



*Vintner's Quality Alliance Ontario*

**Rules made pursuant to clauses 5 (1) (d) and (e) of the Act for approval of the use of Terms, Descriptions and Designations**

**Interpretation**

1. (1) In these rules.

“blending” means the process of combining two or more wines prior to finishing and bottling;

“designated person” means the Liquor Control Board of Ontario (LCBO) Quality Assurance or such other person as may be designated by Vintner’s Quality Alliance Ontario (VQA Ontario) from time to time;

“finished bottle sample” means a sample of wine taken from an inventory of wine after the commercial bottling run;

“organoleptic evaluation” means an analytical evaluation of a beverage using the senses of sight, smell and taste and tactile or viscous perceptions;

“quality assurance review” means a laboratory analysis on a finished bottle sample of the wine

“ready to bottle tank sample” means a finished wine that has undergone all processes and treatments to prepare it for commercial bottling.

(2) In addition to those terms that are defined in subsection (1), all other terms shall have the meanings assigned to them under O.Reg. 406/00 (Rules).

**Application**

2. (1) An application by a member of VQA Ontario for approval to use the terms, descriptions and designations set out in the rules referred to in O.Reg. 406/00 (Rules) for a wine shall be made by completing an application form as prescribed by VQA Ontario and paying a specified application fee to VQA Ontario.

(2) Where an application under this section is for approval to use the term icewine or sparkling icewine, records related to Late Harvest monitoring shall accompany the application.

(3) the following materials shall be delivered to VQA Ontario c/o the Liquor Control Board of Ontario, 3<sup>rd</sup> floor, Quality Services, Dept. #909, 43 Freeland Street, Toronto:

1. A copy of all labels, capsules or stickers, that will be used on bottles of wine and other containers that may be displayed to a consumer, for which the approval relates and that meet the packaging and labeling requirements for alcoholic beverages under the *Food and Drugs Act* (Canada) Chapter F-27 of the Revised Statutes of Canada, 1985, as amended and the regulations thereunder, and the *Consumer Packaging and Labelling Act* (Canada) Chapter C-38 of the Revised Statutes of Canada, 1985, as amended and the regulations thereunder.

2. Three bottles of wine for which the approval is being sought that meet the requirements of the said *Food and Drugs Act* (Canada) and the regulations thereunder, of a minimum size of 375 mL.

3. All samples must be clearly marked with the VQA identification number and accompanied by a shipping form generated on submission of the application.

(4) For the purposes of subsection (3), a representative electronic version, including a scale or a colour copy of a label, capsule or sticker, or a copy or mock-up of the label, capsule or sticker that indicates any relevant colours is acceptable providing that the actual size of the label, capsule, sticker and fonts used and their positioning on the bottle or container are indicated.

(5) The materials referred to in subsection (3) shall be in a shipping carton labeled "Attention: LCBO Quality Services Department" and identified as VQA Ontario submissions.

(6) A manufacturer of wine applying under this section shall also furnish to VQA Ontario the returns, information and other things respecting the manufacture and sale of wine as are specified in O.Reg. 405/00 (Returns and Information).

### **Approval**

3. (1) VQA Ontario shall issue an approval to a manufacturer to use the terms, descriptions and designations set out in the rules referred to in O.Reg. 406/00 (Rules) for a wine for which the approval relates if VQA Ontario is satisfied that the manufacturer meets all the requirements of O.Reg. 406/00 (Rules) based on,

(a) passing a review conducted by VQA Ontario of the labeling and container of the wine for which the approval relates to ensure compliance with O.Reg. 406/00 (Rules);

(b) passing a taste test of the wine conducted by a VQA Ontario Tasting Panel on a ready-to-bottle tank sample or a finished bottle sample of the wine; and

(c) passing a laboratory analysis of the wine conducted by the designated person to determine if the wine is in compliance with O.Reg. 406/00 (Rules) and the LCBO's guidelines for Chemical Analysis, as amended from time to time.

(2) Despite any approval issued by VQA Ontario under this Rule, the applicant shall be solely responsible for and assumes all liability for ensuring that the wine and the labeling and containers for the wine meet the requirements referred to in subsection 2 (3).

(3) If the taste test and laboratory analysis was conducted on a ready to bottle tank sample, the manufacturer shall ensure that the finished bottled wine is materially the same as the sample submitted, save for required adjustments to sulphur and sorbic acid levels.

(4) If the taste test and laboratory analysis was conducted on a ready to bottle tank sample, the manufacturer shall ensure that the entire volume of approved wine is packaged in the container intended for final sale not later than 12 months from the completion of the laboratory and sensory analysis, at the earlier date of the two.

