



Quebec Organic Reference Standards

Part 1: Persons to whom the specification
manual applies and related obligations

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1. Legal and regulatory framework

1.1 Act Respecting Reserved Designations and Added-Value Claims

1.1.1 The Québec government passed the *Act Respecting Reserved Designations and Added-Value Claims* (A20.02) in 2006. This legislation, which replaced the 1996 *Act respecting reserved designations*, was enacted to control the designations that are assigned to agricultural and food products as an attestation of their production method, region and specificity. Another objective of this legislation is to monitor the use of these designations.

1.1.2 Section 63 of the *Act Respecting Reserved Designations and Added-Value Claims* stipulates that: *"A person may not use a recognized reserved designation or authorized added-value claim on a product, its packaging or its labelling, in advertising or commercial documents or in the presentation of a product unless the person is registered with an accredited certification body and the product is certified by such a body as compliant with the applicable specification manual or regulation."*

A person to whom a specification manual or a regulation authorizing an added-value claim applies or whose activities are regulated by such a manual or regulation and who contravenes the first paragraph is guilty of an offence and is liable to the fines set out in Section 68."

1.2 Regulation respecting reserved designations

Approval of the specification manual for organic products is subject to the requirements of Section 1 (1) of the *Regulation respecting reserved designations*, which reads as follows: *In the case of a designation attributed to a product as an attestation of an organic method of production, the product must comply with a specification manual whose standards are at least as stringent as those set forth in the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods, adopted by the Codex Alimentarius Commission under the Joint FAO/WHO Food Standards Program.*

Article 1.2 of Section 1 of the aforementioned guidelines stipulates that: *A product will be regarded as bearing indications referring to organic production methods where, in the labelling or claims, including advertising material or commercial documents, the product, or its ingredients, is described by: the terms "organic," "biodynamic," "biological," "ecological," or words of similar intent, including diminutives which, in the country where the product is placed on the market, suggests to the purchaser that the product or its ingredients were obtained according to organic production methods.*

1.3 Recognition of the term "organic" by the Minister

On February 1, 2000, the term "organic" became a reserved designation in Québec pursuant to legal notice 33336 published on December 29, 1999 in the *Gazette officielle du Québec*, Volume 131, No. 53. The Conseil des appellations réservées et des termes valorisants (CARTV) was given the mandate by the Ministry of Agriculture, Fisheries and Food to supervise this designation.

1.4 Scope of the Act pertaining to organic designations

The application of the *Act Respecting Reserved Designations and Value-Added Claims* requires that all products included within the decree respecting organic reserved designations that originate from Québec be certified by a CARTV-accredited certifying body, in accordance with the *Québec Organic Reference Standards*. This applies to all products intended for sale and that bear a claim that their contents are organic, regardless of the intended market.

The following products were included within the decree respecting organic reserved designations:

- a) *Products contributing to a production system:*
 - Manufactured inputs to be used in organic agriculture;
 - Various services (packaging, labelling, slaughtering, transport, landscaping and landscape maintenance, etc.)
- b) *Agricultural products and foodstuff intended for human or animal consumption:*
 - plant products (including greenhouse crops and nurseries);
 - products harvested in the wild;
 - products originating from animals (and derivative products);
 - aquaculture products;
 - beekeeping products;
 - maple products;
 - prepared products resulting from processing and packaging of organic ingredients (also including food additives);
 - products served in food service outlets.*
- c) *Products that by nature are neither agricultural nor food products but contain organic ingredients:*
 - ingredients contained in cosmetic and personal care products.
- d) *Miscellaneous products:*
 - land set up to be used for special purposes.*

* Product categories followed by an asterisk, while bearing some indication to organic production method, are not subject to the requirements included in the *Québec Organic Reference Standards*. As long as they are not covered by any specific standards, obtaining certification for products in these categories will remain voluntary. However, only CARTV-accredited certifiers may grant compliance certificates to anyone who applies for certification of products included in these categories.

2. Requirements for marketing organic products

2.1 Acceptance of products

Products identified as organic that are covered under the Act respecting organic designations may be marketed in Québec if an accredited body certifies that they are compliant with the specification manual stipulated by the CARTV or if their certification program has been recognized as compliant by the CARTV.

