

(3) the accurate pricing policy shall apply even if the error is noticed before the transaction is completed, on the condition however that the consumer buys the good;

(4) the accurate pricing policy shall not apply in respect of a specific good if its application contravenes an act or regulation.

2. The merchant must post in a conspicuous place, near each cash register in the establishment and near each optical scanner made available to consumers, his pricing accuracy policy in dark, easily legible letters on the white background of a sign measuring at least 387 square centimetres and on which only the policy appears. Where the area of the establishment open to the public is 697 square metres or more, the merchant must also post the policy in a conspicuous place in his establishment in dark, easily legible letters on the white background of a sign measuring at least 0.56 square metres and on which only the policy appears.

3. The merchant must disclose his pricing accuracy policy in his flyer at least once during each trimester of publication of the flyer.

REIMBURSEMENT OF THE COSTS OF INVESTIGATION

4. The merchant must reimburse the Office de la protection du consommateur for the costs of any investigation carried out under the authority of the president of the Office under the powers conferred on him by the Act, to verify the pricing accuracy rate in his establishment up to:

- (1) \$250 upon the first investigation;
- (2) \$1000 upon the second investigation if that second investigation is carried out within six months following a notice given by the president of the Office according to which the first investigation showed a pricing error rate of more than 2 % in his establishment.

INTERPRETATION

5. For the purposes of this voluntary undertaking:

“pricing accuracy” means the conformity of prices rung in at the cash register with the advertised price in respect of a good sold in the establishment;

“pricing accuracy rate” means the percentage of goods that are part of a transaction in which the price rung in at the cash register is identical to the advertised price;

“pricing error rate” means the percentage of goods that are part of a transaction in which the price rung in at the cash register is higher than the advertised price.

6. For the purposes of this voluntary undertaking, the pricing error of a good in an advertisement shall not be taken into account in the calculation of the pricing error rate nor for the application of the pricing accuracy policy described in section 1 as of the moment when the merchant posts, in a conspicuous place, a mention of the error and the correction made, near the place where the good is sold and near the cash registers in the establishment. This provision does not restrict the scope of paragraph *c* of section 224 of the Consumer Protection Act.

FINAL PROVISIONS

7. A merchant who contravenes any provision of this voluntary undertaking commits an offence under paragraph *d* of section 277 of the Act.

8. The provisions of this undertaking shall take effect once the merchant begins to use the exemption provided for in section 91.4 of the Regulation and they shall cease to apply on the date on which the merchant ceases to use that exemption provided that he notifies the president of the Office de la protection du consommateur of that fact in writing at least 15 days before that date.

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Draft Regulation

Consumer Protection Act
(R.S.Q., c. P-40.1; 1999, c. 40)

Application of the Act — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the application of the Consumer Protection Act, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to exempt, on certain conditions, merchants who use the universal product code optical scanning technology from the requirement under section 223 of the Consumer Protection Act to indicate the selling price on each item. The draft Regulation also adds certain categories to the list of goods already exempt from the application of that section and removes the exemption relating to 2 % of the categories of goods sold in an establishment.

The draft Regulation eases statutory requirements for some merchants who may benefit from new exemptions. On the other hand, replacing the exemption relating to 2 % of the categories of goods sold in an establishment with an exemption for new specific categories of goods may be more restrictive for other merchants.

Further information may be obtained by contacting Maryse Côté, Office de la protection du consommateur, 5199, rue Sherbrooke Est, bureau 3721, Montréal (Québec) H1T 3X2; telephone: (514) 873-3247; fax: (514) 864-2400.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Relations with the Citizens and Immigration, 360, rue McGill, 4^e étage, Montréal (Québec) H2Y 2E9.

ROBERT PERREAULT,
*Minister of Relations with the Citizens
and Immigration*

Regulation to amend the Regulation respecting the application of the Consumer Protection Act*

Consumer Protection Act
(R.S.Q., c. P-40.1, s. 350, par. r; 1999, c. 40, s. 234)

1. Section 91.1 of the Regulation respecting the application of the Consumer Protection Act is amended

- (1) by substituting “\$0.60” for “0,40\$” in paragraph *a*;
- (2) by adding the following at the end:
 - (i) frozen food when sold;
 - (j) so small that it would be impossible to indicate the price on them legibly;
 - (k) not packaged and are usually sold in bulk, unless they are items of clothing;

- (l) trees, plants or flowers; or
- (m) sold in a returnable container.”.

