

British Beer and Pub Association

Technical Circular

No. 465 (Issue 3)

Guidance On Compliance with:

- **UK Food Labelling Requirements for Beer Sold in Small and Large Pack and as Served to the Consumer**
- **Voluntary Health and Responsibility Labelling**

THE ADVICE WITHIN THIS BBPA GUIDANCE DOCUMENT HAS BEEN APPROVED AS A SOURCE OF ASSURED ADVICE BY NORTHAMPTONSHIRE COUNTY COUNCIL (NCC).

THIS GUIDANCE DOCUMENT IS RELEVANT TO ALL BBPA MEMBERS HOWEVER ONLY THOSE MEMBERS WHO ARE REGISTERED WITH NCC UNDER THE BBPA COORDINATED PARTNERSHIP (LABELLING) ARE COVERED BY THE ASSURED STATUS OF THE ADVICE

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Guidance On The Requirements For Food Label Information for Beer Pre-Packed into Small and Large Pack Containers and Beer Served to the Consumer Including UK Health and Responsibility information

Introduction

This technical circular is intended to offer information and guidance to BBPA members relating to the introduction of EU 1169/2011 (FIC). This Regulation has been introduced to the UK as The Food Information Regulations (FIR) via Statutory Instrument SI No. 1855/2014 (separate regulations exist for Wales, Scotland and Northern Ireland). Unless otherwise stated all references are made to the contents of the primary Regulation (FIC)

This guide to compliance under UK general food labelling Regulation applies only to beer and cider. The main purpose of the guidance is to provide information to assist with compliance with general, UK labelling requirements for beer (and including cider) with an alcohol strength greater than Alc. 1.2% Vol. However, relevant specific requirements for low alcohol and non-alcoholic beer are provided in individual sections of the guidance as appropriate.

A separate guidance note will be prepared for food sold in pubs

UK Health & Responsibility Information

Also included within an annex of this guidance is information that further details the UK voluntary health and responsibility information requirements that have been agreed with the UK Department of Health as part of the Responsibility Deal.

Scope and Timelines:

With the introduction of the FIC much of the requirements of the existing UK Food Labelling Regulations (1996) in relation to alcoholic beverages remain unchanged. Key milestones for the introduction of the FIC are as follows:

From 13th December 2014:

- General provisions of the FIC as introduced to the UK include:
 - o Use of a minimum font size for all general, mandatory information (with the exception of that mandatory information which is provided voluntarily i.e. Ingredient and nutritional information).
 - o Change in alcohol strength declaration from ABV to Alc. X.X% Vol.
 - o Continued exemption from mandatory ingredient declaration for alcoholic beverages (subject to a further review and report from the Commission due by end 2016)
 - o Statutory inclusion of mandatory allergen information within an ingredient list (where this is provided) for pre-packed food.
 - o Mandatory provision of allergen information for non pre-packed (keg and cask as dispensed) food.
 - o Voluntary provision of nutritional information
 - o Permitted declaration of energy content as a sole nutritional declaration
 - o Beer sold in packages containing more than 5 litres are no longer exempt from providing a best before date

From 13th December 2016:

- Mandatory provision of nutritional information:
 - o *Continued exemption from mandatory nutritional declaration for alcoholic beverages with strength greater than Alc. 1.2% Vol. from 2016 will be subject to the outcome of the report from the Commission as above.*

Effects of the FIR on Existing UK Regulations:

The FIC has been introduced to the UK as the FIR (Food Information Regulations). The FIR also contains a complete list of UK Regulations connected with existing food labelling requirements that will be either removed or amended as a result of the introduction of the Regulation and which includes the following:

1. UK Food Labelling Regulations (1996) and subsequent amendments.
2. The Contaminants in Food (Amendment) Regulations 1999
3. The Food Irradiation Provisions (England) Regulations 2000
4. The Colours in Food (Amendment) (England) Regulations 2001
5. The Food Labelling (Declaration of Allergens) (England) Regulations 2008 & 2011
6. The Food Labelling (Nutrition Information) (England) Regulations 2009

For the purposes of UK food labelling the following, related legislation will still apply following the introduction of the Regulation:

1. The Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013
2. The Nutrition and Health Claims (England) Regulations 2007
3. Weights and Measures (Packaged Goods) Regulations 2006
4. Food (Lot Marking) Regulations 1996

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1. Summary of Requirements:

