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Environmental Protection Act

R.R.O. 1990, REGULATION 357

REFILLABLE CONTAINERS FOR CARBONATED SOFT DRINK

**Consolidation Period:** From February 12, 2007 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [34/07](https://www.ontario.ca/laws/regulation/R07034).

Legislative History: [34/07](https://www.ontario.ca/laws/regulation/R07034).

This is the English version of a bilingual regulation.

**1.**In this Regulation,

“capacity”, when used with respect to a container for carbonated soft drink, means the volume of carbonated soft drink the container is represented to hold when carbonated soft drink is sold at retail in the container; (“capacité”)

“carbonated soft drink” includes unflavoured soda or seltzer water and any carbonated beverage containing alcohol other than liquor with respect to which a licence or permit is required under section 5 of the Liquor Licence Act; (“boisson gazeuse”)

“on-premises sale” means the sale, offering for sale or display of a beverage intended for consumption on the premises on which it is sold. (“vente sur place”) R.R.O. 1990, Reg. 357, s. 1.

**2.**Containers,

(a) that contain or are intended to contain carbonated soft drink intended for sale;

(b) that will be accepted for reuse as containers for carbonated soft drink by a retail vendor, distributor, processor or manufacturer of carbonated soft drinks;

(c) for which a deposit is or will be charged at the time of the sale of the carbonated soft drink at retail other than by way of an on-premises sale; and

(d) for which, as used containers, money will be paid by a retail vendor, distributor, processor or manufacturer of carbonated soft drinks,

are classified as refillable containers. R.R.O. 1990, Reg. 357, s. 2.

**3.**  No person shall stock, display, offer for sale or sell a carbonated soft drink in a container other than a refillable container. R.R.O. 1990, Reg. 357, s. 3.

**4.**No person shall sell or offer for sale a carbonated soft drink in a refillable container unless the container has clearly marked thereon “MONEY-BACK BOTTLE — BOUTEILLE CONSIGNÉE” or “MONEY-BACK CONTAINER — CONTENANT CONSIGNÉ”. R.R.O. 1990, Reg. 357, s. 4.

**5.**(1)  Subject to subsection (2), every retail vendor presented with an empty refillable container shall accept the container and shall pay to the person presenting the container, in cash,

(a) 15 cents for each refillable container that, when sold at retail, has a capacity of no more than 350 millilitres;

(b) 30 cents for each refillable container that, when sold at retail, has a capacity of more than 350 millilitres and less than one litre; and

(c) 40 cents per litre of capacity for each refillable container having a capacity of one litre or more,

or, where a deposit of a greater amount is being charged for a similar container, such greater amount. R.R.O. 1990, Reg. 357, s. 5 (1).

(2)  No retail vendor is required to accept,

(a) a refillable container that is not intact or is not in a reasonably clean condition;

(b) more than forty-eight refillable containers from one person in a twenty-four hour period; or

(c) a refillable container that, when sold at retail, contained a flavour or brand of a carbonated soft drink not sold by that retailer in a refillable container having the same capacity for consumption off the retailer’s premises during the six months immediately preceding the presentation of the container. R.R.O. 1990, Reg. 357, s. 5 (2).

(3)  No person shall advertise or display the price of a carbonated soft drink that is offered for sale unless the price for the drink is shown clearly distinct from the amount of any deposit for the container thereof. R.R.O. 1990, Reg. 357, s. 5 (3).

**6.**(1)  Every distributor, processor and manufacturer shall collect from every retail vendor, on the request of the vendor, all empty refillable containers for carbonated soft drinks manufactured, processed, sold or distributed by the distributor, processor or manufacturer held by the retail vendor and reimburse the retail vendor, in full, for the payment made by the retail vendor under section 5 for every container collected. R.R.O. 1990, Reg. 357, s. 6 (1).

(2)  When a distributor returns to a processor or manufacturer containers collected under subsection (1), the processor or manufacturer shall reimburse the distributor, in full, for the payment made by the distributor under subsection (1) for every container returned by the distributor. R.R.O. 1990, Reg. 357, s. 6 (2).

**7.**(1)  Every retail vendor of carbonated soft drinks in refillable containers for consumption off the retailer’s premises shall clearly display on the retail premises a notice stating:

Regulations of the Province of Ontario under the Environmental Protection Act provide that a cash refund of the full deposit will be paid for up to forty-eight intact and reasonably clean refillable containers in any twenty-four hour period of a brand and flavour of carbonated soft drink sold here in containers of the same size within the preceding six months.

R.R.O. 1990, Reg. 357, s. 7 (1).

(2)  A retail vendor who is required to display the notice referred to in subsection (1) may, in addition to the notice required under subsection (1), display the notice set out in subsection 8 (2) of Regulation 299 of the Revised Regulations of Ontario, 1980 or the following notice:

Les règlements de la province de l’Ontario pris en application de la Loi sur la protection de l’environnement prévoient le remboursement intégral en espèces du montant déposé, pour un maximum de quarante-huit contenants réutilisables de boisson gazeuse, rapportés au cours d’une période de vingt-quatre heures, intacts et raisonnablement propres, d’une marque et d’un arôme vendus ici dans des contenants du même format au cours des six derniers mois.

R.R.O. 1990, Reg. 357, s. 7 (2).

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