



# Permit Holder Guidebook

JANUARY 2022



# CONTENTS

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INTRODUCTION .....	PAGE 5
PRODUCTION .....	PAGE 10
RETAILING .....	PAGE 16
REGISTERED REPRESENTATIVES .....	PAGE 22
INDUCEMENTS, PROMOTIONS, AND GIVEAWAYS .....	PAGE 24
RECORD KEEPING .....	PAGE 28
AND REMITTANCES	
OTHER PERMITS AVAILABLE .....	PAGE 30
INSPECTION AND ENFORCEMENT .....	PAGE 34
CONTACT INFORMATION .....	PAGE 35

## INTRODUCTION

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As a Crown Corporation, we support Nova Scotians and the priorities of the Government of Nova Scotia through our network of stores and by providing exceptional and responsible service to our customers. Working together to support local industry is an important part of our mandate. Our role as outlined in the Liquor Control Act (LCA) includes responsibility for the receipt, distribution, regulation, and control of beverage alcohol in Nova Scotia. Safe and responsible distribution and sale of beverage alcohol, including the prevention of alcohol sales to minors, is fundamental to our responsibilities.

We commit to collaborating with local manufacturers and producers to offer support and expertise and find innovative ways to help bring your products to market in our capacity as a retailer and a regulator. As part of that commitment, this guide will provide you with the information you need to produce and sell beverage alcohol within Nova Scotia.

We are determined to take the good we do to the next level through engagement, learning more about how to better serve our customers, partnering with local industry, and looking for ways to share the good we do with the people of Nova Scotia.

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## Nova Scotia Liquor Corporation Permits

One of our responsibilities is the regulation and permitting of beverage alcohol production and retailing in Nova Scotia. We offer a variety of permits to local manufacturers that allow you to produce and retail your product while promoting the responsible sale and consumption of beverage alcohol. The following permits will be covered in this guidebook:

- Manufacturing Permits
  - Farm Winery
  - Non-grape Farm Winery (cider/mead)
  - Winery
  - Non-grape Winery (cider/mead)
  - Brewery
  - Distillery
- Off-site Retail Store
- Hospitality Room
- Registered Representatives
- Samplings and Tastings
- Gift Baskets

If you have one of the Manufacturing Permits listed above, you are also eligible to have a Manufacturers Retail Store. You do not need another permit to operate the store, but the retail space must be approved by the NSLC prior to opening and only beverage alcohol produced by you in Nova Scotia can be sold.

You are required to post your permit so it is visible to customers and inspectors at all permitted locations.

## Alcohol, Gaming, Fuel and Tobacco Licenses

We partner with Alcohol, Gaming, Fuel and Tobacco (AGFT) to provide service and oversight to you and our local industry partners. Our responsibility is for the regulation and oversight of beverage alcohol production and retailing while AGFT is responsible for the regulation and oversight of the consumption of beverage alcohol in licensed establishments.

AGFT offers a variety of licenses that could be beneficial to you. Permanent liquor licenses range from Beverage Room licenses, which allow you to serve beer and wine, to food establishment licenses which allow you to serve all beverage alcohol types and food. In addition to permanent liquor licenses, AGFT offers the following Special Occasion Licenses that allow beverage alcohol consumption outside of an existing permanent license:

### Class 3

- A public event where beverage alcohol is sold for consumption
- The event is a fundraiser and all proceeds from the event go to the charity/non-profit
- The event is at an unlicensed location like a parking lot or outdoor space
- The event host must purchase the beverage alcohol in advance of the event for consumption at the event

#### Class 4

- Special event for the public hosted by a Permanent Liquor License holder
- Permanent Liquor Licenses may be extended to an unlicensed location, i.e. parking lot, outdoor space, etc.
- The event host/applicant must purchase the beverage alcohol in advance of the event for consumption at the event

For more information on licenses provided by AGFT, please visit their website or contact:

**Alcohol Gaming Fuel and Tobacco**  
(902) 424-6160  
AGDLicenses@NovaScotia.ca

## Manufacturer Employees

We take our role as responsible stewards of beverage alcohol in Nova Scotia seriously, and it's important that we provide you with the tools to do the same. Your employees are part of a network of individuals across the Province working to provide the safe sale and service of beverage alcohol to customers. Ensuring employees are properly trained and have the support they need to complete their jobs is essential to conducting good business and the promotion of responsible sale and consumption of beverage alcohol.

