

**Number: WG35171**



Llywodraeth Cymru  
Welsh Government

Welsh Government  
**Consultation Document**

## The use of Low Alcohol Descriptors

Date of issue: 25 July 2018  
Action required: Responses by 19 September 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

<b>Overview</b>	This consultation seeks views on the descriptions used on the labelling of low alcohol drinks.
<b>How to respond</b>	<p>The closing date for responses is midnight on 19 September 2018.</p> <p>Responses can be submitted using the online form.</p> <p>Alternatively, a response form is provided at Annex A which can be returned by email to:</p> <p><a href="mailto:Tobaccopolicy@gov.wales">Tobaccopolicy@gov.wales</a></p> <p>Or by post to: Risk Behaviours (Tobacco, Alcohol and Gambling) Public Health Division 4th Floor, East Welsh Government Cathays Park Cardiff CF10 3NQ</p>
<b>Further information and related documents</b>	<p><b>Large print, Braille and alternative language versions of this document are available on request.</b></p> <p>The consultation document can be accessed from the Welsh Government website at: <a href="https://beta.gov.wales/consultations">https://beta.gov.wales/consultations</a></p>
<b>Contact details</b>	<p>For further information:</p> <p>Risk Behaviours (Tobacco, Alcohol and Gambling) Public Health Division 4th Floor, East Welsh Government Cathays Park Cardiff CF10 3NQ</p> <p><a href="mailto:Tobaccopolicy@gov.wales">Tobaccopolicy@gov.wales</a></p>

## General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation. If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

## Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data holds about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:  
Welsh Government  
Cathays Park  
CARDIFF  
CF10 3NQ

e-mail:

[Data.ProtectionOfficer@gov.wales](mailto:Data.ProtectionOfficer@gov.wales)

The contact details for the Information Commissioner's Office are:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545 745 or  
0303 123 1113

Website: <https://ico.org.uk/>

# Consultation on the use of low alcohol descriptors

## Contents

Introduction – Page 5

Where are we now – Page 5

What are we considering – Page 5

Next steps – Page 12

Summary of questions – Page 12

Response form – Annex A

## Introduction

For many people in Wales alcohol forms some part of their social lives. As with most activities in life, this carries a degree of risk. In 2016 the UK Chief Medical Officers' published guidelines designed to enable people to make informed choices regarding their alcohol intake. The intention is to help people understand the risks alcohol may pose to their health and to make decisions about their alcohol consumption in the light of those risks.

The guidelines recommend keeping health risks from alcohol to a low level; it is safest not to drink more than 14 units a week on a regular basis. Low alcohol drinks can help people achieve this recommendation.

The Welsh Government is consulting on how best to continue to communicate information to the public about low alcohol products, so that adults can continue to make informed choices when they purchase drinks. Our counterparts across the UK are taking similar action.

The consultation is seeking to gather views as to whether we should continue the current process or if a voluntary approach, supported with guidance, could work. We are also reviewing the current terminology used to describe low alcohol products.

## Where are we now?

The popularity and sales of low and non-alcoholic drinks in the UK is on the rise with a 20.5% increase in sales over the past 12 months<sup>1</sup>. The market and product range is diversifying; beers, lagers, stouts, wines and even some mixed spirits are available, with some retailers dedicating shop aisles in supermarkets to stock such products<sup>2</sup>. Organisations such as Club Soda<sup>3</sup> (a mindful drinking forum) are helping educate the public and retailers to promote non-alcoholic alternatives.

Low alcoholic products may have fewer calories than regular strength alcohol drinks<sup>4</sup> and could help reduce calorie intake as part of a healthy diet. The switch to lower and non-alcoholic beverages may have a positive effect in helping achieve public health gains in reducing UK alcohol consumption and help support people to move towards drinking less. In 2016 the UK Chief Medical Officers published their Low Risk Drinking Guidelines<sup>5</sup> which recommends drinking no more than 14 units a week in order to keep health risks to a low level.

