

KAHNAWÁ:KE REGULATION FOR THE MANUFACTURING AND SALE OF WINE AND WINE RELATED PRODUCTS

Enacted on July 11, 2005

WHEREAS the Alcoholic Beverages Control Board has the power and jurisdiction to enact regulations for the manufacturing and sale of wine and wine related products in the Mohawk Territory of Kahnawá:ke.

SECTION I

1. JURISDICTION

- 1.1 The Kanien'kehá:ka of Kahnawá:ke, are a community within the Kanien'kehá:ka Nation and the Rotinohsonnion:we. The Kanien'kehá:ka of Kahnawá:ke are Indigenous Peoples who possess a fundamental and inherent right of self-determination.
- 1.2 The Kanien'kehá:ka of Kahnawá:ke have consistently and historically exercised ultimate and exclusive jurisdiction over the Mohawk Territory of Kahnawá:ke and have asserted their rights and laws with foreign governments.
- 1.3 The Kanien'kehá:ka of Kahnawá:ke have existing and inherent rights, including the right of self-determination which includes the right to regulate the manufacturing and sale of wine and wine related products in the Mohawk Territory of Kahnawá:ke.
- 1.4 The Kanien'kehá:ka of Kahnawá:ke, represented by the Alcoholic Beverages Control Board, have the ultimate power, right and jurisdiction to regulate the manufacturing and sale of wine and wine related products in the Mohawk Territory of Kahnawá:ke.

2. PURPOSE

- 2.1 This Regulation is an expression of the wishes of the Kanien'kehá:ka of Kahnawá:ke that the manufacturing and sale of wine and wine related products in the Mohawk Territory of Kahnawá:ke be regulated in a fair and responsible manner.
- 2.2 This Regulation is enacted pursuant to sections 41, 74 and 171(h) of the Kahnawá:ke Alcoholic Beverages Law.

3. APPLICATION

- 3.1 This Regulation applies to the manufacture and sale of wine and wine related products within the Mohawk Territory of Kahnawá:ke, and any matters related thereto.
- 3.2 This Regulation does not apply to the manufacture of wine and/or wine related products in a person's own residence, provided the wine and/or wine related

products are intended for the manufacturer's own consumption and not otherwise intended for sale or distribution.

4. DEFINITIONS

4.1 For the purposes of this Regulation:

"Board" means the Alcoholic Beverages Control Board established and empowered by the Kahnawá:ke Alcoholic Beverages Law;

"Court" means the Court of Kahnawá:ke;

"Holder" means the person who hold a wine maker's permit to manufacture wine and/or wine related products;

"Kanien'kehá:ka Territory of Kahnawá:ke" means Mohawk Territory of Kahnawá:ke and is further defined as:

- a) the lands under the control and jurisdiction of the Kanien'kehá:ka of Kahnawá:ke,
- b) any and all lands that may be added to the lands now under the control and jurisdiction of the Kanien'kehá:ka of Kahnawá:ke through the negotiation and resolution of land grievances,
- c) any and all lands that may be added to the lands now under the control and jurisdiction of the Kanien'kehá:ka of Kahnawá:ke as a result of any other means, and
- d) lands, which are returned to, Kahnawá:ke as lands within the meaning of subsection 91(24) of the *Constitution Act*, 1867.

"Manufacture" means the creation or enhancement of wine and/or wine related products by a process of hand or machine;

"Mohawk Council of Kahnawá:ke" means the elected government of Kahnawá:ke or its designate as established by Mohawk Council Executive Directive;

"Permit" means a Wine Maker's Permit issued under this Regulation solely for the manufacture of wine and/or wine related products;

"Wine" means the beverage obtained by the alcoholic fermentation of grape juice, reconstituted grape juice or grape must.

SECTION II

5. REQUIREMENTS FOR PERMIT

- 5.1 To be eligible for a permit, an applicant must fulfill the requirements set out in section 111 of the Kahnawá: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 112 of the Kahnawá:ke Alcoholic Beverages Law.
- 5.2 To apply for a permit, an applicant must provide the documents and information set out in section 113 of the Kahnawá:ke Alcoholic Beverages Law.

