

**Working document
for discussion at the Committee for Spirit Drinks
of 5 December 2019**

DISCLAIMER

**The content of this draft is still under Commission-internal consultation
and has not yet been agreed upon by other Commission services.**

It is still incomplete and is subject to changes.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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Draft Working Paper

Guidelines

for the implementation of certain labelling provisions of Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019

**on the definition, description, presentation and
labelling of spirit drinks, the use of the names of
spirit drinks in the presentation and labelling of
other foodstuffs, the protection of geographical
indications for spirit drinks, the use of ethyl alcohol
and distillates of agricultural origin in alcoholic
beverages, and repealing Regulation (EC) No
110/2008**

Foreword and disclaimer

This guidelines document is aimed at assisting Member State administrations and spirit drinks producers. It is provided for information purposes only and its contents are not intended to replace consultation of any applicable legal sources or the necessary advice of a legal expert, where appropriate. Neither the Commission nor any person acting on its behalf can be held responsible for the use made of these guidance notes nor can they be considered as a binding interpretation of the legislation. Such an interpretation can only be made by the national courts and the Court of Justice of the European Union.

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Table of Abbreviations

FIC Regulation	Regulation (EU) No 1169/2011 on food information to consumers
GI	Geographical Indication
MS	Member State
§	Paragraph of the present Guidelines

1. INTRODUCTION

1.1. Historical context

The 2016 Commission proposal for the alignment of Regulation (EC) No 110/2008 to the legal requirements of the Lisbon Treaty¹ provided the legislator with a welcome occasion to revise certain provisions that had previously encountered interpretation and implementation difficulties.

Among those account first and foremost the rules on compound terms and allusions.

Specific EU rules on compound terms made their first appearance in 1991, when Commission Regulation (EEC) No 1781/91² amended Commission Regulation (EEC) No 1014/90³ to implement the statement contained in Article 6(1) of **Council Regulation (EEC) No 1576/89**⁴, that *special provisions may govern [the use of compound terms] in addition to the sales description*.

Those special provisions were laid down – with reference to the product category ‘liqueur’ only – in Article 7b of Regulation (EEC) No 1014/90, prohibiting *the use of a generic term in a compound term [...] in the presentation of a spirit drink unless the alcohol in that drink originates exclusively from the spirit drink cited*⁵.

In 1998, a judgement of the European Court of Justice⁶ ruled that:

“The words ‘*spiritueux au whisky*’ do not constitute a compound term within the meaning of Article 7b of Regulation (EEC) No 1014/90 [...] By ‘*compound terms*’ the Community Legislature intended to refer to a combination of the names of two different drinks, not the combination of the words ‘spirit’ and ‘whisky’, whisky being itself a spirit.”

Taking into account the increased demand for consumer protection and information along with the needs of the alcoholic beverages industry,

¹ Proposal for a Regulation of the European Parliament and of the Council on the definition, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling for other foodstuffs and the protection of geographical indications for spirit drinks, COM(2016)750 final of 1.12.2016 (2016/0392(COD)).

² Commission Regulation (EEC) No 1781/91 of 19 June 1991 amending Regulation (EEC) No 1014/90 laying down implementing rules on the definition, description and presentation of spirit drinks (OJ L 160, 25.6.1991, p. 5).

³ Commission Regulation (EEC) No 1014/90 of 24 April 1990 laying down detailed implementing rules on the definition, description and presentation of spirit drinks (OJ L 105, 25.4.1990, p. 9).

⁴ Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks (OJ L 160, 12.6.1989, p. 1).

⁵ At the same time, Article 7b of Regulation 1014/90 provided for a derogation (still existing today in the ‘liqueur’ category) in favour of compound terms traditionally used in the presentation of certain liqueurs, to take account of long-established practices pre-existing Regulation 1576/89.

⁶ Judgement of the European Court of Justice of 16 July 1998 on the case C-136/96 (The Scotch Whisky Association v Compagnie financière européenne de prises de participation (Cofepp), Prisunic SA and Centrale d'achats et de services alimentaires SARL).

Regulation (EC) No 110/2008⁷, further elaborated rules on ‘compound terms’ by extending its application beyond the category ‘liqueur’ and even beyond the spirit drinks sector.

Moreover, it created the additional concept of ‘allusions’ and, in its Article 10(1), provided for both that the use of sales denominations or geographical indications for spirit drinks in the presentation of a foodstuff *shall be prohibited unless the alcohol originates exclusively from the spirit drink(s) referred to*.

Article 10(2) of Regulation (EC) No 110/2008 also prohibits the use of a compound term *where a spirit drink has been diluted so that the alcoholic strength is reduced to below the minimum strength specified in the definition for that spirit drink*.

1.2. The 2012 Guidelines

In order to clarify the latter provisions mentioned above and in view of their uniform application, in 2012 the Commission divulged the document **Guidelines relating to Article 9, 10 et al. of Regulation (EC) No 110/2008 [...] concerning “compound terms”**⁸, issued on the basis of discussions held among Member States in the Committee for Spirit Drinks in 2008⁹.

The preamble to this document explained that, historically, ‘compound terms’ *constitute the only legally accepted exemption to the principle of strict protection of sales denominations and geographical indications*.

The clear definition of such exemption and the correct use of ‘compound terms’ was deemed necessary as the spirit drink sector, in the absence of compulsory ingredient labelling, relied on a clear sales denomination system.

This system provided an enhanced protection for spirit drink names (categories and geographical indications) in view of an adequate consumer information, the prevention of deceptive practices and the safeguard of the reputation of certain renowned spirit drinks, while taking into account innovation.

The 2012 Guidelines attempted thus to define ‘compound terms’, which constituted the only possibility provided by Regulation (EC) No 110/2008 to derogate from the general prohibition against the use *in any way whatsoever* of spirit drink names (categories or GIs) on a product that does not fully meet the definitions laid down in the relevant category or technical file.

⁷ Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).

⁸ Guidelines relating to Article 9, 10 et al. of Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 concerning “compound terms”.

⁹ See “Minutes of the 93rd meeting of the Committee for Spirit Drinks on 3 July 2008” (AGRI/D/25555 22/10/2008) as endorsed by the Committee for Spirit Drinks in its 94th meeting on 5 November 2008.

However, even the 2012 Guidelines did not prove sufficient to address all issues at hand and, in spite of the previously declared intention not to adopt implementing provisions or to re-open discussions on the contents of Regulation (EC) No 110/2008, one year later the Commission adopted **Implementing Regulation (EU) No 716/2013**¹⁰.

That Regulation defines ‘compound terms’ and ‘allusions’ in Article 2(c) and (d) respectively and provides for specific rules in Articles 2, 3 and 4.

With the entry into force of Commission Regulation (EU) No 716/2013, **the 2012 Guidelines became obsolete and no longer applicable**.

1.3. Current situation

At the time of release of the present Guidelines, the exemption from the mandatory labelling of a list of ingredients (and of a nutrition declaration) for alcoholic beverages containing more than 1,2% by volume of alcohol, provided for by the first subparagraph of Article 16(4) of Regulation (EU) No 1169/2011¹¹ (hereinafter FIC Regulation), is still in force.

In compliance with the provision of the second subparagraph of that same Article, in March 2017, the Commission published a report regarding the mandatory labelling of the list of ingredients and nutrition declaration of alcoholic beverages¹².

That report concluded that no objective grounds could be identified justifying the continuation of the above-mentioned exemption. For this reason, and given also consumers expectations and national initiatives emerged over time to address them, which contribute to an increased risk of market fragmentation, the Commission invited the industry to present within a year of adoption of this report a self-regulatory proposal that would cover the entire sector of alcoholic beverages.

The Commission would assess the industry's proposal. Should the Commission consider the proposal as unsatisfactory, an impact assessment would be launched to review further available options.

A year later, on 12 March 2018, the European alcoholic beverages industry presented a self-regulatory proposal, broken down in four sector-specific annexes detailing the proposals for beer, cider, spirits and wine respectively.

¹⁰ Commission Implementing Regulation (EU) No 716/2013 of 25 July 2013 laying down rules for the application of Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks (OJ L 201, 26.7.2013, p. 21).

¹¹ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

¹² Report from the Commission to the European Parliament and the Council regarding the mandatory labelling of the list of ingredients and nutrition declaration of alcoholic beverages, COM(2017)58 final of 13.03.2017.

The Commission has examined the proposals and, where necessary, engaged in bilateral exchanges with each sector in view of improving the proposed commitments.

For spirit drinks, those discussions resulted in the signature by representatives of the industry of a Memorandum of Understanding on 4 June 2019. This Memorandum outlines the self-regulatory commitments of the subscribing parties. On that basis, within the next years, spirit drinks placed on the EU market will gradually display the nutritional declaration (or at least the energy value) and ingredients list on their labels and/or on online platforms directly accessible via an electronic form identified on the label.

Nonetheless, at present, those commitments are not implemented in a generalised manner, yet.

For this reason and given the sensitivity of the sector and the increased risk of misleading consumers when describing elaborated combinations of spirit drinks with other foodstuffs, the need for strict and harmonised provisions on composition and labelling of compound terms and allusions, but also mixtures and blends, is still of relevance.

1.4. Purpose and scope of the present Guidelines

The new Spirit Drinks Regulation (EU) 2019/787 was published on 17 May 2019 and entered into force 7 days later. However, it will only apply from 25 May 2021 with respect to its production and labelling provisions.

In line with Article 43(2) of Regulation (EU) 2019/787, the purpose of the present Guidelines – which are also applicable as of 25 May 2021 – is *to ensure its uniform application* for the benefit both of national administrations¹³ and spirit drinks producers as concerns certain labelling provisions laid down therein.

It is strictly limited to the practical explanation of provisions concerning in particular the use of ‘legal names’, ‘compound terms’ and ‘allusions’, but also of ‘mixtures’ and ‘blends’.

To this end, it gives several examples that are provided however for illustration purposes only.

The present Guidelines, including the examples it provides, cannot be regarded as official interpretation of EU legislation, which is of exclusive competence of the Court of Justice of the European Union.

☞ **NB:** *References to legal provisions indicated hereinafter are intended as being referred to Regulation (EU) 2019/787, save otherwise explicitly indicated.*

¹³ Article 43(1) of Regulation (EU) 2019/787 recites: *Member States shall be responsible for checks on spirit drinks. They shall take the measures necessary to ensure compliance with this Regulation [...].*

2. GENERAL LABELLING RULES FOR SPIRIT DRINKS

Articles 3(1), (4) & (8)	Definitions
Articles 4(1), (2), (3) & (4)	Technical definitions and requirements
Articles 9, 10 & 13	Legal names and other labelling provisions

2.1. Horizontal provisions (FIC Regulation) and QUID rules

According to Article 9 of Regulation (EU) 2019/787, *spirit drinks placed on the Union market shall comply with the presentation and labelling requirements set out in Regulation (EU) No 1169/2011, unless otherwise provided for in this Regulation.*

Except in case of explicit provision of *lex specialis* laid down in the Spirit Drinks Regulation, the presentation and labelling rules laid down for any foodstuff by the FIC Regulation are thus of application also for spirit drinks.

This includes, among others, the provisions of Articles 9(1)(d) and 22 of Regulation (EU) No 1169/2011 which require the indication of *the quantity of certain ingredients or categories of ingredients used in the manufacture or preparation of prepacked foods where the ingredient or category of ingredients concerned:*

- a) appears in the name of the food or is usually associated with that name by the consumer;*
- b) is emphasised on the labelling in words, pictures or graphics; or*
- c) is essential to characterise a food and to distinguish it from products with which it might be confused because of its name of appearance.*

The quantitative ingredients declaration (QUID) is therefore required also for spirit drinks in compliance with the above provisions and as explained in the notice published in 2017 by the Commission on their application¹⁴.

QUID rules apply to spirit drinks as provided for by the FIC Regulation as the Spirit Drinks Regulation does not explicitly derogate from them.

However, point 18 of that notice clarifies that the QUID requirement does not apply in respect of an ingredient (or category of ingredients) used in small quantities to flavour a food¹⁵. As the terms ‘small quantities’ is not defined in the Regulation, an assessment should be made on a case by case basis.

Examples of non-requirement of QUID:

- 1) Chocolate with a scent of rum
- 2) Gin & tonic flavoured yogurt

¹⁴ Commission Notice on the application of the principle of quantitative ingredients declaration (QUID) (2017/C 393/05).

