

c. P-9.1, r. 6

Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages

An Act respecting liquor permits

(R.S.Q., c. P-9.1, s. 114)



The amounts prescribed in the Regulation have been indexed as of 1 April 2010 pursuant to the notice published in Part 1 (French) of the Gazette officielle du Québec of 13 February 2010, page 131. (s. 18)

DIVISION I

INTERPRETATION

1. In this Regulation, unless the context indicates otherwise, the definitions appearing in section 2 of the Act respecting offences relating to alcoholic beverages (R.S.Q., c. I-8.1) apply to this Regulation.

In addition, in this Regulation,

“distributor” means any person authorized by the Société des alcools du Québec 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); (*distributeur*)

“manufacturer” means the Société, in respect of the alcoholic beverages it bottles under its own name, a holder of a permit issued under the Act respecting the Société des alcools du Québec, any other supplier of alcoholic beverages to the Société and an agent or representative of those persons; (*fabricant*)

“permit holder” means a person holding a permit issued under the Act respecting liquor permits (R.S.Q., c. P-9.1); (*titulaire de permis*)

“tasting” means a promotional activity at which a manufacturer serves alcoholic beverages in a small quantity for the sole purpose of tasting the beverage. (*dégustation*)

O.C. 1529-91, s. 1; O.C. 469-2001, s. 1.

DIVISION II

ADVERTISING OF ALCOHOLIC BEVERAGES

2. No person may advertise alcoholic beverages where the advertising

- (1) is directed at a person of minor age or induces a person of minor age to consume alcoholic beverages;
- (2) directly or indirectly portrays consumption of alcoholic beverages
 - (a) as an element that enhances the importance, social prestige or success of a person;
 - (b) as a means of improving athletic performance;

- (c) as an essential element in a person's participation in activities; or
- (d) as an aid in surmounting personal problems;
- (3) associates the consumption of alcoholic beverages with the driving of a motorized vehicle; or
- (4) induces a person to consume alcoholic beverages in an irresponsible manner.

O.C. 1529-91, s. 2.

3. No person may advertise alcoholic beverages by means of advertising that

- (1) uses a person of minor age;
- (2) uses or alludes to a fictitious or real character associated with persons of minor age; or
- (3) shows a person or persons engaged in the consumption of alcoholic beverages in an irresponsible manner.

O.C. 1529-91, s. 3.

4. Sections 2 and 3 do not apply to advertising intended to promote abstinence or moderation in the consumption of alcoholic beverages or to provide information on the effects of irresponsible consumption of alcoholic beverages.

O.C. 1529-91, s. 4.

5. Any representation relating to an alcoholic beverage in advertising shall be accurate.

No advertising, including audio, video, printed or computerized advertising, may indicate the grape variety or the mark of origin of a table wine sold by the holder of a grocery permit under a proprietary brand.

O.C. 1529-91, s. 5; O.C. 469-2001, s. 2.

6. A manufacturer and a permit holder may not advertise an alcoholic beverage jointly.

A distributor may not advertise an alcoholic beverage jointly with a manufacturer or a permit holder.

The first and second paragraphs do not apply to advertising inside a permit holder's establishment.

O.C. 1529-91, s. 6; O.C. 469-2001, s. 3.

7. A manufacturer or a permit holder may not advertise on clothing and equipment intended for use by a person of minor age in a sport or in any other activity engaged in by a person of minor age.

O.C. 1529-91, s. 7.

8. A permit holder or a distributor may not advertise the brands of alcoholic beverages of one manufacturer exclusively.

The first paragraph does not apply to advertising inside a permit holder's establishment.

O.C. 1529-91, s. 8.

9. At no time may a holder of a permit that authorizes consumption on the premises offer or grant a reduced selling price on alcoholic beverages.

O.C. 1529-91, s. 9.

10. A holder of a permit that authorizes consumption on the premises may not, either directly or indirectly, advertise free consumption of alcoholic beverages.

O.C. 1529-91, s. 10.

DIVISION III

PROMOTION PRACTICES

11. A manufacturer may not offer or procure a financial or other benefit for a distributor with intent to restrict or deny the availability of another manufacturer's alcoholic beverages within the distribution network of that distributor.

A distributor may not solicit or accept a financial or other benefit from a manufacturer with intent to restrict the availability of another manufacturer's alcoholic beverages within the distribution network of that distributor.

O.C. 1529-91, s. 11.

12. Alcoholic beverages may be provided for the purposes of a tasting in a location in which the public is admitted only on the condition that

(1) the tasting takes place in a branch of the Société, in a permit holder's establishment, in the store of an agent of the Société or on the premises where alcoholic beverages are made under a small-scale production permit;

(2) the tasting is of alcoholic beverages authorized to be sold on the premises of the tasting;

(3) the quantity of alcoholic beverage served to a person does not exceed, per product brand, 100 ml for an alcoholic beverage containing not more than 7% alcohol per volume, 50 ml for an alcoholic beverage containing more than 7% but less than 20% alcohol per volume, and 25 ml for an alcoholic beverage containing not less than 20% alcohol per volume;

(4) the tasting is held by the manufacturer of the alcoholic beverages to be tasted or by an undertaking not connected with the alcoholic beverage industry and specialized in public opinion polling, or by employees of the Société;

(5) the alcoholic beverages used are bought directly from the permit holder on whose premises the tasting is held; and

(6) the person to whom the alcoholic beverage is given is of full age.

