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trading standards law explained

Labelling and composition of spirit drinks

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Although the United Kingdom left the European Union (EU) in 2021, certain pieces of legislation (known as 'assimilated law') continue to apply until such time as they are replaced by new UK legislation, revoked or permitted to expire. This means that our guidance still contains references to legislation that originated from the EU.

To fully understand this guidance, it is important to note the difference between the United Kingdom and Great Britain:

- UK: England, Scotland, Wales and Northern Ireland
- GB: England, Scotland and Wales

In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or

> not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

This guidance is for Scotland

This guide lays out specific labelling, composition and quantity requirements for spirit drinks, including liqueurs and similar.

This guidance relates to prepacked products only. 'Prepacked' is defined in assimilated Regulation (EU) No 1169/2011 *on the provision of food information to consumers* as "... food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging ...".

However, the compositional requirements and use of reserved descriptions such as 'vodka' and 'gin' (referred to below as 'sales denominations' or 'SDs') apply regardless of how the product is sold, including for consumption on licensed premises. Any description applied to the product must be accurate, with no potential to mislead.

Definitions

'Spirit drink' means a beverage with an alcoholic strength of 15% volume or higher, produced by one or more of the following:

- Distillation of naturally fermented products
- Maceration (softening, mixing with, etc) of plants in ethyl alcohol of agricultural origin (see below)
- Mixing of flavouring substances with ethyl alcohol of agricultural origin
- Mixing of a spirit drink with ethyl alcohol of agricultural origin, another spirit drink, another alcoholic beverage, or another drink

Alcohol licensing

If you wish to supply products with an alcohol content greater than 0.5% volume (which includes all spirit drinks), then it is likely that you will need both a premises and a personal alcohol licence issued under the Licensing (Scotland) Act 2005; please contact your local council licensing department for more information.

How spirit drinks differ from standard food labelling

Spirit drinks are food and, as such, generally follow the labelling rules for food, which are summarised in 'Labelling of prepacked foods: general'.

However, spirit drinks have specific labelling requirements that supplement and/or replace the normal labelling requirements, as follows.

Alcoholic strength

Spirit drinks must be labelled with their alcoholic strength to a maximum of one decimal place, in one of the following formats (x denotes the strength of the alcohol):

- 'x% vol'
- 'Alcohol x% vol'
- 'Alc x% vol'
- 'x% alc/vol'

The stated figure must be accurate to plus or minus 0.3%.

Name of the food

Each category of spirit drinks has a legal name that must be used. See 'Sales denomination: what you can call your product' below for a full explanation.

Field of vision

If the product has an alcohol content of 1.2% or higher, then the name and net quantity must be in the same field of vision as the alcoholic strength.

This means that you must be able to hold the product in such a way that all three pieces of information are visible at the same time.

Ingredients list

It is not mandatory for spirit drinks to have an ingredients list, although you are strongly encouraged to include one.

If you choose to declare the ingredients of your product, you must follow all rules for an ingredients list as though it was mandatory. See 'Labelling of prepacked foods: ingredients list' for more information.

Allergens

You must declare the presence of allergenic ingredients in your products, usually by emphasising them in some way in the ingredients list (bolding, capital letters, etc). For a full explanation of the requirements, please see 'Food allergens and intolerance'.

If the product does not have an ingredients list, the allergens still need to be declared in the form 'Contains:' followed by a list of the allergens present in the food.

The list of the allergens that must be declared can be found in Annex II to assimilated Regulation (EU) No 1169/2011 (see link in 'Key legislation' below).

If the specific allergen appears in Annex II, you must list it by name - for example, 'Contains: Wheat, Milk, Eggs'.

If the name of the allergen does not appear in Annex II (prawns, for example), you must specify the category of allergen - for example, 'Contains: Crustaceans'. This is not necessary if the name of the food makes a clear reference to the allergen ('Egg Liqueur', for example).

Under normal circumstances, it is necessary to emphasise the presence of cereals containing gluten ('Contains: Wheat', for example). However, cereals used for making alcoholic distillates (including ethyl alcohol of agricultural origin) are exempt from this requirement because the process of distillation removes the proteins that cause a reaction in allergy sufferers; they do not have to be included in the 'Contains' statement or be emphasised in the ingredients list.