¹⁵ Point (1)(a)(iii) of Annex VIII to Regulation (EU) No 1169/2011 recites as follows: ‘*The quantitative indication shall not be required: (a) in respect of an ingredient or category of ingredients [...] (iii) which is used in small quantities for the purposes of flavouring; [...]*’

Furthermore, point 19 of the same notice explains that spirit drinks – among other foods – are exempted from the QUID requirement where the quantity of an ingredient mentioned in their name does not affect the consumer's purchasing decision¹⁶.

Examples of non-requirement of QUID:

- 1) malt whisky, grain vodka
- 2) standard liqueurs bearing in their denomination only the ingredient used for the flavouring of the alcohol, e.g. lemon liqueur, cream liqueurs
- 3) grape marc spirits, fruit spirits, spirits (preceded by the name of the fruit) obtained by maceration and distillation, Geist (with the name of the fruit or raw material used)
- 4) whisky & honey; ginger rum

*As a principle, **QUID** is required to **inform the consumer about the quantity of the foodstuff contained in a product that is bound to steer his choice among similar products.***

Where QUID is mandatory, in compliance with point 3 of Annex VIII to Regulation (EU) No 1169/2011, *the indication of quantity of an ingredient or category of ingredients shall:*

- a) *be expressed as a percentage, which shall correspond to the quantity of the ingredient or ingredients at the time of its/their use; and*
- b) *appear either in or immediately next to the name of the food or in the list of ingredients in connection with the ingredient or category of ingredients in question.*

☞ **NB:** *The fact that the indication of the ingredients list is not (yet) mandatory for spirit drinks does not exempt them from the quantitative ingredients declaration which is listed among the mandatory particulars in Article 9(1)(d) of the FIC Regulation. Consequently, in the absence of an ingredients list, it is to be indicated on the label either in or immediately next to the name of the food concerned.*

☞ **NB:** *Where required, the QUID rules are of application regardless of the requirement provided for by the Spirit Drinks Regulation in case of allusions, mixtures and blends to indicate the proportion of pure alcohol represented by each alcoholic ingredient (which is a different quantitative indication).*

In those cases, the (description) presentation and labelling of the alcoholic beverage or spirit drink will have to provide both:

- *the indication of the **proportion (in percentage) of pure alcohol** represented by each alcoholic ingredient, and*
- *the indication of the **quantity (again in percentage) of the ingredient** referred to.*

The producer (or importer) will bear the responsibility for ensuring that both types of information are displayed in a way that is not misleading for the consumer.

¹⁶ Point (1)(a)(iv) of Annex VIII to Regulation (EU) No 1169/2011 recites as follows: ‘The quantitative indication shall not be required: (a) in respect of an ingredient or category of ingredients [...] (iv) which, while appearing in the name of the food, is not such as to govern the choice of the consumer in the country of marketing because the variation in quantity is not essential to characterise the food or does not distinguish it from similar foods; [...]’

2.2. Principles governing the Spirit Drinks Regulation

In line with the tradition set out by Council Regulation (EEC) No 1576/89 and carried on with Regulation (EC) No 110/2008, Regulation (EU) 2019/787 continues relying upon the same **liberal principle**:

Every spirit drink may be placed on the EU market as long as it is produced in line with general food law and is correctly labelled.

In other words, no spirit drink – as any other foodstuff – is banned from the EU market as long as it complies with the provided requirements for its production, is safe for consumption and bears adequate consumer's information.

However, concerning spirit drinks, this liberal principle must coexist with the **enhanced protection** EU law bestows upon **legal names and geographical indications**.

Legal names of spirit drink categories and geographical indications for spirit drinks are granted special protection.

Indeed, in order to safeguard the reputation of spirit drink categories and GIs and to prevent consumers' deception, the Spirit Drinks Regulation protects clearly defined products against illegitimate use in the presentation of derived products not meeting the strict production criteria set out therein.

Accordingly, each producer (or importer) will have to carefully consider the labelling provisions set out in Regulation (EU) 2019/787 before placing on the EU market any spirit drink or food referring to spirit drinks.

Particular attention needs to be paid to rules on legal names (Article 10), compound terms (Article 11), allusions (Article 12) and other labelling provisions, including on mixtures and blends (Article 13).

2.3. Legal names

Generally, EU food law does not provide for mandatory product definitions except in cases of vertical legislation such as the Spirit Drinks Regulation.

Both Council Regulation (EEC) No 1576/89 and Regulation (EC) No 110/2008 provided for an enhanced protection both of sales denominations and geographical indications, imposing that every spirit drink marketed in the EU shall bear a clearly defined name.

The present Spirit Drinks Regulation (EU) 2019/787 retains the same approach.

Moreover, in order to align it to the wording of Regulation (EU) No 1169/2011¹⁷ on food information to consumers, the legislator decided to replace the term 'sales denomination' with the term 'legal name', which is defined by Article 3(1) of Regulation (EU) 2019/787 as *the name under which a spirit drink is placed on the market*.

¹⁷ Point (n) of Article 2(2) of Regulation (EU) No 1169/2011.

In compliance with Article 13(1) of Regulation (EU) No 1169/2011, the legal name of spirit drinks, as any other mandatory food information, ***shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material.***

Article 10 of Regulation (EU) 2019/787 provides for the following legal names to be used in the description, presentation and labelling of a spirit drink:

a) MANDATORY:

Article 10(2): the **name of the category** of spirit drinks whose requirements it complies with (or any other legal name permitted by that category);

*If a beverage complies with all requirements laid down for a **spirit drink category**, it must bear the corresponding legal name.*

Article 10(3): the legal name '**spirit drink**', if it does not comply with the requirements of any of the categories of spirit drinks set out in Annex I, but still complies with the definition of and requirements for spirit drinks laid down in Article 2;

*If a beverage does not comply with the requirements of any spirit drink category, but corresponds to the general definition of a spirit drink, it must bear the **generic name 'spirit drink'**.*

b) FACULTATIVE:

Article 10(4): **legal names permitted under one or more categories** of spirit drinks, if it complies with the requirements for more than one categories of spirit drinks set out in Annex I;

Examples of permitted labelling:

- 1) A **Whisky** may also be placed on the market as a **grain spirit** if it complies with both the requirements for categories 2 and 3 of Annex I
- 2) A **Brandy** may also be placed on the market as a **wine spirit** if it complies with both the requirements for categories 4 and 5 of Annex I
- 3) A **Sambuca** may also be placed on the market as a **liqueur** as a Sambuca necessarily complies simultaneously with the requirements for categories 33 and 36 of Annex I

Article 10(5)(a): a **geographical indication** referred to in Chapter III, which may **supplement or replace** its legal name;

Examples of permitted labelling:

- 1) A **Cognac** may be placed on the market as **Cognac** or **Cognac wine spirit**
- 2) A **Grappa** may be placed on the market as **Grappa** or **Grappa grape marc spirit**
- 3) A **Pálinka** may be placed on the market as a **Pálinka** or **Pálinka fruit spirit**

Article 10(5)(b): a **compound term** that includes the term '**liqueur**' or '**cream**', which **may replace** its legal name in derogation from Article 10(6)(c), according to which a compound term may only supplement a legal name (see **§ 3.1 below**), provided that it complies with the respective requirements laid down for category 33 of Annex I (i.e. liqueur);

c) FORBIDDEN:

Article 10(7), first subparagraph: **legal names** permitted under a category of spirit drinks and geographical indications **may not be used** in the description, presentation or labelling of **any beverage** (i.e. alcoholic or not alcoholic) **which does not comply with the requirements** set out for that category or geographical indication (see also § 4.3 below).

This prohibition applies even in presence of terms such as ‘flavour’, indicating to the consumer that that beverage is not to be confused with the spirit drink referred to.

The only **exceptions** to this prohibition are allowed for ‘**compound terms**’, ‘**allusions**’ and ‘**ingredients lists**’ as provided in Articles 11, 12 and 13(2) to (4).

☞ **NB:** *With Regulation (EU) 2019/787, the provision laid down in the first subparagraph of Article 10(7) has become stricter with respect to Article 9(7) of Regulation (EC) No 110/2008, which only prohibited the use of a spirit drink name on **alcoholic beverages** (and **not “any beverage”** as in the new Spirit Drinks Regulation) not complying with all requirements laid down for that spirit drink.*

*This change in wording was necessary to ensure consistency with Article 9(4) of Regulation (EC) No 110/2008, which does not allow the use of sales denominations of spirit drink categories to **describe or present in any way whatsoever any drink** other than the spirit drinks for which those names are listed in Annex II and registered in Annex III. Consequently, Articles 9(4) and 9(7) of Regulation (EC) No 110/2008 were merged into Article 10(7) of Regulation (EU) 2019/787.*

Examples of forbidden labelling:

- 1) **Whisky-type beverage**
- 2) **Cognac-flavoured drink**
- 3) **Zero alcohol Brandy**
- 4) **Non-alcoholic Gin**

☞ **NB:** *Regulation (EU) 2019/787 introduced a novelty with respect to the reference to spirit drink names in other foodstuffs. In fact, according to the second subparagraph of Article 10(7), **flavourings** that imitate a spirit drink or **foodstuffs other than a beverage** having used such flavourings in their production, may bear in their presentation and labelling references to legal names permitted under a **category of spirit drinks**. The only condition is that the consumer is properly informed by accompanying those legal names with the term ‘flavour’ or other similar terms. However, names of **geographical indications may not be used** to that purpose.*

Examples of permitted labelling (categories) in case of use of a flavouring imitating a spirit drink:

- 1) **Rum** flavour for bakery
- 2) **Gin** flavoured ice cream - or - ice cream with gin flavour
- 3) **Whisky** flavoured chocolate - or - chocolate with whisky flavour

Examples of forbidden labelling (GIs) (however, allowed if the genuine GI is used and not a flavouring):

- 1) **Cognac** food flavour
- 2) **Ouzo** flavoured bonbons
- 3) **Cake with Scotch Whisky** flavour

2.4. Terms that may supplement legal names

Article 10(6) provides an **indicative list** of terms that may supplement legal names of spirit drinks.

In this context, the verb “to supplement” should not be understood as a requirement for the concerned term to form integral part of a legal name. It rather indicates that it can be added to the label as an extra element to provide further descriptive information with respect to the product.

Therefore, the “supplementing term” does not necessarily have to be displayed on the same line as the legal name but may appear anywhere on the label.

Accordingly, the following can appear on the label along with the legal name:

- (a) *a **name or geographical reference** provided for in the laws, regulations and administrative provisions applicable in the Member State in which the spirit drink is placed on the market, provided that this does not mislead the consumer;*

Examples:

1) *Warsaw Gin*

2) *Gammel Dansk – bitter produced in Norway and commonly known as such in Denmark*

- (b) *a **customary name** as defined in point (o) of Article 2(2) of Regulation (EU) No 1169/2011¹⁸, provided that this does not mislead the consumer;*

Examples:

1) *Raki* : term commonly used for certain spirits in Bulgaria

2) *Schnaps - Klarer* : terms commonly used for certain spirits in Germany

- (c) *a **compound term** or an **allusion** in accordance with Articles 11 and 12 (with the exception of compound terms resulting from the combination of the name of a spirit drink with the term ‘liqueur’ or ‘cream’, which may replace legal names in accordance with the provision of Article 10(5)(b)).*

It is to be noted that, in case of compound terms, in line with Article 11(2), the terms ‘alcohol’, ‘spirit’, ‘spirit drink’ and ‘water’ may not be part of a compound terms describing an alcoholic beverage, except if those terms are integral part of the legal name of the spirit drink category that is mentioned in the compound term. Consequently, a compound term may in no case be written in such a way as to complete the generic legal name “spirit drink”;

Examples of **permitted labelling**:

1) *Spirit Drink: Ginger Whisky* (legal name supplemented by a compound term)

2) *Liqueur: Coffee Advocaat Liqueur* (legal name supplemented by a compound term)

3) *Chocolate Liqueur with a scent of Rum* (legal name supplemented by an allusion)

Examples of **forbidden labelling**:

1) *Ginger Whisky Spirit Drink*

2) *Rum Water*

¹⁸ Point (o) of Article 2(2) of Regulation (EU) No 1169/2011: ‘customary name’ means a name which is accepted as the name of the food by consumers in the Member State in which that food is sold, without that name needing further explanation.