- All employees engaged in the sale or service of beverage alcohol must be 19 or older
- Employees are not permitted to be employed by the NSLC or AGFT
- Employees may only consume beverage alcohol while working as required for quality assurance purposes

We will provide responsible sales training to all manufacturer employees who sell, sample, or deliver beverage alcohol. This training covers important responsible sales obligations including but not limited to:

- Requesting valid identification from customers
- Identifying the signs of intoxication
- Denying the sale or sampling of beverage alcohol to individuals showing signs of intoxication
- Denying the sale or sampling of beverage alcohol to individuals under 19 years of age
- Denying the sale or sampling of beverage alcohol to individuals buying on behalf of an individual under 19 years of age

# PRODUCTION

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## Manufacturing

To receive and maintain a manufacturing permit in Nova Scotia we require you meet a number of minimum standards. Manufacturing standards are important aspects of your business that work to ensure product safety, inventory control, and the ability to get products to market consistently.

Manufacturing facilities are required to produce at least two finished products each year to maintain a permit. Product may be packaged offsite at any location that holds an active manufacturer permit. In addition to these requirements you must ensure:

- Each plant site has a dedicated warehousing area
- Each plant site has a dedicated production area that is fully segregated from the manufacturer retail store and hospitality room
- Appropriate safety measures are in place for any tours that may pass through the production area
- No consumption takes place in the production area unless approved by the NSLC

*Manufacturing is the complete process of producing beverage alcohol for retail, including blending, and bottling in the case of distilleries and wineries. Activities that involve only packaging of finished product, or only fermenting on site with no other production, do not qualify as manufacturing.*



## Contract and Collaborative Manufacturing

Contract and collaborative manufacturing agreements are important partnerships that help promote industry growth, allow product innovation, and encourage the growth of small manufacturers. We support the use of both contract and collaborative manufacturing by local manufacturers with a number of requirements.

The following rules apply to both contract and collaborative agreements:

- You must report contract or collaborative agreements to the NSLC in advance of production
- You must always warehouse your allocation of finished product at your own manufacturing or warehousing facility

The following applies based on the type of production agreement in place:

### Contract Manufacturing

- You can hire another manufacturer to produce (in part or full) your beverage alcohol product
  - You cannot contract more than 50% of annual production in any given beverage alcohol category
- You can only contract the production of a beverage alcohol product you have an active manufacturing permit for
  - This means a brewery cannot contract a non-grape winery to produce cider

- You can only contract the production of a beverage alcohol product that the contracted manufacturer has an active manufacturing permit for
  - This means a winery can only contract someone with a distillery permit to distill their product for use in fortified wine
- Only you can retail the beverage alcohol product direct to customers

### Collaborative Manufacturing

- Two or more manufacturers can produce a beverage alcohol product together
- Collaborative manufacturing contracts must stipulate a proposed allocation of finished product to each participating manufacturer
  - Respective shares of finished product must be reported to the NSLC in advance of submitting required reporting
- The beverage alcohol produced must be a new recipe/product unless the same group of collaborators is working to reproduce a product
- All collaborating manufacturers may retail the beverage alcohol product direct to customers at their manufacturer retail stores, off-site retail stores or online

## Quality Control and Quality Assurance

We have an obligation to work together to ensure all beverage alcohol product sold and sampled in Nova Scotia has undergone the required quality control and quality assurance processes. Manufacturers must adhere to all relevant health standards including:

- The Food and Drugs Act and Regulations
- The Safe Food for Canadians Act and Regulations

Beverage alcohol must be packaged in acceptable containers (such as cans, bottles, growlers) and be stabilized so as to guarantee a satisfactory shelf life.

### Product Testing

We have recently partnered with the Acadia Laboratory for Agri-food and Beverage (ALAB) to launch a product testing program. This program was implemented to help ensure all products sold in the Province meet quality and safety standards. The ALAB is a pay for service laboratory located in Nova Scotia with experience in beverage alcohol testing. We believe this program can be used to promote the quality of Nova Scotia products.

All beverage alcohol must be regularly tested for alcohol content to ensure accuracy and consistency in advance of being sold to customers. In addition to this, you may be called on occasionally to submit products to the ALAB for additional testing on a broader range of testing parameters. This testing focuses on Health Canada requirements and product safety. You will receive notice and instructions in advance of any product testing and we will cover the cost of shipping.

