



ALCOHOLIC BEVERAGES CONTROL BOARD

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REGULATION FOR THE MANUFACTURE AND SALE OF SPIRITS

[K.L.R. c. A-1. r.1 Enacted on September 22, 2014]

WHEREAS the Alcoholic Beverages Control Board (“Board”) has the power and jurisdiction to enact regulations for the Manufacture and Sale of Spirits in the Mohawk Territory of Kahnawà:ke.

1. PURPOSE

1.1 This regulation is an expression of the will of the Kanien’kehá:ka of Kahnawà:ke that the Manufacture and Sale of Spirits in the Mohawk Territory of Kahnawà:ke be regulated in a fair and responsible manner.

1.2 This regulation is enacted pursuant to sections 75(d), 85, 106, 172(h) and 172(q) of the Kahnawà:ke Alcoholic Beverages Law.

2. APPLICATION

2.1 This regulation applies to the Manufacture and Sale of Spirits within the Mohawk Territory of Kahnawà:ke, and any matters related thereto.

3. DEFINITIONS

3.1 All terms defined in the *Kahnawà:ke Alcoholic Beverages Law* shall retain the same meaning in the present regulation.

3.2 For ease of reference, “Spirits” means distilled alcoholic liquor.

3.3 For the purposes of this regulation:

“Volatile elements” means the acids, esters, aldehydes and higher alcohols whose concentrations are expressed respectively in acetic acid, ethyl acetate, acetaldehyde and butyl alcohol.

4. REQUIREMENTS FOR A MANUFACTURE PERMIT

4.1 To be eligible for a Manufacture Permit for the Manufacture and Sale of Spirits, an applicant must fulfill the requirements set out in section 112 of the *Kahnawà:ke Alcoholic Beverages Law* if the applicant is a corporation or partnership or, if the applicant is a natural person, he must fulfill the requirements set out in section 113 of the *Kahnawà:ke Alcoholic Beverages Law*.

4.2 To apply for a Manufacture Permit, an applicant must provide the documents and information set out in section 114 of the *Kahnawà:ke Alcoholic Beverages Law*.

5. **MANUFACTURE PERMIT AND DUTIES PAYABLE**

- 5.1 A Manufacture Permit for the Manufacture and Sale of Spirits issued by the Board authorizes the holder to make, package and sell Spirits in accordance with these regulations;
- 5.2 The Board will determine the yearly duties payable for a Manufacture Permit, which as of 2014 are established at [\$\$\$\$\$\$] dollars.

6. **CLASSIFICATION OF SPIRITS**

- 6.1 Spirits packaged in the Territory must be classified as follows:
- (a) Dry gin: Spirits obtained exclusively from redistillation of rectified grain alcohol, with the addition of aromatic substances and especially of juniper berries; no sugar may be added after redistillation;
 - (b) Rum: Spirits obtained exclusively from the distillation of the product of wash of molasses or of syrups obtained from the manufacture of cane sugar or of undefecated sugar cane juice; rum must contain a total quantity of Volatile elements, other than ethanol, in excess of 200 grammes/hectolitre of pure alcohol, except light rum, which must contain not less than 60 grammes/hectolitre of pure alcohol; no sugar may be added after distillation;
 - (c) Vodka: Spirits obtained exclusively from processing of rectified grain or potato alcohol, in the presence of activated charcoal so that the product has no distinctive character, aroma or taste; no sugar may be added after distillation;
- 6.2 The holder of a Manufacture Permit for the Manufacture and Sale of Spirits who, when the Spirits covered by section 6.1 are packaged, mixes or alters such Spirits, may not attribute to such Spirits their original names unless he satisfies the following conditions:
- (1) any mixture with other Spirits is made with Spirits of the name and the same place of origin;
 - (2) any reduction in alcoholic strength to the degree required is made by adding distilled or demineralized water;
 - (3) any correction of the colour is made by adding caramel.
- 6.3 The holder of a Manufacture Permit for the Manufacture and Sale of Spirits shall indicate on the main label of the containers of the Spirits manufactured or packaged by him, in bold, indelible, legible and conspicuous type, the following:
- (a) his name and address or those of any person for whom the Spirits has been packaged, or both;