6. WINE MAKER PERMIT AND DUTIES PAYABLE

- 6.1 A wine maker's permit issued by the Board authorizes the holder to make wine, bottle it and sell it in accordance with these regulations;
- 6.2 The Board will determine the yearly duties payable for a wine maker's permit.

7. CLASSIFICATION OF WINE

- 7.1 Wine bottled in Québec must be classified as follows:
- (a) wine or table wine: being a beverage obtained through the fermentation of grape juice, reconstituted grape juice or grape must, and containing at least 6 % and less than 15 % of alcohol by volume;
 - (b) fortified wine: being a beverage obtained from wine containing at least 10 % of alcohol by volume, with or without the addition of grape concentrate or sugar and containing, through fermentation or the addition of alcohol, from 15 % to 20 % of alcohol by volume;
 - (c) flavoured wine: being a beverage obtained by adding flavourings to wine, with or without the addition of sugar, and containing at least 6 % and less than 15 % of alcohol by volume;
 - (d) apéritif (appetizer) wine: beverage obtained from wine containing at least 10 % of alcohol by volume, with or without the addition of flavouring, grape, concentrate or sugar and containing, through fermentation or the addition of alcohol, from 15 % to 20 % of alcohol by volume;
- 7.2 In this section,
- (a) "addition of alcohol": means the addition of neutral spirits made from grain, molasses, cider or wine and containing at least 94,8 % of alcohol by volume;
 - (b) "flavouring": means vegetable flavourings, with or without alcoholization, excluding cider and not exceeding 5 % of the finished product by volume.

- 7.3 The expression "light wine" may accompany or replace "wine or table wine" where the wine or table wine contains at least 6 % but less than 8 % of alcohol by volume.
- 7.4 Where a fortified wine has the characteristics generally associated with that type of wine, the expression "fortified wine" may be replaced by the following expression : "liqueur wine".
- 7.5 An apéritif wine must have the characteristics generally associated with an apéritif wine. The expression "apéritif wine" may appear with or be replaced by the word "vermouth" if the apéritif (appetizer) wine has the characteristics generally associated with vermouth.
- 7.6 The holder of a wine maker's permit shall indicate on the main label of the containers of the wine he makes, in bold, indelible, legible and conspicuous type, the following:
- (a) his name and address or those of any person for whom the wine has been bottled, or both;
 - (b) the class of the wine;
 - (c) the origin of the wine;
 - (d) the grape variety, if any;
 - (e) the percentage of alcohol;
 - (f) the net volume; and
 - (g) the designation of effervescence, if any.
- 7.7 Where a wine is bottled by the holder of a wine maker's permit under his proprietary brand, the name of no other person may appear on the wine container. In this section, "proprietary brand" means a brand of alcoholic beverage authorized under the Kahnawá:ke Alcoholic Beverages Law by holders of a grocery permit.
- 7.8 Where the name and address of a person other than the holder of a wine marker's permit appears on a wine container, the origin of the wine must correspond to the country indicated in the person's address except where the address is in Kahnawá:ke.
- 7.9 The origin of a wine is indicated as follows:
- (a) "made in Kahnawá:ke": where a wine is made in Kahnawá:ke with or without the addition of wine from outside Kahnawá:ke;
 - (b) "product of Kahnawá:ke": where a wine is made from grapes harvested in Kahnawá:ke;

- (c) "product of (name of country of origin)": where a wine comes solely from the country specified;
- (d) "product of (name of country of origin and guaranteed mark of origin — appellation d'origine contrôlée)": where a wine has guaranteed mark of origin (appellation contrôlée) in accordance with the legislation of the country of origin; or
- (e) "product of (name of country of origin and varietal indication)": where a wine is from the country of origin and is made from the grape variety specified, in accordance with the legislation of the country of origin.

7.10 The holder of a wine marker's permit who wishes to use one of the indications in paragraphs (c), (d) or (e) of section 7.9 shall:

- (a) send to the Board a copy of the seal affixed to the wine container when the wine is shipped;
- (b) upon the arrival of the wine in Kahnawá:ke, submit to the Board an attestation by the government of the country of origin concerning the origin of the wine and the grape variety, if any;
- (c) where the seal has been broken, satisfy the board that the wine corresponds to the attestation that accompanies it;
- (d) store the wine in identified vats;
- (e) enter daily, in a production registrar, any step in the production, processing, blending, transfer or bottling of a wine governed by this section;
- (f) before shipping bottled wine, declare to the board the origin of the wine and, where wines from any one country are blended, the proportion of each wine blended;
- (g) obtain from the Board an attestation of authenticity of the wine's origin.

