
Brewer, Distiller and Agent Licences

TERMS and CONDITIONS

A GUIDE FOR
LIQUOR LICENSEES
IN BRITISH COLUMBIA

Updated
May 2014

This guide . . .

provides essential information for:

- licensed breweries and distilleries (including cottage breweries and brew pubs)
- licensed agents hired to promote brewery/distillery products, and
- breweries and distilleries holding on-site retail liquor store appointments.

This information does not apply to all licence classes or to other types of appointments.

Separate guides are available for those holding food-primary, liquor-primary, catering, licensee retail store, wine store, winery, and UBrew/UVin licences.

For copies of these other guides, please contact us or visit the provincial government website below:

Phone (toll free): **1 866 209 2111**

E-mail: **lclb.lclb@gov.bc.ca**

Website: **<http://www.pssg.gov.bc.ca/lclb>**

Brewer, Distiller and Agent Licences – Terms and Conditions Guide

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Brewer, Distiller and Agent

Terms and Conditions

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IN BRITISH COLUMBIA

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Introduction

This Guide

This guide outlines the requirements of the Liquor Control and Licensing Act and Regulations for liquor manufacturers and agents (excluding wineries).

It also imposes further terms and conditions, in addition to those found in the Liquor Control and Licensing Act and Regulations.*

Licensees must follow these terms and conditions - and any further terms and conditions that might be printed on the face of your licence or contained in letters issued to you by the general manager of the Liquor Control and Licensing Branch or the general manager of the Liquor Distribution Branch - at all times.

It is your responsibility to operate your business so that it complies with the law and with the terms and conditions of your licence

***Section 12 of the Liquor Control and Licensing Act provides the general manager with the authority to impose, in the public interest, terms and conditions on licences.**

Important!

Please take time to read this guide carefully and make sure your managers and staff are familiar with the information presented here and with any additional terms and conditions printed on the face of your licence, your Certificate of Appointment and/or in letters issued by the Liquor Control and Licensing Branch or the Liquor Distribution Branch.

Definitions Used in this Guide

"The Act" means the Liquor Control and Licensing Act, the provincial legislation that guides the licensing of establishments that manufacture or sell liquor in BC.

"Agent" means a liquor manufacturer representing itself as an agent, a person hired by a liquor manufacturer to represent them as an agent or a person who represents a manufacturer of liquor outside of British Columbia as their agent.

If you hold a Winery, Brewery or Distillery licence and also hold an agent licence, you may advertise and promote your liquor products off the manufacturer site to licensees, liquor stores and the public. An agent cannot sell liquor directly to the public. A manufacturer agent cannot sell liquor directly to licensees, unless authorized to do so by the General Manager of the Liquor Distribution Branch. All actual sales are made under the manufacturer licence.

"Marketing Representative" means a person hired by a licensed agent to promote their products. These marketing representatives do not need to be registered with the Liquor Control and Licensing Branch. Agents must provide their marketing representatives with identification establishing them as representatives and must also ensure that they comply with provincial liquor laws.

"Branch" means the Liquor Control and Licensing Branch.

"General manager" means the general manager of the Liquor Control and Licensing Branch.

Please Note:

Wherever definitions, words or expressions used in the guide differ from the wording of the Liquor Control and Licensing Act and Regulations and the LDB Act, the legislation will prevail

"Licensee" refers to any individual, individuals or corporate body that holds a British Columbia liquor licence. The term covers both the licensee of record and any person acting in the place of the licensee, such as a manager or person in charge of a brewery or distillery in the licensee's absence.

"Liquor manufacturer" or **"manufacturer"** means a manufacturer of liquor products (i.e., wine, beer, spirits, cider and coolers) or the corporate official of a liquor manufacturer.

"Minor" refers to an individual who is under 19 years of age - 19 is the legal drinking age in British Columbia.

"On-site store endorsement" or **"On-site brewery or distillery store"** refers to a retail store on the same site of a brewery and/or distillery.

"Product voucher" or **"Voucher"** is a certificate issued by a manufacturer. A customer may take the voucher to a participating licensee retail store and exchange it, at no charge, for the quantity of liquor (a case of cider, for example) specified on the voucher.

"Terms and conditions of licence" are requirements of licensees that are set by legislation, regulation or branch policy. All licence terms and conditions must be followed. Not following them may result in enforcement action.

Updates

Licence and appointment terms and conditions change from time to time. We will make revisions to this guide periodically and post these revisions online. The most up-to-date copy of this guide is always available at:

<http://www.pssg.gov.bc.ca/lclb/docs-forms/guide-breweries.pdf>

Help is Available

We understand the challenges you may face as a brewery, distillery or agent in consistently following B.C.'s liquor laws. You should always feel free to discuss potential problems with a branch employee or a liquor inspector. If you have any concerns or questions, please contact the Liquor Control and Licensing Branch at:

Mailing address

PO Box 9292 Stn Prov Govt,
Victoria, BC V8W 9J8

Office address

4th Floor, 3350 Douglas St.
Victoria, BC V8Z 3L1

Email

lclb.lclb@gov.bc.ca

Phone

250-952-5787 in Victoria

Toll-Free Phone

1 866 209 2111

A range of helpful information along with licensee guides, application forms and links to the Liquor Control and Licensing Act and Regulations can be found on the provincial government website under "Liquor Licensing":

www.pssg.gov.bc.ca/lclb

Background: Who is Responsible for What

The Liquor Control and Licensing Branch

The Liquor Control and Licensing Branch is responsible for regulating and monitoring the manufacture and sale of liquor in licensed establishments in British Columbia, and for protecting the public from the harm that may be caused by making and selling liquor or products that contain alcohol.

The branch issues and supervises liquor licences, and monitors the activities of all liquor licensees in British Columbia to make sure they are following the rules laid out in the Liquor Control and Licensing Act, its Regulations, and the terms and conditions of licences.

To make sure the public has full access to information about liquor licensees in this province, we post summaries of all cases where the branch has recommended enforcement action on our branch web site. For those cases that go to an enforcement hearing, we post the complete text of the decision. (Names of individuals are removed to comply with the requirements of the Freedom of Information and Protection of Privacy Act.)

Your Role as a Licensee

As a licensee (someone who holds a liquor licence), you are legally responsible for understanding how the Act, its Regulations, and the specific terms and conditions of your licence affect the operation of your business, and for complying with the Act, its Regulations, and the terms and conditions of your licence.

The term "licensee" covers both the licensee of record and any person acting in the place of the licensee, such as a resident manager or person in charge of a brewery or distillery in the licensee's absence, as well as any staff working on-site at the brewery or distillery, or off-site at a theme night, sponsorship event or other promotion. You are therefore responsible for making sure all your employees (including agents that you hire and any staff they employ to market your products off the manufacturing site) follow B.C.'s liquor laws and the terms and conditions of your licence, both on-site and off-site.

In addition, you must let the branch know about any changes you make to your business (including changes to hired agents or business partners). You must fully cooperate with liquor inspectors and police during inspections, and ensure that the actions of you and your staff do not put liquor inspectors or police at risk or prevent them from carrying out their duties.

Drawing the attention of patrons to the fact that liquor inspectors, minors contracted to the branch, or police are present in your establishment may put the safety of the inspectors, minor agents contracted to the branch, and police at risk. Accordingly, your actions must not cause the attention or focus of patrons to shift towards inspectors, minor agents contracted to the branch, or police at any time; including at the time of entry, during an inspection, or when exiting your establishment. Actions such as announcing the arrival of inspectors, raising or flashing lights, turning down music, playing particular soundtracks (e.g. "Bad Boys"), using

Revised
October
2013

spotlights, or any other similar actions are not permitted. You may not save or distribute photographs of inspectors or minor agents contracted to the branch in any manner (e.g. on a staff bulletin board or the internet).

If you do not carry out your legal responsibilities, you could face serious penalties, including the suspension or loss of your licence.

If your licence is suspended or revoked, you will not be able to manufacture or sell beer or spirits.

The Role of the Liquor Inspector

Liquor Control and Licensing Branch liquor inspectors may make unannounced visits to your place of business at any time to:

- explain the terms and conditions of your licence
- inspect the physical layout of your manufacturing facility – including the retail sales area, sampling area(s), equipment and/or storage area
- inspect your legal, financial and business records
- observe and record your business practices, identifying gaps or weaknesses that are likely to lead to non-compliance (not following the Act and/or the terms and conditions of your licence), and
- identify any contraventions of the Act, its Regulations or the terms and conditions of your licence.

If a liquor inspector finds you are contravening (not following) the Act, its Regulations or the terms and conditions of your licence, the inspector will issue a Contravention Notice and may recommend that the general manager take enforcement action against you.

The Role of Police

Police officers may also make unannounced visits to your place of business. When the police walk through your facility, they will look for evidence of any liquor contraventions, such as selling liquor to minors. If they find a contravention, they will record it on a form called a Licensed Premises Check (LPC), leave one copy with you and send one to the Liquor Control and Licensing Branch. The branch follows up on all LPCs, and may ask a liquor inspector to conduct a further inspection. If the inspector confirms the contravention, he or she may recommend enforcement action.

The Role of Local Government and First Nations

A liquor licence is not the only requirement for operating a brewery or distillery and on-site store endorsement, in British Columbia. As a licensee, you must also deal with local governments and First Nations band councils on such issues as zoning, building bylaws, business licensing requirements and health and fire regulations. Local governments and First Nation band councils are responsible for protecting the peace and good order of their communities and are often the first to learn about problems relating to your brewery or distillery or on-site store endorsement. The general manager takes very seriously complaints from local governments and band councils that breweries and distilleries and/or their on-site store endorsements are operating contrary to the public interest and are disturbing people in the surrounding area.

The Nature of Your Business

Brewery or Distillery Licence

If you are making beer, spirits or spirit-based coolers in B.C. you must have a brewery or distillery licence from the Liquor Control and Licensing Branch and a federal brewery or distillery licence from the Canada Revenue Agency – Excise Duty Pacific Region. The Liquor Control and Licensing Act allows a person to make beer for his or her own consumption, or for consumption by others at no charge, without a licence.

Once you have a distillery or brewery licence, you may sell your products off-site as permitted through your agreement with the Liquor Distribution Branch (LDB) (see below).

Revised
June
2013

Although some movement of product between licensed manufacturers is permitted, you must have facilities and equipment on your premises to manufacture a sizeable amount of your registered products at your licensed manufacturing site. It is contrary to the intent of the licence to manufacture only a token amount on site in order to maintain a retail or on-premises consumption endorsement.

If your company is incorporated under the laws of another province or country, you must be registered as an extra-provincial company doing business in B.C. You must also appoint a resident manager, who will manage the day-to-day operations.

You may also:

- set aside areas within your manufacturing facility where you serve free samples to the public for tasting
- operate one store at your manufacturing site, provided you have an on-site store endorsement
- apply for four additional licence "endorsements": a lounge, special event area, tour area and picnic area
 - A lounge is an indoor or patio area where customers can purchase and consume product made on-site; special event areas are indoor or outdoor on-site areas where patrons can purchase and consume liquor during special events such as weddings – they are event driven and not an extension or alternative to a lounge; in the picnicking and tour areas, liquor is restricted to that served or sold from the on-site store.
 - Lounge and special event endorsements are subject to local government approval. Tour and picnic area endorsements are not subject to local government approval, but do require Liquor Control and Licensing Branch approval. Minors are allowed in these areas only if accompanied by a parent or guardian or working as entertainers.
- apply for tied house associations with up to three off-site licensed establishments and sell/promote your product in these establishments
 - To qualify for an off-site tied house association, annual production volume must not exceed 100,000 litres for a distillery or 300,000 hectolitres for a brewery. In

Revised
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addition, the manufacturer must either have an ownership interest in the licensed establishment, operate the establishment under a third party operator agreement, or have a relationship with the licensed establishment, through a family member who either owns the establishment or is the third party operator of the establishment.

