

**Youssef, Andre (CFIA/ACIA)**

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**From:** Youssef, Andre (CFIA/ACIA)  
**Sent:** 2017-10-06 4:30 PM  
**To:** Bateman, Carolyn (CFIA/ACIA); Price, Craig (CFIA/ACIA); Hansen, Chris (CFIA/ACIA); Wiens, Randy (CFIA/ACIA)  
**Cc:** WA ACI Directorate / Direction ICCO (CFIA/ACIA)  
**Subject:** FW: BCAF Head's Up or Daily Issue

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello everyone,

This came in as an FYI from Operations but I think you all need to know about it in case something happens (news/social media?) over the weekend.

Product in question is Soylent ([https://www.amazon.ca/s/?ie=UTF8&keywords=soylent&tag=googcana-20&index=aps&hvadid=208333095544&hvpos=1t2&hvnetw=g&hvrnd=3884203643689938653&hvpone=&hvptwo=&hvqmt=e&hvdev=c&hvdvcmdl=&hvlocint=&hvlocphy=9000680&hvtargid=kwd-298447429335&ref=pd\\_sl\\_6ah7fr8c3l\\_e](https://www.amazon.ca/s/?ie=UTF8&keywords=soylent&tag=googcana-20&index=aps&hvadid=208333095544&hvpos=1t2&hvnetw=g&hvrnd=3884203643689938653&hvpone=&hvptwo=&hvqmt=e&hvdev=c&hvdvcmdl=&hvlocint=&hvlocphy=9000680&hvtargid=kwd-298447429335&ref=pd_sl_6ah7fr8c3l_e)) - marketed as a meal replacement, which apparently should not contain caffeine and sucralose. Product is likely in the marketplace and ops is considering reaching out to OFSR to evaluate.

The product has been imported into Canada via Ontario since 2015, but this was the first time coming in to BC. The last shipment brought in to ON last month by the importer for the Amazon distribution centre in Canada was worth ~\$300K. The shipment currently at CBSA in Vancouver is ~\$7K.

Vancouver IST reported the non-compliance to CBSA yesterday and at this point it is uncertain what actions CBSA has/will take. CFIA notified the importer and ON IST that product cannot be sold in the Canadian market..., but has received no response at this time. CFIA has not yet been in contact with Amazon, and does not know if the importer or ON IST has made contact with them. Reaction overall is uncertain.

**Issue is also described in DI format in the email below.**

André.

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**From:** Lauder, Janis (CFIA/ACIA)  
**Sent:** 2017-10-06 3:56 PM  
**To:** WA ACI Directorate / Direction ICCO (CFIA/ACIA); Youssef, Andre (CFIA/ACIA)  
**Cc:** Dropko, Andrea (CFIA/ACIA)  
**Subject:** BCAF Head's Up or Daily Issue  
**Importance:** High

Just an FYI for now. We have some more work to do before decided if OFSR will need to evaluate product at the consumer level:

**ISSUE:** On September 27, WA Import Surveillance Team (IST) reviewed import documents for a shipment of a meal replacement product being imported from the United States by \_\_\_\_\_ to be sold on Amazon.ca. Certain formulations contain caffeine and/or sucralose, and therefore do not meet the standard of identity described in B.24.200 of Food and Drug Regulations required for the product to be marketed as a meal replacement.

**IMPLICATIONS:** A review of the company's import history reveals that numerous shipments have been previously imported through Ontario and distributed in Canada. Since previous shipments have not been detained,

**ACTION:** The product is currently on a Canadian Border Services Agency (CBSA) hold at their container examination facility in Vancouver. On October 5, 2017, the CFIA provided their 'Report for Examination for Customs Entry' to CBSA. The report outlines the non-compliance and CBSA is likely to refuse entry of the shipment. The CFIA has notified the importer and the Ontario IST and will also notify Amazon.ca that the product does not meet the requirements to be sold in the Canadian market.

s.19(1)

# FOOD SAFETY / FAIR LABELLING

## COMPLAINT / ENQUIRY

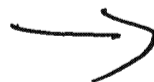
(PLEASE HIGHLIGHT/CIRCLE WHICH PROGRAM AND WHETHER COMPLAINT OR ENQUIRY)

<b>IMS# / SPRINT#:</b>	
<b>BRIEF DETAILS OF COMPLAINT (E.G. EM IN ABC BREAD):</b>	Soylent meal replacement ban enquiry.
<b>COMPLAINANT'S FIRST &amp; LAST NAME:</b>	
<b>DATE OPENED:</b>	Oct 26 117
<b>DATE CLOSED:</b>	Oct 26 117
<b>INSPECTOR:</b>	C. Marguliz

3:15p ~ Oct 26 117 -

Advised that product has been denied entry into Canada, due to non permitted food additives and not meeting requirements as a meal replacement.

RDIMS #: 3816135 – IMFP Complaint/Enquiry Profile (April 2013)



- I advised that the product is not a health risk.
- I advised her to contact her Supplier to see if the product can be reformulated for the Canadian market.

**Margulies, Colleen (CFIA/ACIA)**

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**From:** Ng, Constance (CFIA/ACIA)  
**Sent:** 2017-10-26 3:01 PM  
**To:** Margulies, Colleen (CFIA/ACIA)  
**Cc:** Lambrecht, Carmen (CFIA/ACIA); Margulies, Colleen (CFIA/ACIA); Dhanji, Shahzia (CFIA/ACIA); Tay, Susanna (CFIA/ACIA)  
**Subject:** <ACTION\_COLLEEN>> Phone Call - Soylent Meal replacement

Hi Colleen,

Can you please do some research and respond to caller? Thanks,

.../Constance

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**From:** Anderson, Jeff (CFIA/ACIA)  
**Sent:** 2017-10-25 1:32 PM  
**To:** Ng, Constance (CFIA/ACIA)  
**Subject:** Phone Call - Soylent Meal replacement

Good Afternoon

Saw a news story from MSN (she thinks)  
 "SOYLENT Ready to Drink Meal Replacement" banned in Canada? The company is "ROSA FOODS"  
 This product is on their "Allowed to Import" list  
 She wants to find out if it is indeed banned, or if they have false information

ca

Jeff Anderson

Program Assistant, Food & Plant Programs  
 Canadian Food Inspection Agency / Government of Canada  
[Jeff.Anderson@inspection.gc.ca](mailto:Jeff.Anderson@inspection.gc.ca) / 780.395.6731

Assistante de programme, programmes alimentaires et végétaux  
 Agence canadienne d'inspection des aliments / Gouvernement du Canada  
[Jeff.Anderson@inspection.gc.ca](mailto:Jeff.Anderson@inspection.gc.ca) / 780.395.6731



Canadian Food  
 Inspection Agency

Agence canadienne  
 d'inspection des aliments

**Margulies, Colleen (CFIA/ACIA)**

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**From:** Margulies, Colleen (CFIA/ACIA)  
**Sent:** 2017-10-26 3:38 PM  
**To:** ca'  
**Subject:** Soylent posting

Hi

I found a link that Rosa Foods has posted on their website regarding product availability in Canada.

<https://faq.soylent.com/hc/en-us/articles/115005267426>

Regards,

Colleen Margulies  
Senior Compliance Officer, Alberta North Region, Western Area Operations  
Canadian Food Inspection Agency / Government of Canada  
[colleen.margulies@inspection.gc.ca](mailto:colleen.margulies@inspection.gc.ca) / Tel: [780-395-6738](tel:780-395-6738)

Agente principale de la conformité, Région de l'Alberta Nord, Centre opérationnel de l'Ouest  
Agence canadienne d'inspection des aliments / Gouvernement du Canada  
[colleen.margulies@inspection.gc.ca](mailto:colleen.margulies@inspection.gc.ca) / Tél.: [780-395-6738](tel:780-395-6738)

Canadian Food  
Inspection AgencyAgence canadienne  
d'inspection des aliments

Import Surveillance Team  
Western Area  
4321 Still Creek Drive, Suite 400  
Burnaby, BC V5C 6S7

Équipe de surveillance à l'importation  
Centre opérationnel de l'Ouest  
4321 Promenade Still Creek, Bureau 400  
Burnaby, BC V5C 6S7

REPORT OF EXAMINATION FOR CUSTOMS ENTRY  
RAPPORT D'INSPECTION POUR LA DÉCLARATION AUX DOUANES

TO THE CANADA BORDER SERVICES AGENCY: At - à Vancouver, BC  
À L'AGENCE DES SERVICES FRONTALIERS  
DU CANADA :

This is to advise that the shipment described herein and bought to be imported into Canada has been examined in accordance with the provisions of the Acts and Regulations administered and enforced by the Canadian Food Inspection Agency (CFIA).

Nous attestons que l'envoi décrit dans la présente formule et pour lequel nous avons sollicité l'importation au Canada, a été examiné selon les dispositions des actes et des règlements administrés et imposés par l'Agence canadienne d'inspection des aliments (ACIA).

Cargo Control Number: Numéro de contrôle de la cargaison :		Other Identification No.: TN Autre no. d'identification :	
Country of Origin: UNITED STATES Pays d'expédition :	Entered at Port of: VANCOUVER Entrée au port de : 809	Inspection Date: SEP 26 – OCT 04 Date d'inspection : 2017	
Importer's Name: Nom de l'importateur :			
Address: Adresse :			
Exporter's Name: Nom de l'exportateur :			
Address: Adresse :			
<b>EXAMINATION RESULTS / RÉSULTATS DE L'INSPECTION</b>			
This shipment has been examined and the following violations were identified. Cette cargaison a été examinée et les infractions suivantes ont été identifiées.			

Product Description (Product Name / Size / UPC Code) Description du Produit (Nom du Prod/Format/Code/UPC)	Quantity (specify units) Quantité	Section of Act and/or Regulations Violated Section de l'acte et/ou des règlements enfreinte	Reason Raison
1 SOYLENT BEVERAGE NUTRITIONAL SUP  [Soylent – Original]	PCS KG  [ Cases ] [ z ]	Food and Drug Regulations Section A.01.040 "Subject to section A.01.044, no person shall import into Canada for sale a food or drug the sale of which in Canada would constitute a violation of the Act or these Regulations."	Subject to: <b>Food and Drug Regulations Section B.16.007</b> Product contains a non-permitted food additive (sucralose as sweetener)  Subject to: <b>Food and Drug Regulations Section B.24.200</b> Product does not comply to the nutritional requirements as a meal replacement

Inspector's Name Nom de l'inspecteur	Inspector's Signature Signature de l'inspecteur	Telephone Number Numéro de téléphone	Date
MARTIN MATSUTANI		604-292-5722	OCTOBER 05, 2017

**Matsutani, Martin (CFIA/ACIA)**

**From:** Tomlins, Reid <Reid.Tomlins@cbsa-asfc.gc.ca>  
**Sent:** 2017-10-05 12:00 PM  
**To:** Matsutani, Martin (CFIA/ACIA)  
**Cc:** Huml, Ron; Antasuda, Alan; Tronrud, Christine  
**Subject:** RE:

**Importance:** High

Thanks for the update Martin  
 Message forwarded to Secondary Exam team

**Reid Tomlins**

Border Services Officer | Agent de service frontaliers  
 Commercial Analyst Unit | Unité d'Analyste Commercial  
 Canada Border Services Agency | Agence des services frontaliers du Canada

Metro Vancouver District | District du Vancouver métropolitain  
 #412 - 1611 Main Street | 1611 Rue Main #412  
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 E-mail: [reid.tomlins@cbsa-asfc.gc.ca](mailto:reid.tomlins@cbsa-asfc.gc.ca)  
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**From:** Matsutani, Martin (CFIA/ACIA) [mailto:[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca)]  
**Sent:** October 5, 2017 11:54 AM  
**To:** Tronrud, Christine <[Christine.Tronrud@cbsa-asfc.gc.ca](mailto:Christine.Tronrud@cbsa-asfc.gc.ca)>  
**Cc:** Tomlins, Reid <[Reid.Tomlins@cbsa-asfc.gc.ca](mailto:Reid.Tomlins@cbsa-asfc.gc.ca)>; Huml, Ron <[Ron.Huml@cbsa-asfc.gc.ca](mailto:Ron.Huml@cbsa-asfc.gc.ca)>; Antasuda, Alan <[Alan.Antasuda@cbsa-asfc.gc.ca](mailto:Alan.Antasuda@cbsa-asfc.gc.ca)>; WAIST Supervisor / Superviseur COOESI (CFIA/ACIA) <[cfia.WAISTSupervisor-SuperviseurCOOESI\\_acia@inspection.gc.ca](mailto:cfia.WAISTSupervisor-SuperviseurCOOESI_acia@inspection.gc.ca)>  
**Subject:** RE

Hi Christine,

TN  
 Importer:

I have completed the inspection and assessment of this shipment. The product has been found to be non-compliant to the *Food and Drug Regulations* (FDR), and Section A.01.040 of the FDR prohibits the import of this product into Canada. Please find the attached **Report of Examination for Customs Entry**.

I would appreciate it if you could keep me informed of the disposition actions taken by the importer/broker. Please contact me if you have any questions or require any further information.  
 Thank You.

Best Regards,  
**Martin Matsutani**



**Matsutani, Martin (CFIA/ACIA)**

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**From:** Tronrud, Christine <Christine.Tronrud@cbsa-asfc.gc.ca>  
**Sent:** 2017-10-03 3:18 PM  
**To:** Matsutani, Martin (CFIA/ACIA)  
**Subject:** RE: I

They'll contact you sometime between 08:00 and 09:00.

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**From:** Matsutani, Martin (CFIA/ACIA) [mailto:Martin.Matsutani@inspection.gc.ca]  
**Sent:** October 3, 2017 3:14 PM  
**To:** Tronrud, Christine <Christine.Tronrud@cbsa-asfc.gc.ca>  
**Cc:** Tomlins, Reid <Reid.Tomlins@cbsa-asfc.gc.ca>; Huml, Ron <Ron.Huml@cbsa-asfc.gc.ca>; Antasuda, Alan <Alan.Antasuda@cbsa-asfc.gc.ca>; Wu, Jocelyn (CFIA/ACIA) <Jocelyn.Wu@inspection.gc.ca>  
**Subject:** RE:

Hi Christine,

We will be on standby tomorrow and await contact from your officer.

Thank You,  
Martin

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**From:** Tronrud, Christine [mailto:Christine.Tronrud@cbsa-asfc.gc.ca]  
**Sent:** 2017-10-03 3:11 PM  
**To:** Matsutani, Martin (CFIA/ACIA)  
**Cc:** Tomlins, Reid; Huml, Ron; Antasuda, Alan  
**Subject:** RE:

Hi Martin,

The shipment is ready for examination and is located at the address( TST SOLUTIONS) that you have indicated in your email. I will advise the team to contact you tomorrow before they head out for the day.

Regards,

Christine

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**From:** Matsutani, Martin (CFIA/ACIA) [mailto:Martin.Matsutani@inspection.gc.ca]  
**Sent:** October 3, 2017 2:54 PM  
**To:** Tomlins, Reid <Reid.Tomlins@cbsa-asfc.gc.ca>  
**Cc:** Huml, Ron <Ron.Huml@cbsa-asfc.gc.ca>; Tronrud, Christine <Christine.Tronrud@cbsa-asfc.gc.ca>; Liu, Marisa: CFIA / ACIA <Marisa.Liu@inspection.gc.ca>; WAIST Supervisor / Superviseur COOESI (CFIA/ACIA) <cfia.WAISTSupervisor-SuperviseurCOOESI.acia@inspection.gc.ca>  
**Subject:** RE:

Hi Reid,

It appears that the product is non-compliant to the Food and Drug Regulations and will likely not be permitted for sale in Canada. I will now need to inspect the product at the warehouse so please let me know if it is available for me tomorrow (Wed Oct 4), and if it is located at **TST SOLUTIONS LP at 7867 Express Street, Burnaby** (aka. Stream Terminals).

Thank You,  
Martin

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**From:** Matsutani, Martin (CFIA/ACIA)  
**Sent:** 2017-09-28 2:04 PM  
**To:** 'Tomlins, Reid'  
**Cc:** 'Huml, Ron'; 'Tronrud, Christine'; Liu, Marisa (CFIA/ACIA); WAIST Supervisor / Superviseur COOESI (CFIA/ACIA)  
**Subject:** RE: I

Hi Reid,

Christine has called me to let me know that the shipment is still being held at TST Solutions. She also explained the time sensitivity of the product being held at a sufferance warehouse and asked for our prompt decision on this transaction. The broker has provided me with some information, but there are noted issues that need to be addressed or clarified. We have further requested, and are awaiting, additional information needed to make our final determination.

Therefore, please continue to hold this shipment. We may need to do a physical examination of the product at the warehouse, but we will let you know in advance.

I will be away from the office tomorrow, so please include Marisa and Vania (cc'd in this email) for any ongoing communications.

Thank You,  
Martin

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**From:** Matsutani, Martin (CFIA/ACIA)  
**Sent:** 2017-09-28 11:17 AM  
**To:** 'Tomlins, Reid'  
**Cc:** Huml, Ron; Tronrud, Christine  
**Subject:** RE:

Hi Reid,

I have a couple questions, so can you (or Ron) please give me a quick telephone call.

Thanks,  
Martin  
Direct: 604-292-5722

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**From:** Tomlins, Reid [<mailto:Reid.Tomlins@cbsa-asfc.gc.ca>]  
**Sent:** 2017-09-28 10:50 AM  
**To:** Matsutani, Martin (CFIA/ACIA)  
**Cc:** Huml, Ron; Tronrud, Christine  
**Subject:** RE:

Morning Martin

Are you wanting this shipment referred for a physical examination?

