

BEVERAGE ALCOHOL ADVERTISING STANDARDS

1.0 Purpose

Section 134 of *The Alcohol and Gaming Regulation Act, 1997* (the Act) provides in part that no person shall make any representation to the public for the purpose of promoting the sale or consumption of beverage alcohol that is inconsistent with the advertising standards established by the Saskatchewan Liquor and Gaming Authority (SLGA).

The purpose of the Beverage Alcohol Advertising Standards is to set out policies that apply to beverage alcohol advertising in Saskatchewan.

2.0 Persons Affected

The Beverage Alcohol Advertising Standards apply to all persons making any representation to the public for the purpose of promoting the sale or consumption of beverage alcohol in Saskatchewan.

3.0 Definitions

“Act” means *The Alcohol and Gaming Regulation Act, 1997* as amended from time to time;

“advertisement” means an announcement, display or notice concerning beverage alcohol; Advertisements include but are not limited to:

- messages concerning beverage alcohol communicated through any medium including television, radio, Internet (including email messaging), newspapers, magazines, flyers, billboards, transit shelters, inflatables, commercial vehicles or corporate vehicles.
- the wording and/or depictions on all forms of beverage alcohol packaging; and
- menus, displays, posters or other forms of product promotion within a permitted premises.

“CRTC” means the Canadian Radio-television and Telecommunications Commission;

“franchise” means a franchise for the sale of beverage alcohol granted by SLGA pursuant to section 104 of the Act;

“manufacturer” means a person or corporation which produces beverage alcohol for sale and includes a director, officer, employee or agent of such a person or corporation;

“manufacturer’s representative” means a representative of the manufacturer who is registered with SLGA;

“permitted premises” means the premises for which a permit is issued, except premises mentioned in a permit to sell or consume beverage alcohol at a special occasion or to manufacture beverage alcohol;

“permittee” means a person to whom a permit has been issued pursuant to the Act or Regulations excluding the holder of a manufacturer’s permit;

“price” price means the retail price of beverage alcohol, including all applicable taxes and environmental deposits;

“publish” includes exhibit, display, distribute, print and broadcast;

“Regulations” mean *The Alcohol Control Regulations, 2002* as amended from time to time;

“SLGA” means the Saskatchewan Liquor and Gaming Authority.

4.0 General Standards

- 4.1** Advertising must be in compliance with these advertising standards, including any advertising conducted by a third party (e.g., promotion company or media).
- 4.2** Determination of whether an advertisement complies with these advertising standards is within the sole judgment of SLGA.
- 4.3** Advertising that promotes the sale or consumption of beverage alcohol may be conducted except as specifically prohibited or limited by these standards.
- 4.4** Advertising may refer to price unless otherwise stated in these standards.
- 4.5** Advertising is permitted in any medium.
- 4.6** SLGA may notify any person that an advertisement is not in compliance with these standards and, in such case, the person shall cease publishing, broadcasting or otherwise distributing the advertisement.
- 4.7** A person must comply with the requirements of any municipal, provincial, or federal body respecting an advertisement.
- 4.8** No person shall produce any advertisement that:
 - (a) contravenes the CRTC “Code for Broadcast Advertising of Alcoholic Beverages” as amended from time to time (a copy of the Code in effect as of May 1, 2009 is attached as Appendix “A”) and which, for the purposes of these standards, is deemed to apply to any medium used for advertising;
 - (b) encourages excessive use of beverage alcohol;
 - (c) references prices for on-premises consumption of beverage alcohol that are below the minimum pricing requirements established by SLGA as amended from time to time (Appendix “B” sets out minimum pricing in effect as of May 1, 2009);
 - (d) contains family scenes or scenes involving minors;
 - (e) claims that beverage alcohol causes any healthful effects or benefits;

- (f) creates the impression that beverage alcohol may be used or consumed in a way or manner prohibited by law; or
- (g) offends, or has the potential to offend, community standards.

4.9 No person shall advertise beverage alcohol unless the beverage alcohol is legally available for sale in Saskatchewan.

4.10 Where an advertisement refers to SLGA, the reference shall not form a prominent part of the advertisement and shall not infer that a product is available in all SLGA retail stores.

4.11 Only in-store tastings for SLGA retail stores that have been approved by SLGA may be referenced in an advertisement.

4.12 No person shall advertise beverage alcohol on outdoor billboards, electronic or illuminated signs, posters and transit shelters if the advertisement is placed within 200 meters of elementary or secondary schools or places of worship.