The following summarises the required label elements for packaged beer through the supply chain. Further details on mandatory elements are provided in Section 5 of this guidance:

Table 1. General requirements for Small Pack (less than 25 litres):

Mandatory Package Label	Additional Mandatory Information <i>Only where necessary</i>	Voluntary Information
Name of the Food	QUID	Ingredient Information
Minimum Durability (Best Before End)	Country of origin/place of provenance	Nutritional declaration
Name or Business Name and address of the Food Business Operator (FBO), or importer if outside of the EC	Instructions for use	Lot Mark
Alcohol Strength (if greater than Alc. 1.2% Vol.)	Special storage conditions/conditions of use	
Net Quantity		
Allergy declaration (must be included within an ingredient list when provided otherwise under a 'contains' statement – see section 5[ii])		

Table 2. General requirements for beer in Large Pack (greater than 25 litres) *as sold, packed to retail*:

Mandatory Container Label	Additional Mandatory Information (e.g. on supporting paperwork or in addition to minimum label requirement)	Additional Voluntary Information
Name of the Food	Alcohol Strength (if greater than Alc. 1.2% Vol.)	Ingredient Information
Minimum Durability (Best Before End)	Allergy declaration	Nutritional declaration
Name or Business Name and address of the Food Business Operator (FBO), or importer if outside of the EC	<i>And only where necessary:</i>	Lot Mark
<i>And only where necessary:</i>	QUID	
Special storage conditions/conditions of use	Country of origin/place of provenance	
	Instructions for use	

Table 3. General requirements for draught beer at sale to the consumer:

Mandatory Information	Voluntary Information
Name of the Food	Alcohol Strength (if greater than Alc. 1.2% Vol.)
Allergy declaration	Ingredient Information
	Nutritional declaration

- Current UK labelling requirements retained under the FIR
- New requirement or conditions of use introduced with the FIR

2. The Spirit of the FIC:

1. Fair Information Practices

The underlying principle of the FIC is that consumers must not be misled as to the nature or characteristics of food products that they purchase. In particular Article 7 of the Regulation details the areas where consumers could be misled with regards to food and the requirement for food information to be provided in a format that is clear, accurate and of an unambiguous manner.

In addition to the FIC, the General Food Law Regulations (EC 178/2002) states that:

'Without prejudice to more specific provisions of food law, the labelling, advertising and presentation of food or feed, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium, shall not mislead consumers'

Within the UK there are further, general and wide ranging controls on misleading descriptions in food which are encompassed within:

- The Food Safety Act (1990)
- Consumer Protection from Unfair Trading Regulations (2008)

2. Restriction on Health Claims Associated With Foods

With the exception of some foods (i.e. mineral water), it is not permitted within The FIC to make suggestions that food may prevent, treat or cure a human disease. Such conditions are further emphasised for beer (with an alcohol strength greater than Alc. 1.2% Vol.) which, under the Nutritional and Health Claims Regulations^{1,2}, cannot be associated with health or nutritional claims outside of low or reduced (current UK legislation states that reduced energy or alcohol claims may only be made by at least 30% from that of a similar product) claims for:

- Alcohol content
- Energy content

3. Food Business Operator Responsibilities

Article 8 of The FIC outlines the responsibilities of Food Business Operators (FBOs) within the supply chain for the provision of label information, either to the consumer or to other FBOs within the supply chain. The primary responsibility lies with the FBO under whose name, or business name, the food is marketed and which must then be identified on the food label (Article 9[h]). However, where the producer is not established within the EU, such responsibility lies with the importer.

Members should aware that, irrespective of primary responsibility, all FBOs within the supply chain bear a responsibility for ensuring that food information is accurate. FBOs must not place onto the market a food product that they know or presume to be non-compliant e.g. labels printed in the wrong language or with incorrect date codes. Similarly, FBOs who do not sell directly to consumers must ensure that their own customers further down the supply chain who do so (e.g. wholesalers, distributors and/or pubs), are provided with all the necessary information to ensure that they

¹ EU Nutrition & Health Claims Regulations

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:404:0009:0025:EN:PDF>

² UK Nutrition & Health Claims Regulations

http://www.legislation.gov.uk/uksi/2007/2080/pdfs/uksi_20072080_en.pdf

themselves are compliant with the FIC. This applies to both pre-packed and non pre-packed foods and in particular where such information must then be supplied directly to consumers *i.e. allergy information for draught beer as sold and dispensed to the consumer in pubs.*

4. Presentation of Mandatory Information

1. Minimum Font Size

Article 13(2) and Annex IV of the FIC require that all mandatory information is subject to a minimum font size:

- Where the largest surface area of a package or container is greater than 80cm² the x-height (as defined below) is equal to or greater than 1.2mm.
- Where the largest surface area of a package or container is less than 80cm² the x-height (as defined below) will be equal to or greater than 0.9mm

Subject to review by the Commission, suppliers of alcoholic beverage are not required to provide mandatory nutritional and/or ingredient information. Where companies wish to provide such information voluntarily, Article 36 and 37 of the FIC provides a further derogation which exempts such information from being presented using the minimum font size.



