

Canada Targets “Maple Washing” Amid Rising U.S.-Canada Trade Tensions

Legal Alert
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As U.S. tariffs make Canadian consumers more inclined to purchase Canadian-produced goods, regulators have noted a rise in “maple washing” - the use of Canadian-themed branding (such as maple leaves, “packaged in Canada,” “designed in Canada,” *etc.*) on imported products that are not actually made in Canada or otherwise considered Canadian products. Enforcement organizations have made clear that “maple washing” practices risk misleading consumers and will face enforcement scrutiny. This concern applies across food and beverage, beauty and other consumer products.

The Canadian Food Inspection Agency (“CFIA”) enforces the Safe Food for Canadians Act and related regulations, which prohibit false or misleading claims about a food or alcohol product’s origin. Complaints can be consumer-reported, and once investigated, may lead to fines of over \$10,000 CAD (approximately \$7,300 USD). However, recent enforcement actions have leaned toward corrective measures rather than monetary penalties. Similarly, the Competition Bureau Canada (“Bureau”), enforces the *Consumer Packaging and Labelling Act* (“CPLA”) that applies to non-food products and the *Competition Act* that applies to false or misleading statements. For such non-food products governed by the Bureau, while the penalties under the CPLA mimic those that may be imposed by the CFIA, the *Competition Act* provides for not only a private right of action (a right for consumers to sue the brand directly) but more severe fines as well with first-time violation penalty maximums for corporations the greater of \$10 million CAD (approximately \$7,300,000 USD) and three times the value of the benefit derived from the conduct (or 3% of worldwide gross revenue if the benefit cannot be determined).

Further, there are additional implications beyond monetary fines. Enforcement actions often require disclosure to prospective investors or acquirors. Similarly, this type of product labeling or

Contact

Hillary H. Hughes

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marketing risks alienating Canadian consumers, who may cease purchasing the products or even boycott or publicly “shame” a U.S. brand, which could lead to economic repercussions to a brand beyond governmental fines or penalties.

American consumer packaged goods companies exporting to Canada should be aware that patriotic or “Canadian-themed” branding may attract heightened regulatory risk if the product is not manufactured in Canada. Even visual cues that don’t necessarily state a claim, such as maple leaf imagery, may trigger consumer complaints and investigation.

For next steps, businesses should:

- Audit packaging and marketing for Canadian-origin imagery or claims.
- Ensure all “Made in Canada,” “Product of Canada” or similar references are accurate and substantiated.

The attorneys at Foster Garvey will continue to monitor CFIA and Bureau enforcement developments. If you have questions about labeling requirements or need guidance on mitigating risk when exporting to Canada, please contact Foster Garvey’s [Business](#) team.