Guidance Document

Guidance for Alcoholic Beverage Claims and Statements

.

6 May 2014

Title

Guidance Document: Guidance for Alcoholic Beverage Claims and Statements

About this document

This guidance has been prepared to assist in meeting labelling requirements for alcoholic beverages where nutrition content claims are made and also statements for reduced alcohol. This guidance also includes recent changes to the Australia New Zealand Food Standards Code (the Code).

Related Requirements

This guidance relates to requirements in the Australia New Zealand Food Standards Code. These Standards can be accessed via Food Standards Australia New Zealand's website:

http://www.foodstandards.govt.nz/code/Pages/default.aspx

Change history

Previous Version Date	Current Version Date	Section Changed	Change(s) Description
Not applicable	28 April 2014	All	New guidance document
28 April 2014	6 May 2014	4.4	Transition period date corrected.

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1 Purpose

To provide advice to alcoholic beverage manufacturers, importers, industry bodies and retailers in applying the Code requirements for labelling claims and statements. This includes claims and statements on labels as well as in advertising.

2 Background

Standard 1.1A2 Transitional Standard - Health Claims is being replaced by Standard 1.2.7 - Nutrition, Health and Related Claims. There is a transition period until 18 January 2016 when Standard 1.2.7 must be met, until then either Standard 1.1A2 or Standard 1.2.7 can be met, but not both. There is no stock-in-trade provision at the end of the transition period.

There are now an increasing number of 'reduced' or 'lower' alcohol wine and beer available. Labelling requirements for these are covered in *Standard 2.7.1 Labelling of Alcoholic Beverages and Food Containing Alcohol.*

3 Definitions

Australia New Zealand Food Standards Code in the context of this guidance refers to composition and labelling requirements that need to be met for alcoholic beverages. It is known throughout this guidance document as "the Code".

4 Changes to the Code

4.1 New Standard – Standard 1.2.7 Nutrition, Health and Related Claims

Nutrition content claims and health claims are voluntary statements that can be made on labels and in advertising about the content of certain nutrients or substances in food, or the relationship between food and a health effect.

Standard 1.2.7 regulates the nutrition content and health claims that can be made on labels and in advertisements (including websites). Under the new Standard, nutrition content claims or health claims must not be made for food containing more than 1.15% Alcohol By Volume (ABV). The exception to this is a nutrition content claim about energy content or carbohydrate content.

Standard 1.2.7 specifically excludes claims or declarations that are expressly permitted by another Standard in the Code. Standard 2.7.1 - Labelling of Alcoholic Beverages and Food Containing Alcohol includes declarations of alcohol and standard drinks, and representations for alcohol (low, non-intoxicating and non-alcoholic). Requirements in Standard 2.7.1 must continue to be met.

Claims about the presence or absence of alcohol are excluded from the definition of a nutrition content claim in *Standard 1.2.7*.

4.2 Standard 1.1A.2 Transitional Standard – Health Claims and Standard 1.2.8 Nutrition Information Requirements

During the transition period (now until 18 January 2016), there are no restrictions on the use of nutrition claims for food standardised in Part 2.7 of the Code.

Under Standard 1.1A.2, a health claim must not be made for food standardised in Part 2.7 of the Code.

Standard 1.1A.2 is a transitional standard that operates concurrently with Standard 1.2.7 from now until 18 January 2016. If any content statements or claims are made, food businesses must comply with either Standard 1.1A.2 or Standard 1.2.7 but not both. After 18 January 2016, Standard 1.1A.2 will cease to operate and food businesses must meet the requirements in Standard 1.2.7. There are no stock-in-trade provisions at the end of this three year period.

4.3 What does this mean for alcoholic beverages?

Clause 3 of *Standard 1.2.7* prohibits nutrition content claims and health claims being made about food containing more than 1.15% ABV, however, a nutrition content claim about the energy content or carbohydrate content is permitted on a food (including beverages) containing more than 1.15% ABV.

4.4 If a claim is currently being made on an alcoholic beverage, how can it meet the requirements of Standard 1.2.7?

By the end of the transition period on 18 January 2016 **all** nutrition content claims and health claims (with the exception of energy content and carbohydrate content) must be removed from food labels and advertisements for alcoholic beverages. There are no stock-in-trade provisions after this date. This includes the need to remove "gluten free" and statements of similar effect from alcoholic beverages. The statement "gluten free" and statements of similar effect are captured under the definition of nutrition content claim and are a prohibited claim for alcoholic beverages.

5 Requirements in the Australia New Zealand Food Standards Code

5.1 Standard 1.2.7 Nutrition, Health and Related Claims

Nutrition content claim

Standard 1.2.7 defines a nutrition content claim as a claim that is made about the presence or absence of a biologically active substance, dietary fibre, energy, minerals, potassium, protein, carbohydrate, fat, salt, sodium or vitamins; glycaemic index or glycaemic load that does not refer to the presence of alcohol and is not a health claim. "Gluten free" is captured under the definition of nutrition content claim.

Health claim

Standard 1.2.7 defines a health claim as "a claim which states, suggests or implies that a food or a property of food has, or may have, a health effect". Clause 2 then defines health effect as an "effect on the human body, including an effect on one or more of the following: a biochemical, physiological, functional process or outcome, growth and development, physical performance, mental performance and a disease, disorder or condition".

5.2 Standard 2.7.1 – Labelling of Alcoholic Beverages and Food Containing Alcohol

If statements relating to clauses 4, 5, and 6 of this Standard are included on alcoholic beverage labels they must meet the following requirements:

Clause (4) Representations of low alcohol

An alcoholic beverage which contains more than 1.15% ABV must not be represented as a "low alcohol beverage". For alcoholic beverages with more than 1.15% ABV but with reduced/less alcohol suggested terms that could be used are "reduced" or "lower" as well as the comparison to a reference/standard product.

Clause (5) Representations of non-intoxicating

The label on a package of a beverage containing more than 0.5%ABV must not include the words 'non-intoxicating' or words of similar meaning.

Clause (6) Food containing alcohol not to be represented as non-alcoholic

Food containing alcohol must not be represented in a form which expressly or by implication suggests that the product is a non-alcoholic confection or non-alcoholic beverage.

5.3 Standard 1.1A.2 Transitional Standard – Health Claims and Standard 1.2.8 Nutrition Information Requirements

Nutrition claim

During the transition period, the definition for a nutrition claim is as per *Standard 1.2.8 Nutrition Information Requirements*. Under this Standard, a nutrition claim means a representation that states, suggests or implies that a food has a nutritional property whether general or specific and whether expressed affirmatively or negatively, and includes a reference to a biologically active substance; but does not include a reference to a reduction in alcohol content. *Standard 1.2.8* does not provide any constraints on the use of nutrition claims in respect of food standardised in Part 2.7 of the Code – Alcoholic Beverages. Criteria for "Gluten free" are provided in *Standard 1.2.8* Clause 16.

Health claim

Under Standard 1.1A.2, a health claim must not be made for food standardised in Part 2.7 of the Code – Alcoholic Beverages.