(5) Unless suspended or revoked, a wine approval is valid for bottled wine as long as the winery remains a member in good standing of VQA Ontario and for a period of up to one year after the winery membership has ended. At the expiry of the one year grace period, approval to use VQA terms, designations or descriptions is terminated.

(6) A manufacturer purchasing bottled wines where an approval has been terminated due to a period of non-membership shall apply for a new approval from VQA Ontario if seeking to use VQA terms, designations or descriptions.

(7) A manufacturer whose membership has been reinstated after an approval has been terminated due to a period of non-membership shall apply for a new approval from VQA Ontario if seeking to use VQA terms, designations or descriptions.

### **Review and Audit**

4. (1) After an approval is issued under subsection 3 (1), VQA Ontario may,

(a) conduct or cause to be conducted, on a random basis, a quality assurance review; and

(b) conduct, or cause to be conducted, an audit of the grape variety, origin, brix level, yield, and production methods of the wine to ensure compliance with O.Reg. 406/00 (Rules).

(c) review the labels and packaging applied to the wine to ensure compliance with O.Reg. 406/00

(2) An audit under this section shall consist of,

(a) a review of the records submitted under subsection 3 (1) of O.Reg. 405/00 (Returns and Information); for the purpose of reconciliation with information provided on the approval application form; and

(b) a reconciliation of the records of the amount of grapes purchased to make the wine, compared with the wine production records, to assure reasonable feasibility of reported recoveries.

(3) After a review and audit under this section, VQA Ontario shall notify the manufacturer of the results of the review and audit, if any discrepancies are discovered.

(4) If the review and audit indicates that the wine is not in compliance with the requirements of O.Reg. 406/00 (Rules) the notice shall include reasons why the wine is not in compliance.

### **VQA Ontario Tasting Panel**

5. (1) The three bottles provided to the designated person upon application shall be dealt with as follows:

1. One bottle shall be presented as a coded sample without identifying markings to a Tasting Panel.

2. One bottle shall be forwarded to the designated person for a chemical analysis.

3. If the wine does not pass the taste test conducted on the first bottle, the remaining bottle may be used for a second tasting, and if not, shall be retained by the designated person as a library sample for a period of not less than 60 days.

(2) A Tasting Panel shall consist of at least five persons employed by the designated person who have passed a written test and practical test conducted by the Liquor Control Board of Ontario.

(3) The taste test shall be conducted as follows:

1. All products shall be presented to the Tasting Panel as a coded sample without markings identifying the manufacturer.

2. The following information may be presented to the Tasting Panel for each wine:

- Appellation of origin
- Vintage Date
- Wine category or type
- Varietal content (if declared on label)

2. The scoring system used shall be a twenty point scale as developed for this purpose.

3. Tastings shall be held weekly or at the discretion of the designated person, whenever a suitable number of wines are available.

4. All tasting shall be conducted in the early morning of the day appointed.
5. Each wine tested shall undergo an organoleptic evaluation.
6. In the event that a wine is defective or flawed, a second bottle will be opened and tasted by the VQA Tasting Panel to confirm or reject the initial result. If the second bottle does not pass the tasting, the score assigned to the first bottle will stand.
7. VQA Ontario shall notify the applicant of the results of testing for wines submitted by the applicant. If a wine does not pass any component of the testing, the notice shall include reasons why the wine did not pass the test.

(4) For the purposes of a taste test,

1. A wine bearing a varietal designation shall be assessed to determine if it exhibits the predominant character of a wine produced from the designated grape variety or varieties.
2. In the case of blended wines that carry a proprietary name, varietal character shall not be considered an important component of the overall grade unless the wine is labelled as a varietal wine. If the varieties do not appear on the label, they shall not be identified to the tasting panel.
3. A nouveau wine shall be assessed as a new wine in addition to being assessed as a varietal wine.
4. Varietal character shall not be considered an important component in the overall assessment of a fortified wine or a liqueur wine.
5. Sparkling wine that has been made by the traditional method or the méthode cuve close shall be assessed to determine if it has the aroma, taste and characteristics of a sparkling wine made by the traditional method or the méthode cuve close, as the case requires.
6. Sparkling wine that contains an icewine dosage or a dosage of icewine shall be assessed to determine if it exhibits distinguishable icewine characteristics.
7. A botrytized wine shall be assessed to determine if it exhibits the predominant character of wine made from botrytized grapes.

(4) A wine shall be deemed to have passed the taste test if a majority of the members of a Tasting Panel who are present at the testing determine,

- (a) that the wine's attributes fairly reflect the viticultural and oenological quality standards established in O.Reg. 406/00 (Rules) without defects or flaws; and
- (b) that the wine is representative of quality wines of the stated category.

(5) An applicant shall provide an additional sample for review by the Tasting Panel, upon request from VQA Ontario.