Products originating from Québec shall be certified in accordance with the *Québec Organic Reference Standards* by one of the certifiers accredited by the Board and

shall appear on the list of accredited certifying bodies published on the CARTV's website.

Products from outside of Québec must be certified by an accredited body or whose certification program has been recognized as compliant by the Board and which appears on the list of bodies under the CAEQ's supervision, as published on the CARTV's website.

In order for organic products to be sold in Québec, regardless of their origin, their labelling must meet the requirements published in Section 9 of the specification manual pertaining to labelling, advertising, display materials and commercial documents, which are covered in the *Québec Organic Reference Standards*. These requirements are listed in Appendix B.

2.2 Waivers and exemptions

- 2.2.1 All products certified by a CARTV-accredited body or whose certification program has been recognized by the CARTV, but whose labels contain information referring to their "organic" status do not fulfill CARTV requirements, may only be marketed if their names appear on the *Register of Certified Products Granted Temporary Exemption*.

Products may be added to the register in the following manner:

Whether on its own initiative or upon a request from the certifying body, the company holding the compliance certificate for a product, whether originating within or outside of Québec, must submit a request for temporary exemption to the CARTV in order to be authorized to sell an incorrectly labelled product, while waiting for its label to be corrected. The CARTV must provide the applicant with the appropriate form and the applicant shall provide the CARTV with the following information concerning the product to be covered by the temporary exemption request:

- Name of product
- Trademark
- Name of supplier
- UPC or PLU codes
- Date of sampling
- Name of certifier
- Problem related to labelling

To be included on the *Register of Certified Products Granted Temporary Exemption*, the applicant company must provide the certification body with a correction plan and must be committed to respecting it. The deadline for making the labelling compliant and the fees charged to obtain a temporary exemption may vary depending on the type of product (see the *Regulations Pertaining to Supervising the Use of Reserved Designations Appendix 1: Policy pertaining to fees applicable to certified products granted temporary derogations*).

While waiting for its label to become compliant, the product is placed on the CARTV's *Register of Certified Products Granted Temporary Exemption* and may be marketed until the stipulated expiration date.

- 2.2.2 The labelling of every product listed on the *Register of Certified Products Granted Temporary Exemption* and marketed in Québec must be compliant before the stipulated expiration date. It is up to the certifying body to make sure the company responsible for the product's compliance has applied the required corrective measures to its labelling. Otherwise, the CARTV will flag non-compliance with respect to the certifying body concerned.
- 2.2.3 Whenever the CARTV has removed a certifying body from its list of approved certifying bodies, because the body has had its accreditation or compliance recognition revoked, the CARTV shall send a notification letter to this effect to all merchants it has registered and certifying bodies it has accredited.
- 2.2.4 Québec organic products certified by a body that is no longer accredited by the CARTV shall be automatically placed on the *Register of Certified Products Granted Temporary Exemption* for a six-month period. Any Québec retailers, distributors and processors possessing or circulating on the Québec market any products certified by these aforementioned bodies shall remove them from inventory within 12 months of the date the notification was sent to the registered merchants and to the accredited certifying bodies. After this date, residual stock with the organic designation may no longer be sold.
- 2.2.5 Any companies based in Québec and whose products are certified by a certifying body whose accreditation has been revoked, and who wish to obtain authorization from the CARTV to sell their products on the Québec market, shall agree to submit an application to a CARTV-accredited certifying body in order to obtain certification for their products, within a maximum period of six months. Those holding certificates affected by this measure shall, upon request, provide the CARTV with a letter of intent showing that certification for their products is to be transferred, along with a copy of their new certification documents once delivered to them by the accredited certifying body. Otherwise, the sale of their products will no longer be authorized in Québec.
- 2.2.6 It is forbidden to sell on the Québec market any products produced outside of Québec and certified by a certifying body whose certification program is no longer recognized by the CARTV, unless these products have been placed on the *Register of Certified Products Granted Temporary Exemption*. An application to have the products listed shall be submitted by the company producing them or any other company marketing them.
- 2.2.7 Any companies based outside of Québec whose products are certified by a body whose certification program is no longer recognized by the CARTV, and who wish to obtain permission to sell their products on the Québec market, shall agree to submit a certification application to a CARTV-accredited certifying body, or whose certification program has been recognized by the CARTV, in order to obtain certification for their products, within a maximum period of six months. Those holding certificates affected by this measure shall, upon request, provide the CARTV with a letter of intent showing that the certification for their products is to be transferred, along with a copy of their new certification documents once delivered to them by the selected certifying body. Otherwise, the sale of their products will no longer be authorized in Québec.

