

### Alcoholic beverages, spirits and food

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#### **This guidance is for England and Wales**

This guidance relates to prepacked products only.

'Prepacked' is defined in EU Regulation (EU) No 1169/2011 *on the provision of food information to consumers* as "... food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging ...".

This guide lays out specific labelling and compositional requirements for alcoholic beverages, food that contains alcohol and the labelling and composition of spirit drinks (including liquors and similar).

This guide does not cover alcohol served for consumption on licensed premises.

## **Part 1 - Alcoholic beverages: changes to standard food labelling**

An alcoholic beverage is any drink, other than water, that has an alcohol content of more than 1.2% alcohol by volume (vol).

Alcoholic beverages are food and generally follow the labelling rules for food summarised in the following guidance documents:

- 'Labelling of prepacked foods: general'
- 'Labelling of prepacked foods: ingredient list'
- 'Labelling of prepacked foods: nutrition declaration'
- 'Labelling of prepacked foods: product name'
- 'Labelling of prepacked foods: QUID'
- 'Date and lot marking of prepacked food'

However, the labelling of alcoholic beverages differs from the labelling of other foods in several ways, as follows:

### **Alcoholic strength**

Alcoholic beverages must be labelled with their alcoholic strength to a maximum of one decimal place in the format 'x% vol.' (where x is the strength of the alcohol). You can alternatively declare the strength in the format 'alc x% vol.' or 'alcohol x% vol.' - for example, 'Alcohol 5.4% vol.'

The stated figure must be accurate, with the level of accuracy being dependent on the type of alcoholic beverage:

- plus or minus 0.5% for beer and wine with a strength of up to 5.5% volume
- plus or minus 1% for beer and wine with a strength of greater than 5.5% volume
- plus or minus 1.5% for beverages containing macerated fruits or plants
- plus or minus 0.3% for all other alcoholic beverages

The alcoholic strength must be in the same field of vision as the name and net quantity of the food. This means that you must be able to hold the product in such a way that all three pieces of information are visible at the same time.

### **Ingredient list**

It is not mandatory for alcoholic beverages to have an ingredient list although you are strongly encouraged to include one.

If you choose to declare the ingredients of your product then you must follow all rules for an ingredient list as though it was mandatory.

## Allergens

You need to declare the presence of allergenic ingredients in your products, usually by emphasising them in some way in the ingredient list. If the product does not have an ingredient list, the allergens still need to be declared; please refer to '**Prepacked foods that do not have an ingredient list**' in the guide 'Food allergens and intolerance' for more information.

## Nutrition declaration

A nutrition declaration is not mandatory for alcoholic beverages. Again, manufacturers are encouraged to include a nutrition declaration, which must follow all the rules for a mandatory nutrition declaration if provided.

## Nutrition claims

A nutrition claim is any claim that states, suggests or implies that a food has beneficial nutritional properties due to the energy, nutrients (protein, carbohydrate, fat, fibre, sodium), vitamins and minerals or other substances that it either contains, does not contain or contains in an increased or decreased amount.

Only nutrition claims relating to alcohol or energy content can be made on alcohol beverages.

For more information please refer to 'Nutrition and health claims'.

If you make a nutrition claim you must include a nutrition declaration.

## Health claims

A health claim is any claim that states, suggests or implies that there is a relationship between health and a food, a type of food or something in a food.

No health claims can be made on alcoholic beverages, wine or spirits.

## Durability indication

Alcoholic beverages with an alcoholic strength greater than 10% volume do not need to include a durability indication ('best before' / 'best before end').

## Part 2 - Alcohol in food

Where alcohol is added prior to cooking there is normally no (or a negligible amount of) alcohol in the final product and it is treated no differently to other food.

Where alcohol is added to food after cooking, or the food is prepared without cooking, the final product will contain alcohol (ice cream, for example).

The requirement to declare the alcoholic strength only applies to alcoholic beverages; therefore other foods that contain alcohol do not need to declare the alcoholic strength. However, any food that has an alcohol content of greater than 0.5% volume is legally defined as alcohol and supply to anyone under the

age of 18 is a criminal offence; it is best practice to make it clear on the product that it should not be sold or given to anyone under the age of 18.