A permit holder may not be a manufacturer's agent or mandatary for the purpose of holding a tasting.

O.C. 1529-91, s. 12; O.C. 469-2001, s. 4.

13. *(Revoked).*

O.C. 1529-91, s. 13; O.C. 469-2001, s. 5.

14. *(Revoked).*

O.C. 1529-91, s. 14; O.C. 469-2001, s. 5.

15. A manufacturer may not sell, give or supply a permit holder with the equipment required to operate under the permit.

For the purposes of this section, promotional items intended for use by consumers on the premises of the establishment are considered not to be equipment required to operate under a permit.

O.C. 1529-91, s. 15.

16. No manufacturer or permit holder or their employees may give alcoholic beverages to a person of minor age or to a person in a state of intoxication.

O.C. 1529-91, s. 16.

17. A holder of a distiller's permit, a wine maker's permit or a cider maker's permit may not give away from stock an alcoholic beverage bottled by the permit holder unless the alcoholic beverage was bought from the Société.

Notwithstanding the foregoing, a permit holder may give away from stock an alcoholic beverage bottled by the permit holder if the alcoholic beverage is

- (1) given for personal consumption to a person visiting the permit holder's bottling facilities; or
- (2) given for personal consumption to a person employed by the permit holder.

O.C. 1529-91, s. 17.

18. A grocery permit holder may not sell beer at a price lower than [\\$2.6126](#) a litre for beer containing less than 4.1% alcohol per volume, [\\$2.7595](#) a litre for beer containing at least 4.1% and not more than 4.9% alcohol per volume, [\\$2.8626](#) a litre for beer containing more than 4.9% but not more than 6.2% alcohol per volume and [\\$2.9586](#) a litre for beer containing more than 6.2% alcohol per volume.

Those minimum prices shall be indexed on 1 April of each year on the basis of the rate of increase in the general Consumer Price Index for Canada for the period from 1 January to 31 December of the preceding year, as determined by Statistics Canada.

For the purposes of the second paragraph, the Régie des alcools, des courses et des jeux shall publish each year, as soon as possible after the new minimum prices are determined, a table of those new prices in Part 1 of the *Gazette officielle du Québec* and by such other means as the board considers appropriate.

Subject to section 12, a grocery permit holder or a person employed by the permit holder may not give or allow alcoholic beverages to be given to anyone in the permit holder's establishment.

O.C. 1529-91, s. 18; O.C. 610-94, s. 1.

DIVISION IV

EDUCATIONAL PROGRAMS RELATING TO ALCOHOLIC BEVERAGES

19. Manufacturers shall, individually or as a group, implement educational programs relating to alcoholic beverages.

The programs may take the form of

(1) funding to an organization engaged in medical research into treatments aimed at helping persons suffering from problems related to the consumption of alcoholic beverages;

(2) funding to a support and rehabilitation centre for persons suffering from problems related to the consumption of alcoholic beverages; or

(3) publicity informing consumers of alcoholic beverages of the benefits of responsible consumption without referring to any brand of alcoholic beverage in particular, or participation in an organization that funds such publicity.

O.C. 1529-91, s. 19.

20. Manufacturers shall submit the programs prescribed in section 19 to the board not later than 1 March of each year or on any other date previously agreed upon with the board.

O.C. 1529-91, s. 20.

DIVISION V

APPROVAL PROCEDURE FOR PROMOTION, ADVERTISING AND EDUCATIONAL PROGRAMS RELATING TO ALCOHOLIC BEVERAGES

21. A manufacturer intending to advertise alcoholic beverages shall first have the advertising approved by the board.

The manufacturer shall forward a written account of the advertising to the board at least 5 days before the advertising is to be released.

O.C. 1529-91, s. 21.

22. Any other person intending to advertise may, likewise, have the advertising approved by the board.

O.C. 1529-91, s. 22.

23. The board shall issue a certificate of compliance if the advertising or educational program submitted to it complies with this Regulation.

O.C. 1529-91, s. 23.

24. The board shall refuse to approve a manufacturer's advertising if the manufacturer failed to submit an educational program relating to alcoholic beverages before 1 March, or did not implement such program within 12 months following the date on which it was approved.

O.C. 1529-91, s. 24.

25. The board shall revoke the certificate of compliance it has issued if the advertising or educational program differs from the written account referred to in the second paragraph of section 21 or where applicable, from the educational program submitted in compliance with section 20, to such extent that the original meaning or scope has been altered.

O.C. 1529-91, s. 25.

26. A manufacturer or a person whose advertising has been approved by the board shall keep the text of the advertising or, where applicable, a copy of the advertising on tape or videotape, for a period of 1 year after the date of its release.

O.C. 1529-91, s. 26.

27. *(Omitted).*

O.C. 1529-91, s. 27.

28. *(Omitted).*

O.C. 1529-91, s. 28.

O.C. 1529-91, 1991 G.O. 2, 4466

O.C. 610-94, 1994 G.O. 2, 1588

O.C. 469-2001, 2001 G.O. 2, 2169