- apply for tied house associations with other on-site licensed establishments, such as an adjoining restaurant, and sell/promote your product in the restaurant, and
- sell gift cards/certificates redeemable for liquor products but only from your licensed premises. The cards/certificates may be redeemed at another licensed establishment. This would allow your gift cards/certificates to be redeemed at any of your licensed outlets or at places where you have an agreement to accept each other's gift cards. Gift cards/certificates must not be sold to minors. You may use a gift/certificate business to administer your card/certificate program.

Agent's Licence

There are three kinds of liquor agents in British Columbia:

- liquor manufacturers representing themselves in marketing and promoting the manufacturer's products off the manufacturer's site (an agent's licence is not required for liquor manufacturers who promote their products on-site only within a store or sampling room)
- agents hired by liquor manufacturers to represent the manufacturer inside British Columbia in marketing and promoting the manufacturer's products off the manufacturer's site, and*
- agents who market and promote imported products from outside British Columbia.*

*These two categories of agents use the same LCLB application form.

To clarify the difference surrounding "sales" and "marketing", agents can only sell product to licensees with the permission of the General Manager of the Liquor Distribution Branch and can never sell to the public. The primary role of the agent is in promoting product.

For our purposes "marketing" is the process through which goods and services move from concept to the customer through identification of market, selection of product and the implementation of a promotional strategy.

All agents must be licensed by the Liquor Control and Licensing Branch and must comply with the Act, its Regulations and the terms and conditions of their licence when promoting liquor products that they are authorised to represent.

An Agent may hire employees to market, promote, conduct tastings and take orders of the manufacturer's products. Agents are responsible for making sure their employees follow B.C.'s liquor laws and the terms and conditions of the agent's licence. Agents are also responsible for providing identification to these employees establishing them as representatives.

Agents may solicit and receive orders for manufacturer's products only from liquor primary, food primary, licensee retail stores and wine stores.

Agents and their employees may not sell liquor products directly to the public, nor may they import liquor products directly. (Liquor products may only be imported through the LDB.) Agents and their employees cannot sell liquor directly to licensees, unless authorized to do so by the General Manager of the Liquor Distribution Branch.

Advertising (including on the Internet) by agents may only be directed to licensed establishments to inform them that the agent may take orders for products produced by manufacturer the agent represents. Agents may also promote and advertise their products by name and advise the public that the products are available for purchase at authorized liquor outlets.

Minors

It is against the law to sell, serve, or supply liquor to a minor. You and your staff are expected to put in place effective systems to meet this obligation. If you or an employee allows a minor to obtain liquor, your licensing privileges could be jeopardized, and you risk prosecution.

You may not direct any promotional activities or materials to minors.

Minors are allowed in your sampling room, facility, lounge, special event area or store (if you have one) only if accompanied by a parent or guardian. Minors are permitted in picnic and tour areas without a parent or guardian.

Important!

There is an ongoing obligation on the part of a licensee to ensure that minors are not served or sold liquor.

You may not employ minors to sell or serve liquor in these areas.

Donations

You may donate your products that have been purchased from the Liquor Distribution Branch to any organization, agency or group which is registered as a charity with the Canada Revenue Agency that is holding a charitable special occasion and is licensed by a special occasion licence.

You must keep a record of the:

- name of the special occasion licensee
- name of the charitable organization which received the proceeds
- location and date of the charitable event
- number of people attending the event, and
- amount of liquor donated.

Manufacturers and agents must keep strict records of charitable donations.

Maintaining a Liquor Registry

You must keep a detailed, written record of every liquor purchase made under your licence – by date and by storage location in a liquor register. (A liquor register is usually a book or binder where you keep your copies of the documentation you receive every time you buy liquor.)

You must also keep a record in your liquor register of all faulty or damaged kegs of product or kegs containing spoiled product that you receive and replace.

Keeping and Producing Documents and Records

If you have a brewer or distiller licence and/or an agent's licence, you must allow the general manager (or a designated person such as a liquor inspector) to inspect documents and records associated with your business, including:

- liquor product sales invoices, purchase and disposal records
- lease and management contracts related to your manufacturing facility
- employee records
- any court orders or judgments against you, and
- any agreements and contracts between you and another licensee.

If you have a brewer or distiller licence, you must also maintain and update regularly a number of additional documents, including:

- a general financial ledger
- a general production and inventory ledger, and
- a brewmaster's or distiller's journal.

These documents, too, must be open for inspection and must include records (as applicable) of the:

- all raw materials purchased, indicating the type, source and volumes of the products
- amount of product bottled and packaged
- records of all movement and disposition, and
- how much of your liquor was lost through spillage or used in sampling and tasting

Managing Your Business

Posting Your Licence

You must post your manufacturing liquor licence in a prominent location at your manufacturing facility or your agent's office to ensure it is immediately available for review by liquor inspectors and police. If you have more than one licensed building on your site consider posting a copy in each building.

Storing Your Floor Plans

When you first applied for a manufacturer's licence, you submitted your establishment's floor plans for approval. Once they were approved by the general manager, these floor plans, which detail where you manufacture, store, sample and sell your product, became part of your liquor licence. Liquor inspectors and the police must have quick and easy access to your approved floor plans.

Licensing Fees

The application fee for a brewery or distillery licence is \$550 plus any endorsements you choose to apply for (e.g. store endorsement \$110 if you intend to sell to the public, lounge \$330, special event area \$330 by itself or \$110 when combined with a lounge). If your application is accepted you must pay a prorated licence fee for the first year:

1 month	\$92	4 months	\$367	7 months	\$642	10 months	\$917
2 months	\$183	5 months	\$458	8 months	\$733	11 months	\$1008
3 months	\$ 275	6 months	\$550	9 months	\$825	12 months	\$1100

The annual licence renewal fee thereafter varies by type of manufacturer and/or volume of liquor produced and any endorsements on the licence. By March 31st of each year:

- distilleries pay \$1,100 per year;
- breweries pay a minimum of \$1,100 per year, based on \$0.12 a hectolitre, multiplied by the total number of hectolitres of malt liquor shipped each year.

The application fee for an independent agent's licence is \$220 if you do not hold a winery, brewery, or distillery licence. The annual renewal fee for an independent agent's licence is \$200 if you do not hold a winery, brewery, or distillery licence.

Providing Information to the Branch

You must be forthright in providing information to the branch. Making a misleading statement or failing to disclose a material fact (such as the fact that a third party is using your brewery or distillery licence, or that the lease on your property has run out) are licensing contraventions.

Storing liquor

Your beer or spirits must be stored on-site at your brewery or distillery. You may also store it at an off-site storage area if you have notified the branch of the off-site storage location using form LCLB027, Off-Site Storage, which can be found at our website at

Revised
May
2014

http://www.pssg.gov.bc.ca/lclb/forms_fees.

Off-site storage areas must be located in British Columbia, and may not be located in a residence.

If you store liquor for more than one licence in a common liquor storage area, the liquor that was purchased or manufactured under each licence must be clearly identifiable.

You must keep a list of storage areas with the liquor licence and produce it upon request by a liquor inspector or police. You must advise the branch if an off-site storage area is no longer being used.

Making Changes to Your Liquor Licence

The details of your liquor licence application – who you are, the name and location of your establishment, etc. – were critical factors in the decision to grant you a licence.

Any changes you make after receiving your licence – including changes to business partners or physical layout – require the approval of the branch *before* you make the changes. (Please see *Appendix 2* for detailed information about making changes to your licence.)

Selling Your Business and Transferring Your Licence to a New Owner

To transfer your brewery or distillery licence to a new owner, the new owner must apply to transfer the licence using the application form (available on the LCLB website listed on page 9). As the current licensee, you will need to sign the Agreement to Transfer Licence(s) (LCLB001D) – this is where you officially agree that when the general manager approves the transfer application you will relinquish all claims to your licence(s). You also acknowledge that you will continue to be held responsible for any contraventions that occur until the transfer is approved. The new owner may request a change in the name of the business at the same time with no additional fee. If applicable, you must give the new owner all production records.

The general manager may decide not to approve a licence transfer if the branch is in the process of taking enforcement action against you as the current licensee, or if you have not paid a monetary penalty or served a suspension notice.

Complying With Your LDB Manufacturer's Agreement

The Liquor Distribution Act requires all BC manufacturers to enter into a Manufacturer's Agreement which deals with issues such as registration of products, who the manufacturer can sell liquor to, reporting sales and remitting moneys for those sales and record keeping. You must comply with the terms of this agreement as a condition of your manufacturer's licence.

Your Brewery or Distillery and Special Events

Under A Special Event Area Endorsement

If you have a special event area endorsement, you may sell and serve liquor registered to you under your agreement with the Liquor Distribution Branch at special events such as concerts, dinners and wedding receptions in designated areas of your brewery or distillery. To apply for a special event endorsement, you will need to submit an application. If approved and you receive your endorsement, you will have to pay an annual renewal fee. Your local government must also support your application. (Please see *Appendix 2* for more information on applying for a special event area endorsement.)

A Special Occasion Licence to Promote Your Products

You may also run events at your brewery or distillery to promote your products using a Special Occasion Licence. Under this kind of licence:

- you may sell your product by the glass, and
- you may serve liquor manufactured elsewhere provided you buy it from the Liquor Distribution Branch (LDB), a rural agency store, or an individual authorized by LDB and comply with the general requirements of the Special Occasion Licence.

You are allowed two Special Occasion Licences a month, or 24 per year subject to the regulations and policy governing SOL's.

You must apply to the branch to temporarily suspend your endorsement, if the area where the event will be held is currently licensed (i.e.: lounge, tour area or picnic area).

Third-Party Events at Your Brewery or Distillery Under a Special Occasion Licence

Groups may host events at your brewery or distillery – such as weddings, parties, concerts, festivals, etc. – under a Special Occasion Licence.

The group hosting the event at your brewery or distillery must:

- apply for the Special Occasion Licence
- ensure a representative of their group has completed the “Serving It Right” training course for licensees and is at the event the whole time
- purchase all liquor to be served at the event from a store authorized to sell liquor to a Special Occasion Licence, and
- take away all liquor left at your brewery or distillery after the event is over (you must not store, use or sell any left-over product at your brewery or distillery).

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Events Away From Your Brewery or Distillery

You may promote your products at special events – such as beer festivals – away from your brewery or distillery, provided:

- you have an agent's licence, and
- you (or the sponsoring organization) have applied for and received a Special Occasion Licence for the event.

(Please see the chapter called *Promoting Your Products with Other Licensees* for information on joint promotions and special events held at bars, pubs, restaurants or licensee retail stores.)

Advertising

What You May Advertise

You may advertise your products, provided the products are registered with the Liquor Distribution Branch. (The Liquor Control and Licensing Branch does not require pre-approval of advertising; however, the LDB may require your ads to be pre-approved before they are placed in a government liquor store or rural agency store.)

You, as a liquor manufacturer or agent, are liable for all advertising – including merchandise – that bears your corporate name or brand, whether done by you or by someone else on your behalf, and no matter where it is displayed or distributed.

You may advertise:

- the name and location of your brewery or distillery
- that you are a retail brewery or distillery store
- your hours of sale
- where your products may be found – at a particular bar or restaurant, for example (you may not, however, advertise the bar or restaurant's entertainment line-up, drink specials, or menu items)
- the type of beer or spirits you sell and/or
- your brand names and prices.

Your advertising cannot:

- encourage liquor consumption or irresponsible drinking
- associate liquor with driving
- use pictures of minors, or personalities, images or activities that may appeal to minors
- show people drinking or anyone who is either intoxicated or behaving irresponsibly or illegally
- suggest that customers will be provided with free bottles of liquor.

Where You May Advertise

You may advertise your business in newspapers, television, radio or the Internet. You can put up signs, and print pamphlets or brochures, including graphics and pictures of your business.