If you wish to supply food with an alcohol content greater than 0.5% volume you will likely need both a premises and a personal alcohol licence issued under the Licensing Act 2003; please contact your local district / borough council licensing department for more information.

Liqueur confectionary is not considered to be alcohol and as such you will not need an alcohol licence to supply it. In order to use the exemption your product must meet the definition of liqueur confectionery, which means it must comply with both of the following:

- contain no more than 0.2 litres of alcohol (of a strength no greater than 57% volume) per kilogram of the confectionery
- either consist of separate pieces weighing no more than 42 grams each or be designed to be broken into such pieces in order to be eaten

### **Part 3 - Spirit drinks**

The manufacture (including mixing and blending) of spirit drinks is controlled by the Spirits Drinks Regulations 2008.

The Regulations specify what must be in the product (compositional requirements), restrict what the product can be called (the sales denomination) and limit the production of certain spirits to specific countries or regions (registered geographical indications).

The information relating to general labelling above also applies to spirit drinks but there are additional labelling requirements specific to spirit drinks.

If your product meets the definition of a spirit drink you must comply with the Regulations.

A spirit drink is a beverage with an alcoholic strength of 15% volume or higher, produced by one or more of the following:

- distillation of naturally fermented products
- maceration (softening, mixing with, etc) of plants in ethyl alcohol of agricultural origin (see below)
- mixing of flavouring substances with ethyl alcohol of agricultural origin
- mixing of a spirit drink with ethyl alcohol of agricultural origin, another spirit drink, another alcoholic beverage, or another drink

Ethyl alcohol of agricultural origin is alcohol produced by distillation, typically of cereal grains such as wheat and maize but sometimes of other crops such as potato.

The definition of spirit drink includes all the typical spirits such as vodka, gin, rum, whisky, brandy, etc and anything else meeting the definition.

Beers made from malt, wine and fortified wine, vermouth, and other fermented beverages such as cider, perry, mead and sake are not considered to be spirit drinks regardless of their strength.

### **Labelling of spirit drinks**

## **Sales denomination: what you can call your product**

The sales denomination (SD) is the name that you use to sell your product. All spirit drinks must have an SD and you cannot replace it with a brand name or similar. The SD replaces the 'descriptive name' requirement specified in 'Labelling of prepacked foods: product name'.

Annex II to EU Regulation 110/2008 *on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks* lists 46 SDs, each of which describes a spirit drink and its properties; the majority of spirit drinks have an SD that is listed in Annex II.

For example, Annex II has an SD for 'flavoured vodka', which it describes as a spirit drink made from the distillation of fermented ethyl alcohol of potato, cereals or other agricultural crops with a minimum alcoholic strength of 37.5% volume that has been flavoured. The Annex describes how it can be flavoured and gives permitted levels of residues. There is a separate SD for 'vodka', which does not permit the product to be flavoured.

If you want to describe your product using any of the SDs in Annex II then you must comply with its requirements. For example, if you wished to call your product 'Vodka' it would need to meet all of the requirements, including a minimum alcoholic strength of 37.5% volume.

If your product does not meet the requirements of an SD then you cannot use it on your product. You cannot use the words 'like', 'type', 'style', 'made', 'flavour' or any other similar terms to describe it - for example, 'Vodka Style ...'.

If you are making a product that meets the definition of an SD in Annex II then you must use the SD; if it meets the definition of more than one SD you can choose which to use.

If your product does not meet the requirements of a specific named SD (vodka, gin, rum, whisky etc) then you must use the SD 'spirit drink'.

There are no specific rules about where the SD should appear on the product (other than in the case of mixed spirit drinks below) but all food information must be clear, legible and easy to understand. We recommend that the SD appear on the front of the bottle as this removes any possibility of the label being considered misleading.

Many manufacturers combine spirits such as vodka and gin with fruits and other foods, which can lead to a reduction of the overall alcoholic strength to below the minimum strength stated in the relevant SD (for example, vodka blended with strawberry juice that has an alcoholic strength of only 35% volume). Where this is the case the product can no longer use the original SD and must instead use the SD 'spirit drink'.