2. Neck Labels and Collars

Panel labels (i.e. front & rear or wrap around) should be used for the purpose of primary, product labelling. However, where the package design physically permits only restricted space for label application i.e. via neck labels or collars, Article 16 of the FIC allows for the omission of certain mandatory particulars only where the available surface area for labelling is less than 10cm². Such particulars are also exempt from requirements to include mandatory information in the principle field of vision. In this case only the following would be necessary, with ingredient and nutrition information provided separately or in addition and at the request of the customer:

- Name of the food

- Allergy information
- Net quantity of the food
- Date of minimum durability

3. Field of Vision Requirements

Article 13(5) of the FIC states that the following mandatory label elements must be placed within the same field of vision:

- The name of the food (Article 9[1a])
- The net quantity (Article 9[1e])
- Alcohol strength (Article 9[1k])

However, Article 16(1) then provides a derogation from the field of vision requirements in the case of glass bottles intended for re-use which are indelibly marked and have no label, ring or collar.

4. Distance Selling Through Websites and Mail Order

Article 14 of the FIC requires that, with the exception of an indication of minimum durability, all mandatory food information provided in Article 9(1) as listed in Table 1 above must be made available to consumers prior to the sale of any packaged beer by way of 'distance communications' i.e. telephone, online/website sales or mail order. Such methods may include:

- For on-line sales, a separate webpage indicating all mandatory information
- For mail-order, a separate catalogue page or online webpage indicating all mandatory information
- Telephone helpline (must be reached via a free-phone number)

Further to the above, the same information and including an indication of minimum durability must then be made available at the moment of delivery *i.e. as part of a sales invoice or on stickers affixed to the goods packaging.*

5. Labelling of Outer Packaging – Multipack Cases

Article 13(1) of the FIC requires that all mandatory information must be marked in such a way as to be conspicuous, easily visible, clearly legible and, where appropriate, indelible. Mandatory information shall not be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material.

Such conditions already, and will continue to apply, to multipacks intended for sale as such to the ultimate consumer. More limited labelling requirements apply to the external packaging within which pre-packed foods are presented for marketing and only the following need appear (Article 8[7]):

- Name of the food
- Date of minimum durability
- Any special storage conditions
- Name or business name and address of the food business operator

However, it should be noted that unless all mandatory information is further provided on the individual package units (i.e. bottles or cans) or is provided as part of commercial documents where it can be guaranteed that these will accompany the product to which they refer or were sent before or

at the same time as delivery, an ‘outer’ (i.e. case or tray) cannot then be broken up for sale to the final consumer.

Use of ‘signposting’ may be applied for specific information e.g. to indicate where allergy information or minimum date of durability may be found and only where such information can be clearly seen on individual package units within the outer packaging (i.e. through plastic wrap). Signposting of allergy information must not mention the allergens in question but should read ‘for allergens see ingredient declaration’ or similar.