2.3 Prohibitions

- 2.3.1 The marketing of products bearing the term “organic” is prohibited in the following situations:
- a) the body that issued the compliance certificate is not accredited by the CARTV or its certification program is not recognized by the CARTV;
 - b) the compliance certificate was not renewed by the certifier, following voluntary relinquishing by the company or a withdrawal ordered by the certifier;
 - c) the product is not listed in the *Register of Certified Products Granted Temporary Exemption*;
 - d) the product was certified by a body whose scope for the recognized certification program does not cover the category of products concerned.
- 2.3.2 Every product certified by a certifying body whose name does not appear on the list of accredited bodies, or recognized compliant by the CARTV, may not be marketed in Québec as long as the certifier has not been accredited or its certification program has not been recognized by the CARTV. There are no exceptions to these situations.

2.4 Trademarks causing confusion

- 2.4.1 Any firm marketing an agricultural or food product under a trademark that it owns shall ensure that such trademarks shall not be the cause of any confusion or unfair competition regarding utilization of the organic designation.
- 2.4.2 Whenever an agricultural or food product is marketed under a trademark that implicitly or explicitly refers to an organic designation or a term derived from within this designation, despite the fact that it contains no organic ingredients, the trademark appearing on the label, the advertising and other aspects of product presentation shall always be accompanied by a clear and legible statement that “this product is not organically produced” or “this product contains no organically produced ingredients.”
- 2.4.3 Any firm failing to comply with these requirements, by using a trademark of the kind described above, may be subject to proceedings under the Act or appropriate administrative actions.

3. **Products subject to compliance audit performed by an accredited or recognized certifier**

3.1 Products that must be certified by an accredited or recognized compliant certifier

- 3.1.1 All tangible products resulting from organic agriculture, destined to be sold on the Québec territory and within the scope determined by the CARTV shall be subject to certification leading to a compliance certificate issued by an accredited certifier or when these products come from outside of Québec, by a certifier whose program has been recognized by the CARTV. The certificate shall be issued to the operator responsible for these production or processing operations, as applicable. All products containing at least 70% organic ingredients, excluding water (H₂O) and salt (NaCl), must be certified.

- 3.1.2 A product that contains organic ingredients may only be certified if all the ingredients used during processing operations have been previously certified by an accredited certifier or whose certification program has been recognized by the CARTV.
- 3.2 Products that require verification by an accredited or recognized compliant certifier
 - 3.2.1 Cosmetics and personal care products whose label mentions the “organic” term or one of its derivatives shall be subject to verification by a certification body when they are destined to be sold on the Québec territory. The body shall issue a certificate to the manufacturer confirming that the agricultural ingredients in its product have been certified organic, as long as each organic ingredient present in the product is only in organic form.
 - 3.2.2 Food products containing 70% or more organic ingredients are eligible for an ingredient verification certificate, instead of an organic compliance certificate, if the CARTV Organic Standards Committee, in its response to an application submitted for this purpose, has declared that this aforementioned product could not be granted an organic compliance certificate because “it would be impossible to prepare it in a manner compliant with these organic preparation standards, given the current state of technology.”
 - 3.2.3 Labelling, advertising and commercial documents related to products subject to verification must meet the labelling regulations stipulated in Part 3, Section 9.3.3 of these standards.
- 3.3 Products that require approval by an accredited certifier
 - 3.3.1 Inputs, substances that by nature are neither agricultural nor food products and are used in the organic production process, yet do not remain in the resulting products (e.g., manure), must be approved by an accredited certifier and may be granted a certificate confirming that they have been “approved for organic agriculture or organic processing.” The labelling, advertising and commercial documents relating to these inputs must meet the labelling regulations stipulated in Part 3, Section 9.5.1 of these standards.
 - 3.3.2 Services (intangible products) provided by a supplier at the request of a client, in order to fulfill one step in the total production of a tangible product to ensure or maintain its organic integrity, must be approved by an accredited certifier, if the aforementioned tangible product is subject to certification. The service provider may obtain a certificate from the certifier confirming that the services offered have been “approved for organic... (identification of type of service).” Labelling, advertising and commercial documents related to the description of these services must meet the labelling regulations stipulated in Part 3, Section 9.5.1 of these standards.
 - 3.3.3 Slaughtering services for organic animals, except for cutting, shall be subject to a memorandum of understanding between the user and the company providing these services, whenever the company does not hold any approval certificate issued by an accredited certifying body. The contents of this agreement shall comply with the requirements set out in Section 6.10.5 of

