

Guidelines requested for businesses creating low or no alcohol drinks intended to imitate Gin

As part of the 'Primary Authority' partnership with The Gin Guild Limited, Buckinghamshire and Surrey Trading Standards have issued Primary Authority Advice that is Assured with respects to guidelines provided for businesses creating low or no alcohol drinks intended to imitate Gin.

Buckinghamshire and Surrey Trading Standards have assessed the labelling requirements for low or no alcohol drinks and have provided the following appropriate guidelines.

Buckinghamshire and Surrey Trading Standards will not support enforcement authorities within England & Wales who pursue enforcement action relating to the aspects of the labelling of low or no alcohol drinks intended to imitate Gin and which follow these guidelines.

This Primary Authority Advice that is Assured is issued on 8th January 2021 and is subject to regular yearly review. However, this advice may need to be amended before the yearly review in light of changes to legislation, guidance, and codes of practice, industry practices or other circumstances.

A review of the advice will also consider any feedback received from enforcing authorities.

Only a court can interpret statutory legislation with any authority.

The advice is intended as guidance and for assistance and Gin Guild members should in any event always take their own steps to ensure compliance with all relevant legislation.

Labelling Requirements for Businesses creating low / no alcohol drinks intended to imitate Gin

Spirits Drinks Regulations 2008

The EU Spirit Drinks Regulation EU 110/2008 as amended by (EU) 2019/787,

The Food Information Regulations 2014

Department of Health and Social Care Low Alcohol Descriptors Guidance

The drinks market is forever expanding with potential for low or no alcohol drinks for those who are trying to cut down on their intake of alcohol. With this there have been several products imitating spirits such as Gin with varying levels of compliance with the appropriate labelling Regulations.

This document is intended to provide some guidance on how such products should be labelled in order to comply with the relevant legislation.

The Spirit Drinks Regulation provides for an enhanced protection of sales denominations (SD) of spirit drinks, requiring that every spirit drink marketed in the EU shall bear a clearly defined name. The SD permitted under a category of spirit drinks may not be used in the description, presentation or labelling of any beverage which does not comply with the requirements set out for that category.

The SD for Gin is defined in the Regulations as a juniper-flavoured spirit drink with a minimum alcoholic strength for of 37.5%. Products that do not comply with these criteria cannot use the term "Gin" anywhere in their labelling. In addition, the words 'like', 'type', 'style', 'made', 'flavour' or any other similar terms cannot be used to describe it.

Products with 1.2% ABV or less, clearly do not satisfy the definition for Gin. As such, any statement that uses the word Gin may not be used anywhere on the labelling. Examples include NotGin, Gin Style Spirit, Gin Flavour drink.

The Food Information Regulations 2014

What statements can be used to describe these products.

In this case, the key legislation is the Food Information Regulations 2014, primarily the requirement at that "food information shall not be misleading".

The product is required to have a descriptive name that is not misleading. The descriptive name must accurately describe the drink so that people can make an informed choice as to whether they want to consume it. Ingredients, treatments, flavours etc that may affect the decision to purchase should be included in the descriptive name.

Commonly used terms:

Spirit Drink: the term spirit drink cannot be used unless the product complies with the description for a spirit drink as laid down in the Spirit Drink Regulations, including the presence of 15% abv.

Spirit: The term spirit in a name would be acceptable provided that it is clear that the products is a low or no alcohol product.

Distilled: This is a description as to how the product is produced and usually used in relation to spirits. Adding distilled to the name should mean that the product has gone through some process of distillation to ensure it is not misleading.

The name used will depend on the ingredients used and the way in which the product is products, but examples of acceptable names include:

- Non-Alcoholic Botanical Drink
- Low-alcohol distilled spirit infused with botanicals
- distilled non-alcoholic drink infused with juniper.

Other points to consider:

The name given to the drink will be taken into consideration, together with all of the additional information available to the consumer, to ensure the product as a whole does not mislead, such as pictorial representation on the label and presentation of the drink. For example, if the shape and colour of the bottle and the style of the label clearly imitates a popular brand of Gin, this could be seen to be misleading and therefore breach the requirements of the legislation.

The Department of Health and Social Care's Low Alcohol Descriptor Guidance should also be considered. Whilst this guidance is voluntary, if the terms are used they should not be misleading.

- **Low alcohol** – the drink must be 1.2% alcohol by volume (abv) or below and an indication of its maximum abv should be included on the label.
- **Non-alcoholic** – this should not be used in conjunction with a name commonly associated with an alcoholic drink.
- **Alcohol free** – this should only be applied to a drink from which the alcohol has been extracted if it contains no more than 0.05% abv, and the products should also include the abv (or state that they contain no alcohol) on the label in order to use the descriptor.
- **De-alcoholised** – this term should only be applied to a drink from which the alcohol has been extracted if it contains no more than 0.5% abv and the product should also include an indication of its alcoholic strength (or state that it contains no alcohol).

In addition the Food Information Regulations state that it is a requirement to provide full mandatory labelling including the nutritional contents and ingredients for all drinks with 1.2% abv or below. These labelling requirements are:

- an ingredient list
- information relating to allergenic ingredients
- quantitative ingredient declarations (QUID)
- a nutritional declaration
- durability date marking
- a net quantity declaration
- the name and address of the manufacturer
- storage instructions (where required)
- instructions for use (where required)
- origin marking (if the label would be misleading without it).