

chapter P-29, r. 2

Regulation respecting bottled water

Food Products Act
(chapter P-29, s. 40)

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DIVISION I

INTERPRETATION

1. Definitions: In this Regulation, unless the context indicates otherwise,

(a) “bacteriologically pure” means that contains no pathogenic microorganism nor microorganism indicating fecal or other contamination;

(b) “to distribute” means to put at the disposal of the consumer;

(c) “to bottle” means to bottle or put into containers;

(d) “fountain” means a device for the distribution of bottled water;

(e) “approved laboratory” means a laboratory in which analyses are signed by a professional duly authorized thereto by the Act of the professional order to which he belongs;

(f) “Act” means the Environment Quality Act (chapter Q-2);

(g) “approved method” means an analysis method described in the Standard Methods for Examination of Water and Wastewater published by the American Public Health Association;

(h) “water-bearing formation” means an aquifer having proper natural protection;

(i) “production” means all extraction, bottling and storage operations;

(j) “mineral salts content” means residue at 180 °C;

(k) “Minister” means the Minister of Agriculture, Fisheries and Food.

R.R.Q., 1981, c. Q-2, r. 5, s. 1.

2. The definitions contained in the Act apply to this Regulation.

R.R.Q., 1981, c. Q-2, r. 5, s. 2.

3. The Interpretation Act (chapter I-16), applies to this Regulation.

R.R.Q., 1981, c. Q-2, r. 5, s. 3.

DIVISION II

SCOPE OF THE REGULATION

4. Purpose: This Regulation establishes quality standards, sanitary standards with respect to production, and certain conditions for the distribution of bottled waters in Québec.

R.R.Q., 1981, c. Q-2, r. 5, s. 4.

5. Prohibition: No person shall bottle, sell or distribute a bottled water if it does not meet the qualitative standards and the conditions for the production or distribution of waters prescribed in this Regulation.

R.R.Q., 1981, c. Q-2, r. 5, s. 5.

6. Exceptions: This Regulation shall not apply to waters to which have been added extracts, essences or natural or artificial aromatic preparations defined in sections B.10.003 to B. 10.006 of the Food and Drug Regulations (C.R.C., c. 870) enacted under the Food and Drugs Act (R.S.C. 1985, c. F-27).

R.R.Q., 1981, c. Q-2, r. 5, s. 6.

DIVISION III

WATER CLASSIFICATION AND QUALITATIVE STANDARDS

7. Spring water: Water complying with the following standards shall be called “spring water”:

(a) it comes from a water-bearing formation without passing through waterworks used for public distribution;

(b) it is, wherever located, bacteriologically pure and contaminant free;

(c) the mineral salts content does not exceed 1,000 mg per litre;

(d) the following ions and substances are in concentrations lower than those indicated hereinafter in parts per million:

- (1) ammonia (as N): 0.5
- (2) silver (as Ag): 0.05
- (3) arsenic (as As): 0.01
- (4) barium (as Ba): 1.0
- (5) boron (as B): 5.0
- (6) cadmium (as Cd): 0.01
- (7) calcium (as Ca): 200
- (8) chlorides (as Cl): 250
- (9) hexavalent chromium (as Cr): 0.05
- (10) copper (as Cu): 1.0
- (11) cyanides (as CN): 0.01
- (12) iron (as Fe): 0.3
- (13) fluorine (as F): 1.5
- (14) magnesium (as Mg): 150
- (15) manganese (as Mn): 0.05
- (16) nitrates (as N) + Nitrites (as N): 10.0
- (17) lead (as Pb): 0.05
- (18) selenium (as Se): 0.01

(19) sulphates (as SO₄): 500

(20) sulphides (as H₂ S): 0.3

(21) uranyls (as UO₂): 5.0

(22) zinc (as Zn): 5.0.

R.R.Q., 1981, c. Q-2, r. 5, s. 7.

8. Mineral water: Water which meets the standards defined in section 7 with the exception of those prescribed in paragraph *c* or *d* shall be called “mineral water”.

R.R.Q., 1981, c. Q-2, r. 5, s. 8.

9. Treated water: Water which has undergone treatment designed to render it potable, which is bacteriologically pure and contaminant free shall be called “treated water”.

R.R.Q., 1981, c. Q-2, r. 5, s. 9.

10. If “spring water” or “mineral water” is blended with “treated water”, the product shall be called “treated water”.

R.R.Q., 1981, c. Q-2, r. 5, s. 10.

11. If “spring water” is blended with “mineral water”, the product shall be called “spring water” if it meets the standards defined in paragraphs *c* and *d* of section 7, and “mineral water” if it does not meet such standards.

R.R.Q., 1981, c. Q-2, r. 5, s. 11.

12. “Natural” designation: The “natural” designation applies to “mineral water” or to “spring water” having undergone no other treatment than decantation, filtration or carbonation. This designation also applies to “mineral water” or “spring water” which has been ozonized, but only to the extent where such treatment does not alter the concentrations of ions present in the water. It shall not apply to the blends contemplated in section 11.

R.R.Q., 1981, c. Q-2, r. 5, s. 12.

13. “Carbonated” designation: The “carbonated” designation must be used to describe “spring water” or “mineral water” when carbon dioxide has been added. This designation must also be used to describe “treated water” when carbon dioxide has been added.