We have included guidance documents from Perennia for more information on important packaging and labelling requirements including:

- Declaring allergens
- Lot numbering
- Access to further resources

These documents are included in your permit package.



# RETAILING

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## Retail Store

All manufacturers in Nova Scotia have the right to operate a retail store, with responsible sales as a core component of the business. We support this mandate with required responsible sales training and minimum pricing standards. The retail store must be appropriately zoned and approved by the NSLC prior to opening.

- Only product produced by you in Nova Scotia may be sold at your Retail Store
- Hours of operation:
  - Stores are subject to the Retail Business Uniform Closing Day Act
  - Beverage alcohol may be sold from the store between the hours of 7AM and 11PM
- Social Reference Pricing
  - Social reference pricing is part of our responsible sales mandate and works to ensure products are sold at prices that minimize risk of over consumption
  - Manufacturers are required to sell beverage alcohol within established price bands. Price bands can be found on the NSLC Trade Site and are updated twice a year
  - In addition to Social Reference Pricing, you cannot sell a product for less than it is listed at an NSLC store, unless otherwise approved
- Production must be ongoing for a retail store to operate.
  - Taking short breaks between batches/products is acceptable

The retail store may sell other related products including:

- Manufacturer branded merchandise (such as apparel, bags, and barware)
- Beverage alcohol related products (such as corkscrews, bottle openers and glassware)
- Locally produced crafts
- Other products as approved by us in writing



## Off-site Retail Stores

Off-site retail stores allow you to set up temporary retail stores at existing events for up to five days. They are frequently used at Farmers Markets, product launch events, and craft markets and allow you to retail your products somewhere other than your retail store, as well as provide small samples. Events must be for the primary purpose of promoting Nova Scotia tourism, the local agricultural industry, local food & beverage industry, or other local economic development opportunities approved by us. Since April 1, 2021, all Off-site Retail Store permits are issued by AGFT.

Event hosts/sponsors must publicly sponsor events and a representative must be present for part of the event. Eligible sponsors include:

- An individual/company not directly associated with the beverage alcohol industry
  - i.e. a local farmers market or a local business
- Recognized local industry associations can host a maximum of four events per year with off-site retail stores attending

While operating an off-site retail store you must ensure individuals selling product are paid employees and follow responsible sales best practices. Samples may be provided to customers at no cost in the following sizes:

BEVERAGE ALCOHOL TYPE	SIZE LIMITS
Beer	2oz
Cider	2oz
Wine	1oz
Mead (ABV<10%)	2oz
Mead (ABV>10%)	1oz
Spirits	0.5oz
Cocktails	0.5oz
RTD (any base alcohol)	2oz

## Hospitality Rooms

Hospitality room permits allow you to sample and sell beverage alcohol product for onsite consumption. These spaces must be at the same location as your manufacturing facility and may be co-located with AGFT permanent liquor licenses. Since April 1, 2021 all hospitality room permits are issued by AGFT.

The following rules apply for hospitality rooms:

- Service of beverage alcohol is permitted between 10AM and 2AM only
- Only beverage alcohol produced by you in Nova Scotia may be sampled or sold at the hospitality room
- Minors may be in the hospitality room when accompanied by a parent or legal guardian.
- Sales must adhere to AGFT minimum pricing of \$2.50 per serving:
  - 355 ml (12 oz.) of beer, cider or Ready to Drink beverages (RTD)
  - 29 ml (1 oz.) of spirits
  - 142 ml (5 oz.) of wine
  - 85 ml (3 oz.) of fortified wine
- Sample or sold product cannot exceed the following maximum serving sizes:

BEVERAGE ALCOHOL TYPE	ABV	SAMPLED (FREE) SERVING SIZE	SOLD SERVING SIZE
Beer	N/A	2oz	N/A
Cider	N/A	2oz	N/A
Wine	N/A	1oz	5oz
Mead	N/A	1oz	5oz
Spirits	N/A	0.5oz	2oz
Cocktails	ABV>23%	0.5oz	1oz
Cocktails	7-23%	0.5oz	5oz
Cocktails	ABV<7%	1oz	N/A
RTD (any base alcohol)	N/A	2oz	N/A

AGFT is also responsible for inspection and initial enforcement action related to hospitality rooms. In any case where enforcement has to proceed beyond an education-based approach, we will assume responsibility for any enforcement actions.

