

## Draft Regulations

### Draft Regulation

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13)

#### Cider and other apple-based alcoholic beverages

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 cider and other apple-based alcoholic beverages, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation establishes up-to-date standards governing the production and quality of apple-based alcoholic beverages. The new standards apply to holders of a small-scale production permit and holders of a cider maker permit.

The draft Regulation extends the range of alcoholic beverages that may be made from apples and sets out the production and bottling requirements for all types of cider, including ice cider, and other apple-based alcoholic beverages.

The draft Regulation replaces the Regulation respecting cider (R.R.Q., 1981, c. S-13, r.1) but does not include its food hygiene standards, which are outdated and of questionable usefulness in both the industrial and artisanal production of alcoholic beverages.

New requirements introduced by the draft Regulation could force some enterprises to re-examine their ice cider production methods.

Study of the matter to date has shown no negative impact on the public.

Further information may be obtained by contacting Pierre A. Forgues, Director for Commerce and Construction, Ministère du Développement économique, de l'Innovation et de l'Exportation, 380, rue Saint-Antoine Ouest, 4<sup>e</sup> étage, Montréal (Québec) H2Y 3X7; telephone: 514 499-2199, extension 3184; fax: 514 873-7408; e-mail: PierreA.Forgues@mdeie.gouv.qc.ca

Any interested person may submit comments, in writing, before the expiry of the 45-day period, to Pierre A. Forgues at the above address.

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### Regulation respecting cider and other apple-based alcoholic beverages

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13, s. 37, 1st par., subpars. 1, 2, 3, 5 and 10)

#### DIVISION I

##### DEFINITIONS AND DESIGNATIONS

1. In this Regulation,

“actual alcoholic strength” means the number of volumes of ethyl alcohol contained at a temperature of 20° Celsius in 100 volumes of the product at that temperature, expressed as alcohol percentage by volume; (*titre alcoométrique acquis*)

“alcoholic beverage” means an alcoholic beverage produced in accordance with this Regulation; (*boisson alcoolique*)

“apple brandy” means an unrectified mixture of alcohol and water obtained by the distillation of the must of apples and having an actual alcoholic strength of not less than 52% by volume and not more than 80% by volume; (*eau-de-vie de cidre*)

“apple juice” means the juice of apples that may be concentrated only by natural over-ripening of the apples, natural partial dehydration of the apples or the action of natural or artificial cold on the apples; (*jus de pomme*)

“cider” means an alcoholic beverage obtained by the alcoholic fermentation of apple juice and having an actual alcoholic strength of not less than 1.5% by volume and not more than 15% by volume; (*cidre*)

“flavouring substances” means herbs, spices, fruit, plants and other botanical flavouring substances and their extracts or essences in water, neutral alcohol, apple brandy, glycerol or propylene glycol, and fruit juice, honey and maple syrup; (*substances aromatiques*)

“holder” means the holder of a cider maker permit and the holder of a small-scale production permit; (*titulaire*)

“neutral alcohol” means a mixture of ethyl alcohol and water obtained by the distillation of apple must, molasses or cereal and having an actual alcoholic strength of not less than 94% by volume; (*alcool neutre*)

“sugar” means medium invert sugar, fructose, glucose, sucrose and aqueous solutions thereof, provided that the sugar content of the solution as measured in degrees Brix is not less than 77.5° for medium invert sugar, 75.5° for HFCS 55, 69.8° for HFCS 43, 81° for glucose and 67.5° for sucrose. (*sucre*)

**2.** Cider and the other apple-based alcoholic beverages that may be produced by a holder must correspond to one of the following designations and to the characteristics of the designation:

(1) “Québec amber”: the alcoholic beverage obtained by adding apple brandy to apple juice, that has matured in oak casks for not less than 12 months and that has an actual alcoholic strength of not less than 15% by volume and not more than 20% by volume;

(2) “aperitif cider”: cider to which flavouring substances, sugar or apple juice have been added, that, through fermentation or the addition of neutral alcohol or apple brandy, has an actual alcoholic strength of not less than 15% by volume and not more than 20% by volume, and that must have the typical characteristics of an aperitif wine or the sensory characteristics of apples or cider;

(3) “flavoured cider”: cider to which fruit or fruit juice, honey or maple syrup has been added, that has an actual alcoholic strength of not less than 1.5% by volume and not more than 10% by volume and that has the sensory characteristics of apples or cider;

(4) “cidre bouché”: cider to which apple juice may be added, that is naturally effervescent, has undergone fermentation in the bottle for not less than 4 weeks, has between 3.5 and 5.5 volumes of dissolved carbon dioxide per volume of finished product, has a volatile acidity of not more than 0.8 grams per litre expressed as g/L of sulphuric acid, and has an actual alcoholic strength of not less than 1.5% by volume and not more than 7% by volume;