5. Details for Specific Mandatory Label Requirements:

<p>i) Name of the product (Art.17)</p>	<ol style="list-style-type: none"> 1. There are no legal definitions for beer and therefore the product name should be: <ul style="list-style-type: none"> - A customary name or, where there is no customary name, a descriptive name. 2. An accompanying, descriptive name must also be used if the product name is not sufficient to distinguish it from other similar products. 3. Names protected as intellectual property, brand names or ‘fancy’ names i.e. ‘Hop to Trot’ may be used but are not permitted as product names.
<p>ii) Allergy Information (Art.21 and Annex II)</p>	<ol style="list-style-type: none"> 1. A complete list of allergens (as ingredients and/or process aids) that must be declared is contained within Annex II of the FIC. 2. Allergens must be declared within the ingredient list, however: <ul style="list-style-type: none"> - For beverages with an alcohol strength greater than 1.2% which are exempt from mandatory ingredient listing and only where an ingredient list is not provided, allergens must then be declared individually and preceded by the word ‘Contains’ - There is an exemption for isinglass finings (Annex II, 4[b]) which is not required to be declared as an allergen 3. If the allergen is not obvious from the name of the ingredient/process aid, a suitable reference must also be used i.e. malt (barley) or ‘name of process aid’ (soya) 4. Where relevant, allergens must be declared for <u>each</u> ingredient and/or process aid used to make the product, even if these are all from the same substance listed in Annex II. 5. Allergenic ingredients must be clearly distinguished within the ingredients list (including from the background) through the use of contrasting font or type (e.g. Bold or Colour). 6. The UK FSA state that only ‘added’ sulphites need be declared and only when used as a preservative and present within the final product as served above 10ppm (FSA Technical Guidance – Food Allergy Information Requirements under EU Food Information for Consumers Regulation 1196/2011).

<p>iii) Quantitative Ingredients Declaration (QUID) (Art.22 and Annex VIII)</p> <p><i>Mandatory under certain circumstances</i></p>	<p>1. <i>The details of QUID have remained unchanged from previous legislation (2000/13/EC)</i></p> <p>2. <i>QUID will <u>not</u> be triggered by customary names such as “oatmeal stout” or “wheat beer” even though the ingredient appears in that name.</i></p> <p>3. <i>An indication of the quantity of an ingredient/category of ingredients must be provided where:</i></p> <ul style="list-style-type: none"> - <i>They appear in the name of the food (subject to the above condition)</i> - <i>They are associated by consumers as being ‘characteristic’ of that food and the variation in quantity would differentiate the product from other similar products and govern consumer choice.</i> - <i>They are emphasised by words, pictures or graphics on the label This provision does not apply when a pictorial representation is descriptive of the agricultural origin of certain ingredients without emphasising the quantity of the ingredients concerned. (e.g. a picture of barley or hops on a beer label.)</i> <p>4. <i>There is also an exemption where an ingredient or category of ingredients is used in small quantities for the purpose of flavouring, for example this exemption would apply where hops are emphasised on the label.</i></p>
<p>iv) Net Quantity (Art. 23, 42 and Annex IX)</p>	<p>1. <i>Net quantity shall be expressed using appropriate units of volume for liquid products e.g. ml, cl, l</i></p> <p>2. <i>The Weights and Measures (Packaged Goods) Regulations 2006, permits:</i></p> <ul style="list-style-type: none"> - <i>The use of imperial units of measurement in addition to their metric equivalents on pre-packaged beer labels (Article 42 of the FIC allows for the continued use of imperial measurements through the adoption of national measures).</i> - <i>The use of the ‘e’ mark on small pack labels, in a font size with an x-height at least 3mm high, immediately before of after the net quantity declaration. This mark indicates compliance with European Directive 75/106/EEC</i> <p>3. <i>All indications of net quantity should be expressed using the minimum font sizes for the appropriate nominal quantity as defined in Paragraph 8(d) of the Weights and Measures (Packaged Goods) Regulations 2006.</i></p> <p>4. <i>Weights and Measures (Packaged Goods) Regulation 2006; Paragraph 3 (1a iii), exempts large pack containers from declaring net quantity information.</i></p>