The goods are located at TST SOLUTIONS LP

**Reid Tomlins**

Border Services Officer | Agent de service frontaliers  
Commercial Analyst Unit | Unité d'Analyste Commercial  
Canada Border Services Agency | Agence des services frontaliers du Canada

Metro Vancouver District | District du Vancouver métropolitain  
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**From:** Matsutani, Martin (CFIA/ACIA) [<mailto:Martin.Matsutani@inspection.gc.ca>]

**Sent:** September 28, 2017 10:43 AM

**To:** Tomlins, Reid <[Reid.Tomlins@cbsa-asfc.gc.ca](mailto:Reid.Tomlins@cbsa-asfc.gc.ca)>

**Cc:** Huml, Ron <[Ron.Huml@cbsa-asfc.gc.ca](mailto:Ron.Huml@cbsa-asfc.gc.ca)>; Antasuda, Alan <[Alan.Antasuda@cbsa-asfc.gc.ca](mailto:Alan.Antasuda@cbsa-asfc.gc.ca)>; Tronrud, Christine <[Christine.Tronrud@cbsa-asfc.gc.ca](mailto:Christine.Tronrud@cbsa-asfc.gc.ca)>; WAIST Supervisor / Superviseur COOESI (CFIA/ACIA) <[cfia.WAISTSupervisor-SuperviseurCOOESI.acia@inspection.gc.ca](mailto:cfia.WAISTSupervisor-SuperviseurCOOESI.acia@inspection.gc.ca)>

**Subject:** RE

Hi Reid,

We are evaluating information provided by the broker/vendor and have identified some possible issues with the product. Is the shipment available for our inspection if we need to evaluate the product?

Thank You,  
Martin

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**From:** Tomlins, Reid [<mailto:Reid.Tomlins@cbsa-asfc.gc.ca>]

**Sent:** 2017-09-26 9:59 AM

**To:** Matsutani, Martin (CFIA/ACIA)

**Cc:** Huml, Ron; Antasuda, Alan; Tronrud, Christine

**Subject:** RE:

**Importance:** High

Thanks for the update Martin

**Reid Tomlins**

Border Services Officer | Agent de service frontaliers  
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**From:** Matsutani, Martin (CFIA/ACIA) [<mailto:Martin.Matsutani@inspection.gc.ca>]  
**Sent:** September 26, 2017 9:58 AM  
**To:** Tomlins, Reid <[Reid.Tomlins@cbsa-asfc.gc.ca](mailto:Reid.Tomlins@cbsa-asfc.gc.ca)>  
**Cc:** Antasuda, Alan <[Alan.Antasuda@cbsa-asfc.gc.ca](mailto:Alan.Antasuda@cbsa-asfc.gc.ca)>; Huml, Ron <[Ron.Huml@cbsa-asfc.gc.ca](mailto:Ron.Huml@cbsa-asfc.gc.ca)>; Tronrud, Christine <[Christine.Tronrud@cbsa-asfc.gc.ca](mailto:Christine.Tronrud@cbsa-asfc.gc.ca)>; Dy, Wilbert: CFIA / ACIA <[wilbert.dy@inspection.gc.ca](mailto:wilbert.dy@inspection.gc.ca)>; WAIST Supervisor / Superviseur COOESI (CFIA/ACIA) <[cfia.WAISTSupervisor-SuperviseurCOOESI.acia@inspection.gc.ca](mailto:cfia.WAISTSupervisor-SuperviseurCOOESI.acia@inspection.gc.ca)>; Liu, Marisa: CFIA / ACIA <[Marisa.Liu@inspection.gc.ca](mailto:Marisa.Liu@inspection.gc.ca)>  
**Subject:** RE:

Hi Reid,

I will get in contact with the broker/importer and let you know our decision.

Thank You,  
 Martin

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**From:** Tomlins, Reid [<mailto:Reid.Tomlins@cbsa-asfc.gc.ca>]  
**Sent:** 2017-09-26 9:19 AM  
**To:** Dy, Wilbert (CFIA/ACIA); Matsutani, Martin (CFIA/ACIA)  
**Cc:** Antasuda, Alan; Huml, Ron; Tronrud, Christine  
**Subject:** RE:  
**Importance:** High

The shipment is still on hold Martin

### Reid Tomlins

Border Services Officer | Agent de service frontaliers  
 Commercial Analyst Unit | Unité d'Analyste Commercial  
 Canada Border Services Agency | Agence des services frontaliers du Canada

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**From:** Matsutani, Martin (CFIA/ACIA) [<mailto:Martin.Matsutani@inspection.gc.ca>] **On Behalf Of** Dy, Wilbert (CFIA/ACIA)  
**Sent:** September 26, 2017 9:07 AM  
**To:** Tronrud, Christine <[Christine.Tronrud@cbsa-asfc.gc.ca](mailto:Christine.Tronrud@cbsa-asfc.gc.ca)>; Dy, Wilbert: CFIA / ACIA <[wilbert.dy@inspection.gc.ca](mailto:wilbert.dy@inspection.gc.ca)>  
**Cc:** Antasuda, Alan <[Alan.Antasuda@cbsa-asfc.gc.ca](mailto:Alan.Antasuda@cbsa-asfc.gc.ca)>; Tomlins, Reid <[Reid.Tomlins@cbsa-asfc.gc.ca](mailto:Reid.Tomlins@cbsa-asfc.gc.ca)>; Huml, Ron <[Ron.Huml@cbsa-asfc.gc.ca](mailto:Ron.Huml@cbsa-asfc.gc.ca)>; Chan, David: CFIA / ACIA <[david.chan@inspection.gc.ca](mailto:david.chan@inspection.gc.ca)>; WAIST Supervisor / Superviseur COOESI (CFIA/ACIA) <[cfia.WAISTSupervisor-SuperviseurCOOESI.acia@inspection.gc.ca](mailto:cfia.WAISTSupervisor-SuperviseurCOOESI.acia@inspection.gc.ca)>; Liu, Marisa: CFIA / ACIA <[Marisa.Liu@inspection.gc.ca](mailto:Marisa.Liu@inspection.gc.ca)>  
**Subject:** RE: I

Hi Christine,

Apologies for this late reply, but Wilbert was away yesterday (and today).

Is this transaction still awaiting release? If so, we would like to ask for the shipment to remain on hold until we can obtain product information from the importer/broker.

Please let me know the status of the transaction.

Thank You,

**Martin Matsutani**

Senior Compliance Officer, Western Area Operations

Canadian Food Inspection Agency / Government of Canada

[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tel: 604-292-5722 / Fax: 604-292-5601

Agent principal de conformité, Centre opérationnel de l'Ouest

Agence canadienne d'Inspection des aliments / Gouvernement du Canada

[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tél.: 604-292-5722 / Télécopieur: 604-292-5601




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**From:** Chan, David (CFIA/ACIA)

**Sent:** 2017-09-25 3:29 PM

**To:** 'Tronrud, Christine'; Dy, Wilbert (CFIA/ACIA)

**Cc:** 'Antasuda, Alan'; 'Tomlins, Reid'; 'Huml, Ron'

**Subject:** RE:

Hello BSO Tronrud,

Import Fish does not have any concerns regarding this product. Unless the product contains fish/seafood ingredients. I am not aware of any "soylent beverage nutritional sup" containing any fish/seafood ingredients.

Over to you Wilbert.

Regards,

David K. Chan

Acting Supervisor – BC Import Fish Inspection / Western Area Operations Branch

British Columbia Plant and Food Directorate

Canadian Food Inspection Agency / Government of Canada

[David.Chan@inspection.gc.ca](mailto:David.Chan@inspection.gc.ca) / Tel: 604-666-9942 / Fax: 604-666-7990

Surveillante par intérim, Inspection des poissons importés - CB / Centre opérationnel de l'Ouest

Direction des Plantes et Aliments - Colombie-Britannique

Agence Canadienne d'Inspection des Aliments / Gouvernement du Canada

[David.Chan@inspection.gc.ca](mailto:David.Chan@inspection.gc.ca) / Tél.: 604-666-9942 / Télécopieur: 604-666-7990

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[www.inspection.gc.ca](http://www.inspection.gc.ca)

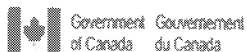
Have a regulatory question? Ask CFIA

<http://www.inspection.gc.ca/industry-guidance/ask-cfia/eng/1466573216927/1466573290851>

Vous avez une question réglementaire? Demandez à l'ACIA

<http://www.inspection.gc.ca/orientation-pour-l-industrie/demandez-a-l-acia/fra/1466573216927/1466573290851>

s.20(1)(c)



**From:** Tronrud, Christine [<mailto:Christine.Tronrud@cbsa-asfc.gc.ca>]  
**Sent:** 2017-09-25 3:06 PM  
**To:** Chan, David (CFIA/ACIA); Dy, Wilbert (CFIA/ACIA)  
**Cc:** Antasuda, Alan; Tomlins, Reid; Huml, Ron  
**Subject:** FW:

Greetings –

Please review attached file and advise if you would like to examine further. The broker involved is JOURNEY FREIGHT INTERNATIONAL INC., 1 888 633-1252.

Release of this shipment is pending your admissibility decision.

Thank you,

**Christine TRONRUD #10011**  
Border Services Officer | Agent de service frontaliers  
Commercial Analyst Unit | Unité d'Analyste Commercial  
Metro Vancouver District | District de Vancouver métro  
Canada Border Services Agency | Agence des services frontaliers du Canada  
4<sup>th</sup> Floor 412 - 1611 Main Street Vancouver, BC V6B 5R4  
Tel/Tél : 604-666-2330 Facsimile | Télécopieur: 604-666-6453  
Government of Canada | Gouvernement du Canada



**CANADA 150**  
1867-2017

[attachment "

Document\_1.PDF" deleted by Albert Tsou/HC-SC/GC/CA]

## Matsutani, Martin (CFIA/ACIA)

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**From:** Poon, Vania (CFIA/ACIA)  
**Sent:** 2017-10-10 11:50 AM  
**To:** Lauder, Janis (CFIA/ACIA)  
**Cc:** Matsutani, Martin (CFIA/ACIA); Lee, Jennifer (CFIA/ACIA)  
**Subject:** RE: BCAF Head's Up or Daily Issue

Hi Janis,

Please note only one variety, "Soylent Original", of the product was inspected and presented for Import.

Answers are in-line:

- Are caffeine and sucralose the only non-permitted ingredients? Does it meet the requirements otherwise? The product does not meet the requirements to be called "Meal Replacement", due to the level of fortification and lack of Phosphorus. This is a technical issue and is based on the information presented at this time.

Sucralose, a non-permitted sweetener in meal replacements of this kind is in every formulation.

Caffeine is present in a label/formulation provided for review, not physically inspected in this shipment. (For more detailed report on findings please read Martin's summary below)

- Has OFSR been consulted, will they be, if not why i.e. need some kind of statement "the issue represents a technical violation and does not pose a food safety risk"  
We have consulted our ARC, Eliza Yue. No referral to OFSR required at this time, as the issue represents a technical violation and does not pose an acute food safety risk. The target population does not appear to be susceptible to nutritional deficiencies and this would be long-term exposure.
- More detailed next steps – has CBSA refused the shipment? Date? Has the company been notified by CBSA of the refusal?
- Has Martin heard back from the importer?

The importer was notified of our decision by email on Wed 2017-10-04 4:23 PM.

The CBSA was advised of our determination by email on Thu 2017-10-05 11:54 AM.

**Martin has not received any response from the importer, and has requested an update from CBSA this morning.**

- Have you spoken to ON IST?  
Email has been sent and voicemail was left for OIST

I hope this answers your questions.

Thanks,  
Vania

Attached are the results of Martin's review:

*I would like to ensure the understanding of the actions that we have taken to date. In advance of my inspection I had requested product information from the broker, and was provided with product specifications for 4 **Soylent** items: "Cacao", "Coffiest", "Cafe Chai", and "Powder". The actual physical inspection found that the shipment consisted of only a single item that was not included in the product specifications that had been submitted: "**Soylent Original**". The following issues*

were identified based on the review of the product specification information and the physical examination of the product at the sufferance warehouse:

- 1) All five items contained a non-permitted food additive (sucralose)
- 2) Only "Cafe Chai" contained a second non-permitted food additive (caffeine)
- 3) All five items declare vitamin and mineral contents that do not meet the FDR specifications for meal replacements
  - Each vitamin and mineral was declared as 20% DV, and this percentage was applied to the Canadian Recommended Daily Intake (RDI) to determine each amount
  - Calculations showed 13 vitamins or minerals were below the minimum required amount, and 1 mineral was above the maximum allowable amount
  - Required phosphorous was not declared in any of the products

The import into Canada of the inspected shipment of "Original" would violate the FDR under points 1 and 3 above, and CBSA was advised of this determination. This file has not included an inspection of the other 4 items, but an active import history and online advertising on Amazon.ca would indicate that these items have been imported and sold in Canada.

Additional issues were noted and would require correction or validation to demonstrate compliance to FDR, but were not specified in our decision for the current shipment in question.

- A) Based on online advertising, the energy available derived from the fat content exceeded the allowable 35%
- B) Acceptable percentage of energy available derived from linoleic acid and n-3 linolenic acid must be validated
- C) Acceptable nutritional quality of protein must be validated
- D) Mandatory labelling as meal replacements were incomplete:
  - missing declaration of linoleic acid and n-3 linolenic acid content
  - missing expression of certain minerals in milligrams or micrograms
  - date printed on selling unit (case of 12 bottles) is not identified as a required expiration date
  - date printed on individual bottles is identified as "Best By" and not an expiration date
- E) NFT for "Powder" did not include French

The importer was notified of our decision by email on Wed 2017-10-04 4:23 PM.

The CBSA was advised of our determination by email on Thu 2017-10-05 11:54 AM.

I have not received any response from the importer, and have requested an update from CBSA this morning.

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**From:** Lauder, Janis (CFIA/ACIA)  
**Sent:** 2017-10-10 9:06 AM  
**To:** Poon, Vania (CFIA/ACIA)  
**Cc:** Miyagawa, Matthew (CFIA/ACIA)  
**Subject:** RE: BCAF Head's Up or Daily Issue

Hi Vania,

We'll need to report up a proper DI by 1pm, so could you please send me any updates by noon? A few questions:

- Are caffeine and sucralose the only non-permitted ingredients? Does it meet the requirements otherwise?
- Has OFSR been consulted, will they be, if not why i.e. need some kind of statement "the issue represents a technical violation and does not pose a food safety risk"
- More detailed next steps – has CBSA refused the shipment? Date? Has the company been notified by CBSA of the refusal?
- Has Martin heard back from the importer?
- Have you spoken to ON IST?

Anything else you can think of?



s.20(1)(c)

Thanks!  
Janis

s.21(1)(b)

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**From:** Poon, Vania (CFIA/ACIA)  
**Sent:** 2017-10-06 4:18 PM  
**To:** Lauder, Janis (CFIA/ACIA)  
**Subject:** RE: BCAF Head's Up or Daily Issue

Thank you!

---

**From:** Lauder, Janis (CFIA/ACIA)  
**Sent:** 2017-10-06 4:17 PM  
**To:** Poon, Vania (CFIA/ACIA)  
**Subject:** FW: BCAF Head's Up or Daily Issue  
**Importance:** High

FYI.

---

**From:** Lauder, Janis (CFIA/ACIA)  
**Sent:** 2017-10-06 3:56 PM  
**To:** WA ACI Directorate / Direction ICCO (CFIA/ACIA); Youssef, Andre (CFIA/ACIA)  
**Cc:** Dropko, Andrea (CFIA/ACIA)  
**Subject:** BCAF Head's Up or Daily Issue  
**Importance:** High

Just an FYI for now. We have some more work to do before they can decide if OFSR will need to evaluate product at the consumer level:

**ISSUE:** On September 27, WA Import Surveillance Team (IST) reviewed import documents for a shipment of a meal replacement product being imported from the United States by \_\_\_\_\_ to be sold on Amazon.ca. Certain formulations contain caffeine and/or sucralose, and therefore do not meet the standard of identity described in B.24.200 of Food and Drug Regulations required for the product to be marketed as a meal replacement.

**IMPLICATIONS:** A review of the company's import history reveals that numerous shipments have been previously imported through Ontario and distributed in Canada. Since previous shipments have not been detained,

**ACTION:** The product is currently on a Canadian Border Services Agency (CBSA) hold at their container examination facility in Vancouver. On October 5, 2017, the CFIA provided their 'Report for Examination for Customs Entry' to CBSA. The report outlines the non-compliance and CBSA is likely to refuse entry of the shipment. The CFIA has notified the importer and the Ontario IST and will also notify Amazon.ca that the product does not meet the requirements to be sold in the Canadian market.

**Matsutani, Martin (CFIA/ACIA)**

**From:** Poon, Vania (CFIA/ACIA)  
**Sent:** 2017-10-05 12:32 PM  
**To:** Matsutani, Martin (CFIA/ACIA)  
**Subject:** FW: Soyilent DI

FYI,

We can talk through these and I'll reply.

Vania

**From:** Lauder, Janis (CFIA/ACIA)  
**Sent:** 2017-10-05 12:25 PM  
**To:** Poon, Vania (CFIA/ACIA)  
**Cc:** Lee, Jennifer (CFIA/ACIA)  
**Subject:** RE: - Soyilent DI

Soylent.com → Canada  
Amazon.com  
U.S. stores  
Amazon.ca. → Canada

Hi Vania,

Can you provide a few more details?

- Do you know where is selling the products? i.e. is it being sold on retail shelves as well as amazon or is importing it for amazon? (Y)
- Is it correct to assume that the Ontario shipment was allowed in? What is the correct way to say "allowed in" <sup>approved</sup> released
- When you say it's on voluntary hold at CBSA? What do you mean at a CBSA bonded warehouse or...?
- Has CBSA been notified? What date? (Y) Oct 5, 2017. CBSA hold awaiting OGD decision.
- Has Amazon been notified? What date? (N)
- Has the company been notified? Date and what was their reaction? (Y) Oct 4, 2017. no response.
- Has the email to Ontario been sent?
- Any other updates?

only California, Texas.

