

Gouvernement du Québec

**O.C. 10-2001, 11 January 2001**

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

**Regulation**  
— **Amendments**

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

WHEREAS under paragraph r of section 350 of the Consumer Protection Act (R.S.Q., c. P-40.1), the Government may make regulations exempting, in whole or in part, from the application of the Act, any class of persons, goods, services or contracts that it determines and fixing conditions for that exemption;

WHEREAS the Government made the Regulation respecting the application of the Consumer Protection Act (R.R.Q., 1981, c. P-40.1, r. 1);

WHEREAS it is expedient to amend the Regulation to provide for additional exemptions from the obligation to indicate the price on all the goods provided for in section 223 of the Consumer Protection Act;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 5 July 2000 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Relations with the Citizens and Immigration:

THAT the Regulation to amend the Regulation respecting the application of the Consumer Protection Act, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

**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)

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 and 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.”.

\* 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.

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 devices 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 display 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;
- 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 consumers is 697 square metres or more but less than 1860 square metres;
- ii. two, where the area of the establishment open to consumers is 1860 square metres or more but less than 3720 square metres;
- iii. three, where the area of the establishment open to consumers is 3720 square metres or more but less than 5580 square metres; and

iv. four, where the area of the establishment open to consumers is 5580 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 23 June 2001.

**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 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 23 June 2001.”

5. This Regulation comes into force on 23 February 2001.