

Wine Products. A guidance note for local authority food enforcement officers.

Labelling, presentation and authenticity

Wine is defined under European legislation as -

“The product obtained exclusively from the total or partial alcoholic fermentation of fresh grapes, whether or not crushed, or of grape must.”

Wine is protected under European legislation to ensure its origin, character and description are properly presented to the consumer. Vine growing and wine making practices are also subject to legislative controls. Rules concerning record keeping and accompanying documents ensure product traceability.

Enforcement

The Wine Standards Board was established in 1973 and, following implementation of the Hampton recommendations, was merged with the **Food Standards Agency** in July 2006. The **Wine Standards Branch (WSB)** includes two head office staff, based at the Agency headquarters in London, and a team of eight regionally based inspectors.

The **WSB** is responsible for enforcing wine labelling, description, traceability and record keeping and, for this purpose, inspectors visit **wholesalers and importers** as well as bonds and wholesale warehouses. Traders encompass a wide range of activities, ranging from the head offices of large multiple chains to sole traders operating from small premises. The overall system of control is laid down in Council Regulation 1493/99. **Local Authority** enforcement officers are responsible for enforcement in **retail** premises.

English and Welsh wine production and harvests are monitored and records checked by inspectors during visits to vineyards and wineries.

Around 1700 traders and about 400 vineyards are registered with the WSB. Visits to premises are central to inspection work and are often unannounced. Businesses are risk rated (see annex) and the frequency of inspection determined. Dependent on the type of activity the inspection frequency ranges from once a year to once every four years, with high-risk premises, such as customs bonded warehouses, being visited three or more times a year. The scoring system also takes into account compliance history

and management systems, and a poor score can have the effect of moving an otherwise low risk business into a higher risk category necessitating more inspection visits.

The UK is the largest market by value for many wine producing countries. The quantity of wine transiting the UK each year is enormous and, although the UK is a small player in terms of wine production, the WSB plays an important role in helping promote consumer confidence by ensuring the authenticity and proper description of wine products.

Contact Details for WSB Inspectors

Inspectors are trained using specialist Wine and Spirit Education Trust courses, and they are happy to offer advice to the trade and other enforcement bodies.

Please do not hesitate to approach your local inspector if this might be helpful.

Contact details for each inspector can be found on the Agency website: <http://www.food.gov.uk/foodindustry/winestandards/contactinspectors>

Guidance and Advice on Wine Legislation

Comprehensive advice and practical guidance concerning the relevant wine legislation can be found on the Agency website. Information includes the Agency objectives, frequently asked questions and a guide to the law relating to wine sector products.

<http://www.food.gov.uk/foodindustry/winestandards/>

A set of guidance notes covering basic labelling requirements can be found at <http://www.food.gov.uk/foodindustry/winestandards/lawguide>

In addition to downloadable guidance notes, links to other useful sites are provided.

The European Wine Regime

Introduction

EC Regulations are published in the "L" series of the "Official Journal" as either "Council" or "Commission" regulations.

EC Website

The EC website "Europa" lists all legislation in force, including amendments and supplements to original text. All regulations are classified by code for the Directory of Community Legislation. Wine is grouped under principal heading 03 – Agriculture, with the sub-heading 03.60.55.

Council Regulation 479/2008

The overall system of control is laid down in Council Regulation 479/2008 under the headings:

Production potential, including planting of vines
Oenological practices and processes, description, designation
Presentation and Protection
Market Mechanisms, including storage and distillation
Trade with Third Countries
Free circulation and release to the market

479/2008 also sets out the framework of labelling requirements for still and sparkling wines, semi sparkling wines and liqueur wines.

Other Regulations

Regulations covering specific aspects of the wine regime include:

Regulation 1607/00 - Quality Wines
Regulation 555/2008 - Controls in the Wine Sector, V11 certificates, vineyard support programme and production potential
Regulation 2392/86 - Community Vineyard Register
Regulation 884/01 - Accompanying Documents and Records
Regulation 423/2008 – Oenological practices
Regulation 753/02 – Labelling

EC Information and Notices

These documents are published in the "C" series of "Official Journals", and are for information only. They include lists of Quality Wine Produced in Specified Regions (QWPSR) and geographical designations for Table Wines, authorities in Member States and designated laboratories.

UK National Legislation

EC wine regulations are brought into effect in the UK by means of a Statutory Instrument – The Common Agricultural Policy (Wine) Regulations – that is updated by way of periodic amending S.I.s.

The CAP (Wine) Regulations perform the following functions -

- Lists the Community Regulations under which prosecutions may be pursued
- Lists the various competent authorities
- Specifies the penalties that can be imposed on persons found guilty of offences
- Lists the various enforcement authorities and the scope of their responsibilities
- Specifies the powers of the "authorised officers";

- Sets out any UK national provisions (e.g. the Quality Wine rules, definition of 'Medium Dry') where these are allowed by EC regulations.

In this context the FSA is listed as an authority for enforcement purposes for the import and export of wine and for the industry in general, with the exception of the retail sector. Inspectors have powers as "authorised officers".