The reduction of the alcoholic strength through combination with other foods etc is not considered to be dilution. Dilution is the deliberate reduction of alcoholic strength by adding water to the product and is not permitted.

## **Compound term: an additional way to describe your product**

If you are manufacturing a product that uses a named spirit drink such as vodka, gin, etc (that meets the requirements of the relevant SD) as a raw ingredient but, due to combination with food etc the resultant product no longer meets that SD's requirements (as in the strawberry vodka example above) then you must use the SD 'spirit drink' to describe your product. This indicates to a consumer that the product no longer meets the requirements of the spirit in question.

To accurately describe the product for marketing purposes you can include an additional 'compound term' (CT).

A CT is an SD (such as vodka) or a registered geographical indication of a spirit drink (see below) combined with a food (strawberry, for example) and/or the word 'liqueur' - for example, 'Strawberry Vodka'.

The inclusion of both the SD and a CT allows you to describe the product in a way that will make it attractive to consumers (in the same way as using a 'fancy name', as discussed in 'Labelling of prepacked foods: product name') whilst still telling the truth about the product.

There are specific rules that must be followed if you want to use a CT:

- the description 'spirit drink' must be included separately from the CT
- the wording of the CT must all be in the same font, size and colour and cannot be interrupted by anything that is not part of the CT
- the CT cannot be in a larger font size than the SD. The SD does not need to appear directly alongside the CT but should appear on the front of the product to avoid misleading the consumer about the nature of the product
- the alcohol in the product must come solely from the spirit drink whose SD is used in the CT
- you cannot use the term 'liqueur' in combination with certain SDs (numbers 33-40 of Annex II) but this does not include the most popular forms of spirits (rum, whisky, brandy, vodka, gin, etc)

To complete the example above the product would be described as follows:

- 'Strawberry Vodka' (the CT)
- 'Strawberry Spirit Drink' (the SD)

If, after flavouring, the alcoholic strength is 37.5% volume or higher the product could instead use the SD 'Flavoured Vodka', as follows

- 'Strawberry Vodka' (the CT)
- 'Strawberry Flavoured Vodka' (the SD)

## **Mixed spirit drinks**

If your product consists of a mixture of spirit drinks you must use the SD 'mixed spirit drink'; it must be clear and appear prominently on the product (on the front of the bottle). If the mix has its own SD listed in Annex II then this should be used instead.

You may not use a CT as the alcohol is from multiple sources.

You may name the spirit drinks used in the product alongside the description 'mixed spirit drink' - for example, 'Vodka and Rum Mixed Spirit Drink'.

The additional statement must be separate from the SD; its text must all be in the same font and colour as the SD and must be no more than half the size of the SD.

Additionally, the statement must appear in the same field of vision as a list that includes all the sources of alcohol in the product.

The list must be laid out in descending order, from the one that contributes the highest alcoholic content to the one that contributes the lowest. Each must have the percentage of alcohol they contribute towards

the total alcoholic percentage appear in brackets next to it. For example, a mixed spirit drink with an alcoholic strength of 20% volume:

'Vodka and Rum Mixed Spirit Drink'  
'Vodka (12%), Rum (8%)'

The percentage does not relate to the alcoholic strength of the spirit being used (a minimum of 37.5% volume in the case of vodka), just the percentage of the total alcohol in the drink that it is contributing.

## **Other labelling requirements**

### **Agricultural origin**

If you choose to specify the agricultural origin of the alcohol - such as 'potato vodka' - then you must list all sources of alcohol in the product. For example, 'Potato, Maize, ...'.

### **Blended**

You may only use the term 'blend', 'blending' or 'blended' if you are blending two or more of the same category of spirit drink (two types of whisky, for example) with minor differences such as length of maturation, region of production, production method, etc. If you are combining two or more different spirits (vodka and rum, for example) then you must refer to mixing rather than blending.