4.13 No person shall publish beverage alcohol advertisements in newspapers, magazines and periodicals, as inserts to those publications, or on the Internet, if the newspaper, magazine, periodical, Internet site or email messaging is directed primarily to a reader or viewer audience of age 18 or under.

4.14 No person shall advertise beverage alcohol on television or radio if the advertisement is broadcast at a time when the audience is likely to be composed primarily of minors.

4.15 Failure to comply with these standards may result in charges under the Act.

4.16 Nothing in these standards shall be construed as requiring any person to accept any advertisement for publication.

5.0 U-brew or U-vin Operation Advertising

5.1 A u-vin or u-brew operation permit holder shall not advertise externally the price per bottle of the beverage alcohol product which may be manufactured in their premises or promote their products on the basis of being inexpensive alcohol.

6.0 Manufacturers - Promotional Items or Services for Permittees

6.1 Subject to the limitations in this section, a permittee or an applicant for a permit may purchase or accept free of charge promotional items or services from a manufacturer, or any of its directors, officers, shareholders, employees or agents.

6.2 The promotional items or services must be:

- (a) non essential to the operation of the permitted premises;
- (b) of minimal value; and

- (c) for promotional use in the permitted premises, or in exceptional cases, for the general benefit of the business of the permitted premises.

6.3 The name, emblem or insignia of a manufacturer or its product may be identified on promotional items.

6.4 A manufacturer may pay the costs for a permittee's business trip pertaining to the beverage alcohol industry (e.g., conference or seminar).

6.5 A permittee must obtain prior approval from SLGA where the manufacturer wishes to provide non-essential items or services that exceed a minimal value.

7.0 Treating

7.1 Subject to this section, a permittee, manager of a permitted premises, or manufacturer's representative may purchase drinks containing beverage alcohol for patrons in an establishment for the purpose of promoting products. This practice is commonly known as "treating".

7.2 A permittee, manager of a permitted premises, or manufacturer's representative may purchase occasional drinks containing beverage alcohol for patrons for promotional purposes; however, the permittee, manager or manufacturer's representative is prohibited from purchasing drinks containing beverage alcohol for all or most of the patrons in the establishment.

7.3 Where a permittee, manager of a permitted premises, or manufacturer's representative wishes to treat patrons in an establishment, the following requirements and restrictions apply:

- (a) The permittee, manager or manufacturer's representative must be seated at the same table as the patrons for whom the drinks containing beverage alcohol are purchased.
- (b) In the case of a manufacturer's representative, the patrons' drinks containing beverage alcohol must be purchased from and served by the permittee or the employees of the permitted premises.
- (c) The permittee or the employees of the permitted premises who serve patrons drinks containing beverage alcohol must comply with the restrictions and requirements which ordinarily apply to the establishment (e.g., prohibition against service to minors, intoxicated patrons, etc.).
- (d) A manufacturer's representative may also purchase drinks containing beverage alcohol for a permittee in the establishment for the purpose of promoting products. The permittee must be seated at the same table as the representative.

8.0 Sampling

8.1 To promote products, a manufacturer's representative may provide sample products, in closed containers, for consumption away from the permitted premises or franchise:

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- (a) to patrons in an off-sale area of a permitted premises;
 - (b) to customers in a franchise;
 - (c) to a permittee and employees of the permitted premises; or
 - (d) to a franchisee and employees of the franchise.
- 8.2** To promote products, a manufacturer's representative may provide sample products, in closed containers, for consumption away from an SLGA store to customers of the store, if the samples are affixed to a beverage alcohol product purchased by the customer.
- 8.3** To promote products, a manufacturer's representative may, with the consent of the SLGA store manager, franchisee, special use permittee, tavern permittee, or special occasion permittee, as the case may be, provide sample products for consumption in:
- (a) an SLGA store;
 - (b) a franchise;
 - (c) a special use-permitted premises with a trade show endorsement;
 - (d) an off-sale area of a tavern-permitted premises; or
 - (d) a premises subject to a sale trade show special occasion permit.
- 8.4** The sample sizes of beverage alcohol for on-premises consumption must not exceed the following amounts as set out in the Regulations:
- (a) spirit – ½ ounce or 14.25 millilitres;
 - (b) wine – 2 ounces or 57 millilitres; and
 - (c) beer or cooler – 4 ounces or 114 millilitres.
- 8.5** Where a manufacturer's representative provides sample products in an off-sale area for on-premises consumption, the following additional requirements and restrictions apply:
- (a) The sample products are restricted to the types of beverage alcohol authorized for sale in the off-sale area.
 - (b) The sample products must be purchased from SLGA, its stores, franchises, or an establishment's off-sale inventory.
 - (c) The permittee or the employees of the permitted premises must supervise the offering of sample products by a manufacturer's representative in the off-sale area. The permit holder or the employees of the permitted premises must ensure compliance with the restrictions and requirements, which ordinarily apply to the off-sale area (e.g., prohibition against service to minors, intoxicated patrons, etc.).
- 8.6** The sampling of products at a special use-permitted premises or premises subject to a special occasion permit must be conducted in accordance with the terms and conditions of the applicable trade show endorsement or trade show special occasion permit issued by SLGA.