If the product has an ingredients list, it is best practice to include a statement on the packaging, explaining to customers how allergenic ingredients have been emphasised - for example, 'For allergens, see ingredients in bold'.

Nutrition declaration

A nutrition declaration is not mandatory for spirit drinks. Again, manufacturers are encouraged to include a nutrition declaration, which must follow all the rules for a mandatory nutrition declaration if provided. See 'Labelling of prepacked foods: nutrition declaration'.

Nutrition and health claims

For more information on this section, see 'Nutrition and health claims'.

Nutrition claims

A nutrition claim is any claim that states, suggests or implies that a food has beneficial nutritional properties due to the energy, nutrients (protein, carbohydrate, fat, fibre, sodium), vitamins and minerals or other substances that it either contains, does not contain or contains in an increased or decreased amount.

Claims relating to low alcohol levels, the reduction of the alcohol content or the reduction of the energy content are the only type of nutrition claim that can be made on spirit drinks. Please note that spirit drink SDs have a minimum alcoholic strength that must be complied with; any reduction of alcohol must not take the spirit drink below the minimum alcoholic strength.

If you make a nutrition claim, you must include a nutrition declaration (see above).

Health claims

A health claim is any claim that states, suggests or implies that there is a relationship between health and a food, a type of food or something in a food.

Health claims must not be made on spirit drinks.

Durability indication

Alcoholic beverages (any beverage with an alcoholic strength of greater than 1.2% volume) with an alcoholic strength greater than 10% volume do not need to include a durability indication ('best before' / 'best before end').

Spirit drinks have a minimum alcoholic strength of 15% volume and are, therefore, exempt from the durability indication requirement.

You may choose to provide a durability indication; if you do, it must follow all the rules for a mandatory durability indication. See 'Date and lot marking of prepacked food'.

Specific requirements for spirit drinks

The manufacture (including mixing and blending) of spirit drinks is controlled by the Spirit Drinks Regulations 2008 (see 'Key legislation' below).

The Regulations specify what must be in the product (compositional requirements), restrict what the product can be called (the SD) and limit the production of certain spirits to specific countries or regions (geographical indications).

There are additional labelling requirements specific to spirit drinks.

A spirit drink is a beverage with an alcoholic strength of 15% volume or higher, produced by one or more of the following:

- Distillation of naturally fermented products
- Maceration (softening, mixing with, etc) of plants in ethyl alcohol of agricultural origin (see below)
- Mixing of flavouring substances with ethyl alcohol of agricultural origin
- Mixing of a spirit drink with ethyl alcohol of agricultural origin, another spirit drink, another alcoholic beverage, or another drink

Ethyl alcohol of agricultural origin is alcohol produced by distillation, typically of cereal grains such as wheat and maize, but sometimes of other crops such as potato.

The definition of spirit drink includes all the typical spirits such as vodka, gin, rum, whisky, brandy, etc and anything else meeting the definition.

If your product meets the definition of a spirit drink, you must comply with the Regulations.

Beers made from malt, wine and fortified wine, vermouth, and other fermented beverages such as cider, perry, mead and sake are not considered to be spirit drinks regardless of their strength.

Labelling of spirit drinks

Sales denomination: what you can call your product

The sales denomination (SD) is the name that you use to sell your product. All spirit drinks must have an SD and you cannot replace it with a brand name or similar. The SD replaces the 'legal' and 'descriptive name' requirements specified in 'Labelling of prepacked foods: product name'.

Annex II to assimilated Regulation (EC) No 110/2008 *on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks* lists 48 SDs, each of which describes a spirit drink and its properties; the majority of spirit drinks have an SD that is listed in Annex II.

As an example, Annex II has an SD for 'flavoured vodka', which it describes as a spirit drink that has:

- Been made from the distillation of fermented ethyl alcohol of potato, cereals or other agricultural crops
- Been given a flavour other than that of the raw materials
- A minimum alcoholic strength of 37.5% volume

There is a separate SD for 'vodka', which does not permit the product to be flavoured.

