

Proposed Contract between:

New Wave Wine Society (representing fruit and mead wineries in British Columbia

And

The British Columbia Wine Authority

This contract will allow the British Columbia Wine Authority (BCWA) to administer a set of quality assurance standards on behalf of the New Wave Wine Society (NWWWS) and its member wineries.

The costs associated with delivering the services by the BCWA are intended to be cost neutral to the BCWA. At year end the BCWA will prepare a statement of costs and revenue associated with the program.

In the event of a shortfall the NWWWS will pay the shortfall within 60 days of receipt of the statement.

Should a surplus in the account be available at year end the BCWA will adjust the following year's fees by the amount of the surplus.

Following is an outline of the proposed Quality Assurance program for discussion.

New Wave Wine Society Proposed Quality Assurance Standards.

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Part 1 – Definitions

Definitions

1 (1) In this regulation:

"accredited laboratory" means a laboratory accredited by the administrator under section 10 [*application for accreditation*];

"alcoholic strength by volume" means the number of litres of alcohol contained in 100 litres of wine, measured when the wine is at a temperature of 20°C;

"BC FWS wine" means a wine certified as a BC FWS wine;

"BC Fruit Wine Standard" means a wine certified as a BC Fruit Wine Standard wine;

"Brix level" means the quantity of dissolved solids, expressed as grams of sucrose, in 100 grams of grape juice or grape must processed from grapes that are, at harvest, measured at a temperature of 20°C;

"chaptalize" means to enrich a wine by adding sugar to fruit or honey must before or during fermentation;

- "fermentation"** means the natural biochemical process by which yeast converts sugar to alcohol and byproducts;
- "finished wine"** means wine for which all treatments required to prepare for bottling are complete;
- "label"** means a label containing printed or graphic symbols attached to a container of, or displayed in connection with, a wine that is the subject of a FWS certificate;
- "large processor"** means a practice standards certificate holder who has a processing level of 40,000 litres or more of wine or mead;
- "lees"** means the sediment of grape seeds, stems, skin fragments, dead yeast cells and insoluble tartrates that settles to the bottom of a fermentation vessel;
- "medium processor"** means a practice standards certificate holder who has a processing level of more than 15,000 litres but less than 40,000 litres of wine or mead;
- "processing level"** means the volume of wine produced during the previous calendar year which is the subject of a wine quality certificate;
- "production unit"** means a unit of finished wine that has been packaged, and in which all the packaged wine has uniform characteristics;
- "small processor"** means a practice standards certificate holder who has a processing level of 15,000 litres of wine or mead;
- "total volatile acidity"** means, other than for the purposes of item 16 of Schedule 4, the total volatile acidity of a wine as
- (a) determined by the cash still method of analysis, conducted by an accredited laboratory, and
 - (b) calculated in grams per litre of acetic acid;
- "vintage year"** means the year in which fruit or honey used to process a wine are grown;
- "wine evaluation"** means a chemical wine evaluation conducted in accordance with the procedures and systems referred to in section 7 (2) or (3);
- "wine production standards"** means the prohibitions, requirements, limits and conditions established under this Standard for
- (a) an operator to be issued a FWS certificate.

Part 2 — Certification Program

Division 1 — Administration

Certification program

2 (1)The **FWS** is established by contact with participating wineries in BC.

(2)The purposes of the **FWS** program are to

(a)certify wineries and wines that meet wine production standards.

British Columbia Wine Authority is Contractor

3 (1)The British Columbia Wine Authority is contracted to continue as the administrator of the **FWS** program.

(2)The administrator is contracted to do all of the following:

(a)exercise the powers and perform the duties as described in the contract;

(b)collect and retain fees payable under this contract;

(c)delegate to the individual responsible for the day-to-day operations of the FWS program one or more of the powers and duties described in the contract.

