

New Brunswick Beverage Containers Program
Beverage Container Exclusion Policy
(October 2018)
Department of Environment and Local Government

The *Beverage Containers Act* defines “beverage” as a liquid intended for human consumption by drinking but does not include any liquid excluded by regulation.

The *Beverage Containers Act* defines a “beverage container” as a container that (a) holds five litres or less of a beverage, and (b) is delivered sealed to (i) a retailer who sells the beverage without opening the container, or (ii) a food service.

Section 3 of the *General Regulation* under the *Beverage Containers Act* states: “Exclusions. Apple cider that has not been heated, pasteurized or otherwise processed, milk and milk products, chocolate milk, soya milk and concentrated drinks are liquids excluded from the definition “beverage” in the Act.”

For the purposes of the administration of the Beverage Containers Program the following represents product containers that are excluded from the Program.

1. **“Apple cider that has not been heated, pasteurized or otherwise processed”** is interpreted to include:
 - a) Apple cider that has not been heated, pasteurized or otherwise processed.
2. **“milk and milk products, chocolate milk”** is interpreted to include:
 - a) “Milk” as defined under Part B Division 08.003, 08.004, 08.005 and 08.016 of the [Canadian Food and Drug Regulations](#). Includes whole, skim and part-skim white and flavoured milk.
 - b) “Goat’s Milk” as defined under Part B Division 08.028.1 of the [Canadian Food and Drug Regulations](#).
3. **“soya milk”** is interpreted to include:
 - a) Milk product alternatives that are naturally-flavored fortified plant based beverages as defined under section B Division 01.500 of the [Canadian Food and Drug Regulations](#).

A distributor shall not charge a deposit on a beverage that is a milk product alternative labelled as a fortified (insert name e.g. soy, almond or oat) beverage* as per above

*Any ready-to-drink milk product alternative labelled as both a fortified plant-based beverage and not a source of protein is included in the Beverage Containers Program and the applicable deposit must be charged by the distributor.

4. **“concentrated drinks”** are interpreted to include:

- a) Products that are required to be mixed with water or other fluid prior to consumption.

In addition, for the purposes of the administration of the Beverage Containers Program, the following beverage containers are also excluded from the Program:

5. **Infant Formula**, includes:

- a) “Infant formula” as defined under Part B. Section 25 of the [Canadian Food and Drug Regulations](#).

6. **Medicinal nutritional supplements formulated for special dietary needs**, include:

- a) A “Formulated Liquid Diet” as defined under Division 24 of Part B of the [Canadian Food and Drug Regulations](#).
- b) A “Meal Replacement” as defined under Division 24 of Part B of the [Canadian Food and Drug Regulations](#).
- c) Any beverage prescribed to a consumer by a physician licensed to practice medicine in the province of New Brunswick by the College of Physicians and Surgeons.

Encorp Atlantic Inc. shall refund to a consumer the deposit paid on any beverage for which that consumer has provided proof of a prescription for the consumption of that beverage by a physician licensed to practice medicine in the province of New Brunswick.

Approved by: _____ < Original signed >
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