Thanks,  
Jansi

**From:** Poon, Vania (CFIA/ACIA)  
**Sent:** 2017-10-04 12:59 PM  
**To:** Lee, Jennifer (CFIA/ACIA); Miyagawa, Matthew (CFIA/ACIA)  
**Cc:** Matsutani, Martin (CFIA/ACIA); Miyagawa, Matthew (CFIA/ACIA)  
**Subject:** Soyilent DI

Hi Jenn,

Sorry for the delay, here is our summary.  
I'm sure Janis or you may have some clarifying questions regarding details.

s.20(1)(c)

**ISSUE:** On September 27, WA Import Surveillance Team (IST) reviewed import documents of a shipment being imported by [redacted] and being sold on Amazon.ca. This shipment was marketed as a meal replacement however, does not meet the nutritional requirements in the Food and Drug Regulations to be named as such; and contains non-permitted caffeine and sucralose, in respective formulations. All products contain sucralose. The product is currently on a voluntary hold at CBSA and has a value of approximately \$7000.

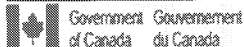
**IMPLICATIONS:** A search in IRS reflects a previous shipment on September 21, 2017 to Windsor, Ontario for the value of approximately \$300,000.

**ACTION:** CFIA will provide the findings to CBSA, and the importer for action. The CFIA will also notify Amazon.ca of the non-compliance of the "Meal Replacement". The IST will action the current shipment and will obtain commitment to correct future shipments. A heads-up email will be sent to Ontario IST regarding the issue.

Thanks,  
Vania

**Vania Poon, M.Sc.,**

Senior Compliance Officer, Vancouver Mainland Region  
Canadian Food Inspection Agency / Government of Canada  
[vania.poon@inspection.gc.ca](mailto:vania.poon@inspection.gc.ca) / Tel: 604-292-5718 / Fax: 604-292-5701  
Agence canadienne d'inspection des aliments / Gouvernement du Canada  
Agente de conformité principale, Région de Vancouver  
[vania.poon@inspection.gc.ca](mailto:vania.poon@inspection.gc.ca) / Tel: 604-292-5718/ Fax: 604-292-5701



**Matsutani, Martin (CFIA/ACIA)**

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**From:** Matsutani, Martin (CFIA/ACIA)  
**Sent:** 2017-10-20 1:17 PM  
**To:**  
**Cc:** WAIST Supervisor / Superviseur COOESI (CFIA/ACIA);  
**Subject:** RE: RE: CFIA: Non-Compliant Soylent Meal Replacement Products

Dear

Thank you and your various teams for implementing corrective actions to remove the non-compliant product from sale or advertising in Canada. I will await the addresses of your affiliated fulfillment centres.

I appreciate the corporate and contact information that you have provided in your email. I do think that it would be very beneficial if we could have a direct conversation to further clarify some details. It is important that CFIA maintains accurate profiles and contact information for any companies regulated under Canadian food legislation. One critical situation occurs in the event of a health and safety issue that requires an immediate product recall to protect consumers from potential exposure and risk. In such occurrences, it is necessary for CFIA to contact all responsible parties to initiate the recall and to verify that appropriate actions are implemented effectively throughout the recall process.

A telephone discussion would help to establish future reference of the operational structure of Amazon as well as the relationships with your vendors and your distribution chain to address any possible food safety matters. It would also ensure clear understanding of each party's responsibility in the event of a recall, and their accountability subject to the following definition of "sell" in the Canadian *Food and Drugs Act*:

*sell* includes offer for sale, expose for sale, have in possession for sale and distribute, whether or not the distribution is made for consideration

Please let me know if we can arrange a telephone call to discuss further. We can then work towards a mutually convenient date and time, but unfortunately my upcoming schedule is very limited and I will only be available on the following dates:

Mon Oct 23

Mon Oct 30 (before 1:00 PM PST)

Beyond these two dates,

Please let me know if you are available on either of these October dates.

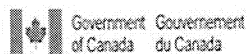
Thank you for your continued assistance and cooperation.

Sincerely,

**Martin Matsutani**

Senior Compliance Officer, Western Area Operations  
 Canadian Food Inspection Agency / Government of Canada  
[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tel: 604-292-5722 / Fax: 604-292-5601

Agent principal de conformité, Centre opérationnel de l'Ouest  
 Agence canadienne d'inspection des aliments / Gouvernement du Canada  
[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tél.: 604-292-5722 / Télécopieur: 604-292-5601



**From:** [mailto:  
**Sent:** 2017-10-19 6:17 PM

[mailto:

On Behalf Of

**To:** Matsutani, Martin (CFIA/ACIA)  
**Cc:** WAIST Supervisor / Superviseur COOESI (CFIA/ACIA);  
**Subject:** RE: RE: CFIA: Non-Compliant Soyilent Meal Replacement Products

Hi Martin

With regard to the products you raised in your initial email – thank you for bringing these to our attention. These products were listed on our site and imported by a third party-seller using our marketplace and Fulfillment by Amazon program (where Amazon stores and delivers products for third-party sellers using our marketplace). We have removed them from our site

For issues pertaining to CFIA, you can expect me or someone from our recalls team to respond.

With respect to your other questions – we have few entities that operate our businesses in Canada. For example, our website is operated by Amazon.com.ca, Inc., while our fulfillment centers are operated by Amazon Fulfillment Services Canada, Inc. Would it be useful for us to hop on a call so that we can get you precisely the information you need? If that works for you, please let us know and we can propose some times for us to chat in the coming days. We will also send over our FC addresses shortly.

Best,

| **Compliance Specialist** | Amazon.com, Inc.  
Address: 2021 7th Ave. Seattle, WA 98121  
Phone: | Mobile: | E-mail: |

----- Original Message -----

**From:** Matsutani, Martin [martin.matsutani@inspection.gc.ca]  
**Sent:** 10/19/2017, 11:31:50 AM  
**To:**  
**Cc:** [cfia.waistsupervisor-superviseurcooesi.acia@inspection.gc.ca](mailto:cfia.waistsupervisor-superviseurcooesi.acia@inspection.gc.ca)  
**Subject:** RE: CFIA: Non-Compliant Soyilent Meal Replacement Products

Dear

Thank you for establishing the appropriate communication channels. I had sent the following email to  
yesterday, but would like to re-direct the request to your attention.

s.19(1)

s.20(1)(b)

*Each of our CFIA offices is responsible for defined jurisdictional areas and regions across Canada and the United States. To ensure the appropriate coverage and delegation, I need to know the location of the responsible party with whom we are dealing with. Therefore, please provide me with the address of your primary office, as well as the office(s) of your legal and restricted products teams. This can be included in my original information request:*

- *Corporate company name responsible for Canada*
- *Address and contact information of corporate office responsible for Canada*
- *Addresses and contact information of all affiliated distribution/fulfillment centres in Canada*

For the first two items, please let me know if the corporate office responsible for Canadian operations is that identified in your email signature (Amazon.com, Inc. in Seattle WA). I will still require the locations of your affiliated distribution/fulfillment centres in Canada.

Thank You,

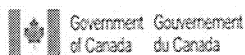
**Martin Matsutani**

Senior Compliance Officer, Western Area Operations

Canadian Food Inspection Agency / Government of Canada

[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tel: 604-292-5722 / Fax: 604-292-5601

Agent principal de conformité, Centre opérationnel de l'Ouest  
Agence canadienne d'Inspection des aliments / Gouvernement du Canada  
[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tél.: 604-292-5722 / Télécopieur: 604-292-5601



---

**From:** [mailto:]  
**Sent:** 2017-10-18 4:23 PM  
**To:** Matsutani, Martin (CFIA/ACIA);  
**Subject:** RE: CFIA: Non-Compliant Soylient Meal Replacement Products

Hi Martin,

My name is [redacted] and I am a Compliance Specialist on the legal team at Amazon. The below correspondence was forwarded to me by my colleague, [redacted]. We are investigating this matter, and will revert as soon as possible.

In the future, the best way to reach out to Amazon is to email [redacted]. This way we can make sure that your notices are received and reviewed properly.

Please let me know if you have additional questions or concerns.

Regards,

[redacted] | Compliance Specialist | Amazon.com, Inc.

Address: 2021 7th Ave. Seattle, WA 98121

Phone: 2 [redacted] Mobile: [redacted] E-mail: [redacted]

**From:** Matsutani, Martin (CFIA/ACIA) [mailto:Martin.Matsutani@inspection.gc.ca]  
**Sent:** Tuesday, October 17, 2017 12:35 PM  
**To:** [redacted]  
**Cc:** WAIST Supervisor / Superviseur COOESI (CFIA/ACIA) <cfia.WAISTSupervisor-SuperviseurCOOESI.acia@inspection.gc.ca>  
**Subject:** CFIA: Non-Compliant Soyient Meal Replacement Products

Dear [redacted]

I had been provided your email contact from \_\_\_\_\_ of Soylent company. I am informing you that the Canadian Food Inspection Agency (CFIA) had recently inspected an import shipment for \_\_\_\_\_ in Los Angeles, CA, USA. The product was declared as **Soylent Beverage Nutritional Sup** and destined for **Amazon Canada Fulfillment Services** in New Westminster, BC. The CFIA examined the imported product during the inspection and also assessed product specifications provided by the importer for four other Soylent products. It was established that all five products were meal replacements and were subject to the specific requirements for this category in addition to the general requirements for all foods in the Canadian **Food and Drug Regulations (FDR)**.

The investigation determined that the product did not comply to the regulations and import into Canada for sale as a food would constitute a violation of the FDR. The import shipment has been refused entry into Canada by the Canada Border Services Agency (CBSA) and the manufacturer has agreed to take necessary disposition actions with the rejected product. The manufacturer has acknowledged the non-compliance to Canadian requirements of their products, and has declared that they will cease any further shipping into Canada until corrective measures can be implemented.

In addition to the conditions of import, pertinent sections of the FDR also apply to the sale or advertising of foods in Canada. Soylent meal replacement products have been determined to be non-compliant and therefore any sale or advertising in Canada is not permitted. The CFIA has identified Amazon as a responsible party for online sale and advertising of various Soylent products in Canada through Amazon.ca. This message is to advise you that the sale and advertising of Soylent products is a violation of the FDR by Amazon and must be discontinued from Canadian offerings.

Please let me know if you are the appropriate contact for my onward communications to address this matter. I am able to provide further details of the non-compliance and the regulatory requirements in the FDR as requested, but at this time please provide the following information regarding Amazon operations in Canada:

- Corporate company name responsible for Canada
- Address and contact information of corporate office responsible for Canada
- Addresses and contact information of all affiliated distribution/fulfillment centres in Canada

Please contact me if you have any questions, otherwise I would appreciate a timely response to the requested information.

Thank You.



Regards,

**Martin Matsutani**

Senior Compliance Officer, Western Area Operations

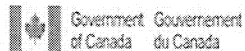
Canadian Food Inspection Agency / Government of Canada

[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tel: 604-292-5722 / Fax: 604-292-5601

Agent principal de conformité, Centre opérationnel de l'Ouest

Agence canadienne d'Inspection des aliments / Gouvernement du Canada

[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tél.: 604-292-5722 / Télécopieur: 604-292-5601



ref:\_00D6A1UvSI.\_5006AywnG:ref

s.19(1)  
s.20(1)(b)  
s.20(1)(c)

**Matsutani, Martin (CFIA/ACIA)**

**From:** Matsutani, Martin (CFIA/ACIA)  
**Sent:** 2017-10-04 4:23 PM  
**To:**  
**Cc:** dsoylent.com; WAIST Supervisor / Superviseur COOESI (CFIA/ACIA); Lee, Jennifer (CFIA/ACIA)  
**Subject:** RE: Soylent border hold up  
**Attachments:** Receipt for Sample Taken at TST Solutions 2017.10.04.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi

I also thank you for taking the time to allow me to explain our assessment of your products. As discussed, I have identified several issues with your products and non-compliance to the Canadian **Food and Drug Regulations (FDR)**. I understand that you had been notified by your broker of the following aspects that were addressed in my preliminary assessment:

**A) Non-Permitted Additive : Caffeine**

Health Canada has issued a Marketing Authorization for the use of caffeine as a food additive only in cola type beverages and "non-alcoholic carbonated water-based flavoured beverages". Please refer to the following websites:  
CFIA: Caffeine as a Food Additive *sweetened*  
<http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/food-additives/eng/1468420159039/1468420338039?chap=6>  
Health Canada : List of Permitted Food Additives with Other Accepted Uses  
<https://www.canada.ca/en/health-canada/services/food-nutrition/food-safety/food-additives/lists-permitted/8-other-accepted-uses.html>  
Caffeine is declared in the list of ingredients as an additive in the Soylent Café Chai drink which is not within a product category covered under the Marketing Authority. Therefore, to Section B.16.007 of the **Food and Drug Regulations**, this product is not permitted for sale in Canada. *subject*

**B) Requirements for Meal Replacements**

Division 24 of the **Food and Drug Regulations** defines specific requirements for Food for Special Dietary Use. Division 24 provides specifications for the compositional and requirements for Meal Replacements in **Section B.24.200**, and the labelling requirements in **Section B.24.202**. *nutritional*  
<http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C%20c.%20870/page-81.html#docCont>  
Based on the current information available to this inspector, it appears that the Soylent Meal Replacement products do not comply with the Regulations for the following criteria:  
1) Allowable percentage of energy available derived from specific sources  
2) Completeness of all required vitamins and minerals  
3) Required amounts of each vitamin and mineral within their specified range  
4) Complete labelling information and acceptable presentation

**C) Mandatory Labelling**

The **Consumer Packaging and Labelling Act and Regulations** define the labelling requirements of food products that may be imported, sold and/or advertised in Canada. label has not been examined, but the information in your earlier email does not provide verification of complete mandatory labelling of each of the products. The CFIA online *A full product label*  
for industry provides an interactive tool for all labelling requirements that include notable sections such as "Core Labelling Requirements" and "Foods for Special Dietary Use". *Food Labelling*  
Food Labelling for Industry  
<http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/eng/1383607266489/1383607344939>

During our telephone conversation on Oct 2, 2017, I had clarified that the Soylent products were evaluated as meal replacements as defined by the HS Code declaration, company product specifications, product labelling, and online advertising claims on Amazon.ca. Also, two additional concerns had come to attention through our discussions :

- 1) Proteins must meet the nutritional quality requirements for meal replacements under **FDR Section B.24.200(1)(e)**  
[http://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 870/page-81.html#h-129](http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,%20c.%20870/page-81.html#h-129)

s.19(1)

s.20(1)(b)

s.20(1)(c)

s.20(1)(d) 2) Non-permitted additive (sucralose) as a sweetener in meal replacement products as per **FDR Section B.16.007**

<http://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 870/page-72.html#h-108>

In conjunction with the FDR, the Health Canada List of Permitted Sweeteners sets out authorized food additives that are used to impart a sweet taste to food.

<https://www.canada.ca/en/health-canada/services/food-nutrition/food-safety/food-additives/lists-permitted/9-sweeteners.html>

Since our discussion, I have continued to review all available information and have inspected the product on hold at the sufferance warehouse. Contrary to the product information for four items ( ) that I had received through your broker, the shipment consisted of only a single item (Soylent Original). Despite the different flavour, the Soylent Original had the same non-permitted sweetener and non-compliant nutritional profile as the previously assessed products. One unit bottle was taken as a sample during the inspection, so please find the attached copy of a Receipt for Sample Taken issued to TST Solutions.

After careful consideration and consultation with my supervisor and inspection manager, I have determined that the Soylent products do not comply with the Canadian **Food and Drug Regulations** and are therefore not permitted for sale or advertising in Canada. I will notify the **Canada Border Services Agency (CBSA)** of these inspection results along with the applicable restriction to importing non-compliant food products under **Section A.01.040** of the **Food and Drug Regulations**:  
*A.01.040 Subject to section A.01.044, no person shall import into Canada for sale a food or drug the sale of which in Canada would constitute a violation of the Act or these Regulations.*

Further actions on the following transaction currently on hold will be directed under the authority of the CBSA which will likely result in refusal of entry into Canada:

Transaction Number: ...  
Cargo Control Number:  
Importer:  
Destination:  
Description: Soylent Beverage Nutritional Sup  
Quantity:

Please be advised, that these decisions and actions are applicable to all Soylent products as presented, as well as to any future import shipments of these same products. Therefore, each item must be brought into compliance to Canadian food Acts and Regulations before any product can be imported and sold in Canada.

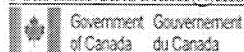
Please acknowledge receipt of this email and please contact me if you have any questions.

Regards,

**Martin Matsutani**

Senior Compliance Officer, Western Area Operations  
Canadian Food Inspection Agency / Government of Canada  
[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tel: 604-292-5722 / Fax: 604-292-5601

Agent principal de conformité, Centre opérationnel de l'Ouest  
Agence canadienne d'Inspection des aliments / Gouvernement du Canada  
[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tél.: 604-292-5722 / Télécopieur: 604-292-5601



-----Original Message-----

From: [mailto: ]@soylent.com  
Sent: 2017-10-02 2:37 PM

To: Matsutani, Martin (CFIA/ACIA)

Cc: [@soylent.com](mailto:soylent.com);

Subject: Soylent border hold up

Martin,

Thank you for taking the time to walk me through the issues you have discovered with Soylent product that caused you to hold up product at the border. I am linking in [Soylent](#) who may reach out to you with specific questions or for you to contact should you have any further questions.

I will be back in touch with our response and action plan once we have had a chance to confer.

Thx

s.19(1)

s.20(1)(c)

## Matsutani, Martin (CFIA/ACIA)

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**From:** Matsutani, Martin (CFIA/ACIA)  
**Sent:** 2017-09-28 1:11 PM  
**To:**  
**Cc:** Liu, Marisa (CFIA/ACIA); WAIST Supervisor / Superviseur COOESI (CFIA/ACIA)  
**Subject:** RE: CFIA Inspection\_TN

Hi

I have completed a preliminary review of the information provided and have identified the following issues or concerns with the products:

### A) Non-Permitted Additive : Caffeine

Health Canada has issued a Marketing Authorization for the use of caffeine as a food additive only in cola type beverages and "non-alcoholic carbonated water-based flavoured sweetened beverages". Please refer to the following websites:

CFIA: Caffeine as a Food Additive

<http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/food-additives/eng/1468420159039/1468420338039?chap=6>

Health Canada : List of Permitted Food Additives with Other Accepted Uses

<https://www.canada.ca/en/health-canada/services/food-nutrition/food-safety/food-additives/lists-permitted/8-other-accepted-uses.html>

Caffeine is declared in the list of ingredients as an additive in the Soy lent Café Chai drink which is not within a product category covered under the Marketing Authority. Therefore, subject to **Section B.16.007** of the *Food and Drug Regulations*, this product is not permitted for sale in Canada.