(5) “cidre bouché on lees”: a cidre bouché that has matured on its lees for not less than 6 months;

(6) “traditional cidre bouché”: a cidre bouché on lees whose lees have not been removed from the bottle;

(7) “ice cider”: cider obtained by the fermentation of the juice of pressed frozen apples that has a pre-fermentation sugar content of not less than 30° Brix achieved solely by natural cold, producing a finished product with a residual sugar content of not less than 130 grams per litre and an actual alcoholic strength of more than 7% by volume but not more than 13% by volume;

(8) “naturally sweet cider”: partially fermented cider that has an actual alcoholic strength of not less than 1.5% by volume and not more than 3.5% by volume before the addition of neutral alcohol or apple brandy, producing a finished product with a residual sugar content of not less than 70 grams per litre and an actual alcoholic strength of not less than 15% by volume and not more than 20% by volume;

(9) “strong cider”: cider to which sugar or apple juice may be added before or during fermentation, producing a finished product with a residual sugar content of not more than 110 grams per litre and an actual alcoholic strength of more than 7% by volume but not more than 15% by volume;

(10) “light cider”: cider to which sugar or apple juice may be added before or during fermentation, producing a finished product with a residual sugar content of not more than 110 grams per litre and an actual alcoholic strength of not less than 1.5% by volume and not more than 7% by volume;

(11) “liqueureux cider”: cider that has a residual sugar content of not less than 80 grams per litre and an actual alcoholic strength of not less than 5% by volume and not more than 15% by volume;

(12) “cider cocktail”: an alcoholic beverage obtained from cider to which flavouring substances must be added and to which sugar may be added, and that has an actual alcoholic strength of not less than 1.5% by volume and not more than 7% by volume;

(13) “apple mistelle”: the alcoholic beverage obtained by adding neutral alcohol or apple brandy to apple juice and that has an actual alcoholic strength of not less than 15% by volume and not more than 20% by volume.

Québec amber, cider cocktail and apple mistelle are not ciders.

## DIVISION II PRODUCTION REQUIREMENTS

**3.** Except as provided in section 2, no ethyl alcohol may be added and no enrichment may be carried out in the production of an alcoholic beverage.

For the purposes of this Regulation, “enrichment” means the addition, during the production of an alcoholic beverage, of any substance other than ethyl alcohol for the purpose of increasing the alcoholic strength of the beverage or making it mellow or mellower.

**4.** Acidification must be achieved solely by the use of not more than 2 grams per litre of tartaric, citric, malic or lactic acid, expressed as g/L of sulphuric acid.

Deacidification must be achieved solely by the use of not more than 2 grams per litre of calcium carbonate, neutral potassium tartrate and double calcium salt of tartaric and malic acids, expressed as g/L of sulphuric acid.

Acidification and deacidification are mutually exclusive.

Nothing in this section may be construed to prohibit malolactic fermentation.

**5.** The total volatile acidity of an alcoholic beverage, expressed as g/L of acetic acid, must not be more than 2 grams per litre, or more than 1.64 grams per litre expressed as g/L of sulphuric acid.

**6.** If potassium ferrocyanide is used in the production of an alcoholic beverage, there must remain no trace of the substance after the treatment.

The holder must, within 10 days after using the substance, have the production lot of the alcoholic beverage tested by a member of the Ordre des chimistes du Québec for the presence of potassium ferrocyanide and send the professional’s analysis report to the Régie des alcools, des courses et des jeux.

**7.** The addition of water in the production of an alcoholic beverage other than a cider cocktail is prohibited.

**8.** A cider cocktail must contain, by weight of the finished product, not less than 25% juice extracted from apples harvested in Québec. For other alcoholic beverages, that percentage must not be less than 80%.

**9.** Alcoholic beverages, other than traditional cidre bouché, must be stabilized to maintain their typical characteristics at bottling throughout their durable life.

**10.** Alcoholic beverages, except traditional cidre bouché and cider cocktail, must be clear.

**11.** The colour of an alcoholic beverage must derive exclusively from the materials authorized for its production and from the addition of caramel in the case of Québec amber, aperitif cider, flavoured cider, cider cocktail and apple mistelle.

**12.** Québec amber, aperitif cider, naturally sweet cider and apple mistelle must not be carbonated.

Flavoured cider, ice cider, strong cider, light cider, liqueux cider and cocktail cider may be artificially injected with carbon dioxide provided that the volume of dissolved carbon dioxide per volume of finished product is 1.5 to 2.5 or 3.5 to 5.5.

This section must not be construed as a prohibition against adding to a light cider a quantity of carbon dioxide less than that set out in the preceding paragraph to produce a few bubbles at opening indicating light effervescence.

