



Wholesale Product Registration (Liquor)

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1.0 Purpose

The *Liquor Distribution Act* provides the general manager of the BC Liquor Distribution Branch (LDB) with discretion to register Product and requires that all Product sold in BC be registered with the LDB. As contemplated in the LDB’s Terms and Conditions of Registration (copy attached as Appendix A), the purpose of this policy is to elaborate on the manner in which LDB exercises its discretion regarding Product registration. Nothing in this policy will be construed to derogate from the respective rights and responsibilities of the Supplier, Agent or the LDB as set out in the Terms and Conditions of Registration or any other agreement they have entered into with the LDB.



2.0 Scope

This policy applies to all Product registrations with the LDB.

3.0 Definitions

Artificial Sweeteners	For example, aspartame and sucralose (Splenda).
Carbohydrate Matter	Sugars, starches, and/or cellulose (excluding yeast, barley malt, wheat malt, hops, or hops extract) added before or after fermentation. Includes ingredients such as: cereal grains (e.g., oats, spelt, etc.), honey, maple syrup, agave nectar, fruit, fruit juice, fruit concentrate, sugar, ginger, vegetable matter, etc.
Deactivated Product (or Status 4)	A Product that is no longer distributed and sold in BC.
Dealcoholized Product	A Product in which the alcohol content is less than 1.1%.
Generic Seasonal SKU	A Stock Keeping Unit (SKU) used for multiple Product recipes ("seasonal" recipes) to test multiple small batches of Product and only sold in on-site stores or in growlers
Growlers	Sanitary glass, stainless steel or ceramic container that are brought by customers or sold by manufacturers and filled by an employee in front of the customer for the customer to transport. Product consumed off-site, with the intention that the Growler will be re-used multiple times.
Novel Sweeteners	For example, stevia and stevia extracts.
Premium Price	This means that the Product's wholesale price is equal to at least \$50 per litre.
Product	The liquor product registered in the LDB registration application. This includes the trade name, container type, container size, labeling, packaging, alcohol strength and when applicable, age of product and vintage year.
Residual Sugars	Fructose, glucose, maltose, sucrose, and lactose.
Registration	The approval by the LDB of the Registration Application for the Product.
Supplier	The manufacturer, producer or distributor, of the Product. Commonly referred to as Vendor.

4.0 Policy

4.1 General

- This section outlines policies applicable to all Products registered with the LDB.
- During the registration process, the LDB reviews Product names and labels for compliance with the LDB's Social Responsibility Criteria (see section 4.3).
- Generally, a Product that is in the same selling unit/configuration cannot be registered twice.
 - The only exception is if the packaging is different – in this case, each Product must have its own unique stock keeping unit (SKU) number, UPC number and SCC barcode, and both Products must be open to the entire market (i.e., one SKU cannot be an exclusive).
- Regarding registration of Products containing caffeine, the maximum allowable amount of caffeine is 30 mg per standard serving size – which is 330 mL for beer and refreshment beverages, 187 mL for wine, and 47 mL for spirits.
- Regarding registration of absinthe, the maximum allowable amount of thujones is 1000 µg/L.

4.2 Alcohol by Volume

- The maximum alcohol by volume of any Product that the LDB will register is 85%. This excludes ethyl alcohol.
- Any Product that is classified as a beer and has an alcohol by volume of over 20% will be subject to the mark-up applicable to spirits.

4.3 Social Responsibility Criteria

- A Product (which refers to liquor Products and includes brand names, text, images, labels, packaging, and any other component of the Product deemed relevant) will not be registered for sale in British Columbia if it does any of the following:
 1. Claims it has healthful, nutritive, curative, stimulative, sedative, or medicinal qualities or properties.
 2. Is likely to appeal to minors (under 19 years of age) by the use of:
 - likenesses of well-known personalities, cartoon characters, etc. with appeal to minors.
 - designs, images, packages/ containers, or promotional techniques resembling those which are popular with or effective on minors;
 - any imagery that is established in the underage culture;
 - Product portrayed in context of or in relation to an activity primarily attractive to minors;
 - portraying minors or persons who may reasonably be mistaken for minors.
 3. Presents itself in a manner that could lead to confusion with soft drinks, or energy or sports drinks, etc.
 4. Attempts to establish itself as having attributes that may assist in achieving a desired objective, such as:
 - social status (or Product portrayal as a status symbol);
 - sexual success or prowess;
 - personal or business success.

Or presents itself as:

- a necessity for the enjoyment of life or any activity;
- appropriate for every occasion;
- an escape from life's problems.