### B) Requirements for Meal Replacements

Division 24 of the *Food and Drug Regulations* defines specific requirements for Food for Special Dietary Use. Division 24 provides specifications for the compositional and nutritional requirements for Meal Replacements in **Section B.24.200**, and the labelling requirements in **Section B.24.202**.

<http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C%20c.%20870/page-81.html#docCont>

Based on the current information available to this inspector, it appears that the Soy lent Meal Replacement products do not comply with the Regulations for the following criteria:

- 1) Allowable percentage of energy available derived from specific sources
- 2) Completeness of all required vitamins and minerals
- 3) Required amounts of each vitamin and mineral within their specified range
- 4) Complete labelling information and acceptable presentation

### C) Mandatory Labelling

The *Consumer Packaging and Labelling Act* and *Regulations* define the labelling requirements of food products that may be imported, sold and/or advertised in Canada. A full product label has not been examined, but the information in your earlier email does not provide verification of complete mandatory labelling of each of the products. The CFIA online Food Labelling for Industry provides an interactive tool for all labelling requirements that include notable sections such as "Core Labelling Requirements" and "Foods for Special Dietary Use".

## Food Labelling for Industry

<http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/eng/1383607266489/1383607344939>

This is not a complete report and further assessments may be continued, but please advise your client of these initial findings. I can consider any additional information to validate or demonstrate that the products comply to all the identified requirements. I will await a response from your client regarding how they may intend to address the noted issues above.

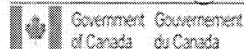
I will be away from the office tomorrow (Fri Sep 29), so please include inspector, Marisa Liu, and my supervisor, Vania Poon, in all email correspondences. Marisa Liu can also be reached at 604-292-5724 if you have any questions that you would like to discuss.

Regards

**Martin Matsutani**

Senior Compliance Officer, Western Area Operations  
Canadian Food Inspection Agency / Government of Canada  
[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tel: 604-292-5722 / Fax: 604-292-5601

Agent principal de conformité, Centre opérationnel de l'Ouest  
Agence canadienne d'inspection des aliments / Gouvernement du Canada  
[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tél.: 604-292-5722 / Télécopieur: 604-292-5601



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**From:** [mailto: [redacted]@inspection.gc.ca] [redacted]@inspection.gc.ca]  
**Sent:** 2017-09-27 12:17 PM  
**To:** Matsutani, Martin (CFIA/ACIA)  
**Subject:** RE: CFIA Inspection\_TN

Thanks Martin, standing by.

Best Regards,

---

**From:** Matsutani, Martin (CFIA/ACIA) [mailto:[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca)]  
**Sent:** Wednesday, September 27, 2017 3:12 PM  
**To:** [redacted]  
**Subject:** RE: CFIA Inspection\_TN

Hi

I have duly received your email with your client's response.  
I will review the information and will update accordingly.

Regards,  
Martin

**Matsutani, Martin (CFIA/ACIA)**

**From:** [redacted]@[redacted].com>  
**Sent:** 2017-09-27 11:39 AM  
**To:** Matsutani, Martin (CFIA/ACIA)  
**Cc:** WAIST Supervisor / Superviseur COOESI (CFIA/ACIA)  
**Subject:** RE: CFIA Inspection\_TN

Hi Martin,

The client has provided the following information;

**Soylent Cacao RTD meal replacement**

**Product Category:** Meal Replacement drink

**Common Product Name:** Soylent Cacao

**List of Ingredients:**

INGREDIENTS: FILTERED WATER, MALTODEXTRIN, SOY PROTEIN ISOLATE, HIGH OLEIC SUNFLOWER OIL, ISOMALTULOSE, ALKALIZED COCOA POWDER, CANOLA OIL, NATURAL AND ARTIFICIAL FLAVORS, SOLUBLE CORN FIBER, SOY LECITHIN, TRICALCIUM PHOSPHATE, POTASSIUM CHLORIDE, MAGNESIUM PHOSPHATE, ASCORBIC ACID, CELLULOSE, SALT, CHOLINE CHLORIDE, GELLAN GUM, SUCRALOSE, DL-ALPHA-TOCOPHERYL ACETATE, D-CALCIUM PANTOTHENATE, NIACINAMIDE, FERROUS BISGLYCINATE, ZINC OXIDE, COPPER GLUCONATE, THIAMIN HYDROCHLORIDE, MANGANESE SULFATE, PYRIDOXINE HYDROCHLORIDE, RIBOFLAVIN, VITAMIN A PALMITATE, CHROMIUM CHLORIDE, BIOTIN, POTASSIUM IODIDE, FOLIC ACID, SODIUM MOLYBDATE, SODIUM SELENITE, PHYTONADIONE, VITAMIN D, VITAMIN B12.

*sweetener labelling*

**Product Form:** Liquid

**Product Packaging and Size:** RTD bottles per box. [redacted] pack boxes per master case. [redacted] bottles per master case.

**Intended market and Distribution:** Amazon

**Product Label:**

s.20(1)(c)

NFI RD.F in prod

mcn

max

Nutrition Facts/Valeur Nutritive		
12 Servings Per Container/Portions Par Contenant		
Serving Size/Portion de 1 bottle/bouteille (414mL)		
Amount Per Serving/Quantité Par Portion		
Calories/Calories	400	
% DV/VQ*		
Total Fat/Gras Totaux 21g	32%	
Saturated Fat/Gras Saturés 2g	10%	
Polyunsaturated Fat/Gras Polyinsaturés 3.5g		
Monounsaturated Fat/Gras Monoinsaturés 15g		
Trans Fat/Gras Trans 0g		
Cholesterol/Cholestérol 0mg	0%	
Sodium/Sodium 300mg	13%	
Total Carbs/Glucides Totaux 37g	12%	
Dietary Fiber/Fibres Alimentaires 1g	12%	
Soluble Fiber/Fibres Solubles 1g		
Total Sugars/Sucres Totaux 9g		
Includes 9g Added Sugars/Comprend les Sucres 9g Ajoutés	18%	
Protein/Protéines 20g		
Vitamin D/Vitamine D 2mcg	20% *Calcium/Calcium 200mg	20%
Iron/Fer 4mg	20% *Potassium/Potassium 700mg	20%
Vitamin A/Vitamine A	20% *Vitamin C/Vitamine C	20%
Vitamin K/Vitamine K	20% *Vitamin E/Vitamine E	20%
Riboflavin/Riboflavine	20% *Thiamine/Thiamine	20%
Vitamin B6/Vitamine B6	20% *Niacin/Niacine	20%
Vitamin B12/Vitamine B12	20% *Folic Acid/Acide Folique	20%
Choline/Choline	20% *Biotin/Biotine	20%
Iodine/Iode	20% *Magnesium/Magnésium	20%
Zinc/Zinc	20% *Selenium/Sélénium	20%
Copper/Cuivre	20% *Manganese/Manganèse	20%
Chromium/Chrome	20% *Molybdenum/Molybdène	20%
Pantothenic Acid/Acide Pantothénique	20%	

40  
28  
①  
②  
③  
400 mg  
④  
⑤  
⑥  
⑦  
1.4 mg

min 250  
18%  
min 375  
12 mg  
⑧  
⑨  
⑩  
⑪  
⑫  
⑬  
⑭

① Vit A : 20% of 1000 = 200	-	250	630 RE
② Riboflavin : 20% of 1.6 = 0.32	-	400	800 mg
③ B6 : 20% of 1.8 = 0.36	-	400	750 mg
④ I : 20% of 160 = 32	-	40	120 mg
⑤ Zn : 20% of 9 = 1.8	-	3	6 mg
⑥ Cu : 20% of 2 = 0.4	-	0.5	1.0 mg
⑦ Cr : 20% of 120 = 24	+	10	20 mg
⑧ Vit E : 20% of 10 = 2	-	2.5	5.0 mg
⑨ Thiamin : 20% of 1.3 = 0.26	-	300	750 mg
⑩ Niacin : 20% of 23 = 4.6	-	6	12 NE
⑪ Folic : 20% of 220 = 44	-	60	120 mg
⑫ Mg : 20% of 250 = 50	-	60	120 mg
⑬ Mn : 20% of 2 = 0.4	-	1	2 mg
⑭ Mo : 20% of 75 = 15	-	20	40 mg

missing  
add'n

Phosphorous 1100 250 500 mg  
Vitamin K 80  
Choline

**Soylent Coffiest RTD meal replacement**

Label missing:  
linoleic acid  
n-3 linolenic acid  
phosphorous (missing mineral)  
? expiration date.

Product Category: Meal Replacement drink

Common Product Name: Soylent Coffiest

**List of Ingredients:**

INGREDIENTS: FILTERED WATER, SOY PROTEIN ISOLATE, MALTODEXTRIN, HIGH OLEIC SUNFLOWER OIL, ISOMALTULOSE, NATURAL COFFEE FLAVOR, CANOLA OIL, COFFEE POWDER, NATURAL AND ARTIFICIAL FLAVORS, OAT FIBER, ALKALIZED COCOA POWDER, ISOMALTOOLIGOSACCHARIDE, SOY LECITHIN, POTASSIUM CHLORIDE, TRICALCIUM PHOSPHATE, MAGNESIUM PHOSPHATE, ASCORBIC ACID, SALT, CHOLINE CHLORIDE, GELLAN GUM, L-THEANINE, DL-ALPHA-TOCOPHERYL ACETATE, SUCRALOSE, D-CALCIUM PANTOTHENATE, NIACINAMIDE, FERROUS BISGLYCINATE, ZINC OXIDE, COPPER GLUCONATE, THIAMIN HYDROCHLORIDE, MANGANESE SULFATE, PYRIDOXINE HYDROCHLORIDE, RIBOFLAVIN, VITAMIN A PALMITATE, CHROMIUM CHLORIDE, BIOTIN, POTASSIUM IODIDE, FOLIC ACID, SODIUM MOLYBDATE, SODIUM SELENITE, PHYTONADIONE, VITAMIN D, VITAMIN B12.

Product Form: Liquid

Product Packaging and Size: RTD bottles per box pack boxes per master case. bottles per master case.



Intended market and Distribution: Amazon

Label:

<b>Nutrition Facts/Valeur Nutritive</b>	
12 Servings Per Container/Portions Par Contenant	
Serving Size/Portion de 1 bottle/bouteille (414mL)	
Amount Per Serving/Quantité Par Portion	
<b>Calories/Calories</b>	<b>400</b>
	% DV/VG*
Total Fat/Gras Totaux 21g	32%
Saturated Fat/Gras Saturés 7g	10%
Polysaturated Fat/Gras Polyinsaturés 3.5g	
Monounsaturated Fat/Gras Monoinsaturés 1.5g	
Trans Fat/Gras Trans 0g	
Cholesterol/Cholestérol 0mg	0%
Sodium/Sodium 100mg	13%
Total Carbs/Glucides Totaux 37g	12%
Dietary Fiber/Fibres Alimentaires 3g	12%
Soluble Fiber/Fibres Solubles 1g	
Total Sugars/Sucres Totaux 9g	
Includes 9g Added Sugars/Comprend 9g Sucres Ajoutés 18%	
Protein/Protéines 20g	
Vitamin D/Vitamine D 2mcg 20% • Calcium/Calcium 200mg 20%	
Iron/Fer 4mg 20% • Potassium/Potassium 700mg 20%	
Vitamin A/Vitamine A 20% • Vitamin C/Vitamine C 20%	
Vitamin K/Vitamine K 20% • Vitamin E/Vitamine E 20%	
Riboflavin/Riboflavine 20% • Thiamine/Thiamine 20%	
Vitamin B6/Vitamine B6 20% • Niacin/Niacine 20%	
Vitamin B12/Vitamine B12 20% • Folic Acid/Acide Folique 20%	
Choline/Choline 20% • Biotin/Biotine 20%	
Iodine/Iode 20% • Magnesium/Magnésium 20%	
Zinc/Zinc 20% • Selenium/Sélénium 20%	
Copper/Cuivre 20% • Manganese/Manganèse 20%	
Chromium/Chrome 20% • Molybdenum/Molybdène 20%	
Pantothenic Acid/Acide Pantothénique 20%	
*THE % DAILY VALUE INDICATES HOW MUCH A NUTRIENT IN A SERVING OF FOOD CONTRIBUTES TO A DAILY DIET. 2,000 CALORIES A DAY IS USED FOR GENERAL NUTRITION ADVICE.	
*LA VALEUR QUOTIDIENNE INDIQUE NOUVEAUX NOUVEAUX ÉLÉMENTS NUTRITIFS DANS UNE PORTION DE L'ALIMENT CONTRIBUE À UNE ALIMENTATION QUOTIDIENNE. 2,000 CALORIES PAR JOUR EST UTILISÉ POUR DES CONSEILS GÉNÉRAUX DE LA NUTRITION.	

Soylent® and Coffiest® are trademarks of Rosa Foods, Inc. v11

## Soylent Cafe Chai RTD meal replacement

Product Category: Meal Replacement drink

Common Product Name: Soylent Coffiest

### List of Ingredients:

INGREDIENTS: FILTERED WATER, MALTODEXTRIN, SOY PROTEIN ISOLATE, HIGH OLEIC SUNFLOWER OIL, ISOMALTULOSE, CANOLA OIL, NATURAL AND ARTIFICIAL FLAVORS, CELLULOSE, SOLUBLE CORN FIBER, SOY LECITHIN, POTASSIUM CHLORIDE, CALCIUM PHOSPHATE, MAGNESIUM PHOSPHATE, ASCORBIC ACID, SALT, CHOLINE CHLORIDE, GELLAN GUM, CAFFEINE, L-THEANINE, SUCRALOSE, DL-ALPHA-TOCOPHERYL ACETATE, D-CALCIUM PANTOTHENATE, NIACINAMIDE, FERROUS BISGLYCINATE, ZINC OXIDE, COPPER GLUCONATE, THIAMINE HYDROCHLORIDE, MANGANESE SULFATE, PYRIDOXINE HYDROCHLORIDE, RIBOFLAVIN, VITAMIN A PALMITATE, CHROMIUM CHLORIDE, BIOTIN, POTASSIUM IODIDE, FOLIC ACID, SODIUM MOLYBDATE, SODIUM SELENITE, PHYTONADIONE, VITAMIN D, VITAMIN B12..

Product Form: Liquid

Product Packaging and Size: RTD bottles per box. pack boxes per master case. bottles per master case.

Intended market and Distribution: Amazon

Label:

<b>Nutrition Facts/Valeur Nutritive</b>	
12 Servings Per Container/Portions Par Contenant	
Serving Size/Portion de 1 bottle/bouteille (414mL)	
Amount Per Serving/Quantité Par Portion	
<b>Calories/Calories</b>	<b>400</b>
	% DV/VQ*
Total Fat/Gras Totaux 21g	32%
Saturated Fat/Gras Saturés 2g	10%
Polyunsaturated Fat/Gras Polyinsaturés 3.5g	
Monounsaturated Fat/Gras Monoinsaturés 16g	
Trans Fat/Gras Trans 0g	
Cholesterol/Cholestérol 0mg	0%
Sodium/Sodium 300mg	13%
Total Carbs/Glucides Totaux 36g	12%
Dietary Fiber/Fibres Alimentaires 3g	12%
Soluble Fiber/Fibres Solubles 1g	
Total Sugars/Sucres Totaux 9g	
Includes 9g Added Sugars/Comprend 9g Ajoutés	18%
<b>Protein/Protéines 20g</b>	
Vitamin D/Vitamine D 2mcg	20%* Calcium/Calcium 200mg 20%
Iron/Fer 4mg	20%* Potassium/Potassium 700mg 20%
Vitamin A/Vitamine A	20%* Vitamin C/Vitamine C 20%
Vitamin K/Vitamine K	20%* Vitamin E/Vitamine E 20%
Riboflavin/Riboflavine	20%* Thiamine/Thiamine 20%
Vitamin B6/Vitamine B6	20%* Niacin/Niacine 20%
Vitamin B12/Vitamine B12	20%* Folic Acid/Acide Folique 20%
Choline/Choline	20%* Biotin/Biotine 20%
Iodine/Iode	20%* Magnesium/Magnésium 20%
Zinc/Zinc	20%* Selenium/Sélénium 20%
Copper/Cuivre	20%* Manganese/Manganèse 20%
Chromium/Chrome	20%* Molybdenum/Molybdène 20%
Pantothenic Acid/Acide Pantothénique	20%
*THE % DAILY VALUE (DV) TELLS YOU HOW MUCH A NUTRIENT IN A SERVING OF FOOD CONTRIBUTES TO A DAILY DIET. 2,000 CALORIES A DAY IS USED FOR GENERAL NUTRITION ADVICE.	
*LA VALEUR QUOTIDIENNE (VQ) VOUS INDIQUE COMBIEN UN ÉLÉMENT NUTRITIF DANS UNE PORTION DE L'ALIMENT CONTRIBUE À UNE ALIMENTATION QUOTIDIENNE. 2 000 CALORIES PAR JOUR EST UTILISÉ POUR DES CONSEILS GÉNÉRAUX DE LA NUTRITION.	