---

<sup>1</sup> The Grocer online: Moderation on trend as sales of low and no-alcohol beer soars. 24 August 2017. <https://www.thegrocer.co.uk/stores/consumer-trends/moderation-on-trend-as-sales-of-low-and-no-alcohol-beer-soars/556762.article>

<sup>2</sup> Department of Health and Social Care: Low Alcohol Descriptors. A consultation on the use of low alcohol descriptors. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/690516/low\\_alcohol\\_descriptors\\_consultation\\_document.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690516/low_alcohol_descriptors_consultation_document.pdf)

<sup>3</sup> <https://joinclubsoda.co.uk/>

<sup>4</sup> Drinkaware: Difference between alcoholic and non-alcoholic beers. Accessed 14/06/18. <https://www.drinkaware.co.uk/alcohol-facts/alcoholic-drinks-units/alcoholic-and-non-alcoholic-beers/>

<sup>5</sup> UK Chief Medical Officers: Low Risk Drinking Guidelines. August 2016. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/545937/UK\\_CMOs\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/545937/UK_CMOs_report.pdf)

Part 1 of Schedule 8 of the Food Labelling Regulations 1996 (FLR)<sup>6</sup> contains conditions for the use of terms describing products with reduced, or no alcohol and ensuring that product labels are consistent and not misleading in relation to their low alcohol content. Use of the terms is not compulsory, but, if they are used, the products must meet the conditions set out in the regulations. The relevant parts of the FLR will be revoked on 13 December 2018 by the Food Information Regulations (Wales) 2014 (FIR)<sup>7</sup>.

## What are we considering?

The use of low alcohol descriptors is a devolved matter. Each UK country has a clause in its Food Information Regulations (in Wales the FIR) which will mean the existing provision in the FLR in relation to low alcohol descriptors will automatically end on 13 December 2018.

The Welsh Government is keen to hear views on four key areas, these are:

- Should the Welsh Government continue with the current information requirements for low alcohol and non-alcoholic drinks, or replace the existing regulations with guidance?
- Currently low alcohol drinks have to have an alcohol by volume (ABV) content of 1.2% or less. Is this sufficient, or should it be lower?
- There are currently three descriptors which could be sending mixed messages, these are alcohol free, non-alcoholic and dealcoholised. Do these make sense or should they be changed?
- Is there a need for an additional descriptor for alcoholic drinks which are higher than the current low alcohol levels (1.2% ABV)?

Further details about these key areas are detailed below, and a summary of all of the questions are contained on page 12

## Legislation or guidance

Under the current arrangements, if a manufacturer wants to label a low alcoholic drink, they are required to meet the criteria set out in regulations. They are not required to label these drinks, but they do have to follow the FLR if they do wish to use the current descriptors.

These regulations come to an end 13 December 2018 and the Welsh Government is considering how this issue should be managed once these regulations have ended. Whilst low alcohol descriptors are a devolved issue, it is also an issue which affects all of the UK. We are working with the Department of Health and Social Care (DHSC) in England, which has taken the lead on this issue, Food Standards Scotland, and Food Standards Northern Ireland to share the information from this consultation and consider if a UK-wide agreement can be reached.

---

<sup>6</sup> Legislation.gov.uk: The Food Labelling Regulations 1996. July 1996.  
<http://www.legislation.gov.uk/ukxi/1996/1499/contents/made>

<sup>7</sup> Legislation.gov.uk: Food Information Regulations (Wales) 2014. August 2014.  
<https://www.legislation.gov.uk/wsi/2014/2303/introduction/made>

The Welsh Government is considering two options following the current regulations ending.

Option 1 – To continue to set the criteria for low alcohol descriptors in regulations and review the existing descriptors to determine if they are still fit for purpose, or if they require updating.

Option 2 – To review the existing descriptors for low and non-alcoholic drinks and work with the industry to produce guidance on the labelling for low and non-alcoholic drinks.

Low alcohol descriptors have been defined in secondary legislation since 1996, so there may be concerns from the public that in the absence of legislation for descriptors the alcohol industry may create their own descriptors and apply these to a level beyond 1.2% ABV. This is a legitimate concern.

However, the absence of legislation does not mean an absence of regulation. One option is to work with industry and other stakeholders to produce guidance and publish descriptors that should be used to describe low alcohol products which we would expect the alcohol industry to adhere to and follow. This option could be as effective as the current regulations and would provide more flexibility to respond to possible future policy changes.