- (d) the term **‘blend’, ‘blending’ or ‘blended’**, provided that the spirit drink has undergone blending in accordance with Article 3(11);

☞ **NB:** this indication becomes compulsory in the case referred to in Article 13(3)

Examples of permitted labelling:

- 1) **Blended Whisky**
- 2) **Blend of Rums**

Examples of forbidden labelling:

- 1) **Blended Spirit Drink**
- 2) **Blend of Whisky and Vodka**

- (e) the term **‘mixture, ‘mixed or ‘mixed spirit drink’**, provided that the spirit drink has undergone mixing in accordance with Article 3(9);

☞ **NB:** this indication becomes compulsory in the case referred to in Article 13(3)

Examples of permitted labelling:

- 1) **Mixed Spirit Drink**
- 2) **Spirit Drink - Mixture**

Examples of forbidden labelling:

- 1) **Mixed Fruit Spirit and Orange Juice**
- 2) **Aquavit and Water - Mixture**

- (f) the term **‘dry’ or ‘dry’** (i.e. in English or in any other official EU language), provided that the spirit drink has not been sweetened, not even for rounding off the taste. The following **exceptions** apply in case of:

- (i) spirit drinks that comply with the requirements of category 2 of Annex I (i.e. **whisky or whiskey**), which may in no case be sweetened, not even to round off the taste and may thus never be labelled as ‘dry’ or ‘dry’;
- (ii) spirit drinks that comply with the requirements of categories 20 to 22 of Annex I (i.e. **gin, distilled gin and London gin**), to which specific sweetening and labelling rules should continue to apply in relation to the use of the term ‘dry’, (i.e. a content of added sweetening not exceeding 0,1 grams of sweetening products per litre of the final product, expressed as invert sugar);
- (iii) spirit drinks that comply with the requirements of category 33 (i.e. **liqueur**), which must be sweetened by definition. In derogation to the above provision, the term ‘dry’ or ‘dry’ may supplement the legal name of a liqueur that is characterised in particular by a tart, bitter, tangy, acerbic, sour or citrus taste, regardless of their degree of sweetening (recital 17). In fact, the use of the term ‘dry’ in the description, presentation and labelling of liqueurs is not likely to mislead the consumer, as they are required to have a minimum sugar content to be classified as such.

Examples of permitted labelling:

- 1) **Dry Cider Spirit** (if not sweetened, not even to round off the taste)
- 2) **Dry Gin** (if the added sweetening products do not exceed 0,1 grams per litre)
- 3) **Liqueur Triple Sec** (if the liqueur is characterized e.g. by a tart or bitter taste)

Examples of forbidden labelling:

- 1) **Dry Whisky** (never possible because all whiskies must be unsweetened)
- 2) **Dry Brandy** (if sweetened to round off the taste)

2.5. Voluntary food information

In addition to the above, in compliance with the FIC Regulation, **voluntary food information**¹⁹ may be provided in the description, presentation and labelling of a spirit drink.

Article 36(2) of Regulation (EU) No 1169/2011 requires that *food information provided on a voluntary basis shall meet the following requirements:*

- (a) it shall not mislead the consumer, as referred to in Article 7;*
- (b) it shall not be ambiguous or confusing for the consumer; and*
- (c) it shall, where appropriate, be based on the relevant scientific data.*

Such voluntary information may include **quality terms** such as ‘fine’, ‘extra’, ‘premium’, ‘deluxe’, ‘100% pure grain’, ‘superior’, ‘original’, but also ‘Sherry cask’, ‘Port Wine Cask’, ‘Port Wood Finished’, etc.

As the Spirit Drinks Regulation does not regulate the use of such terms in the presentation, description and labelling of spirit drinks, the general provisions of the FIC Regulation are of application.

According to article 7(1) of the FIC Regulation:

Food information shall not be misleading, particularly:

- a) as to the characteristics of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, country of origin or place of provenance, method of manufacture or production;*
- b) by attributing to the food effects or properties which it does not possess;*
- c) by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics, in particular by specifically emphasising the presence or absence of certain ingredients and/or nutrients;*
- d) by suggesting, by means of the appearance, the description or pictorial representations, the presence of a particular food or an ingredient, while in reality a component naturally present or an ingredient normally used in that food has been substituted with a different component or a different ingredient.*

The national competent authorities are responsible for the enforcement of the EU legislation and it is therefore up to them to assess on a case-by-case basis whether the use on the label of spirit drinks of such terms is compliant or not with the relevant EU legislation.

This assessment should thus take into account, among others, that such terms:

- describe the true nature and specific characteristics of the product;
- substantially distinguish the product on which they are used from other (similar) products with which it might be confused;
- are not misleading for the addressed consumers.

Therefore, if quality terms are used as voluntary information, the producer must be able to demonstrate that his product is significantly different from standard

¹⁹ See Chapter V of Regulation (EU) No 1169/2011.

varieties of similar products in terms of quality, material value or a storage or maturation period that sets it apart from the average product of the same kind.

Examples of permitted labelling and of relevant conditions for the use of quality terms:

- 1) ***Fine Kirsch or Edelkirsch** could indicate the exclusive use of table fruit instead of windfalls*
- 2) ***Organic Mirabelle** could indicate the exclusive use of organically grown fruit or fruit from controlled integrated farming*
- 3) ***Superior or Premium Brandy** could indicate a particularly long maturation period*
- 4) ***Fine Whisky** could indicate the use of particularly fine storage containers Whisky could indicate the use of particularly fine storage containers*
- 5) ***Port Wood Finished Whisky** could indicate that the Whisky has been matured for a conspicuous period of time in wooden barrels previously used to age Port wine**

**According to point 2(a)(iii) of Annex I, the maturation of the final distillate shall be carried out in wooden casks not exceeding 700 litres capacity. Since the type of wooden cask is not specified, it is possible to reuse casks in which other alcoholic beverages were previously matured in order to confer a particular flavour to the matured whisky/whiskey.*

2.6. Legal names supplemented by the name of an ingredient

As a voluntary information, the name of a spirit drink (category or GI) may also be supplemented by the name of a **foodstuff** that has been **used in its production** in accordance with the requirements laid down in Annex I for a spirit drink category and, in case of a GI, in its product specification.

In fact, as we will see later (see § 3.1 below), the combination of the name of a spirit drink with the name of one of its ingredients does **not** account as a **compound term** according to Article 3(2) which defines it as the combination of the name of a spirit drink with (among others) *the name of one or more foodstuffs other than foodstuffs used for the production of that spirit drink or adjectives deriving from those names.*

The name of an ingredient used in the production of a spirit drink may be indicated in its presentation, description and labelling in order to provide information as to the main raw material used and conferring predominant organoleptic properties, on condition that this indication is true, accurate and not misleading for the consumer.

In that case, the legal name remains the name allowed under the spirit drink category or in the product specification of a GI.

Examples of permitted indication of one or more main ingredients used to produce the spirit drink:

- 1) ***Single Malt Irish Whisky*** - **Blended Malt Scotch Whisky***
- 2) ***Wheat Spirit**** - **Oat Brandy*****
- 3) ***Chardonnay Wine Spirit** - **Merlot & Chardonnay Brandy***
- 4) ***Grappa di Moscato** - **Grappa di Moscato e Gewürztraminer***
- 5) ***Hops Gin** - **Rhubarb and Ginger Gin******
- 6) ***Peach Liqueur – Coffee Liqueur – Chocolate Cream (Liqueur)*******

**According to point 2(e) of Annex I, the legal name of 'whisky' or 'whiskey' may be supplemented by the term 'single malt' only if it has been distilled exclusively from malted barley at a single distillery.*

***According to point 3(h) of Annex I, in the legal name 'grain spirit' or 'grain brandy', the word 'grain' may be replaced by the name of the cereal used exclusively in the production of the spirit drink.*

****According to point 20(c) of Annex I, flavouring substances or flavouring preparations may be used in the production of gin as long as the taste is predominantly that of juniper.*

****According to point 33(f) of Annex I, without prejudice to Articles 11 and 12 and Article 13(4), the legal name 'liqueur' may be supplemented by the name of a flavouring or foodstuff that confer the predominant flavour of the spirit drink, provided that the flavour is conferred on the spirit drink by flavouring foodstuffs, flavouring preparations and natural flavouring substances, derived from the raw material referred to in the name of the flavouring or to the foodstuff, supplemented by flavouring substances only where necessary to reinforce the flavour of that raw material.

2.7. Ethyl alcohol's or distillates' raw materials

Article 13(1) provides for stricter rules in respect of agricultural **raw materials** used for distillation:

“The description, presentation or labelling of a spirit drink may refer to the raw materials used to produce the ethyl alcohol of agricultural origin or distillates of agricultural origin used in the production of that spirit drink only where that ethyl alcohol or those distillates have been obtained exclusively from those raw materials. In such a case, each type of ethyl alcohol of agricultural origin or distillate of agricultural origin shall be mentioned in descending order of quantity by volume of pure alcohol.”

☞ **NB:** A spirit drink may only refer to the name of a raw material distilled to obtain the ethyl alcohol or distillates used in its production on condition that it is the only raw material used for distillation. If not, all raw materials used are to be mentioned in descending order in its description, presentation and labelling.

Provided that this condition is met, each type of ethyl alcohol or distillate (with the mention of the agricultural product used to produce them) shall be mentioned in descending order of quantity by volume of pure alcohol present in the spirit drink.

Examples of permitted labelling:

1) **Whisky** (spirit drink category 2):

- a) a whisky **produced exclusively by distilling barley** may bear in its description, presentation and labelling the description '**whisky produced from barley**;
- b) a whisky **produced by distilling both barley and wheat (only)**, may be labelled as '**whisky produced from barley and wheat**' or '**whisky produced from wheat and barley**' depending on the proportion of pure alcohol represented by the barley (distillate) and the wheat (distillate) used.

2) **Grain spirit** (spirit drink category 3):

- a) a grain spirit **produced exclusively by distilling rye** may bear in its description, presentation and labelling the legal name '**rye spirit**' (or '**rye brandy**' if it complies with the requirements of letter (g) of point 3 of Annex I). **NB:** the replacement of the word 'grain' with the name of the only cereal used in its production is allowed by point 3(h) of Annex I;
- b) a grain spirit **produced by distilling both rye and oat (only)**, may be labelled as '**rye and oat grain spirit**' (or 'grain brandy') or '**oat and rye grain spirit**' (or 'grain brandy') depending on the proportion of pure alcohol represented by the rye distillate and the oat distillate used.

3) **Gin** (spirit GI under category 20):

- a) a Gin **produced exclusively with ethyl alcohol obtained by distilling grain** may bear in its description, presentation and labelling the voluntary indication '**distilled from grain**'*;
- b) a Gin **produced with ethyl alcohol obtained by distilling exclusively wheat and barley** may bear in its description, presentation and labelling the voluntary indication '**distilled from wheat and barley**' or '**distilled from barley and wheat**', depending on the proportion of pure alcohol represented by each *

*according to point 20(a) of Annex I to Regulation (EU) 2019/787, gin is a juniper-flavoured spirit drink produced by flavouring ethyl alcohol of agricultural origin with juniper berries. According to point 19(a) of the same annex, a juniper-flavoured spirit drink is a spirit drink produced by flavouring ethyl alcohol of agricultural origin or grain spirit or grain distillate or

a combination thereof with juniper berries.

4) **Liqueur** (spirit drink category 33):

- a) a liqueur **produced exclusively by using ethyl alcohol from pears** may bear in its description, presentation and labelling the terms '**Liqueur produced with neutral alcohol from pears**';
- b) a liqueur **produced by using both ethyl alcohol from pears and apricots** may be labelled as '**Liqueur produced with neutral alcohol from pear and apricot**' or '**Liqueur produced with neutral alcohol from apricot and pear**' depending on the proportion of pure alcohol represented by the ethyl alcohol obtained from pears and the ethyl alcohol obtained from apricots.

2.8. Plant raw materials used as legal names

According to Article 13(5), *the use of the names of plant raw materials which are used as the legal names of certain spirit drinks shall be without prejudice to the use of the names of those plant raw materials in the presentation and labelling of other foodstuffs. The names of such raw materials may be used in the description, presentation or labelling of other spirit drinks, provided that such use does not mislead the consumer.*

This provision was deemed necessary to allow the use of names of fruits or plants that the Spirit Drinks Regulation reserves as legal names for certain spirit drinks also in the presentation and labelling as ingredients (as fruit or plants and not as spirit drinks) of other foodstuffs.

