for such foods? What is objectionable about a product label that clearly states 'recommended for a carbohydrate-reduced diet'? Is that not what the targeted consumers are doing...following a carb-reduced diet? Atkins[™] advertising is everywhere (bus boards, bus shelters, airports, elevator televisions, etc.) and no one seems to be offended.

Yet, some consumers and manufacturers have openly expressed their feelings of suppression, restriction and in some cases, disdain because Health Canada will not allow low-carb claims to their liking in current times, and, not at all after December 2005. To these people, it does appear to be a matter of "low or 'no go'" (Note: There is no American (Food, Drugs and Cosmetics Act) provision for low-carb claims at this time). **FF**

Some Websites

www.globeandmail.com (Search 'low carb' or 'Carol Culhane' for low-carb stories in which the author is quoted; specify 6- month search term.)

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