



## Record of Decision

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**Originator**

Fresh Fruit and Vegetables Program

**Date**

January, 2009

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**Subject**

Fresh fruit and vegetable labelled with a claim containing wording related to "Free of Pesticide".

The label may also contain responsible party's Web site address that states wording related to the above claim.

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**Question or Description of Problem**

- Would a label with a claim containing wording related to "Free of Pesticide Residues" and/or a label showing company's Web site address that has wording related to the above claim be acceptable for marketing fresh fruit and vegetable?

Examples: - "Free of Pesticide Residues – Field Sampled and Lab Tested by *Laboratory Name*"

- "Pesticide Free Product by *Company Farm Name*"

- "Herbicide and Insecticide Free"

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**Decision**

CFIA considers "Free of Pesticide Residues" to be misleading and in contravention of Section 5. (1) of the *Food and Drug Act* which states:

*"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."*

It is also considered misleading and in non-compliance with of Section 3.1 (1) (g) and 6. (1) of the *Fresh Fruit and Vegetable Regulations* which states:

3.1 (1) ...no person shall market produce in import, export or interprovincial trade as food unless it

(g) meets all other requirements of the *Food and Drugs Act* and the *Food and Drug Regulations* with respect to the produce;

and

6. (1) "No person shall package produce in a container that bears a label that misrepresents the quality, quantity, composition, nature, safety, value, origin or variety of the contents."

## Rational

According to the pesticide terminology used by the [Health Canada's Pest Management Regulatory Agency \(PMRA\)](#), pesticide or pest control product includes the following substances: herbicides, insecticides, fungicides, antimicrobial agents, pool chemicals, microbials, material and wood preservatives, animal and insect repellents, and insect and rodent controlling devices."

[The definition of "pest control product"](#) can be found in the *Pest Control Products Act*, and is as following:

- "(a) a product, an organism or a substance, including a product, an organism or a substance derived through biotechnology, that consists of its active ingredient, formulants and contaminants, and that is manufactured, represented, distributed or used as a means for directly or indirectly controlling, destroying, attracting or repelling a pest or for mitigating or preventing its injurious, noxious or troublesome effects;
- (b) an active ingredient that is used to manufacture anything described in paragraph (a); or
- (c) any other thing that is prescribed to be a pest control product."

Considering the above definition and terminology for pesticide, a food product with a label "Free of Pesticide Residues" claim(s) would have to be free of all pesticides or pest control products. Growing practices (soil, hydroponic or greenhouse) for fruits and vegetables may involve direct or indirect use of or exposure to pesticide or pest control product. For example, fresh produce may be exposed to residue of pesticides present in soil and/or water from background contamination, chemical drift or runoffs.

Considering the fact that pesticides can remain or move in the environment before crop emergence, CFIA position is that claim such as "Free of Pesticide Residues" can not be allowed.

Reference: Fair Labelling Practices Program Decisions – [Internet Advertising](#) (intended for internal use).

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