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Latest version available
Updated to 1 May 2010

c. S-13, r. 4.1

Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit

An Act respecting the Société des alcools du Québec

(R.S.Q., c. S-13, s. 37)

1. In this Regulation, unless the context indicates otherwise:

«mark of origin»: means a designation referring to a geographic area within a country;

«permitted alcoholic beverages»: means alcoholic beverages described in section 2;

«grocer»: means a holder of a grocery permit issued in accordance with the Act respecting liquor permits (R.S.Q., c. P-9.1).

O.C. 2165-83, s. 1.

2. Subject to section 7, the alcoholic beverages a grocer is permitted to sell are:

(1) wines with no mark of origin and with no indication of grape variety, marketed under the brands «Baby Duck», «Chanté Blanc», «Hochtaler», «Manoir St-David», «La Nuit Volage» and «Pica Rosé» if they are in one of the following situations:

(a) they were being bottled in Québec on 21 December 1982;

(b) their initial bottling took place in Québec;

(2) wines bottled in Québec bearing the mark of origin of the Société des alcools du Québec, provided that there are not more than 8 brand-sizes ;

(3) subject to section 3, table wines without indication of origin and without indication of the type of grape, bottled in Québec under exclusive brand names;

(4) ciders made and bottled by the holder of a cider maker's permit;

(5) fruit-based alcoholic beverages made and bottled by the holder of a wine maker's permit;

(6) wine-based alcoholic beverages containing not more than 5 % alcohol by volume, provided that:

(a) they are bottled in Québec by the holder of a wine maker's permit or by the Société;

(b) the brand name is not identified and associated with a person authorized by the Société des alcools du Québec to sell alcoholic beverages under paragraph *h* of section 17 of the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13), or with the holder of a permit issued under the Act respecting liquor permits (R.S.Q., c. P-9.1);

(c) deleted.

O.C. 2165-83, s. 2; O.C. 1559-85, s. 1; O.C. 1133-86, s. 1; O.C. 1797-91, s. 1; O.C. 457-2001, s. 1.

2.1. When one of the brands mentioned in paragraph 1 of section 2 is no longer marketed in Québec, it may be re-marketed for sale in grocery stores only if it conforms to the regulatory standards made under the Act respecting the Société des alcools du Québec.

O.C. 1797-91, s. 2.

3. A proprietary brand is one:

- (1) whose ownership and use belong exclusively to holder of a wine maker's permit or the Société;
- (2) whose ownership and exclusive use have been assigned only between holders of wine maker's permits issued under section 30 of the Act respecting the Société des alcools du Québec, or between such permit holder and the Société;
- (3) which identifies an alcoholic beverage which was initially bottled or which will be initially bottled in Québec;
- (4) which does not correspond to, or lead to confusion with, any other alcoholic beverage or other brand of alcoholic beverage marketed in Québec;
- (5) which cannot be identified and associated with a person authorized by the Société to sell alcoholic beverages under subparagraph *h* of the first paragraph of section 17 of the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13) or with a holder of a permit issued under the Act respecting liquor permits (R.S.Q., c. P-9.1).

Nothing in this Regulation shall operate to prohibit the holder of a wine maker's permit from allowing the use by another person of his proprietary brand for bottling and marketing an alcoholic beverage if both activities are carried on outside Québec.

O.C. 2165-83, s. 3; O.C. 1797-91, s. 3; O.C. 457-2001, s. 2; O.C. 763-2004, s. 1; O.C. 337-2008, s. 1.

4. The holder of a wine maker's permit who wishes to market an alcoholic beverage under a proprietary brand shall file a declaration of proprietary brand with the Société attesting that the brand conforms to the standards prescribed in section 3 and shall have the declaration recorded in the register of proprietary brands kept by the Société.

The register of proprietary brands contains the declarations made by holders of wine maker's permits and the declarations that the Société intends to use itself insofar as those brands are not already recorded in the register and provided that those brands conform to the regulatory standards made under the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13).

Notwithstanding the second paragraph, the register shall contain the declarations made by holders of wine maker's permits and the declarations of the Société in cases where those persons become the assignees of ownership and exclusive use of a brand already recorded in the register.

A proprietary brand is struck from the register:

- (1) where it has not been used within 3 years of its date of registration;
- (2) where it has not appeared in the directories of alcoholic beverages marketed by the Société for at least 1 year.

O.C. 2165-83, s. 4; O.C. 1797-91, s. 4; O.C. 457-2001, s. 3; O.C. 763-2004, s. 1; O.C. 337-2008, s. 2.

4.1. To launch an alcoholic beverage under a proprietary brand already registered with the Minister on 23 January 1992, the holder of a wine maker's permit shall file a declaration of proprietary brand pursuant to section 4.

Every proprietary brand already registered with the Minister on 23 January 1992 must be used to market an alcoholic beverage within 3 years following that date, failing which, it is struck from the register.

O.C. 1797-91, s. 4.

5. Where a proprietary brand is already recorded in the register of proprietary brands, it may not be struck from the register owing to the fact that an event took place after the date of its registration that caused the brand to no longer conform to paragraph 4 of section 3.

Nothing in this Regulation shall operate to prohibit a proprietary brand from being a brand of cider that is marketed in grocery stores on 23 January 1992 and which was initially bottled in Québec.

O.C. 2165-83, s. 5; S.Q., 1984, c. 36, s. 45; S.Q., 1988, c. 41, s. 92; O.C. 1797-91, s. 4.

6. Containers for permitted alcoholic beverages shall not exceed 4 litres.

O.C. 2165-83, s. 6; O.C. 541-87, s. 1.

7. A grocer may offer for sale permitted alcoholic beverages chosen from among the following:

(1) beginning from 19 November 1983:

(a) a maximum of 5 brand-sizes of the alcoholic beverages named by each holder of a wine maker's permit;

(b) a maximum of 15 brand-sizes of the alcoholic beverages named by the Société;

(c) fruit-based alcoholic beverages;

(d) ciders;

(2) beginning from 1 September 1984:

(a) a maximum of 10 brand-sizes of the alcoholic beverages named by each holder of a wine maker's permit;

(b) a maximum of 25 brand-sizes of the alcoholic beverages named by the Société;

(c) fruit-based alcoholic beverages;

(d) ciders;

(3) beginning from 1 September 1985, all permitted alcoholic beverages.

O.C. 2165-83, s. 7.

8. A grocer shall purchase permitted alcoholic beverages from a distributor authorized in accordance with paragraph *h* of section 17 of the Act.

O.C. 2165-83, s. 8.

9. A distributor shall make available a list of permitted alcoholic beverages and sell to grocers alcoholic beverages ordered in accordance with the list.

O.C. 2165-83, s. 9.

10. The retail price of permitted alcoholic beverages may not be less than the retail price set by the Société.

O.C. 2165-83, s. 10.

11. Omitted.

O.C. 2165-83, s. 11.

12. Omitted.

O.C. 2165-83, s. 12.

SCHEDULE 1

Deleted.

O.C. 2165-83, Sch. 1; O.C. 1055-89, s. 1; O.C. 1797-91, s. 5.

O.C. 2165-83, 1983 G.O. 2, 3668
O.C. 1559-85, 1985 G.O. 2, 3714
O.C. 1133-86, 1986 G.O. 2, 2067
O.C. 541-87, 1987 G.O. 2, 1387
O.C. 1055-89, 1989 G.O. 2, 2501
O.C. 1797-91, 1992 G.O. 2, 16
O.C. 457-2001, 2001 G.O. 2, 2167
O.C. 763-2004, 2004 G.O. 2, 2455A
O.C. 337-2008, 2008 G.O. 2, 1189