### **Matured**

If a matured product contains a blend of old and young spirit drinks, the maximum maturation time that you can claim is that which relates to the youngest part. For example, if you are blending a six-month aged whisky and a 12-month aged whisky then you can only claim that the product has been matured for six months.

### **Registered geographical indications**

Certain spirits are traditional to certain countries or regions or have a particular character when produced in those countries or regions. Where this is the case the SD is a 'registered geographical indication' (RGI).

For each RGI there will be a product specification that specifies how the product is to be made, what it can be made from, the alcoholic content, etc and restricts the manufacture of the product to a specific geographical region. The specified region can be a country, such as for Irish Poteen, or a specific region within a country, such as for Cornish Cyder Brandy.

A searchable register of geographical indications can be found on the European Commission website (it covers wine as well as spirit drinks).

You can only use the GI if you are complying with the rules on both composition and manufacture, and

manufacturing the product within the protected geographical region. Therefore, you cannot describe your product as 'Russian Vodka' unless the product is manufactured in Russia.

You cannot combine an RGI with the words 'like', 'type', 'style', 'made', 'flavour' or any other similar terms unless the product is manufactured within the specified geographical area. For example, 'Russian Style Vodka'.

You must not mislead the consumer in any way as to the geographical origin of the product, even if you state the true origin on the bottle. For example, you cannot use the word 'vodka' on a background made up of the Russian flag unless the product is manufactured in Russia.

## **Composition of spirit drinks**

If you wish to manufacture a spirit drink listed in Annex II you will need to comply with the compositional requirements specified in the Annex. The requirements vary in complexity but all specify the source of the alcohol to be used (distillation of molasses in the case of rum, for example), the minimum alcoholic content and permitted flavourings.

If you wish to manufacture a spirit drink covered by an RGI you must comply with the compositional rules contained in the product specification and manufacture the product within the geographical area in the specification.

If your product does not fall into one of the SDs listed in Annex II, you should apply the following general compositional rules:

- the alcohol can be produced from the alcoholic fermentation and distillation of any agricultural raw material and/or foodstuff suitable for human consumption
- the product can contain alcohol from additional sources
- the product can contain any flavouring substance or colour permitted to be used in food
- the product can be sweetened with any of the following:
  - semi-white sugar
  - white sugar
  - extra-white sugar
  - dextrose
  - fructose
  - glucose syrup
  - sugar solution
  - invert sugar solution
  - invert sugar syrup
  - rectified concentrated grape must
  - concentrated grape must
  - fresh grape must
  - burned sugar

The labelling requirements discussed above will apply.

## **Part 4 - Gluten free and alcohol free**

Drinks can be described as 'gluten free' and 'alcohol free' but they must adhere to the below requirements.



## Gluten-free alcohol

Cider, wine, sherry, spirits, port and liqueurs are gluten free due to a combination of the ingredients used in their production and the way in which they are produced (the distillation process breaks down gluten, which no longer has to be declared in the product due to an exemption in food labelling legislation). As such you can make gluten-free claims on these products.

There are only two permitted gluten claims:

- 'gluten free' - max 20 mg/kg of gluten
- 'very low gluten' - max 100 mg/kg of gluten

Statements such as 'No gluten-containing ingredients' are not permitted.

if you wish to make a gluten-free claim, you must be able to guarantee that your product contains less than the maximum permitted levels of gluten. As such, you will need procedures in place to prevent contamination with gluten and you will need to conduct regular testing to prove that your products contain less than 20 mg/kg or 100 mg/kg of gluten as appropriate.

In the case of the products above there are no gluten-containing ingredients; as such there are no additional labelling requirements other than the gluten-free statement.

## Gluten-free beer

Beer (in its various forms) is usually manufactured from gluten-containing cereals such as barley, and under normal circumstances cannot be described as gluten free; however, there are certain circumstances in which beer can be described as gluten free (the information above regarding statements and precautions will apply equally):

### Non-traditional ingredients

Crops such as buckwheat, sorghum, millet and rice do not contain gluten and gluten-free claims can be made, subject to the restrictions above.