Or attempts to:

- establish that consumption of the Product should take precedence over other activities or that any activity would be incomplete without the presence or consumption of alcohol.
5. Presents representations of behaviour that is determined as unacceptable in relationship to beverage alcohol such as: violent, aggressive, dangerous, anti-social or illicit acts or activities.
 6. Imitates in any manner items associated with anti-social or dangerous behaviour (e.g., hypodermic needles, explosive devices, weapons, etc.).
 7. Degrades or depicts in an undignified way the image or status of any individual or group in society, past or present.
 8. Uses imperative language or graphics to urge people to purchase or consume the Product, or suggests in any way Product misuse, for example, immoderate, illegal, or irresponsible consumption, Product dependency, compulsive behaviours, urgency of need, or urgency of use.
 9. Portrays its use in association with (either before or during) any activity requiring skill, care, mental alertness or which contains an element of danger, such as: operating a vehicle, machinery, or other conveyance, or sporting or other activity.
 10. Suggests or does any of the following:
 - that the Product is being or has been consumed;
 - refers to the feeling or effect caused by consumption of alcohol;
 - depicts people under the influence of alcohol;
 - portrays persons with the Product in situations in which the consumption of alcohol is prohibited;
 - shows the amount of Product portrayed as exceeding or appearing to exceed the number of standard servings for the number of individuals shown;
 - condones, endorses, supports, or depicts the simultaneous use of alcohol and cannabis (refer to section 4.6 for further detail).
 11. Uses sexuality inappropriately, including provocative or suggestive imagery, text, graphics, etc.
 12. Does not meet the community standards of public decency and good taste and can be considered offensive to generally accepted social values.
 13. Encourages or promotes the excessive consumption of alcohol by consumers.
- Products which are not denied registration based on the above criteria may still be denied registration by the general manager, LDB, if in his or her opinion it is in the public's best interest to do so.

4.4 Product Specific Registrations

4.4.1 General

- The LDB has discretion to review and, if necessary, re-classify Products on an as-needed basis, should they discover that a Product ought to be re-classified.

4.4.2 Gluten-free beer-like Products

- Gluten free beer-like Products are beer-like Products which contain no gluten.
- The Supplier is responsible for ensuring that gluten free beer-like Products meets the requirements for a gluten free product, as authorized for production under the Gluten Free Claims section of the Food and Drug Regulations.
- The LDB assesses gluten free beer-like Products based on the criteria in Section 4.6 below (Criteria for Classifying Malt-Based Liquor Products) to determine the most appropriate classification and mark-up rate.

4.4.3 Hard Seltzers

- Hard seltzers are liquor Products containing containing carbonated water, alcohol and fruit flavourings.
- The LDB determines the appropriate classification and mark-up rate for hard seltzers with reference to the Candian Association of Liquor Jurisdictions (CALJ) definition of refreshment beverages.

4.4.4 Malt-Based Liquor Products

- When a malt-based liquor Product is classified as a beer by the manufacturer during registration, the LDB assesses the Product based on the following criteria:
 - Whether the Product contains yeast, barley malt and/or wheat malt, water and hops or hops extract;
 - Whether the Product contains Artificial Sweeteners and/or Novel Sweeteners;
 - Whether the Product has any sources of added Carbohydrate Matter; and
 - Whether the Product has less than or equal to 4% of Residual Sugars.
- If a Product:
 - Contains yeast, barley malt and/or wheat malt, water and hops or hops extract;
 - Does not contain Artificial Sweeteners and/or Novel Sweeteners; and
 - Does not have any added sources of Carbohydrate Matter,it is classified as a beer.
- If a Product:
 - Contains yeast, barley malt and/or wheat malt, water and hops or hops extract;
 - Does not contain Artificial Sweeteners and/or Novel Sweeteners;
 - Has added sources of Carbohydrate Matter; and
 - Has less than or equal to 4% of Residual Sugars,it is classified as a beer.
- If a Product:
 - Contains malt produced from gluten-free grains, such as millet, rice, corn, or sorghum;

- Does not contain Artificial Sweeteners and/or Novel Sweeteners;
- Has less than or equal to 4% of Residual Sugars, and
- Is branded as a beer-like Product.

it is classified as a beer.