Names and Signs

You may call yourself a "Brewery Store," "Retail Store" or a "Distillery Store."

Any signs, including a sign bearing the name of your business, must comply with local government bylaws. Signs are considered to be advertisements and must comply with the advertising terms and conditions outlined in the preceding section on advertising. All signs, whether inside or outside, must be approved by the Liquor Control and Licensing Branch before you put them up.

Your signs may display:

- the name of your establishment
- the kind of beer or spirits you offer (including brand names)
- your prices
- your hours of sale.

Advertising Your Products

All your advertising must comply with the Canadian Radio-television and Telecommunications Commission's *Code for Broadcast Advertising of Alcoholic Beverages* and Liquor Control and Licensing Regulations. (Please see *Appendix 3* for more on the broadcast code.)

Conducting Market Research

General Conditions

You may conduct market research yourself or appoint an independent market research agency to conduct market research – such as surveys and taste tests – on your behalf, provided:

- All participants are of legal drinking age (an exception may be made for a survey related to a non-liquor topic, such as responsible-use messaging), and
- You do not display brand or corporate advertising at the site of the research, unless a piece of advertising is the subject of the research.

Surveys

You or an agency hired by you may survey members of a target group about your products, provided:

- The survey is not a promotional scheme designed to obtain direct or indirect advertising for your products, or used to convey potentially disparaging information about another company or product, and
- The survey takes place in a market research office, hotel, meeting room, or other location closed to the general public, with one exception: if the survey is limited to a one-on-one question and answer situation, it may be conducted by telephone, or in either a private or public area, such as a shopping mall or on the street.

You or the agency conducting the survey may compensate the respondents for participating in the survey. This may include spirits or beer given as a gift, such as a bottle of the product featured in the survey.

Taste Tests

You or an agency hired by you may conduct taste tests of both existing products and products not yet available in this province, provided:

- You or the agency supply a staff member to conduct the tests who has completed the Serving It Right course for servers, and that staff member is present throughout the taste tests
- Respondents participating in taste tests are not permitted to consume samples to the point of intoxication, and
- The research takes place in a market research office, hotel, meeting room, or other location closed to the general public.

Promoting Your Products With Other Licensees

What You May and May Not Do

The Liquor Control and Licensing Act and its Regulations set out strict rules regarding how you can promote your products with other licensees, including liquor-primary establishments (bars and pubs), food primary establishments (restaurants) and licensee retail stores.

Activities Not Permitted

Inducements

You may not, at any time:

- Offer or give money, gifts, rewards or remuneration to licensees who carry your products. You may not, for example, supply licensees with additional bottles of beer or spirits at either no cost or at a reduced cost
- Provide any items, products or services to other licensees that are necessary to the operation of their businesses. This includes money, credit or other forms of financial assistance, as well as fixtures, furnishings, products, repair costs, draught lines, glassware, games, refrigerators, shelving or permanent display structures. You also may not rent rooms from another licensee (at a hotel or resort unoccupied for the licensee to rent again)
- Pay any portion of a licensee's advertising costs, or advertise a licensee's entertainment line-up, drink specials, or menu items. With the licensee's permission, you can include the licensee's logo in your ads, but you can't demand or receive financial compensation or other consideration in return, or
- Provide or pay for entertainment in a licensed establishment.

Activities Permitted With Approval

Tied houses

A tied house is a business that has an association - financial or otherwise - with a liquor manufacturer or its agent that is likely to lead to its products being favoured. Small and medium sized manufacturers (a winery, brewery, or distillery) are permitted to apply for tied house relationships with up to three licensed establishments. The associated off-site establishments may be any type of establishment licensed under section 12 of the Act (liquor primary, food primary, private liquor store, or the business location of a caterer).

To qualify for the off-site tied house establishments, manufacturer annual production volumes under a British Columbia manufacturer's licence must not exceed:

- 100,000L for a distillery;
- 750,000L for a winery; and
- 300,000 hectolitres for a brewery.

Manufacturers who qualify for off-site establishments under these limits but expand future production beyond these limits will no longer be eligible to apply for additional new off-site tied house establishments but may keep any off-site tied house establishments that were previously approved.

All off-site licensed establishments where the manufacturer's liquor may be sold are required to sell a range of products from a variety of manufacturers that are not associated with or connected with each other, as is required for all other types of licensed establishments. Off-site winery stores will continue to be the one exception from the requirement to sell a range of competitors' products.

Activities Permitted

Promotional items

You may give promotional items of nominal value, such as coasters, tent cards and posters, to bars, pubs and restaurants to promote your products, provided:

- you do not deliver them (or permit them to be delivered) to anyone under age 19, and
- the licensed establishment already lists the brand of liquor identified in the promotional materials.

You may give promotional items of nominal value, such as shelf-talkers, ceiling danglers, and product display structures, etc., to licensee retail stores for a specific promotion. These materials must be returned to you at the end of the promotion.

You may sell or give clothing and novelties – such as shirts, caps, key chains, etc. - with your name or brand to licensees which they may then give or resell to their customers and staff. These items may also display the name or brand of the licensee's establishment.

You may loan more expensive promotional items with your name or brand, such as signs, patio umbrellas, mirrors, menu boards, etc., to bars, pubs, restaurants and licensee retail stores. You may also provide bars, pubs, restaurants and licensee retail stores with temporary display structures and related promotional displays or items. (These displays and items remain your property.)

You may also sell branded glassware (i.e., beer glasses) to licensees at fair market value.

Value-added promotional items approved for government liquor stores

If you have received approval from the Liquor Distribution Branch (LDB) to offer value-added promotional items in BC government liquor stores, you may also provide those same promotional items to licensee retail stores for the same promotion period.

All value added-promotions must follow the Liquor Distribution Branch guidelines outlined in their booklet, *In-Store Marketing Programs*.

Under LDB guidelines, value-added promotional items must be of nominal value (they may not exceed 20 per cent of the retail price of the base product), and must be liquor or liquor-related or branded. Items may include:

- "on-packs," where a small bottle of another of your products or an item such as a bottle

- opener is attached to a bottle of your product
- "in-packs," where an item, such as a Tshirt, is included inside a case of your product, and
- "near-packs," where an item, such as a bag of chips with your brand on it, is placed near or alongside your product and is given away whenever your product is purchased.

Value-added promotions may also include third-party coupons attached to your products by a neck tag or back label, or placed inside a case. These coupons may not be for a rebate or reduction on the purchase price of one of your products, for a free liquor product of any kind, or for cash.

The stores may keep any leftover items at the end of the promotional period and continue to offer them to their customers until they are gone; however, they may not take any promotional items for personal use or future promotions.

You and the licensee retail store may advertise these promotions.

Value-added promotional materials for licensee retail stores (that you are not also supplying to government liquor stores)

You may provide value-added promotional items to licensee retail stores that you are not also supplying to government liquor stores, without Liquor Distribution Branch approval provided the items do not contain liquor (rules about value-added promotional materials found in *Value-added promotional items approved for government liquor stores* apply.)

Product vouchers for retail stores

You may provide product vouchers directly to members of the general public, which they can redeem at participating retail stores at no charge. You may not provide vouchers or coupons redeemable at bars, pubs or restaurants.

- You must have the store's approval before you hand out a voucher redeemable at that store. You may not, however, direct your vouchers to just one store or chain of stores; you must arrange to have your vouchers redeemed at more than one store or chain of stores.
- Your vouchers must specify how much liquor is redeemable (a bottle of spirits, for example, or a dozen bottles of cider). You may specify only one type of liquor (beer or spirits) per voucher. You only (not retail stores or other licensees) may distribute vouchers. You may use any method – in person, by mail, etc. – to distribute your vouchers
- You may not give away product vouchers as prizes.
- Once a voucher is redeemed, you must pay the retail store the full retail price for the quantity of liquor specified on the voucher. You may not pay an additional "redemption fee" to the store for accepting a product voucher.
- You must maintain records of all voucher reimbursements paid to retail stores and make them available for viewing by a liquor inspector at any time.

Size limits for product vouchers or product samples:

Distilled spirits: One bottle of the smallest available size per product (750 ml or greater).

Beer, Cider, Spirit-based Coolers: One dozen of the smallest available size bottles or cans (total not exceeding four litres).

Product samples for licensed establishments

You may give product samples to bars, pubs, restaurants and retail stores, to be consumed by the licensee and staff only (not patrons), away from the licensed area of the establishment.

You may provide a maximum of one bottle (or one dozen bottles or cans of beer, cider or spirit-based coolers) per product per establishment in any one year, and you must keep a record of all samples provided to licensed establishments.

This record must include, for each sample, the:

- name of person who received the sample
- name of his/her establishment
- amount of product supplied, and
- date the product was supplied.

Licensed establishments must enter the product samples in their liquor register. (You may also want to give the establishment a receipt to prove that the sample product is allowed on site, but this is not required.)

Consumer tastings at a restaurant

You and a restaurant may agree to put on a consumer tasting (also called a taste trial) together, but you must ensure the event does not shift the focus away from food. In addition:

- You and/or the restaurant may advertise the event outside the restaurant;
- You may not charge or accept a fee from the restaurant (or pay the licensee) for conducting the consumer tasting;
- You must purchase all liquor products used in the tasting from the restaurant. The price you pay for the liquor served must be no less than the price the restaurant normally pays for the product and no more than the price the restaurant normally charges its customers;
- The restaurant must issue you (and you must retain) a countersigned receipt for the dollar value of the total amount of liquor and/or food purchased;
- You must be present during the entire period of the consumer tasting, and the restaurant staff must dispense all liquor product;
- You must not leave open containers of liquor unattended at any time;
- You must not serve drinks by the tray load;
- You may not serve minors or anyone who is apparently under the influence of alcohol; and
- At the end of the consumer tasting, the restaurant must refund you or your agent for the

Maximum quantities per patron at a consumer tasting:

	SINGLE PRODUCT	MULTIPLE PRODUCT
Restaurant:		
Spirits.....	10 ml.	20 ml.
Beer/Spirit-based Coolers.....	30 ml.	45 ml.
Licensee Retail Store:		
Spirits.....	10 ml.	20 ml.
Beer/Spirit-based Coolers.....	30 ml.	45 ml.

The quantities for multiple product tasting apply only where you are presenting more than one product at a single tasting. The quantity for multiple products is a total of all products offered. For example, if you present three kinds of beer, you may offer a maximum quantity of 15 ml. of each per patron.

cost of any beer, cider or spirits left unopened. The restaurant may return any leftover liquor (opened or unopened) to stock.

Consumer tastings at a retail store

You and a licensee retail store may agree to put on a consumer tasting (also called a taste trial) together. It is up to you and the retail store to decide when a consumer tasting will take place, and how long it will run. However, all tasting must end 30 minutes before the store closes.

- You and the retail store may advertise the tasting within or outside the store, using promotional materials supplied by you (please see the chapter on *Advertising Your Products* for more information).
- The store may not charge you a rental fee for demonstration space.
- You must provide a server or servers for the consumer tasting; these servers may be you or servers hired by you. You must make sure hired servers are familiar with the rules governing consumer tastings at liquor stores.
- Servers must not leave open containers unattended
- You must purchase all products to be tasted from the licensee hosting the event. The price you pay must be no less than what the store paid for the product and no more than the price the store normally charges customers.
- The licensee must issue you (and you must retain) a countersigned receipt for the dollar value of sampled product.
- You may not serve minors or anyone who is apparently under the influence of alcohol.

Please Note:

This section outlines rules for consumer tastings in brewer/distiller/agent retail stores (LRS) only. The rules for promotions in government liquor stores or other private liquor retail stores are similar, but please contact the Promotions Department of the Liquor Distribution Branch for more specific information.

At the end of the consumer tasting:

- You or the licensee must destroy any poured samples, and empty any unfinished bottles.
- You may not remove any opened bottles, or receive a refund for unused product.
- You may receive a refund for unopened product.