To further mitigate risk, relevant enforcement authorities would still be expected to refer to the guidance when assessing whether any descriptor was misleading. Courts, where applicable, would also be expected to have regard to the guidance in proceedings before them.

It will continue to be an offence for labels to be misleading under Section 15(1) of the Food Safety Act 1990<sup>8</sup>. Regulation (EC) No.178/2002, which is enforced in Wales by the Nutrition and Health Claims Regulations (Wales) 2007<sup>9</sup>, also requires nutrition and health claims not to be false, ambiguous or misleading.

The proposed guidance would be kept under review and its impact assessed after a 3-year period. If the guidance is not serving its intended purpose, reintroducing legislation would be considered. The current powers under The Food Safety Act 1990<sup>8</sup> to make regulations would be retained.

We are interested in people's views as to whether a regulated approach or voluntary approach with supporting guidance would be the best approach for low alcohol descriptors.

## Questions

1. Which of the options do you agree with, to continue to legislate on low alcohol descriptors or work with industry and other stakeholders to provide guidance?

---

<sup>8</sup> Legislation.gov.uk: Food Safety Act 1990. June 1990. <https://www.legislation.gov.uk/ukpga/1990/16/introduction>

<sup>9</sup> Legislation.gov.uk: The Nutrition and Health Claims (Wales) Regulations 2007. October 2007. <http://www.legislation.gov.uk/wsi/2007/2611/introduction/made>

## **Low alcohol drinks**

Since 1996 there has been an understanding that low alcoholic products could be described as anything from 0% to 1.2% ABV. Most products on the shelves using the low alcohol descriptor tend to be in the range of 0.5% to 1.2% ABV<sup>2</sup>.

With the rise in demand for, and growth in choice of, low alcoholic drinks<sup>1</sup>, we believe there would be advantages in providing continuity to the public and industry, by keeping the existing descriptors for products at and below 1.2% ABV. This would provide a degree of certainty as to what low alcohol products are, and prevent confusion once the legislation ends.

The descriptor “low alcohol” can only be used if the alcoholic drink meets these conditions:

- a) the drink has an ABV of not more than 1.2 per cent, and
- b) the drink is marked or labelled with an indication of its maximum alcoholic strength, as set out in FLR , immediately preceded by the words “not more than”.

## **Questions**

2. Do you agree that the upper alcohol limit should remain at 1.2% ABV in order to use the descriptor “low alcohol”, or should this limit be reduced?

## **Non-alcoholic, alcohol-free and dealcoholised.**

Under the current regulations there are three descriptors which could be confusing to the general public. These are non-alcoholic, alcohol-free and dealcoholised. In theory these could all mean the same, which is a product that does not contain alcohol. In reality, they have three different definitions. The requirements for these descriptors are:

- Non-alcoholic – cannot be used in conjunction with a name associated with an alcoholic drink except for communion or sacramental wine.
- Alcohol free – product must be 0.05% ABV or below;
- De-alcoholised – product must be 0.5% ABV or below.

Additional details for these descriptors are outlined below.

## **Non-alcoholic**

There are a variety of alcohol-free or low alcohol drinks made from grapes on the market. It may be the case that the current conditions for the use of the descriptor “non-alcoholic” are too restrictive and may not reflect the innovation in the marketplace producing alcohol-free products made with grapes, along with ranges of other drinks such as alcohol-free beers. There are possible overlaps and confusion with this descriptor and the term “alcohol-free”, which is described in the next section.



Currently the descriptor “non-alcoholic” can only be used if the following conditions are met

- a) it cannot be used in conjunction with a name commonly associated with an alcoholic drink, except in the composite name “non-alcoholic wine” when that composite name is used in accordance with regulation 43 of the FLR.

## **Alcohol-free**

There may be a number of reasons why people choose, or are required, to avoid alcohol and increasing the level at which a product can be defined as alcohol-free could cause difficulty for those people. For example, there are some religions where drinking of alcohol is forbidden, pregnant women need to know if the products they are using are safe to consume and not harmful, recovering alcoholics may need to avoid alcohol where it could become a gateway to drinking dependency.

Under section 191(1)(a) of the Licensing Act 2003<sup>10</sup>, the definition of intoxicating liquor does not include liquor which is of a strength not exceeding 0.5% ABV at the time of the sale or supply in question. This could be seen as contradictory to regulations or advice given that a descriptor for alcohol-free is set at 0.05% ABV.