Soylent® is a trademark of Rosa Foods, Inc.

v1.1

## Soylent 1.8 Tub meal replacement

Product Category: Meal Replacement Powder

Common Product Name: Soylent 1.8 Powder Tub

### List of Ingredients:

SOY PROTEIN ISOLATE, HIGH OLEIC CANOLA OIL, MALTODEXTRIN, ISOMALTULOSE, SOLUBLE CORN FIBER, MODIFIED FOOD STARCH, POTASSIUM CHLORIDE, MAGNESIUM PHOSPHATE, TRICALCIUM PHOSPHATE, SOY LECITHIN, DIPOTASSIUM PHOSPHATE, MONO & DIGLYCERIDE, SALT, CHOLINE CHLORIDE, NATURAL FLAVOR, XANTHAN GUM, SODIUM ASCORBATE, MIXED TOCOPHEROL, DL-ALPHA-TOCOPHERYL ACETATE, FERROUS GLUCONATE, ZINC SULFATE, DCALCIUM PANTOTHENATE, NIACINAMIDE, SUCRALOSE, THIAMIN HYDROCHLORIDE, COPPER GLUCONATE, PYRIDOXINE HYDROCHLORIDE, MANGANESE SULFATE, RIBOFLAVIN, VITAMIN A PALMITATE, POTASSIUM IODIDE, CHROMIUM CHLORIDE, BIOTIN, FOLIC ACID, SODIUM MOLYBDATE, PHYTONADIONE, SODIUM SELENITE, VITAMIN D2, VITAMIN B12.  
CONTAINS: SOY

Product Form: Powder

Product Packaging and Size: RTD bottles per box. pack boxes per master case. bottles per master case.

Intended market and Distribution: Amazon

Label:

Nutrition Facts	
5 Servings Per Container	
Serving Size 1/5 pouch (87g)	
Amount Per Serving	
<b>Calories</b>	<b>400</b>
% Daily Value*	
Total Fat 20g	26%
Saturated Fat 1.5g	8%
Polyunsaturated Fat 3.5g	
Monounsaturated Fat 14g	
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 320mg	14%
Total Carbohydrate 34g	14%
Dietary Fiber 5g	18%
Soluble Fiber 5g	
Total Sugars 15g	
Includes 15g Added Sugars	30%
Protein 20g	
Vitamin D 2mcg	20%
Iron 3.6mg	20%
Vitamin A	20%
Vitamin K	20%
Riboflavin	20%
Vitamin B6	20%
Vitamin B12	20%
Choline	20%
Iodine	20%
Zinc	20%
Copper	20%
Chromium	20%
Pantothenic Acid	20%

⊗ Bilingual

Cafe Variety pack is a combination of 4 Cafe Coffiest, 4 Cafe Vanilla, and 4 Cafe Chai

If you need anything else, please let me know.

Regards,



**From:** Matsutani, Martin (CFIA/ACIA) [mailto:Martin.Matsutani@inspection.gc.ca]  
**Sent:** Tuesday, September 26, 2017 2:12 PM  
**To:**  
**Cc:** WAIST Supervisor / Superviseur COOESI (CFIA/ACIA)  
**Subject:** CFIA Inspection\_TN

Hi

RE:  
TN

## Meal Replacements, Nutritional Supplements, Prepackaged Meals and Foods Sold by Weight Reduction Clinics

**B.24.200 (1)** No person shall sell or advertise a meal replacement unless, when in a ready-to-serve form or when prepared according to directions for use, with water, milk, partially skim milk or skim milk, or a combination thereof, it meets the following requirements:

- (a) the meal replacement provides a minimum of 225 kcal or 945 kJ per serving;
- (b) not less than 15 per cent and not more than 40 per cent of the energy available from the meal replacement is derived from its protein content, except that a meal replacement for use in a weight reduction diet shall derive not less than 20 per cent of its available energy from its protein content;
- (c) subject to subsection (2), not more than 35 per cent of the energy available from the meal replacement is derived from its fat content;
- (d) not less than 3.0 per cent of the energy available from the meal replacement is derived from linoleic acid in the form of a glyceride and not less than 0.5 per cent of the energy available from the meal replacement is derived from n-3 linolenic acid in the form of a glyceride, and the ratio of linoleic acid to n-3 linolenic acid is not less than 4 to 1 and not more than 10 to 1;
- (e) the proteins present in the meal replacement are
  - (i) of a nutritional quality equivalent to that of casein, or
  - (ii) of a nutritional quality and in an amount sufficient to yield a result of not less than 15 per cent, or not less than 20 per cent in the case of a meal replacement for use in a weight reduction diet, when the nutritional quality of those proteins is divided by the nutritional quality of casein and multiplied by the percentage of energy available from the proteins present in the meal replacement; and
- (f) each serving of the meal replacement contains each vitamin and mineral nutrient listed in column I of the table to this section
  - (i) subject to subsection (3), in an amount not less than the minimum amount shown for that vitamin or mineral nutrient in column II of the table, and
  - (ii) subject to subsections (4) and (5), in an amount that, including overage, is not more than the maximum amount shown for that vitamin or mineral nutrient in column III of the table.

**(2)** No person shall sell or advertise a meal replacement that is represented as a replacement for all daily meals unless, when in a ready-to-serve form or when prepared according to directions for use, with water, milk, partially skim milk or skim milk, or a combination thereof, it meets the following requirements:

- (a) not more than 30 per cent of the energy available from the meal replacement is derived from its fat content; and
- (b) not more than 10 per cent of the energy available from the meal replacement is derived from its saturated fatty acid content.

**(3)** The minimum amount required under subparagraph (1)(f)(i) for selenium, chromium or molybdenum does not apply in respect of a meal replacement that is not represented as a replacement for all daily meals and that does not contain added selenium, chromium or molybdenum, as the case may be.

**(4)** A vitamin or mineral nutrient that is not an added ingredient in the meal replacement shall not be taken into account for the purposes of subparagraph (1)(f)(ii).

**(5)** The maximum amount shown for vitamin C in column III of the table to this section does not include overage.

FOOD AND DRUG REGULATIONS

Printed: Sept 28, 2017

TABLE

Column I	Column II	Column III	2 yrs. RDI
Nutrients	Minimum Amount per Serving	Maximum Amount per Serving	
<b>VITAMINS</b>			
Vitamin A	250 RE	630 RE	1000 RE
Vitamin D	1.25 µg	2.50 µg	5 mg.
Vitamin E	2.5 mg	5.0 mg	10 mg.
Vitamin C	10 mg	20 mg	60 mg
Thiamine /B1	300 µg	750 µg	1.3 mg
Riboflavin /B2	400 µg	800 µg	1.6 mg
Niacin	6 NE	12 NE	23 NE
Vitamin B6	400 µg	750 µg	1.8 mg
Vitamin B12	0.25 µg	0.75 µg	2 µg
Folicin	60 µg	120 µg	220 µg.
Pantothenic acid	1.25 mg	2.50 mg	7 mg.
Biotin	25 µg	75 µg	30 µg.
<b>MINERAL NUTRIENTS</b>			
Calcium	200 mg	400 mg	<del>1000</del> 1100 mg.
Phosphorus	250 mg	500 mg	1100 mg.
Iron	2.5 mg	5.0 mg	14 mg.
Iodide	40 µg	120 µg	160 µg.
Magnesium	60 mg	120 mg	250 mg.
Copper	0.5 mg	1.0 mg	2 mg.
Zinc	3 mg	6 mg	9 mg
Potassium	375 mg		
Sodium	250 mg		
Manganese	1 mg	2 mg	2 mg
Selenium	10 µg	20 µg	50 µg
Chromium	10 µg	20 µg	120 µg
Molybdenum	20 µg	40 µg	75 µg
Chloride			3400 mg.
Vitamin K			80 µg.

add'n

SOR/73-893, s. 8; SOR/80-13, s. 14; SOR/05-474, s. 5.

**B.24.201 (1)** No person shall sell or advertise a nutritional supplement that contains less than 225 kcal or 945 kJ per serving, unless it meets the following requirements:

- (a) the nutritional supplement contains at least 150 kcal or 630 kJ per serving;
- (b) not less than 15 per cent and no more than 40 per cent of the energy available from the nutritional supplement is derived from its protein content;
- (c) the proteins present in the nutritional supplement are
  - (i) of a nutritional quality equivalent to that of casein, or
  - (ii) of a nutritional quality and in an amount sufficient to yield a result of not less than 15 per cent when the nutritional quality of those proteins is divided by the nutritional quality of casein and multiplied by the percentage of energy available from the proteins present in the nutritional supplement; and
- (d) the nutritional supplement contains, per 100 kcal or 420 kJ, each vitamin and mineral nutrient listed in column I of the table to this section
  - (i) subject to subsection (3), in an amount not less than the minimum amount shown for that vitamin or mineral nutrient in column II of the table, and
  - (ii) subject to subsections (4) and (5), in an amount that, including overage, is not more than the maximum amount shown for that vitamin or mineral nutrient in column III of the table.

**(2)** No person shall sell or advertise a nutritional supplement that provides 225 kcal or 945 kJ, or more, per serving unless, when in a ready-to-serve form or when prepared according to directions for use, with water, milk, partially skim milk, skim milk, or a combination thereof, it meets the following requirements:

- (a) the nutritional supplement provides at least 225 kcal or 945 kJ per serving;
- (b) not more than 35 per cent of the energy available from the nutritional supplement is derived from its fat content;
- (c) not less than 3.0 per cent of the energy available from the nutritional supplement is derived from linoleic acid in the form of a glyceride and not less than 0.5 per cent of the energy available from the nutritional supplement is derived from n-3 linolenic acid in the form of a glyceride, and the ratio of linoleic acid to n-3 linolenic acid is not less than 4 to 1 and not more than 10 to 1;
- (d) not less than 15 per cent and not more than 40 per cent of the energy available from the nutritional supplement is derived from its protein content;
- (e) the proteins present in the nutritional supplement are
  - (i) of a nutritional quality equivalent to that of casein, or
  - (ii) of a nutritional quality and in an amount sufficient to yield a result of not less than 15 per cent when the nutritional quality of those proteins is divided by the nutritional quality of casein and multiplied by the percentage of energy available from the proteins present in the nutritional supplement; and
- (f) the nutritional supplement contains, per 100 kcal or 420 kJ, each vitamin and mineral nutrient listed in column I of the table to this section
  - (i) subject to subsection (3), in an amount not less than the minimum amount shown for that vitamin or mineral nutrient in column II of the table, and
  - (ii) subject to subsections (4) and (5), in an amount that, including overage, is not more than the maximum amount shown for that vitamin or mineral nutrient in column III of the table.

(3) The minimum amount required under subparagraph (1)(d)(i) or (2)(f)(i) for selenium, chromium or molybdenum does not apply in respect of a nutritional supplement that does not contain added selenium, chromium or molybdenum, as the case may be.

(4) A vitamin or mineral nutrient that is not an added ingredient in the nutritional supplement shall not be taken into account for the purposes of subparagraphs (1)(d)(ii) and (2)(f)(ii).

(5) The maximum amount shown for vitamin C in column III of the table to this section does not include overage.

TABLE

Column I	Column II	Column III
Nutrients	Minimum Amount per Available 100 Kcal or 420 KJ	Maximum Amount per Available 100 Kcal or 420 KJ
<b>VITAMINS</b>		
Vitamin A	100 RE	250 RE
Vitamin D	0.25 µg	1 µg
Vitamin E	1.0 mg	2.0 mg
Vitamin C	5 mg	10 mg
Thiamine	140 µg	350 µg
Riboflavin	180 µg	360 µg
Niacin	3 NE	6 NE
Vitamin B <sub>6</sub>	180 µg	360 µg
Vitamin B <sub>12</sub>	0.1 µg	0.3 µg
Folicin	30 µg	60 µg
Pantothenic acid	0.6 mg	1.2 mg
Biotin	12 µg	35 µg
<b>MINERAL NUTRIENTS</b>		
Calcium	100 mg	175 mg
Phosphorus	100 mg	175 mg
Iron	1.0 mg	2.0 mg
Iodide	15 µg	45 µg
Magnesium	20 mg	40 mg
Copper	0.15 mg	0.30 mg
Zinc	1.4 mg	2.0 mg
Potassium	175 mg	
Manganese	0.45 mg	0.90 mg
Selenium	4 µg	8 µg
Chromium	4 µg	8 µg
Molybdenum	8 µg	15 µg

SOR/73-688, s. 9; SOR/96-474, s. 5.

**B.24.202** The label of a meal replacement or nutritional supplement shall

(a) show the following information per serving of stated size and per stated quantity of food, when prepared according to the directions for use:

- (i) the energy value of the food, expressed in Calories (Calories or Cal) and kilojoules (kilojoules or kJ),
- (ii) the protein, fat, linoleic acid, n-3 linolenic acid, saturated fatty acid and carbohydrate contents of the food, expressed in grams,
- (iii) the vitamin A, vitamin D, vitamin E, vitamin C, thiamin or vitamin B<sub>1</sub>, riboflavin or vitamin B<sub>2</sub>, niacin, vitamin B<sub>6</sub>, vitamin B<sub>12</sub>, folate and pantothenic acid or pantothenate contents of the food, expressed
  - (A) in the case of a meal replacement, as a percentage of the daily value specified in column 4 of Part 2 of the Table of Daily Values for that vitamin, and
  - (B) in the case of a nutritional supplement, in the applicable unit referred to in subsection D.01.003(1),
- (iv) the calcium, phosphorus, iron, iodide, magnesium and zinc contents of the food, expressed
  - (A) in the case of a meal replacement, as a percentage of the daily value specified in column 4 of Part 2 of the Table of Daily Values, and
  - (B) in the case of a nutritional supplement, in milligrams for calcium, phosphorus, iron, magnesium and zinc and in micrograms for iodide,
- (v) the copper, potassium, sodium and manganese contents of the food, expressed in milligrams, and
- (vi) the biotin, selenium, chromium and molybdenum contents of the food, expressed in micrograms;

(b) in the case of a meal replacement or a nutritional supplement to which milk, partially skim milk or skim milk is to be added, carry a statement that the nutrient content of the food has been determined taking into consideration the milk, partially skim milk or skim milk that will be added according to the directions for use;

(c) in the case of a meal replacement that is sold or advertised as a replacement for all daily meals in a weight reduction diet, include directions for use that would result in a daily energy intake of at least 900 kcal or 3 780 kJ;

(d) include the expiration date of the meal replacement or nutritional supplement;

(e) in the case of a meal replacement for use in a weight reduction diet, carry the statement “USEFUL IN WEIGHT REDUCTION ONLY AS PART OF AN ENERGY-REDUCED DIET / UTILE POUR PERDRE DU POIDS SEULEMENT DANS LE CADRE D’UN RÉGIME À TENEUR RÉDUITE EN ÉNERGIE” prominently displayed on the principal display panel; and

(f) in the case of a meal replacement for use in a weight reduction diet that is not represented as a replacement for all daily meals in a diet, include the information required under section B.24.204.

SOR/78-698, s. 9;

SOR/88-559, s. 28;

SOR/95-474, s. 5;

SOR/2016-305, ss. 59, 75(F).



## Recommended Daily Intake (RDI)

**Note:** Recommended Daily Intake should not be confused with Reasonable Daily Intake (Schedule K).

**Recommended Daily Intake (RDI)** pertains to vitamins and mineral nutrients. It means the amount of a vitamin or mineral nutrient set out in Table I (1) of Divisions 1 and 2 of Part D of the *Food and Drug Regulations* [D.01.001, FDR (Food and Drug Regulations)].

In the Nutrition Facts table, the term "Daily Value" is synonymous with "Recommended Daily Intake" for vitamins and mineral nutrients [B.01.001, FDR (Food and Drug Regulations)].

The RDI (Recommended Daily Intake) is one of the two reference points upon which the % Daily Value is based. (The other reference point is the Reference Standard which pertains to specific nutrients other than vitamins and mineral nutrients.)

The RDI (Recommended Daily Intake)'s are also used to set criteria for the nutrient content claims for vitamins and mineral nutrients.

The table Recommended Daily Intake which follows presents the established Recommended Daily Intakes for vitamins and mineral nutrients. Recommended Daily Intakes are given for two different age groups: children less than two years of age and persons two years of age or older. When using the table, be sure to use the appropriate column.

### Recommended Daily Intake [D.01.013, D.02.006, FDR (Food and Drug Regulations)]

Vitamin or Mineral Nutrient	Units	Persons	Infants and
		2 years of age or older	Children less than 2 years old
Vitamin A	RE (retinol equivalents)	1000	400
Vitamin D	µg (micrograms)	5	10
Vitamin E	mg (milligrams)	10	3
Vitamin C	mg (milligrams)	60	20
Thiamin, Thiamine or Vitamin B1	mg (milligrams)	1.3	0.45
Riboflavin or Vitamin B2	mg (milligrams)	1.6	0.55
Niacin	NE (niacin equivalents)	23	8
Vitamin B6	mg (milligrams)	1.8	0.7

<b>Vitamin or Mineral Nutrient</b>	<b>Units</b>	<b>Persons 2 years of age or older</b>	<b>Infants and Children less than 2 years old</b>
Folacin or Folate	$\mu\text{g}$ (micrograms)	220	65
Vitamin B12	$\mu\text{g}$ (micrograms)	2	0.3
Pantothenic Acid or Pantothenate	mg (milligrams)	7	2
Vitamin K	$\mu\text{g}$ (micrograms)	80	30
Biotin	$\mu\text{g}$ (micrograms)	30	8
Calcium	mg (milligrams)	1100	500
Phosphorus	mg (milligrams)	1100	500
Magnesium	mg (milligrams)	250	55
Iron	mg (milligrams)	14	7
Zinc	mg (milligrams)	9	4
Iodide	$\mu\text{g}$ (micrograms)	160	55
Selenium	$\mu\text{g}$ (micrograms)	50	15
Copper	mg (milligrams)	2	0.5
Manganese	mg (milligrams)	2	1.2
Chromium	$\mu\text{g}$ (micrograms)	120	12
Molybdenum	$\mu\text{g}$ (micrograms)	75	15
Chloride	mg (milligrams)	3400	1000

RE = retinol equivalents

 $\mu\text{g}$  = micrograms

mg = milligrams

NE = niacin equivalents

## Weighted Recommended Nutrient Intake

**B.16.007** No person shall sell a food containing a food additive other than a food additive provided for in sections B.01.042, B.01.043 and B.25.062.