<p>v) Minimum Durability (Art. 24 and Annex X)</p>	<p>1. All small and large pack beer, with an alcoholic strength less than Alc. 10% Vol. is required to include an indication of minimum durability.</p> <p>2. Previous exemptions for beer sold in containers greater than 5 litres have been removed with the introduction of the FIC to the UK.</p> <p>3. Alcoholic beverages with an expected shelf life of:</p> <ul style="list-style-type: none"> - Between 3 and 18 months may use an indication of 'month' and 'year' - Greater than 18 months need only provide a 'year' <p>5. The words 'Best Before End:' must be used where there is no indication of a 'day' as part of the best before date.</p> <p>6. It is advised that where 'month' indications are provided that these are provided as 'words' rather than 'numbers' i.e. 'Mar' or 'March' rather than '3'</p>
<p>vi) Special Storage Conditions/Conditions for use (Art. 25)</p>	<p>1. Any instructions that are necessary to ensure the appropriate storage conditions or particular conditions of use of the food must be provided e.g.:</p> <ul style="list-style-type: none"> - Refrigerate before opening (e.g. applied to can or bottle beer)
<p>vii) Country of Origin (Art. 26 and Annex IX)</p> <p><i>Mandatory under special conditions</i></p>	<p>1. <u>The details of the provisions for country of origin/place of provenance labelling are not yet fully established.</u></p> <p>2. A country of origin or place of provenance indication must be provided if its absence would result in consumers being misled.</p> <p>3. Information accompanying the food or label as a whole must be taken into account when considering the implication of country of origin of the food in question.</p> <p>4. The FIC does not affect the provisions of (EC) No 509/2006 [agricultural products and foodstuffs as traditional specialties guaranteed] and (EC) No 510/2006 [protection of geographical indications and designations of origin for agricultural products and foodstuffs].</p> <p>5. A definition of the 'Origins of Goods' are defined with Articles 23 and 24 of the Community Customs Code (EC 2913/92).</p>
<p>viii) Instructions for use (Art. 27)</p> <p><i>Mandatory under special conditions</i></p>	<p>1. Instruction for use should be provided only where it would not be possible to make appropriate use of the food without such information:</p> <ul style="list-style-type: none"> - Allow to Settle (Cask beer) - Appropriate opening instructions for package containers (mini-casks)

<p>ix) Alcohol Content (Art. 9(k), 28 and Annex XII)</p>	<p>1. The alcoholic strength of products greater than Alc. 1.2% Vol. must be declared.</p> <p>2. Annex XII of the FIC describes the conditions for alcoholic strength indications:</p> <ul style="list-style-type: none"> - alcoholic strength shall be indicated by a figure not more than one decimal place - indications of alcoholic strength shall be followed by ‘% vol’ - Indications of alcoholic strength may be preceded by the word ‘alcohol’ or the abbreviation ‘alc’ <p>3. Annex XII of the FIC provides allowed tolerances for alcohol declarations based on beverage type and strength.</p> <p>4. Rules for labelling of low alcohol products as described under UK Food labelling Legislation (1996) have been adopted in the FIC under a sunset clause which is due to expire in December 2018:</p> <p><u>"Alcohol-free"</u>. This description must not be applied to any drink from which the alcohol has been extracted unless the drink:</p> <ul style="list-style-type: none"> (a) has an alcoholic strength by volume of not more 0.05%, <p>and</p> <ul style="list-style-type: none"> (b) is marked with an indication of its maximum alcohol strength or, in an appropriate case, with an indication that it contains no alcohol. <p><u>"De-alcoholised"</u>. This description must not be applied to a drink unless:</p> <ul style="list-style-type: none"> (a) the drink, being an alcoholic drink from which the alcohol has been extracted, has an alcoholic strength of not more than 0.5%, and (b) the drink is marked or labelled with an indication of its maximum alcoholic strength or, in an appropriate case, with an indication that it contains no alcohol. <p><u>"Low Alcohol"</u>. The description or any other word or description which implies that the drink being described is low in alcohol shall not be applied to any alcoholic drink unless:</p> <ul style="list-style-type: none"> (a) the drink has an alcoholic strength by volume of not more than 1.2%, and (b) the drink is marked or labelled with an indication of its maximum alcoholic strength in the prescribed form immediately preceded by the words "not more than". <p><u>"Non-alcoholic"</u>. This description must not be used in conjunction with a name commonly associated with an alcoholic drink.</p>
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6. Provision of Allergen information for Non Pre-Packed Food

Article 44 of The FIC introduces a mandatory requirement for the provision of allergen information for all non pre-packed foods. In the case of the brewing industry non pre-packed food is defined as large pack, draught beer as sold to the consumer.

The details regarding the specific provision of allergen information for non pre-packed foods has been deferred to Member States to determine individually. The most recent, official [guidance](#) available from [FSA](#) states that, as for packaged beers, any of the foods/ingredients present in Annex II of the Regulation that have been used in the preparation of the final product, but not as a result of cross-contamination, must be declared.

Within the FIC there is an exemption for isinglass finings (Annex II, 4[b]) which are not required to be identified as an allergen.

1. Provision of Allergy Information to Consumers

Such information must be made available for consumers and may be provided using a method that includes, but is not restricted to:

- Menus
- Chalkboards
- Tickets, or
- Provided verbally by an appropriate members of staff

Information provided must be clearly available to consumers at the point at which an order is made. Similarly, if allergy information is to be made available by verbal means then consumers must be made aware, using the same principles above, that allergy information can be obtained in this way from a member of staff. However, verbal communications must be consistent and verifiable if challenged

Allergy information must be specific to the 'food' and must be complete and accurate.