General duty to establish procedures

4 For the purposes of an audit under the contract, the administrator must establish and maintain written procedures for exercising the powers and performing the duties set out in the contract;

Duty to ensure program compliance

5 Without limiting the duties of the administrator under contract, the administrator must conduct winery verification audits in accordance with the contract.

Duties respecting wine evaluations

6 (1) The administrator must establish procedures for taking wine samples and for submitting samples for evaluation.

(2)For the purpose of the conduct of chemical wine evaluations, the administrator must

(a)develop and manage systems to assess and accredit laboratories, and

(b)establish procedures to

(i)verify the results of chemical wine evaluations, and

(ii)ensure that results are reasonably consistent across accredited laboratories.

Division 2 — Laboratory Accreditation

Application for accreditation

7 (1)A laboratory is eligible for accreditation to conduct a chemical wine evaluation for the purposes of this regulation if the administrator is satisfied of the laboratory's competency to conduct the evaluation.

(2)The laboratory owner may apply for accreditation in the form and manner required by the administrator.

Duties of accredited laboratory

8 (1)An owner of an accredited laboratory must

(a)ensure that the chemist named in the accreditation application has direct responsibility for conducting all chemical wine evaluations,

(b)ensure that the accredited laboratory uses only the methodology approved by the administrator for conducting chemical wine evaluations,

(c)permit the administrator to verify the results of chemical wine evaluations, including by audit, inspection or other means, and

(d)keep, for at least 5 years, those records required by the administrator for the purpose of verifying the results of chemical wine evaluations.

(2)The administrator may revoke, in full or in part, the accreditation of a laboratory if the administrator is satisfied of either of the following:

(a)that the laboratory is no longer competent to conduct one or more chemical wine evaluations;

(b)that the owner has contravened a requirement under subsection (1).

Division 3 — Certification Generally

Types of certificates

9 The administrator may issue to a person, in accordance with this Division, the following certificate:

(a)a wine quality certificate (**FWS**), certifying that the wine qualifies as a **FWS**, as applicable;

Issuing certificates

10 (1)The administrator may issue a certificate to an applicant if satisfied that the applicant is eligible for the certificate **FWS**

(2)The administrator may issue a certificate with or without conditions.

(3)For the purpose of determining whether to issue a certificate, the administrator may rely on the following:

(a) the findings of experts selected after a merit based process;

(b) without limiting paragraph (a), a wine evaluation.

(4) A **FWS** certificate is not transferable.

Suspending or cancelling certificates

11 The administrator may suspend or cancel a certificate for any of the following reasons:

(a) the certificate holder fails to comply with, or the wine that is the subject of the certificate fails to conform to, all applicable wine standards;

(b) the certificate holder is no longer eligible to hold the certificate for any other reason;

(c) the certificate holder fails to pay a fee in accordance with this Part.

Appeals of decisions

12 (1) In this section, "**decision**" means a decision of the administrator to

(a) refuse an application for a **PSC** or a **FWS** certificate,

(b) attach conditions to a **FWS** certificate,

(c) suspend or cancel a **FWS** certificate, or

(d) cancel a **FWS** certificate.

(2) On making a decision, the administrator must give written notice of the decision to the applicant or certificate holder, and the reasons for it.

(3) A person who receives notice of a decision may appeal the decision by submitting a notice of appeal to the administrator.

(4) A notice of appeal

(a) may be sent no later than 30 days after receiving notice of a decision, and

(b) must be in the form and manner required by the administrator.

(5) On receiving a notice of appeal, the administrator must give to the appellant a written notice of hearing.

(6) A notice of hearing must

(a) be sent no later than 30 days after receiving the notice of appeal,

(b) include the date, time and place of the hearing, and

(c) advise the appellant whether the hearing will be written or conducted orally.

Division 4 — Practice Standards Certificates

Eligibility for FWS certificate

13 A person is eligible for a FWS certificate if the person

(a) is licensed as a land based winery under the *Liquor Control and Licensing Act*,

(b) gives to the administrator

(i) the address of the person's primary place of business, and

(ii) the addresses of any additional places at which the person carries on business,

(c) gives to the administrator all information required by the administrator to determine whether the person is eligible, and

(d) meets all applicable wine standards.