- All other malt-based liquor Products are classified as malt-based refreshment beverages.
- The LDB may retest Products to confirm their sugar content at any time. If the mark-up of a malt-based liquor Product changes due to reclassification, the manufacturer is informed by LDB Wholesale.
 - If the classification changes from refreshment beverage to beer, the new mark-up rate takes effect at the beginning of the fiscal period that is two months from the date of reclassification (e.g., if the reclassification occurs in January, the new mark-up rate will take effect in March).
 - If the classification changes from beer to refreshment beverage, the new mark-up rate takes effect at the beginning of the fiscal period that is three months from the date of reclassification (e.g., if the reclassification occurs in January, the new mark-up rate will take effect in April).

4.4.5 Criteria for Registration of Hemp Liquor Products

- Hemp liquor is any Product containing a mixture of a hemp product and alcohol.
- If a Product is purported to contain a hemp product, it is the Supplier's responsibility to ensure that the hemp product contained in such Product is authorized for Production under the Industrial Hemp Regulations (IHR). In particular the Supplier must ensure that:
 - The hemp product used in the Product is derived from industrial hemp, which is defined in the IHR as a cannabis plant – or any part of the plant – in which the concentration of THC is 0.3% weight by weight or less in the flowering heads and leaves.
 - The hemp product used in the liquor is a derivative, which is defined in the IHR as a product that is made by processing only the grain of industrial hemp.
 - The derivative used in the hemp Product has no more than 10 µ/g of THC.
 - If the liquor manufacturer is cultivating industrial hemp and producing its own derivative for inclusion in the hemp Product, the manufacturer holds an industrial hemp licence under s. 62 of the *Cannabis Act* authorizing both the cultivation of industrial hemp and possession of grain, and is in compliance with sections 25 and 26 of the IHR. If the manufacturer is not cultivating industrial cannabis but is acquiring grain for the purposes of producing a derivative, an industrial hemp licence and compliance with s. 25 of the IHR will still be required in respect of the possession of grain.
- The LDB reviews each hemp Product to determine if it meets the LDB Social Responsibility Criteria, in particular that the hemp Product does not condone the simultaneous use of liquor and cannabis. Product names and packaging which the LDB determines to condone the simultaneous use of cannabis and liquor will not be accepted. Examples of this include:
 - Depictions of people simultaneously consuming cannabis and liquor;

- Depictions of people under the influence of alcohol and/or cannabis;
- Depictions of cannabis or the cannabis plant, including the flower or leaves;
- Depictions of cannabis products or accessories.

4.5 Standard Core Sizes for Spirits

- The LDB follows the Core Size Agreement, developed in conjunction with the Canadian Association of Liquor Jurisdictions (CALJ), for the registration of distilled spirits and non-spirits bearing spirit names.
- Distilled spirits and non-spirits bearing spirit names may only be registered in the following standard core sizes for containers less than three litres:
 - 50 ml
 - 200 ml
 - 375 ml
 - 750 ml
 - 1.14 litres
 - 1.75 litres
- Standard core sizes for Duty Free distilled spirits and non-spirits bearing spirit names are:
 - 1 litre
 - 1.5 litres
- Distilled spirits and non-spirits bearing spirit names may be registered in any size three litres or larger, as long as they comply with the LDB's Social Responsibility Criteria (see section 4.3).
- A non-standard core size will only be approved for registration if the Product has a Premium Price.
- The LDB reserves the right to deregister any non-core-sized Product, should it be found that its wholesale price has been reduced to below the required Premium Price.
- See Appendix B for a summary of Premium Prices by fluid quantity.

4.6 Registering Products in Growlers

4.6.1 General

- BC manufacturers of beer, wine or cider may sell Product in a Growler that is filled in front of the customer in accordance with the terms and conditions of the *Agreement Relating to the Direct Sale and Delivery of British Columbia Manufactured Product* they have entered into with the LDB. Growlers may be filled from a keg, a tap (i.e., a tap connected directly to a tank in the manufacturing site), or, for beer Products only, a pipeline to the manufacturing site.
 - These manufacturers must have an onsite store endorsement or, if they are a brew pub, an off-premises sales endorsement.
- Growlers that are filled in front of the customers are intended to be re-used multiple times and therefore are not included in the container recycling program, which includes a container recycling fee in the wholesale cost.

- In order to provide an incentive for customers to reuse Growlers, manufacturers that sell Growlers must charge customers a material fee (such as \$5 or more) for the Growler.
- Growlers must be one of the following standard sizes: 500 ml, 0.95 L (32 US fl oz), 1 L, 1.89L (64 US fl oz), 2 L, 3.79 L (128 US fl oz) or 4 L.
- The LDB classifies Growlers as packaged liquor Products for the purposes of calculating wholesale mark-up.