### Low-gluten cereals

Certain cereals can be obtained in low-gluten variants; due to the reduced presence of gluten in the cereal the levels of gluten present in the finished product will be lower.

Gluten is currently unique among allergens because there is a specified maximum legal limit of gluten that can be present in your product in order for you to make a gluten-free claim; this means that your product can contain gluten and it might still be legal for you to make a gluten-free claim.

As stated above, the limits are 20 mg/kg if you want to make a gluten-free claim and 100 mg/kg if you want to make a very-low-gluten claim. You will need to conduct regular testing to prove that the levels of gluten are below these limits and you will need to have procedures in place to prevent contamination with gluten.

The law requires that you emphasise the presence of 'cereals containing gluten'. This is a requirement regardless of how much gluten is in the final product and you will always need to declare their presence if they have been used as an ingredient. Most alcoholic beverages do not have an ingredient list so this

would be achieved by a 'contains' statement that emphasises the allergenic ingredients (capital letters, a bold font, etc) - for example, 'Contains - **Barley**'.

This means that your product will bear both a gluten-free statement and emphasise the presence of a cereal containing gluten; this is a strange situation but it is normal.

Please refer to '**Prepacked foods that do not have an ingredient list**' in the guide 'Food allergens and intolerance' for more information.

#### **Artificially reducing the levels of gluten**

Finished beer can be treated with enzymes that break down any gluten protein remaining in the product to reduce the levels below the 20 mg/kg limit.

The regular testing and processes to prevent contamination and the allergen labelling requirements discussed in '**Low-gluten cereals**' above will apply.

## **Alcohol-free and low-alcohol beverages**

If you are manufacturing a low-alcohol or alcohol-free beverage there are only certain descriptions that you can use on your products:

- **low alcohol.** The drink must have an alcoholic content of 1.2% volume or less and state the alcoholic strength on the packaging
- **alcohol free.** The drink must have an alcoholic content of 0.05% volume or less and state the alcoholic strength (or that it contains no alcohol) on the packaging. The description can only be used where the alcohol has been extracted from the drink
  - **note:** the term 'non-alcoholic' should not be used in conjunction with any name commonly associated with an alcoholic drink (beer, wine, etc)
- **dealcoholised.** The drink must have an alcoholic content of 0.5% volume or less and state the alcoholic strength (or that it contains no alcohol) on the packaging. The description can only be used where the alcohol has been extracted from the drink

These descriptions cannot be used on spirit drinks. Nor can they be used on any product described as wine (subject to specific exemptions), which should instead be described as 'wine-based drinks'.

The descriptions should appear on the front of the product and at any point where the alcoholic content is repeated on the product.

Beverages with an alcoholic strength of 1.2% volume or less must be labelled in the same way as other foods; as such, the product will need to bear an ingredient list and a nutrition declaration.

## **Alcohol-free beverages imported from European countries**

The rules on alcohol-free drinks in Europe are different to those of the UK. The European standard for alcohol-free is an alcoholic content of 0.5% volume. Alcoholic drinks with a strength of 0.5% volume that originate in mainland Europe can be legally sold in the UK as 'alcohol free'; any alcohol free drink manufactured in the UK must apply the limit of 0.05% volume.

## Further information

The Department of Health and Social Care has produced *Low Alcohol Descriptors Guidance*.

For guidance on underage sales of alcohol, please see 'Alcohol'; and for measuring requirements, stamps on glasses, etc see 'The sale of alcohol in licensed premises'.

## Penalties

Failure to comply with trading standards law can lead to enforcement action and to sanctions, which may include a fine and/or imprisonment. For more information please see 'Trading standards: powers, enforcement and penalties'.

## Key legislation

Spirit Drinks Regulations 2008

EU Regulation (EC) No 110/2008 *on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks*

EU Regulation (EU) No 1169/2011 *on the provision of food information to consumers*

EU Regulation (EU) No 716/2013 *laying down rules for the application of Regulation (EC) No 110/2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks*

Food Information Regulations 2014

Food Information (Wales) Regulations 2014

Spirit Drinks and Scotch Whisky (Amendment) Regulations 2019

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## Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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