One option would be to redefine alcohol-free as below 0.5% ABV to encourage the alcohol industry to produce more low alcohol products. However, the low alcohol industry is growing and sales of 0.05% ABV products are increasing in the UK. The Industry has demonstrated that it can produce quality products which meet the 0.05% of alcohol-free current definition, without any change to the existing definition.

It is important consumers are aware of the content of the products they are consuming and that descriptors meet public expectations. We are mindful that changing the description of alcohol-free or non-alcoholic to a level such as 0.5% ABV may have negative consequences for consumers.

Currently the descriptor “alcohol free” can only be used if it meets the following conditions

- (a) the drink has an ABV of not more than 0.05%, and;
- (b) the drink is marked or labelled in a form comprising of the words “not more than” and with an indication of its maximum alcoholic strength or in an appropriate case, with an indication that it contains no alcohol.

## **The Dealcoholised Descriptor**

Dealcoholised is a term used when alcohol is produced through the fermentation process and then removed from the final drink so it contains no more than 0.5% ABV. The descriptor tends to be used more by industry for wines rather than beers and lagers.

---

<sup>10</sup> Legislation.gov.uk: Licensing Act 2003. July 2003. <https://www.legislation.gov.uk/ukpga/2003/17/introduction>

From research the DHSC has received and feedback from some industry representatives “dealcoholised” does not tend to resonate well with the public as a particular descriptor.

With the rise in the low alcohol industry and product appeal to consumers, we welcome views as to whether this descriptor should continue, and if not, what alternatives may exist.

Currently the descriptor “dealcoholised” can only be used if the following conditions are met

It can not be applied to any drink, unless-

- (a) the drink, being an alcoholic drink from which the alcohol has been extracted, has an ABV of not more than 0.5%, and
- (b) the drink is marked or labelled in a form comprising of the words “not more than” and with an indication of its maximum alcoholic strength or in an appropriate case, with an indication that it contains no alcohol.

### Questions

3. Should we continue to use the descriptors non-alcoholic, alcohol-free and dealcoholised as they are currently defined, or should they be amended or ceased to be used?
4. Do you think the descriptor non-alcoholic should be permitted to be used other than in connection with sacramental and communion wines? Please provide a reason why.
5. Should the descriptor alcohol-free, if it is retained, continue to be at 0.05%

### Descriptors above 1.2% ABV

The DHSC in England have engaged with stakeholders to discuss policy proposals on the possibility of introducing new descriptors for drinks with more than 1.2% ABV, with the aim of encouraging the public to move towards drinks with a lower strength than the industry standard.

The focus was on proposals for beers, lagers, ciders and wines. Descriptors such as “reduced” or “lower alcohol” were proposed, but there was no consensus over the % ABV level at which these descriptors should apply.

In addition to these events, DHSC commissioned independent research on the public understanding of, and response to, the existing descriptors and potential new ones was commissioned. The research studies are:

- Study 1: Impact of low alcohol verbal descriptors on perceived strength: an experimental study<sup>11</sup>

---

<sup>11</sup> <http://onlinelibrary.wiley.com/doi/10.1111/bjhp.12273/full>

- Study 2: Impact on product appeal of labelling wine and beer with (a) lower alcohol verbal descriptors and (b) % alcohol by volume: an experimental study-under review: Psychology of Addictive Behaviours (November 2017).
- Study 3: Impact of low alcohol labels on consumption: a bar lab experiment -revised manuscript under review: Health Psychology (November 2017)
- Study 4: Low alcohol and equivalent labels for changing selection and consumption of alcohol, food and tobacco products: a systematic review<sup>12</sup>.
- Study 5: Marketing messages accompanying online selling of lower and regular strength wine and beer products in the UK: A content analysis<sup>13</sup>.

Not all the studies are yet published, but we understand the evidence received so far suggests that the appeal of alcoholic drinks reduces with their perceived strength (Studies 1 and 2).

There were no descriptors which tested particularly well in terms of their impact on appeal. There was some evidence that lower strength alcohol labelling could increase the total volume of alcohol consumed on a single drinking occasion when compared to regular strength alternatives (Study 3).

