

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

Labelling, presentation and authenticity

1. 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.

2. Enforcement

a. Role of Wine Standards

Wine Standards (formerly the Wine Standards Board) is part of Standards Branch in the Food Standards Agency Operations Group with eight regional inspectors who work from their homes and visit wine traders, warehouses and vineyards on a risk assessed basis. The overall system of control is laid down in Council Regulation 1234/2007. **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.

b. 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/enforcement/sectorrules/winestandards/contactinspectors>

c. 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/wine>

A set of guidance notes covering basic labelling requirements can be found at

<http://www.food.gov.uk/enforcement/sectorrules/winestandards/lawguide>

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

3. The European Wine Regime

a. Introduction

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

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.

<http://eur-lex.europa.eu/en/legis/20100201/chap036055.htm>

b. Council Regulation 1234/2007

The overall system of control for agricultural products, including wine, is laid down in Council Regulation 1234/2007 under the headings:

Production potential, including planting of vines
Oenological practices and processes, description, designation
Presentation and Protection of designations
Market Mechanisms, including storage and distillation

Trade with Third Countries
Free circulation and release to the market

1234/2007 also sets out the framework of labelling requirements for still and sparkling wines, semi sparkling wines and liqueur wines (e.g. Port, Sherry).

c. **Commission Regulations**

The general rules for specific aspects of the wine regime are as follows:-
Commission Regulation 555/2008 - Controls in the Wine Sector; VI1 documents
Council Regulation 436/2009 - Community Vineyard Register, accompanying documents and records
Commission Regulation 606/2009 – Oenological practices
Commission Regulation 607/2009 – Labelling

d. **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.

e. **UK National Legislation**

EC wine regulations are brought into effect in the UK by means of Statutory Instruments – The Wine Regulations – that are updated by way of periodic amending S.I.s.

The Regulations perform the following functions -

- Lists the Community Regulations under which prosecutions maybe 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 rules for the Quality and Regional Wine Scheme) 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".

f. **Liaison and competent authorities**

The following bodies are designated by the 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.(counterpart bodies in the devolved regions)

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 are 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.

4. 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 1234/2007 contains general rules on the description and presentation of still wines. More detailed rules are found in Regulation 607/2009.

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, subject to the provisions of Food Labelling Regulations.

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

5. Other National Legislation

In addition to EC wine regulations and the Wine Regulations, there are other national requirements for food and consumer legislation, including food labelling and weights and measures,

a. 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
Nutrition and health claims

Under UK legislation these are the responsibility of Local Authorities, who have responsibility for Weights and Measures Regulations (Specified Quantities, Packaged Goods).

b. 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**, 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.

6. Control of Documents and Records

a. 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.

b. 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.

JRC/JB
Dec 2007 rev Oct 2010