- (b) the class of the Spirits;
 - (c) the words “made in Kahnawà:ke” or “product of Kahnawà:ke”;
 - (e) the actual percentage of alcohol contained;
 - (f) the net volume; and
 - (g) a list of ingredients.
- 6.4 Where a Spirit is packaged by the holder of a Manufacture Permit under his proprietary brand, the name of no other person may appear on the spirit container.
- 6.5 Where the name and address of a person other than the holder of the Manufacture Permit appears on a spirit container, the origin of the Spirits must correspond to the country indicated in the person’s address except where the address is in the Mohawk Territory of Kahnawà:ke.
- 6.6 Any description, mark, brand or reference concerning Spirits must be true and exact. It must not lend itself to any confusion in consumers’ minds regarding the origin, class, or year of vintage; nor may it refer to any other alcoholic beverage.
- 6.7 The holder of a Manufacture Permit is authorized to make, from an alcohol of Spirits base to which fruit juice or other flavourings are added, alcoholic beverages other than beer, cider, wine, alcohols or spirits.
- 6.8 An alcohol or Spirits-based alcoholic beverage covered by article 6.7 must contain not less than 1.5% or more than 7% alcohol by volume; it may contain natural or mineral water and carbon dioxide.
- 6.9 The holder of a Manufacture Permit for the Manufacture and Sale of Spirits must enter on the principal label of the container of any Spirit-based alcoholic beverage covered by section 6.7 a list of the ingredients it contains.
- 6.10 The holder of a Manufacture Permit is permitted to enter on the principal label of alcoholic beverages covered by section 6.7 and packaged by him, the name and address of the real owner of the brand name where the alcoholic beverage has already been marketed under that name outside Kahnawà:ke and the use of that brand name has been granted to him by licence or otherwise.
- 6.11 Any indication, name, brand or reference relating to Sprints or Spirits-based alcoholic beverage must be precise and correct.

It must not refer to any other alcoholic beverage or to a guaranteed mark of origin (appellation contrôlée).

6.12 The spirit container or alcoholic beverage and the cartons or boxes used for shipping must bear a production code indicating the packaging date in legible and indelible type.

7. **INSPECTION**

7.1 A member of the Board, a member of the personnel of the Board or any other person authorized by the Board may carry out an inspection during which he may:

- (1) during the business hours of an establishment, enter the establishment and its dependencies where an activity requiring a Manufacture Permit is carried on and inspect them;
- (2) examine the facilities, the products made, packaged or stored and anything else found in that place and connected with an activity requiring a Manufacture Permit;
- (3) take samples;
- (4) examine and obtain copies of the registers, books and any other document respecting an activity requiring a Manufacture Permit;
- (5) demand any information in respect of the activities relating to an activity requiring a Manufacture Permit;
- (6) require any person on the premises to grant him reasonable assistance.

7.2 Every person is prohibited from hindering the activities of a person contemplated in section 7.1 in the exercise of his duties, from misleading him by concealment or false declarations, from refusing to furnish him with information or a document he is entitled to require or examine under the *Kahnawà:ke Alcoholic Beverages Law* and the present regulation, or to conceal or destroy a document or property relating to an investigation.

7.3 Any person authorized to make an inspection must, on request, identify himself and produce a certificate of his capacity.

8. **PENALTIES AND ENFORCEMENT**

8.1 The Kahnawà:ke Peacekeepers have sole authority to enforce this regulation.

8.2 The Kahnawà:ke Peacekeepers have the powers of search and seizure outlined in the Kahnawà:ke Alcoholic Beverages Law.

9. **COURT OF KAHNAWÀ:KE**

9.1 The Court shall have sole jurisdiction to hear any offences under this regulation.

10. **AMENDMENTS TO THE REGULATION**

10.1 The Board may amend this regulation by Resolution.

11. **COMING INTO FORCE**

11.1 This Regulation comes into force on the day fixed by Resolution of the Board.

12. **HISTORY**

12.1 Adopted by Alcoholic Beverages Control Board Resolution on September 22, 2014.