Visits to licensed establishments

You may visit bars, pubs and restaurants to promote your products, but there are strict limits on how you must act while you are there.

Mass treating or "buying drinks for the house" is not allowed, and you may not leave money for this purpose. You may, however, join customers at a table and buy a drink for everyone at that table, provided:

- You buy the drinks from the licensed establishment;
- The liquor serving given to each adult customer at one time is not greater than the normal serving for the licensed establishment;
- You pay for each order at the time it is served (you may put the order on a "tab"; provided you settle the account before you leave the establishment), and drink prices

- are the same as the establishment would charge regular patrons;
- You do not treat more than one table at a time, except where the treat involves a bona fide organization, such as a sporting team, arts or cultural club;
- The licensed establishment issues you (and you retain) a countersigned receipt for the dollar value of the product you purchased; and
- You do not bring liquor products into the licensed establishment for patrons to sample.

Contests

You may hold contests in conjunction with bars, pubs, restaurants, retail stores and government liquor stores. If you have applied for and received approval from the Liquor Distribution Branch to run a contest in government liquor stores, you may also run the same contest at bars, pubs, restaurants and licensee retail stores over the same period of time and with the same promotional materials on display provided you follow the Liquor Distribution Branch guidelines outlined in their booklet, *In-Store Marketing Programs*.

Please Note:

This section outlines rules for contests that the Liquor Distribution Branch has approved to run in government liquor stores, that you also want to run in bars, pubs, restaurants and licensee retail stores. There are separate rules if your contest is only running in bars, pubs, restaurants and licensee retail stores, or through the media.

You must conduct all contests, install all promotional items, and remove all promotional items within 10 days after the contest has ended. You may include contest entry forms in your print ads, and may mention where entry forms are available in any of your advertising.

Contests (through the media)

You may also hold contests through the media (such as phone-in radio contests). However, with media contests:

- You must inform potential entrants that they are not required to purchase your product to enter, and they must be of legal drinking age.
- You may not include liquor as a prize.
- Liquor licensees, their employees, the Liquor Distribution Branch and the Liquor Control and Licensing Branch employees and immediate family members of anyone in these groups are not eligible to enter or win a contest.
- Your employees and their immediate families are also not eligible to enter or win a contest.

Theme nights at a bar or pub

A theme night is an opportunity for you to work in collaboration with a liquor-primary establishment (a bar or a pub) to promote the sale of a particular kind of alcohol. Theme nights are not allowed at food-primary establishments, or on college or university campuses.

There are no limits on the number of theme nights you can hold, and you may include festive activities, such as games or prizes, in your theme nights.

Maximum sample quantities per patron at a theme night:

	SINGLE PRODUCT	MULTIPLE PRODUCT
Spirits.....	10 ml.	20 ml.
Beer/Spirit-based Coolers.....	30 ml.	45 ml.

The quantities for multiple product tasting apply only where you are presenting more than one product at a single tasting. The quantity for multiple products is a total of all products offered. For example, if you present three kinds of beer, you may offer a maximum quantity of 15 ml. of each to.

If you and a licensed establishment agree to put on a theme night:

- You must ensure the event has an educational component, such as messages on the consequences of drinking and driving
- The bar or pub must have food available for its patrons at all times during the theme night
- If samples are provided, you must:
 - be present in the bar or pub during at least part of the event to make the offer or invitation to taste
 - purchase all sample products from the bar or pub
 - do the dispensing, if a special service area is set up specifically for the event (if the samples are served using the establishment's usual facilities, the establishment's staff must dispense the product)
 - serve the samples individually (you may not serve them by the tray load)
- The bar or pub must issue (and you must retain) a countersigned receipt for the dollar value of the total amount of liquor and/or food purchased
- The liquor manufacturer or agent may provide inexpensive forms of entertainment during the theme night, such as games. (Payment for more expensive forms of entertainment – live performers or DJs, for example – is prohibited unless approved by the general manager.)
- If you provide games, contests and prizes as part of the theme night:
 - you must record the name of anyone who wins a prize valued at over \$100.00
 - prizes may have your name or brand on them (unless the general manager directs otherwise)
 - prizes may not be liquor or drinks, and
 - patrons must not be required to buy or drink an alcoholic beverage to participate
- Liquor licensees, their employees and their immediate family members are not eligible to enter or win a contest
- The licensed establishment may not charge you a fee for conducting the theme night event, but you may pay the licensed establishment a tip or gratuity – provided it does not exceed 15 per cent of the total amount of liquor and/or food purchases noted on the countersigned receipt issued by the licensee at the end of the event
- The bar or pub may offer "special" theme night prices on your liquor products, provided the prices are not lower than Liquor Distribution Branch prices and do not encourage overconsumption. You may not subsidize the price of the products in any way, such as by paying the difference between the normal selling price of a product and its special price
- You may advertise the theme night both on-site and off-site, provided you follow the advertising rules (see the chapter on *Advertising Your Products* for more information), and
- For a theme night only, you may provide clothing such as T-shirts or other novelty items identifying your liquor brand(s) or company to be worn by the licensed establishment's staff

Joint promotions/brewmaster's dinners

You may enter into a joint promotion with a food-primary or liquor-primary establishment to feature your products during a special event, provided the event includes a full meal and the

licensed establishment purchases the liquor served at the event from its regular Liquor Distribution Branch liquor store or other designated outlet.

You and the licensed establishment may advertise the event. There are no limits to the number of joint promotions you may hold.

You must conduct all contests, install all promotional items, and remove all promotional items within 10 days after the contest has ended. You may include contest entry forms in your print ads, and may mention where entry forms are available in any of your advertising.

Sponsorship

Where Sponsorships Are Permitted

You may sponsor a wide range of sports and cultural events, activities and organizations. This includes sporting events, such as golf tournaments and sports teams. Licensees and their staff may play on the team, participate in or help out at the event.

Sponsorships are not generally permitted in bars, pubs or restaurants. However, a licensee and manufacturer may jointly sponsor an event in a licensed establishment as long as the event is time limited and the licensee does not have an ongoing relationship with the manufacturer.

Manufacturers may also sponsor an activity or event at licensed stadiums, recreational centres, concert halls, and university or cultural centres, or at a catered event.

It is up to the manufacturer/agent to notify the branch before a sponsored event or activity takes place. Both the liquor primary establishment and the manufacturer may advertise the sponsored event or activity.

Sponsorship Requirements

You must notify the branch, in writing, at least 14 days before any sponsored activity or event takes place if the sponsorship involves a licensed establishment.

Your letter/ e-mail/ fax must:

- describe the nature of the activity or event and the purpose of the sponsorship;
- state where and when the event or activity is to take place; and
- provide the name of the licensee, if the event or activity is to be held in connection with a licensed establishment.

In addition:

- You must keep a record of all sponsorship events and activities, including the terms of any agreements related to the sponsorship that you enter into, for at least two years.
- You may not offer liquor as a prize to participants in a sponsored event or activity. If liquor is being served on-site during the event, you may not demand that your products only be served.
- You may advertise the sponsored event or activity, both on-site and offsite, and inside or

Important!

You may not sponsor events or activities that primarily involve minors as either participants or audience, or that primarily appeal to minors. This includes junior or minor sports events.

You may, however, ask the branch for permission to sponsor a major national or international event where a majority of the participants are under age 19, but which does not predominantly appeal to minors, such as a national or international junior championship event.

And you may sponsor university or college-related events or activities (either on- or off-campus), provided you have prior approval from the college or university.

outside other licensed establishments. If the event is at a licensed establishment, you may name the establishment in your advertising (please see the chapter on *Advertising Your Products*, for more information).

- If you put up signs identifying your brewery or distillery or products at the event, and liquor is being served on-site, you must also put up signs advocating the responsible use of alcohol at a rate of one responsible-use sign for every three brand/corporate signs. If you put up only one or two brand/corporate signs, you must put up at least one responsible-use sign. The responsible-use signs must be as big, as visible and as prominent as your brand/corporate signs, easily seen by both on-site and off-site (television, for example) audiences.

Educational events and activities

You may invite other licensees to educational events or activities designed to improve their knowledge of your products or their ability to sell your products.

You may pay for legitimate travel, meal, accommodation, and entertainment expenses associated with the educational event, up to \$1,500 per licensee location per year. Where a licensee has multiple licensed establishments – a chain of restaurants, for example – you may also pay expenses of \$1,500 per person to a maximum of \$4,500 per licensee head office per year.

Hospitality

You may pay a licensee for costs not associated with an educational event, up to \$1,500 per licensee location per year, in addition to any in-province travel costs related to an event.

Promoting Your Products With Other Licensees: A Summary

(Please review chapter for exact details)

Activities not permitted

You may not:

- Offer a benefit, including money, items, products or services that are necessary for the operation of a bar, pub, restaurant or licensee retail store, for selling your liquor products.

Activities permitted:

You may:

- Provide another licensee with promotional items of nominal value, such as coasters or tent cards.
- Sell promotional items, such as shirts, caps or key chains with your brand or logo, to licensees at fair market value for them to re-sell to their customers.
- Offer value-added promotions in retail stores and government liquor stores
- Provide product vouchers that are redeemable at retail stores.
- Visit a bar, pub or restaurant and purchase drinks for patrons.
- Offer product samples to a bar, pub, restaurant or retail store.
- Conduct consumer tastings at a restaurant or retail store.
- Conduct a contest with a bar, pub, restaurant, retail store, or government liquor store.
- Loan licensees more expensive promotional items, such as signs, umbrellas, mirrors or menu boards, and temporary display structures and related promotional items.
- Offer licensees T-shirts, hats and other promotional clothing items that they may give away to their customers.
- Hold a joint promotion (such as a brewmaster's dinner) with a bar, pub or restaurant.
- Hold theme nights at a bar or pub.
- Sponsor events or activities at licensed sports stadiums, recreational centres, concert halls, university or cultural centres.
- Put on educational events and activities for other licensees, and pay travel and other costs.
- Pay a licensee for hospitality costs not associated with an educational event or activity.

If You Have a Lounge, Picnic Area, Special Event and/or Tour Area Endorsement

Serving, Selling, Buying and Storing Liquor

Serving It Right™: B.C.'s Responsible Beverage Service Program

If you have a lounge, special event area, or sampling area(s), all servers must have Serving It Right. Serving It Right (SIR) is a self-study course that educates licensees, managers and servers about their legal responsibilities when serving liquor, and provides effective techniques to prevent problems related to over service.

Serving It Right (SIR) must be completed by all licensees and managers. If you are licensed as a public or private corporation, the licensee portion of this requirement is met if any director, officer or employee responsible for controlling the sale of liquor completes the Serving It Right program.

Serving It Right (SIR) course packages, exams, and certificate numbers may be obtained on-line through www.servingitright.com, via e-mail at info@servingitright.com, fax at 604 633-9796 or by calling 604 633-9798.

The program is administered by go2 - B.C.'s tourism industry human resources' association. You are responsible for making sure your employees take Serving It Right. You must keep photocopies of their Serving It Right (SIR) certificates, ready for inspection by a liquor inspector or police officer at all times.

Selling Liquor

You may sell any liquor registered to you under your agreement with the Liquor Distribution Branch by the glass in your approved indoor or patio lounge or special event area. Patrons may consume liquor purchased from the lounge, special event area or store, or samples you provide, in the approved picnic or tour area.

Illicit or Private Liquor

You may not buy, keep, sell or give illicit liquor to anyone. Illicit liquor is defined as:

- liquor purchased or otherwise obtained from a source other than your designated liquor outlet
- stolen liquor
- smuggled liquor
- home manufactured or UBrew/UVin liquor
- liquor purchased as a medicinal, confectionery or culinary product that is being used as beverage alcohol
- liquor that has been adulterated or watered-down, and
- samples that may have been left by an agent.

