



Consumer Interest Alliance Inc.

Report on Focus Group Study of Cheese Standards and the Consumer Interest

Prepared by

Consumer Interest Alliance Inc.

For

Dairy Farmers of Canada

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Advisory Committee Recommendations

The Advisory Committee provided strategic advice and input about the consumer interest in standards, assessed the outputs from the focus groups, and assisted in the development of recommendations for the final report as they are presented here:

Recommendation 1

Standards of Identity for standardized cheeses described in the Food and Drugs Regulations preserve the complete nutrition profile (of cheese made from milk) and should be maintained.

There are a number of fundamental reasons for this.

- Cheese is an important component of the overall diet and an important source of calcium, magnesium, phosphorus, potassium, protein, and vitamins A, and B.
- Cheese is an alternative choice for milk

- Hard cheese is a low lactose alternative to milk for those with lactose intolerance
- Milk has many bioactive properties. These bioactive properties are also present in cheese made from milk. It is the food itself, not the presence of specific nutrients in the foods, which creates the beneficial effects of milk and products made from milk on health.

Products that do not meet the full nutritional profile of standards for cheese products should not be called cheese and should not be marketed in such a way as the consumer might be confused or misled that they are a cheese product.

Innovation

Cheese products which do not meet the standards should remain in the marketplace if they meet the following criteria:

- The product should be named in such a way that the consumer does not mistake it for cheese that meets the prescribed 'standards of identity' for cheese or for cream cheese or processed cheese products.
- The non-standardized product is not nutritionally inferior to standardized cheese or cheese products.
- The percent of the first three or four ingredients should be listed as is the case in Europe.
- The moisture and milk fat must be provided on the front panel
- All ingredients are listed; the use of modified milk ingredients is not used as a collective term. It does not inform consumers.
- If the product does not meet the expected performance characteristics, the deviation from consumer expectations must be provided on the front panel (e.g. will not melt; not to be used for baking, will not brown).
- That both the Government of Canada and the manufactures engage in consumer education that informs consumers about these products including new ingredients and the fit or lack of fit that they have with the milk product group in Canada's Food Guide to Healthy Eating.
- If not nutritionally equivalent the product should not be called cheese. The product should use an appropriately descriptive term or fanciful name.

Discussion must be held immediately with Health Canada's Nutrition Policy and Promotion Branch. The revision of Canada's Food Guide for Healthy Eating is currently underway. The impact of non standardized cheese-like products on the nutritional health and well-being needs to be considered in light of the most recent dietary intake of Canadians data.

Recommendation 2

Foods named by use of a nutrient content claim and a standardized term need to be regulated.

Consumer participants in the focus groups expressed support for Canada to include a 'general standard of identity' for modified versions (i.e. reduced fat) of traditional standardized foods in line with 21 CFR 130.10 of the U.S. Food Drugs and Cosmetic Regulations. That is, the modified food must:

1. Comply with the provisions for the standard for the traditional standardized food except for the deviation described by the nutrition content claim.
2. Not be nutritionally inferior to the traditional standardized food.
3. Possess performance characteristics, such as physical properties, flavour characteristics, functional properties, and shelf life, that are similar to those of the traditional standardized food, unless the label bears a statement informing the consumer of a significant difference in performance characteristics that materially limits the use of the modified food (e.g. "not for baking").
4. Contain a significant amount of any mandatory ingredient required to be present in the traditional standardized food.
5. Contain the same ingredients as permitted in the standard for the traditional standardized food, except that ingredients may be used to improve texture, prevent syneresis, add flavour, extend shelf life, improve appearance so that the modified food is not inferior in performance characteristics to the traditional foods.
6. All optional ingredients are labelled.

Recommendation 3

Maintain and enforce the compositional standards in the Food and Drugs Regulations.

Rationale for the supremacy of the Food and Drugs Regulations (Division 8) for 'standards of identity' for cheese and cheese products follows:

- The Food and Drugs Act is the core piece of legislation governing standards of identity for food products. Section 30.1 (c) of the Act provides the Governor in Council to prescribe standards of composition, strength, potency, quality or other property of any article of food, drug, cosmetic or device.
- The Food and Drugs Regulations (Division 8) provide standards of identity for 62 cheeses and cheese products
- The composition requirements outlined in the Food and Drugs Regulations are clear and enforceable. Fraudulent practices can be identified.

