

Frequently Asked Questions about Interpretation and Enforcement of the *Drinking Water in Single-Serve PET Bottles Bylaw*. Updated January 9, 2013

1. What is the effective date of the bylaw?

The bylaw becomes effective January 1, 2013.

2. How do I know which bottles are made of PET?

Almost all clear plastic bottles in which beverages are sold are made of polyethylene terephthalate, also called PET or PETE. Bottles made of PET will have the number 1 and/or PETE with the recycling symbol on the bottle. Recently, some beverages are starting to be sold in clear bottles made of other plastics; these bottles do not have the number 1 and PETE included in their recycling symbol.

3. What types of bottles are prohibited from sale under the bylaw?

The bylaw prohibits the sale of non-sparkling, unflavored drinking water in PET bottles of 1 liter (34 ounces) in size or less.

Only bottles made from PET are prohibited from being sold. The sale of water in bottles made from other types of plastics is allowed.

Only the sale of non-sparkling, unflavored drinking water in bottles of 1 liter or less in size is prohibited. The sale of juice beverages, flavored waters, and sparkling water, in bottles of any size, is allowed. Examples of these types of beverages include flavored waters such as Vitaminwater®; sports drinks such as Gatorade®; energy drinks; seltzers and other sparkling drinks; soda; juice; juice-flavored and artificially-flavored beverages; and bottled teas.

4. May unflavored water with added electrolytes or minerals be sold?

There are several brands of bottled non-sparkling water to which electrolytes and/or minerals, but no flavoring, have been added. These brands include, but are not limited to, OWater and SmartWater. If the water is unflavored, non-sparkling, and in bottles of 34 or less, it may not be sold.

OWater and SmartWater (and possibly other brands) also produce electrolyte-added or mineral-added water that is flavored. Bottles of flavored water products may be sold, regardless of size.

5. May cases of bottled water (for example, cases of 12 1-liter bottles or 24 12 oz. bottles) be sold?

No. The sale of cases of small (<34 oz.) bottles of water is still a sale of “water in single serving [PET] bottles ...” regardless of how the bottles are packaged and labeled. If the individual

bottles in the case are 1 liter or less, and the product being sold is non-sparkling, unflavored drinking water, the sale is prohibited, even though the bottles are packaged in case quantities.

6. May bottled water be offered for sale in vending machines?

No, not if the bottles are 1 liter in size or less and the product being sold is plain, non-sparkling, unflavored drinking water in PET bottles.

7. May bottled water be offered for sale at civic events such as sports events, road races, festivals, theater performances, catered events, and similar situations?

No, not if the bottles are 1 liter in size or less and the product being sold is plain, non-sparkling, unflavored drinking water in PET bottles.

8. May bottles of water or cups of water be offered for free to patrons?

Yes. Only the sale of bottled drinking water is prohibited. Water may be provided for free in any form.

9. May businesses to give away bottles of water but post a sign or put out a container asking customers if they would like to make a voluntary donation?

No. By soliciting donations, a business is essentially asking for payment for the water, regardless of whether the transaction is characterized as a sale or a donation.

10. How will the bylaw be enforced?

The Town Manager has designated the Health Division as the primary town agency who will ensure compliance with the bylaw. Early in January 2013, Health Division staff will begin inspections of retail stores, restaurants, and other venues that are likely to be selling bottled beverages. Health Division staff will determine whether bottled water of 1 liter or less is being offered for sale. If so, upon first inspection the business will be issued a written warning. Re-inspection of businesses violating the bylaw will occur within one week. If bottled water is being sold at the time of the second inspection, a Non-Criminal Citation with a fine of \$25 will be issued to the business. On the third and subsequent inspections, a Non-Criminal Citation with a fine of \$50 will be issued to the business if bottled water is being sold in violation of the bylaw.

11. What is the appeal process if I believe a Non-Criminal Citation has been issued to my business in error?

The Town's *Bylaw Providing For Non-Criminal Disposition Of Violations Of Town Bylaws*, and Massachusetts General Laws Chapter 40, section 21D outlines the appeal process. Any person who wishes to contest a Non-Criminal Citation may, within 21 days of receiving such citation, file a written request for a hearing at District Court.