You are accountable for any illicit liquor found anywhere on your premises or storage area. It is not acceptable to say that illicit liquor made its way into your stock by accident, that it was a gift for personal use, or that an employee left it there.

If you recently purchased your brewery or distillery and acquired your licence through a transfer, you must conduct a thorough audit of all liquor on the premises to ensure none is illicit.

Culinary product containing alcohol that you keep for cooking must stay in the kitchen and separate from liquor kept for sale.

Hours of Sale

Hours of liquor consumption in a tour, lounge or special event area must start no earlier than 9:00a.m. and end no later than 4 am the following day or as approved by the General Manager. Patrons must leave within half an hour of liquor service ending. A picnic area may not be open prior to 9:00a.m. and must close no later than dusk or as approved by the General Manager. No sales or service may be conducted in picnic or tour areas.

On New Year's Eve, you may serve your products until 4:00 a.m. on January 1, regardless of your normal closing hour (and provided food is available to customers), unless the general manager has directed otherwise or local bylaws prohibit it.

On the night of a time change (spring or fall), you must operate according to the hours in effect at the start of the Saturday business day, and wait to change your clocks (forward or back) until after your liquor service hours have ended for that business day.

Dispensing Liquor

You must always dispense liquor from the original containers, unless you have applied to the branch for an exception. You may not refill containers or add liquor to a bottle or container purchased from the Liquor Distribution Branch.

Liquor cannot be sold or served in a picnic area or tour area unless on a guided tour.

You must not permit the self-service of liquor to patrons.

Price Lists

You must have a list available showing the types of liquor available, the size of each drink or bottle and its price. Your price lists must indicate whether the price includes taxes, and what the applicable taxes are.

You may post the price list as a printed list or on a board, or it can be available at all tables. At a minimum, it must be available to customers on request.

Where Customers May Consume Liquor

Customers may not bring their own liquor to consume in your lounge, special event area or picnic area, and you may only sell and serve liquor registered to you under your LDB agreement in the licensed area(s) of your brewery or distillery as permitted by regulation.

- Customers may take liquor to the picnic and tour areas.

- Patrons may take liquor into the washroom as long as they are not walking through an unlicensed area (such as a lobby), and you are properly supervising the washrooms.
- Professional entertainers may consume liquor while on stage provided they do not become intoxicated; however, patrons are prohibited from consuming liquor on an unlicensed stage even when they are providing entertainment such as during an amateur or karaoke night.

You may not permit customers to consume liquor outside of the licensed area, or to take liquor from the licensed area to other parts of your establishment except the picnic area.

Controlling Your Establishment

Your Responsibilities

You and your employees are responsible for managing and controlling the behaviour of your patrons. You must ensure that other patrons, your staff and members of the community are not harmed as a result of liquor misuse or criminal activity at your brewery or distillery, and you are required to take steps to ensure your business does not disturb the surrounding community.

If your staff, patrons or members of the community have reason to be concerned that there is a threat to their safety, you must act on these concerns. If criminal or riotous conduct has occurred, or you suspect it may, then you must notify police immediately.

An individual who has been asked to leave, or who has been barred from entering your brewery or distillery, must not return for at least 24 hours. If a person does this, he or she is committing an offence and may be arrested.

Section 22 of the Act allows the general manager to suspend a liquor licence for 24 hours and order the immediate removal of patrons where there is an imminent threat to people's safety. In this situation, you are required to take all reasonable steps to ensure that customers vacate the premises immediately.

In extraordinary circumstances, the general manager may suspend a licence or impose terms and conditions for up to 14 days without a hearing. While rarely exercised, section 23 of the Act provides this power for situations where there are public interest or safety concerns - for example when there has been violence or extensive criminal activity, there is the risk of retaliatory gang violence or the possibility of public unrest.

Preventing Disturbances

You must take reasonable measures to make sure your business is not operating contrary to the public interest and does not disturb people near your establishment.

Examples of reasonable measures include installing adequate

Steps you can take to ensure responsible service:

- Hold regular staff meetings to discuss liquor issues.
- Let your staff know that you will support them when they cut a patron off or refuse service.
- Be familiar with "drive home" programs offered in your community.
- Have staff monitor the number of guests in your brewery or distillery.
- Food and non-alcoholic beverages must be available at reasonable prices in your lounge and special event area.
- Give "last call" toward the end of the night and do not allow patrons to buy excessive amounts of liquor at that time.

Important!

If a liquor inspector believes you are not taking reasonable measures to prevent disturbances – or if we receive a number of complaints from the public about disturbances that can be linked back to your brewery or distillery – you will be required to attend a compliance meeting. (Please see the section on *Enforcement* for more about compliance meetings.)

lighting outside your brewery or distillery and in the parking lot, supervising your parking areas, adding sound proofing, making structural changes to allow indoor line-up areas, and posting signs at the exit doors asking your patrons not to disturb your neighbours.

ID Requirements

You must demonstrate that you are preventing minors from obtaining liquor. You must do an initial assessment of every patron before allowing them liquor service at your brewery or distillery. When you verify a customer's age, you and your employees must ask anyone for **two** pieces of identification.

The first piece of identification must:

- be issued by a government agency (e.g. a passport or driver's licence), and
- include the person's name, signature, birth date and picture.

The second piece must:

- include an imprint of the holder's name (e.g. a credit card or Care Card), and
- include the person's signature and/or picture.

The purpose of this second piece of ID is to verify the authenticity of the first.

Examples of ID issued by a government agency include state or provincial driver licences, passports, citizenship cards, First Nations status card, the federal firearms possession and acquisition licence, National Defence ID – essentially any government issued ID that includes the person's name, birth date and picture. Any of these ID cards can be used as a secondary piece of identification as well. It must also be noted that the law does not require that an expiry date be checked for any of these ID.

To verify identification, ask the person for:

- A sample signature to compare to the signature on the photo identification.
- His or her zodiac sign – people with false identification often will be unable to answer quickly.
- His or her middle name and how to spell it.
- Information that is on the secondary piece of ID, such as the person's address or postal code

As of February, 2013, a new BC Services card has come into circulation. This card replaces and combines the original BC driver licence and health care cards into one identification card. The transition will be complete by 2018. There will be a separate BC Services card for those individuals that choose not to drive. The Care Card has been cited as the most used form of secondary ID, raising concerns about its loss in this regard.

However, in addition to the types of cards listed above there are numerous other forms of secondary ID available that include the person's name, signature and/or picture. Some examples include many types of bank cards, pleasure craft operator's card, Aeroplan cards (but not airmiles), many university or college student IDs, credit cards, BC Transit Pro Passes, Canadian Blood Services plastic blood donor cards and more.

If the person cannot produce two pieces of acceptable identification that proves they are 19 or older, you must refuse service.

You must cooperate with a liquor inspector if the inspector asks you or your staff to determine whether a person is a minor.

You are encouraged (but not required) to retain identification that is clearly false and to turn it

over to your liquor inspector. If you suspect that a passport is fake please provide details to police, but do not take possession of it from the customer. Holding back a valid passport is a federal offence. Where possible, the inspector will return the identification to the agency that issued it. (If the patron insists you return the ID, you should do so, but we encourage you to take a photocopy of it first to give to your liquor inspector.)

Overcrowding

Your liquor licence tells you the maximum number of people, including staff, who may be in your lounge or indoor special event area at one time. It is important for you to know the capacity for these areas, and to make sure you stay within this limit.

Drink Sizes

You must encourage moderate consumption at all times and follow strict limits on the maximum size of servings.

Beer: In your brewery lounge or SEA, you may serve draught beer registered to you under your LDB agreement in single servings of no more than 24 oz (680 ml) or smaller servings of multiple brands, provided the total served at one time is no more than 24 oz (680 ml). Pitchers or other multiple serving containers shared by two or more patrons may contain no more than 1.5 litres of draught cider.

Distilled liquor: In your distillery lounge each drink containing distilled liquor (spirits) shall not contain more than three fluid ounces (85 ml) of distilled liquor registered to you under your LDB agreement. This applies regardless of whether the drink is served in one, or more than one, glass or container (for example, a single patron may not be served four one-ounce shooters or two two-ounce "doubles" at one time). Drinks that two or more patrons intend to share may be served in larger containers, but the maximum of three fluid ounces per person must be maintained. You may not sell or serve whole bottles of distilled liquor

Maximum drink sizes per person:

Distilled liquor(spirits) . . .	3 oz (85 ml)
Draught beer . . .	24 oz (680 ml)
Bottled beer . . .	2 standard-size bottles or 1 large-size bottle (up to 24 oz - 680 ml)

Drink Prices (in special event area(s) or lounge only)

To help encourage moderate consumption:

- You must set your drink prices at the start of the business day, and you cannot change them until the next business day.
- Happy Hours are not permitted. If you are going to offer a special or reduced price, it must be available all day and may not be offered on a type of liquor for which you know you don't have enough stock.
- You may offer an all-inclusive package that includes liquor in the price (, A New Year's Eve special for example). The amount of liquor to be provided must be specified and not unlimited.
- You must not provide unlimited or unspecified quantities of liquor for a single price or use a sales strategy that is likely to promote or encourage over-consumption. For example, you may not:
 - sell drinks "two for one"
 - allow staff to circulate with trays of drinks that are not pre-ordered, and

- serve any drinks greater than the maximum drink sizes – for instance, by the "tray load".

Over-Service and Intoxicated Patrons

It is your responsibility to make sure patrons do not become intoxicated while at your brewery or distillery.

You must not let a person who is apparently under the influence of alcohol or drugs enter or remain in your establishment. You must refuse the person service, have the person removed and see that he or she departs safely.

You also must write down all incidents of intoxicated patrons and the action you took in an incident log, and have the information available for the liquor inspector or police officers.

Disorderly or Riotous Conduct

You must not allow violent, quarrelsome, riotous or disorderly conduct or unlawful activities to take place at your brewery or distillery. This includes behaviour that might cause a reasonable person to believe his or her safety is threatened.

If you know or suspect that this kind of behaviour has taken place, is currently taking place or may take place, then you must notify the police immediately.

Weapons

A weapon is defined as anything used or intended for use:

- in causing death or injury to persons whether designed for that purpose or not, or
- in threatening or intimidating any person.

You are responsible for making sure a person with a weapon does not enter or remain at your brewery or distillery.

If you know or suspect that one of your customers has a weapon, you should notify the police immediately.

Gaming

Gaming (also called gambling) is defined as playing or gaming, for money or other stakes, on an uncertain event; it involves chance and the hope of gaining something more than the amount paid to participate.

You may not permit gaming in your brewery or distillery with the exception of the sale of B.C. lottery products in a manufacturer's store endorsement area and those forms of gaming specified under the *Entertainment* section.

You may not authorize gaming (such as by receiving a portion of the bets, collecting a fee from participants or providing tables or a room for games to take place). You are also responsible for exercising care and vigilance so gaming does not take place without your knowledge.

Physical signs of intoxication:

Physical signs of intoxication:

- red or bloodshot eyes
- dishevelled appearance
- odour of liquor
- unsteadiness on feet
- staggering
- exaggerated care in walking
- slurred speech
- fumbling with small objects such as money

Mental signs of intoxication:

Mental signs of intoxication:

- lack of alertness
- exaggerated emotions
- aggression
- irrationality

Liquor Consumption

With the exception of staff who have to sample product as part of the production process, you and your employees, including your employees who provide entertainment, may not consume liquor of any kind at your brewery or distillery during working hours. This includes breaks, meal periods and between shifts on the same day. After work, you and your employees may consume liquor, provided:

- You do not offer liquor to employees at a reduced price, or in lieu of wages or as a bonus.
- Your employees are of legal drinking age.
- You are serving and consuming the liquor during the hours of sale indicated on the face of your licence.
- You – as the licensee – are not treated differently than a regular patron.