Fee for practice standards certificate

14 (1) An applicant for a FWS certificate must pay the applicable fee under subsection (2) as follows:

(a) at the time the application is made, in the case of a new applicant;

(b) by March 31 of the year for which the certificate will be issued, in the case of a renewing applicant.

(2) An applicant must pay the annual fee applicable to the applicant's class as follows:

(a) \$300, in the case of a small processor;

(b) \$650, in the case of a medium processor;

(c) \$.04 per litre of fruit or honey wine produced, in the case of a large processor.

General duties of certificate holder

15 A FWS certificate holder must

(a) notify the administrator within 14 days after any change in the address of the holder's primary place of business, and

(b) give to the administrator, within the time required by the administrator,

(i) a copy of any record required to be kept under the contract [*records of certificate holder*], and

(ii) any other information required by the administrator.

Records of certificate holder

16 (1) A FWS certificate holder must keep records of all of the following:

(a) the total quantity of fruit and honey grown and received by the certificate holder;

(b) with respect to fruit and honey received by the certificate holder,

(i) the dates on which the fruit or honey were received and the names of the growers and suppliers from whom the fruit or honey were received,

(ii) the annual quantity of fruit or honey received from each grower and supplier, and

(iii) a statement from each grower or supplier of both the quantity of fruit or honey supplied and the location of the orchard at which the fruit or honey were grown;

(c) with respect to each production unit,

(i) the number of litres of each wine processed, and

(ii) the total quantities of all finished wine sold, including the dates on which the wine was sold;

(2) For the purposes of subsection (1),

(a) a record or statement with respect to quantities of fruit or honey must describe

(i) the fruit or honey by both variety and origin, and

(ii) the quantity in tonnes,

(b) statements from a grower or supplier must be signed by the grower or supplier, and

(3) A certificate holder must keep the records and statements referred to in this section

(a) at the certificate holder's primary place of business, and

(b) in sufficient detail to enable the administrator to verify that wine processed by the certificate holder meets all applicable wine production standards.

Winery verification audits

17 (1) In this section, "**verification officer**" means a person who conducts a winery verification audit on behalf of the administrator.

(2) The administrator must conduct winery verification audits as follows:

- (a) the administrator must audit a new FWS certificate holder within 12 months of issuing the certificate to confirm the holder's eligibility for the certificate;
- (b) the administrator must audit each certificate holder on a random basis, but no less than once every 3 years.

(3) A certificate holder must do all of the following for the purposes of a winery verification audit:

- (a) if the certificate holder is a large processor, pay to the administrator an annual fee of \$65 when paying the certificate fee
- (b) permit a verification officer to
 - (i) enter and examine the facilities of the certificate holder during regular business hours,
 - (ii) examine containers, equipment and marketing materials found at the certificate holder's facilities, and
 - (iii) review, on request of the verification officer, any record that must be kept;
- (c) answer questions asked by a verification officer in relation to
 - (i) matters relevant to the certificate holder's certificate, or
 - (ii) activities of the certificate holder that are regulated under the contract.

(4) The administrator must establish procedures to collect the results of winery verification audits and review those results systematically for the purpose of verifying their accuracy and consistency.

Expiry of certificate

18 (1) A FWS certificate expires December 31 of the year in which the certificate is issued.

(2) If a fee was payable based on an estimate of the volume of fruit or honey wine produced, during the term of the certificate, wines that are the subject of wine quality certificates, the administrator must

- (a) recalculate the fee on expiry of the certificate, based on the volume of fruit or honey actually used during the term of the certificate, and

(b) either charge the certificate holder any additional fee payable or credit the certificate holder's account with any overpayment.

(3) A certificate holder who is notified by the administrator that an amount is payable must pay the amount within 30 days of being notified.