(6) An applicant may submit a wine for re-evaluation of the tasting, laboratory analysis or label review components of the evaluation if,

(a) the wine did not pass one or more components of the review; and

(b) the initial application has been completed and results issued and a formal request for re-evaluation is made, and

(c) the wine is materially the same as the original submission save and except for chemical or mechanical treatments that do not change the content of the wine

(7) An application for a re-evaluation by the Tasting Panel shall be made to VQA Ontario in the same manner as an original application under section 2 and shall be accompanied by,

(a) a resubmission request that describes any treatments or processes that the wine has undergone to correct the fault indicated on the previous taste test;

(b) a fee, as established, payable to VQA Ontario.

(8) A wine that is submitted for re-evaluation shall be tested in accordance with this section, except that no member who was a part of a previous taste test of the wine shall be a member of the Tasting Panel on re-evaluation .

(9) A wine may only be submitted for re-evaluation by the Tasting Panel twice.

#### **Review by Independent Tasting Panel**

6. (1) An applicant whose wine has failed a second re-evaluation by the Tasting Panel under this rule may request that the wine be reviewed by an independent VQA Tasting Panel by so notifying VQA Ontario within fifteen days of being notified that the wine has not passed the second evaluation.

(2) A request for an independent review shall be made to VQA Ontario in the same manner as an original application under section 2 and shall be accompanied by,

(a) a written request for a review that describes any treatments or processes that the wine has undergone to correct the faults indicated on the previous taste tests; and

(b) payment of the applicable fee established by VQA Ontario.

(3) A wine that is submitted for review shall be tested in accordance with section 5, except that no member who was a part of a previous taste test of the wine shall be a member of the independent VQA Tasting Panel on review.

(4) Subject to subsection (3), an independent VQA Tasting Panel shall consist of a minimum of 5 members,

- (a) at least one winemaker who is employed by a VQA Ontario winery member;
- (b) at least one wine professional who may be a sommelier who has obtained a college level sommelier qualification, or other accredited wine professional;
- (c) at least one employee of the designated person;
- (d) at least one person who is employed by a post secondary educational institution and who teaches wine science or wine evaluation at that educational institution.

(5) A person referred to in subsection (4) shall,

- (a) be currently active in their profession;
- (b) have at least five years experience in his or her respective field; and
- (c) have successfully completed, within a period not exceeding five years prior to acting as a panel member, a wine evaluation proficiency test administered by VQA Ontario or by the Liquor Control Board of Ontario's Quality Assurance.

(6) Five members of the independent VQA Tasting Panel shall constitute a quorum for the purpose of conducting a review under this section.

### **Quality Assurance Review**

7. (1) A quality assurance review shall include a packaging review and a laboratory analysis and may be conducted randomly or at the discretion of VQA Ontario.

(2) Upon request, a manufacturer shall furnish one (1) bottle of the finished bottled wine that is subject to a quality assurance review that is selected by an agent of VQA Ontario from a retail outlet.

(3) The quality assurance review shall be used to ensure that the wine has not been altered subsequent to the submission on which the issuing of the approval was based. Additions of SO<sub>2</sub> and/or potassium sorbate up to the limits permitted by the *Food and Drugs Act* (Canada) Chapter F-27 of the Revised Statutes of Canada, 1985 will not be considered to be alterations for the purpose of the QAR.

(4) The laboratory analysis shall be conducted in the same manner as set out in clause 3 (1) (c).

**Inter-winery Transfer of VQA Wine, Juice or grape Must in Bulk**

8. (1) When a manufacturer of wine transfers or sells any wine, juice, or grape must intended to be used in the production of a VQA wine to another manufacturer of wine and the wine, juice or grape must is blended or in any way altered by the purchasing manufacturer, or the wine has not been bottled within 12 months of the approval testing, the approval process set out in section 3 and the review and audit set out in section 4 shall be re-conducted.

(2) If a wine referred to in subsection (1) remains unaltered by the purchasing manufacturer, except for a quality assurance review referred to in clause 4 (1) (a) and a review of the labeling and containers referred to in clause 3(1) (a), any test, audit or analysis that was conducted and passed under this Rule on wine, juice or grape must of the selling manufacturer shall be deemed to be valid for the purchasing manufacturer. The purchasing manufacturer shall furnish the approval application results and make application to VQA Ontario for a supplementary approval.

(3) VQA Ontario may, at any time and at its sole discretion, compare the laboratory analysis for the quality assurance review of the selling manufacturer's sample against the results of the laboratory analysis of the originally tested sample to ensure the authenticity of the purchasing manufacturer's bottling.

(4) Wine transferred from a manufacturer that is not licensed and has not been audited shall not be eligible for use in the production of a VQA wine.