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June 23, 2020

To: Canadian Animal Health Institute

From: Borden Ladner Gervais LLP

Subject: Summary of Opinion – Whether the CAHI Code of Marketing extends to animal pesticide products regulated by the Pest Management Regulatory Agency

BACKGROUND

The Canadian Animal Health Institute (“CAHI”) sought Borden Ladner Gervais LLP in order to provide an opinion as to whether the scope of CAHI’s Code of Marketing Practice (the “Code”) extends to animal pesticide products regulated by the Pest Management Regulatory Agency (the “PMRA”). Below is a general summary of our previously-forwarded detailed opinion provided to CAHI.

ANSWER

Our opinion is that CAHI’s Code of Marketing Practice, and its obligations for compliance, would extend to all Full Members of CAHI that are involved in the advertising of animal pesticide products, including those products regulated by the PMRA and direct-to-consumer products.

CAHI’s policy is to hold “members accountable and responsible to a high standard of ethics” and to ensure the “orderly marketing and correct usage of (our) products in the marketplace”. As part of this mission, CAHI’s Code expressly requires Full Members of CAHI to follow and uphold guidelines provided by Health Canada and the PMRA:

- a) Health Canada: Health Canada’s *Guidelines* extend to “animal pesticide products” to the extent that such products can be defined as “nonprescription drugs”.
- b) PMRA: The PMRA’s regulatory directive also extend to “animal pesticide products”, which are regulated by the *Pest Control Products Act* and the *Food and Drugs Act*.

The Code requires Full Members to comply with both of the above regulatory regimes for animal pesticide products.