The same possibility applies to other spirit drinks, as long as it is made clear in the description, presentation and labelling that it is not the spirit drink that is referred to (as an ingredient) but the plant raw material itself.

Examples:

- 1) **Kirsch** (legal name for fruit spirit: category 9): the German term 'Kirsch' (cherry) may be used in:
 - a) the presentation and labelling of **cherry cake** ('**Kirschkuchen**') even if it was the fruit that was used to produce the foodstuff and not the spirit drink;
 - b) the description, presentation and labelling of a **cherry liqueur** ('**Kirschlikör**') even if it was the fruit that was used to produce the liqueur and not the spirit drink, provided that there is no risk that the consumer is misled into thinking that the liqueur was made with Kirsch (spirit drink) and not with cherries (fruits).
- 2) **Anis** (legal name for the spirit drink of category 28): the French term 'Anis' (aniseed or anise) may be used in:
 - a) the presentation and labelling of an **infusion** ('**infusion à l'anis**') even if it was the plant/botanical that was used to produce the foodstuff and not the spirit drink;
 - b) the description, presentation and labelling of an **aniseed liqueur** ('**Liqueur d'anis**') even if it was produced by infusing aniseed into alcohol and sugar and not by using the spirit drink, provided that the consumer is informed as to how the liqueur was actually manufactured.
- 3) **Gentian** (legal name for the spirit drink of category 18): the term 'Gentian' (along with its translations in other EU official languages) may be used in:
 - a) the presentation and labelling of an **infusion** ('**Gentian tea**') even if it was the plant/botanical that was used to produce the foodstuff and not the spirit drink;
 - b) the presentation and labelling of a food preparation such as **Gentian salad**.
- 4) **Blutwurz** (term used in the German liqueur GI 'Bayerischer Blutwurz'): the German term 'Blutwurz' (i.e. root of the tormentil plant or *Potentilla erecta* (L.) Raeusch) may be used in:
 - a) the description, presentation and labelling of another **liqueur** (**Blutwurz Likör**) as main flavouring used for the production of that spirit drink
 - b) the description, presentation and labelling of another **spirit drink** (e.g. **Blutwurz Schnaps**) **produced by infusion (or maceration and distillation)**.

3. COMPOUND TERMS

Article 3(2)	Definition
Article 11	Conditions for use and labelling provisions

3.1. What is a compound term

The use of a compound term is an option available to describe a spirit drink (category or GI) to which other foodstuffs are added and that, as a consequence, is no longer entitled to bear in its description, presentation and labelling the legal name of that category or GI and must thus use the legal name ‘spirit drink’ instead (except when it complies with the requirements permitting the use of the legal name ‘liqueur’ or ‘cream’). If the resulting product does not comply with the definition of and requirements for a spirit drink, it will have to bear the appropriate alcoholic beverage name (**NB: which is *not the brand name***).

According to Article 3(2), ‘*compound term*’ means, in relation to the description, presentation and labelling of an alcoholic beverage, the combination of either a legal name provided for in the categories of spirit drinks set out in Annex I or the geographical indication for a spirit drink, from which all the alcohol of the final product originates, with one or more of the following:

- (a) *the name of one or more foodstuffs other than an alcoholic beverage and other than foodstuffs used for the production of that spirit drink in accordance with Annex I, or adjectives deriving from those names;*
- (b) *the term ‘liqueur’ or ‘cream’.*

So, in either case:

- the primary ingredient is a spirit drink to which one or more foodstuffs (e.g. juices, herbs, spices, sugar, dairy products) are added to confer additional specific organoleptic properties to the final product;
- the combination results necessarily in an **alcoholic beverage**, i.e. either another spirit drink with the minimum required alcoholic strength of 15% by volume or another alcoholic beverage;
- the foodstuff/foodstuffs combined with the spirit drink are **neither a beverage containing alcohol nor ingredients usually employed in its production**

☞ **NB:** *even the use of the terms ‘liqueur’ or ‘cream’ in a compound term highlight the fact that sweetening and/or milk products were added to a spirit drink for whose production they are not allowed or, at least, not in such quantity.*

Compound terms represent an exception to the rule forbidding the use of legal names for spirit drinks to describe products that do not comply with all the requirements laid down for those spirit drinks. Compound terms **are used to describe products resulting from the addition of certain foodstuff(s) to a spirit drink** that would thus no longer be entitled to be defined as such. In that case, the **appropriate legal name is always to be clearly displayed.**

- ☞ **NB:** *The alcoholic strength of a spirit drink combined with a non-liquid foodstuff (e.g. herbs or sugar) will necessarily be the same as its original alcoholic strength, or possibly slightly reduced in proportion to the quantity of the additional foodstuff used.*
- ☞ **NB:** *The name of the foodstuff/foodstuffs may also be expressed by using an adjective referring to it/them (e.g. honeyed).*
- ☞ **NB:** *In a compound term, the spirit drink name and the name of the foodstuff(s) may be combined with or without preposition.*

Examples of permitted compound terms:

- 1) *Scotch Whisky with honey – Scotch Whisky & Honey – Honeyed Scotch Whisky*
- 2) *Gin and tonic – Whisky & Coke – Coco Rum*
- 3) *Grape Marc with Cinnamon and Cacao*
- 4) *Brandy Liqueur*
- 5) *Whisky Cream*

Article 11(2) excludes explicitly following terms from being part of a compound term describing an alcoholic beverage (except if any of those terms is part of a legal name, e.g. spirit, e.g. in ‘wine spirit’ or ‘fruit spirit’, or the German term ‘Wasser’, e.g. in *Kirschwasser*):

- alcohol
- spirit
- drink
- spirit drink
- water

Such exclusion highlights the interdiction of the use of names relating to foodstuffs that are naturally part of it and aims also at preventing practices that are misleading for the consumer.

Examples of forbidden compound terms:

- | | | |
|--------------------------------|----|---------------------------------|
| 1) <i>Brandy & alcohol</i> | or | <i>Cognac and Alcohol</i> |
| 2) <i>Whisky spirit</i> | or | <i>Scotch Whisky Spirit</i> |
| 3) <i>Rum drink</i> | or | <i>Ron de Guatemala Drink</i> |
| 4) <i>Liqueur spirit drink</i> | or | <i>Irish Cream Spirit Drink</i> |
| 5) <i>Gin water</i> | or | <i>Genever Water</i> |

According to Article 10(6)(c), a compound term (as well as an allusion) may only supplement the legal name of a spirit drink. Therefore, **a compound term cannot be used a legal name.**

The name of the alcoholic beverage (or the legal name of the spirit drink) must always be displayed in a conspicuous way in the (description), presentation and labelling of the final product along with the compound term using the name of a spirit drink.

The only **exception** to this rule is represented by compound terms that include the term ‘**liqueur**’ or ‘**cream**’, which, according to Article 10(5)(b), **may replace the legal name** provided that the resulting beverage complies with the

relevant requirements laid down in the spirit drink category 33 ‘liqueur’ of Annex I.

Examples of permitted compound terms that include the term ‘liqueur’ or ‘cream’ :

- | | |
|--|-------------------------------------|
| 1) Vodka liqueur (EN) | - Scotch Whisky cream (EN) |
| 2) Wodkalikör – Likör mit/aus Wodka (DE) | - Berliner Kümmelcreme (DE) |
| 3) Liqueur avec vodka (FR) | - Crème de Cognac (FR) |
| 4) Liquore alla vodka (IT) | - Crema di Grappa (IT) |
| 5) Licor de vodka (ES) | - Crema de Orujo de Galicia (ES) |
| 6) Likier na bazie wódki (PL) | - Krem na bazie Polskiej Wódki (PL) |

In all the cases listed above, the following must be complied with:

- a) the requirements laid down in point 33 of Annex I for the use of the legal name ‘liqueur’ (i.e. a minimum alcoholic strength of 15% by volume and a minimum content of sweetening product of 100 grams per litre) or ‘cream’ (i.e. all of the above + use of milk or milk products);*
- b) the spirit drink referred to must be genuine, e.g. it must comply with the requirements laid down by the respective spirit drink category or GI, including its minimum alcoholic strength -> i.e. no dilution with water reducing it below the minimum provided; and*
- c) the alcohol used in its production originates exclusively from the spirit drink referred to in the compound term (except for the alcohol that may be present in flavourings, colours or other authorised ingredients used for the production of that beverage) -> i.e. no addition of other spirit drinks or ethyl alcohol or distillates of any sort.*

3.2. Conditions of use

Article 11(1) provides for the following conditions of use of a spirit drink name (category or GI) in a compound term:

- (a) the alcohol used in the production of the alcoholic beverage originates exclusively from the spirit drink referred to in the compound term, except for the alcohol that may be present in flavourings, colours or other authorised ingredients used for the production of that alcoholic beverage; and*
- (b) the spirit drink has not been diluted by addition of water only, so that its alcoholic strength is below the minimum strength provided for under the relevant category of spirit drinks set out in Annex I²⁰.*

Therefore, the use of a spirit drink name in a compound term is only allowed under the condition that:

²⁰ In case C-136/96 (referred to in § 1.1 above), related to the sale of an under strength whisky i.e. a whisky diluted with water below 40%, the CJEU rejected an argument by the defendant that he was entitled to benefit from the compound term provisions to allow him to describe his under strength whisky as “Blended Whisky Spirit” or “Spiritueux au Whisky”. One of the reasons given for rejecting that argument was that the compound term provisions related only to liqueurs at that time. As it was intended in Article 10(1) of Regulation (EC) No 110/2008 to extend the compound term provisions to all spirit drinks (i.e. not just liqueurs), and to GIs, there was therefore a danger that it would be argued that descriptions such as “Scotch Whisky and spring water” could be used as a compound term on under strength “Scotch Whiskies” because all the alcohol in the product was Scotch Whisky. That would have defeated the whole purpose of setting a minimum strength for Scotch Whisky/whisky (and other defined spirits). It was for that reason that Article 10(2) was introduced in Regulation (EC) No 110/2008 (and confirmed in Article 11(1)(b) of the new Spirit Drinks Regulation) to ensure that compound terms could not be used where defined spirit drinks were simply diluted below their minimum strength.

- a) only the genuine spirit drink has been used, as the name of a spirit drink (category or GI) may not be displayed if the product it refers to does not comply with all requirements laid down for its production;

☞ **NB:** *in other words, it must comply with all requirements laid down in the relevant spirit drink category or GI technical file/product specification.*

- b) no alcohol other than the alcohol originating from the spirit drink referred to may be present in the resulting alcoholic beverage, with the exception of the alcohol that may have been used to dilute or dissolve flavourings, colours or other authorised additives used in its production;

☞ **NB:** *in other words:*

- *the spirit drink referred to may not be deprived of its alcohol (i.e. no flavouring compounds extracted from the spirit drink are allowed) and,*
- *no additional ethyl alcohol/distillates/other spirit drinks may be added.*

- c) the dilution with water is only allowed to the extent that the spirit drink still maintains the prescribed minimum alcoholic strength.

☞ **NB:** *this prohibition only applies to water as the spirit drink may be combined with other non-alcoholic liquid foodstuffs (e.g. fruit juices, dairy products) which will obviously also have the effect to proportionally reduce the overall alcoholic strength of the final product.*

3.3. Labelling provisions

Once it is established that the alcoholic beverage complies with the conditions for using a compound term (see § 3.1 and 3.2 above), it shall be labelled accordingly.

Article 11(3) lays down the following labelling provisions for a compound term describing an alcoholic beverage, which shall:

- (a) *appear in uniform characters of the same font, size and colour;*
- (b) *not be interrupted by any textual or pictorial element which does not form part of them; and*
- (c) *not appear in a font size which is larger than the font size used for the name of the alcoholic beverage.*

Those labelling provisions aim at ensuring that:

- (a) and (b) : the name of the spirit drink used in the compound term does not appear in a more prominent way than the name of the foodstuff that is combined with it, and
- (c) : the (legal) name of the alcoholic beverage does not appear in a font size that is smaller than the font size used for the compound term in order to avoid misleading the consumer as to the actual nature of the product.