7. Voluntary Information for Small and Large Pack Beer

1. Lot Marking

With the introduction of the FIC to the UK, beers packaged into large pack (i.e. a volume no less than 25 litres) are no longer exempted from the need to provide an indication of minimum durability³, which becomes a mandatory requirement for beer packaged into both small and large pack.

However, members who wish to do so may continue to provide a Lot Mark as a voluntary addition and only in addition to a best before date.

The introduction of the FIC to the UK will replace the UK Food (Lot Marking) Regulations 1996⁴ with the adoption of the European Lot Marking Directive ([2011/91/EU](#)).

³ Food Labelling Regulations (1996) <http://www.legislation.gov.uk/uksi/1996/1499/made>

⁴ Food (Lot Marking) Regulations, 1996 <http://www.legislation.gov.uk/uksi/1996/1502/contents/made>

2. Ingredient and Nutritional Declarations

Under existing food labelling Regulations, there is no mandatory requirement for alcoholic beverage labels (drinks with an alcohol strength greater than 1.2% by volume) to carry either:

- Ingredient information, or
- Nutritional information.

The Commission has committed to producing a report, which may include associated legislative proposals, which will determine any continued exemptions for alcoholic beverages. However, once agreed, any changes are likely to allow a significant lead-in time for full implementation. This could not be before 13th December 2016 in the case of nutritional information (Article 55).

The conditions of the provision of 'voluntary information', *which must not impact on the provision of mandatory information*, are described within Article 36 and 37 of the Food Information Regulations.

3. Derogation from Minimum Font Size Requirements

Under the exemptions from the provision of mandatory ingredient and nutritional information for beverages with an alcohol strength greater than Alc. 1.2% Vol., where such information is provided on a voluntary basis, this is then **not subject** to the minimum font size requirements for mandatory information as laid out within the FIC (Article 37).

i) Ingredients List

(Art. 18, 19 & 20 and Annex III)

Beer with strength greater than Alc. 1.2% Vol. is not subject to mandatory ingredient labelling. Beers with an alcohol content below this strength and companies who voluntarily wish to include an ingredient list must:

- Ensure that the list is headed/preceded by a suitable heading that includes or uses the word 'Ingredients'.
- List ingredients in descending order of weight.
- Use designated names where applicable.

As part of an ingredient declaration it is not necessary to include:

- Food enzymes
- Food additives which are 'carried over' from additives introduced as a component of another ingredient, provided that these have no technological function in the final product.
- Food additives used as process aids
- Water used during production to reconstitute a dehydrated or concentrated ingredient.

The use of engineered nanomaterials (as defined within Art. 2,2[t]) must be highlighted within the list of ingredients.

In addition, for genetically modified (GM) foods or ingredients, the GM Food and Feed Regulation (EC) No. 1829/2003 requires that all ingredients that are from a GM source should be indicated on the product label e.g. flour, oils and glucose syrups.

Annex III lists additional requirements for some ingredients:

- Foods containing sweeteners
- Foods packaged in certain gases
- Foods containing glycyrrhizic acid or its ammonium salt
- Beverages high in caffeine content/foods with added caffeine

ii) Nutritional Declaration (small and large pack and draught beer as served to consumers)

(Art. 29 – 35)

The mandatory declaration of nutritional information per 100 g/ml of food becomes a requirement from the 13th December 2016. The Commission has committed to producing a report which will determine continued exemptions (if any) for alcoholic beverages from this date. However, once agreed, any changes are likely allow a significant lead-in time for full implementation.

Whilst factual statements of nutritional content are permitted, with the exception of claims regarding low/reduced alcohol or reduced energy content, it is not possible to make nutritional claims for alcoholic beverages and there are no permitted health claims for alcoholic beverages.

1. Primary nutritional declaration

Where members wish to voluntarily provide nutritional information for packaged beer, Article 30 (4 & 5) of the FIC provides a derogation for alcoholic beverages from the required format of the mandatory declaration for other foods. Members who wish to provide nutritional information may choose from either of the following options:

(Option A)			or	(Option B)		
Energy	kj	X.X		Energy	kj	X.X
	Kcal	X.X			kcal	X.X
				Fat		X.Xg
				<i>of which saturates</i>		X.Xg
				Carbohydrate		X.Xg
				<i>of which sugars</i>		X.Xg
				Protein		X.Xg
				Salt		X.Xg

Where nutritional information is provided on a voluntary basis this must reflect the requirements for clarity, understanding and accuracy as set out within the FIC for voluntary provision of mandatory information (Article 36 & 37) and with reference to fair information practices (Article 7).