Division 5 — Fruit Wine Standard (FSW)

Eligibility for wine quality certificate

19 (1) A person is eligible for a FWS certificate if

(a) the person

(i) holds a FWS certificate, and

(ii) processes the wine that will be the subject of the certificate, and

(b) the wine meets all applicable wine production standards set out in

(i) Division 6 [*Production Standards for BC Fruit and Mead wines*], if the wine is to be certified as a FWS.

(2) An applicant must give to the administrator evidence, based on reports made by an accredited laboratory, respecting all of the following:

(a) the wine's alcoholic strength by volume, expressed as a percentage;

(b) the level of the wine's total acid, calculated as tartaric acid;

(c) the level of the wine's volatile acidity;

(d) the pH of the wine;

(e) the level of the wine's total sulphur dioxide;

(f) the level of sulphur dioxide in a free state in the wine;

(g) the level of residual sugar in the wine.

Fee for wine quality certificate

20 (1) An applicant for a FWS certificate must pay the applicable fee under subsection (2) as follows:

(a) on applying for a FWS certificate with respect to the wine;

(2) An applicant must pay the fee set out in column 2 of the following table opposite the applicant's class as set out in column 1:

Column 1 Practice Standards Certificate Class	Column 2 Wine Quality Certificate (\$ per production unit of wine assessed)
Small processor	To certify a wine as a FWS wine, \$_____ for each certificate
Medium processor	To certify a wine as a FWS wine, \$_____ for each certificate
Large processor	To certify a wine as a FWS wine, \$_____ for each certificate

Division 6 — Production Standards for FWS Wine

General wine production standards

21 Subject to section 22 [*limits and prohibitions*], the administrator may issue a wine quality certificate that certifies a wine as a FWS wine if the wine meets all of the following wine production standards:

- (a) the wine is processed entirely from the full or partial fermentation of fruit or honey grown in British Columbia;
- (b) the wine is entirely fermented and blended, and all treatments required to prepare the wine for bottling must be entirely completed, in British Columbia;
- (c) the wine is processed by and on the premises of a practice standards certificate holder;
- (e) the residual sugar level in the wine complies with the level set out in column 2 of the table in Schedule 2 below the applicable category of the wine and opposite the sweetness descriptor that applies to the wine;
- (f) the wine's alcoholic strength by volume of finished wine is within the following range, as applicable:
 - (i) not less than 7% but not more than 15%,
 - (ii) more than 14.9% but not more than 22.9%, in the case of a wine categorized as Fortified wine;
 - (iii) more than 14.9% but not more than 20%, in the case of a wine categorized as Liqueur wine;
- (g) the wine's total volatile acidity is no more than 1.3 g/L;

(h) the total acid level of the wine, calculated as tartaric acid, is at least

(i) 6.5 g/L, in the case of a wine to which the sweetness descriptor "doux" or "sweet" applies.

(ii) 4 g/L, in the case of any other wine referred to in Table 1 of Schedule 2;

(i) the wine is labelled and packaged in accordance with Part 3 [*Bottling and Labelling of Certified Wines*].

Limits and prohibitions

22 The administrator may not issue a wine quality certificate that certifies a wine as a BC FWS wine if any of the following apply:

(a) more than 4 g/L of food additives are added to the wine for the purpose of acidification, or are added contrary to Part B, Division 16, Table X of the Food and Drug Regulations made under the *Food and Drugs Act* (Canada);

(b) the wine is deacidified by food additives so as to correspond to the applicable residual sugar level set out in column 2 of Schedule 2 of this regulation, other than as permitted under Part B, Division 16, Table X of the Food and Drug Regulations made under the *Food and Drugs Act* (Canada);

(c) the wine fails to meet all applicable requirements of the *Food and Drugs Act* (Canada) and the regulations made under it.