☞ **NB:** *Although Article 11(3) does not explicitly require that the compound term be displayed in the same visual field as the name of the alcoholic beverage, the requirement to display the latter in a conspicuous way in such a way to be easily visible, etc. (Article 13(1) of the FIC Regulation) are nonetheless of application.*

☞ **NB:** *Although Article 11(3) does not explicitly require that the legal name of the alcoholic beverage and the compound term be displayed on separate lines, the*

provision laid down in Article 11(2) that terms such as 'drink' and 'spirit drink' shall not be part of the compound term should be borne in mind. Accordingly, displaying the legal name 'spirit drink' or the name 'drink' on the same line as the compound term would not be acceptable.

Examples of labelling of an alcoholic beverage with a compound term:

Scotch Whisky & Honey

Spirit drink

SPIRIT DRINK

GIN & TONIC Alc.15% Vol.

(ALCOHOLIC BEVERAGE)

GIN & TONIC Alc.8% Vol.

Spirit drink

Coco Rum

Grape Marc Spirit

with cinnamon and cacao

SPIRIT DRINK

Liqueur

Coffee Advocaat

Liqueur with Egg & Speculoos

Liqueur

(Liqueur)

Brandy Liqueur

(Liqueur) or (Cream)

Whisky Cream*

*A spirit drink produced by adding e.g. sugar and dairy products to a whisky, will only be allowed to bear the legal name 'Whisky Cream' if all the alcohol originates from genuine whisky and the final product complies with the relevant requirements laid down in category 33 (i.e. liqueur), e.g. that it has a minimum alcoholic strength of 15% by volume and contains at least 100 grams of sweetening products per litre as well as milk or milk products. Should these requirements not be complied with, the legal name will have to be 'spirit drink' if it complies with the definition and requirements for spirit drinks laid down in Article 2 or the appropriate name for an alcoholic beverage if it does not.

Moreover, the quantitative ingredients declaration (QUID) will have to be provided at least for the foodstuff(s) mentioned in the compound term – where it is bound to steer the consumer's choice of the product – displaying the quantity (in volume or weight) expressed in percentage (see § 2.1 above).

Examples of how to display the quantitative ingredients declaration (QUID) for compound terms:

<i>Spirit drink</i> <i>Scotch Whisky & Honey (3%)</i>	
	<i>Spirit drink</i> <i>Rum & spices</i> <i>Rum (99%), Spices: cinnamon, ginger and cloves (1%)</i>

3.4. Checks

Checks on the (description), presentation and labelling of a product containing a compound term referring to the name of a spirit drink (category or GI) address the compliance with following conditions:

Production:

- 1) the final product is an alcoholic beverage;
- 2) the genuine spirit drink has been used, i.e. it complies with all production requirements laid down in the relevant spirit drink category of Annex I or GI technical file/product specification, including its minimum alcoholic strength;
- 3) all the alcohol originates from the spirit drink referred to, except for the alcohol that may have been used to dilute or dissolve flavourings, colours or other authorised ingredients;
- 4) the name of the spirit drink is combined with the term 'liqueur' or 'cream' (provided that the final product complies with the relevant requirements laid down in spirit drink category 33 of Annex I) or with the name of/adjective for foodstuffs that are not allowed in its production;

Labelling:

- 5) the (legal) name of the alcoholic beverage must be displayed in a conspicuous way so as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material;
- 6) the legal name is 'spirit drink' for spirit drinks not complying with the requirements of any category, compound terms combining the name of the spirit drink with the term 'liqueur' or 'cream' for spirit drink complying with the relevant requirements of category 33 of Annex I, or the name of the alcoholic beverage, if it is not a spirit drink;
- 7) without prejudice to the legal names provided for in Article 10, the terms 'alcohol', 'spirit', 'drink', 'spirit drink' and 'water' shall not be part of the compound term;
- 8) the compound term is written in uniform characters of the same font, size and colours;

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- 9) the words composing the compound term are not interrupted by any textual or pictorial element which does not form part of them;
- 10) the compound term appears in the same font size used for the (legal) name of the alcoholic beverage or smaller;
- 11) the quantitative ingredients declaration (QUID) is displayed as required.

4. ALLUSIONS

Article 3(3)	Definition
Article 12	Conditions for use and labelling provisions

4.1. What is an allusion

The use of an allusion is an option available under certain conditions to refer to the name of a spirit drink (category or GI) that has been added as an ingredient to another foodstuff.

According to Article 3(3), '*allusion*' means the direct or indirect reference to one or more legal names provided for in the categories of spirit drinks set out in Annex I or to one or more geographical indications for spirit drinks, other than a reference in a compound term or in a list of ingredients as referred to in Article 13(2), (3) and (4), in the description, presentation or labelling of:

- (a) a foodstuff other than a spirit drink, or
- (b) a spirit drink that complies with the requirements of categories 33 to 40 of Annex I.

In other words, an allusion to spirit drinks names may be made in:

- the presentation and labelling of non-alcoholic foodstuffs;
- the presentation and labelling of alcoholic beverages other than spirit drinks;
- the description, presentation and labelling of liqueurs.

Allusions to spirit drinks names in the description, presentation and labelling of other spirit drinks (with the exception of liqueurs, see Article 3(3)(b) and § 4.2.3 below) are not admitted as in that case we would be in presence of a mixture and the related labelling provisions would be of application (see § 5 below).

According to Article 10(6)(c), an allusion (or a compound term) may supplement the legal name of a spirit drink. Consequently, **an allusion may never replace the (legal) name** of the product but should be added to it in accordance with the labelling rules provided for in Article 12(4) (see § 4.2.5 below).

*An **allusion** is the reference to one or more names of spirit drinks (categories or GIs) in the presentation and labelling of another foodstuff and may **never be used as legal name** for that foodstuff.*

4.2. Conditions of use and labelling provisions

According to Article 12, slightly different rules apply in case the allusion to the name of a spirit drink is made on:

- a) a foodstuff other than an alcoholic beverage;
- b) an alcoholic beverage other than a spirit drink; or
- c) a spirit drink falling under any of categories 33-40 of Annex I (liqueurs).

*Allusions may be placed on the presentation and labelling of **any type of foodstuff** excluding spirit drinks, with the exception of **liqueurs** which may allude to other spirit drinks in their description, presentation and labelling.*

☞ **NB:** QUID rules apply as required by Articles 9(1)(d) and 22 of Regulation (EU) No 1169/2011 (see § 2.1 above and 4.2.4 below).

☞ **NB:** In order to comply with established jurisprudence in matter of geographical indications²¹, in case of allusion to a GI, the product covered by the GI name should be used in sufficient quantity to confer an essential characteristic on the foodstuff concerned.

*In case of allusions to **GI names**, the alluding foodstuff should have, as one of its essential characteristics, a **taste attributable primarily to the presence of that GI** that has been used as an ingredient.*

4.2.1. Allusions on foodstuffs other than alcoholic beverages

Article 12(1) authorises the allusion to the name of one or more spirit drinks (categories or GIs) in the presentation and labelling of a foodstuff other than an alcoholic beverage, on condition that *the alcohol used in the production of the foodstuff originates exclusively from the spirit drink or the spirit drinks referred to in the allusion.*

The only exception allowed to that condition is *the alcohol that may be present in flavourings, colours or other authorised ingredients used for the production of that foodstuff*, i.e. the alcohol that has been used to dilute or dissolve those ingredients.

Except for that, all the alcohol present in the final product must thus originate from the genuine spirit drink (i.e. that complies with all requirements laid down for the respective category or GI – including their minimum alcoholic strength at the time when it is added), without any addition of ethyl alcohol or distillates or other spirit drinks.

In particular, there are two possible cases:

- a) a non-alcoholic liquid foodstuff to which one or more spirit drinks have been added will result in an alcoholic beverage (i.e. a drink with a certain alcoholic strength, depending on the quantity of alcohol that is necessarily added through the spirit drink). In no case it is possible that the resulting beverage does not contain any alcohol at all;
- b) a non-alcoholic solid foodstuff to which one or more spirit drinks have been added will necessarily result in a foodstuff with a certain residual content of alcohol, depending on the quantity of spirit drink(s) used. However, some or most of that alcohol may evaporate in preparation processes such as backing.

²¹ See judgement of the European Court of Justice of 20 December 2017 on the case C-393/16 (Comité Interprofessionnel du Vin de Champagne v Aldi Süd Dienstleistungs-GmbH & Co.OHG: ‘Champagner Sorbet’).

It is nonetheless important that, in order to allude to spirit drinks names in the presentation and labelling of the foodstuff, genuine spirit drinks have been used, including all the alcohol resulting from their required alcoholic strength.

Examples of permitted allusions on foodstuffs other than alcoholic beverages:

- | | | |
|---|----|--|
| - <i>Kirsch chocolate</i> | or | - <i>Cognac pralines</i> |
| - <i>Egg liqueur cake</i> | or | - <i>Mirto di Sardegna cookies</i> |
| - <i>Rum & raisins ice cream</i> | or | - <i>Génépi des Alpes ice cream</i> |
| - <i>Exotic cocktail with a shot of Rum</i> | or | - <i>Fruit cocktail with Rum and Whisky*</i> |

**In case one or more spirit drinks are mentioned in the presentation and labelling of such beverages, all the alcohol must originate exclusively from the spirit drink(s) alluded to. In other words, the initial product to which that/those spirit drink(s) is/are added to must necessarily be a non-alcoholic beverage.*

4.2.2. Allusions on alcoholic beverages other than spirit drinks

Article 12(2) authorises the allusion to the name of one or more spirit drinks (categories or GIs) in the presentation and labelling of an alcoholic beverage other than a spirit drink, on condition that:

- (a) *the added alcohol originates exclusively from the spirit drink or spirit drinks referred to in the allusion; and*
- (b) *the proportion of each alcoholic ingredient is indicated at least once in the same visual field as the allusion, in descending order of quantities used. That proportion shall be equal to the percentage by volume of pure alcohol it represents in the total pure alcohol content by volume of the final product.*

This provision addresses all beverages containing alcohol that are not spirit drinks, including among others:

- 1) **Wine** (without prejudice to the provisions of Regulation (EU) No 1308/2013²²);
- 2) **Aromatised wine products** (without prejudice to the provisions of Regulation (EU) No 251/2014²³);
- 3) **Beer**;
- 4) **Cider, perry and other fermented beverages.**

The legislator introduced this new explicit provision, not present in Regulation (EC) No 110/2008, in order to clarify the conditions

²² Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

²³ Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).

applicable to the allusions of spirit drinks in the presentation and labelling of other alcoholic beverages.

In fact, this implies the addition of alcohol to the alcohol naturally present in the primary foodstuff contradicting thus apparently the principle that the alcohol must originate exclusively from the spirit drink(s) referred to.

Examples of permitted allusions on alcoholic beverages other than spirit drinks:

- 1) **Beer with Tequila – or – Beer flavoured with Tequila – or – Tequila flavoured Beer:** all the alcohol added to the beer must originate from genuine Tequila (i.e. complying with all requirements laid down for this Mexican GI, including its minimum alcoholic strength) without addition of ethyl alcohol, distillates or other spirits;
- 2) **Hot Apple Cider with Punch au Rhum:** all the alcohol added to the apple cider must originate from punch au rhum (i.e. complying with the requirements laid down for category 33 of Annex I and, in particular, the third indent of its point (d)).
- 3) **Alcoholic beverage containing Wine and Alcohol* flavoured with Rum and Irish Whiskey–:** all the alcohol added to the alcoholic beverage must originate from genuine rum (i.e. complying with all requirements laid down for category 1 of Annex I) and Irish Whiskey (i.e. complying with all requirements laid down in its product specification).

**The initial alcoholic beverage may be an aromatised wine product. However, due to the absence of provisions on compound terms and allusions in Regulation (EU) No 251/2014 and to the prohibition laid down therein to use any sales denominations reserved for aromatised wine products for alcoholic beverages not fulfilling the requirements laid down for their production, alternative names should be used to describe such alcoholic beverage.*

Examples of forbidden allusions on alcoholic beverages other than spirit drinks::

- 1) **Beer refined with Rum-flavour** or **Beer flavoured with Tequila compound aromas**
- 2) **Vermouth with Brandy** or **Sangria refined with Madeira Rum**

The clarification on the fact that, in case of allusions in alcoholic beverages the added alcohol must originate from the spirit drink(s) referred to, allowed the legislator to provide that the same labelling rule previously provided by Article 11(5) of Regulation (EC) No 110/2008 for mixtures only, shall now apply also to alcoholic beverages alluding to one or more spirit drinks. This aims at informing the consumer about the proportion in the final product of the alcohol deriving respectively from the alcoholic beverage and the spirit drink(s) referred to in the allusion.