Staff Parties

You may hold a staff party in your lounge or special event area provided you are able to comply with the Regulations and the terms and conditions of your licence for the duration of the party. Staff, for example, may not consume liquor while on duty. If you cannot meet these conditions, you must apply for a Special Occasion Licence and to temporarily suspend that area of your licence.

Entertainment

Live or recorded music, radio, television, and dancing are permitted in your lounge or special event area unless otherwise restricted by the branch. This includes hosting a live radio or television broadcast from within your establishment.

You may also:

- Provide games of skill, including darts, pool, shuffleboard, video games and foosball, and games of chance (including card games), but for amusement only – no payoffs or prizes of any kind are permitted for games of chance
- Hold tournaments of skill and contests, include information about these in any advertising, and in the case of tournaments, prizes may include money or the winner's name being entered into a draw. In addition, you must ensure that:
 - patrons may enter without making a purchase or ordering a drink
 - you do not offer or give liquor as a prize, and your event does not involve the consumption of liquor
 - you do not require the winners to be present to collect their prize
 - your event does not involve a contact sport
 - neither you, your immediate family, nor your staff, may enter, and
 - you do not charge an entry fee for contests (although you can for tournaments)
- Show movies, provided the primary focus of your lounge does not shift to that of a movie theatre, and that all movies are shown in accordance with the Motion Picture Act and its Regulations. You may not show movies that are not rated, restricted or adult rated.
- Stage live prize-fighting, kick-boxing and similar contact sports events on your premises, provided you apply to the general manager for approval in advance, do not involve patrons, and take steps to protect both patrons and staff, and/or
- Allow licensed social occasion casino or licensed bingo events for charitable purposes, provided:

- the events are held in an area covered by a special event area, lounge or picnic endorsement,
- they are hosted by a charitable organization licensed by the Gaming Policy and Enforcement Branch
- the charitable organization's gaming licence is posted in a visible location in the endorsement area
- prizes do not include liquor or tokens redeemable for liquor
- the endorsement area where liquor service and consumption takes place is sufficiently enclosed to ensure the gaming area is clearly defined and to prevent patrons from taking liquor outside the area
- liquor is served to the patrons of the charitable event under the regular terms and conditions of the endorsement licensed area, and
- minors are not permitted in the area where the social occasion casino or bingo is being held (a requirement of the gaming licence).

Entertainer Conduct

While professional entertainers may consume liquor in the establishment, employees who provide entertainment (such as a house DJ or house band) may not do so during working hours. As with patrons, it is the responsibility of the licensee to ensure that professional entertainers do not become intoxicated. If an entertainer becomes intoxicated they must be refused service, removed from the premises and the licensee must see that they depart safely from the establishment. An intoxicated entertainer must not be allowed into the licensed establishment.

Inspections

Why We Inspect Breweries and Distilleries

Branch liquor inspectors conduct unannounced inspections of manufacturing facilities to make sure licensees are following the Act and Regulations and their licence terms and conditions, and to make sure there are timely consequences when they don't.

In addition, a liquor inspector may conduct an inspection:

- in response to a complaint from a member of the public, another licensee, a local government/First Nation, police or any other agency, or
- to follow-up on a Licensed Premises Check (LPC) issued by a police officer.

Entry of Liquor Inspectors and Police Officers

It is your responsibility as a licensee to fully cooperate during inspections. You must give liquor inspectors and police officers immediate access to all areas of your business, including storage areas, on request. A liquor inspector or police officer will show you their official identification if you request; however, you must not do anything to impede a liquor inspector's or police officer's entry into your establishment. You must not request personal identification, scan identification, photograph, wand, pat down, or search inspectors or police. It is a serious contravention to refuse or delay in any way providing access to an inspector or police officer, and may result in your liquor licence being cancelled.

Keeping and Producing Documents and Records

If you have a brewer or distiller licence and/or an agent's licence, you must allow the general manager (or a designated person such as a liquor inspector) to inspect documents and records associated with your business, including:

- liquor product sales invoices, purchase and disposal records
- lease and management contracts related to your manufacturing facility
- employee records
- any court orders or judgments against you, and
- any agreements and contracts between you and another licensee

Liquor Seizures and Sampling

Both liquor inspectors and the police have the authority to seize liquor that they believe might be unlawfully possessed or kept at a licensed establishment or liquor storage area. They will either destroy the liquor immediately or hold it in storage for 30 days.

If you believe your liquor was wrongly seized, you must apply in writing to the General Manager of the Liquor Control and Licensing Branch for either the return of the liquor or monetary compensation within 30 days from the date of seizure. The claim must demonstrate to the General's Manager's satisfaction that the liquor was lawfully possessed or kept for lawful purposes.

If the General Manager is satisfied that the liquor was lawfully possessed, the liquor will either

be returned to you or you will be compensated for the LDB retail list price of the destroyed liquor.

If no application is made within 30 days, or if the General Manager is not satisfied on a claim for return of seized liquor that the liquor was lawfully possessed or kept, the liquor and packages containing it will be forfeited to the government.

Liquor inspectors may also take reasonable samples of liquor found in a licensed establishment or liquor storage area to determine whether the liquor is illegal, unauthorized, adulterated or contaminated. An inspector does not need evidence that the Act or Regulations have been breached to take a sample.

Enforcement

Contravention Notice

If a liquor inspector believes that you or your staff are contravening the Act, its Regulations or the terms and conditions of your licence, the inspector must issue a Contravention Notice to you, that identifies the alleged contravention.

The inspector will then review the evidence and circumstances of the contravention in conjunction with the Liquor Control and Licensing Branch's file for your establishment. Based on that review, the inspector will decide whether to recommend that the general manager take enforcement action against you, as the licensee.

If the inspector does not recommend enforcement action, he or she will keep the Contravention Notice in the branch's file on your establishment, and may require you to attend a Compliance Meeting.

Compliance Meeting

A compliance meeting is a meeting between you and the inspector – and possibly others, such as members of your staff, local police, government and fire officials.

The purpose of the meeting is to promote voluntary compliance with the liquor licensing rules and to assist you in anticipating, and creating solutions for, potential problems. The inspector will prepare a written record of what is discussed including any procedures you intend to put in place to deal with the problem, and when they will come into effect. Once you and the inspector have signed it, you will receive a copy, and a second copy will be placed in your establishment's file.

Compliance meetings are not a required step before the branch takes enforcement action.

Notice of Enforcement Action

If a liquor inspector recommends enforcement action, and the regional manager concurs, the licensee will receive a Notice of Enforcement Action. The Notice of Enforcement Action will include details of the allegation, the proposed penalty, why the branch is recommending enforcement action, and the reasons for the recommended penalty.

Enforcement Options

After receiving the Notice of Enforcement Action, you will be sent a letter outlining three available options to proceed. You must select one of the following options:

1. Waiver

Signing a waiver means that you:

- agree that the contravention occurred

Please Note:

As a licensee, you are legally responsible for understanding and complying with the requirements of the Act, its Regulations and the terms and conditions of your licence, and for any contraventions committed against your licence.

You are also responsible for making sure your employees follow B.C.'s liquor laws and the terms and conditions of your licence, even when you are not on site.

As the licensee, you are responsible for any contraventions against your licence.

- accept the penalty proposed in the Notice of Enforcement Action
- agree the contravention and penalty will form part of the compliance history of the licensed establishment, and
- waive the opportunity for an enforcement hearing

You may sign a waiver at any time prior to the hearing.

2. Written Submissions Hearing

In general, a written submissions hearing is used in cases where the only issue in dispute is the penalty. A hearing delegate, who is a delegate of the general manager, will consider the written submissions and evidence put forward by you and the branch and will issue a written decision regarding the penalty.

3. Oral Hearing

Oral hearings may be conducted in-person, via teleconference or any combination of the two. At an oral hearing, the hearing delegate will consider the evidence and argument presented by you and branch. The hearing delegate will decide whether the alleged contravention(s) occurred and what penalty, if any, is warranted. The hearing delegate issues a written decision after the hearing.

You may represent yourself at a hearing, be represented by a lawyer, or be represented by someone with written authority to act on the licensee's behalf.

Pre-hearing Conference

The licensee may be required to participate in a pre-hearing telephone conference conducted by the branch's registrar. At a pre-hearing conference, the registrar will:

- confirm the licensee's response to the allegations
- set the date of any enforcement hearing
- clarify the issues that will be addressed at any hearing
- identify and discuss the evidence that both the licensee and the branch plan to present at a hearing (this includes the names of any witnesses who will testify)
- arrange for the exchange of any documents or other evidence that will be introduced at the hearing
- explain the hearing process

Note:

You may represent yourself at a hearing, be represented by a lawyer or you may be represented by someone with written authority to act on your behalf.

Where the registrar sets a pre-hearing conference and the licensee does not participate, the licensee may lose the opportunity for an oral hearing, and the general manager may make a decision based on the written submissions only.

Possible Enforcement Action

Once an enforcement hearing is concluded, if the hearing delegate decides the contravention occurred, they may:

- suspend the liquor licence for a period of time
- impose a monetary penalty
- cancel a liquor licence
- impose, rescind or amend the terms and conditions of a licence

- order a licensee to transfer a licence

If the hearing delegate finds that either a licence suspension or monetary penalty is warranted, they may not impose a penalty less than the minimum penalty set out in Schedule 4 of the Regulation. The hearing delegate may impose higher penalties when it is in the public interest to do so. They are not bound by the penalties proposed in the Notice of Enforcement Action.

The type of penalty imposed will depend on a number of factors, including: the nature of the contravention, the circumstances of the contravention, and the compliance history.

Suspensions and monetary penalties will include the requirement to post signs demonstrating the enforcement action. Signs will be posted by either the police or branch staff in a prominent location in the establishment. You must not remove, alter, obscure or otherwise diminish the prominence of these signs during the period they are required to be posted. Doing so may result in further enforcement action.

Any enforcement action imposed will form part of the compliance history of the licensed establishment.

Serving Liquor While Under Suspension

If the enforcement process results in your lounge endorsement or special event area(s) being suspended, you can continue to operate the manufacturing facility but your lounge endorsement and special event area(s) must close during the suspension period. You must not allow liquor sales or service under a special occasion licence in your establishment or in or on any adjacent property which is under your control.

Failure to abide by your suspension, including allowing branch officials to post suspension signs, is a serious contravention that could lead to an extended licence suspension, cancellation or transfer of your liquor licence.

Judicial Review

If you are dissatisfied with an enforcement hearing decision, you may apply to the B.C. Supreme Court.

Managing Your On-Site Store Endorsement

Providing Information to the Branch

You must be forthright in providing information to the branch. Making a misleading statement or failing to disclose a material fact (such as the fact that a third party is using your winery licence, or that the lease on your property has run out) are licensing contraventions.

Producing Documents and Records

You must allow the general manager (or a designated person such as a liquor inspector) to inspect documents and records associated with your brewery or distillery, including:

- liquor sales, purchase and disposal records,
- store sales records for non-liquor products, lease and management contracts related to your on-site store endorsement,
- employee records,
- records of any incidents or events that occurred on or near your store, and
- any court orders or judgments against you.

Renewing Your On-site Store Endorsement

Your endorsement will be automatically renewed each year, at the same time as your licence (March 31st). The annual renewal fee for the on-site store endorsement is \$110.

Selling or Transferring Your Brewery or Distillery Store to a New Owner

Your brewery or distillery and your on-site store endorsement must be owned by the same person or company. You cannot sell one separately from the other.

Operating Your On-Site Store Endorsement

What Liquor You May Sell in Your Store

You may stock and sell beer or spirits registered to your brewery or distillery licence under your Liquor Distribution Branch Agreement only. You may not sell any other types of liquor, such as wine.

Who You May Sell Your Liquor To

You may sell your products to the general public from your on-site store endorsement area.

Samples

Breweries may sell up to a total volume of 375 ml per person per day or provide unlimited free samples. Distilleries may sell up to a total volume of 45 ml per person per day. There is not a limit on free samples. You must never sell or serve samples to the point of intoxication.