Samples for wine evaluations

23 For the purposes of a wine evaluation, a FWS certificate holder

(a) must take and submit 2 samples, in accordance with the procedures developed under section 6 (1) [*duties respecting wine evaluations*], that are part of the production unit of the wine to be evaluated, and

(b) may submit, for a fault set out in column 1 of Schedule 4, the results of a chemical wine evaluation if conducted by an accredited laboratory as follows:

(i) each chemical compound set out opposite that fault in column 2 must be analyzed using the method set out opposite the compound in column 3;

(ii) refermentation must be analyzed using the method set out opposite item 13 in column 3.

Part 3 — Bottling and Labelling of Certified Wines

Bottling requirements for BC FWS wines

24 (1) A wine quality certificate holder must ensure that a BC FWS wine processed by the holder is bottled in accordance with this section.

(2) Wine must be bottled in glass bottles, sized only as authorized under the *Consumer Packaging and Labelling Act* (Canada).

(3) Wine must be enclosed only with one of the following bottle closures:

(a) natural cork;

(b) pore-filled or colmated natural cork, filled with resin or dust;

(c) cork composite, made with natural cork discs, or a particle or an agglomerate cork composite;

(d) 100% synthetic cork;

(e) a screw top or crown cap.

(f) glass closure

(4) Cork closures must be

(a) a traditional cylindrical shape of any colour, or

(b) in the case of a wine categorized as Fortified wine or Liqueur wine, in a shape that is traditional for those wines, as applicable.

Stating wine categories

25 (1) A FWS certificate holder must ensure that a wine processed by the holder is labelled in accordance with this section.

(2) Wine is categorized as Table wine, Dessert wine or Sparkling wine and the label must state the category to which the wine belongs.

Stating Fruit varieties

26 (1) A FWS certificate holder must ensure that a wine processed by the holder is labelled in accordance with this section.

(2) Subject to subsection (3), the label may state the name of a fruit variety used in a wine only if all of the following conditions are met:

(a) the name must appear immediately before or after the geographical indication that applies to the wine;

(b) if the names of more than one fruit variety are stated, those names must be stated

(i) in descending order of quantity, and

(ii) using identical font, size and colour.

(3) Subject to subsection (4), a label may state a varietal name only as follows:

(a) a single-varietal name may be stated if at least 85% of the total wine by volume is derived from the named fruit variety;

(b) a dual-varietal name may be stated if at least

(i) 90% of the total wine by volume is derived from the 2 named fruit varieties, and

(ii) 15% of that 90% is derived from the second of those varieties;

(c) a triple-varietal name may be stated if at least

(i) 95% of the total wine by volume is derived from the 3 named fruit varieties,

(ii) 15% of that 95% is derived from the second of those varieties, and

(iii) 10% of that 95% is derived from the third of those varieties.

(4) For the purposes of subsection (3),

(a) volume must be measured when the wine is at a temperature of 20°C, and

Stating "Estate Bottled"

27 (1) A FWS certificate holder must ensure that a wine processed by the holder is labelled in accordance with this section.

(2) The label of a BC FWS wine may describe the wine as "Estate Bottled" only if all of the following conditions are met:

(a) the wine must be processed entirely from fruit or honey grown on land owned or controlled by the practice standards certificate holder who bottles the wine;

(b) the land referred to in paragraph (a) must be located within British Columbia.

(c) at least 85% of the fruit used to process the wine must be grown during the same vintage year;

(d) the FWS certificate holder who crushed or pressed the fruit used to make the wine must also process and bottle the wine;

(e) the wine must not leave the premises of the practice standards certificate holder referred to in paragraph (d) before bottling;

(3) For the purposes of subsection (2) (a), land is controlled by a practice FWS certificate holder if the holder has the legal right to conduct, and does conduct, all activities associated with growing fruit on the land under the terms of a lease, rental or similar agreement.

Other labelling requirements

28 (1) A FWS certificate holder must ensure that a wine processed by the holder is labelled in accordance with this section.

