
Technical notes

Aspects of wine labelling regulations – health-related claims, geographical indications and traditional expressions

The AWRI and Wine Australia recently convened a workshop entitled *The changing regulatory environment of Australian wine* at the 16th Australian Wine Industry Technical Conference. This workshop focused on the changes that have occurred to winemaking, labelling, and marketing regulations over the past three years. Speakers at the workshop included representatives from the AWRI, Food Standards Australia New Zealand (FSANZ), Wine Australia, Accolade Wines and Treasury Wine Estates.

Two of the key topics covered in the workshop were:

- nutrition, health and related claims on wine labels; and
- the use of geographical indications (GIs) and traditional expressions (TEs) on wine labels.

This article provides a brief summary of the material covered for those topics in the workshop.

Nutrition and health claims

Nutrition and health claims are not permitted for any alcoholic beverages with an alcohol content greater than 1.15% v/v, except for claims about carbohydrate, energy or gluten content. Correspondingly, nutrition information panels (NIPs) are only mandatorily required for wine labels if claims are made about the carbohydrate, energy or gluten content of a wine. They may, however, be voluntarily included on a wine label. In addition, no endorsements are permitted.

Claims about the alcohol content of a wine (such as ‘reduced alcohol’) are not considered to be a nutrition content claim although a claim of ‘low alcohol’ cannot be made if the wine contains greater than 1.15% v/v.

Definition of claims

In Australian and New Zealand consumer law any claims and labelling for foods must not be false or misleading. A claim is considered to be an express or implied statement, representation, design or information in relation to a food, or a property of food, which is not mandatory in the Australia New Zealand Food Standards Code. Claims are generally made to support healthy food choices and accordingly can be about nutrition content and certain disease risk reductions. For example, according to Standard 1.2.7, ‘source of calcium’ is considered a nutrition content claim, ‘calcium builds stronger bones’ is a general level health claim linking to a function but not to a disease and ‘calcium reduces the risk of osteoporosis’ is a high level health claim linking to a disease. A statement such as ‘Healthy Bones Australia’ included on a food label is considered to be an endorsement.

Claims about the risk or danger of immoderate wine consumption or that wine should only be consumed in moderation are permitted. Any other claims that are expressly permitted by another standard, such as claims about allergens, are also permitted on the label of wines of any alcohol content.

Further information on nutrition, health and related claims for wine sold in Australia, can be found in these resources:

- The health claims section of the FSANZ website (<http://bit.ly/2d5HqmL>)
- The Implementation Subcommittee for Food Regulation (ISFR) website (<http://bit.ly/2dnnU8E>). This provides a 62-page guide to complying with the relevant Standard [1.27] of the Australia New Zealand Food Standards Code. The flowchart shown below (from the ISFR website) is a useful tool in determining which type of claim is being made on a particular label and therefore which section of the guide to refer to.

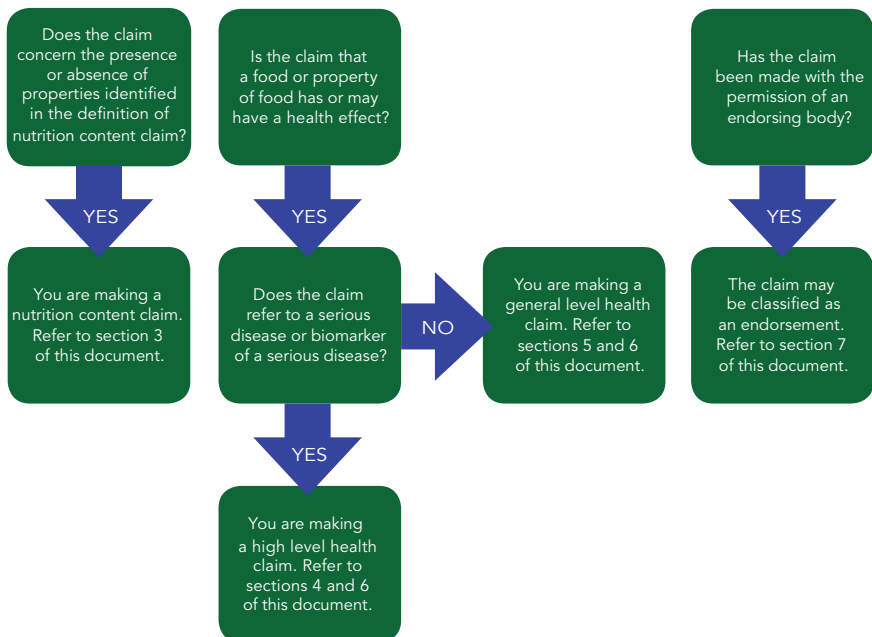


Figure 1. Flowchart identifying the different types of claims that can be made on food or wine labels

Geographical Indications (GIs) and Traditional Expressions (TEs)

Wine Australia maintains the *Register of Geographical Indications and Other Terms* and ensures compliance with labelling regulations. A key part of the regulations relates to the use of GIs and TEs.

A GI identifies wine as coming from a particular region or locality. Examples include: Mount Lofty Ranges, Mudgee or High Eden. A TE in relation to wine originating in a foreign country means a traditionally used name referring, in particular, to the method of production or to the quality, colour or type of the wine. Examples include terms like Auslese or Vin de Pays.

Under the *Australian Grape and Wine Authority Act 2013* and Regulations (<http://bit.ly/2d5p3Qp>), it is an offence to sell, import or export a wine with a false description and presentation, or with a misleading description and presentation (sections 40C and 40E respectively). With some small carve outs, under section 40D of the Act, the description and presentation of a wine is false if it includes a registered GI, and the wine did not originate in that GI. Even if a carve out can be applied, the use can be held to be misleading if, in any event, it is likely to mislead as to the origin. Carve outs include pre-existing trade mark rights, terms used as part of an individual's name or winery address, inclusion of a business name (TE only), and common English words. For example, use of a registered GI or TE is not considered to be misleading if: the term is a common English word; the use does not indicate that the wine originated from somewhere that it did not; the description and presentation indicates the true origin of the wine; and the word or term is used in good faith. The same does not necessarily apply to more specific regions. A 'test' would be:

- Does the label include a GI or country from which the wine does not originate?
- Does the label include a term that so resembles a GI that it is likely to mislead?
- Is there a common English word carve out? Are there any other carve outs?
- If so, in any event, is the use of the GI (or term so resembling the GI) misleading?

For information on GIs and TEs included on wine labels, please consult <http://bit.ly/2d5mZl2>.

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