



**ALCOHOL AND GAMING COMMISSION OF ONTARIO**

**SAMPLING GUIDELINES FOR LIQUOR  
MANUFACTURERS**

**May 2007**

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## **I - Product Sampling to Patrons of a Liquor Retail Store**

Liquor retail stores owned and operated by liquor manufacturers (licensed under the *Liquor Licence Act*) and Brewers Retail Inc. (the “BRI”) which have been authorized by the Registrar of Alcohol and Gaming (the “Registrar”) may offer samples of its products to its patrons if the following conditions are met:

1. Samplings are conducted only during permissible hours of operation prescribed by the Registrar.
2. Samplings are provided and consumed only within the retail store. Sampling is not permitted at winery kiosk stores.
3. Only products which are eligible to be sold in that store are offered as samples.
4. Samples are not offered or served to any person who is under nineteen (19) years of age.
5. Samples are not offered or served to any person who is or appears to be intoxicated.
6. Staff members offering samples are at least eighteen (18) years of age. It is highly recommended that all staff members offering samples obtain SmartServe® certification.
7. Retail store customers are not permitted to remove samples from the retail store premises.
8. Spittoons or similar containers are provided at all samplings.
9. Any fee charged for a sample is calculated on a cost recovery basis.
10. Any marketing method used to support a sampling adheres to Section 5 of Ontario Regulation 720/90 as amended, and the AGCO’s “Advertising Guidelines: Liquor Sales Licensees and Manufacturers”.

## **II - Product Sampling by a Manufacturer to Patrons in a licensed establishment**

A manufacturer or its representative may purchase an individual serving of liquor from the holder of a liquor sales licence for a patron to sample the manufacturer's product on the licensed premises if the following conditions are met:

1. The sample is purchased from the liquor sales licensee at the full menu price and where the manufacturer purchases samples from the liquor sales licensee which are one half the size of servings listed on the menu, or less, the price must be reduced by no more than one half the menu price for the full serving.
2. The sample is served to the patron by the liquor sales licensee or its staff who will be responsible to ensure that all aspects of the *Liquor Licence Act*, the regulations and the Registrar's Advertising Guidelines are adhered to.
3. The liquor sales licensee in the presence of the manufacturer or its representative must provide the individual serving of liquor to the patron on a one-to-one basis.
4. The manufacturer or its representative may not purchase a round for the house.
5. The manufacturer or its representative may not pay the liquor sales licensee or its staff to purchase or sample drink(s) for patrons.
6. The manufacturer or its representatives are required to engage in conversation with the patron(s) regarding the manufacturer and/or the product being sampled.

### **III – Product Sampling by a Manufacturer to the holder of a Liquor Sales Licence**

#### Off Premise Sampling:

A manufacturer may give liquor to a liquor sales licensee where the purpose of the gift is to have the liquor sales licensee or its employees sample a liquor product.

If the gift of liquor is to be provided to the liquor sales licence holder or their employees in sealed containers for their personal sampling outside the licensed premises, the following conditions must be met:

1. The liquor must not be taken onto or kept in the licensed premises.
2. The liquor sales licensee must not have stocked the brand in the last twelve (12) months.
3. The sample is for consumption by the licensee or staff and not for sampling or resale to patrons.
4. The sample size (for any individual brand) does not exceed an annual (calendar year) total of:
  - 48 (355ml) bottles of beer or cooler, or equivalent
  - 10 (750ml) bottles of wine, or equivalent
  - 3 (750ml) bottles of spirits, or equivalent
5. Records of the sampling activities are maintained by the manufacturer for a minimum of one (1) year and are, when requested, made available for review to the Registrar or staff designated by the Registrar, and, when requested, prior notice of sampling activities are provided to the Registrar.

#### On Premise Sampling:

A manufacturer of liquor, a manufacturer's representative or the Liquor Control Board of Ontario (LCBO) may bring liquor onto the premises of a liquor sales licensee for the purposes of having the liquor sales licensee or its employees sample liquor products provided the following conditions are met:

6. The sampling is conducted in the presence of the manufacturer, representative or LCBO employee.
7. That any sampled liquor remaining at the conclusion of the sampling is immediately removed from the licensed premises by the manufacturer, representative or LCBO employee.

## **IV – Product Sampling by a Manufacturer to Individuals**

A manufacturer may give liquor to an individual, where the purpose of the gift is to have the individual sample liquor if the following conditions are met:

1. The sample is distributed by the manufacturer or its representatives to the individual in person. Voucher/coupon samples for liquor may not be given to individuals through direct mailings or any other indirect method.
2. The size of the samples for any one individual does not exceed:
  - 6 (355ml) bottles of beer or cooler, or equivalent
  - 1 (750ml) bottle of wine, or equivalent
  - 1 (375ml) bottle of spirits, or equivalent
3. A coupon/voucher provided for a sample of liquor may be redeemed only at an LCBO store, an authorized manufacturer's retail store, or a Brewers Retail Inc. store.
4. The sample may not be awarded as a prize.