

New Brunswick Beverage Containers Program
Beverage Container Exclusion Policy
(April 2024)
Department of Environment and Local Government

This Policy replaces the “Beverage Container Exclusion Policy (October 2018)”.

The *Designated Materials Regulation* defines “beverage” as “a ready-to-serve liquid that is intended for human consumption but does not include milk, plant-based milk product alternatives that are fortified and a source of protein, unprocessed apple cider, concentrated drinks, infant formula, meal replacements or formulated liquid diets.”

The *Designated Materials Regulation* defines a “beverage container” as “a sealed container, including all its component parts, that contains a beverage in a maximum quantity of five litres, and includes a box or similar container used to contain, protect, handle, deliver or present refillable glass beer bottles.”

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

1. **“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](#).

2. **“plant-based milk product alternatives that are fortified and a source of protein”** is interpreted to include:
 - a) Milk product alternatives that are fortified plant based beverages as defined under section B Division 01.500 of the [Canadian Food and Drug Regulations](#) and considered a source of protein.*

*Ready-to-serve plant-based milk product alternatives with no mention on label of being “fortified”, as well as those labelled as both “fortified” and “not a source of protein”, are included in the Beverage Containers Program and the applicable deposit must be charged by the brand owner.

3. **“unprocessed apple cider”** is interpreted to include:
 - a) Apple cider that has not been heated, pasteurized, or otherwise processed.
4. **“concentrated drinks”** are interpreted to include:
 - a) Products that are required to be mixed with water or other fluid prior to consumption.
5. **“infant formula”** is interpreted to include:
 - a) “Infant formula” as defined under Part B, Division 25.045 of the [Canadian Food and Drug Regulations](#).
6. **“meal replacements or formulated liquid diets”** are interpreted to include:
 - a) A “Formulated Liquid Diet” as defined under Part B, Division 24 of the [Canadian Food and Drug Regulations](#).
 - b) A “Meal Replacement” as defined under Part B, Division 24. 200 of the [Canadian Food and Drug Regulations](#).

In addition, for the purposes of the administration of the Beverage Containers Program, the following applies to any “beverage container” not excluded in this Policy:

7. The Producer Responsible Organization, Encorp Atlantic/Atlantique, 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 person licensed to issue prescriptions in the province of New Brunswick.

Approved by: _____ < Original signed >
Christie Ward
Assistant Deputy Minister
Authorizations & Compliance Division