- 8.7** A permit holder and an establishment's employees may receive sample products from a manufacturer's representative in accordance with SLGA's Trade Sampling Program.

9.0 Online Sale or Ordering of Beverage Alcohol

Persons authorized by SLGA to sell or take orders for delivery of beverage alcohol may do so via a website in accordance with the policy described below:

9.1 Specialty Wine Store Franchises

A specialty wine store franchise (SWSF) may advertise and sell beverage alcohol sold in the SWSF online. If the SWSF has a home delivery special use permit, it can self-deliver beverage alcohol to individuals at private places. A SWSF may also deliver to commercial permittees, in accordance with the franchise agreement.

Under no circumstances shall a SWSF ship beverage alcohol through Canada Post, a courier or any other common carrier. All online sales must be delivered in accordance with a valid home delivery special use permit, if applicable, or be picked up by the customer making the purchase.

9.2 Franchises

A franchise may advertise and sell beverage alcohol sold in the franchise online. If the franchise has a home delivery special use permit, it can self-deliver beverage alcohol to individuals at private places. A franchise may also deliver beverage alcohol sold online to commercial permittees, in accordance with the franchise agreement.

Under no circumstances shall a franchise ship beverage alcohol through Canada Post, a courier or any other common carrier. All online sales must be delivered in accordance with a valid home delivery special use permit, if applicable, or be picked up by the customer making the purchase.

9.3 Cottage Winery Franchises

A cottage winery with a limited franchise to sell its self-manufactured wine in a retail store attached to the cottage winery may advertise and sell online.

A cottage winery franchise may sell wine produced by the cottage winery franchise online for shipping within Saskatchewan, using Canada Post or another common carrier that requires proof of age as a condition of delivery.

A cottage winery franchise may also be eligible for a home delivery special use permit which would allow the cottage winery franchise to self-deliver wine to individuals in private places.

9.4 Microbrewery Franchises

A microbrewery with a limited franchise to sell its self-manufactured beer in a retail store attached to the microbrewery may advertise and sell online beer produced by the microbrewery.

A microbrewery franchise may sell beer produced by the microbrewery franchise online for shipping within Saskatchewan, using Canada Post or another common carrier that requires proof of age as a condition of delivery.

A microbrewery franchise may also be eligible for a home delivery special use permit which would allow the microbrewery franchise to self-deliver self-manufactured beer to individuals in private places.

9.5 Off-sale Outlets

Off-sale outlets may advertise and sell beverage alcohol sold in the off-sale outlet online. If the off-sale outlet has a home delivery special use permit, it can self-deliver beverage alcohol to an individual in a private place.

Under no circumstances shall an off-sale outlet ship beverage alcohol through Canada Post, a courier or any other common carrier. All online sales must be delivered in accordance with a valid home delivery special use permit, if applicable, or be picked up by the customer making the purchase.

9.6 Home Delivery Companies

A home delivery special use permittee may:

- advertise its service online
- post specific products and prices
- provide links to alcohol retailers' websites (such as Saskliquor.com)
- take orders and payment online for delivery.

9.7 Compliance

Nothing in these Advertising Standards exempts a franchisee or permittee from complying with the terms and conditions of the Act, Regulations, franchise agreement or permit under which the franchisee or permit operates. All provisions respecting the sale and service of beverage alcohol continue to apply.

10.0 Updates/Inquiries

- 10.1** The advertising standards may be updated from time to time. Any updates of the advertising standards will be available at www.slga.gov.sk.ca.

10.2 Inquiries regarding these advertising standards should be directed:

- (a) by permittees (including u-brew or u-vin operations and brew pubs) to:
Director, Liquor Licensing Branch
Regulatory Compliance Division
Saskatchewan Liquor and Gaming Authority
12th Floor, 2500 Victoria Ave
Regina, Saskatchewan S4P 3M3
Telephone: (306) 787-5225
Facsimile: (306) 787-8981
- (b) by manufacturers (other than brew pubs) to:
Manager, Retail Marketing Branch
Retail Operations Division
Saskatchewan Liquor and Gaming Authority
9th Floor, 2500 Victoria Avenue
Regina, Saskatchewan S4P 3M3
Telephone: (306) 798-0705
Facsimile: (306) 787-8201

11.0 Revision History

<u>Revision Date</u>	<u>Revisions</u>
November 15, 2009	Clarification of: “price”; that references to SLGA in advertisements shall not form a prominent part of the advertisement or infer a product is available in all SLGA stores; that only tasting in SLGA stores that have been approved in-store by SLGA may be advertised.