the specification manual pertaining to livestock production, covered in the *Québec Organic Reference Standards*.

3.4 Certifiable products being exempt from certification, approval or verification

- 3.4.1 Until further notice, prepared and cooked dishes presented in the form of meals offered to consumers in individual portions (ready-to-serve), at locations designated for this purpose, and sold with the claim that they are organic, are not subject to certification. This exception excludes pre-packaged meals, either frozen or chilled, that are sold in stores as a result of a planned preparation process.
- 3.4.2 Processed products containing less than 70% of organic ingredients are not subject to certification or ingredient verification. For this category of product, the use of the term “organic” or any other derivative term is prohibited everywhere except in the ingredient panel included in the product label, on which ingredients may be identified as organic.

4. Firms to whom the specification manual applies in Québec

4.1 Stages of the supply chain subject to certification

Regardless whether or not a product passes all the links of the chain and arrives at the final consumer, whether this product is located within or outside Québec, all the product’s stages of production and preparation shall be evaluated by an accredited certifier in order to certify the product.

According to Sections 3.2 d) and 3.3 g) of the Codex Guidelines, the labelling of a product bearing references to organic production methods shall mention the name of the certifying body, to which the operator is subject, who:

- a) has carried out *the production or the most recent processing operation*, for plant or plant-based products, livestock products and unprocessed livestock products;
- b) has carried out *the most recent preparation operation*, for processed products resulting from crops or livestock intended for human consumption and derived from products mentioned above in paragraph a).

This means that an operator must request certification for its product if it:

- Sells under its trade name a product resulting from any of the operations included in organic production or preparation of organic products and for which it is responsible, *regardless whether it prepares the product itself or has it prepared by subcontractors*. If a subcontractor is used, it must hold a certificate for the operation it carries out, issued by a body whose certification program is accredited or recognized by the CARTV:
 - If this subcontractor sells under its trade name some of the products resulting from operations that it carries out, it must hold an organic compliance certificate;
 - If it does not sell under its trade name any product resulting from operations that it carries out, it must hold at least a service approval certificate;

- If it does not hold any certificate issued by an accredited body, the activity that it carries out on behalf of the operator that sells the products under its trade name must have been evaluated within the framework of the certification process of the aforementioned operator.

or

- Takes legal possession of the product of a provider that holds a certification, resells it under its trade name without the information made available on the product revealing the identity of those who provided this product to the operator, *regardless whether or not it has physically handled the product between the time it took legal possession of the product and its resale*. The resale by a certified foodstuff broker within the framework of a term contract falls into this category when the transaction documents only mention the name of the broker.

4.2 Firms that are required to have their products certified

- 4.2.1 Any individual or corporate entity that carries out in Québec operations considered to be the production or preparation of certifiable agricultural and food products (as mentioned in Part 2 of this reference manual entitled "Definitions,") shall obtain an organic compliance certificate from a CARTV-accredited certifier for the aforementioned products before offering them for sale and claiming that their contents are partially or entirely organic.
- 4.2.2 Any firm based in Québec that acquires certified products from a supplier, and then proceeds to break them down or group them in order to offer them for sale after changing the labelling, is considered to be carrying out preparation operations and must therefore obtain an organic compliance certificate from a CARTV-accredited certifier for the aforementioned products before offering them for sale and claiming that their contents are partially or entirely organic.
- 4.2.3 Firms need only request certification for products being sold under their own business or corporate name and under one or more trademarks for which they hold the rights.
- 4.2.4 Any firm which entrusts a subcontractor with the whole realization of a product intended to be marketed under this firm's name or trademark, remains responsible for the product's compliance and may request a distinct certification even if the subcontractor already holds a compliance certificate for this product.

