



Department
for Environment
Food & Rural Affairs

Consultation on Changes to Legislation on Alcoholic Drinks in Great Britain

Summary and Government Response

January 2023

We are the Department for Environment, Food and Rural Affairs. We're responsible for improving and protecting the environment, growing the green economy, sustaining thriving rural communities and supporting our world-class food, farming, and fishing industries.

We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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Purpose of this document

This document provides a summary of responses to the government's consultation on proposed changes to legislation relating to alcoholic drinks in Great Britain and the government's response to them.

This consultation opened on 2 November 2022 and closed on 23 November 2022.

10 responses were submitted, 8 via Citizen Space and 2 via email. This includes 5 businesses, 4 trade associations and 1 social responsibility body and regulator.

Background

The United Kingdom is one of the world's largest producers, exporters, and importers of alcoholic drinks. We are the largest spirit drinks exporter in the world: this includes more exports of whisky and gin than any other nation. We are also the world's second largest importer of wine with a growing domestic industry. Supporting the wine industry is a priority for both the economy and jobs. The government of the United Kingdom is working to support the interests of the alcoholic drinks industry and consumers, both in respect of regulatory reform, but also by securing ambitious trade agreements with some of our biggest international trading partners.

The UK signed a free trade agreement with New Zealand on 28th February 2022. Annex 7A to the Agreement concerns wine and distilled spirits. To implement the agreement, the United Kingdom will make three minor changes to domestic legislation on how wine and alcoholic drinks can be described and marketed on labels. These changes allow producers and sellers more flexibility in the information they choose to include on alcoholic drink labels and will be optional for producers to adopt.

This consultation sought views on the likely impact of the three changes needed to implement the UK-New Zealand Free Trade Agreement (UK-NZ FTA):

(a) first, the UK government proposes that wine products should be allowed to show alcoholic strength to one decimal place;

(b) second, the UK government proposes that when several grape varieties are used in the production of a blended wine and are shown on the label, the named varieties must total at least 95% of the volume of the wine;

(c) finally, the UK government proposes that the term 'alc/vol' may appear directly after the alcohol content figure displayed on the label of any alcoholic beverage.

Alcohol content of wine

The government consulted on article 44 of retained Commission Delegated Regulation (EU) No 2019/33 (Actual Alcohol Strength) which requires the alcoholic content of wine to be shown in whole or whole and half units. The government intends to amend Article 44 in a way that will also allow wine to be marketed to a tenth of a percentage unit. This will bring the marketing of wine alcoholic content in line with the labelling requirements for other alcoholic beverages.

In addition, this will provide producers with the option to label alcoholic content for consumers with greater accuracy. Subject to compliance with tolerance provisions that currently apply, our proposals will not affect producers' ability to indicate the alcohol content of wine marketed in the UK to the nearest whole or half unit as is currently permitted.

This change will address the requirement set out in paragraph 12 of Section A (wine) of Annex 7A to the UK-NZ FTA.

Consultation question:

Q1. What impact, if any, will the amendments to alcohol content labelling for wine have on the United Kingdom wine market or on consumers?

Wine labelling for multiple grape varieties

The government also consulted on Article 50(1) of retained Commission Delegated Regulation (EU) No 2019/33 which sets out the rules concerning the labelling of grape vine varieties for wine. The government intends to amend the rules on showing multiple grape varieties on the label. In future, the varieties listed on the label will have to make up a minimum of 95% of the wine rather than the full 100%. As a result, 5% of the wine will be able to come from grape varieties not shown on the label.

We understand that these changes could benefit United Kingdom producers: it may not be possible or indeed desirable to show a large number of varieties on the wine label, especially if these make up only a very small percentage of the final product.

This change also reflects current winemaking practices in New Zealand and will address the requirement set out in paragraph 14 of Section A (Wine) of Annex 7a to the UK-NZ FTA.

Consultation question:

Q2. What impact, if any, will the amendments to multiple grape variety labelling have on the United Kingdom wine market or on consumers?

Positioning of the term 'alc/vol' for all alcoholic drink products

The third issue is Annex 12 of retained Regulation (EU) No 1169/2011 on the provision of food information to consumers (alcoholic strength) which states that where the numerical alcohol content of an alcoholic drink is displayed on the label or marketing material, the term 'alc' must precede the figure: for example, 'alc 12.5% vol'.

For wine, Annex 44 of Commission Delegated Regulation (EU) 2019/33 titled Actual Alcohol Strength states that where the numerical alcohol content of a drink is displayed on the label or marketing material, it can only be preceded by the terms 'actual alcoholic strength', 'actual alcohol' or 'alc'.

The government intends to amend both regulations to allow the 'alc/vol' term to appear after the alcoholic content figure. This option will reduce the need for relabelling products placed on the UK or New Zealand markets.

This change will address the requirement set out in paragraph 7 of Section B (distilled spirits) of Annex 7A to the UK-NZ FTA.