Accordingly, in case of allusion to one or more spirit drinks, a list of alcoholic ingredients is to be displayed at least once: in the same visual field as the allusion and indicating in descending order the proportion (in percentage) of the pure alcohol represented by each alcoholic ingredient in the final product (Article 12(2)(b)).

Examples of labelling of proportion of alcohol from each alcoholic ingredient:

- 1) **Beer flavoured with Tequila** (Alcohol 6% vol.: Beer 97% - Tequila 3%)
- 2) **Hot Apple Cider with Punch au Rhum** (8% vol: Apple Cider 95% - Rum 5%)
- 3) **Alcoholic beverage containing Wine and Alcohol flavoured with Rum and Irish Whiskey** (Alc. 15% vol.: Wine 75% - Ethyl alcohol 22% 97% - Rum 2% - Irish Whisky 1%)

4.2.3. Allusions on liqueurs

Article 12(3) authorises the allusion to the name of one or more spirit drinks (categories or GIs) in the description, presentation and labelling

of a spirit drink that complies with the requirements of any of categories 33 to 40 of Annex I (i.e. liqueurs), on condition that:

- (a) *the added alcohol originates exclusively from the spirit drink or spirit drinks referred to in the allusion;*
- (b) *the proportion of each alcoholic ingredient is indicated at least once in the same visual field as the allusion, in descending order of quantities used. That proportion shall be equal to the percentage by volume of pure alcohol it represents in the total pure alcohol content by volume of the final product; and*
- (c) *the term 'cream' (NB: only the English term 'cream') does not appear in the legal name of a spirit drink that complies with the requirements of categories 33 to 40 of Annex I or in the legal name of the spirit drink or spirit drinks referred to in the allusion.*

This provision addresses any of the categories 33-40 (liqueurs) in derogation from the provisions on mixtures laid down in Article 13(4).

In fact, the addition of one or more spirit drinks to a liqueur would be a mixture according to the definition provided for in Articles 3(9) and (10) and would have to be labelled accordingly.

Nonetheless, the legislator introduced an exception to the scope of applicability of the rules on allusion, initially intended to be limited to foodstuffs other than spirit drinks. This was done to ensure that the consumer is properly informed about the content of a liqueur to which a different spirit drink is added to confer to it a particular flavour. This is common practice, given that – among others – liqueurs may be produced by combining one or more spirit drinks (see point 33(a)(ii) of Annex I).

In fact, the provisions on mixtures laid down in Articles 13(3) and (4) require that the name of spirit drinks (and other alcoholic components of the mixture) are to be indicated exclusively in a list of the alcoholic ingredients. Instead, under the provisions on allusions the name of the added spirit drink(s) may appear in the immediate proximity of the legal name (see § 4.2.5 below).

Regulation (EU) 2019/787 does not explicitly lay down a provision indicating when the combination of a liqueur with (an)other spirit drink(s) should be labelled as an allusion or as a mixture. However, from a combined reading of Article 3(3), (9) and (10) and Articles 12 and 13, it follows that, in case of **allusion**, the spirit drink that is referred to is refining the main product to which it is added, i.e. a foodstuff or a spirit drink complying with the requirements of categories 33-40 of Annex I. In the case of **mixtures**, however, there is no main product which is getting refined: it is much more about mixing two alcoholic ingredients.

Therefore, it can be concluded that the labelling rules for **allusions** apply when **only a small quantity of spirit drink is used to refine a liqueur** (e.g. *liqueur flavoured with a brandy*), while the labelling rules for **mixtures** apply when **the quantities of the alcoholic ingredients used are significant** (e.g. *in Grand Marnier, 51% of alcohol comes from Cognac and 49% from Orange Liqueur*).

The labelling provisions laid down in Article 12(4)(b) require that the allusion shall appear in a font size which is half (or less) the font size used for the legal name or a possible compound term.

However, contrary to the list of alcoholic ingredients for mixtures (which shall also be written in a font size that is no larger than half the font size used for the legal name: see second subparagraph of Article 13(3), point (a) of the second subparagraph of Article 13(4)), as well as § 5.3.1 and 5.3.2 below the allusion may appear in characters that are not of the same font and colour as those used for the legal name.

At any rate, in case of allusion to one or more spirit drinks, a list of alcoholic ingredients is to be displayed at least once: in the same visual field as the allusion and indicating in descending order the proportion (in percentage) of the alcohol represented by each alcoholic ingredient in the final product (Article 12(3)(b)).

☞ **NB:** The legislator introduced a limitation to the above possibility, i.e. the term 'cream' is not to be used when liqueurs allude to spirit drinks. This exception only applies to the term in English (and not in other languages) and aims at safeguarding the reputation of the Irish Cream GI.

Examples of permitted and forbidden allusions on liqueurs:

- 1) Egg Liqueur flavoured with Brandy or - Blutwurz with Cognac
- 2) Chocolate Liqueur with a shot of Gin or - Licor de café de Galicia with Rum
- 3) Crème de Brandy avec Cognac **BUT NOT:** Brandy Cream with Cognac
- 4) Crema de Orujo con Whisky **BUT NOT:** Orujo Cream with Whisky

☞ **NB:** Liqueur with a dram of vodka may be used as an **allusion**. However, contrary to **Vodka Liqueur** which is a **compound term** and, as such, does not consent the addition of alcohol other than that originating from vodka, in the **allusion on liqueurs**, the **addition of alcohol is allowed** through the recipe for the production of the liqueur. However, to avoid misleading the consumer, the indication of the proportion of alcohol from the alcoholic ingredients is mandatory.

☞ **NB:** **Whisky cream** (in English) can only be a **compound term** and, as such, requires that all the alcohol originates exclusively from whisky.

4.2.4. General labelling rules for allusions

For allusions on foodstuffs other than alcoholic beverages, Regulation (EU) 2019/787 does not provide for specific labelling rules other than those of the horizontal Regulation on food information to consumers (Regulation (EU) No 1169/2011).

It is to be underlined that the QUID rules may apply in all cases described above (§ 4.2.1, 4.2.2 and 4.2.3). When required, the quantity (in volume or weight) of the spirit drink used in the production of the foodstuff is thus to be displayed on the label expressed in percentage (see § 2.1 above).

Examples of the application of the QUID rules:

- 1) Beer flavoured with Tequila - (Tequila: 0,75%)
- 2) Alcoholic beverage containing Wine & Alcohol flavoured with Rum (0,5%) & Whisky (0,1%)
- 3) Chocolate Liqueur with a shot of Gin (5%)

4.2.5. Labelling rules for allusions on alcoholic beverages

Article 12(4) provides that the allusions referred to in paras 2 and 3:

- (a) *shall not be on the same line as the name of the alcoholic beverage; and*
- (b) *shall appear in a font size which is no larger than half the font size used for the name of the alcoholic beverage and, where compound terms are used, in a font size which is no larger than half the font size used for such compound terms, in accordance with point (c) of Article 11(3).*

The provisions laid down in paragraph 4 are mandatory when allusions are made on liqueurs (para 3) or on other alcoholic beverages that are not spirit drinks (para 2) but not when allusions are made on foodstuffs other than alcoholic beverages (para 1).

☞ **NB:** *the provisions laid down in paragraph 4 do not apply when allusions are made on foodstuffs other than alcoholic beverages (e.g. rum ice cream, Kirschpralinen, Egg liqueur cake). For those, labelling rules are more flexible due to the lower risk of misleading the consumer as to the fact that the spirit drink alluded to is not the predominant ingredient in the foodstuff.*

Moreover, when allusions to spirit drinks are made on alcoholic beverages, the proportion of the alcohol represented by each alcoholic ingredient is to be indicated at least once: in the same visual field as the allusion and in descending order of quantities used.

Examples of permitted labelling of allusions on alcoholic beverages:

Beer

flavoured with Tequila

7% VOL. (Beer 97% - Tequila 3%) : alcohol proportion
(Tequila 0,75%) : QUID

Apple Cider

with Punch au Rhum

Alcohol 20% Vol. (Apple Cider 95% - Rum 5%) : alcohol proportion
(Rum 0,5% - Irish Whiskey 0,1%) : QUID

Chocolate Liqueur

with a shot of Gin

alc. 16% vol. (Ethyl alcohol 96% - Gin 4%) : alcohol proportion
(Gin 5%) : QUID

Crème de Brandy

avec Cognac

ALCOHOL 30% VOL. (Brandy 90% - Cognac 10%) : alcohol proportion
(Cognac 10%) : QUID

LIQUEUR

<p><i>Egg liqueur & cinnamon</i></p> <p><i>with Brandy and Irish Whisky</i></p> <p><i>17% VOL. (Ethyl alcohol 94% - Brandy 4% - Whisky 2%) : alcohol proportion</i></p> <p><i>(Brandy 6% - Whisky 3%) : QUID</i></p>
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In the above examples, the name of the foodstuff (beer, apple cider, chocolate liqueur, crème de brandy, liqueur) and the compound terms (crème de brandy – which may be both a compound term and the legal name –, chocolate liqueur and egg liqueur & cinnamon) are not on the same line as the allusion (Tequila, Punch au Rhum, Whisky, Cognac, Brandy, Irish Whisky).

The Spirit Drinks Regulation does not even impose to display the (legal) name and the allusion in the same **visual field**. However, the possible choice of indicating them in separate fields of vision should ensure that the requirements of Article 13(1) of the FIC Regulation are complied with as to the fact that the name of the food shall be marked in a conspicuous way etc., and that the consumer is not misled.

In any case, the allusion shall appear in a **font size** which is half the font size used for the name of the alcoholic beverage and of the possible compound term or smaller.

The allusion may however appear in **characters** that are of a different font and colour than the name of the alcoholic beverage/compound term.

4.3. Allusion to ‘imitation’ spirit drinks flavourings

As already mentioned (see § 2.3. above), according to the first subparagraph of Article 10(7), a **spirit drink name** (category or GI) **may not be used** in any way whatsoever on the (description), presentation and labelling of **any beverage** that does not comply with the production requirements laid down in the respective spirit drink category or GI technical file/product specification.

This strict prohibition includes explicitly also the cases where it is clearly stated on the (description), presentation and labelling that it is an imitation by using terms such as ‘like’, ‘type’, ‘style’, ‘made’, ‘flavour’, etc.

The name of a spirit drink (category or GI) may not be used to (describe), present or label a beverage different from that spirit drink.

This prohibition is obviously without prejudice to the provisions laid down for compound terms (Article 11), allusions (Article 12) and list of (alcoholic) ingredients (Articles 13(2) to (4)), which of course apply provided that all the relevant rules are complied with.

Examples of prohibited labelling:

- 1) *Vodka-flavoured alcoholic beverage*
- 2) *Spirit drink aromatised with Rum*
- 3) *Brandy-style drink*
- 4) *Gin-type low-alcohol beverage*
- 5) *Whisky-like alcohol free beverage*

Nonetheless, by introducing the second subparagraph of Article 10(7), the legislator has decided that – whereas it is clear that, in order not to risk misleading the consumer, the name of a spirit drink (category or GI) may not be used to describe a beverage that does not comply with its requirements – the **names of certain spirit drink categories** may be used as:

- 1) name of **flavourings**, or
- 2) in the presentation and labelling of **foodstuffs other than beverages** produced by using those flavourings,

even if those products do not comply with the requirements laid down for the spirit drink category they refer to in their presentation and labelling.

The legislator acknowledged thus a common practice on the market, whereas certain flavourings bear the name of spirit drink categories (e.g. rum flavour or brandy flavouring) although they are not in compliance with the requirements of those categories, which however is not bound to mislead the consumer.

Nonetheless, in order to confer GIs more stringent protection, in the second subparagraph of Article 10(7), the legislator has **forbidden explicitly** that the names of **geographical indications** be used to describe any flavourings or foodstuffs flavoured with those flavourings.