If you want to describe your product using any of the SDs in Annex II, you must comply with its requirements in full. For example, if you wished to call your product 'Vodka', it must meet all of the requirements, including a minimum alcoholic strength of 37.5% volume.

If your product does not meet the requirements of an SD, you must not use it on your product. You must not use the words 'like', 'type', 'style', 'made', 'flavour' or any other similar terms to describe it - for example, 'Vodka Style ...'.

If you are making a product that meets the definition of an SD in Annex II, you must use the SD - for example, if your product meets the requirements of vodka, then you must use the 'vodka' SD and call your product 'Vodka'. If your product meets the definition of more than one SD, you can choose which to use, but you must use one of them.

If your product does not meet the requirements of a specific named SD (vodka, gin, rum, whisky etc), you must use the SD 'spirit drink'.

There are no specific rules about where the SD should appear on the product (other than in the case of mixed spirit drinks below), but all food information must be clear, legible and easy to understand. It is recommended that the SD appear on the front of the bottle, as this removes any possibility of the label being considered misleading.

Many manufacturers combine spirits (such as vodka and gin) with fruits and other foods, which can lead to a reduction of the overall alcoholic strength to below the minimum strength stated in the relevant SD (for example, vodka mixed with strawberry juice that has an alcoholic strength of only 35% volume). Where this is the case, the product can no longer use the original SD and must instead use the SD 'spirit drink'.

The reduction of the alcoholic strength through combination with other foods etc is not considered to be dilution. Dilution is the deliberate reduction of alcoholic strength by adding water to the product and is not permitted.

Compound term: an additional way to describe your product

If you are manufacturing a product that uses a named spirit drink such as vodka, gin, etc (that meets the requirements of the relevant SD) as a raw ingredient, but due to combination with food etc the resultant product no longer meets that SD's requirements (as in the strawberry vodka example above), you must use the 'spirit drink' SD to describe your product. This indicates to a consumer that the product no longer meets the requirements of the spirit in question.

To accurately describe the product for marketing purposes, you can include an additional 'compound term' (CT).

A CT is an SD (such as vodka) or a geographical indication of a spirit drink (see below) combined with a food (strawberry, for example) and/or the word 'liqueur' - for example, 'Strawberry Vodka'.

The inclusion of both the SD and a CT allows you to describe the product in a way that will make it attractive to consumers (in the same way as using a 'fancy name', as discussed in 'Labelling of prepacked foods: product name') whilst still accurately describing the product.

There are specific rules that must be followed if you want to use a CT:

- The description 'spirit drink' must be included separately from the CT
- The wording of the CT must all be in the same font, size and colour and cannot be interrupted by anything that is not part of the CT
- The CT cannot be in a larger font size than the SD. The SD does not need to appear directly alongside the CT, but should appear on the front of the product to avoid misleading the consumer about the nature of the product
- The alcohol in the product must come solely from the SD of the spirit drink used in the CT
- You cannot use the term 'liqueur' in combination with certain SDs (numbers 33-40 of Annex II), but this does not include the most popular forms of spirits (rum, whisky, brandy, vodka, gin, etc)

To complete the example above, the product would be described as follows:

- 'Strawberry Vodka' (the CT)
- 'Strawberry Spirit Drink' (the SD)

If, after flavouring, the alcoholic strength is 37.5% volume or higher, the product could instead use the SD 'Flavoured Vodka', as follows

- 'Strawberry Vodka' (the CT)
- 'Strawberry Flavoured Vodka' (the SD)

Mixed spirit drinks

If your product consists of a mixture of spirit drinks, you must use the SD 'spirit drink'; it must be clear and appear prominently on the product (on the front of the bottle). If the mix has its own SD listed in Annex II, this should be used instead (Rum-Verschnitt, for example).

You may not use a CT as the alcohol is from multiple sources.

You may name the spirit drinks used in the product, but only alongside the description 'mixed spirit drink' - for example, 'Vodka and Rum Mixed Spirit Drink'.