SOR/87-640, s. 5

**B.16.008** [Repealed, SOR/88-418, s. 5]

**B.16.100** No person shall sell any substance as a food additive unless the food additive is listed in one or more of the following Tables:

**B.01.042** Where a standard for a food is prescribed in this Part,

- (a) the food shall contain only the ingredients included in the standard for the food;
- (b) each ingredient shall be incorporated in the food in a quantity within any limits prescribed for that ingredient; and
- (c) if the standard includes an ingredient to be used as a food additive for a specified purpose, that ingredient shall be a food additive set out in one of the tables to section B.16.100 for use as an additive to that food for that purpose.

**B.01.043** Subject to section B.25.062, where a standard for a food is not prescribed in this Part,

- (a) the food shall not contain any food additives except food additives set out in a table to section B.16.100 for use as additives to that food for the purpose set out in that table; and
- (b) each such food additive shall be incorporated in the food in a quantity within any limits prescribed for that food and food additive in that table.

SOR/87-640, s. 1

**B.25.062 (1)** Subject to subsection (2), no person shall sell a food that is labelled or advertised for consumption by infants if the food contains a food additive.

**(2)** Subsection (1) does not apply to

- (a) bakery products that are labelled or advertised for consumption by infants;
- (b) the following foods that are labelled or advertised for consumption by infants and that contain ascorbic acid:
  - (i) fruit purées, and
  - (ii) cereals containing banana;
- (c) infant cereal products that contain lecithin;
- (d) foods that are labelled or advertised for consumption by infants and that contain citric acid;
- (e) infant formula that contains the food additives set out in Tables IV and X to section B.16.100 for use in infant formula;
- (f) infant formula that contains ingredients manufactured with food additives set out in Table V to section B.16.100;
- (g) infant formula that contains concentrated or dried whey products manufactured with liquid whey to which sodium hexametaphosphate has been added;
- (h) infant cereal products that contain amylase in accordance with Table V to section B.16.100;
- (i) infant formula that contains ascorbyl palmitate or tocopherols; or
- (j) infant formula that contains oils to which ascorbyl palmitate or tocopherols have been added.

SOR/83-933, s. 1; SOR/90-24, s. 4; SOR/91-149, s. 6; SOR/97-559, s. 1; SOR/2010-40, s. 3; SOR/2010-41, s. 8; SOR/2010-94, s. 6; SOR/2010-141, s. 3; SOR/2012-105, s. 2.

## 8. List of Permitted Food Additives with Other Accepted Uses (Lists of Permitted Food Additives)

This *List of Permitted Food Additives with Other Accepted Uses* sets out authorized miscellaneous food additives. This list is incorporated by reference in the *Marketing Authorization for Food Additives with Other Accepted Uses*.

**Note:** A [transition guide](#) has been created to provide stakeholders with further information on the Lists of Permitted Food Additives as well as guidance on how to interpret and use these lists.

**Supersedes:** 2017-05-03

**Date issued:** 2017-10-06

Access [archived versions](#) of this list.

### List of Permitted Food Additives with Other Accepted Uses

Item No.	Column 1 Additive	Column 2 Permitted in or Upon	Column 3 Purpose of Use	Column 4 Maximum Level of Use and Other Conditions
C.1	Caffeine	(1) Cola type beverages	(1) To characterize the product	(1) 200 p.p.m. in the finished product
		(2) Non-alcoholic carbonated water-based flavoured and sweetened beverages other than cola type beverages	(2) To characterize the product	(2) When used singly or in combination with caffeine citrate, 150 p.p.m., calculated as caffeine, in the finished product
C.2	Caffeine Citrate	(1) Cola type beverages	(1) To characterize the product	(1) 200 p.p.m. calculated as caffeine, in the finished product
		(2) Non-alcoholic carbonated water-based flavoured and sweetened beverages other than cola type beverages	(2) To characterize the product	(2) When used singly or in combination with caffeine, 150 p.p.m., calculated as caffeine, in the finished product



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- Benefits ▾
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- Taxes ▾
- More services ▾

Home → Health Canada → Food and Nutrition → Food Safety → Food Additives → Lists of Permitted Food Additives

## 9. List of Permitted Sweeteners (Lists of Permitted Food Additives)

This List of Permitted Sweeteners sets out authorized food additives that are used to impart a sweet taste to a food. It is incorporated by reference in the [Marketing Authorization for Food Additives That May Be Used as Sweeteners](#).

**Note:** A [transition guide](#) has been created to provide stakeholders with further information on the Lists of Permitted Food Additives as well as guidance on how to interpret and use these lists.

**Supersedes:** 2017-08-02

**Date issued:** 2017-08-30

Access [archived versions](#) of this list.

### List of Permitted Sweeteners

Item No.	Column 1 - Additive	Column 2 - Permitted in or Upon	Column 3 - Maximum Level of Use and Other Conditions
S.2	Sucralose	(1) Table-top sweeteners	(1) Good Manufacturing Practice
		(2) Breakfast cereals	(2) 0.1%
		(3) Unstandardized beverage concentrates; Unstandardized beverage mixes; Unstandardized beverages; Unstandardized dairy beverages	(3) 0.025% in beverages as consumed
		(4) Filling mixes; Fillings; Topping mixes; Toppings; Unstandardized dessert mixes; Unstandardized desserts; Yogurt	(4) 0.025% in products as consumed
		(5) Breath freshener products; Chewing gum	(5) 2.5%
		(6) Unstandardized fruit spreads	(6) 0.045%
		(7) Unstandardized condiments; Unstandardized salad dressings	(7) 0.04%
		(8) Confectionery glazes for snack foods; Sweetened seasonings or coating mixes for snack foods; Unstandardized confectionery; Unstandardized confectionery coatings	(8) 0.07%
		(9) Baking mixes; Unstandardized bakery products	(9) 0.065% in products as consumed
		(10) Unstandardized processed fruit and vegetable products, except unstandardized canned fruit	(10) 0.015%
		(11) Unstandardized alcoholic beverages	(11) 0.07%
		(12) Pudding mixes ; Puddings	(12) 0.04% in products as consumed
		(13) Unstandardized table syrups	(13) 0.15%
		(14) Canned (naming the fruit); Unstandardized canned fruit	(14) 0.025%
		(15) Pickles; Relishes	(15) 0.015%
		(16) Protein isolate- and uncooked cornstarch-based snack bars	(16) 0.2%
		(17) Nutritional supplement bars	(17) 0.045%
		(18) Nutritional supplement dry soup mixes	(18) 0.03% in soups as consumed

TN HSCode 210690724100

**Import Details for Requirement : 23996 Version : 9**

**HS Description : 210690**

- ✦ 21 Miscellaneous edible preparations
- ✦ 06 Food preparations not elsewhere specified or included
- ✦ 90 Other

**OGD Extension : 724100**

- ✦ 7241 Meal replacement

**Origin : UCA**

- ✦ US United States
- ✦ UCA California

**End Use: 08**

- ✦ 08 Human consumption

**Recommendations to CBSA/Documentation and Registration Requirements**

Approved

**Importer / Broker Instructions**

CONDITIONS OF IMPORT

Attention - EDI/ACROSS clients - To ensure auto approval of this commodity by the CFIA, you must press "EDI" to obtain the codes necessary to complete your electronic release transmission. Failure to submit these codes will result in a "machine reject" message from the CFIA.

Use "human consumption" end use if any portion of the imported commodity is intended for human consumption or use in a food product (including ingredients and/or additives) and sale. The Food and Drugs Act defines "sale" as including "offer for sale", "expose for sale", "have in possession for sale" and "distribute", whether or not the distribution is made for consideration.

**GENERAL CONDITION FOR ALL IMPORTED PRODUCTS INTENDED FOR SALE IN CANADA THAT ARE UNDER THE JURISDICTION OF THE IMPORTED & MANUFACTURED FOOD PROGRAM (IMFP)**

Importers are responsible for ensuring that the products they import for sale into Canada comply with the requirements of all applicable Canadian legislation including the Food and Drugs Act and Regulations,

and the Consumer Packaging and Labelling Act and Regulations, as they relate to food.

#### **SPECIFIC CONSIDERATIONS FOR THIS PARTICULAR PRODUCT**

**NOTE:** The following information highlights specific requirement (s)/condition(s) applicable to this particular product. The following information should not be interpreted as complete. Importers must ensure that they comply with the ■General Condition■ outlined above.

Where applicable, importers should consult the appropriate Division of the Food and Drug Regulations for the compositional standard and other applicable requirements for this product.

Refer to Division 24 of the Food and Drug Regulations for the standards and other applicable requirements for foods for special dietary use.

Importers should consult all applicable reference documents for information on standards and guidelines related to food safety and labelling including those provided below. See the "Additional References" section for the links to these documents.

- Good Importing Practices for Food
- Food Labelling for Industry
- Standards and Guidelines for Microbiological Safety of Food - An Interpretive Summary
- Canadian Standards ("Maximum Levels") for Various Chemical Contaminants in Foods
- List of Maximum Residue Limits Regulated Under the Pest Control Products Act
- Guidelines for the General Cleanliness of Food

#### **ADDITIONAL INSTRUCTIONS**

A nutritional supplement is defined as a food sold or represented as a supplement to a diet that may be inadequate in energy and essential nutrients and contains less than 225 kcal or 945 kj per serving as per requirements in sections B.24.201 and B.24.202 of the Food and Drugs Act and Regulations.

\*\*\* Please note that border lookouts and targets take precedence over import requirements indicated in AIRS.  
- Any import inspection services provided by CFIA staff are subject to a CFIA user fee.

- May be subject to requirements of Other Government Departments (federal, provincial, territorial or municipal).
  - Contact an Import Service Centre for further information.
- Submissions of 'Request for Documentation Review' form (CFIA/ACIA 5272):

**\*\*Please note that there are specific instructions depending on method of declaration:**

- Paper Declaration: 'Request for Documentation Review' form (CFIA/ACIA 5272) must be completed when providing a faxed package to the NISC.
- Other Government Department (OGD) Pre-arrival Review System (PARS) / Release on Minimum Documentation (RMD) Declaration: 'Request for Documentation Review' form (CFIA/ACIA 5272) must be completed when providing a faxed package to the NISC.
- Integrated Import Declaration (IID): 'Request for Documentation Review' form (CFIA/ACIA 5272) is only to be provided as part of the declaration if required by AIRS, under the Documentation and Registration Requirements section of AIRS.

**\*\*\* GUIDELINES TO FOLLOW WHEN SUBMITTING A FAXED PACKAGE TO NISC: \*\*\***

- Do not use company fax cover page
- Use the 'Request for Documentation Review' form (CFIA/ACIA 5272) as the first document of a fax submission
- Ensure the new version of the 'Request for Documentation Review' form (CFIA/ACIA 5272) is used
- Ensure all information on the 'Request for Documentation Review' form (CFIA/ACIA 5272) is typed
- Do not provide a bar code and/or a label transaction code on the 'Request for Documentation Review' form (CFIA/ACIA 5272)
- Ensure to key in the transaction number on the 'Request for Documentation Review' form (CFIA/ACIA 5272)
- Do not affix any labels or stickers to the 'Request for Documentation Review' form (CFIA/ACIA 5272)
- Should a single fax contain multiple requests ensure the 'Request for Documentation Review' form (CFIA/ACIA 5272) separates each request.

**WOOD PACKAGING MATERIAL (for all origins except continental United States)**

Brokers/ Importers must attest to one of the following with respect to the packaging material being used to ship the product:

- "Wood packaging contained with shipment displays the ISPM No. 15 compliant stamp."
- OR
- " Wood packaging material is accompanied by a Phytosanitary Certificate ie: approved treatment per ISPM no. 15. " (Please note that phytosanitary certificates are not accepted for wood packaging materials originating from China)



OR

- "Wood packaging material is made out of manufactured wood which is exempted from ISPM No. 15."

OR (when it applies)

- "No wood packaging contained with shipment."

## **Additional References**

### **Canadian Standards ("Maximum Levels") for Various Chemical Contaminants in Foods**

Please refer to Health Canada's website <http://www.hc-sc.gc.ca/fn-an/securit/chem-chim/contaminants-guidelines-directives-eng.php> to view the Canadian Standards ("Maximum Levels") for Various Chemical Contaminants in Foods.

### **Consumer Packaging and Labelling Act and Regulations**

To view the Consumer Packaging and Labelling Act and Regulations, please refer to our website <http://www.inspection.gc.ca/english/reg/rege.shtml> or contact the nearest Import Service Centre for further information.

### **Food Labelling for Industry**

To view the Food Labelling for Industry, refer to our [website](http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/eng/1383607266489/1383607344939) <http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/eng/1383607266489/1383607344939>

### **Food and Drugs Act and Regulations**

To view the Food and Drugs Act and Regulations, please refer to our website : <http://www.inspection.gc.ca/english/reg/rege.shtml> or contact the nearest Service Centre for further information.

### **Food and Drugs Act and Regulations - Nutritional supplement**

Regulated by sections B.24.003, B.24.201 of the Food and Drugs Act and Regulations.

### **Good Importing Practices**

Please refer to our website <http://www.inspection.gc.ca/english/fssa/imp/goodbonne.shtml> to view the Good Importing Practices.

### **Guide to food safety**

Please refer to our website <http://www.inspection.gc.ca/english/fssa/qui/guide.shtml> to view the guide to food safety

**Guidelines for the General Cleanliness of Food**

Please refer to Health Canada's website [http://www.hc-sc.gc.ca/fn-an/alt\\_formats/hpfb-dgpsa/pdf/res-rech/emo-mea-eng.pdf](http://www.hc-sc.gc.ca/fn-an/alt_formats/hpfb-dgpsa/pdf/res-rech/emo-mea-eng.pdf) to view the Guidelines for the General Cleanliness of Food.

**Maximum Residue Limits**

Please refer to Health Canada's website <http://www.hc-sc.gc.ca/cps-spc/pest/part/protect-proteger/food-nourriture/mrl-lmr-eng.php> to view the Maximum Residue Limits for Pesticides regulated under the Pest Control Products Act (PCPA).

Regulated Under the Pest Control Products Act

**Standards and Guidelines for Microbiological Safety of Food**

Please refer to Health Canada's website <http://www.hc-sc.gc.ca/fn-an/res-rech/analy-meth/microbio/volume1/intsum-somexp-eng.php> to view the Standards and Guidelines for Microbiological Safety of Food.

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The AIRS has been prepared for the convenience of reference only and has no official sanction. For all purposes of interpreting and applying the law, users should consult the Acts as passed by Parliament. If you require additional assistance interpreting this data or verifying its accuracy, please contact the Import Service Centre.

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Close

**Poon, Vania (CFIA/ACIA)**

---

**From:** @soylent.com>  
**Sent:** 2017-10-30 5:19 PM  
**To:** Matsutani, Martin (CFIA/ACIA)  
**Cc:** WAIST Supervisor / Superviseur COOESI (CFIA/ACIA); Dy, Wilbert (CFIA/ACIA),  
**Subject:** Re: CFIA Information Request\_Shipwire

**Follow Up Flag:** Follow up  
**Due By:** 2017-11-07 4:00 PM  
**Flag Status:** Flagged

Martin,

No problem. I will send that information over when I have it. We're hoping to have this part of the issue wrapped up by early next week.

\_\_\_\_\_  
 @soylent.com



NOTICE: This e-mail may contain legally privileged, protected, or confidential information. If you are not the intended recipient, please notify me and delete this e-mail from your system without reading or forwarding to others. Thank you.

On Mon, Oct 30, 2017 at 11:52 AM, Matsutani, Martin (CFIA/ACIA) <Martin.Matsutani@inspection.gc.ca> wrote:

Hello

Thank you very much for your prompt response and explanation. As a record of your company's complete cooperation and full assistance with the CFIA in addressing this matter, I would like to request a brief notification or report of the completed disposition of the product currently in Canada.

Regards,

**Martin Matsutani**

s.19(1)

s.20(1)(b)

s.20(1)(c)

Canadian Food Inspection Agency / Agence canadienne d'Inspection des aliments

[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tel: [604-292-5722](tel:604-292-5722) / Fax: [604-292-5601](tel:604-292-5601)



**From:** [mailto: [@soylent.com](mailto: @soylent.com)]  
**Sent:** 2017-10-30 11:03 AM  
**To:** Matsutani, Martin (CFIA/ACIA)  
**Cc:** WAIST Supervisor / Superviseur COOESI (CFIA/ACIA); Dy, Wilbert (CFIA/ACIA);  
**Subject:** Re: CFIA Information Request

Thanks for your email Martin. is a fulfillment center that we have used for direct to consumer orders off of our own website.

is our contact at and he is copied on this email. His contact information is below as well.

Please let me know if you have any further questions.

---

[@soylent.com](mailto: @soylent.com)



NOTICE: This e-mail may contain legally privileged, protected, or confidential information. If you are not the intended recipient, please notify me and delete this e-mail from your system without reading or forwarding to others. Thank you.

On Mon, Oct 30, 2017 at 10:18 AM, Matsutani, Martin (CFIA/ACIA) <Martin.Matsutani@inspection.gc.ca> wrote:

Hello

Since the Soy lent products were not in compliance to Canadian regulations, CFIA actions were needed to be taken on the import shipment and also the sale of the product in Canada. As you are undoubtedly aware, Amazon was required to stop further sale and advertising in Canada through their Amazon.ca online platform. Although the current situation did not trigger any necessary actions with the existing inventory in Canada, we had asked Amazon for a list of their warehouse locations in Canada which they provided last week.

Our records of import shipments of [redacted] show another destination to the following company and address that was not identified by Amazon:

Please let me know the business relationship and operational role of [redacted] in respect to the Soy lent product. I would also appreciate a contact at [redacted] should we need to get in touch them.

