

Consumer Taxes

TVQ. 677-1/R3 Identification of Beer Containers

Date of publication: December 20, 2013

Reference(s): *Act respecting the Québec sales tax* (CQLR, c. T-0.1), sections 485.1 and 677
Tax Administration Act (CQLR, c. I-3), section 17.5
Regulation respecting the Québec sales tax (CQLR, c. T-0.1, r. 2), sections 677R1,
677R2, 677R9.1, 677R9.1.1, 677R9.2 and 677R9.3
Regulation respecting the prescribed manner of identifying a beer container
(CQLR, c. T-0.1, r. 1), sections 1 to 17

This version of interpretation bulletin TVQ. 677-1 supersedes the version of December 30, 1998. The bulletin was revised to update its content. With respect to beer intended for sale for takeout or delivery with a meal, it has effect from December 18, 2002.

This bulletin sets out the rules pertaining to the identification of beer containers.

LEGISLATIVE AND REGULATORY PROVISIONS

1. Under subparagraph (22) of the first paragraph of section 677 of the *Act respecting the Québec sales tax* (AQST), the government may determine, by regulation, that any beverage of a prescribed class intended for use or consumption inside or outside an establishment described in paragraph (18) of section 177 of the AQST be in a container identified in the manner prescribed by the Minister of Revenue or of a prescribed size, and sold and delivered in that container. The government may also prescribe that such containers be used exclusively by the establishment.
2. The establishments concerned are those whose operators hold a permit allowing consumption on the premises issued under the *Act respecting liquor permits* (CQLR, chapter P-9.1). This excludes reunion permits issued under that Act. These rules also apply to beer intended for sale for takeout or delivery with a meal, by an establishment that primarily and ordinarily sells meals for consumption on the premises.
3. The *Regulation respecting the Québec sales tax* (RQST) provides that beer constitutes a prescribed class of beverages that must be sold or delivered in a container identified in the manner prescribed by the Minister.
4. For purposes of the RQST, the term “beer” means a beverage obtained by the alcoholic fermentation in drinking water of an infusion or decoction of barley malt, hops or any other similar

product, as well as beverages composed of beer and other non-alcoholic substances (beverages known as “coolers”), where those beverages contain more than 0.5% of alcohol by volume. However, this class of beverages does not include draft beer.

5. In addition, the *Regulation respecting the prescribed manner of identifying a beer container* was made to prescribe how beer containers must be identified.

IDENTIFICATION OF CASES

6. Where a person habitually sells and delivers beer in cases identifying their contents, those cases must bear the following inscription in capital letters:

QUÉBEC
DROITS ACQUITTÉS

7. For a non-reusable case containing at least 24 beers, both ends of the case must bear the inscription described in point 6 of this bulletin in 60-point Helvetica Bold surrounded by a border four points thick forming a frame at least 22 centimetres wide and five centimetres high.

8. For a non-reusable case not described in point 7 of this bulletin, containing at least 12 beers, both ends of the case must bear the inscription described in point 6 of this bulletin in 40-point Helvetica Bold surrounded by a border four points thick forming a frame at least 13 centimetres wide and three centimetres high.

9. All other cases must bear the inscription described in point 6 of this bulletin with the word “QUÉBEC” in 24-point Helvetica Bold and the words “DROITS ACQUITTÉS” in 16-point Helvetica Bold surrounded by a border two points thick forming a frame at least six centimetres wide and one and a half centimetres high.

10. The inscription described in point 6 of this bulletin may be printed on a sticker affixed to the case.

IDENTIFICATION OF BEER

Choice of methods

11. Subject to point 12 of this bulletin, a beer producer must identify that beer using one of the methods described in points 13 through 18 of this bulletin.

12. Where beer is sold by the Société des alcools du Québec, the obligation referred to in point 11 of this bulletin rests with the Société.

Printing on a can or on a bottle label

13. A beer can or the main label of a beer bottle must bear the following inscription in capital letters in nine-point Helvetica Bold surrounded by a border one and a half points thick forming a frame at least five centimetres wide and a half centimetre high, in 100% black on a 100% opaque white background:

Ink-jet printing on a can or bottle

14. A beer can or beer bottle must bear the inscription “CSP,” in capital letters at least 10 points wide and seven points high, preceded and followed by a square or any other distinctive character, such as an asterisk. The whole inscription must be at least 30 millimetres wide and be ink-jet printed in a contrasting colour to the background.