## Direct to Customer Delivery

If you have a manufacturer permit and an approved retail store you may deliver pre-purchased product direct to customers at their residence, office, or any location they may legally store the purchased product. Orders may be taken online, over the phone, or in person and delivered from the approved manufacturer retail store to the delivery address.

You are allowed to deliver product either by a paid employee, or through a common carrier. A common carrier is a company or individual approved by us for the delivery of beverage alcohol direct to customers. The only common carrier approved for use right now is Canada Post and you must use their age verification service. We have an existing relationship with Canada Post and are confident in their privacy and age verification standards. Canada Post is able to ensure each delivery is made to an individual with valid proof of age.

We are committed to establishing a process to approve alternative common carriers to meet these requirements and the needs of local industry.

Deliveries cannot be made between the hours of 10PM and 7AM and in all cases an individual aged 19 or older must be present to receive the delivery. Proof of age must always be presented prior to parcel drop off. We will regularly mystery shop delivery services and failure to adhere to these requirements may result in disciplinary action.

## Product Distribution for Retail

You are permitted to transport beverage alcohol for the purposes of resale through a Private Wine and Specialty Store (PWSS), licensee, or your own manufacturer retail store. During the transportation, you must ensure product security and safety.

- Delivery may be done by common carrier, employee (including a Registered Representative), or other couriers/carriers
  - When using couriers/carriers not approved as a common carrier you must notify us, however no approval is required
- Beverage alcohol cannot be provided for free
  - We will audit this by using total landed costs as a minimum pricing

If you have more than one separate production facility in the Province, you may transfer product between facilities for the purpose of further production or retail under the following conditions:

- Each facility has a valid manufacturing or warehouse permit from us
- Each facility is owned/leased by you
- The product being transferred is produced and packaged in the Province of Nova Scotia

# REGISTERED REPRESENTATIVES

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Registered Representatives are registered individuals for the promotion and sale of beverage alcohol in Nova Scotia. As a local manufacturer you are not required to have Registered Representatives to promote and sell your product in Nova Scotia. Registered Representatives and your employees are allowed to engage in discussions with us, other retailers, and licensees for the purposes of discussing listings, soliciting sales and product promotion.

In addition, Registered Representatives and your employees can represent products at special events, such as sporting events and concerts for the purpose of product awareness, education, and brand promotion. Registered Representatives and your employees are also authorized to work at off-site retail stores and tastings.

Registered Representatives and your employees are allowed to deliver product they represent direct to licensees and Private Wine and Specialty Stores. All sales and records of delivery must include the licensee number so this information can be audited by us or AGFT.

Inducements are strictly prohibited and are covered later in this guidebook. For acceptable promotion and giveaway standards, outside of approved sampling, we encourage you to review the section on Promotions and Giveaways.

## Sampling Sessions

Registered Representatives and your employees are allowed to hold licensee sampling at licensed establishments. Within a single year you and your Registered Representatives or employees are limited on the number of samples they can provide to a licensee. While providing samples your Registered Representative or employees must ensure product packaging is disposed of at the licensee location in advance of beginning of a new sampling session.

PRODUCT	MAXIMUM TOTAL SAMPLES PER CALENDAR YEAR
Beer or RTD	48 Bottles or equivalent containers, containing 355ml of product
Wine	10 Bottles or equivalent containers, containing 750ml of product
Spirits	3 Bottles or equivalent containers, containing 750ml of product

In some cases, the Executive Director at AGFT may require written notice of an upcoming sampling session.

Registered Representatives or your employees are also allowed to hold customer sampling at licensed establishments. When doing this the individual must purchase the samples from the licensee. The licensee may sell a sample at a reduced serving size from their standard size but cannot reduce the price of the sample beyond half of the standard price. Licensees can only sell one sample per transaction, and Registered Representatives or your employee can only give out one sample at a time per customer.

# INDUCEMENTS, PROMOTIONS, AND GIVEAWAYS

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## Inducements: Licensees and Retailers

Inducements are actions or things that persuade or influence an individual into doing something, such as purchasing more beverage alcohol product, or placing a product on special. Inducements to licensees and retailers are strictly prohibited by all manufacturers, distributors, and Registered Representatives.