Sample Size

The maximum quantities per patron at a consumer tasting are as follows:

	SINGLE PRODUCT	MULTIPLE PRODUCT
Spirits	10 ml.	20 ml.
Beer/Spirit-based Coolers	30 ml.	45 ml.

The quantities for multiple product tasting apply only where you are presenting more than one product at a single tasting. The quantity for multiple products is a total of all products offered. For example, if you present two kinds of spirits, you may offer a maximum quantity of 10 ml. of each spirit to taste.

Hours of sale

You may sell your beer or spirits and other approved products (see below) at your brewery or distillery store between the hours of 9:00 a.m. and 11:00 p.m., or as indicated on the face of your licence.

Pricing

You are responsible for setting your own store prices, and you may adjust your prices at any time throughout the day.

Selling non-liquor products

You may sell non-liquor products in your brewery or distillery store including:

- items specifically identified with storing or serving beer or spirits, such as bottle openers, jiggers and drinking glasses
- printed materials such as books and pamphlets concerning beer or spirits in general or specific liquor products that are sold in your store
- items that identify liquor products for sale in your store, such as umbrellas, T-shirts and aprons
- packaged snacks, liquor-related soft drinks and juices , such as cocktail mixers, and/or
- non-alcoholic beer.

You may not sell:

- confectionary items such as candy, gum, potato chips, etc.
- tobacco products, or
- lottery tickets.

Selling illicit or private liquor

You may not buy, keep, sell or give illicit liquor to anyone. Illicit liquor is defined as:

- liquor purchased or otherwise obtained from a source other than your brewery or distillery
- stolen liquor
- smuggled liquor
- liquor intended for export
- home manufactured or UBrew/UVin
- liquor purchased as a medicinal, confectionery or culinary product that is being used as beverage alcohol, and
- liquor that has been adulterated or watered down.

Liquor seizures and sampling:

Both liquor inspectors and the police have the authority to seize liquor they believe might be illicit. They will either destroy the liquor immediately or hold it in storage for 30 days.

Liquor inspectors may also take reasonable samples of liquor found in your store to determine whether the liquor is illegal, unauthorized, adulterated or contaminated.

You are accountable for any illicit liquor found anywhere on your premises (service or storage area). It is not acceptable to say that illicit liquor made its way into your stock by accident, that it was a gift for personal use, or that an employee left it there.

Delivering Your Products to the Public

Endorsed brewery or distillery on-site stores may deliver liquor to customers under the following terms and conditions:

- Deliveries must be made by and to people legally able to consume liquor, and only to a place where liquor may be legally possessed or consumed.
- Liquor can only be sold and delivered to individuals 19 years of age or older. When proof of age is required, customers must show two pieces of identification at the time of delivery. One of those pieces must be a government issued identification card such as a driver's licence with photo, name and birth date. The other piece must contain the person's name along with a signature or picture.

- You may not deliver to an intoxicated person or someone under the influence of drugs
- The products that you deliver must be products that you regularly stock and have available for purchase by walk-in customers
- Your charge for the liquor must be your regular price of the liquor plus a separate delivery charge if any. You must inform customers of both charges when they place an order.
- You must keep delivery transaction records for at least three years. These records must include the date, time and address of each delivery, the products purchased, the prices charged, delivery fees and total amount paid
- You liquor must be delivered from your store location only, and
- You are responsible for making sure that anyone delivering for you follows these rules.

Empty Container Returns and Refunds

You must - under B.C. environmental regulations - accept up to 24 empty container returns per person per day for the product brands and sizes you sell, and refund the full amount of the applicable container deposits.

Games and Entertainment

Games and entertainment are not permitted in your store.

Prohibited Activities

Your on-site store endorsement is prohibited from having an association, financial or otherwise, with a UVin/UBrew.

APPENDIX 1: Penalty Schedule

Schedule 4 Enforcement Actions

Interpretation

1 (1) For the purposes of this Schedule,

- (a) a contravention is of the same type as another contravention if each contravention is described by the same Item of this Schedule, and
- (b) a contravention by a licensee is
 - (i) a first contravention if the contravention was committed at or in respect of an establishment and the licensee has not committed a contravention of the same type at or in respect of that establishment within the 12 month period preceding the commission of the contravention,
 - (ii) a second contravention if the contravention was committed at or in respect of an establishment and the licensee has committed one contravention of the same type at or in respect of that establishment within the 12 month period preceding the commission of the contravention, and
 - (iii) a subsequent contravention if the contravention was committed at or in respect of an establishment and the licensee has committed a second contravention of the same type at or in respect of that establishment within the 12 month period preceding the commission of the contravention.
- (c) a contravention by a caterer with a catering licence is
 - (i) a first contravention if the contravention was committed at or in respect of an event catered by the caterer and the licensee has not committed a contravention of the same type at or in respect of an event catered by the caterer within the 12 month period preceding the commission of the contravention,
 - (ii) a second contravention if the contravention was committed at or in respect of an event catered by the caterer and the licensee has committed one contravention of the same type at or in respect of an event catered by the caterer within the 12 month period preceding the commission of the contravention, and
 - (iii) a subsequent contravention if the contravention was committed at or in respect of an event catered by the caterer and the licensee has committed a second contravention of the same type at or in respect of an event catered by the caterer within the 12 month period preceding the commission of the contravention.

(2) In section 20 (1) (c.1) of the Act and in Item 13 of this Schedule, "**reasonable measures**" means, in respect of a licensee, measures that are

- (a) reasonable in the circumstances, and
- (b) reasonably within the capacity of the licensee to effect.

2 (1) Despite section 68 (1) of this regulation. the enforcement actions under section 64 (2) (a) or referred to in section 65(1) of this regulation that apply to the contravention set out in subsection (2) of this section include a monetary penalty for each contravention, and the amount of the monetary penalty that may be imposed for each contravention may be up to \$25,000.

(2) The failure by the manufacturer to comply with the terms and conditions of the manufacturer's licence to comply with an agreement under section 5 [agreements] of the *Liquor Distribution Act* is a contravention.

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contravention	
OPERATING OUTSIDE OF LICENCE PURPOSE					
1	Operation of a licensed establishment in a manner that is contrary to the primary purpose of the licence	10-15	20-30	30-60	\$7,500-\$10,000
MINORS					
2	A breach of section 33 of the Act <i>[Selling liquor to minors]</i>	10-15	20-30	30-60	\$7,500-\$10,000
3	A breach of section 35 of the Act <i>[Minors on licensed premises]</i>	4-7	10-14	18-20	\$5,000-\$7,500
4	Rescinded (February 2007) <i>A breach of section 45(2) of this regulation [Failure to request identification from person appearing to be under 25]</i>	N/A	N/A	N/A	N/A
GAMBLING					
5	A breach of section 36(2)(a) of the Act by authorizing or permitting gambling in the licensed establishment	4-7	10-14	18-20	\$5,000-\$7,000
6	A breach of section 36(2)(c) of the Act by authorizing or permitting a device used for gambling to be placed, kept or maintained in the licensed establishment	10-15	20-30	30-60	\$7,500-\$10,000
DISORDERLY OR RIOTOUS CONDUCT					
7	A breach of section 36(2)(c) of the Act by authorizing or permitting, in a licensed establishment, drunkenness or violent, quarrelsome, riotous or disorderly conduct	10-15	20-30	30-60	\$7,500-\$10,000
8	A breach of section 36(2)(b) of the Act by authorizing or permitting, in the licensed establishment, any unlawful activities or conduct	10-15	20-30	30-60	\$7,500-\$10,000
INTOXICATED PERSONS					
9	A breach of section 43(1) of the Act by selling or giving liquor to an intoxicated person or a person apparently under the influence of liquor	4-7	10-14	18-20	\$5,000-\$7,000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contravention	
10	A breach of section 43(2)(a) of the Act by permitting a person to become intoxicated	4-7	10-14	18-20	\$5,000-\$7,000
11	A breach of section 43(2)(b) of the Act by permitting an intoxicated person to remain in that part of the licensed establishment where liquor is sold or served	4-7	10-14	18-20	\$5,000-\$7,000
WEAPONS					
12	A breach of section 47 of the Act [<i>Licensee's duty - dangerous weapons</i>]	4-7	10-14	18-20	\$5,000-\$7,000
LICENSEE RESPONSIBLE FOR DISTURBANCE OF PERSONS IN THE VICINITY					
13	A failure to take reasonable measures to ensure that the operation of the licensed establishment is not contrary to the public interest and does not disturb persons in the vicinity of the establishment	10-15	20-30	30-60	\$7,500-\$10,000
OVERCROWDING					
14	Permitting more persons in the licensed establishment than the patron or person capacity set by the general manager and the number of persons in the licensed establishment in less than or equal to the occupant load	1-3	3-6	6-9	\$1,000-\$3,000
15	Permitting more persons in the licensed establishment than the patron or person capacity set by the general manager and the number of persons in the licensed establishment is more than the occupant load	4-7	10-14	18-20	\$5,000-\$7,000
ILLICIT LIQUOR					
16	A breach of section 38 of the Act [<i>Unlawful sale of liquor</i>]	10-15	20-30	30-60	\$7,500-\$10,000
17	A breach of section 38.1 of the Act [<i>Unlawful to dilute or adulterate liquor</i>]	4-7	10-14	18-20	\$5,000-\$7,000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contravention	
18	A breach of section 39 of the Act [<i>Unlawful purchase of liquor</i>]	10-15	20-30	30-60	\$7,500-\$10,000
19	A breach of section 35(3) of this regulation by failing to keep and maintain a register of all liquor purchased and received	1-3	3-6	6-9	1,000-\$3,000
20	A breach of section 35(1) of the regulation by purchasing liquor other than from a liquor store designated in writing by the general manager or designated by the Liquor Distribution Branch, or without identifying the licensee as a licensee	1-3	3-6	6-9	\$1,000-\$3,000
21	A breach of section 36 of this regulation by selling or providing under one licence liquor that is purchased under another licence without authorization of the general manager	10-15	20-30	30-60	\$7,500-\$10,000
LIQUOR SERVICE					
22	A breach of section 43 of this regulation by the licensee failing to complete the required training program	4-7	10-14	18-20	\$5,000-\$7,000
23	A breach of section 43 of this regulation by a manager or server failing to complete the required training program	1-3	3-6	6-9	\$1,000-\$3,000
24	A breach of section 44 (1)(a) of this regulation by a licensee with a liquor primary licence or liquor primary club licence failing to clear the licensed establishment of patrons within ½ hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager	1-3	3-6	6-9	\$1,000-\$3,000
25	A breach of section 44(1)(b) of this regulation by a licensee with a food primary licence failing to ensure that liquor is taken from patrons within ½ hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager	4-7	10-14	18-20	\$5,000-\$7,000
26	A breach of section 44(3) of this regulation by allowing a person to consume liquor in the licensed establishment beyond ½ hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager	4-7	10-14	18-20	\$5,000-\$7,000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contravention	
28	A breach of section 42(2) of this regulation by permitting liquor not purchased from the licensee to be consumed in the licensed establishment	4-7	10-14	18-20	\$5,000-\$7,000
29	A breach of section 42(4) of this regulation by permitting liquor sold in the licensed establishment to be taken from the establishment	1-3	3-6	6-9	\$1,000-\$3,000
30	A breach of section 41(2) of this regulation by providing unlimited or unspecified quantities of liquor for a single price, using a sales strategy that is likely to promote or encourage intoxication, or altering the price of liquor during a day after it has been set for that day	4-7	10-14	18-20	\$5,000-\$7,000
PRODUCTION OF RECORDS					
31	A breach of section 73 (1) (a), 73 (2) (a) or 73 (2) (b) of the Act <i>[Failure to produce a document or record or thing]</i>	10-15	20-30	30-60	\$7,500-\$10,000
ADVERTISING					
32	A breach of section 49 of the Act <i>[Display of signs]</i>	1-3	3-6	6-9	\$1,000-\$3,000
33	A breach of section 51.1 of the Act <i>[Advertising liquor]</i> or section 58 of this regulation	1-3	3-6	6-9	\$1,000-\$3,000
ENTERTAINMENT					
34	Permitting in the licensed establishment entertainment by one or more exotic dancers or strippers that is prohibited or restricted under section 50 of the Act	4-7	10-14	18-20	\$5,000-\$7,000
35	Permitting in the licensed establishment any other entertainment that is prohibited or restricted under section 50 of the Act	1-3	3-6	6-9	\$1,000-\$3,000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contravention	
LICENSING CONTRAVENTION					
36	A breach of section 15 (2) of the Act [<i>Failure to disclose a material fact or false or misleading statement in application</i>]	10-15	20-30	30-60	\$7,500-\$10,000
37	A breach of section 18 of the Act [<i>Tied houses</i>] by failing to disclose to the general manager the information that must be disclosed under that section	10-15	20-30	30-60	\$7,500-\$10,000
38	A breach of section 19 (3) of the Act by transferring shares of the licensee's capital stock without first receiving the general manager's approval for that transfer	1-3	3-6	6-9	\$1,000-\$3,000
39	A breach of section 7 of this regulation by making structural alteration of or change to the size of any area of the licensed establishment without first receiving the written permission of the general manager	1-3	3-6	6-9	\$1,000-\$3,000
INDUCEMENTS					
40	A breach by the licensee or an employee of the licensee of section 45 of the Act [<i>Licensee not to give or accept gifts for promoting liquor</i>]	10-15	20-30	30-60	\$7,500-\$10,000
PROMOTIONAL ACTIVITY					
40.1	Repealed (March 2013)	N/A	N/A	N/A	N/A
U-BREW / U-VIN					
41	A breach of section 23 of this regulation by failing to ensure that the customer performs the listed tasks	4-7	10-14	18-20	\$5,000-\$7,000
42	A breach of section 22 [<i>Payment, acknowledgment and invoice required</i>], 24 [<i>Licensee or employee production</i>], 25 [<i>Storage requirements</i>], 26 [<i>No consumption other than tasting</i>], 27 [<i>Customer required to bottle own product</i>], 28 [<i>Removal of finished product required</i>], 30 [<i>Minors</i>], 31 [<i>Record keeping and reporting requirements</i>], 32 [<i>Advertisements</i>] or 33 [<i>Hours of operation</i>] of this regulation	1-3	3-6	6-9	\$1,000-\$3,000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contravention	
43	A breach of section 29 of this regulation by failing to ensure that beer or cider is not kept, offered or produced for sale at a U-Brew or U-Vin	10-15	20-30	30-60	\$7,500-\$10,000
DEFAULT IN MONETARY PENALTIES					
44	A breach of section 20 (2.6) of the Act [<i>Failure to pay monetary penalty within 30 days or period specified by the general manager</i>]	10-15	20-30	30-60	
OTHER					
45	A breach of section 20 of the Act by permitting the sale, service or consumption of liquor while the licensee's licence is under suspension, <u>or</u> A breach of section 67 (3) of the Act, by (a) obstruction or attempting to obstruct an entry or search by a peace officer under section 67 of the Act, or (b) refusing or failing to admit immediately a peace officer demanding entry anywhere under section 67 of the Act, <u>or</u> A breach of section 73 (1) (b) (ii) or (iii) of the Act by neglecting or refusing to allow storage premises or an establishment licensed under the Act to be inspected, <u>or</u> A breach of section 73 (2) (b) of the Act by neglecting or refusing to allow premises to be inspected	If the licence is not cancelled or transferred in accordance with section 69 of this regulation, at least 15 days			
GENERAL					
46	Any breach of any provision of the Act, the regulations or the terms and conditions of the licence not specifically referred to in Items 1 to 45	1-3	3-6	6-9	\$1,000-\$3,000