In the case of both options above, the example format is suggested on the basis of clarity and understanding. Nutritional information must also be listed in the order provided and with associated values to no greater than one decimal place. It is recommended that these values are aligned around the decimal point.

Article 34(2) allows for the presentation of nutritional information in a linear form if the label does not allow sufficient space for the tabular format as described above. For beer labels, *in particular for those applied to 500ml bottles or cans*, it is unlikely that the space available for such information would be sufficient to justify provision in a linear format. However, it is possible to adjust the tabular format such that this would be applied across two columns and four rows:

Energy	kj	X.X		Carbohydrate	X.Xg
	kcal	X.X		<i>Of which sugars</i>	X.Xg
Fat		X.Xg		Protein	X.Xg
<i>Of which saturates</i>		X.Xg		Fat	X.Xg

Where a split, tabular format is used, some form of separation between the two principle columns is required to ensure clarity. This can take the form of either a blank space (as above) or a dividing line in a heavier or darker line weight than for the other table boarder lines.

2. Supplementary information and repeat Information

Additionally, one or more of the supplementary elements are also permitted only in addition to Option B and in the following order as provided in Annex XV:

Fat
<i>Of which (in addition to 'saturates')</i>
- Mono-unsaturates
- Polyunsaturates
Carbohydrate
<i>Of which (on addition to 'sugars')</i>
- Polyols
- Starch
Fibre (above 'protein')
Vitamins and minerals (beneath 'salt') - <i>as listed in Annex XIII, point 1, Part A and present in significant amounts as defined in Annex XIII, point 2, Part A.</i>

Where either Option A or B (including supplementary information) is provided as part of a primary nutritional declaration, the following information may then be repeated on the label. Repeated information may only include that which is included within the primary declaration as either:

- The energy value, or
- The energy value and the amounts of fat, saturates, sugar and salt.

3. Provision of nutritional information for draught beer (as served to the consumer)

For FBO's (i.e. pubs) providing beer directly to the consumer from large pack (either keg or cask), Article 30(5) permits the voluntary provision of nutritional information as:

- The energy value alone or,
- Energy and the amounts of fat, saturates, sugar and salt.

iii) Calculation of Nutritional Values

1. Form of Expression

Annex XIV provides reference information to allow the calculation of overall energy values for packaged foods and Annex XV the required units for the expression of nutritional elements i.e. µg, mg, g etc.

All values on the primary declaration must be expressed per 100mls as a mandatory requirement. The amounts of nutrients provided, must reflect the content of the food as sold. Nutritional and energy values may be calculated from either:

- Analysis of the food
- Known or actual average values of ingredients used
- Generally established or accepted data

2. Reference Intake for Vitamins and Minerals

Reference intake values for all of the nutritional elements that may be provided as part of a label declaration are provided in Annex XIII of the Regulation.

It is a mandatory requirement for the individual vitamins and minerals that are declared in supplement to the core nutritional elements to be expressed additionally as a percentage of the reference intake values provided in Annex XIII.

If required, the nutritional elements listed in Option B, and where these are repeated on the label, may also be indicated as a percentage of the reference intake values provided in Annex XIII. Where reference intake information is provided, the following statement must be used in close proximity to the declaration:

Reference intake of an average adult (8,400 kJ/2,000 kcal)

3. Expression Per Portion/Consumption Unit

Where applicable, the nutritional elements listed in Option B may also be expressed either as per portion and/or per consumption unit, provided that the definition of such units are recognisable to consumers and that where these forms of expression are used the volume of the portion and/or the number of portions contained within the package is provided on the label. For most small pack container formats (i.e. 275ml, 330ml and 500ml) the pack size itself is likely to be the most appropriate form of expression to use in this way.

Where used, per portion/per consumption unit values must be expressed in addition to those forms of expression already required as part of the nutritional declaration (i.e. per 100mls and where needed the percentage reference intake value).

