

INFORMATION BULLETIN – No. 003
Regulatory Amendments and Advertising
Guidelines for Sampling Purposes
(November 27, 2002)

Effective October 2, 2002, the restriction on manufacturer sampling of only new liquor brands to liquor sales licensed establishments and individuals was lifted.

Ontario Regulation 720, subsection 3(2) states “a manufacturer may give liquor to a person if the purpose of the gift is to have the person sample a brand or product or to carry out market research and, in such cases, the manufacturer shall ensure that the sampling and research are conducted in accordance with the guidelines on sampling and market research issued by the Registrar of Alcohol and Gaming.”

Manufacturers may now sample new or existing brands as follows in the following circumstances:

- 1. Product sampling by the Manufacturer to Patrons in a licensed establishment**
- 2. Product sampling by the Manufacturer to the holder of a liquor sales licence**
- 3. Product sampling by the Manufacturer to individuals**

1. Product sampling by the Manufacturer to Patrons in a licensed establishment

A manufacturer or its representative may purchase an individual serving of liquor from the holder of a liquor sales licence for a patron to sample the manufacturer’s product on the licensed premises if the following conditions are met:

- (a) the sample is purchased from the licensee at the full menu price and where the manufacturer purchases samples from the licensee which are one half the size of servings listed on the menu, or less, the price must be reduced by no more than one half the menu price for the full serving, and
- (b) the sample is served to the patron by the licensee or its staff, who will be responsible to ensure that the consumer is of legal drinking age and is not being served to the point of intoxication.

The liquor sales licensee in the presence of the manufacturer’s representative must provide the individual serving of liquor to the patron on a one-to-one basis.

- (i) The manufacturer’s representative may not purchase a round for the house.
- (ii) The manufacturer’s representative may not pay the licensee or the licensee’s staff to purchase or sample drink(s) for patrons.

- (iii) The manufacturer's representative is required to engage in conversation with the patron(s) regarding the manufacturer and/or the product.

2. Product sampling by the Manufacturer to the holder of a liquor sales licence

LIQUOR PROVIDED AS A GIFT FOR SAMPLING

OFF PREMISE SAMPLING:

A manufacturer may give liquor to a liquor sales licensee, where the purpose of the gift is to have the licensee or its employees sample a liquor product.

If the gift of liquor is to be provided to the licence holder or their employees in sealed containers for their personal sampling outside the licensed premises, the following conditions must be met:

- (a) the liquor must not be taken on to or kept in the licensed premises;
- (b) the licensee must not have stocked the brand in the last twelve months,
 - (i) Sample is for consumption by the licensee or staff and not for sampling or resale to patrons.
- (c) the sample size (for any individual brand) does not exceed an annual (calendar year) total of:
 - 48 (355 ml) bottles of beer or cooler, or equivalent,
 - 10 (750 ml) bottles of wine, or equivalent,
 - 3 (750 ml) bottles of spirits, or equivalent.
- (d) records of the sampling activities are maintained by the manufacturer for a minimum of one year and are, when requested, made available for review to the Registrar or staff designated by the Registrar, and, when requested, prior notice of sampling activities are provided to the Registrar.

Note: A manufacturer of liquor or an agent or employee of a manufacturer shall not directly or indirectly offer or give a financial or material inducement to a person who holds a licence or permit under the Act or to an agent or employee of the person for the purpose of increasing the sale or distribution of a brand of liquor.

The holder of a liquor sales licence shall not directly or indirectly request, demand or receive any financial or material benefit from a manufacturer of liquor or a representative or an employee of the manufacturer.

ON PREMISE SAMPLING:

A manufacturer of liquor, a manufacturer's representative/employee, or the Liquor Control Board of Ontario (LCBO) may bring liquor onto the premises of a liquor sale licensee for the purposes of having the licence holder or licence holder's employees sample liquor product provided the following conditions are met:

- (a) the sampling is conducted in the presence of the manufacturer, representative or LCBO employee, and
- (b) that any sampled liquor remaining at the conclusion of the sampling is immediately removed from the premises by the manufacturer, representative or LCBO employee.

3. Product sampling to individuals by the Manufacturer.

A manufacturer may give liquor to an individual, where the purpose of the gift is to have the individual sample liquor if the following conditions are met:

- (a) The sample is distributed by the manufacturer's representatives to the individual in person. Voucher/coupon samples for liquor may not be given to individuals through direct mailings or any other indirect method.
- (b) The size of samples for any one individual does not exceed:
 - 6 (355 ml) bottles of beer or cooler, or equivalent,
 - 1 (750 ml) bottle of wine, or equivalent,
 - 1 (375 ml) bottle of spirits, or equivalent.
- (c) A coupon/voucher provided for a sample of liquor may be redeemed only at a Liquor Control Board of Ontario retail store, an authorized manufacturer's retail store, or a Brewers Retail Inc. store.
- (d) The sample may not be awarded as a prize.

For more information about sampling, please visit our Liquor Advertising section of our website at <http://www.agco.on.ca/en/b.alcohol/b10.liquoradvertising.html> or contact our head office at (416) 326-8700 or toll free at 1-800-522-2876.