There was also some evidence that the marketing of lower strength products could encourage people to extend the number of drinking occasions, e.g. drinking lower strength products at lunchtimes when previously they might not have consumed alcohol (Study 5). The latter study also noted that some consumers found it helpful to have clear labelling of a lower alcohol product.

In summary, the evidence generated is limited in quantity, but it represents a significant increase in our understanding, compared to the near absence of relevant evidence before these studies were commissioned, as highlighted in the systematic review (Study 4).

While DHSC research conducted to date does not provide definitive support for new descriptors, we are committed to the principle of increasing consumer choice, encouraging lower alcohol consumption and ensuring simplicity of information provided. Therefore, we welcome further views about how an additional descriptor above 1.2% ABV could deliver this.

## Questions

6. Do you have any evidence to support the case for introducing new alcoholic drink descriptors above 1.2% ABV?

<sup>12</sup> <http://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-016-3956-2>

<sup>13</sup> <https://bmcpublichealth.biomedcentral.com/track/pdf/10.1186/s12889-018-5040-6?site=bmcpublichealth.biomedcentral.com>

## **Further Comments**

Any further comments you may have regarding this consultation are welcomed.

## **Questions**

7. Do you have any further comments to add?

## **Next steps**

All responses received by midnight on the closing date of 19 September 2018 will be carefully considered. A summary report of consultation responses will be published on the Welsh Government website in due course after the completion of the consultation.

## **Summary of questions**

1. Which of the options do you agree with, to continue to legislate on low alcohol descriptors or work with industry and other stakeholders to provide guidance?
2. Do you agree that the upper alcohol limit should remain at 1.2% ABV in order to use the descriptor “low alcohol”, or should this limit be reduced?
3. Should we continue to use the descriptors non-alcoholic, alcohol-free and dealcoholised as they are currently defined, or should they be amended or ceased to be used?
4. Do you think the descriptor non-alcoholic should be permitted to be used other than in connection with sacramental and communion wines? Please provide a reason why.
5. Should the descriptor alcohol-free, if it is retained, continue to be at 0.05%
6. Do you have any evidence to support the case for introducing new alcoholic drink descriptors above 1.2% ABV?
7. Do you have any further comments to add?

# The use of Low Alcohol Descriptors consultation

## Response form

Your name:

Organisation (if applicable):

E-mail/telephone number:

Your address:

Responses should be returned by **19 September 2018** to:

Risk Behaviours (Tobacco, Alcohol, Gambling)  
Public Health Division  
Directorate of Health Policy  
Welsh Government  
Cathays Park  
Cardiff

CF10 3NQ

or completed electronically and sent to: [tobaccopolicy@gov.wales](mailto:tobaccopolicy@gov.wales)

**Question 1** - Which of the options do you agree with, to continue to legislate on low alcohol descriptors or work with industry and other stakeholders to provide guidance?

Continue to legislate  Work with industry and other stakeholders to provide guidance  Not sure

Supporting comments

**Question 2** - Do you agree that the upper alcohol limit should remain at 1.2% ABV in order to use the descriptor “low alcohol”, or should this limit be reduced?

Agree  Disagree  Neither agree or disagree

Supporting comments

**Question 3** - Should we continue to use the descriptors non-alcoholic, alcohol-free and dealcoholised as they are currently defined, or should they be amended or ceased to be used?

**Non-alcoholic**

Retain  Redraft  No longer relevant  Unsure

**Alcohol-free**

Retain  Redraft  No longer relevant  Unsure

**Dealcoholised**

Retain  Redraft  No longer relevant  Unsure

Supporting comments

**Question 4** - Do you think the descriptor non-alcoholic should be permitted to be used other than in connection with sacramental and communion wines? Please provide a reason why.

Yes

No

Don't know

Supporting comments

**Question 5** - Should the descriptor alcohol-free, if it is retained, continue to be at 0.05%?

Yes

No

Don't know

Supporting comments


**Question 6** - Do you have any evidence to support the case for introducing new alcoholic drink descriptors above 1.2% ABV?

Yes

No

Supporting comments

**Question 7** – Do you have any further comments to add?

A large, empty rectangular box with a black border, intended for the user to provide further comments in response to Question 7.