- The Dairy Products Regulations Health and Safety Section 2.2 (1) (Subject to subsections (2) and (3),) no person shall market a dairy product in import, export or inter-provincial trade as food unless the dairy product (b) is not contaminated⁵⁹; (e) meets all other requirements of the Food and Drugs Act and the Food and Drugs Regulations with respect to the dairy product. Composition determines the nutritional profile which is a fundamental determinate of health. Cheese is equated to milk in all health promotional materials. Cheese, milk and yogurt make an important food group, Milk Products, in Canada's Food Guide for Healthy Eating.
- A dairy product may be graded only if it meets the requirements of the Food and Drugs Act and Regulations (Section 4 (e))
- The Dairy Products Regulations inclusion of 'milk solids' that have not been chemically changed is undefined and the Canadian Food Inspection regulators were unable or unwilling to provide details of what those 'solids' may be.
- The Canadian Food Inspection Agency was unable to provide the criteria and indicators to objectively verify that the changes in composition from the Food and Drugs Regulations enhanced the product. The Food and Drugs Regulations form the baseline and other regulations must raise the bar (Food and Drug Regulators Claudette Dalpe and Dennis Lien April 5, 2005).
- The Food and Drugs Regulations provide for the nutritional quality of food to be maintained.
- The Food and Drugs Act (6) states that when a 'standard' has been prescribed it cannot be labelled, packaged, sold or advertised in a manner that is likely to be mistaken for that food unless it complies with the prescribed standard.
- The Food and Drugs Act (5) states that 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.
- The Food and Drugs Regulations (B.01.042) states: Where a standard for a food is prescribed in this Part (B – Food)

The food shall contain only the ingredients included in the standard for the food;

Each ingredient shall be incorporated into the food in a quantity within any limits prescribed for that ingredient; and

If the standard includes an ingredient to be used as a food additive to that food for that purpose.

⁵⁹ *Contaminated* in respect of a dairy product, means containing, for any reason whatsoever, a chemical, drug, *food additive*, heavy metal, industrial pollutant, *ingredient*, medicament, microbe, pesticide, poison, toxin or any other substance not permitted by, or in an amount in excess of the limits prescribed under or regulated by the Canadian Environmental Protection Act 1999, the Food and Drugs Act and the Pest Control products Act. Interpretation Section 2 Dairy Products Regulations

- On the Government of Canada official website on regulation, www.regulations.gc.ca the President of the Treasury Board states: *Canadians want the government to be accountable for its regulatory actions and results. Smart Regulation is about accountability, as well as enhanced predictability in a system that is both transparent and fair.* ... *“Smart Regulations is also about transparency; enabling citizens to have access to information about how decisions are made and the progress of regulatory activities.”* The Joint Statement on a New Partnership in North America (Nov. 30, 2004) commits to pursuing joint approaches to partnerships, *consensus on standards*, and regulations that result in greater competitiveness, while *enhancing the health and safety* of Canadians. This is essential in part to provide Canadian industry and investors improved competitiveness and access to North American markets.
- Both the National Dairy Code 1997 and the amended 2002 version state, in the section on Dairy Product Compositional Standards: *Canada must work towards harmonization regionally as set out under the North American Free Trade Agreement.*
- The Food and Drugs Regulations are consistent with the US Regulations. In the interest of harmonization and smart regulations Canada should enforce the Food and Drugs Regulations. This is important to position Canadian Cheese in the international marketplace.

Recommendation 4

Canada should harmonize with the United States for the standards of identity for cheese used in manufacturing.

Rationale

- Consumers have indicated that there has been an erosion of the quality and performance characteristics in ready made cheese products.
- Consumers have identified that cheese used in some commercial establishments is of poor quality and does not melt in the way that it is anticipated.
- Standards of identity for commercial cheeses have a consumer protection component.;
- Standards for commercial cheese would make a more level playing field for manufacturers.

Conclusion

- The Food and Drugs Regulations related to Cheese (Division 8) are in the Canadian consumers' interest. These regulations provide for a consistent and predictable nutrition profile, protect population and individual health, provide

consumer protection and instil trust and confidence in the regulatory system because the regulations are transparent, clear, fair and enforceable. The Food and Drug Regulations (Division 8) support the Government of Canada objectives of harmonizing regionally.