**13.** A holder of a small-scale production permit must use Québec-produced fruit, fruit juice, honey or maple syrup in the production of aperitif cider and flavoured cider.

**14.** Ice cider produced by a holder must be made from apples grown by the holder and the entire production process must take place at the holder’s establishment.

**15.** The use of artificial cold in the production of ice cider is permitted only for purposes of malic precipitation, provided the temperature is not lower than -4° Celsius.

**16.** Except as otherwise provided in this Regulation, only the following substances may be used in the production of an alcoholic beverage:

- (1) yeast;
- (2) yeast foods;
- (3) sulphur dioxide (SO<sub>2</sub>) or potassium metabisulfite in such amount that its content in the finished product does not exceed 70 ppm in the free state or 420 ppm in the combined state, calculated as sulphur dioxide;
- (4) enzymes;
- (5) ascorbic acid or erythorbic acid or their salts;
- (6) activated carbon;

- (7) clay;
- (8) diatomaceous earth;
- (9) gelatine;
- (10) egg white;
- (11) albumen;
- (12) sodium chloride to a maximum of 1 gram per litre;
- (13) silica gel;
- (14) casein;
- (15) tannic acid not exceeding 200 ppm;
- (16) polyvinylpyrrolidone not exceeding 2 ppm in the finished product;
- (17) bentonite;
- (18) oxygen;
- (19) ozone;
- (20) sorbic acid or salts thereof not exceeding 500 ppm in the finished product, calculated as sorbic acid.

### DIVISION III LABELLING

**17.** The following information must appear, in the form of a label or otherwise, on containers of alcoholic beverages in bold, indelible, legible characters in distinct contrast to any other information:

- (1) the designation corresponding to the relevant production process set out in section 2;
- (2) the holder's name and address and the permit number under which the holder has produced the alcoholic beverage;
- (3) the words "product of Québec";
- (4) as applicable, the effervescence as provided in section 20;
- (5) if applicable, the method referred to in the second paragraph of section 21 used to obtain the effervescence;
- (6) the actual alcoholic strength;

(7) the net volume;

(8) the alphanumeric code identifying the production lot of the alcoholic beverage.

The information listed in subparagraphs 1 to 7 of the first paragraph must appear on the principal display panel of the container.

**18.** For the purposes of subparagraph 1 of the first paragraph of section 17,

(1) the designations "strong cider" and "light cider" may be replaced by "vintage cider" preceded by the name of the holder's agricultural operation if the cider has not been enriched otherwise than by the addition of apple juice and the cider is made entirely from apples from that agricultural operation;

(2) the designations "strong cider" and "light cider" may be replaced by the single word "cider";

(3) the designation "light cider" may be replaced by "early cider" or "nouveau cider" if the cider has been made from summer apples, has an actual alcoholic strength of not more than 3% by volume, has no sugar added during production, and is marketed by the holder between September 15 and December 31 of the year in which the apples used in the production process were grown; and

(4) the designation "aperitif cider" may be replaced by "vermouth cider" or "apple vermouth" if the cider has the typical characteristics of a vermouth as a result of the flavouring obtained by the use of derived substances, in particular the *Artemisia* species.

**19.** The vintage year may appear on the containers of all alcoholic beverages except aperitif ciders, flavoured ciders and cocktail ciders.

The year must be followed by the word "vintage" and correspond to the year in which all the apples used in the production of the alcoholic beverage were grown, except, as applicable, the apples used to make neutral alcohol or apple brandy.

**20.** The effervescence of an alcoholic beverage must be declared on the label and appear immediately preceding the designation, in characters of the same size and colour, and be described in the following terms:

(1) "crackling" if the alcoholic beverage contains between 1.5 to 2.5 volumes of dissolved carbon dioxide per volume of finished product;

(2) “sparkling” if the alcoholic beverage contains between 3.5 to 5.5 volumes of dissolved carbon dioxide per volume of finished product.

The word “perlant” may be used if light cider contains not more than 1 volume of dissolved carbon dioxide per volume of finished product and is characterized at opening by the appearance of a few bubbles indicating light effervescence.

**21.** The method used to produce the effervescence in an alcoholic beverage other than a cider cocktail may appear on the container, in which case the method must be described in the following terms:

(1) “cuve close method” if the effervescence is obtained exclusively in the last stage of fermentation in closed vessels for a period of not less than four weeks;

(2) “traditional method” or “classic method” if the effervescence is obtained exclusively from a final fermentation in the bottle for not less than nine months, during which time the product remains on the lees and after which the product is separated from its lees by disgorging;

(3) “bottle-fermented” if the effervescence is obtained exclusively by a final fermentation in the bottle for not less than two months, during which time the product remains on the lees and after which the product is separated from its lees by disgorging or filtration.