After today I will be on leave until December, so please reply to all in this email. Also, please contact my colleague or supervisor if you have any questions or require any assistance during my absence:

Wilbert Dy

Tel: 604-292-5723

Vania Poon (A/Supervisor)

Tel: 604-292-5718

Thank You,

**Martin Matsutani**

Senior Compliance Officer, Western Area Operations

Canadian Food Inspection Agency / Government of Canada

[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tel: 604-292-5722 / Fax: 604-292-5601

Agent principal de conformité, Centre opérationnel de l'Ouest

Agence canadienne d'Inspection des aliments / Gouvernement du Canada

[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tél.: 604-292-5722 / Télécopieur: 604-292-5601



**Poon, Vania (CFIA/ACIA)**

---

**From:** Matsutani, Martin (CFIA/ACIA)  
**Sent:** 2017-10-27 9:09 AM  
**To:**  
**Cc:** WAIST Supervisor / Superviseur COOESI (CFIA/ACIA)  
**Subject:** RE: Soylent border hold up

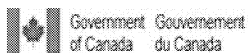
Hi

Thank you for the documents to verify the destruction.  
 Please do not hesitate to contact me if I can be of any future assistance.

Regards,

**Martin Matsutani**

Canadian Food Inspection Agency / Agence canadienne d'inspection des aliments  
 Martin.Matsutani@inspection.gc.ca / Tel: 604-292-5722 / Fax: 604-292-5601

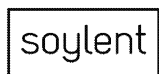


**From:** [mailto: [redacted]@soylent.com]  
**Sent:** 2017-10-25 10:55 PM  
**To:** Matsutani, Martin (CFIA/ACIA)  
**Cc:** WAIST Supervisor / Superviseur COOESI (CFIA/ACIA); Lee, Jennifer (CFIA/ACIA)  
**Subject:** Re: Soylent border hold up

Martin,

Attached is the destruction paperwork for the detained shipment. Please let me know if you have any further questions. Thanks so much!

[@soylent.com](#)



NOTICE: This e-mail may contain legally privileged, protected, or confidential information. If you are not the intended recipient, please notify me and delete this e-mail from your system without reading or forwarding to others. Thank you.

On Wed, Oct 4, 2017 at 4:23 PM, Matsutani, Martin (CFIA/ACIA) <[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca)> wrote:

Hi

I also thank you for taking the time to allow me to explain our assessment of your products. As discussed, I have identified several issues with your products and non-compliance to the Canadian **Food and Drug Regulations (FDR)**. I understand that you had been notified by your broker of the following aspects that were addressed in my preliminary assessment:

#### **A) Non-Permitted Additive : Caffeine**

Health Canada has issued a Marketing Authorization for the use of caffeine as a food additive only in cola type beverages and "non-alcoholic carbonated water-based beverages". Please refer to the following websites:

CFIA: Caffeine as a Food Additive

<http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/food-additives/eng/1468420159039/1468420338039?chap=6>

Health Canada : List of Permitted Food Additives with Other Accepted Uses

<https://www.canada.ca/en/health-canada/services/food-nutrition/food-safety/food-additives/lists-permitted/8-other-accepted-uses.html>

Caffeine is declared in the list of ingredients as an additive in the SoyLent Café Chai drink which is not within a product category covered under the Marketing Authority to Section B.16.007 of the **Food and Drug Regulations**, this product is not permitted for sale in Canada.

#### **B) Requirements for Meal Replacements**

Division 24 of the **Food and Drug Regulations** defines specific requirements for **Food for Special Dietary Use**. Division 24 provides specifications for the composition requirements for Meal Replacements in Section B.24.200, and the labelling requirements in Section B.24.202.

<http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C%20c.%20870/page-81.html#docCont>

Based on the current information available to this inspector, it appears that the SoyLent Meal Replacement products do not comply with the Regulations for the following:

- 1) Allowable percentage of energy available derived from specific sources
- 2) Completeness of all required vitamins and minerals
- 3) Required amounts of each vitamin and mineral within their specified range
- 4) Complete labelling information and acceptable presentation

#### **C) Mandatory Labelling**

The **Consumer Packaging and Labelling Act and Regulations** define the labelling requirements of food products that may be imported, sold and/or advertised in Canada. The CFIA label has not been examined, but the information in your earlier email does not provide verification of complete mandatory labelling of each of the products. The CFIA **Food Labelling for Industry** provides an interactive tool for all labelling requirements that include notable sections such as "Core Labelling Requirements" and "Foods for Special Diet

<http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/eng/1383607266489/1383607344939>

During our telephone conversation on Oct 2, 2017, I had clarified that the SoyLent products were evaluated as meal replacements as defined by the HS Code declaration, company product specifications, product labelling, and online advertising claims on Amazon.ca. Also, two additional concerns had come to attention through our discussions :

- 1) Proteins must meet the nutritional quality requirements for meal replacements under **FDR Section B.24.200(1)(e)**



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s.20(1)(d) <http://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 870/page-81.html#h-129>

2) Non-permitted additive (sucralose) as a sweetener in meal replacement products as per **FDR Section B.16.007**

<http://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 870/page-72.html#h-108>

In conjunction with the FDR, the Health Canada List of Permitted Sweeteners sets out authorized food additives that are used to impart a sweet taste to food.

<https://www.canada.ca/en/health-canada/services/food-nutrition/food-safety/food-additives/lists-permitted/9-sweeteners.html>

Since our discussion, I have continued to review all available information and have inspected the product on hold at the sufferance warehouse. Contrary to the product information for four items that I had received through your broker, the shipment consisted of only a single item (Soylent Original). Despite the different flavour, the Soylent Original had the same non-permitted sweetener and non-compliant nutritional profile as the previously assessed products. One unit bottle was taken as a sample during the inspection, so please find the attached copy of a Receipt for Sample Taken issued to TST Solutions.

After careful consideration and consultation with my supervisor and inspection manager, I have determined that the Soylent products do not comply with the Canadian ***Food and Drug Regulations*** and are therefore not permitted for sale or advertising in Canada. I will notify the **Canada Border Services Agency (CBSA)** of these inspection results along with the applicable restriction to importing non-compliant food products under **Section A.01.040** of the ***Food and Drug Regulations***:

*A.01.040 Subject to section A.01.044, no person shall import into Canada for sale a food or drug the sale of which in Canada would constitute a violation of the Act or these Regulations.*

Further actions on the following transaction currently on hold will be directed under the authority of the CBSA which will likely result in refusal of entry into Canada:

Transaction Number:

Cargo Control Number:

Importer:

Destination:

Description: Soylent Beverage Nutritional Sup

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s.20(1)(b)

s.20(1)(c)

Quantity:

Please be advised, that these decisions and actions are applicable to all Soylent products as presented, as well as to any future import shipments of these same products. Therefore, each item must be brought into compliance to Canadian food Acts and Regulations before any product can be imported and sold in Canada.

Please acknowledge receipt of this email and please contact me if you have any questions.

Regards,

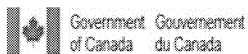
**Martin Matsutani**

Senior Compliance Officer, Western Area Operations

Canadian Food Inspection Agency / Government of Canada

[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tel: [604-292-5722](tel:604-292-5722) / Fax: [604-292-5601](tel:604-292-5601)

Agent principal de conformité, Centre opérationnel de l'Ouest  
Agence canadienne d'Inspection des aliments / Gouvernement du Canada  
[Martin.Matsutani@inspection.gc.ca](mailto:Martin.Matsutani@inspection.gc.ca) / Tél.: [604-292-5722](tel:604-292-5722) / Télécopieur: [604-292-5601](tel:604-292-5601)



-----Original Message-----

From: [mailto: @soylent.com]

Sent: 2017-10-02 2:37 PM

To: Matsutani, Martin (CFIA/ACIA)

Cc: @soylent.com;

Subject: Soylent border hold up

Martin,

Thank you for taking the time to walk me through the issues you have discovered with Soylent product that caused you to hold up product at the border. I am linking in [redacted] Soylent [redacted] who may reach out to you with specific questions or for you to contact should you have any further questions.

I will be back in touch with our response and action plan once we have had a chance to confer.

Thx

## Poon, Vania (CFIA/ACIA)

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**From:** Lauder, Janis (CFIA/ACIA)  
**Sent:** 2017-10-26 10:18 AM  
**To:** WAIST Supervisor / Superviseur COOESI (CFIA/ACIA)  
**Cc:** Matsutani, Martin (CFIA/ACIA)  
**Subject:** FW: News in a Nutshell - Thursday, October 26, 2017

**FYI, see below for Soylent News.**

### Animal Health

- B.C. premier appoints top deputy to review 'integrity' of fish farm testing lab. Oct. 25. Canadian Press Newswire.  
<http://www.infomedia.gc.ca/inspection/en/2017/10/25/208601737>
  - Scientist says review welcome, sees conflict potential. Oct. 25. Victoria Times-Colonist.com.  
<http://www.infomedia.gc.ca/inspection/en/2017/10/25/208598145>
  -
- "Just like eating yogurt" - scientists hope to end epidemic in bats. Oct. 26. Canadian Press. <http://www.infomedia.gc.ca/inspection/en/2017/10/26/208608126>
- Got processing? New plant keeps more milk in Manitoba. Oct. 26. Winnipeg Free Press.com.  
<http://www.infomedia.gc.ca/inspection/en/2017/10/26/208597132>

### Food Safety

- General Mills removing gluten-free label from Cheerios, claims no health risk. (This story continues to garner significant media attention.) Oct. 25. Canadian Press Newswire.  
<http://www.infomedia.gc.ca/inspection/en/2017/10/25/208601621>
- Five things to know about the Soylent ban in Canada. *The company behind Soylent meal-replacement drinks and powders says it failed to meet Canadian regulatory requirements.* (This issue also continues to garner significant media attention with more media queries coming in about it.) Oct. 25. Globe and Mail.com.  
<http://www.infomedia.gc.ca/inspection/en/2017/10/25/208594314>
- U.S. groups threaten Canadian snow crab imports over whale deaths. (This issue is also much in the news.)  
<http://www.infomedia.gc.ca/inspection/en/2017/10/25/208595567>

### Other News of Interest

- Morneau Shepell has multiple contracts with government departments. Oct. 26. Toronto Sun.  
<http://www.infomedia.gc.ca/inspection/en/2017/10/26/208604722>
- Minister In A 'Minefield'. Morneau-Shepell has multiple with government. Oct. 26. Edmonton Sun.  
<http://www.infomedia.gc.ca/inspection/en/2017/10/26/208600749>
- Scientists working toward reversible kind of gene editing. Oct. 25. Canadian Press.  
<http://www.infomedia.gc.ca/inspection/en/2017/10/25/208601330>

**News Desk:** <http://www.infomedia.gc.ca/inspection/>

### Western Area Communications

Canadian Food Inspection Agency / Government of Canada  
<http://bit.ly/2tavYgX>

### Communications - Centre opérationnel de l'Ouest

Agence canadienne d'inspection des aliments / Gouvernement du Canada  
<http://bit.ly/2rEMGT0>

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## Poon, Vania (CFIA/ACIA)

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**From:** Poon, Vania (CFIA/ACIA)  
**Sent:** 2017-10-10 4:02 PM  
**To:** Matsutani, Martin (CFIA/ACIA)  
**Subject:** RE: CBSA Soylent Refusal

Thanks for the update Martin. We will chat tomorrow about this.

Vania

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**From:** Matsutani, Martin (CFIA/ACIA)  
**Sent:** 2017-10-10 3:40 PM  
**To:** Poon, Vania (CFIA/ACIA)  
**Subject:** CBSA Soylent Refusal

Hi Vania,

FYI, I just received a call from Hardy Yim at CBSA.

He said that his colleague Daniel had contacted the broker last Thu or Fri (Oct 5<sup>th</sup> or 6<sup>th</sup>) to inform them of the refusal. Daniel then received an email from the broker indicating that their intentions are to destroy the product. The broker had also asked how a disposal could be carried out, and Daniel had provided the names of a few disposal service companies.

Hardy did not know if the refusal was communicated formally by providing our report or a refusal document, or whether it was simply explained over a telephone conversation. CBSA is also awaiting a completed letter of intent from the broker to confirm their disposition actions. Daniel will be back in the office tomorrow, and Hardy will check with him and provide us with further details tomorrow.

Thanks,  
Martin

**Poon, Vania (CFIA/ACIA)**

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**From:** Poon, Vania (CFIA/ACIA)  
**Sent:** 2017-10-10 3:09 PM  
**To:** Matsutani, Martin (CFIA/ACIA)  
**Subject:** RE: Ensure and Boost Meal Replacements

Hi Martin,

Thoroughly impressed, I would expect no less! Both have been in the market for as long as I can remember (which in fairness, is not as long as some). Good proof to see that the reverse calculation is verified and that others in the market are in compliance. A good knowledge piece too, for all who have an interest in ensuring these product's ability to be used as sustenance.

Thanks for the due diligence!

Vania

---

**From:** Matsutani, Martin (CFIA/ACIA)  
**Sent:** 2017-10-10 3:03 PM  
**To:** Poon, Vania (CFIA/ACIA)  
**Subject:** Ensure and Boost Meal Replacements

Hi Vania,

FYI .....

Over the weekend while shopping for a can of cranberry sauce, I couldn't resist stopping to take a look at the **Ensure** and **Boost** nutritional drinks. Both their packaging declared that they can be a meal replacement so I snapped a few photos. I evaluated their NFT's in the same manner as the Soylent products, ie. applying the declared DV% to the RDI to calculate the amount of each nutrient and then comparing that value to the specified min and max levels in the FDR.

I was thoroughly impressed that every vitamin and mineral was in full compliance for both products (granted there were two rounding rule allowances). Not only were the nutrient contents within the prescribed ranges, they both declared linoleic and linolenic acids, and both declared the specified minerals in absolute values (mg) instead of %DV.

Please find the attached worksheet for the 2 items.

With this comparative information, I cannot foresee any justifiable argument

Martin

## Poon, Vania (CFIA/ACIA)

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**From:** Poon, Vania (CFIA/ACIA)  
**Sent:** 2017-10-10 11:50 AM  
**To:** Lauder, Janis (CFIA/ACIA)  
**Cc:** Matsutani, Martin (CFIA/ACIA); Lee, Jennifer (CFIA/ACIA)  
**Subject:** RE: BCAF Head's Up or Daily Issue

Hi Janis,

Please note only one variety, "Soylent Original", of the product was inspected and presented for Import.

Answers are in-line:

- Are caffeine and sucralose the only non-permitted ingredients? Does it meet the requirements otherwise? The product does not meet the requirements to be called "Meal Replacement", due to the level of fortification and lack of Phosphorus. This is a technical issue and is based on the information presented at this time.

Sucralose, a non-permitted sweetener in meal replacements of this kind is in every formulation.

Caffeine is present in a label/formulation provided for review, not physically inspected in this shipment. (For more detailed report on findings please read Martin's summary below)

- Has OFSR been consulted, will they be, if not why i.e. need some kind of statement "the issue represents a technical violation and does not pose a food safety risk"  
We have consulted our ARC, Eliza Yue. No referral to OFSR required at this time, as the issue represents a technical violation and does not pose an acute food safety risk. The target population does not appear to be susceptible to nutritional deficiencies and this would be long-term exposure.
- More detailed next steps – has CBSA refused the shipment? Date? Has the company been notified by CBSA of the refusal?
- Has Martin heard back from the importer?

The importer was notified of our decision by email on Wed 2017-10-04 4:23 PM.

The CBSA was advised of our determination by email on Thu 2017-10-05 11:54 AM.

**Martin has not received any response from the importer, and has requested an update from CBSA this morning.**

- Have you spoken to ON IST?  
Email has been sent and voicemail was left for OIST

I hope this answers your questions.

Thanks,  
Vania

Attached are the results of Martin's review:

*I would like to ensure the understanding of the actions that we have taken to date. In advance of my inspection I had requested product information from the broker, and was provided with product specifications for 4 **Soylent** items:*



The actual physical inspection found that the shipment consisted of only a single item that was not included in the product specifications that had been submitted: **"Soylent Original"**. The following issues were identified based on the review of the product specification information and the physical examination of the product at the sufferance warehouse:

- 1) All five items contained a non-permitted food additive (sucralose)
- 2) Only ' ' contained a second non-permitted food additive (caffeine)
- 3) All five items declare vitamin and mineral contents that do not meet the FDR specifications for meal replacements
  - Each vitamin and mineral was declared as 20% DV, and this percentage was applied to the Canadian Recommended Daily Intake (RDI) to determine each amount
  - Calculations showed 13 vitamins or minerals were below the minimum required amount, and 1 mineral was above the maximum allowable amount
  - Required phosphorous was not declared in any of the products

The import into Canada of the inspected shipment of **"Original"** would violate the FDR under points 1 and 3 above, and CBSA was advised of this determination. This file has not included an inspection of the other 4 items, but an active import history and online advertising on Amazon.ca would indicate that these items have been imported and sold in Canada.

Additional issues were noted and would require correction or validation to demonstrate compliance to FDR, but were not specified in our decision for the current shipment in question.

- A) Based on online advertising, the energy available derived from the fat content exceeded the allowable 35%
- B) Acceptable percentage of energy available derived from linoleic acid and n-3 linolenic acid must be validated
- C) Acceptable nutritional quality of protein must be validated
- D) Mandatory labelling as meal replacements were incomplete:
  - missing declaration of linoleic acid and n-3 linolenic acid content
  - missing expression of certain minerals in milligrams or micrograms
  - date printed on selling unit (case of 12 bottles) is not identified as a required expiration date
  - date printed on individual bottles is identified as "Best By" and not an expiration date
- E) NFT for **"Powder"** did not include French

The importer was notified of our decision by email on Wed 2017-10-04 4:23 PM.

The CBSA was advised of our determination by email on Thu 2017-10-05 11:54 AM.

I have not received any response from the importer, and have requested an update from CBSA this morning.

---

**From:** Lauder, Janis (CFIA/ACIA)  
**Sent:** 2017-10-10 9:06 AM  
**To:** Poon, Vania (CFIA/ACIA)  
**Cc:** Miyagawa, Matthew (CFIA/ACIA)  
**Subject:** RE: BCAF Head's Up or Daily Issue

Hi Vania,

We'll need to report up a proper DI by 1pm, so could you please send me any updates by noon? A few questions:

- Are caffeine and sucralose the only non-permitted ingredients? Does it meet the requirements otherwise?
- Has OFSR been consulted, will they be, if not why i.e. need some kind of statement "the issue represents a technical violation and does not pose a food safety risk"
- More detailed next steps – has CBSA refused the shipment? Date? Has the company been notified by CBSA of the refusal?
- Has Martin heard back from the importer?

s.20(1)(c)

s.21(1)(b)

- Have you spoken to ON IST?