4.3 Firms that are exempt from the requirement to have their products certified

- 4.3.1 Firms that sell certified agricultural and food products displaying the "organic" designation are exempt from the requirement to obtain an organic compliance certificate:
 - a) If, at the site where these products are located, and before they are sold, they do not carry out any operations considered to be production or preparation and do not compromise the packaging integrity of these products; or

- b) If, when they package or label previously certified products, they only use packages or labels provided to them and in exact quantities by a supplier holding an organic compliance certificate for the aforementioned products; or
- c) If they only carry out minor operations to these products (cutting into portions, grinding, slicing), such that they do not effectively alter their integrity or strip these products of the label used to identify them. In order to be exempt from certification, these aforementioned minor operations must be carried out at the request of the client and take place at the point of sale.

However, it is recommended that these firms comply with a code of good practice, especially when they concurrently sell similar products that do not bear organic labels.

- 4.3.2 Until further notice, firms that carry out activities having to do with food services or catering and home-based cooks' services, such as restaurants, caterers, etc., are also exempt from the requirement to have their products certified for the dishes mentioned in Section 3.1.4.

However, they must use organic ingredients at all times and be able to demonstrate this at any time to persons authorized to carry out their verification.

5. Requirements that apply to persons who market agri-food products in Québec made from organic production methods

5.1 Firms involved in organic production

- 5.1.1 Firms responsible for agricultural or aquacultural production operations shall obtain a compliance certificate for their products before they offer them for sale.
- 5.1.2 Production operations include crop, livestock (meat or derivative products) and maple production, wild crops, beekeeping and aquaculture. The requirements that products must meet are included in the specification manuals for each of these production types, included in the *Québec Organic Reference Standards*.
- 5.1.3 Firms involved in organic production may carry out certain basic preparation operations, including initial packaging of raw agricultural products.

5.2 Firms that carry out brokerage operations

- 5.2.1 A broking operation generally involves forming large batches to meet the needs of a buyer, most often a manufacturer, distributor or simply a larger broker. Products traded by brokers, particularly agricultural produce (commodities), shall be certified by an organization that has been accredited or whose certification program was recognized by the CARTV, even if they do not change their nature between the time of their acquisition and their sale.
- 5.2.2 Firms such as bargaining agents or sales agents (within the meaning of Québec's Food Products Act) that, upon the request of a given buyer, form an

agricultural product made from many batches of the same product from several producers are considered to carry out brokerage operations when they take legal possession of the product (by buying it from one or several providers) and resell it under their trade name, this time integrated into a new product in order to meet the buyer's specific request.

- 5.2.3 Food brokers that act as manufacturing agents are not subject to organic certification when they do not buy the product but only market it on behalf of a manufacturer and when the label of the final product mentions the original manufacturer's name.

5.3 Firms that prepare products with organic ingredients

- 5.3.1 The application of the *Act Respecting Reserved Designations and Added-Value Claims* requires that all products prepared and sold in Québec that claim to contain organic ingredients, either in whole or in part, be controlled in accordance with the requirements of the specification manual for preparing foods, included in the *Québec Organic Reference Standards*, by a CARTV-accredited certifying body when they originate from Québec, regardless of the intended market.
- 5.3.2 The main preparation operations include the cutting up of animal carcasses after slaughter (when applicable), food processing and packaging, which involves the separation of the product into sales units, their packaging and labelling. The final product resulting from this operation is required to be certified (if the product contains at least 70% organic ingredients) or may optionally be verified (when the product contains less than 70% organic ingredients) by an organization that is accredited by the CARTV.
- 5.3.3 Regardless whether it is a producer, manufacturer, merchant, distributor or retailer, the firm responsible for preparation operations shall obtain a compliance certificate for its products before offering them for sale.
- 5.3.4 All the organic ingredients included in a prepared product whose label mentions organic contents must have been previously certified by an organization that is accredited or, when they come from outside of Québec, or by an organization whose certification program is recognized by the CARTV.

