Ontario

ALCOHOL AND GAMING COMMISSION OF ONTARIO

SAMPLING GUIDELINES

April 2016

1224E (2016/04)

TABLE OF CONTENTS

I – Product Sampling to Patrons of a Liquor Retail Store 2

II – Product Sampling by a Manufacturer to Patrons in a Licensed Establishment..... 3

III – Product Sampling by a Manufacturer to the Holder of a Liquor Sales Licence 4

IV – Product Sampling by a Manufacturer to Individuals 5

V – Product Sampling under Industry Promotional Special Occasion Permit 6

VI – Product Sampling from an Occasional Extension of a Winery Retail Store within a Farmers' Market 7

VII – Product Sampling to Patrons of a Grocery Store..... 8

I – Product Sampling to Patrons of a Liquor Retail Store

Liquor retail stores owned and operated by liquor manufacturers (licensed under the *Liquor Licence Act*) and Brewers Retail Inc. (the "BRI") which have been authorized by the Registrar of Alcohol and Gaming (the "Registrar") may offer samples of its products to its patrons if the following conditions are met:

1. Samplings are conducted only during permissible hours of operation prescribed by the Registrar.
2. Samplings are provided and consumed only within the retail store. Sampling is not permitted at winery kiosk stores.
3. Only products which are eligible to be sold in that store are offered as samples.
4. Samples are not offered or served to any person who is under nineteen (19) years of age.
5. Samples are not offered or served to any person who is or appears to be intoxicated.
6. Staff members offering samples are at least eighteen (18) years of age. It is highly recommended that all staff members offering samples obtain SmartServe® certification.
7. Retail store customers are not permitted to remove samples from the retail store premises.
8. Spittoons or similar containers are provided at all samplings.
9. Any fee charged for a sample is calculated on a cost recovery basis.
10. Any marketing method used to support a sampling adheres to Section 5 of Ontario Regulation 720/90 as amended, and the AGCO's "Advertising Guidelines: Liquor Sales Licensees and Manufacturers".

II – Product Sampling by a 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:

1. The sample is purchased from the liquor sales licensee at the full menu price and where the manufacturer purchases samples from the liquor sales 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.

2. The sample is served to the patron by the liquor sales licensee or its staff who will be responsible to ensure that all aspects of the *Liquor Licence Act*, the regulations and the Registrar's Advertising Guidelines are adhered to.

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

4. The manufacturer or its representative may not purchase a round for the house.

5. The manufacturer or its representative may not pay the liquor sales licensee or its staff to purchase or sample drink(s) for patrons.

6. The manufacturer or its representatives are required to engage in conversation with the patron(s) regarding the manufacturer and/or the product being sampled.

III – Product Sampling by a Manufacturer to the Holder of a Liquor Sales Licence

Off Premise Sampling:

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

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

1. The liquor must not be taken onto or kept in the licensed premises.
2. The liquor sales licensee must not have stocked the brand in the last twelve (12) months.
3. The sample is for consumption by the licensee or staff and not for sampling or resale to patrons.
4. The sample size (for any individual brand) does not exceed an annual (calendar year) total of:
    - 48 (355ml) bottles of beer or cooler, or equivalent
    - 10 (750ml) bottles of wine, or equivalent
    - 3 (750ml) bottles of spirits, or equivalent
5. Records of the sampling activities are maintained by the manufacturer for a minimum of one (1) 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.

On Premise Sampling:

A manufacturer of liquor, a manufacturer's representative or the Liquor Control Board of Ontario (LCBO) may bring liquor onto the premises of a liquor sales licensee for the purposes of having the liquor sales licensee or its employees sample liquor products provided the following conditions are met:

1. The sampling is conducted in the presence of the manufacturer, representative or LCBO employee.
2. That any sampled liquor remaining at the conclusion of the sampling is immediately removed from the licensed premises by the manufacturer, representative or LCBO employee.

IV – Product Sampling by a Manufacturer to Individuals

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:

1. The sample is distributed by the manufacturer or its 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.

2. The size of the samples for any one individual does not exceed:

    - 6 (355ml) bottles of beer or cooler, or equivalent
    - 1 (750ml) bottle of wine, or equivalent
    - 1 (375ml) bottle of spirits, or equivalent

3. A coupon/voucher provided for a sample of liquor may be redeemed only at an LCBO store, an authorized manufacturer's retail store, or a Brewers Retail Inc. store.

4. The sample may not be awarded as a prize.

V – Product Sampling under Industry Promotional Special Occasion Permit

Sampling only is permitted at Industry Promotional Events.

1. Sampling must be supervised by AGCO licensed representatives of manufacturers, manufacturer's employees, AGCO licensed representatives or event organizers acting on behalf of either. An event organizer may be required to produce documentation supporting this relationship.

2. Sample sizes are determined by those providing the samples. A "sample" is generally defined as a small part or quantity intended to show what the whole is like; a small amount of a food, alcohol or other commodity.

3. There can be no intent to profit from sale of alcohol at the event.

VI – Product Sampling from an Occasional Extension of a Winery Retail Store within a Farmers' Market

A manufacturer of VQA wine and/or fruit wine (*****as defined in Ontario Regulation 720) that has received an authorization from the Registrar to sell VQA wine and/or fruit wine at an occasional extension of its on-site winery retail store within a Farmers' Market (occasional extension of the on-site winery retail store) may offer samples of its VQA wine and/or fruit wine to patrons if the following conditions are met:

1. Samples are provided only at the occasional extension.
2. Samples are consumed only at the occasional extension.
3. Samples are provided only during the hours of operation of the Farmers' Market.
4. Samples are not offered or served to any person who is under nineteen (19) years of age.
5. Samples are not offered or served to any person who is or appears to be intoxicated.
6. Staff members offering samples are at least eighteen (18) years of age and have received SmartServe® certification.
7. Any fee charged for a sample is calculated on a cost recovery basis.
8. Any marketing method used to support sampling adheres to Section 5 of Regulation 720 and the AGCO's "Advertising Guidelines: Liquor Sales Licensees and Manufacturers".

*****Note: The term "fruit wine", as defined in Ontario Regulation 720, means Ontario wine that:
a) is produced from fruit grown in Ontario, other than grapes, and
b) is not produced using any combination of the concentrated juice of apples grown outside of Ontario.

VII – Product Sampling to Patrons of a Grocery Store

A grocery store that has received an Authorization (under the *Liquor Control Act*) from the Registrar to sell beer may offer samples of beer to its patrons if the following conditions are met:

**This section applies to both liquor manufacturers' representatives and designated staff of the authorized grocery store*.

1. Samplings are conducted only during permissible hours of operation prescribed by the Registrar.

2. Samples are provided and consumed only within a designated area. This sampling area must be adjacent to the beer display area within the grocery store.

3. Only products which are eligible to be sold in that authorized store may be offered as samples.

4. Samples are not offered or served to any person who is under nineteen (19) years of age.

5. Samples are not offered or served to any person who is or appears to be intoxicated.

6. Samples are offered or served only by persons who are at least eighteen (18) years of age and have SmartServe® certification.

7. All products used for the sampling must be purchased from the authorized grocery store. Grocers must retain all receipts of beer purchased for sampling. These records must be provided to the AGCO on request.

8. Any fee charged for a sample is calculated on a cost recovery basis.

9. Product used for sampling, including any beer remaining at the conclusion of the sampling, must not be removed from the premises.

10. Any marketing method used to support sampling adheres to Ontario Regulation 290/15, 720 and the AGCO's "Advertising Guidelines: Sale of Beer in Grocery Stores".