Anything else you can think of?

Thanks!

Janis

---

**From:** Poon, Vania (CFIA/ACIA)  
**Sent:** 2017-10-06 4:18 PM  
**To:** Lauder, Janis (CFIA/ACIA)  
**Subject:** RE: BCAF Head's Up or Daily Issue

Thank you!

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**From:** Lauder, Janis (CFIA/ACIA)  
**Sent:** 2017-10-06 4:17 PM  
**To:** Poon, Vania (CFIA/ACIA)  
**Subject:** FW: BCAF Head's Up or Daily Issue  
**Importance:** High

FYI.

---

**From:** Lauder, Janis (CFIA/ACIA)  
**Sent:** 2017-10-06 3:56 PM  
**To:** WA ACI Directorate / Direction ICCO (CFIA/ACIA); Youssef, Andre (CFIA/ACIA)  
**Cc:** Dropko, Andrea (CFIA/ACIA)  
**Subject:** BCAF Head's Up or Daily Issue  
**Importance:** High

Just an FYI for now. We have some more work to do before they can decide if OFSR will need to evaluate product at the consumer level:

**ISSUE:** On September 27, WA Import Surveillance Team (IST) reviewed import documents for a shipment of a meal replacement product being imported from the United States by \_\_\_\_\_ to be sold on Amazon.ca. Certain formulations contain caffeine and/or sucralose, and therefore do not meet the standard of identity described in B.24.200 of Food and Drug Regulations required for the product to be marketed as a meal replacement.

**IMPLICATIONS:** A review of the company's import history reveals that numerous shipments have been previously imported through Ontario and distributed in Canada. Since previous shipments have not been detained,

**ACTION:** The product is currently on a Canadian Border Services Agency (CBSA) hold at their container examination facility in Vancouver. On October 5, 2017, the CFIA provided their 'Report for Examination for Customs Entry' to CBSA. The report outlines the non-compliance and CBSA is likely to refuse entry of the shipment. The CFIA has notified the importer and the Ontario IST and will also notify Amazon.ca that the product does not meet the requirements to be sold in the Canadian market.

## Poon, Vania (CFIA/ACIA)

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**From:** Poon, Vania (CFIA/ACIA)  
**Sent:** 2017-10-10 11:31 AM  
**To:** Lee, Jennifer (CFIA/ACIA); Yue, Eliza (CFIA/ACIA)  
**Subject:** RE: DI for BCAF

Hi Eliza & Jenn,

We are all in agreement that it is technical, with low FS risk and target population is not a vulnerable one. Just wanted to clarify the wording to the DI.

I did send a summary to Ontario to follow-up my H/U call – still no contact or communication or reply from them. No need to send up, so long as we are on the same page.

Thanks,  
Vania

---

**From:** Lee, Jennifer (CFIA/ACIA)  
**Sent:** 2017-10-10 11:23 AM  
**To:** Yue, Eliza (CFIA/ACIA); Poon, Vania (CFIA/ACIA)  
**Subject:** RE: DI for BCAF

I agree that the violation is technical and not an immediate food safety issue.

Jenn

---

**From:** Yue, Eliza (CFIA/ACIA)  
**Sent:** 2017-10-10 11:20 AM  
**To:** Poon, Vania (CFIA/ACIA)  
**Subject:** RE: DI for BCAF

Hi Vania,

This situation would appear to be a technical violation than something that poses a food safety risk. The product (that I saw last Friday) didn't appear to be targeting a susceptible population.

As discussed on Friday, if you wish I can definitely send this file up for a health risk estimate if IST team can provide proper labels, and their calculations, etc. OFSR may ask to receive the real product formulation in order to do their own calculations. Do you have an importer in Canada that can provide you with relevant product information, such as formulation and quantities sold to date?

I think you mentioned that Ontario has allowed this product in for some time. Have you given that regional office a heads up about your planned action here? May be worthwhile to find out what their thoughts are? Just my 2cents.

If you would like OFSR to do a risk estimation, please provide relevant information and an IMS #.

s.19(1)

Thanks.

Eliza

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**From:** Poon, Vania (CFIA/ACIA)  
**Sent:** 2017-10-10 10:53 AM  
**To:** Yue, Eliza (CFIA/ACIA)  
**Subject:** DI for BCAF

Hi Eliza,

Further to our discussion on Friday regarding the Soylent Meal replacement, Janis has come back with one related question I'd like to consult with you about.

- Has OFSR been consulted, will they be, if not why i.e. need some kind of statement "the issue represents a technical violation and does not pose a food safety risk"

Can we have a chat about this, it would help me send a response.

Call I

Thanks,  
Vania

**Vania Poon, M.Sc.,**

Senior Compliance Officer, Vancouver Mainland Region  
Canadian Food Inspection Agency / Government of Canada  
[vania.poon@inspection.gc.ca](mailto:vania.poon@inspection.gc.ca) / Tel: 604-292-5718 / Fax: 604-292-5701  
Agence canadienne d'inspection des aliments / Gouvernement du Canada  
Agente de conformité principale, Région de Vancouver  
[vania.poon@inspection.gc.ca](mailto:vania.poon@inspection.gc.ca) / Tel: 604-292-5718/ Fax: 604-292-5701



## Poon, Vania (CFIA/ACIA)

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**From:** Poon, Vania (CFIA/ACIA)  
**Sent:** 2017-10-06 4:28 PM  
**To:** Mogla, Latika (CFIA/ACIA)  
**Subject:** FYI - Soylent Meal Replacement issue

s.20(1)(c)

Hi Latika,

s.21(1)(b)

I wanted to speak with you yesterday to summarise a file we are currently working on in the west. I've attached the summary below, I did not want to set off alarm bells. Please feel free to contact me to discuss.

On September 27, WA Import Surveillance Team (IST) reviewed import documents for a shipment of a meal replacement product being imported from the United States by | to be sold on Amazon.ca. Certain formulations contain caffeine and/or sucralose, and therefore do not meet the standard of identity described in B.24.200 of Food and Drug Regulations required for the product to be marketed as a meal replacement.

A review of the company's import history reveals that numerous shipments have been previously imported through Ontario and distributed in Canada, with the most recent import occurring on September 21, 2017. Since previous shipments have not been detained,

The product is currently on a Canadian Border Services Agency (CBSA) hold at their container examination facility in Vancouver. On October 5, 2017, the CFIA provided their 'Report for Examination for Customs Entry' to CBSA. The report outlines the non-compliance and CBSA is likely to refuse entry of the shipment. The CFIA has notified the importer and the Ontario IST and will also notify Amazon.ca that the product does not meet the requirements to be sold in the Canadian market.

Many thanks,  
Vania

**Vania Poon, M.Sc.,**

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## **Turgeon, Marie-Anne (CFIA/ACIA)**

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**From:** Smith, Kevin (CFIA/ACIA)  
**Sent:** 2017-10-25 5:27 PM  
**To:** Miller, Daniel (CFIA/ACIA)  
**Cc:** White, Jodi (CFIA/ACIA)  
**Subject:** Soy lent meal replacement.

Hi Daniel,

Products sold as "meal replacements" must meet the Health Canada established criteria as found in the Food and Drug Regulations (FDR).

It is prohibited to sell or advertise a meal replacements (which is a formulated food that, by itself, can replace one or more daily meals) unless, when in a ready-to-serve form or when prepared according to the directions of use, with water, milk, partially skim milk or skim milk, or a combination thereof, it meets the **requirements** for a meal replacement as set out in B.24.200, FDR. These include:

- a minimum food energy value of 225 Calories per serving,
- a specified amount and quality of protein,
- a maximum amount of energy derived from fat (35 percent) and
- a specified amount of various vitamins and mineral nutrients.

I received the following from operations this afternoon:

The Soy lent "meal replacement" product specifications were evaluated against Health Canada meal replacement criteria as found in FDR Section B.24.200 and B.24.202 for meal replacements.

The following non-compliances were identified:

- 1) Non permitted additive (caffeine) in Café Chai flavour
- 2) Vitamins and mineral contents were calculated using the 20% DV declared in the NFT against Recommended Daily Intake. Resulting values for 13 of 23 required nutrients were below the minimum required amounts and 1 of 23 required nutrients was over the maximum allowable amount.
- 3) Required phosphorous was not listed on the label
- 4) Online product information declared that 47% of calories were derived from 21g of lipids, whereby B.24.200(1)(c) specifies that no more than 35% of energy available is derived from fat content
- 5) Label was missing linoleic acid and n-3 linolenic acid
- 6) Specific nutrients did not declare absolute amounts as required on label
- 7) All products contained sucralose in the list of ingredients which requires specific sweetener labelling

Thus there are problems with both the formulation and label. They could certainly choose to call this product something else other than a meal replacements.

There is a good article on the product FYI which actually links to our guidance page:

"soy lent banned in Canada for not actually being a meal"

<https://www.bing.com/news/search?q=Soylent+Canada&qpv=soy lent+Canada&FORM=EWRE>

Let me know if you need more.

Kevin

## Turgeon, Marie-Anne (CFIA/ACIA)

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**From:** Robitaille, Mira (CFIA/ACIA)  
**Sent:** 2017-10-26 5:24 PM  
**To:** 'chantal.martineau@hc-sc.gc.ca'  
**Cc:** Smith, Kevin (CFIA/ACIA)  
**Subject:** Soylent  
**Attachments:** CFIA\_ACIA - #10024582 - v1 - Extracts of CFIA IMS (Issue Management System) on Soylent Meal Replacement.DOCX

Bonjour Chantal,

Suite à note discussion de cet après-midi au sujet du produit Soylent, je ne serai pas en mesure de partager le dossier complet de notre system de gestion des incidents, mais j'ai copié les sections que je crois être pertinentes pour vous dans le document ci-joint.

Également, nous avons décidé de rediriger les lettres de plaintes vers votre bureau, puisqu'elles sont toutes en lien avec des demandes de mise à jour de cette norme pour les substituts de repas pour lesquelles nous ne sommes pas en mesure de répondre. Si vous jugez pertinent d'obtenir nos commentaires sur les mesures d'actions en lien avec les non-conformités, svp nous en aviser.

Merci et n'hésites-pas à me contacter si tu as besoin de clarification.  
Bonne soirée,  
Mira

Mira Robitaille  
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## CFIA IMS (Issue Management System) Extracts on Soylent Meal Replacement

Sept. 28, 2017

This inspector reviewed the product description provided by the client and the online advertising on Amazon.ca and established that the product was a meal replacement based on the following information:

- Client declaration as Meal Replacement Drink and Meal Replacement Powder
- Product Label (Amazon.ca): "Ready-to-Drink Meal", "Complete Meal"
- Product advertising (Amazon.ca): "Meal Replacement Drink", "Meal Replacement Powder, "nutritionally complete", "meal in a bottle", "replacement for breakfast or lunch", "a meal that takes no work at all", "20% of your daily nutritional requirements", "[powder] just mix with water to create nutritionally balanced meals"

The product specifications were evaluated against Canadian food legislation including FDR Section B.24.200 and B.24.202 for meal replacements, and the following non-compliances were identified:

- 1) Non permitted additive (caffeine) in
- 2) Vitamins and mineral contents were calculated using the 20% DV declared in the NFT against Recommended Daily Intake. Resulting values for 13 of 23 required nutrients were below the minimum required amounts and 1 of 23 required nutrients was over the maximum allowable amount.
- 3) Required phosphorous was not listed
- 4) Online product information declared 47% of calories were derived from 21g of lipids, whereby B.24.200(1)(c) specifies that no more than 35% of energy available is derived from its fat content
- 5) Label was missing linoleic acid and n-3 linolenic acid
- 6) Specific nutrients did not declare absolute amounts as required on label
- 7) All products contained sucralose in the list of ingredients which requires specific sweetener labelling

This inspector sent a summary of the findings in the following email:

" I have completed a preliminary review of the information provided and have identified the following issues or concerns with the products:

### A) Non-Permitted Additive: Caffeine

Health Canada has issued a Marketing Authorization for the use of caffeine as a food additive only in cola type beverages and "non-alcoholic carbonated water-based flavoured sweetened beverages". Please refer to the following websites:

CFIA: Caffeine as a Food Additive

<http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/food-additives/eng/1468420159039/1468420338039?chap=6>

Health Canada: List of Permitted Food Additives with Other Accepted Uses

<https://www.canada.ca/en/health-canada/services/food-nutrition/food-safety/food-additives/lists-permitted/8-other-accepted-uses.html>

Caffeine is declared in the list of ingredients as an additive in the Soylent Café Chai drink which is not within a product category covered under the Marketing Authority. Therefore, subject to Section B.16.007 of the Food and Drug Regulations, this product is not permitted for sale in Canada.

### B) Requirements for Meal Replacements

Division 24 of the Food and Drug Regulations defines specific requirements for Food for Special Dietary Use. Division 24 provides specifications for the compositional and nutritional requirements for Meal Replacements in Section B.24.200, and the labelling requirements in Section B.24.202.

<http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C%20c.%20870/page-81.html#docCont>



Based on the current information available to this inspector, it appears that the SoyLent Meal Replacement products do not comply with the Regulations for the following criteria:

- 1) Allowable percentage of energy available derived from specific sources
  - 2) Completeness of all required vitamins and minerals
  - 3) Required amounts of each vitamin and mineral within their specified range
  - 4) Complete labelling information and acceptable presentation
- C) Mandatory Labelling

The Consumer Packaging and Labelling Act and Regulations define the labelling requirements of food products that may be imported, sold and/or advertised in Canada. A full product label has not been examined, but the information in your earlier email does not provide verification of complete mandatory labelling of each of the products. The CFIA online Food Labelling for Industry provides an interactive tool for all labelling requirements that include notable sections such as "Core Labelling Requirements" and "Foods for Special Dietary Use".

Food Labelling for Industry

<http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/eng/1383607266489/1383607344939>

This is not a complete report and further assessments may be continued, but please advise your client of these initial findings. I can consider any additional information to validate or demonstrate that the products comply with all the identified requirements. I will await a response from your client regarding how they may intend to address the noted issues above.

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## Oct 4, 2017

Two additional concerns had come to attention through discussions:

1) Proteins must meet the nutritional quality requirements for meal replacements under FDR Section B.24.200(1)(e)

<http://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 870/page-81.html#h-129>

2) Non-permitted additive (sucralose) as a sweetener in meal replacement products as per FDR Section B.16.007

<http://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 870/page-72.html#h-108>

In conjunction with the FDR, the Health Canada List of Permitted Sweeteners sets out authorized food additives that are used to impart a sweet taste to food.

<https://www.canada.ca/en/health-canada/services/food-nutrition/food-safety/food-additives/lists-permitted/9-sweeteners.html>

Since our discussion, I have continued to review all available information and have inspected the product on hold at the sufferance warehouse. Contrary to the product information for four items that I had received through your broker, the shipment consisted of only a single item (Soylent Original). Despite the different flavour, the Soylent Original had the same non-permitted sweetener and non-compliant nutritional profile as the previously assessed products. One unit bottle was taken as a sample during the inspection, so please find the attached copy of a Receipt for Sample Taken issued to TST Solutions.

After careful consideration and consultation with my supervisor and inspection manager, I have determined that the Soylent products do not comply with the Canadian Food and Drug Regulations and are therefore not permitted for sale or advertising in Canada. I will notify the Canada Border Services Agency (CBSA) of these inspection results along with the applicable restriction to importing non-compliant food products under Section A.01.040 of the Food and Drug Regulations:

A.01.040 Subject to section A.01.044, no person shall import into Canada for sale a food or drug the sale of which in Canada would constitute a violation of the Act or these Regulations.

s.20(1)(c)

**Oct 10, 2017**

E-mail to summarize all the information to date which included the following details:

In advance of an inspection, inspector had requested product information from the broker, and was provided with product specifications for 4 Soylent items:

The actual physical inspection found that the shipment consisted of only a single item that was not included in the product specifications that had been submitted: "Soylent Original". The following issues were identified based on the review of the product specification information and the physical examination of the product at the sufferance warehouse:

The product does not meet the requirements to be called "Meal Replacement", due to the level of fortification and lack of Phosphorus. This is a technical issue and is based on the information presented at this time.

- 1) All five items contained a non-permitted food additive (sucralose)
- 2) Only " " contained a second non-permitted food additive (caffeine) which has only been assessed on the label/formulation with no physical inspection.
- 3) All five items declare vitamin and mineral contents that do not meet the FDR specifications for meal replacements
  - Each vitamin and mineral was declared as 20% DV, and this percentage was applied to the Canadian Recommended Daily Intake (RDI) to determine each amount
  - Calculations showed 13 vitamins or minerals were below the minimum required amount, and 1 mineral was above the maximum allowable amount
  - Required phosphorous was not declared in any of the products

The import into Canada of the inspected shipment of "Original" would violate the FDR under points 1 and 3 above, and CBSA was advised of this determination. This file has not included an inspection of the other 4 items, but an active import history and online advertising on Amazon.ca would indicate that these items have been imported and sold in Canada.

The Area Recall Coordinator had also been consulted. No referral to OFSR was required at this time, as the issue represents a technical violation and does not pose an acute food safety risk. The target population does not appear to be susceptible to nutritional deficiencies and this would be long-term exposure.

Additional issues were noted and would require correction or validation to demonstrate compliance to FDR, but were not specified in the decision for the current shipment in question.

- A) Based on online advertising, the energy available derived from the fat content exceeded the allowable 35%
- B) Acceptable percentage of energy available derived from linoleic acid and n-3 linolenic acid must be validated
- C) Acceptable nutritional quality of protein must be validated
- D) Mandatory labelling as meal replacements was incomplete:
  - missing declaration of linoleic acid and n-3 linolenic acid content
  - missing expression of certain minerals in milligrams or micrograms
  - date printed on selling unit (case of 12 bottles) is not identified as a required expiration date
  - date printed on individual bottles is identified as "Best By" and not an expiration date
- E) NFT for "Powder" did not include French