Examples of allusions to ('imitation') spirit drinks:

- 1) *Babà al rum – Babà au rhum – Rum baba*: in this case, only **real rum** (compliant with all requirements of category 1 of Annex I) shall be used
- 2) *Babà aromatisé au rhum – Babà con aroma di rum – Babà with rum flavour – Rum flavoured babà*: In this case, **rum flavour** may be used, provided that the consumer is not misled about the nature of the flavouring used (which is not a spirit drink)

Other examples:

NON-LIQUID FOODSTUFFS

- 3) *Rum-flavoured ice cream* may contain a **flavour**
- 4) *Armagnac flavoured ice cream* must contain **genuine Armagnac (GI)**
- 5) *Gin & tonic flavoured yogurt* may contain a **flavour**
- 6) *Scotch Whisky flavoured chocolate* must contain **genuine Scotch Whisky (GI)**

LIQUID FOODSTUFFS (BEVERAGES)

- 7) *Orange juice with rum flavour* must contain **genuine rum**
- 8) *Irish Whiskey flavoured Coca Cola* must contain **genuine Irish Whiskey (GI)**
- 9) *Rum flavoured beer* must contain **genuine rum**
- 10) *Tequila flavoured beer* must contain **genuine Tequila (GI)**
- 11) *Egg liqueur with a scent of Kirschwasser* must contain **genuine Kirschwasser**
- 12) *Egg liqueur with a scent of Cognac* must contain **genuine Cognac (GI)**

4.4. Low- and zero-alcohol beverages

The term 'alcoholic beverage' is not defined in the EU legislation. In fact, Articles 16(4) and 41 of Regulation (EU) No 1169/2011 only serve the purpose to determine the alcoholic beverages (i.e. those containing more than 1,2% by volume of alcohol) that are exempted from the mandatory indication of the nutritional declaration and the list of ingredients.

In the absence of such a definition at EU level, Member States may lay down national rules to define alcohol-free, non-alcoholic, low-alcohol or de-alcoholised beverages, on condition that they are compatible with EU law.

Consequently, the labelling of a beverage as for example:

- ‘**alcohol-free** vodka & orange flavoured drink’ (compound term) with an alcoholic strength of 0,05% by volume, or as
- ‘**low-alcohol** rum flavoured beer’ (allusion) with an alcoholic strength of 1% by volume,

is **not allowed**, unless the product is placed on the market of a Member State whose national provisions regulate the use of such terminology.

In any case, the reference to a spirit drink in a beverage containing **zero alcohol** would **never** be **possible**, not even under **compound terms** or **allusions** rules due to the condition that all the alcohol in the final product must originate from the spirit drink referred to.

In fact, if the final product does not contain alcohol at all, the spirit drink referred to may reasonably not be expected to comply with all requirements (including the minimum alcoholic strength) of the spirit drink category or geographical indication whose legal name has been used on the label.

Moreover, the first subparagraph of Article 10(7) (see § 4.3 above) does not allow any beverage (i.e. also not containing any alcohol) to use on their labels the name of a spirit drink category or geographical indication whose requirements are not met.

Examples of prohibited references:

- 1) *Non-alcoholic Spirit Drink*
- 2) *Zero alcohol Gin* – or – *Zero alcohol Gin-flavoured Tonic Water*
- 3) *Non-alcoholic Whisky* – or – *Non-alcoholic Whisky & Coke*

4.5. Checks

Checks on the (description), presentation and labelling of a product containing an allusion to the name of a spirit drink (category or GI) address the compliance with following conditions:

4.4.1 ON FOODSTUFFS OTHER THAN ALCOHOLIC BEVERAGES:

Production:

1. the initial product is a foodstuff other than an alcoholic beverage, i.e. a foodstuff (solid or liquid) that does not contain any alcohol ;
2. the final product is still a foodstuff or a beverage but in both cases alcohol is still present, even if only traces;
3. the genuine spirit drink(s) has/have been added, i.e. complying with all requirements laid down for its/their production in the relevant spirit drink category of Annex I or GI technical file/product specification, including its/their minimum alcoholic strength; and
4. all the alcohol originates from the spirit drink(s) referred to in the allusion (except for the alcohol that may be present in flavourings,

colours or other authorised ingredients used for the production of the initial foodstuff).

Labelling:

5. the final product is labelled in compliance with the provisions of Regulation (EU) No 1169/2011;
6. the quantitative ingredients declaration (QUID) is displayed as required.

4.4.2 ON ALCOHOLIC BEVERAGES OTHER THAN SPIRIT DRINKS

Production:

1. the initial product to which the spirit drink(s) is/are added is an alcoholic beverage other than a spirit drink (e.g. wine, aromatised wine product, beer, cider, perry, other fermented beverages);
2. the final product is still an alcoholic beverage, i.e. a drink containing alcohol, but not a spirit drink as defined by Article 2 of Regulation (EU) 2019/787;
3. the genuine spirit drink(s) has/have been added, i.e. complying with all requirements laid down for its/their production in the relevant spirit drink category of Annex I or GI technical file/product specification, including its/their minimum alcoholic strength;
4. all the added alcohol originates from the spirit drink(s) referred to in the allusion (i.e. in addition to the alcohol naturally present in the initial alcoholic beverage); and
5. possible flavourings, colours or other authorised ingredients have been diluted/dissolved in the alcohol deriving from the alcoholic beverage or from the same spirit drink(s) referred to in the allusion.

Labelling:

6. the name of the alcoholic beverage must be displayed in a conspicuous way so as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material;
7. the allusion is not on the same line as the name of the alcoholic beverage;
8. the allusion appears in a font size which is no larger than half the font size used for the name of the alcoholic beverage and of the compound terms, where compound terms are used;
9. the proportion of each alcoholic ingredient is indicated at least once: in the same visual field as the allusion and in descending order of the quantities used. That proportion is equal to the percentage by volume of pure alcohol it represents in the total pure alcohol content by volume of the final product; and
10. the quantitative ingredients declaration (QUID) is displayed as required.

4.4.3 ON LIQUEURS

Production:

1. the initial product to which the spirit drink(s) is/are added is a liqueur, i.e. a spirit drink complying with the requirements of any of categories 33 to 40 of Annex I to Regulation (EU) 2019/787 (liqueurs);
2. the final product is still a liqueur, i.e. a spirit drink complying with the requirements of category 33 of Annex I (liqueur);
3. the genuine spirit drink(s) has/have been added, i.e. complying with all requirements laid down for its/their production in the relevant spirit drink category of Annex I or GI technical file/product specification, including its/their minimum alcoholic strength;
4. all the added alcohol originates from the spirit drink(s) referred to in the allusion (i.e. in addition to the alcohol naturally present in the initial liqueur); and
5. possible flavourings, colours or other authorised ingredients must have been diluted/dissolved in the alcohol present in the initial liqueur or in the same spirit drink(s) referred to in the allusion.

Labelling:

6. the legal name of the spirit drink must be displayed in a conspicuous way so as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material;
7. the legal name is 'liqueur' for a spirit drink complying with the relevant requirements of category 33 of Annex I or 'spirit drink' for a spirit drink not complying with the requirements of any category;
8. the allusion is not on the same line as the legal name of the liqueur;
9. the allusion appears in a font size which is no larger than half the font size used for the legal name of the liqueur and of the compound terms, where compound terms are used;
10. the term '*cream*' (in English only) does not appear either in the legal name of the liqueur nor in the legal name of the spirit drink(s) referred to in the allusion;
11. the proportion of each alcoholic ingredient is indicated at least once: in the same visual field as the allusion and in descending order of the quantities used. That proportion is equal to the percentage by volume of pure alcohol it represents in the total pure alcohol content by volume of the final product; and
12. the quantitative ingredients declaration (QUID) is displayed as required.

4.4.4 ON 'IMITATION' FLAVOURINGS

1. Spirit drinks names (both categories and GIs) are used exclusively:
 - a. to describe, present or label a spirit drink complying with the requirements of the relevant category or GI; or

- b. in a compound term, allusion, ingredients list, mixture or blend in compliance with the relevant provisions.
- 2. **Exception:** the legal name of a spirit drink category (not a GI name though!) has been used to define:
 - a. a flavouring, or
 - b. a foodstuff other than a beverage flavoured with that flavouring, even if those do not meet the provisions for allusions, provided that such legal names are supplemented by the term ‘flavour’ or any other similar term.

4.4.5 ALLUSIONS TO GIs

Any allusion to a spirit drink with geographical indication is only allowed if the taste is recognizable and attributable primarily to that GI.

This requirement renders checks particularly cumbersome as it is already quite difficult to control the presence of genuine whisky or apricot spirit in a cake or chocolate, but it is even more difficult to check analytically and organoleptically if for example the whisky is *Scotch Whisky* or the apricot spirit is *Kecskeméti barackpálinka*.

It is recommended to focus checks on the documentation that can be found at production premises during on-the-spot checks: the producer of the cake or chocolate (in the above examples) can be asked to identify the supplier of the GI spirit drinks and provide receipts and documentation.

There may also be a specific agreement with the supplier relating to the authenticity of the product. The presence of such documentation may contribute to proving authenticity. However, the absence of supplier documentation does not necessarily indicate a fraud but may be grounds for making further enquiries.

If the paper traceability exercise does not provide sufficient guarantees and there are still doubts, analytical tests / certified methods can be used.

Depending on the case, it could be appropriate to apply the isotopic mass spectroscopy analysis and use the isotopic database as a reference.

Examples:

In the control seminar organised by DG AGRI in 2018, an example was presented on how it could be checked if vodka has been produced in Poland or Sweden using the isotopic values of the water used, as they are different in the north part.

In case of “*Kecskeméti barackpálinka*”, apricots are used, and they might give a specific pattern which could be traced when the isotopic analysis is carried out.

Of course such analyses might seem complex but this is just a possible method to identify the product and they are not a systematic requirement. It is up to the competent authority to identify the best tool to be used.

5. MIXTURES AND BLENDS

Articles 3(9), (10), (11) & (12)	Definitions
Articles 13(3) & (4)	Conditions for use and labelling provisions

5.1. What are mixtures

Under certain conditions, the names of spirit drink (categories or GIs) may be indicated in the description, presentation and labelling of spirit drinks that have been produced by combining different alcoholic ingredients.

According to Article 3(10), '*mixture*' means a spirit drink that has undergone mixing, whereas according to Article 3(9) '*to mix*' means to combine a spirit drink that either belongs to a category of spirit drinks set out in Annex I or to a geographical indication with one or more of the following:

- (a) other spirit drinks which do not belong to the same category of spirit drinks set out in Annex I;
- (b) distillates of agricultural origin;
- (c) ethyl alcohol of agricultural origin.

Mixtures are spirit drinks resulting from the combination of different alcoholic components (i.e. spirit drinks, distillates, ethyl alcohol).

Other foodstuffs may be added exclusively through their use as ingredients in the production of one or more spirit drinks composing the mixture.

The typical example of such spirit drinks through which other foodstuffs are added is represented by liqueurs that, according to the requirements of spirit drink category 33, may be produced by adding sweetening products, flavourings, products of agricultural origin or foodstuffs to ethyl alcohol of agricultural origin, distillates of agricultural origin, one or more spirit drinks or a combination thereof.

Through the addition of a liqueur to a mixture, all ingredients used to produce that liqueur are also introduced in the mixture itself.

Examples of permitted mixtures:

- 1) **Angel Face cocktail** (Gin, Apricot Brandy, Calvados)
- 2) **Grand Marnier** (Orange liqueur & Cognac)
- 3) **B & B cocktail** (Cognac & Bénédictine = herbal liqueur)
- 4) **Black Nail cocktail** (Irish Whisky & Irish Mist = brown whiskey liqueur)

☞ **NB:** for the purpose of the Spirit Drinks Regulation, only cocktails resulting exclusively from a combination of spirit drinks, ethyl alcohol and/or distillates can be considered as mixtures and labelled as such. Moreover, the conditions of use and labelling provisions on mixtures are only relevant for pre-packed drinks. Nonetheless, it should be pointed out that, in some ready-to-drink cocktails recipes, liqueurs may incorporate for instance the sugar and foodstuffs (fruit juices/milk products) needed for realising the cocktail. In that case, the cocktail could still be considered and labelled as a mixture, on condition that the liqueur(s) used comply with the requirements laid down in

spirit drink category 33 (notably the minimum alcoholic strength and minimum sugar content) and that the resulting beverage is still a spirit drink, i.e. has a minimum alcoholic strength of 15% by volume.