12.0 See Also

The Alcohol and Gaming Regulation Act, 1997

The Alcohol Control Regulations, 2002

SLGA Commercial Liquor Permittee Policy Manual

**APPENDIX “A” - CRTC CODE FOR BROADCAST ADVERTISING OF
ALCOHOLIC BEVERAGES**

Commercial messages for alcoholic beverages shall not:

- (a) attempt to influence non-drinkers of any age to drink or to purchase alcoholic beverages;
- (b) be directed at persons under the legal drinking age, associate any such product with youth or youth symbols, or portray persons under the legal drinking age or persons who could reasonably be mistaken for such persons in a context where any such product is being shown or promoted;
- (c) portray the product in the context of, or in relation to, an activity attractive primarily to people under the legal drinking age;
- (d) contain an endorsement of the product, personally or by implication, either directly or indirectly, by any person, character or group who is or is likely to be a role model for minors because of a past or present position of public trust, special achievement in any field of endeavour, association with charities and/or advocacy activities benefiting children, reputation or exposure in the mass media;
- (e) attempt to establish the product as a status symbol, a necessity for the enjoyment of life or an escape from life's problems, or attempt to establish that consumption of the product should take precedence over other activities;
- (f) imply directly or indirectly that social acceptance, social status, personal success, or business or athletic achievement may be acquired, enhanced or reinforced through consumption of the product;
- (g) imply directly or indirectly that the presence or consumption of alcohol is, in any way, essential to the enjoyment of an activity or an event;
- (h) portray any such product, or its consumption, in an immoderate way;
- (i) exaggerate the importance or effect of any aspect of the product or its packaging;
- (j) show or use language that suggests, in any way, product misuse or product dependency, compulsive behaviour, urgency of need or urgency of use;
- (k) use imperative language to urge people to purchase or consume the product;
- (l) introduce the product in such a way or at such a time that it may be associated with the operation of any vehicle or conveyance requiring skill;
- (m) introduce the product in such a way or at such a time as may associate the product with any activity requiring a significant degree of skill, care or mental alertness or involving an obvious element of danger;
- (n) contain inducements to prefer an alcoholic beverage because of its higher alcohol content;
- (o) refer to the feeling and effect caused by alcohol consumption or show or convey the impression, by behaviour or comportment, that the people depicted in the message are under the influence of alcohol;
- (p) portray persons with any such product in situations in which the consumption of alcohol is prohibited; or
- (q) contain scenes in which any such product is consumed, or that give the impression, visually or in sound, that it is being or has been consumed.

APPENDIX “B” - MINIMUM PRICES*

Table 1:

Minimum price in tavern, restaurant, and most special use establishments

Type of Beverage Alcohol	Minimum Price
Spirits & Liqueurs (per oz.)	\$2.25 comprised of: list price: \$1.96 LCT: \$0.19 GST: \$0.10
Bottled & Canned Beer (12 oz.)	\$2.25 comprised of: list price \$1.96 LCT: \$0.19 GST: \$0.10
Draught Beer (per oz.)	\$0.16 comprised of: list price: \$0.14 LCT: \$0.01 GST: \$0.01
Wine (per oz.)	\$0.35 comprised of: list price: \$0.30 LCT: \$0.03 GST: \$0.02

Table 2:

Minimum price in military and paramilitary messes and veteran canteens

Type of Beverage Alcohol	Minimum Price
Spirits & Liqueurs (per oz.)	\$1.00 comprised of: list price: \$0.87 LCT.: 0.09 GST: \$0.04
Bottled & Canned Beer (12 oz.)	\$1.00 comprised of: list price: \$0.87 LCT: \$0.09 GST: \$0.04
Draught Beer (per oz.)	\$0.14 comprised of: list price: \$0.12 LCT: \$0.01 GST: \$0.01
Wine (per oz.)	\$0.35 comprised of: list price: \$0.30 LCT: \$0.03 GST: \$0.02

* Minimum prices in effect May 1, 2009

Key for Tables 1 & 2

LCT – Liquor Consumption Tax; GST – Goods & Services Tax; Minimum Price – Minimum price for beverage alcohol sold in establishment