APPENDIX 2: Making Changes to Your Licence

Changes that Require Approval from the General Manager

Manufacturer endorsements

You must apply for an endorsement if you want to add:

- a lounge
- a picnic area
- special event area
- a tour area

On-Site Store Endorsement

You must apply for a store endorsement if you want to add a store. You may not sell liquor to the public for off-premise consumption unless you have an on-site store endorsement.

Permanent change

You must apply for a permanent change if you want to:

- change the name of your business
- change anyone or any company – owners, directors, officers, partners, shareholders, corporations or holding companies
- transfer shares either externally to new shareholders, or internally between current shareholders, if you are a private corporation
- add a receiver or executor.

Structural change

You must apply and receive approval for a structural change prior to changing the layout of your manufacturing facility (including on-site store endorsement area), lounge, SEA, tour or picnic areas.

Transfer of location

You must apply for a transfer of location if you want to:

- re-locate your business.

Third-party or resident manager change

You must apply for a third-party operator or resident manager change if you want to:

- change (or add) a third-party lessee or management firm operating within your licensed establishment
- change your resident manager, if you are a non-resident private corporation.

Temporary change

Application Forms:

Forms are available from the Liquor Control and Licensing branch:

WEB:

http://www.pssq.gov.bc.ca/lclb/forms_fees/index.htm
(look under "Liquor Licensing")

PHONE, toll-free:

1 866 209-2111

E-MAIL:

lclb.lclb@gov.bc.ca

You must apply for a temporary change if you want to:

- make a change or changes for a relatively short period. These changes may include temporarily moving your business to another location entirely.
- host a special event at your manufacturing facility which may require de-licensing specific areas. (We encourage you to contact the branch for more information.)

Appendix 3: Application Forms, Documentation and Other Required Approvals

The application form, documentation and approvals you will need depend on the type of change you are asking for. For example:

- To add a manufacturer lounge or special event area, you will need an Application for a Manufacturer Licence Endorsement along with:
 - a letter of intent describing your proposal
 - proof of "valid interest" in the property where you plan to locate the lounge or special event area (i.e., you own the property, have a lease on, or have the option to own or lease the property and facilities that will not expire for at least 12 months from the date we issue your licence)
 - a detailed site plan drawn to scale showing where the lounge or special event area will be located
 - preliminary concept drawings and photos showing the location and appearance of the lounge or special event area relative to the manufacturing area of the brewery, or distillery
 - a sketch of your proposed signage, and
 - an official map of the surrounding municipality with your proposed location clearly marked.
- To add an on-site store, you will need an Application for a new Endorsement to Operate a Manufacturer's On-Site Store.
- To add a tour or picnic area you will need an Application for a Manufacturer Licence Endorsement along with a detailed site plan.
- To alter the structure or layout of your manufacturing building, you will need an Application for a Structural Change, and to supply detailed floor plans.
- To change or add a third-party lessee or management firm, you will need an Application for a Third-Party Operator or Resident Manager, and to supply a range of company documents and a completed criminal record search form for applicable person(s).
- To transfer shares, you will need an application for a Permanent Change to a Liquor Licence, and all new shareholders will need to agree to a criminal record check.

Please Note:

Your local government must support your application for a lounge or special event area.

We will provide your local government with a summary of your application. The local government must then, within 90 days, send us a resolution commenting on your application (they may ask for an extension if zoning issues are involved).

This resolution must look at such factors as

- your location
- proximity to other facilities
- the hours you are proposing to stay open, and impact on the community if your application is approved.

Local government must also canvas the views of residents living in the vicinity of your winery. This may involve posting a public notice and asking for written responses, conducting a public hearing or holding a referendum.

There is an exception to the process as outlined above. Where a licensee has two different manufacturer licences (e.g. a winery and distillery) on the same site and has been previously approved for a lounge or SEA on one of the licences the local government /first nation comment process may be abbreviated.

In the case where the proposed lounge or SEA is on the identical floor area/footprint as the current lounge or SEA the local government/first nation may choose to provide abbreviated comment regarding the impact on the community if the application is approved on the form provided by the Branch.

The individual application forms explain the documentation and/or approvals required for each type of change. The Fee Schedule for Licence Changes lists the fee charged for each type of change.

Criminal Record Checks

Some changes will require that you consent to a criminal record check. To do so, you must complete both the Personal History Summary and Consent to Criminal Record Search form and the RCMP's Consent for Disclosure of Criminal Record Information.

Applicants who have applied for a liquor licence and consented to a criminal record search within the previous 12 months are exempt, unless requested to consent to another search by the general manager.

Applicants living outside of Canada, refugees and landed immigrants who have been in Canada for less than five years and anyone who has been charged or convicted of a crime must also provide a statutory declaration – signed by a lawyer, Notary Public, or Commissioner for Taking Affidavits – stating either that they have not been charged or convicted of a crime, or providing details of any past charges, convictions or sentences. In addition, landed immigrants who have been in Canada less than five years must attach a copy of their “Record of Landing” (Form IM1000, Permanent Resident Card or equivalent documentation) as provided by Citizenship and Immigration Canada when they entered the country..

Once we have the required documents, we will send them on to the RCMP. They will check the person's name and birth date and other information against criminal records across Canada, and report back to us with the final results:

- If the search reveals no criminal record, we will continue to process your change request.
- If the RCMP are unable to confirm the information you provided on the statutory declaration, and the search reveals a possible relevant criminal record, we will ask you to go to the local police or RCMP station to provide fingerprints. (The police may charge a fee for this service.) Specially trained analysts will compare these fingerprints to the prints associated with the criminal record.

Even if it turns out that an applicant does have a criminal record, however, it does not mean we will automatically turn down the application. We will look carefully at the circumstances of the individual case – the severity of the crime and when it was committed, for example, and what the applicant has done to change his or her behaviour since then – and how the type of crime committed relates to the responsibilities that go with holding a liquor licence.

APPENDIX 4: CRTC Code For Broadcast Advertising of Alcoholic Beverages

Commercial messages for alcoholic beverages shall not:

- attempt to influence non-drinkers of any age to drink or purchase alcoholic beverages;
- be directed at persons under the legal drinking age, associate any such product with youth or youth symbols, or portray persons under the legal drinking age or person who could reasonably be mistaken for such persons in a context where any such product is being shown or promoted;
- portray the product in the context of, or in relation to, an activity attractive primarily to people under the legal drinking age;
- contain an endorsement of the product, personally or by implication, either directly or indirectly, by any person, character, or group who is or is likely to be a role model for minors because of a past or present position of public trust, special achievement in any field of endeavour, association with charities and/or advocacy activities benefiting children, reputation or exposure in the mass media;
- attempt to establish the product as a status symbol, a necessity for the enjoyment of life or an escape from life's problems, or attempt to establish that consumption of the product should take precedence over other activities;
- imply directly or indirectly that social acceptance, social status, personal success, or business or athletic achievement may be acquired, enhanced, or reinforced through consumption of this product;
- imply directly or indirectly that the presence or consumption of alcohol is, in any way, essential to the enjoyment of an activity or an event;
- portray any such product, or its consumption, in an immoderate way;
- exaggerate the importance or effect of any aspect of the product or its packaging;
- show or use language that suggests, in any way, product misuse or product dependency, compulsive behaviour, urgency of need or urgency of use;
- use imperative language to urge people to purchase or consume the product;
- introduce the product in such a way or at such a time that it may be associated with the operation of any vehicle or conveyance requiring skill;
- introduce the product in such a way or at such a time as may associate the product with any activity requiring a significant degree of skill, care or mental alertness or involving an obvious element of danger;
- contain inducements to prefer an alcoholic beverage because of its higher alcoholic content;
- refer to the feeling and effect caused by alcohol consumption or show or convey the impression, by behaviour or comportment, that the people depicted in the message are under the influence of alcohol;
- portray persons with any such product in situations in which the consumption of alcohol is prohibited; or
- contain scenes in which any such product is consumed, or that give the impression, visually or in sound, that it is being or has been consumed.

Lined writing area with 30 horizontal lines.