The additional description must be separate from the SD 'spirit drink'; its text must all be in the same font and colour as the SD and must be no more than half the size of the SD.

Additionally, the description must appear in the same field of vision as a list that includes all the sources of alcohol in the product (meaning that you must be able to hold the product in such a way that all the information is visible at the same time).

The list must be laid out in descending order, from the one that contributes the largest amount of alcohol to the one that contributes the lowest amount. Each must have the percentage of alcohol that they contribute towards the total amount of alcohol presented in brackets next to it. For example:

- 'Vodka and Rum Mixed Spirit Drink'
- 'Vodka (80%), Rum (20%)'

In this case, the percentage does not relate to the alcoholic strength of the spirit being used (a minimum of 37.5% volume in the case of vodka), just the percentage of the total alcohol in the drink that it is made up of each spirit (it is equivalent to the QUID requirement explained in 'Labelling of prepacked foods: QUID' but relates only to the total volume of alcohol, rather than the total volume of the product).

Allusions

An allusion is any reference to a category of spirit drink (and/or an associated geographical indication) being added to food or a beverage, other than those appearing in a CT or an ingredients list. For example, 'Beer flavoured with Tequila' or 'Beer flavoured with Mexican Tequila'.

Allusions indicate that the category of spirit drink has been added to the food or beverage. The spirit drink will need to meet the compositional requirements of the category (and any associated geographical indication) at the point at which it is added to the food / beverage.

Allusions are permitted, with the following restrictions:

- The allusion must not appear in the same line as the SD
- The allusion must appear in a smaller font than that used for the SD and CT
- All additional alcohol in the food / beverage must come from the spirit drink referenced in the allusion

Other labelling requirements

Agricultural origin

If you choose to specify the agricultural origin of the alcohol (such as 'potato vodka'), you must list all sources of alcohol in the product. For example, 'Potato, Maize, ...'.

Blended

You may only use the term 'blend', 'blending' or 'blended' if you are blending two or more of the same category of spirit drink (two types of whisky, for example) with minor differences such as length of maturation, region of production, production method, etc. If you are combining two or more different spirits (vodka and rum, for example), you must refer to mixing rather than blending.

Matured

If a matured product contains a blend of old and young spirit drinks, then the maximum maturation time that you can claim is that which relates to the youngest part. For example, if you are blending a three-year aged whisky and a five-year aged whisky, you can only claim that the product has been matured for three years.

Protected food and drink names (geographical indications)

Some spirit drinks are traditional to certain countries or regions, or have a particular character when produced in those countries or regions. Where this is the case, the description may be registered as a 'geographical indication' (GI) (see the link to the GOV.UK website for more information on the GI schemes).

Each GI has a product specification that details how the product is to be made, what it can be made from, the alcoholic content, etc, and restricts the manufacture of the product to a specific geographical region. The specified region can be a country (such as for Irish Poteen) or a specific region within a country (such

as for Cornish Cyder Brandy).

When you use a GI, you can either replace the SD with the GI, or you may include both the SD and the GI.

A searchable register of geographical indications can be found on the GOV.UK website (covering food, wine and spirit drinks). In many cases, the detailed specifications of the protected items are not available through the register, though they can be obtained from the Department for Environment, Food and Rural Affairs (Defra) by emailing protectedfoodnames@defra.gov.uk. Alternatively, many of the specifications are available on eAmbrosia, the EU's geographical indications register.

You can only use a GI if you are complying with the rules on both composition and manufacture, and manufacturing the product within the protected geographical region. For example, you cannot describe your product as 'Estonian Vodka' unless the product is manufactured in Estonia.

If you wish to use a GI, your business must be audited to ensure that you are meeting the requirements of the GI; however, you do not have to use a GI if you do not want to.

You must not combine a GI with the words 'like', 'type', 'style', 'made', 'flavour' or any other similar terms unless the product is manufactured within the specified geographical area. For example, 'Russian Style Vodka'.

You must not mislead the consumer in any way as to the geographical origin of the product, even if you state the true origin on the bottle. For example, you cannot use the description 'vodka' on a background made up of the Estonian flag unless the product is manufactured in Estonia.