Labelling

Recommendation 5

Cheese and processed cheese products which do not meet the standards of identity as described in the Food and Drugs Regulations must be labelled in such a way that the modified product is not confused with the standard cheese.

Rationale:

- The Canadian Food Inspection Agency – Guide to Food Labelling and Advertising Section 4.2.2 under qualified descriptive common names of standardized foods states: The common name of a standardized food must **not** be used to describe any food unless that food meets the provisions set in the standard for **composition, strength, potency, purity, quality or other property of food...** When a nutrient content claim is made (i.e. low fat), all applicable criteria, including both composition and labelling requirements, must be met.
- A modified common name of a standardized food may not be used to describe a food that does not meet that standard unless the following conditions are met.
- It must always be clear to consumers that the food so described does not meet the standard.
- The consumer is told, in all respects, on the label and in advertisements, the provision(s) which the food does not meet within the standard. This information must always be in evidence in a clear and prominent manner as part of the common name on labels and in advertisements.
- The common name of the standardized food is processed (naming the variety) cheese or processed cheese food. The modified common name used is process(ed) cheese product. The labelling of the process(ed) cheese product is in our opinion clearly misleading and deceptive. It does not meet the conditions set out in the Canadian Food Inspection Agency Guide to Food Labelling and Advertising and it contravenes the intent of the Food and Drugs Act (section 6) and Regulations (B.01.042).
- It is not clear to consumers that the cheese product does not meet the standard.

- The consumer is not told on the label the provisions which the food does not meet within the standard. There is no evidence to inform consumers in a clear and prominent manner as part of the common name on the labels.

Recommendation 6

Labelling should use large enough print and appropriate colour contrast to be readable.

In the marketplace competition for visibility and recognition often take precedence over ease of reading. When ease of reading may determine whether or not a particular text will be ignored, skimmed, or closely read, in an overloaded print environment, the surface features of that text must be user-friendly. The use of condensed print alters the usual visual cues for the reader, making letters and words more difficult to discriminate. Print size that is 8 to 14 point is optimal. For ease of reading, print smaller than 8 point must be presented using optimal values of other typographic variables.^{60 61 62 63}

Recommendation 7

Information on the front panel should be consistent with information found elsewhere on the label. The front panel should not be misleading.

Consumers are misled when the information on the front panel does not describe the product in a truthful manner.

Recommendation 8

Changes from expected performance characteristics should be identified on the front panel of the label.

Consumers have the right to know if a product will disappear when heated, won't brown, will not melt...

Recommendation 9

All ingredients should be listed separately.

The use of inclusive terms such as 'modified milk ingredients does not inform consumers. For some consumers it is important that they be able to identify the ingredients that are being used.

⁶⁰ Metz Marilyn 1996 Preference of Consumers over Fifty for Typographic Variables on Consumer Product Instruction Labels. PhD Thesis, Montreal: McGill University, Faculty of Education p.58.

⁶¹ Craig, J. 1980 Designing with Type. London: Pitman Publishing Ltd.

⁶² Paterson, DG., Tinker MA 1940 How to Make Type Readable. New York: Harper & Brothers.

⁶³ Spencer H. 1969 The Visible Word 2nd ed. Rev. New York: Visual Communication Books, Hastings House.

Recommendation 10**Canada should adopt the Quantitative Ingredient Declaration System (QUID) (percentage by weight).**

Percentages should be provided for the three most prevalent ingredients and any other ingredient whose presence is emphasized by words or pictures on the label or in advertising. Manufacturers should be obliged to disclose QUID whenever there is a foreseeable likelihood that consumers will be deceived about ingredient composition as a result of marketing claims or consumer expectations about ingredient composition. The EU QUID standard requires that even when no marketing claims are made, QUID must be disclosed when consumer expectations regarding ingredient composition are evident.

QUID promotes honesty in the marketplace and provides consumers with the information that they need to make informed food choices.

A review of labels by the Consumer Advisory Committee identified the absolute need to establish quantitative ingredient declaration (QUID) on cheese and cheese products. Quantitative ingredient declaration (QUID) on food labelling is important to consumers. Visual inspection does not always provide information about the relative contribution of specific ingredients. The ingredient list does not indicate the amount of a particular ingredient that is in the combination food (i.e. how much milk (if any) is in the cheese – like product; how much cheese is in the product; how much (name the variety cheese) is in the product.