This designation shall not apply to water re-carbonated by means of natural carbon dioxide when gas has been added in order to reconstitute the water as at emergence.

Where several designations apply to water labelling, the designation “carbonated” shall be first in order of presentation.

R.R.Q., 1981, c. Q-2, r. 5, s. 13.

14. “Mineralized” designation: The “mineralized” designation must be used to describe “spring water” or “treated water” to which mineral salts have been added.

This designation shall not apply to water to which fluorine has been added when the concentration of that element does not exceed 1 part per million.

R.R.Q., 1981, c. Q-2, r. 5, s. 14.

15. “Demineralized” designation: The “demineralized” designation must be used to describe “spring water” or “treated water” whose mineral salts content has been decreased to less than 10 mg per litre.

R.R.Q., 1981, c. Q-2, r. 5, s. 15.

16. Obligation: To describe bottled water, the only designations permitted are those defined in sections 12 to 15.

R.R.Q., 1981, c. Q-2, r. 5, s. 16.

DIVISION IV

WATER DISTRIBUTION

17. Consumer protection: All information on a label or container of water governed by this Regulation must be true and precise and not lead to confusion or possible misunderstanding on the part of the consumer. These requirements also apply to all advertisements or circulars relating to such water.

R.R.Q., 1981, c. Q-2, r. 5, s. 17.

18. Information: The container of water contemplated in this Regulation or the label affixed to such container must bear, in indelible and readily legible characters:

- (a) the trade name;
- (b) the correct name of the water as well as the designations relating thereto in accordance with sections 7 to 15, in identical characters and at least one-half as high as those used for the trade name and in proximity to the latter;
- (c) the exact quantity of the product expressed in volumetric units;
- (d) as applicable, the mention “coming from” or “water from the public distribution of” followed by the name of the municipality and the municipal county, if any, where the spring, well or waterworks is located;
- (e) a lot number or the date of bottling;
- (f) the mention “bottled by” followed by the name of the bottler or the mention “bottled for” followed by the name of the distributor;
- (g) in the case of water imported into Québec, the name of the country of origin and of the importer;
- (h) treatments other than decantation or filtration;
- (i) in the case of “mineral water”, “spring water” and water bearing the designation “mineralized”: the mineral salts content in milligrams per litre and the mineralization of water as bottled by indicating the concentrations in parts per million of the following ions:
 - (1) arsenic (as As)
 - (2) bicarbonates (as HCO₃)
 - (3) calcium (as Ca)
 - (4) chlorides (as Cl)
 - (5) copper (as Cu)
 - (6) fluorine (as F)

- (7) magnesium (as Mg)
- (8) nitrates (as N)
- (9) lead (as Pb)
- (10) potassium (as K)
- (11) sodium (as Na)
- (12) sulphates (as SO₄)
- (13) zinc (as Zn).

R.R.Q., 1981, c. Q-2, r. 5, s. 18.

19. In the case of “mineral water” or water bearing the designation “mineralized”, the mineral salts content shall appear on the main label or on the main face of the container.

R.R.Q., 1981, c. Q-2, r. 5, s. 19.

20. The expressions “spring water”, “mineral water” and “treated water” contemplated in sections 10 to 15, 18 and 19 include, where applicable, the designations prescribed in sections 12 to 15.

R.R.Q., 1981, c. Q-2, r. 5, s. 20.

21. Analysis: All analyses required for the enforcement of this Regulation must be carried out by an approved laboratory in accordance with an approved method.

In the case of water produced in Québec, it is compulsory that such analyses be carried out on the samples taken before a representative of the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation, or a representative duly authorized by the Communauté urbaine de Montréal, the Communauté urbaine de Québec or the Communauté urbaine de l’Outaouais.

R.R.Q., 1981, c. Q-2, r. 5, s. 21.

22. Document: The manufacturers and importers must, before undertaking the marketing or distribution in Québec of any water contemplated by this Regulation, transmit to the Minister a document stating:

(a) all the information required to attest to the accuracy of the declarations appearing on the container or label;

(b) for water contemplated in paragraph *i* of section 18, a chemical analysis of the water in accordance with this paragraph and dated within one year therefrom.

R.R.Q., 1981, c. Q-2, r. 5, s. 22.

23. Imported Water: In the case of water imported into Québec, the document mentioned in section 22 must bear an attestation from the competent governmental authorities of the country of origin in accordance with the terms and conditions determined under an agreement between the governments.

In cases when such agreement does not exist, such attestation must be signed by an approved laboratory other than that of the manufacturer.

R.R.Q., 1981, c. Q-2, r. 5, s. 23.

DIVISION V

SANITARY CONDITIONS

24. Places of production: The manufacturer of bottled water shall maintain his production installations in perfect conditions of cleanliness and sanitation.

R.R.Q., 1981, c. Q-2, r. 5, s. 24.

25. Fountains: No owner or lessee of a fountain shall permit the use thereof if it is not in a perfect state of cleanliness and hygiene.

When a fountain is leased, the name and address of its owner shall be indicated thereon.

R.R.Q., 1981, c. Q-2, r. 5, s. 25.

UPDATES

R.R.Q., 1981, c. Q-2, r. 5

S.Q. 1996, c. 50, s. 19