The following bodies are designated by the Common Agricultural Policy (Wine) Regulations as responsible for ensuring compliance with EU wine law:

- **Department for Environment, Food and Rural Affairs (Defra):** designated as the liaison body responsible for contact with the European Commission and for co-coordinating activities of control authorities in the UK.
- **Food Standards Agency (FSA):** is the control authority that enforces the wine regulations in the wholesale sector of the wine trade, including vineyards and wineries. It also supervises the EU system of documentation and maintenance of records for wine.
- **Local Authorities:** local authority officers enforce the wine regulations at retail level and additionally are responsible for Weights and Measures legislation. Also responsible for Personal and Premises Alcohol Licences.
- **HM Revenue and Customs:** is responsible for ensuring that wine is accompanied by the necessary documentation at the point of entry to the UK for third country wine, or at the consignees' tax warehouse for EU wine.

Authorised officers of these bodies have extensive enforcement powers for the purpose of securing compliance with the wine regulations. These include powers of entry and inspection and control of movement of wine, as well as authority to take samples of wine.

Other National Legislation

In addition to EC wine regulations and the CAP (Wine) Regulations, there are other national requirements, some of which apply to the wine sector.

The major items are shown below:

- Weights and Measures Act 1985
- Weights and Measures (Packaged Goods) Regulations 2006
- Alcoholic Liquor Duties Act 1979
- Imported Food Regulations 1997
- Food Labelling Regulations 1996
- Trade Descriptions Act 1968
- Consumer Protection from Unfair Trading Regulations 2008
- Trade Marks Rules 1994
- Food Safety Act 1990
- Food (Lot Marking) Regulations 1996

Labelling

Comprehensive rules govern the labelling of still and liqueur wines, sparkling and semi-sparkling wines. Their purpose is to provide consumers with clear and accurate information to enable them to identify the origin and quality status of the wine, and to prevent them from being misled or confused.

Regulation 1493/99¹ contains general rules on the description and presentation of still wines. More detailed rules are found in Regulation 753/02.

The type of information which may be shown falls into three categories:

- **Mandatory Information**, which is necessary to enable the product to be identified. Must be grouped together in the same field of vision (so that it can be seen without having to turn the bottle) and in easily readable, indelible characters that show up clearly against the background on which it is printed and can be clearly distinguished from all other writings and designs. It should be displayed in English.
- **Optional Information (specified)**, that provides supplementary information about the product.
- **Additional Optional Information**, for the benefit of the consumer, which must be helpful and must not conflict with other information.

The rules do not simply cover the description of wine, as it appears on labels. They also apply to information contained in:

- official documents, such as records and accompanying documents
- commercial documents, particularly invoices and delivery notes
- advertising material

Foodstuffs Regulations

Although many aspects of wine labelling are set out in wine regulations, food regulations apply whenever there are no specific wine provisions. The main areas are:

- Nominal volume measurement
- Lot marking
- Food labelling provisions, not otherwise covered by wine sector regulations

Under UK legislation these are the responsibility of Local Authorities, who also have responsibility for Weights and Measures and Food Labelling Regulations.

Trades Descriptions Act 1968 and Consumer Protection from Unfair Trading Regulations 2008

In the UK, EU wine regulations are supplemented by the **Trade Descriptions Act 1968** ,

¹ although repealed by 479/2008 may provisions remain in place until 1 August 2009

which makes it a criminal offence to apply a false or misleading description to wine **sold by retail** (if deception occurs the Theft Act 1968 could also be invoked). This legislation is enforced by local authorities trading standards departments. The Consumer Protection from Unfair Trading Regulations sets out the prohibition on unfair commercial practices and is enforced by local Weights and Measures authorities and the Office of Fair Trading. **Environmental Health Departments** are responsible for hygiene enforcement in bottling plants and wineries.

Control of Documents and Records

Records

Wholesale traders are required to keep records of their stock of wine products, and the entry or withdrawal of wines. Those handling wine in bulk must keep records of the nature and quantity of products used, vat numbers, number and capacity of bottles filled, date, and accompanying document number. Where wine is bottled under contract, the name and address of the person who commissioned the bottling must be shown.

Records and accompanying documents must be kept for at least five years. They must be made available at all times for inspection.

Accompanying Documents for the Wholesale Trade

European Community Products:

In bulk

An Administrative Accompanying Document (AAD) must be used for shipments from other Member States. These are supplied by the consignor and overseen by the authorities in the originating countries. An AAD or a Commercial Accompanying Document (CAD) is used for bulk movements within the UK.

In small containers

A commercial document (e.g. an invoice or delivery note) must be used except for wine consigned in small quantities.

Commercial documents aim to authenticate the origin of products and verify their description and quantity, and provide an audit trail.

Third Country Products (from outside Europe)

Generally wine products entering the EC must be accompanied by a V11 form provided by the consignor in the country of origin. This provides traceability and a detailed description of the product. The V11 also contains a formal analysis statement.