Inducements include but are not limited to:

- Free beverage alcohol product, excluding approved sampling
- Money or other agreements for exchange of fees/money for services including but not limited to entertainment fees, draft line cleaning fees, and payment for installation of equipment
  - You can pay for draft line cleaning directly to the service provider, or have this service completed by your employees
  - When sponsoring an event you can pay the entertainer directly
  - You can directly pay for the installation of equipment related to the sale/service of your product (i.e. a keg fridge)
- Installation of or exchange of product or infrastructure not directly related to the service and/or promotion of beverage alcohol
- Employee incentives tied to increasing producer volume or share

- ✓ Providing the bar with promotional posters, coasters, glassware, and umbrellas
- ✗ Installation of patios, kitchen appliances, or other infrastructure not related to the sale or promotion of beverage alcohol
- ✓ Hosting and sponsoring promotional events at a licensed establishment (i.e. product launch, St. Patrick's Day sponsored by you)
- ✗ Providing product rebates

## Inducements: Customers

Inducements to customers have different considerations from those for our licensee and retail community. Inducements to customers can be as simple as oversampling to customer vacations where the producer is not present. All producer giveaways must follow the Producers' Giveaway Policy as outlined on the following page.

Inducements to customers include but are not limited to:

- Oversampling
- Vacations where the producer is not present and there is no business purpose
- Cash incentives or benefits
- Rebates or discounts
- Free product provided directly to customers (excluding vouchers)
- Customer gifts (i.e. electronics, clothing, watches, motorcycles)

## Promotions and Giveaways

Producers and Registered Representatives are permitted to engage in employee allotment, customer giveaways and sponsorships under certain conditions. Employee allotments do not have annual limits and allow a producer to provide beverage alcohol for personal consumption to their employees. This must be done through one of the following mechanisms:

- Product sold from the manufacturer’s retail store.
  - Note: product must be included in Retail Sales Markup Allocation (RSMA) reporting
- Vouchers redeemable at an NSLC store
- Pre-paid credit cards used at an NSLC store

Customer giveaways should be used for complaint or promotional giveaways only. All giveaways must be in the form of vouchers. A sample voucher is included in your permit package. Vouchers may be redeemed at your own manufacturer retail store or an NSLC store; vouchers for us must be preapproved through the appropriate category manager and be paid for promptly.

Vouchers must include:

- Manufacturer name or identifier
- Package size
- Package format (bottle, can, or box)
- List of products available, where applicable, at the same retail price
- Authorized signature line and customer signature line
- Control number
- The words “Exchange for Specific Manufacturer Product Only”
- Security features that ensure voucher will not be duplicated
- The words “Not Redeemable for Cash”



# RECORD KEEPING AND REMITTANCES

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## Record Keeping Requirements

In order to comply with Federal record keeping requirements and facilitate oversight and auditing by us, we require manufacturers to maintain certain records for a specified period of time.

- All records related to importation, domestic purchase, production, shipment, and sales must be retained for a minimum of six (6) years
- If preferred mark-ups or other benefits are associated with raw ingredients (i.e. Farm Wineries) Manufacturers must retain records documenting the source of raw ingredients for a minimum of two (2) years

## Reporting and Remittance

Retail Sales Markup Allocation (RSMA) reporting is an important measure of industry health and helps us inform policy decisions. It is essential that manufacturers report their product sales to us promptly and that fees are paid in the agreed upon time. We offer various payment options that can be discussed with the Permits and Regulatory Affairs Analyst.

- RSMA reporting must be submitted no later than the 15th of the month following the reporting month (i.e. September reporting must be submitted by October 15)
- You are responsible for the remittance of all other taxes including HST and Excise Tax

The RSMA is applied to all the following sales:

- Direct sales to licensees
- Retail stores, hospitality rooms and off-site store
- Finished product sold directly to a PWSS

The RSMA is not applied to the following sales:

- Beverage alcohol sales in bulk for export or to other local manufacturers
  - Bulk product means product not packaged as finished product (i.e. barrels, vats)
- Finished product sold at NSLC stores
- Product exported from the Province

## OTHER PERMITS AVAILABLE

### Sampling

Sampling permits are available to manufacturers, distributors, or brokers for the purposes of education or product promotion. This permit enables you to promote your product in a safe and responsible way at events or locations where retailing may not be desired or permitted. As part of our commitment to being responsible stewards of beverage alcohol, samplings must adhere to strict serving size limits and must be provided free of charge. All employees handling beverage alcohol must also undergo responsible sales training provided by us and be a Registered Representative or your employee.

