

# Import Policy for American Fresh Spinach and Salad Blends Containing Fresh Spinach

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## **Introduction**

Late on September 14, the CFIA was notified that the U.S. Food and Drug Administration (FDA) was issuing a warning to consumers regarding an outbreak of *E. Coli O157:H7* associated with spinach.

CFIA officials immediately requested more information and initiated a review of U.S. imports, but was unable to take recall action as the potentially affected product had not been specifically identified. However, on Friday, September 15, as a public health precaution, the CFIA issued a general advisory warning Canadians to not consume fresh spinach imported from the U.S., including bagged, loose in bulk or in salad blends.

The Public Health Agency of Canada (PHAC) reports that there are no illnesses in Canada directly linked to this outbreak. However, since spinach from the U.S. is regularly imported into Canada, this Import Alert has been implemented to refuse entry of all fresh spinach and salad blends containing fresh spinach from the United States.

Consumption of food contaminated with this *E. coli O157:H7* bacteria may cause serious and potentially life-threatening illnesses. Symptoms include severe abdominal pain and bloody diarrhea. Some people may have seizures or strokes and some may need blood transfusions and kidney dialysis. Although everyone is susceptible to *E. coli* infection, people with compromised immune systems, young children and the elderly are most at risk for developing serious complications.

## **Scope of this Import Policy**

The following Import Policy is applicable to all shipments of fresh spinach and salad blends containing fresh spinach (e.g. salad pre-mix, spring mix) from the United States. Fresh spinach includes: spinach in bag, loose in bulk and in salad blends.

## Legislative Authority

Section 3.1 (1) of the *Fresh Fruit and Vegetables Regulations* and Section 4 of the *Food and Drugs Act*.

Section 3.1 (1) of the *Fresh Fruit and Vegetables Regulations* states:

Subject to subsection (2), no person shall market in import, export or interprovincial trade as food unless it:

- (a) is not adulterated;
- (b) is not contaminated;
- (c) is edible;
- (d) is free of any live insect, scorpion, snake, spider or other living thing that may be injurious to health;
- (e) is prepared in a sanitary manner;
- (f) where irradiated, is irradiated in accordance with Division 26 of Part B of the *Food and Drug Regulations*;
- (g) meets all other requirements of the *Food and Drugs Act* and *Food and Drug Regulations* with respect to the produce.

Section 4 of the *Food and Drugs Act* states:

No person shall sell an article of food that

- (a) has in or on it any poisonous or harmful substance;
- (b) is unfit for human consumption;
- (c) consists in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance;
- (d) is adulterated; or
- (e) was manufactured, prepared, preserved, packaged or stored under unsanitary conditions.

## Import Policy

Due to the high number of confirmed cases and death associated with this outbreak, the number of States affected and the source of the contamination which has not yet been determined by USFDA, the CFIA is restricting the entry into Canada of all U.S. fresh spinach and salad blends containing fresh spinach until further notice.

This action is taken as a precautionary approach. This policy may be modified as more information is received from the U.S.

## Enforcement of the Import Requirements

The following enforcement policy applies to all shipments of fresh spinach or salad blends containing fresh spinach ( e.g. salad pre-mix, spring mix) from the USA.

- CFIA will maintain an Import Alert on all shipments of fresh spinach and salad blends (e.g. salad pre-mix, spring mix) from the USA.
- The Import Alert requests the Canada Border Services Agency (CBSA) to advise the CFIA Import Service Centre (ISC) that a shipment of American spinach or salad blends is at the border. The ISC is then to obtain a copy of the Confirmation of Sale (COS) and Custom invoices from CBSA.
- The ISC will review the documentation and
  - if the spinach can be positively identified as being from the United States, ISC will advise CBSA to “Refuse entry”.
  - if the salad blends can be positively identified as containing fresh spinach and the origin is the United States, ISC will advise CBSA to “Refuse entry”.
  - If the documentation can NOT positively identify the salad blend as containing fresh spinach, the ISC should recommend to CBSA to release the product to its destination.
- Then the ISC will inform the CFIA's destination office that a shipment of American salad blend requires an inspection to ensure that the salad blend does not contain fresh spinach from the United States.
- If the inspection to destination can positively identify the salad blend as:
  - NOT containing fresh spinach (e.g. ingredient list) from USA, the CFIA's destination office should allow the product to be sold on the Canadian market.
  - Containing fresh spinach (e.g. ingredient list) from USA, the CFIA's destination office should take necessary enforcement actions to remove this product from Canada or to dispose of it.
  - If the list of ingredients or a display panel of the package contains the word “greens”(i.e. “greens” may be interpret as containing spinach), the CFIA's destination office should detain the product until the importer or supplier provide them the documentation that clearly define the word “greens” as containing or not fresh spinach.

- Upon receipt of the documentation from the importer/supplier , the CFIA's destination office will review it to determine if the salad blend contains or not fresh spinach.
  - if the documentation indicate that there is no fresh spinach in the salad blend, the CFIA's destination office should allow the product to be sold on the Canadian market.
  - if the documentation indicate that there is presence of fresh spinach in the salad blend, the CFIA's destination office should take necessary enforcement actions to remove this product from Canada or to dispose of it.

### **Amendment Record**

No amendments to date

### **Distribution**

- Canadian Food Inspection Agency (CFIA) Area Network Specialists
- CFIA field staffs, including CFIA Import Service Center
- Health Canada (HC), Bureau of Microbial Hazards
- Canadian Produce Marketing Association

### **Contact**

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