5.4 Merchants that trade products with organic content

- 5.4.1 The application of the *Act Respecting Reserved Designations and Added-Value Claims* requires that all firms that act as wholesalers, distributors or any other role comparable to that of a merchant must exclusively offer for sale, in Québec, products certified by an accredited body or whose certification program has been recognized by the CARTV, if the products are sold with the claim that they are organic or that they contain at least 70% organic ingredients.
- 5.4.2 When products with organic ingredients are involved in transactions, the person or establishment having introduced them to the Québec market shall:
 - obtain a valid certificate attesting to the product's organic compliance;

- ensure that all commercial documents supporting these transactions clearly state that the concerned products have been verified by a certifying body;
- ensure that this certifier is included on the list of accredited certifying bodies or whose certification program has been recognized by the CARTV;
- ensure that the products meet the labelling requirements published by the CARTV before marketing them;
- indicate the name (company name) of the certifying body that verified the compliance of the most recent operation that resulted in the certified product. This name shall appear on all commercial documents transmitted during subsequent transactions carried out in Québec.

5.4.3 One may put up for sale any products originating from a firm that does not any more passes a compliance certificate for them, provided that were marketed while the compliance certificate was still valid. These products may continue to be sold as “organic” for 12 months following the date on which a notice was sent to the registered merchants to inform them of the products’ status, provided that they are recorded in the CARTV’s *Register of Certified Products Granted Temporary Exemption* during the granted extension period.

5.4.4 Regardless of their origin, all certified products shall be recertified by a CARTV-accredited body whenever the merchant carries out one of the following actions before offering it for sale under its own name or brand:

- no longer mentions the supplier's name on the product’s label or transaction documents
- handles it during repackaging operations (rewrapping, bottling, repackaging, etc.), without the label making any reference to the product's supplier
- processes it beforehand in order to obtain a new product
- repackages the product by breaking down the integrity of the original unit of sale, and by modifying its packaging or labelling, or the information appearing on transaction documents, for the purpose of reselling the product

5.5 Retailers of products with organic content

5.5.1 Any person or establishment that has acquired as retailer agricultural products and foodstuffs, whether these products originate from within or outside of Québec, and whose label or transaction documents refer to the “organic” designation, for the purpose of reselling them to consumers, is not held to ask certification for the aforementioned products.

5.5.2 The retailer shall check with its suppliers whether these products have been certified by an accredited body or whose certification program has been recognized by the CARTV. It shall also ensure that they respect the labelling requirements published by the CARTV, especially the obligatory mention on labels of the name of the body that certified the products, before they were offered for sale.

- 5.5.3 Products acquired while their compliance certificate was still valid may be sold as “organic” during the 12 months following the date on which their compliance certificate became invalid, provided that they are recorded in the *Register of Certified Products Granted Temporary Exemption* during this period of prolonged acceptance.
- 5.5.4 Regardless of their origin, all certified products shall be recertified by a CARTV-accredited body when the retailer:
- no longer mentions the supplier's name on the product's label or transaction documents
 - compromises the integrity of its packaging during repackaging operations (rewrapping, bottling, repackaging, etc.), without the label making any reference to the product's supplier
 - processes it beforehand in order to obtain a new product
 - packages the product by breaking down the integrity of the original unit of sale, and by modifying its packaging or labelling, or the information appearing on transaction documents, for the purpose of reselling the product
- 5.6 Firms that offer organic products for sale under a private brand
- 5.6.1 Any person or corporate entity operating as distributors and retailers, and contracting one or more suppliers for the production, manufacturing, packaging or labelling of food products in order to resell them under a private brand for which these distribution firms or retail outlets hold exclusive rights and intend to affix a label bearing the word "organic" or any derivative term may request certification for these products from an accredited certifying body.
- 5.6.2 Distribution firms or retail outlets wishing to resell food products under their own private brands and to make use of the term "organic" on food products originating from independent suppliers with whom they have contracted production, preparation or packaging operations shall ensure that the suppliers' operations have been evaluated by a CARTV-accredited certifying body when these operations take place in Québec, or by a certifying body whose certification program is recognized by the CARTV, when these operations take place outside of Québec, and that all the products sold under a private brand be mentioned in the organic compliance certificate issued by the certifier concerned.
- 5.6.3 When a firm offers an organic product for sale under its own brand but does not have any certification for this product, its label must mention the name (company name) of the body having certified (as a third party) the most recent operation carried out by the supplier of the product, if the firm's supplier holds an organic compliance certificate.
- 5.6.4 In order to duly monitor the use of and manner in which declarations are made regarding certificates and compliance marks, the certifying body whose name appears on the label affixed to a certified product shall grant

a license to each distributor or retailer that sells this product under its own private brand.