Consultation question:

Q3. What impact, if any, will the amendments to alcohol content labelling have on the United Kingdom alcoholic drinks market or on consumers?

Summary of responses

What impact, if any, will the amendments to alcohol content labelling for wine have on the United Kingdom wine market or on consumers?

The government received a total of 7 responses to this question. The respondents generally believed that the amendments to the alcohol content labelling for wine would have a positive impact on the UK wine market and consumers.

The respondents noted that amending the requirement for the alcoholic content of wine to be shown in a way that will also allow wine to be marketed to a tenth of a percentage unit as well as whole or whole and half units would have an especially positive impact on increasing flexibility for importers, exporters, and producers, as well as providing greater transparency for consumers. While responses were generally positive, two respondents expressed the concern that it would increase work for producers/distributors and would increase labelling costs because it would require new labelling. They also noted it could cause some confusion for consumers. In response to these points the government notes that these amendments are all optional and that producers have the ability to make use of

the added flexibility should they wish to do so. There will be no requirement for new labelling.

What impact, if any, will the amendments to multiple grape variety labelling have on the United Kingdom wine market or on consumers?

The government received a total of 8 responses to this question. The respondents generally believed that the amendments would have a positive impact on the UK wine market, noting it would have a greater impact on producers than on consumers.

Most respondents stated that amending the rules on showing multiple grape varieties on the label would have a positive impact on the sector, noting that it would provide greater flexibility for producers, importers, and exporters in the way the information is included on their labels. Respondents also noted that it will reduce the need for producing new labels when the composition of a blend varies slightly in different years. While responses were generally positive, multiple respondents commented that the amendments would have little to no impact on consumers. It was also suggested that it may be better to use the percentage most commonly used around the world for multivarietal wine to be blended (85%) which would stay in line with wine laws in other countries and could have provided even greater flexibility.

The Comité Européen des Entreprises Vins (CEEV) expressed concern that the amendment to multiple grape variety labelling deviates from International Organisation of Vine and Wine (OIV) standards to which the UK is attached by its OIV membership. The CEEV referenced the OIV International Standard for the Labelling of Wines articles 3.1.4 (b) and (c), noting that the OIV eases international exchange and ensures fair information to consumers. The CEEV have urged the government not to deviate from the OIV standard and adapt the rules for the indication of varieties so that 100% of the product concerned must have been made from these varieties.

Positioning of the term ‘alc/vol’ for all alcoholic drink products: What impact, if any, will the amendments to alcohol content labelling have on the United Kingdom alcoholic drinks market or on consumers?

The government received a total of 8 responses to this question. Respondents generally believed that the amendments to alcohol content labelling would have a positive impact on the UK alcoholic drinks market with little impact on consumers.

Respondents noted that it would reduce costs and wasted relabelling whilst again increasing flexibility for exporters and producers. Respondents commented positively that the changes would be available to all alcohol producers across all categories and will be applied across the devolved administrations. While responses were generally positive,

respondents noted that it would have little impact on consumers and the increase in the technical detail on labels would likely confuse consumers.

Government response and next steps

We have carefully considered all responses from the consultation and thank consultees for taking the time to respond.

We take note of the concerns raised by the Comité Européen des Entreprises Vins (CEEV) that the amendment to multiple grape variety labelling deviates from OIV standards to which the UK is attached by its OIV membership. We note that while the UK is a member of the OIV, the only area where the rules set by OIV have a direct effect in the UK concerns approved methods of analysis for wines. Any other resolution issued by the OIV is considered on merit by the UK government.

Our conclusion is that in taking these amendments forward we do not need to make any changes to our proposals to reduce costs or other burdens, and in fact there will be advantages to the UK wine industry. The government intends to proceed with the proposed changes to UK legislation related to alcoholic drinks in Great Britain stated in this document. These changes are in line with the UK's commitments to the UK-NZ Free Trade Agreement and will provide positive improvements for the UK alcoholic drinks industry. The government intends to make changes in the following areas: alcohol content labelling for wine, multiple grape variety labelling, & positioning of the term 'alc/vol' for all alcoholic drink products.

Following this consultation Defra will take forward the following changes in legislation:

- Amendments to alcohol content labelling in England through secondary legislation made under the powers conferred by section 16 of the Food Safety Act 1990 (Food Safety and Consumer Protection) and section 37 of the Agriculture Act 2020 (Marketing Standards).
- Amendments to multiple grape variety labelling will also be made under section 37 of the Agriculture Act.
- The Scottish Government proposes to implement the changes in relation to Scotland through powers conferred by section 16 of the Food Safety Act 1990 and section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020.
- The Welsh Government proposes to implement the changes in relation to Wales through powers conferred by section 16 of the Food Safety Act 1990 and paragraph 16 of Schedule 5 to the Agriculture Act 2020.

The government will proceed with its plans to amend the relevant Retained EU laws and allow for the UK/ New Zealand FTA to enter into force in Spring 2023, subject to Parliamentary approval.

