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trading standards law explained

Alcoholic beverages and alcohol in food

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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.

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.

This guidance is for Scotland

This guidance relates to prepacked products only, with the exception of the information relating to alcohol

in food, which will apply regardless of how the product is sold.

'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 ...".

This guide lays out specific labelling and compositional requirements for alcoholic beverages and food that contains alcohol.

This guide does not cover alcohol served for consumption on licensed premises.

Definitions

'Alcoholic beverage' means any drink that has an alcohol content of more than 1.2% alcohol by volume (vol).

Both wine and spirit drinks are alcoholic beverages. However, they have specific and complex requirements that are not covered by this guide. For more information on the legal requirements for wine, please refer to the Food Standards Agency's wine labelling guidance (for the quantities in which prepacked wine may be sold, see 'Specified quantities' below). For more information on the legal requirements of spirit drinks, see 'Labelling and composition of spirit drinks'.

Alcohol licensing

If you wish to supply products, including food, with an alcohol content greater than 0.5% volume you will likely 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 alcoholic beverages differ from standard food labelling

As stated above, an 'alcoholic beverage' is any drink that has an alcohol content of more than 1.2% alcohol by volume (vol).

Alcoholic beverages are food and generally follow the labelling rules for food, which are summarised in 'Labelling of prepacked foods: general'.

However, the labelling of alcoholic beverages differs from the labelling of other foods in several ways, as follows.

Alcoholic strength

Alcoholic beverages 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, with the level of accuracy being dependent on the type of alcoholic beverage:

- plus or minus 0.5% for beer and wine with a strength of up to 5.5% volume
- plus or minus 1% for beer and wine with a strength of greater than 5.5% volume
- plus or minus 1.5% for beverages containing macerated fruits or plants
- plus or minus 0.3% for all other alcoholic beverages

Field of vision

If the product has an alcohol content of 1.2% or higher, the name and net quantity will have to be in the same field of vision as the alcoholic strength (declared as 'x% vol.', 'alc x% vol.' or 'alcohol x% vol.').

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 alcoholic beverages 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'.

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, 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 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 ('Milk Stout', for example).

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 alcoholic beverages. 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 (see 'Alcohol-free and low-alcohol beverages' below) or the reduction of the energy content are the only type of nutrition claim that can be made on alcoholic beverages.

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 alcoholic beverages.

Durability indication

Alcoholic beverages with an alcoholic strength greater than 10% volume do not need to include a durability indication ('best before' / 'best before end'). For products with a lower alcoholic strength, see 'Date and lot marking of prepacked food'.

Gluten-free and alcohol-free

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

Gluten-free alcohol

Cider, wine, sherry, port 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-free 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-free statement.

Gluten-free beer

Beer (in its various forms) is usually manufactured from gluten-containing cereals such as barley, and under normal circumstances cannot be described as gluten-free. However, there are certain circumstances in which beer can be described as gluten-free (the information above regarding statements and precautions will apply equally).

Non-traditional ingredients

Crops such as buckwheat, sorghum, millet and rice do not contain gluten, so gluten-free claims can be made, subject to the restrictions above.

Low-gluten cereals

Certain cereals can be obtained in low-gluten variants; due to the reduced presence of gluten in the cereal, the levels of gluten present in the finished product will be lower.

Gluten is currently unique among allergens because there is a specified maximum legal limit of gluten that can be present in your product in order for you to make a gluten-free claim; this means that your product can contain gluten and it might still be legal for you to make a gluten-free claim.

As stated above, the limits are 20 mg/kg if you want to make a gluten-free claim and 100 mg/kg if you want to make a very-low-gluten claim. You will need to conduct regular testing to prove that the levels of gluten are below these limits, and you will need to have procedures in place to prevent contamination with gluten.

The law requires that you emphasise the presence of 'cereals containing gluten'. This is a requirement regardless of how much gluten is in the final product and you will always need to declare their presence if they have been used as an ingredient. Most alcoholic beverages do not have an ingredients list, so this would be achieved by a 'contains' statement that emphasises the allergenic ingredients (capital letters, a bold font, etc) - for example, 'Contains - **Barley**'.

This means that your product will bear both a gluten-free statement and emphasise the presence of a cereal containing gluten; this is a strange situation, but it is normal.

Please refer to 'Prepacked and PPDS foods that do not have an ingredients list' in the guide 'Food allergens and intolerance' for more information.

Artificially reducing the levels of gluten

Finished beer can be treated with enzymes that break down any gluten protein remaining in the product to reduce the levels below the 20 mg/kg limit.

The regular testing and processes to prevent contamination and the allergen-labelling requirements discussed in 'Low-gluten cereals' above will apply.