The agreement covering the granting of this license must allow the certifying body to exercise appropriate control over the traceability of the certified food products to be sold, and define the rights and obligations of each party regarding the implementation of this operation. This agreement must include provisions allowing the certifying body to carry out verification activities governing the use of its name or certification mark by the firm that holds the certification.

- 5.6.5 However, it is not necessary for an organic compliance certificate to be granted to the firm holding a private brand if the label of the product being resold under a private brand bears identification allowing the competent authority and the certifier concerned to identify the manufacturer.

To meet this requirement, every organic product being sold under a private brand shall have either the supplier's name or identification code assigned by the certifier listed on its packaging or label. If there is no such identification, then the product must be certified by an accredited body.

- 5.6.6 When significant changes are made to a product (for example, modifications to its composition or a change in the organic certifier) involving the manufacturing or packaging already being done by a supplier under contract, before the product can be officially used, its labelling must first be revised in order to reflect the changes made, and then approved by the certifier.

- 5.6.7 Furthermore, if a firm has a private brand and signs a contract with a new supplier for the processing, packaging and labelling of a product similar to that produced by the previous supplier, the labelling of that product shall be reviewed, and all rules listed in this section shall be applied, just as they would be to a new product.

- 5.6.8 When the contract between a firm holding a private brand and its supplier is not renewed, the use of packaging bearing labels for organic products manufactured by this supplier shall cease after the last such item is made and packaged by the supplier, as stated within the framework of the expired contract.

5.7 Importers of products with organic contents

- 5.7.1 The acceptance of the organic products coming from outside of Québec is subjected to the requirements laid down in *Regulations Pertaining to acceptance of Products Coming from Outside Québec*.

- 5.7.2 Any person or corporate entity (hereinafter called "merchant") accepting agricultural and food products originating from outside of Québec and having labels bearing references to the "organic" designation, for sale within Québec, shall register with the CARTV each year by submitting an *Annual Declaration*. To do so, they shall submit an application to the CARTV, which shall provide them with an authorized form for this purpose.

A Registration Certificate for each "Organic Agri-Food Product and Foodstuff Merchant" shall be issued by the CARTV.

5.7.3 Any retailer who acquires agricultural products and foods labelled "organic" directly from a supplier located outside of Québec, and who intends to sell them within Québec, is considered to be an importer merchant and shall obtain a certificate of registration from the CARTV and send an annual declaration in order to renew it.

5.7.4 Québec firms that are obliged to obtain an organic compliance certificate from an accredited certifying body for prepared products containing ingredients coming from the outside Québec are exempted from annual registration to the CARTV.

5.8 Firm promoters that market organic products

Note: The following requirements become effective on January 10, 2009

5.8.1 Organizations promoting firms that market products using an organic designation, even though they are not in effect offering these products for sale, are subject to provisions of the *Act Respecting Reserved Designations and Value-Added Claims*, especially given that they are liable for participating in an offence that could be committed by another person whose products they are promoting, and thus the penalty prescribed for the offence in Paragraph 67 of the Act.

5.8.2 They must therefore ensure that the information they circulate contain no allegations that might mislead the public.

5.8.3 They must not include in their physical or electronic publications, including webcasts, any information that is possibly erroneous and if it is impossible to guarantee they must undertake any reasonable steps to ensure that those accessing these publications be advised of this risk and how they could access updates on the information published.

5.8.4 They must require that firms taking part in the program:

- provide no certificate, attestation or report nor any part thereof that is used in a misleading manner
- immediately inform the promoting organization of changes to their status concerning the certification of their products.

5.8.5 Any mention by a firm concerning products it offers for sale must be accompanied by the name of the certifying body responsible for monitoring the firm's activities.