Recommendation 11**All cheese-like products not meeting the standards described in Division 8 of the Food and Drugs Regulations should immediately be subject to quantitative ingredient labelling.**

This provision is necessary because labels often imply that the product contains significant amounts of a desirable ingredient or ingredients but these ingredients may be present in trivial amounts.

(QUID information is now routinely provided in more than 18 countries including the European Union, Australia, New Zealand, and Thailand.)

A number of labels for processed cheese reviewed by the participants indicated on the label that they were made from named variety cheeses but when the ingredient list was examined it was found that the first ingredient was modified milk ingredients.

(The National Dairy Code suggested description for processed cheese provides for not less than 51% milk ingredients of which at least 50% or 25.5% is cheese.) (Note: 'milk ingredients', as defined in the Food and Drugs Regulations, does not include cheese.)

QUID provides useful information in addition to mandatory nutrition labelling which enhances informed choice. When any ingredients are emphasized on a food label or in advertising by words, pictures or graphics the label shall indicate the percentage by weight of the emphasized ingredients beside the emphasized words or pictures or beside the common

name of the food. Where highlighted ingredients may be on the principal display panel, the percentage by weight of the ingredient should be displayed next to the claim. Our preference is to have the information on the display panel and in parenthesis in the ingredient list.

For the consumer, QUID provides information to facilitate:

- product comparisons on the basis of quality by informing consumers which product contains the greatest amount of desirable ingredients (milk, variety of cheese etc.)
- the selection of healthier food choices by providing information about the percentage of healthful (milk) or unhealthful (casein – difficult to digest) ingredients that a food contains
- avoidance of economic adulteration by providing information about the amount of water or inferior ingredients in a product;
- understanding of the contribution of ingredients highlighted in pictures or words on the label (i.e. the amount of cheese in prepared cheese-like products that do not meet the standards described in the Food and Drugs Regulations)
- the development of higher quality products.

Competition and Trade

Recommendation 12

Canada should follow the example of the European Union and the United States by focusing on quality. “Branding Canada” under the Agricultural Policy Framework as a producer of quality agricultural products should begin in the Canadian Marketplace.

Standards of identity are needed that provide legal clarity. These standards are important to create consumer confidence. Quality grade standards are described in the United States Department of Agriculture information as:

- a processor’s aid to marketing
- A buyer’s guide to value
- A consumer’s guide to quality.

The consumer wants

- uniform high quality wholesome cheese and cheese products
- consistent taste, feel, colour and appearance of named variety cheeses
- customer-focused approach
- a quality assurance system that is approved, documented and published for consumers to be able to be informed.

- A grading system that provides for an impartial appraisal of product quality.
- Verification by process audits.

Consumers want to be able to buy with confidence.

Participants in the focus groups wanted quality grade standards to be implemented for the most frequently consumed cheese. They want to know the quality they are purchasing. The focus group participants did not favour a voluntary system. They did not think that the manufacturers could be trusted. They had observed the erosion in quality of some cheese using standardized cheese names.

The Advisory Committee recommend that the industry established clearly stated and internationally recognized grade standards for standardized cheeses. That an independent audit system be put in place and the system tried. If the system does not work or be seen to be working then quality grade standards should again become part of regulations and enforced.

Consumers want quality and they want to be able to recognize quality cheeses. There was discussion about the cow logo. Focus group participants would like to see the cow only on high quality cheeses.

The Canadian industry must continue to increase its competitiveness. Quality is an essential way forward to grow the Canadian industry. Ways to encourage and support more small and medium sized cheese factories is a way to encourage both high quality and innovation.

From the consumers

‘We’ve been making a lot of assumptions about compositional standards and about quality. This is very dangerous as we’ve based decisions that effect our long-term health on these assumptions’ Winnipeg Focus Group

From the Consumer Advisory Committee

“By failing to enforce compositional standards described in the Food and Drugs Regulations, the CFIA has destroyed the knowledge base of consumers and dietitians. Failure to enforce has undermined the frame of reference for Canada’s Food Guide to Healthy Eating” – Ottawa May 15th, 2005