5.2. What are blends

According to Article 3(12), 'blend' means a spirit drink that has undergone blending whereas according to Article 3(11) 'to blend' means to combine two or more spirit drinks of the same category that are distinguishable only by minor differences in composition due to one or more of the following factors:

- (a) the method of production;
- (b) the stills employed;
- (c) the period of maturation or ageing;
- (d) the geographical area of production;

the spirit drink so produced belongs to the same category of spirit drinks as the original spirit drinks before blending.

Blends are spirit drinks resulting from the **combination of different spirit drinks belonging to the same spirit drink category**. Blends do therefore belong themselves to that same spirit drink category.

In most cases, different spirit drinks of the same category are combined to reach certain desired organoleptic properties or to guarantee uniform characteristics of a spirit drink throughout the production years.

For instance in the Scotch Whisky Industry, master blenders choose specific single malts and single grain whiskies to make particular brands of blended Scotch Whisky.

This is a common production practice, which does not raise any concerns as to the possibility to mislead consumers.

However, the definition of blends also covers the combination of spirit drinks belonging to the same category but at the same time to different geographical indications (e.g. Cognac and Armagnac) or of spirit drinks belonging to the same category, one of which is a geographical indication but not the other (e.g. Kirsch and Kirsch d'Alsace).

In order to protect the reputation of geographical indications, the legislator has extended to blends made of spirit drinks belonging to different geographical indications or belonging only in part to geographical indications the same conditions of use and labelling rules already provided for mixtures (last subparagraph of Article 13(3)).

5.3. Conditions of use and labelling provisions

5.3.1. Mixtures and blends: general rules

Article 13(3) provides for the general condition of use and labelling for mixtures and blends of spirit drinks belonging to different geographical indications or belonging only in part to geographical indications.

In order to protect spirit drink names (categories or GIs) from undue misappropriation, the first subparagraph of Article 13(3) provides that, in case of mixtures and blends, those names *may be indicated only in a list of the alcoholic ingredients appearing in the same visual field as the legal name of the spirit drink*.

The **legal name** will be:

- 1) for **mixtures**: ‘spirit drink’ if they do not correspond to a spirit drink category;
- 2) for **blends**: one of the legal names provided for the spirit drink category to which the blend belongs.

According to the second subparagraph of Article 13(3) the list of alcoholic ingredients is to be accompanied by at least one of the following terms:

- 3) ‘mixture’, ‘mixed’ or ‘mixed spirit drink’ when it is a mixture;
- 4) ‘blend’, ‘blending’, or ‘blended’ when it is a blend.

The selected term may precede or follow the list of alcoholic ingredients or be placed on another line with respect to it, as long as it appears in the same visual field as the list itself and the legal name of the mixture or blend.

Moreover, both the list of alcoholic ingredients and the accompanying term shall appear in uniform characters of the same font and colour and in a font size which half the font size used for the legal name or less (last sentence of the second subparagraph of Article 13(3)).

Finally, the label shall display at least once the percentage proportion of the volume of pure alcohol represented by each alcoholic ingredient in descending order of quantity used in the mixture or blend (third subparagraph of Article 13(3)).

☞ **NB:** *The above provisions aim in particular at protecting the reputation of certain geographical indications. Therefore, they do not apply to blends of spirit drinks belonging to the same GI or none of which belongs to a GI because blending is a common production process used for manufacturing certain spirit drinks and the specification of the quantity of each different spirit drink in a blend is not relevant.*

Example of permitted labelling of mixtures not belonging to a category of spirit drink:

Mixed Spirit Drink

Scotch Whisky (60%), Grain Spirit (30%), Ethyl Alcohol (10%)

Spirit Drink

Mixture of Kirsch Veneto (50%), Williams trentino (35%), Apple distillate (15%)

Mixed Rum (60%) and Brandy (40%)

Spirit Drink

Examples of permitted labelling of blends of spirit drinks belonging to different geographical indications or belonging only in part to geographical indications:

Blended Wine Spirit

Cognac (51%) & Armagnac (49%)

Whisky

BLEND

(generic) Whisky (75%) + Irish Whiskey (20%) + Canadian Whisky (5%)

5.3.2. Mixtures corresponding to a spirit drink category

Article 13(4) provides the specific conditions of use and labelling for mixtures corresponding to one or more spirit drink categories.

This is typically the case of liqueurs belonging to spirit drink category 33.

In that case, the legal name of the mixture will be one of the legal names provided for in the relevant category (e.g. 'liqueur', 'cream').

Also in case of mixtures corresponding to one or more categories, the spirit drink names (categories or GIs) used in the production of the mixture are to appear:

- a) *exclusively in a list of all the alcoholic ingredients contained in the mixture, which shall appear in uniform characters of the same font and colour and in a font size which is no larger than half the font size used for the legal name* (point (a) of the second subparagraph of Article 13(4)); *and*
- b) *in the same visual field as the legal name of the mixture at least once* (point (b) of the second subparagraph of Article 13(4)).

Moreover, the label shall display at least once the percentage proportion of the volume of pure alcohol represented by each alcoholic ingredient in descending order of quantity used in the mixture (third subparagraph of Article 13(4)).

In conclusion, the differences between mixtures not belonging to a spirit drink category (a) and mixtures belonging to a spirit drink category (b) are limited to the following:

- 1) the legal name of (a) is generically 'spirit drink' while for (b) it is one of the legal names allowed by the spirit drink category or categories to which the mixture belongs;
- 2) in (b) the list of alcoholic ingredients does not need to be accompanied by the term defining a mixture ('mixture', 'mixed' or 'mixed spirit drink').

The remaining labelling conditions are the same in both cases.

<p><i>Examples of <u>permitted labelling of mixtures</u> corresponding to a spirit drink category:</i></p> <table><tr><td><p><i>Liqueur</i></p><p><i>Cognac (51%) & Orange liqueur (49%)</i></p></td></tr><tr><td><p><i>Cream</i></p><p><i>Coco Cream Liqueur (60%) & Rhum de la Martinique (40%)</i></p></td></tr></table>	<p><i>Liqueur</i></p> <p><i>Cognac (51%) & Orange liqueur (49%)</i></p>	<p><i>Cream</i></p> <p><i>Coco Cream Liqueur (60%) & Rhum de la Martinique (40%)</i></p>
<p><i>Liqueur</i></p> <p><i>Cognac (51%) & Orange liqueur (49%)</i></p>		
<p><i>Cream</i></p> <p><i>Coco Cream Liqueur (60%) & Rhum de la Martinique (40%)</i></p>		

5.4. Checks

Checks on the description, presentation and labelling of mixtures or blends of spirit drinks belonging to different GIs or belonging only in part to GIs, address the compliance with following conditions:

Production:

- 1) the final product is a spirit drink in compliance with the definition of Article 5 of Regulation (EU) 2019/787;
- 2) only alcoholic components (spirit drinks, distillates of agricultural origin and ethyl alcohol of agricultural origin or a combination thereof) have been used, considering that other foodstuffs may be added as ingredients to liqueurs corresponding to spirit drink category 33 of Annex I;
- 3) the genuine spirit drink(s) referred to has/have been used, i.e. complying with all requirements laid down for its/their production in the relevant spirit drink category of Annex I or GI technical file/product specification, including its/their minimum alcoholic strength.

Labelling:

- 4) the legal name is 'spirit drink' for mixtures not corresponding to a spirit drink category laid down in Annex I or one of the legal names provided for under the spirit drink category which the blend or the mixture belong to;
- 5) other spirit drink names appear exclusively in a list of alcoholic ingredients, accompanied by a term indicating that it is a mixture (if that does not belong to a spirit drink category) or a blend;
- 6) the list of alcoholic ingredients and the accompanying term are to appear in the same visual field as the legal name of the mixture or blend and are written in uniform characters of the same font and colour and in a font size which is no larger than half the font size used for the legal name;
- 7) the label displays at least once the percentage proportion of the volume of pure alcohol represented by each alcoholic ingredient in descending order of quantity used in the mixture or blend;
- 8) the quantitative ingredients declaration (QUID) is displayed as required.

6. OVERVIEW TABLES

6.1. Compound Terms (CT)

DEFINITION: Article 3(2)	Combination (resulting in an alcoholic beverage) of one spirit drink name (category or GI) with: <ol style="list-style-type: none"> 1) the name or derived adjectives of one or more foodstuffs (other than an alcoholic beverage and other than foodstuffs used for the production of that spirit drink), or 2) the term 'liqueur' or 'cream'.
CONDITIONS FOR USE: Article 11	<ol style="list-style-type: none"> a) All the alcohol originates from the spirit drink b) No dilution with water
LABELLING REQUIREMENTS: Article 11	<ul style="list-style-type: none"> ✓ No use of terms 'alcohol', 'spirit', 'drink', 'spirit drink', 'water' in the CT ✓ (Legal) name: <ul style="list-style-type: none"> - 'spirit drink' for spirit drinks not complying with the requirements of any category, - compound terms combining the name of the spirit drink with the term 'liqueur' or 'cream' for spirit drink complying with the relevant requirements of category 33 of Annex I, or - the name of the alcoholic beverage, if it is not a spirit drink; ✓ Display (legal) name in a font size not smaller than CT ✓ Display CT in uniform characters (same font, size, colour) ✓ CT not interrupted by any textual or pictorial element not forming part of those

6.2. Allusions

DEFINITION: Article 3(3)	Direct or indirect reference to one or more legal names of spirit drinks (categories or GIs) in: <ol style="list-style-type: none"> 1) foodstuffs other than alcoholic beverages 2) alcoholic beverages other than spirit drinks 3) liqueurs (spirit drinks of categories 33-40)
CONDITIONS FOR USE:	<ol style="list-style-type: none"> a) All the (added) alcohol originates from the spirit drink

Article 12	b) For GIs only: the product covered by the GI name should be used in sufficient quantity to confer an essential characteristic to the foodstuff concerned (taste attributable primarily to the presence of the GI)
LABELLING REQUIREMENTS: Article 12	<ul style="list-style-type: none"> ✓ For 1 only: no particular requirements except compliance with FIC Regulation (including QUID requirement) ✓ For 2 & 3: Allusion not on the same line as (legal) name of the alcoholic beverage/liqueur + in a font size no larger than half the font size used for the (legal) name and (possible) compound terms ✓ For 2 & 3: List of alcoholic ingredients indicating % of alcohol in descending order ✓ For 2 only: name = the name of the alcoholic beverage ✓ For 3 only: legal name = 'liqueur' for a spirit drink complying with the relevant requirements of category 33 of Annex I or 'spirit drink' for a spirit drink not complying with the requirements of any category ✓ For 3 only: no use of the term « <i>cream</i> » in English

6.3. Mixtures

DEFINITION: Article 3(9)&(10)	<p>Combinations of different alcoholic components, i.e. spirit drinks (categories or GIs), ethyl alcohol of agricultural origin and/or distillates of agricultural origin resulting in:</p> <ol style="list-style-type: none"> 1) a spirit drink not belonging to a category; or 2) a spirit drink belonging to a category (e.g. liqueur)
LABELLING REQUIREMENTS: Article 13(3)&(4)	<ul style="list-style-type: none"> ✓ For 1 only: legal name = « Spirit Drink » ✓ For 2 only: legal name = category name ✓ For 1 only: indicate terms 'mixture', 'mixed' or 'mixed spirit drink' at least where the list of alcoholic ingredients is provided ✓ Names of spirit drinks (categories or GIs) mentioned only in a list of alcoholic ingredients in the same visual field as legal name ✓ The list of alcoholic ingredients indicates in descending order the % of alcohol represented by each in the mixture at least once

6.4. Blends

<p>DEFINITION: Article 3(11)&(12)</p>	<p>Combinations of different spirit drinks belonging to the same category with slight differences in:</p> <ul style="list-style-type: none"> 5) production method; 6) stills employed; 7) maturation or ageing period; and/or 8) geographical area of production
<p>LABELLING REQUIREMENTS: Article 13(3)</p>	<p>ONLY for blends of different GIs or GIs+non GIs:</p> <ul style="list-style-type: none"> ✓ Legal name = category name ✓ Indicate terms ‘blend’, ‘blending’ or ‘blended’ at least where the list of alcoholic ingredients is provided ✓ Names of spirit drinks (categories or GIs) only mentioned in a list of alcoholic ingredients in the same visual field as legal name ✓ The list of alcoholic ingredients indicates in descending order the % of alcohol represented by each in the blend at least once