

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*.

8316

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

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, pars. *l*, *r* and *y*; 2006, c. 56)

1. The Regulation respecting the application of the Consumer Protection Act is amended in section 4 by replacing “sections 22, 254 to 256” by “sections 54.3, 254 to 256”.

2. Section 6 is amended by replacing “Section 22 of the Act” by “Section 54.3 of the Act”.

3. The following is inserted after section 6:

“**6.1.** Division I.1 of Chapter III of Title I of the Act does not apply to

(a) a contract subject to the Act respecting prearranged funerals and sepultures (R.S.Q., c. A-23.001) and entered into in accordance with the provisions of that Act;

(b) a contract for the sale of goods likely to deteriorate rapidly;

(c) a contract entered into during an auction sale;

(d) a contract entered into following an offer made by a merchant through a vending machine;

(e) a parking space lease if the rental rate is calculated by the minute or on a hourly or daily basis;

(f) a telephone service contact established by the insertion of a coin or credit card into a public telephone; or

(g) a contract for the sale of a lottery ticket by a legally authorized person.

6.2. Section 54.3 of the Act does not apply to a travel agent who complies with the Travel Agents Act (R.S.Q., c. A-10) and the regulations made under that Act with regard to the trust account.

6.3. Contracts of credit, contracts of service involving sequential performance within the meaning of Division VI of Chapter III of Title I of the Act, even if entered into by a person listed in section 188 of the Act, and contracts of service or for the lease of goods entered into at the time of the entering into or performance of a contract of service involving sequential performance are exempt from the application of Chapter II of Title I and sections 54.8 to 54.16 of the Act and section 26 of this Regulation if they are distance contracts.

6.4. Long-term contracts of lease of goods within the meaning of section 150.2 of the Act and contracts for the sale or long-term lease of a used car or motorcycle are exempt from the application of Chapter II of Title I of the Act and section 26 of this Regulation if they are distance contracts.”

4. Section 8 is amended

(1) by adding “even if the soliciting was done by the merchant elsewhere than at the merchant’s address” at the end of paragraph *c*;

(2) by replacing “a public telephone utility company” in paragraph *g* by “a telecommunications common carrier to which the Telecommunications Act (S.C. 1993, c. 38) applies”.

5. Division V of Chapter VIII is revoked.

6. Schedules N-28, N-29 and N-32 are revoked.

7. A merchant is not entitled to a refund of the amounts remitted to the president of the Office de la protection du consommateur as security pursuant to section 309 of the Consumer Protection Act, repealed by section 9 of chapter 56 of the Statutes of 2006, before the expiry of 3 years following 15 December 2007 which is the period during which legal action against the merchant or the merchant’s representative may still be taken for a breach, prior to 15 December 2007, of the provisions of the Act concerning distance contracts or the obligations arising from such contracts.

On the expiry of the 3-year period, the merchant is entitled to a refund of the amounts, or the balance thereof, only if the amounts are no longer necessary to guarantee

(a) compensation in principal, interest and costs to any consumer who obtained a judgment within or before that period against the merchant or the merchant’s representative following an action for a breach referred to in the first paragraph;

* 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 636-2003 dated 4 June 2003 (2003, G.O. 2, 1922). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 March 2007.

(b) compensation in principal, interest and costs to any consumer who entered into a transaction with the merchant, the merchant's representative or the syndic within or before that period in relation to an action for a breach referred to in the first paragraph;

(c) compensation in principal, interest and costs to any consumer who within or before that period took and reported to the president of the Office an action against the merchant or the merchant's representative for a breach referred to in the first paragraph;

(d) the payment of the fine and costs that the merchant or the merchant's representative was ordered to pay within or before that period by reason of a breach referred to in the first paragraph.

8. This Regulation comes into force on 15 December 2007.

8319

Draft Regulation

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

Alcoholic beverages

— Terms of sale by holders of a grocery permit

— 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 terms of sale of alcoholic beverages by holders of a grocery permit, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to no longer allow holders of a wine maker's permit to market a proprietary brand in association with the brand name of a person authorized to sell alcoholic beverages under subparagraph *h* of the first paragraph of section 17 of the Act respecting the Société des alcools du Québec, and incidentally, to eliminate the requirements established by the Regulation for that marketing.

Study of the matter has shown no impact on the public or enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting:

Ministère du Développement économique, de l'Innovation et de l'Exportation, Direction du commerce et de la construction, Pierre A. Forgues, director, 380, rue Saint-Antoine Ouest, 4^e étage, Montréal (Québec) H2Y 3X7; telephone: 514 499-2199, extension 3184, fax: 514 873-7408, e-mail: pierre.forgues@mdeie.gouv.qc.ca

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 Economic Development, Innovation and Export Trade at the following address:

710, place D'Youville, 6^e étage, Québec (Québec) G1R 4Y4.

RAYMOND BACHAND,
*Minister of Economic
Development, Innovation
and Export Trade*

JACQUES P. DUPUIS,
*Minister of Public
Security*

Regulation to amend the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit*

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13, s. 37, 1st par., subpars. 1, 7, 8 and 10)

1. Section 3 of the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit is amended

(1) by replacing subparagraph 5 of the first paragraph by the following:

“(5) which cannot be identified and associated with a person authorized by the Société to sell alcoholic beverages under subparagraph *h* of the first paragraph of section 17 of the Act respecting the Société des alcools du Québec or with a holder of a permit issued under the Act respecting liquor permits.”;

(2) by striking out the third paragraph.

* The Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit, made by Order in Council 2165-83 dated 19 October 1983 (1983, *G.O.* 2, 3668), was last amended by the regulation made by Order in Council 763-2004 dated 10 August 2004 (2004, *G.O.* 2, 2455A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 March 2007.