4.6.2 Registering Growlers that are filled in front of the customer

- If Growlers are filled from a keg or a pipeline that already has a SKU registered for the Product, a new SKU does not need to be registered for filling Growlers. The Product is already considered registered under the keg or pipeline.
- If Growlers are filled from a tank (i.e., a tap connected directly to a tank in the manufacturing site), a separate SKU must be registered for each variety of beer carried, as the Product is not already registered in the tank. Each size of Growler accepted by the manufacturer must be registered (this excludes Products with generic seasonal SKUs).
 - Refer to the Generic Seasonal SKUs policy below for the rules on registering Product under Generic Seasonal SKUs.
- All Products, including Growler refills, must comply with the Canadian Food Inspection Agency Labelling Requirements for Alcoholic Beverages, the Safe Food for Canadians Regulations, as well as the LDB's Social Responsibility Criteria policy (see section 4.3) for brand names, text, images, labels and packaging, and any other component of the Product deemed relevant.
 - When Product is sold in a Growler that the customer brought with them, required labelling could be affixed to the Growler on a sticker or a tag.

4.6.3 Wine in Growlers

- Wine manufacturers are required to comply with Canadian Food Inspection Agency Standardized Container Sizes for Wine. The Wines of Marked Quality Regulation sets standards for BC VQA wine. Wine sold in Growlers would not qualify as BC VQA.

4.7 Generic Seasonal SKUs

- Each new recipe is considered a new Product and must be registered under a unique SKU. However, BC manufacturers may use a single Generic Seasonal SKU to test multiple small batches of Product to be sold for consumption on-site or Growler fills, including serving those Products from a keg in the manufacturer's lounge endorsement or from a pipeline to the manufacturer's licensed establishment.
- Any Products that are sold to customers that are pre-packaged for sale will need to be registered with a unique SKU and cannot be registered under a Generic Seasonal SKU, excluding Growlers that are filled in front of the customer from a keg, pipeline, or tank (i.e., a tap connected directly to a tank in the manufacturing site).
 - Refer to the Registering Product in Growlers policy above (see section 4.6) for the rules around registering Growlers with the LDB.



- All Products, including Growler refills, must comply with the Canadian Food Inspection Agency Labelling Requirements for Alcoholic Beverages, the Safe Food for Canadians Regulations, as well as the LDB's Social Responsibility Criteria policy (see section 4.3) for brand names, text, images, labels and packaging, and any other component of the Product deemed relevant.
- If it is found that a Generic Seasonal SKU does not comply with this policy, the LDB may issue a demand that the manufacturer cease and desist and may require the manufacturer to register all of its Products individually going forward.
- The LDB will allow any Product registered under a Generic Seasonal SKU prior to October 1, 2019 to be sold under that Generic Seasonal SKU. All Product registered on or after October 1, 2019, must comply with this policy.

4.8 Dealcoholized Products

- LDB Wholesale Operations does not sell or distribute Dealcoholized Products.
- Dealcoholized Products can be registered by LDB Wholesale Operations in order to obtain a SKU number and that is only available to BC Liquor Stores (BCLS).
- Dealcoholized Products registered prior to April 1, 2015 have "grandfathered status" and are available for all wholesale customers to purchase until the Product is Deactivated.
- Products that are Deactivated lose their grandfathered status. Any subsequent registration must comply with the restriction that it is being registered only to obtain a SKU number so it can be sold in BCLS.

5.0 References

[BC Wine Authority Wines of Marked Quality Regulation](#)
[Canadian Food Inspection Agency Labelling Requirements for Alcoholic Beverages](#)
[Canadian Food Inspection Agency Standardized Container Sizes for Wine](#)
[Registration Process Guide for BC Manufacturers Wine and Spirits](#)
[Registration Process Guide for BC Beer Manufacturers](#)
[Safe Food for Canadians Regulations](#)
[Food and Drug Regulations – Gluten Free Claims](#)
[Industrial Hemp Regulations](#)