Articles 33 (2) and 33 (3) provides for a derogation to the Regulation which permits the following to be expressed per portion/per consumption unit only:

Small and large pack beer <i>(with the exception of energy which alone must also be declared per 100mls)</i>	Draught beer as served to the consumer
The nutritional elements that are repeated on pre-packaged product labels	The energy value and nutritional elements listed in Option B

4. Presentation of nutritional information

The primary nutritional declaration and any supplementary information must be supplied within the same field of vision, in a clear format and, where supplementary vitamins and minerals are provided, in the same order as presented in Annex XV of the FIC.

Article 34(3a & b) states that nutritional information that is repeated on the label should be presented:

- In the principle field of vision
- Using the minimum font size specified within the Food Information Regulations

5. Alternative forms of expression

The Food Information regulation allows Members States to define further formats for the provision of alternative forms of expression, including graphical forms or symbols, as part of the nutritional information that may be repeated on product labels.

The Department of Health has developed guidance on the format that may be used in England, Scotland and Wales to graphically represent repeated, front of pack, information⁵.

⁵https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300886/2902158_FoP_Nutrition_2014.pdf

Annex 1. UK Health and Responsibility Labelling

Public Health Responsibility Deal Pledge – Alcohol Labelling

Provision of alcohol health information falls outside of the legal requirements of the FIC and represents an example of industry best practice. This paper outlines the key issues to remember when incorporating health information onto packaging – for more detailed advice on alcohol health labelling when undertaking a packaging re-design process please see the [Portman Group Labelling Guidance](#). BBPA can also provide support to member companies on compliance.

As part of a Public Health Responsibility Deal (PHRD) agreed with the Government in March 2011, UK alcohol beverage companies voluntarily pledged to implement a health labelling scheme to better inform consumers about responsible drinking. This pledge was aligned with the industry's response to a Department of Health (DH) consultation in May 2010 on options for improving information on the labels of alcoholic drinks to support consumers to make healthier choices in the UK.

The extent of alcohol product labels that complied with the PHRD pledge was assessed in December 2013 and it was found that over 90% of beer labels carried the three principal elements on which compliance was judged:

- 1. Unit alcohol content**
- 2. Chief Medical Officers' daily guidelines for lower-risk consumption**
- 3. Pregnancy warning**

As part of the pledge, Companies were also able to include two additional, optional elements as follows:

- 4. drinkaware.co.uk**
- 5. Responsibility statement (e.g. "please drink responsibly")**

Although the PHRD has now come to an end, the industry has committed to continuing to provide consumers with alcohol health information. The following is provided to assist members with this process

General Compliance

- Information should be clear, legible, displayed on the primary packaging and not difficult for consumers to find. Companies are encouraged to use a font size no smaller than the main body of information and consider the contrast of the font colour with the colour of the packaging.
- Information should be grouped together e.g. in a box or clearly differentiated from the other information on the packaging.
- The label should not include any content which might undermine the health messaging.

1. Unit alcohol content

- The number of units should be displayed with the suffix 'UK units' in an appropriate icon e.g. bottle, pint glass etc

- The number of units should be calculated for the whole container rather than a serving – this is done by multiplying the volume of the drink (ml) by the alcohol strength (%) and dividing by 1000.
- Units should be rounded to 1 decimal place – for example a 4.5% beer in a 500ml serve is 2.25 units, and should be rounded to 2.3 UK units. If the second decimal place is below 5, i.e. 2.24 then the number of units should be rounded down to 2.2 UK units.

2. Chief Medical Officers' daily guidelines for lower-risk consumption

- Following the release of the Governments new Low Risk Drinking Guidance in January 2016 the industry is in the process of agreeing a new form of words to include on package labels.
- Although there is no expectation from Department of Health for companies to proactively undertake label changes, members may wish to remove the old CMO guidance as part of planned label reviews and until the new wording is agreed. However,
- Members should not attempt to create bespoke forms of wording until an industry approved form has been agreed with the Department of Health along with a suitable transitional period.

3. Pregnancy warning

The label should either state "Avoid alcohol if pregnant or trying to conceive" or display an agreed circular logo showing the silhouette of a pregnant woman holding a wine glass with a line struck across it.



4. Additional Logos

- The following logos advising against drinking and driving and promoting the legal purchasing age, and that may be used in other markets, may also be added to product labels if desired:



Annex 2. Example Beer Labels

The following examples are provided as an illustration of the possible layout for typical beer label designs incorporating mandatory and voluntary information as required with the FIC and as detailed within this guidance:

Example 1. Wrap-around label



Note that allergens are included under a 'contains' statement as ingredients are not listed

Example 2. Rear Panel Label