15. For a beer bottle, the inscription described in point 14 of this bulletin must be made directly on the glass, between 115 and 130 millimetres from the bottom of a 341-millimetre container and between 155 and 170 millimetres from the bottom of a 625-millimetre container, unless the location of the label precludes this.

For a beer bottle having any other capacity, the inscription must also be made directly on the glass.

16. Notwithstanding points 14 and 15 of this bulletin, the inscription described in point 14 of this bulletin may be printed, in the dimensions set out in said point 14, along with and in the same manner as the other information on the main label of a beer bottle.

Laser printing on a bottle label

17. The main label of a beer bottle must bear the inscription “CSP,” in capital letters in five-point Helvetica, preceded by a square or any other distinctive character, such as an asterisk. The whole inscription (including a production code, where applicable) must be at least five millimetres wide and five millimetres high and be laser-printed in such a manner that it contrasts with the background.

Stamp affixed to a can or bottle

18. Subject to point 19 of this bulletin, a beer can or beer bottle must bear a stamp that is affixed and glued over its entire surface directly to the metal or glass, as the case may be, and that meets the following requirements:

- (1) The paper of the stamp must be flat white, have a paper weight of at least 37 pounds and be pre-glued with RH 1 adhesive or the equivalent (subject to paragraph 3 of this point). The backing paper must have a paper weight of at least 40 pounds.
- (2) The stamp must be two centimetres wide and one and a half centimetres high and bear the inscription described in point 6 of this bulletin, in red ink, with the word “QUÉBEC” in 12-point Helvetica Bold and the words “DROITS ACQUITTÉS” in seven-point Helvetica Bold Condensed. The vendor’s 10-digit identification number, which appears on the vendor’s registration certificate issued under the AQST, must be printed in black ink in the space between the two lines.
- (3) The glue must ensure that the entire surface of the stamp adheres to the metal or glass, as the case may be, and must withstand the distribution conditions to which the beer may be subject, right up until the sale of the beer to a consumer.

(4) To avoid the possibility that the stamp might be removed whole, it must be cut along two dotted lines forming a cross.

19. Notwithstanding point 18 of this bulletin, where beer is sold by the Société des alcools du Québec, the stamp used by the Société pursuant to the *Act respecting offences relating to alcoholic beverages* (CQLR, chapter I-8.1) may be used.

20. The stamp described in point 18 of this bulletin must be approved by the Minister. Therefore, a specimen of the stamp must be sent for approval to:

Senior Director
Direction principale des lois sur les taxes et
l'administration fiscale et des affaires autochtones
Direction générale de la législation et
du registraire des entreprises
Revenu Québec
3800, rue de Marly, secteur 5-2-2
Québec (Québec) G1X 4A5

MISCELLANEOUS

Visibility of an Inscription

21. The *Regulation respecting the prescribed manner of identifying a beer container* provides that the inscription, or the stamp bearing an inscription, must be clearly visible on containers (other than beer cans) when they are in the normal position for use or consumption.

Beer Cans

22. In view of the particular context surrounding the distribution of cans of beer, Revenu Québec tolerates the presence of unidentified beer cans at outfitting operations and in the vehicles of airline companies and railway companies.

23. In addition, establishments located north of 53 degrees, 40 minutes North latitude can be supplied with unidentified cans. That restriction takes into account the geographical position of the town of Radisson.

PENALTIES

24. Under section 677R9.3 of the RQST, the contravention of any regulatory provision pertaining to the identification of beer containers constitutes an offence.

25. Every person who contravenes such a provision is liable to a fine of not less than \$500 nor more than \$2,000 and, in the case of a second offence within five years, to a fine of not less than \$2,000 nor more than \$5,000 and, for a subsequent offence within that time, to a fine of not less than \$5,000 nor more than \$10,000.

26. Among other things, Revenu Québec may revoke the Québec sales tax registration certificate of any person who has been convicted of an offence pertaining to the identification of beer containers, which may lead to the closure of that person's establishment.