Appendix A - LDB's Terms and Conditions of Registration

1. The Registration Terms and Conditions apply to all Product available and registered for sale in the Province including Product which is listed for sale in Government Liquor Stores. Additional terms and conditions apply specifically to Products listed for sale in Government Liquor Stores (see Listing Term and Conditions).
2. The submission by the Supplier of a Registration Application form ("Registration Application") constitutes a request by the Supplier to make the Liquor Product eligible for sale in British Columbia. The Branch's approval of the Registration Application constitutes acceptance of the Supplier's request for the Liquor Product and the Registration is subject to these terms and conditions of Registration (the "Registration Agreement").
3. In the Registration Application and this Registration Agreement:
 - a. "Agent" means an individual, partnership or company representing the supplier in British Columbia in accordance with a letter of authorization accepted by the Branch under the Agent Stocking Program, as referred to in section one (agent contact information) of the Registration Application.
 - b. "Branch" means Her Majesty the Queen in right of the Province of British Columbia as represented by the Liquor Distribution Branch or its general manager.
 - c. "Liquor Product" means the liquor Product set out in section two of this Registration Application and includes the trade name, container type, container size, labeling, packaging, alcohol strength and when applicable, age of Product and vintage year.
 - d. "Registration" means the approval of the Branch of the Registration Application for the Liquor Product; and
 - e. "Supplier" means the manufacturer, producer, or distributor, of the Liquor Product.
4. The Supplier and Agent acknowledge that they comply and will continue to comply with all relevant federal and provincial legislation.
5. The Liquor Product must at all times comply with all relevant federal and provincial legislation and all provincial liquor policies, including adherence to Canada's Product labeling requirements.
6. The Registration does not in any way constitute an agreement with the LDB to distribute, promote, or sell the Liquor Product within LDB's distribution or retail infrastructure.
7. The Registration is subject to compliance with the following:
 - a. The Branch's "registration policies".
 - b. All other policies, procedures, forms, directives, and published information of the Branch.
 - c. The entry by the Agent into the Agent Stocking Program and execution of the Agent Stocking Program Agreement; and
 - d. All terms and conditions of the Branch's Purchase Order.
8. The Registration requires that any change to the Liquor Product, not affecting the SKU, UPC/EAN or the SCC numbers, requires prior written approval of the Branch. Any change affecting the SKU or the UPC/EAN numbers for the Liquor Product requires a new Registration Application to be submitted to the Branch (see Product Identification Standards document).
9. The Branch may purchase the Liquor Product directly from the Supplier, notwithstanding that the Agent may have entered into the Agent Stocking Program.
10. The Supplier and Agent acknowledge that the Registration is granted to the Supplier only.
11. The Registration is subject to no material change of any kind, including, without limitation, a material changes in:
 - a. government policy; international, national, or provincial trade practices.
 - b. the Liquor Product itself.
 - c. the producer of the Liquor Product; or
 - d. trademarks or other legal rights of the Agent or the Supplier to the Liquor Product (collectively referred to as "material change").
12. The Branch, in its sole discretion, without prior notice to the Agent or Supplier, may suspend or terminate the Registration and remove the Liquor Product from sale in the province, if:



- a. the Supplier breaches any material term of the Registration Agreement including the documents referred to in paragraph 6.
 - b. the Branch determines that it is in the public interest to do so; or
 - c. there is a material change or challenge to the legal rights of the Agent or Supplier of the Liquor Product.
13. The suspension or termination of the Registration automatically suspends or terminates the Listing.
14. If the Branch suspends or terminates the Registration for any reason, the Branch may make any arrangements it deems appropriate with respect to the re-registration or relisting of the Liquor Product, after giving reasonable notice to the Supplier and Agent.
15. If the Branch suspends or terminates the Registration for any reason, it will not be liable for any costs or damages of any kind associated with its action.
16. The Supplier and Agent, jointly and severally, will indemnify and save harmless the Branch and its employees, agents, and contractors from any and all claims, demands, actions, judgments, damages, losses (including economic loss), liabilities, injuries (including death), expenses (including legal costs and expenses on a solicitor and own client basis) or obligations resulting from or connected in any manner with the Registration, Listing or the subsequent sale of the Liquor Product.
17. The Supplier must adequately ensure the Liquor Product and provide the Branch with proof of insurance if requested.
18. The condoning or ignoring by the Branch of any breach of any term of this Registration Agreement will not be construed as
 - a. a waiver of such term.
 - b. a waiver of any subsequent or continuing breach of the Registration Agreement; or
 - c. a waiver of any other term(s) of the Registration Agreement or of any subsequent Registration Application.
19. The Supplier must not transfer, assign, or subcontract, in whole or in part, any of its rights or obligations under this Registration Agreement except insofar as the Agent is authorized to act on behalf of the Supplier, without the prior written consent of the Branch.
20. Time is of the essence.
21. The Supplier and Agent are independent contractors and not employees or agents of the Branch.



Appendix B - Summary of Premium Prices by Fluid Quantity

Fluid Quantity (ml)	Premium Price
100 ml	Wholesale price of at least \$5
350 ml	Wholesale price of at least \$17.50
500 ml	Wholesale price of at least \$25
700 ml	Wholesale price of at least \$35