(4) The label may state the name of an orchard only if all of the following conditions are met:

(a) the certificate holder who processes the wine must be registered in accordance with the procedures established under the contract;

(b) all of the fruit used to process the wine must be grown in the orchard;

(5) The label may state a vintage year only if at least 85% of the fruit used to process the wine were grown during the stated vintage year.

Part 4 — Geographical Indications

Schedule 1 Sweetness Descriptors, Residual Levels of Sugar

Item	Column 1 Sweetness Descriptor	Column 2 Residual Sugar Level (g/L)
Table Wine		
1	Dry Sec	not more than 4, or total acid plus 2 but not more than 9
2	Medium Dry Semi-Dry Demi-Sec	Off-Dry more than 4 but not more than 12, or total acid plus 10 but not more than 18
3	Semi-Sweet Demi-Doux	more than 12 but not more than 45
4	Sweet Doux	more than 45 but not more than 100
Dessert Wine		
5	Dry Sec	not more than 30
6	Medium Dry Semi-Dry Demi-Sec	more than 30 but not more than 65
7	Sweet Doux	more than 65
Sparkling Wine		
8	Natural Brut Naturel	not more than 5, and no sweetener if expedition liqueur dosage is added
9	Brut	not more than 15
10	Extra Dry Extra Sec	more than 15 but not more than 25
11	Dry Sec	more than 25 but not more than 35
12	Medium Dry Semi-Dry Demi-Sec	more than 35 but not more than 50

13	Sweet Doux	more than 50
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Geographical indications

29 (1) For the purposes of this contract the only geographical indicator which may be used is "Province of British Columbia".

Schedule 2 – Chemical Analyses for Faults

Item	Column 1 Fault	Column 2 Chemical Compound	Column 3 Method of Analysis
1	Bitter from bacterial spoilage	acrolein	liquid chromatographic analysis
2	Brettanomyces	red wines: 4-ethylphenol 4-ethylguaiacol white wines: 4-vinylphenol 4-vinylguaiacol	gas chromatographic analysis
3	Butyric	butyric and acetic acid acetoin acetone	gas chromatographic analysis
4	Corked	2,4,6-trichloroanisole (TCA)	gas chromatographic analysis
5	Earthy, muddy or musty	2-methylisoborneol geosmin	gas chromatographic analysis
6	Foxy	methyl anthranilate	gas chromatographic analysis
7	Geranium	2-ethoxyhexa-3, 5-diene 2,4-hexadien-1-ol, acetate esters	gas chromatographic analysis

8	Lactic/sour	lactic acid	gas or liquid chromatographic analysis
		diacetyl	gas chromatographic analysis or mass spectrometry
9	Medicinal	1:1 mixture 4-vinylguaiacol and 4-ethylphenol	gas chromatographic analysis
10	Mousy	2-ethyltetrahydropyridine 2-acetyltetrahydropyridine 2-acetylpyrroline	gas chromatographic analysis
11	Oxidized	E-2 Alkenals: (E)-2-heptenal (E)-2-hexenal (E)-2-octenal (E)-2-nonenal methylpropanal methional phenylacetaldehyde acetaldehyde	gas chromatographic analysis
12	Pediococcus spoilage	diacetyl	gas chromatographic analysis
13	Refermentation		visual inspection to be unintended fermentation as indicated by active yeast sediment in the bottle and CO ₂ levels above the detection limit of 0.12g/100ml
14	Sulphur defects	hydrogen sulphide methyl mercaptan (methanethiol) ethyl mercaptan (ethanethiol) dimethyl sulfide diethyl sulfide diethyl disulfide dimethyl disulfide	gas chromatographic analysis

		carbon disulfide methyl thioacetate ethyl thioacetate	
15	Sulphur dioxide	sulphur dioxide	aspiration method
16	Volatile acidity	acetic acid	cash still method or gas chromatographic analysis
		ethyl acetate	gas chromatographic analysis