7.11 The words "château", "clos", "côte", "cru", "domaine" and "village" or any other indication, in French or in another language, that refer to the words of a mark of origin or to words designating specified areas or vineyards may be used only if the wine corresponds to the mark of origin or comes from the corresponding specified areas or vineyards.

7.12 The effervescence of a wine is designated by one of the following expressions:

- (a) "crackling": where a wine naturally contains carbon dioxide under a pressure of between 1.2 and 2 absolute atmospheres, measured at a temperature of 10°C;

- (b) "crackling carbonated": wine to which carbon dioxide is added under a pressure of between 1.2 and 2 absolute atmospheres, measured at a temperature of 10°C;
- (c) "sparkling": wine which naturally contains carbon dioxide under a pressure of between 3 and 5 absolute atmospheres, measured at a temperature of 10°C; or
- (d) "sparkling carbonated": wine to which carbon dioxide is added under a pressure of between 3 and 5 absolute atmospheres, measured at a temperature of 10°C.

The word "carbonated" may be replaced by the expression "artificial effervescence".

7.13 The holder of a wine maker's permit may indicate production method on the containers of the effervescent wine he makes or bottles.

In the case of sparkling wine one of the following expressions must be used:

- (a) "bulk process": where the last stage of fermentation takes place in closed vats; or
- (b) "Champagne process": where the last stage of fermentation takes place in the bottle.

In the case of crackling wine, the expression must be "bulk process" where the last step of fermentation takes place in closed vats.

7.14 The holder of wine maker's permit may indicate on the containers the sugar content of the wine he makes or bottles.

The sugar content is indicated as follows:

- (a) for sparkling table wine:
 - (i) "brut": where the residual sugar content is less than 15 g/l;
 - (ii) "extra dry": where the residual sugar content is between 15 and 20 g/l;
 - (iii) "dry": where the residual sugar content is between 20 and 35 g/l;
 - (iv) "medium dry": where the residual sugar content is between 35 and 50 g/l; or
 - (v) "sweet": where the residual sugar content exceeds 50 g/l;
- (b) for still or for crackling table wine:

- (i) "dry": where the residual sugar content is less than 4 g/l;
 - (ii) "medium dry": where the residual sugar content is between 4 g/l and 12 g/l;
 - (iii) "medium sweet": where the residual sugar content is between 12 g/l and 50 g/l; or
 - (iv) "sweet": where the residual sugar content exceeds 50 g/l;
- (c) for fortified, flavoured or apéritif (appetizer) wine , effervescent or still:
- (i) "extra dry" or "dry": where the residual sugar content is less than 40 g/l; or
 - (ii) "sweet": where the residual sugar content exceeds 45 g/l; or
- (d) for fortified wine described as "liqueur wine", "Canadian port" or "Canadian sherry":
- (i) "dry": where the residual sugar content is less than 25 g/l;
 - (ii) "medium dry": where the residual sugar content is between 30 and 60 g/l; or
 - (iii) "sweet": where the residual sugar content exceeds 65 g/l.

7.15 Any description, mark, brand or reference concerning a wine must be true and exact. It must not lend itself to any confusion in consumers' minds regarding the origin, class, grape variety or year of vintage; nor may it refer to any other alcoholic beverage.

7.16 The holder of a wine maker's permit may, through fermentation, make alcoholic beverages other than beer, cider, spirits or wine, from fruit other than apples, from other plants or from honey.

7.17 A fruit-based alcoholic beverage must:

- (a) contain not less than 1,5 % or more than 7 % alcohol by volume;
- (b) be made by alcoholic fermentation of fruit in the proportion of not less than 60 % of the alcohol contained therein.

The holder of a wine maker's permit must provide a list of the ingredients on the principal label of its container, where fruit juice, aromatic substances, natural or mineral water or carbon dioxide gas have been added to the fruit-based alcoholic beverage.