

**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.\*
  - b) 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.

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