If the alcoholic beverage is artificially injected with carbon dioxide as provided in the second paragraph of section 12, the descriptor “carbonated” or “artificial effervescence” must appear on the label after the description of the effervescence in the first paragraph of section 20 in characters of the same size and colour as those used for the designation.

**22.** The residual sugar content may appear on the label as follows:

(1) for effervescent alcoholic beverages:

(a) “brut” if the sugar content is less than 30 grams per litre;

(b) “medium dry” or “semi-dry” if the sugar content is not less than 30 grams per litre but less than 50 grams per litre;

(c) “sweet” if the sugar content is not less than 50 grams per litre;

(2) for still alcoholic beverages having an actual alcoholic strength of not more than 15% by volume:

(a) “dry” if the sugar content is not more than 25 grams per litre;

(b) “sweet” if the sugar content is more than 25 grams per litre;

(3) for still alcoholic beverages having an actual alcoholic strength of more than 15% by volume:

(a) “dry” if the sugar content is not more than 30 grams per litre;

(b) “sweet” if the sugar content is more than 30 grams per litre.

**23.** Information and illustrations on the container of an alcoholic beverage must meet all requirements, be accurate, not give rise to a risk of confusion or misunderstanding in the minds of consumers, more specifically regarding the raw material used, and make no reference to any other alcoholic beverage defined in the Act respecting offences relating to alcoholic beverages (R.S.Q., c. I-8.1).

**24.** No words or illustration which would identify or associate the contents with any of the following may appear on the container of an alcoholic beverage:

(1) a 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) to sell alcoholic beverages defined in the Act respecting offences related to alcoholic beverages;

(2) a holder of a grocery permit issued under the Act respecting liquor permits (R.S.Q., c. P-9.1);

(3) a holder of a permit authorizing consumption on the premises issued under the Act respecting liquor permits, unless the alcoholic beverage has been bottled specifically for the holder and is for consumption on the premises of the establishment referred to in the permit.

#### DIVISION IV SPECIAL PROVISIONS

**25.** Nothing in this Regulation may be construed to prohibit a holder from producing an alcoholic beverage defined in the Act respecting offences relating to alcoholic beverages that is obtained by adding food substances to an apple-based alcoholic beverage if the alcoholic beverage obtained cannot be used for beverage purposes and is intended to form part of another product for human consumption.

The word “cider” may be used in the designation of the alcoholic beverage but it must be accompanied by a declaration of the added food substance and the use for which it is intended.

**26.** Provisions of this Regulation that are inconsistent with the legislation in the place of destination do not apply to alcoholic beverages produced for shipment outside Québec.

The words “product of Québec” must not appear on the alcoholic beverage containers in such cases.

#### DIVISION V FINAL AND TRANSITIONAL

**27.** Bottled alcoholic beverages ready for marketing that do not comply with this Regulation on the date of its coming into force may be marketed by a holder only in the 12 months after that date.

Alcoholic beverages in the process of production on the date of coming into force of this Regulation that cannot be brought into compliance with its provisions may be marketed only in the 18 months after that date or, in the case of alcoholic beverages on whose containers the words “traditional method” or “classic method” may appear, only in the 24 months after that date.

The right to market under the preceding paragraphs includes the right to use labels and containers existing on the date of coming into force of this Regulation.

Labels and containers for alcoholic beverages not referred to in the first and second paragraphs of this section and that are held by a holder on the date of coming into force of this Regulation may be used only in the 12 months after that date, even if they do not contain all the information required by section 17.

**28.** This Regulation replaces the Regulation respecting cider (R.R.Q., 1981, c. S-13, r.1).

**29.** This Regulation comes into force on the 15th day following the date of its publication in the *Gazette officielle du Québec*.

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## Draft Regulation

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

### Regulation — 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, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to complete the legislative provisions recently enacted with respect to distance contracts entered into by a merchant and a consumer, by providing that certain kinds of contracts are not to be subject to all or part of the new rules because they are already subject to special rules inconsistent with the rules applicable to distance contracts, or because the transaction method used to enter into certain contracts makes the rules applicable to distance contracts difficult to apply.

In addition, the draft Regulation updates the exemptions from the rules applicable to contracts entered into with an itinerant merchant.

It also makes technical adjustments to harmonize the Regulation with the amendments recently made to the Act.

Since the measures proposed in this draft Regulation are mainly exemptions from certain rules applicable to merchants, enterprises will have no additional requirement to fulfill. Certain enterprises are even released from the obligation to provide security.

Further information may be obtained by contacting Maryse Côté, Office de la protection du consommateur, Village olympique – 5199, rue Sherbrooke Est, bureau 3721, Montréal (Québec) H1T 3X2; telephone: 514 253-6556, extension 3423; fax: 514 864-2400.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, Québec (Québec) G1V 4M1.

*Minister of Justice*

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