Alcohol-free and low-alcohol beverages

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 beer'. See also the DHSC guidance below.

If the final product has an alcoholic strength of 1.2% volume or less then the product is no longer an alcoholic beverage; therefore, the exemptions for the ingredients list, nutrition declaration and durability indication do not apply.

DHSC guidance

The Department of Health and Social Care has produced *Low Alcohol Descriptors Guidance*, which includes the following descriptions (referred to as 'descriptors' in the guidance):

- **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
    - the term 'non-alcoholic' should not be used in conjunction with any name commonly associated with an alcoholic drink (beer, cider, 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 DHSC guidance states that these descriptions are voluntary. They should not be used unless the product they are applied to has the characteristics outlined above. Any description used must still be clear, accurate and not misleading.

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

Note: the DHSC guidance only applies in England; however, it is advisable for businesses in Scotland to follow it, as well as those in England.

Alcohol-free beverages imported from the EU and 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.

Alcoholic beverages and foods that contain spirit drinks

Any reference to a spirit drink being added to food or a beverage is an 'allusion'. For example, 'Beer flavoured with Tequila' or 'Beer flavoured with Mexican Tequila'.

Each category of spirit drink will have compositional requirements that must be complied with at the point the spirit drink is added to the food / beverage. There are also additional labelling requirements that must be complied with.

For a full explanation, see the 'Allusions' section in the 'Labelling and composition of spirit drinks' guide.

Alcohol in food

Foods that contain alcohol do not benefit from the exemptions that apply to alcoholic beverages. Therefore, an ingredients list, a nutrition declaration and a durability indication are all mandatory, regardless of whether the food has an alcoholic strength greater than 10% volume.

The restrictions on nutrition and health claims do not apply to foods that contain alcohol. However, it is best practice not to make such claims, and any claim you do make must be accurate and not misleading. For a full explanation of the requirements, see 'Nutrition and health claims'.

Where alcohol is added prior to cooking, there is normally no (or a negligible amount of) alcohol in the final product, so it is treated no differently to other food.

Where alcohol is added to food after cooking, or the food is prepared without cooking, the final product will contain alcohol (ice cream, for example).

The requirement to declare the alcoholic strength only applies to alcoholic beverages; therefore, other foods that contain alcohol do not need to declare the alcoholic strength. However, any food that has an alcohol content of greater than 0.5% volume is legally defined as alcohol and supply to anyone under the age of 18 is a criminal offence; it is best practice to make it clear on the product that it should not be sold or given to anyone under the age of 18.

Liqueur confectionary is not considered to be alcohol; therefore, you do not need an alcohol licence to supply it, and there is no control over where it can be displayed. In order to use the exemption, your product must meet the definition of liqueur confectionery, which means it must comply with both of the following:

- contain no more than 0.2 litres of alcohol (of a strength no greater than 57% volume) per kilogram of the confectionery
- either consist of separate pieces weighing no more than 50 g each or be designed to be broken into such pieces in order to be eaten

It is illegal to sell liqueur confectionery to a child (someone under 16) and the rules about age verification and due diligence apply.

Fermented foods (kombucha, for example) may contain small amounts of alcohol as a natural by-product of the fermentation process. The alcohol does not need to be declared unless the alcoholic strength is greater than 0.5% volume; if it is, the above will apply.

Food supplements that contain greater than 1.2% alcohol are not considered to be alcoholic beverages.

Specified quantities

There are weights and measures requirements for the sale of alcohol. When prepacked (the consumer buys a whole bottle, for example), wine must only be sold in certain quantities, which are listed below.

Still wine:

- 100 ml
- 187 ml
- 200 ml
- 250 ml
- 375 ml
- 500 ml
- 568 ml
- 750 ml
- 1,000 ml
- 1,500 ml

Yellow wine:

- 620 ml

Sparkling wine:

- 125 ml
- 200 ml
- 375 ml
- 750 ml
- 1,500 ml

Liqueur wine:

- 100 ml
- 200 ml
- 375 ml
- 500 ml
- 750 ml
- 1,000 ml
- 1,500 ml

Aromatised wine:

- 100 ml
- 200 ml
- 375 ml
- 500 ml
- 750 ml
- 1,000 ml
- 1,500 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 spirit drinks, see 'Labelling and composition of spirit drinks'; 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

Additional information added to the 'Alcohol-free and low-alcohol beverages' section.

Last reviewed / updated: March 2026

Key legislation

- Weights and Measures (Intoxicating Liquor) Order 1988
- Licensing (Scotland) Act 2005
- assimilated Regulation (EU) No 1169/2011 *on the provision of food information to consumers*
- Food Information (Scotland) Regulations 2014

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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