2. Section 91.2 is revoked.

3. Section 91.3 is amended

(1) by substituting the words “pursuant to section 91.1” for the words “pursuant to this Division” in the first paragraph; and

(2) by substituting the following for the second paragraph:

“Notwithstanding the first paragraph, rather than post the price of goods not directly available to consumers, referred to in paragraph *f* of section 91.1, where the goods are sold in an establishment other than an establishment where mainly food, non-prescription drugs, personal hygiene products and cleaning products are sold, their price may be indicated on a list or in a catalogue that consumers may refer to in the establishment.”.

4. The following sections are inserted after section 91.3:

“91.4. Section 223 of the Act does not apply to merchants who use the universal product code optical scanning technology in their establishments, where the following conditions are met:

(a) every optical scanner in the establishment, including those made available to the consumer, and the device for printing the labels referred to in section 91.5 are connected to one data base containing the price of goods sold in the establishment;

(b) the optical scanners used at the check-outs and those made available to the consumer indicate the price of goods sold in the establishment on which universal product codes are affixed;

(c) the label referred to in section 91.5 is affixed in accordance with the requirements of that section on each item of goods sold in the establishment;

(d) the cash receipt given to the consumer for each transaction contains the following information:

- i. the merchant’s name;
- ii. the merchant’s telephone number and, as the case may be, the merchant’s e-mail address or customer service e-mail address;

* The Regulation respecting the application of the Consumer Protection Act (R.R.Q., 1981, c. P-40.1, r.1) was last amended by the Regulation made by Order in Council 932-98 dated 8 July 1998 (1998, G.O. 2, 2870). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

- iii. the date of the transaction;
 - iv. the nature of each item purchased and any distinguishing mark; and
 - v. the price of each purchased item next to its description; and
- (e) where the area of the establishment open to consumers is 697 square metres or more, optical scanners, evenly distributed throughout the establishment and easily accessible, are made available to consumers in the following quantities:
- i. one, where the area of the establishment open to the public is 697 square metres or more but less than 1 860 square metres;
 - ii. two, where the area of the establishment open to the public is 1 860 square metres or more but less than 3 720 square metres;
 - iii. three, where the area of the establishment open to the public is 3 720 square metres or more but less than 5 580 square metres; and
 - iv. four, where the area of the establishment open to the public is 5 580 square metres or more.

Merchants may not use this exemption for clothing sold in their establishments nor for goods on which the universal product code does not appear.

The requirement under subparagraph *e* of the first paragraph shall take effect on the 120th day following the date of coming into force of this Regulation.

91.5. A label containing the following information shall be affixed to each item of goods for which a merchant uses the exemption under section 91.4:

- (a) the nature of the item and the characteristics affecting its price or distinguishing it from other goods of the same nature, such as its brand and size;
- (b) the price of the item or, where the price is based on a unit of measurement, the price per unit of measurement; and
- (c) for food sold in an establishment for which the merchant must hold a permit issued under the Regulation respecting food (R.R.Q., 1981, c. P-29, r.1), the price per unit of measurement in addition to the price of the item.

In all cases, the price on the label must be in at least 28-point bold type print and the other information in at least 10-point bold type print.

Where the item is sold on a shelf, the label prescribed under the first paragraph shall be affixed next to the product on the shelf and measure at least

(a) 12.90 square centimetres in establishments for which the merchant is required to hold a permit under the Regulation respecting food; and

(b) 9.67 square centimetres in other establishments.

Where the item is sold elsewhere than on a shelf, the label must be affixed near the product sold and measure at least 38.71 square centimetres.

The requirement under subparagraph *c* of the first paragraph shall only take effect on the 120th day following the date of coming into force of this Regulation.”.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Draft Regulation

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Contribution of users taken in charge by intermediate resources

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the contribution of users taken in charge by intermediate resources, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation prescribes rules to determine the financial contribution that may be required from users who are taken in charge by an intermediate resource of a public institution, as well as the amount of personal expense allowance which must be left each month at the disposal of the adult users of those resources. It provides that the amount of the contribution may vary according to prescribed circumstances and includes transitional provisions.