Composition of spirit drinks

If you wish to manufacture a spirit drink listed in Annex II, you must comply with the compositional requirements specified in the Annex. The requirements vary in complexity, but all specify the source of the alcohol to be used (distillation of molasses in the case of rum, for example), the minimum alcoholic content and permitted flavourings.

If you wish to manufacture a spirit drink covered by a GI, you must comply with the compositional rules contained in the product specification and manufacture the product within the geographical area in the specification.

If your product does not fall into one of the SDs listed in Annex II, you should apply the following general compositional rules:

- The alcohol can be produced from the alcoholic fermentation and distillation of any agricultural raw material and/or foodstuff suitable for human consumption
- The product can contain alcohol from additional sources
- The product can contain any flavouring substance or colour permitted to be used in food
- The product can be sweetened with any of the following:
    - Semi-white sugar
    - White sugar
    - Extra-white sugar
    - Dextrose
    - Fructose
    - Glucose syrup
    - Sugar solution

    - Invert sugar solution
    - Invert sugar syrup
    - Rectified concentrated grape must
    - Concentrated grape must
    - Fresh grape must
    - Burned sugar

The labelling requirements discussed above will apply.

Gluten-free and alcohol-free

Spirit drinks can be described as 'gluten-free' and 'alcohol-free', but they must adhere to the requirements below.

Gluten-free alcohol

Spirits and liqueurs are gluten-free due to a combination of the ingredients used in their production and the way in which they are produced (the distillation process removes gluten, which no longer has to be declared in the product due to an exemption in food information legislation). This means that you can make gluten claims on these products.

There are only two permitted gluten claims:

- 'Gluten-free' - max 20 mg/kg of gluten
- 'Very low gluten' - max 100 mg/kg of gluten

Statements such as 'No gluten-containing ingredients' are not permitted.

If you wish to make a gluten-free claim, you must be able to guarantee that your product contains less than the maximum permitted levels of gluten. Therefore, you will need procedures in place to prevent contamination with gluten and you will need to conduct regular testing to prove that your products contain less than 20 mg/kg or 100 mg/kg of gluten, as appropriate.

In the case of the products above, there are no gluten-containing ingredients, so there are no additional labelling requirements other than the gluten statement.

Non-alcoholic spirits

The terms low alcohol, alcohol-free, dealcoholised and any other phrases with the same or similar meanings must not be used on:

- Any product bearing the description 'spirit drink'
- Any of the SDs in Annex II to assimilated Regulation (EC) No 110/2008 (for example, you may not use the description 'Alcohol-free Gin' or similar')
- A geographical indication (GI) of a spirit drink listed on the GB register of protected geographical food and drink names
- A compound term (CT) which includes an SD or the term 'liqueur'
- An allusion that includes an SD in Annex II or the term 'spirit drink'

Provided this requirement is complied with, 'non-alcoholic spirits' are not controlled by spirit drinks legislation. Therefore, the labelling and compositional requirements outlined above will not apply.

If you are manufacturing a low-alcohol or alcohol-free beverage, then there are only certain descriptions that you can use on your products. When describing your product, apply the rules for descriptive names detailed in 'Labelling of prepacked foods: product name' - For example. 'Non-alcoholic botanical spirit'. See also the DHSC guidance below.

Non-alcoholic spirits are food and, as such, must comply with the requirements of the Food Information (Scotland) Regulations 2014 and assimilated Regulation (EU) No 1169/2011. See 'Labelling of prepacked foods: general' for a full explanation of the requirements.

If the final product has an alcoholic strength of 1.2% volume or less, then the exemptions for the ingredients list, nutrition declaration and durability indication do not apply.

DHSC guidance

The UK Government's Department of Health and Social Care has produced *Low Alcohol Descriptors Guidance*. It states that the descriptions are voluntary; therefore, they should not be used unless the product they are applied to has the characteristics outlined below. Any description must still be clear, accurate, and not misleading.