BEVERAGE ALCOHOL TYPE	SAMPLE SIZE
Beer	2oz
Cider	2oz
Wine	1oz
Mead (ABV<10%)	2oz
Mead (ABV>10%)	1oz
Spirits	0.5oz
Cocktails	0.5oz
RTD (any base alcohol)	2oz

### Tastings

Tasting permits are available to societies and organizations for the purposes of education or exploring new beverage alcohol products. We are committed to providing the resources for you to be responsible stewards of beverage alcohol. As part of this commitment, when hosting a tasting you must adhere to strict serving size limits and all employees handling beverage alcohol must undergo responsible sales training provided by us.

Fees may be charged for the overall experience, such as a cooking class, but fees cannot be collected for the beverage alcohol sample.

BEVERAGE ALCOHOL TYPE	SAMPLE & TASTING SIZE	
	NO OR LIMITED FOOD	FULL MEAL
Cider	2oz	6oz
Wine	2oz	6oz
Mead	1oz	3oz
Spirits	2oz	6oz
Cocktails	1oz	3oz
Cocktails	0.5oz	1oz
Cocktails	0.5oz	1.5oz
RTD (any base alcohol)	2oz	6oz



## Gift Baskets

Gift basket permits are available to any company not directly associated with the beverage alcohol industry and allows you to add beverage alcohol to an existing purchase through pick-up or delivery. Onsite sales of beverage alcohol are not permitted, and beverage alcohol must be stored safely and out of sight.

We take our role as responsible stewards of beverage alcohol in Nova Scotia seriously, and it's important that we provide you with the tools to do the same. Your employees are part of a network of individuals across the Province working to provide the safe sale and service of beverage alcohol to customers. As part of this mandate we require all employees handling or delivering beverage alcohol to complete responsible sales training provided by us. In addition to training:

- All employees engaged in the sale or service of beverage alcohol must be 19 or older
- Employees are not permitted to be employed by the NSLC or AGFT

As part of our oversight obligations you also have mandatory reporting requirements and records must be kept for a minimum of six years. You must submit reports on all beverage alcohol sold during the previous month no later than the 15th of the following month. Records and reporting must include:

- All beverage alcohol sold during the previous month.
- The product breakdown of each gift basket sold with beverage alcohol during the previous month.
- Receipts/proof of purchase for beverage alcohol sold under a gift basket permit.

Reporting can be submitted either by email or standard mail to our head office on the template provided.

**Permits@MyNSLC.com**

OR

**C/O Permits and Regulatory Affairs Analyst**

93 Chain Lake Drive

Bayers Lake Business Park

Halifax, NS, B3S 1A3

### Gift Basket Composition

Beverage alcohol included in a gift basket must be legally purchased in Nova Scotia. This can be done through a manufacturer, a Private Wine and Specialty Store, or an NSLC store. It is possible to import product domestically through our special order process. The value of the beverage alcohol included in a single basket cannot exceed 49% of the retail value of the full basket. For build your own basket options, you must review the order before fulfilling it to ensure the beverage alcohol does not exceed this value.

## INSPECTION AND ENFORCEMENT

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We have partnered with AGFT to streamline services to local industry and to ensure the best possible delivery of our oversight and enforcement responsibilities. In almost all cases, barring extreme circumstances, both the NSLC and AGFT will approach required enforcement action from an educational approach first. If the issue must be escalated beyond education, we assume all responsibility for enforcement action. Enforcement may involve:

- Suspension or cancellation of permits and/or the rights granted within permits
- Suspension or cancellation of Registered Representative privileges
- De-listing of products by NSLC stores for specified periods
- Fines, summary offense tickets, or prosecution in accordance with the Liquor Control Act

We maintain inspection and enforcement responsibility for all manufacturing and on-site retailing operations (including delivery) while AGFT has taken over the inspection and enforcement of:

- Hospitality Rooms
- Off-site Retail Stores
- Registered Representatives

We look forward to working with you and we're here to support you! Please let us know if you have any questions.

## CONTACT INFORMATION

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### **General Inquiries**

Service Excellence Centre  
1-(800)-567-5874  
ServiceExcellenceCentre@MyNSLC.com

### **Permits Office**

1-(902)-450-5914  
Permits@MyNSLC.com

### **Category Manager – Refreshment**

Beer@MyNSLC.com  
RTD@MyNSLC.com

### **Category Manager – Wine**

Wine@MyNSLC.com

### **Category Manager - Spirits**

Spirits@MyNSCL.com



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