

Torys on Food and Drug Regulatory

F&DR 2009-4
December 10, 2009

Proposed New Canadian Product Safety Law Aims to Raise Safety Standards

By [Eileen McMahon](#) and [Jonathan Tryansky](#)

Bill C-6, the *Canada Consumer Product Safety Act* (CCPSA), aims to strengthen Canadian consumer product safety law by establishing a broad prohibition against manufacturing, importing, advertising or selling consumer products that pose an unreasonable danger to human health or safety.¹ The bill, which was first discussed in [Torys' May 2008 Food and Drug Regulatory Bulletin](#), was recently considered by the Senate Standing Committee on Social Affairs, Science and Technology.

Key features of the CCPSA:

- It empowers the Minister of Health to order manufacturers and importers to conduct product testing and to share test results and other information with the Minister;
- It requires industry to prepare and maintain documents to facilitate product tracing;
- It creates mandatory reporting obligations for manufacturers, importers and sellers who know about a serious incident or death resulting from a consumer product;
- It empowers the Minister to disclose confidential business information to certain government authorities, without consent or notice, if there is a serious or imminent danger to human health or safety;
- It provides inspectors with broad powers, including the authority to enter premises, to seize and detain products and to order a product recall if there are reasonable grounds to believe that the product poses a danger to human health or safety; and
- It provides significant fines and penalties for violating the CCPSA.

The Committee proposed several amendments to the bill after considering the constitutionality of its search and seizure provisions. These amendments were, however, rejected by the Senate in a debate on December 9, 2009. The bill will now proceed to third reading in the Senate, without amendment.

For further information, please see

http://www.hc-sc.gc.ca/cps-spc/legislation/acts-lois/bill_c6-loi-eng.php. 

To discuss these issues, please contact the authors.

For media calls, please contact [Stuart Wood](#), Chief Marketing Officer, 416.865.8205.

To contact us, please email info@torys.com.

Torys' bulletins are available on our website at www.torys.com, under Publications.

This bulletin is a general discussion of certain legal and related developments and should not be relied upon as legal advice. If you require legal advice, we would be pleased to discuss the issues in this bulletin with you, in the context of your particular circumstances.

© 2009 by Torys LLP.
All rights reserved.

¹ The CCPSA does not apply to natural health products, food, drugs, cosmetics or medical devices.