The descriptions are:

- Low alcohol. The drink must have an alcoholic content of 1.2% volume or less, and state the alcoholic strength on the packaging
- Alcohol-free. The drink must have an alcoholic content of 0.05% volume or less, and state the alcoholic strength (or that it contains no alcohol) on the packaging. The description can only be used where the alcohol has been extracted from the drink. **Note:** the term 'non-alcoholic' should not be used in conjunction with any name commonly associated with an alcoholic drink vodka, gin, rum, whisky, etc
- Dealcoholised. The drink must have an alcoholic content of 0.5% volume or less, and state the alcoholic strength (or that it contains no alcohol) on the packaging. The description can only be used where the alcohol has been extracted from the drink

The descriptions should appear on the front of the product and at any point where the alcoholic content is repeated on the product.

Alcohol-free beverages imported from Northern Ireland

The European standard for alcohol-free is a maximum alcoholic strength of 0.5% volume (10 times the maximum permitted alcoholic strength of UK alcohol-free products). Whilst the UK was a member of the EU, alcohol-free goods manufactured in compliance with EU (rather than UK) standards could be legally sold in the UK. Now that the UK is no longer a member of the EU, EU products labelled as alcohol-free with an alcoholic strength of greater than 0.05% volume are no longer legally permitted to be sold in the UK, although they can be legally sold in Northern Ireland.

Alcohol-free products originating from the EU with an alcoholic strength of greater than 0.05%, which have been in free circulation in Northern Ireland and are subsequently sent to Scotland, England or Wales may be legally sold in those countries.

Sales of spirit drinks in Northern Ireland

Assimilated Regulation (EC) No 110/2008 has been repealed in the EU and replaced with Regulation (EU) 2019/787 *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.* This means that the requirements for spirit drinks are different in GB and the EU. The EU requirements must be complied with if you wish to export your goods to Europe.

The Northern Ireland Protocol means that, post-Brexit, NI is still aligned with the EU; therefore, EU requirements must be complied with in NI. Therefore, Regulation (EU) 2019/787 applies in NI, but assimilated Regulation (EC) No 110/2008 still applies in GB. However, if your goods will only be sold in NI, and are not at risk of onward sale in the EU, you need only comply with the GB requirements, provided that the exterior transport packaging is clearly marked as 'Not for EU'.

Specified quantities

Prepacked spirit drinks must only be sold in the quantities listed below.

- 100 ml
- 200 ml
- 350 ml
- 500 ml
- 700 ml
- 1,000 ml
- 1,500 ml
- 1,750 ml
- 2,000 ml

Details of exceptions to these quantities and the legal definitions of the products can be found in Schedule A1 to the Weights and Measures (Intoxicating Liquor) Order 1988 (see link in 'Key legislation' below).

Further information

For guidance on alcoholic beverages other than spirit drinks, see 'Alcoholic beverages and alcohol in food'; for underage sales of alcohol, see 'Alcohol: age restrictions'; and for measuring requirements, stamps on glasses, etc, see 'Selling alcohol in licensed premises'.

Trading Standards

For more information on the work of Trading Standards Services and the possible consequences of not abiding by the law, please see 'Trading Standards: powers, enforcement and penalties'.

> In Scotland, food labelling laws are not generally enforced by Trading Standards Services, but rather by Environmental Health. However, we have included In-depth Guides on food for Scotland in order to provide more comprehensive guidance.

In this update

Extra information added about the DHSC's *Low Alcohol Descriptors Guidance*. Clarification concerning where Regulation (EU) 2019/787 applies.

Last reviewed / updated: October 2025

Key legislation

- Weights and Measures (Intoxicating Liquor) Order 1988
- Licensing (Scotland) Act 2005
- Spirit Drinks Regulations 2008
- Assimilated Regulation (EC) No 110/2008 *on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks*
- Assimilated Regulation (EU) No 1169/2011 *on the provision of food information to consumers*
- Assimilated Regulation (EU) No 716/2013 *laying down rules for the application of Regulation (EC) No 110/2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks*
- Food Information (Scotland) Regulations 2014
- Weights and Measures (Intoxicating Liquor) (Amendment) Regulations 2024

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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