
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Scotland only, further amend the Food Labelling (Scotland) Regulations 1984 (“the principal Regulations”) in respect of alcoholic strength marking and nutrition labelling. The Regulations continue to implement Council Directive No. [79/112/EEC](#) (O.J. No. L33, 8.2.79, p.1) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer, as now amended by Council Directive [86/197/EEC](#) (O.J. No. L144, 29.5.86, p.38) requiring an indication of the alcoholic strength of alcoholic beverages and supplemented by Commission Directive [87/250/EEC](#) (O.J. No. L113, 30.4.87, p.57).

Regulations 7 and 13 and the Schedule substitute for regulation 31 of the principal Regulations alcoholic strength labelling requirements for prepacked alcoholic drinks other than Community controlled wine. For alcoholic drinks when sold otherwise than prepacked (i.e. dispensed), the alcoholic strengths of a representative sample (which need not exceed 6 in the case of Community controlled wines or 30 in the case of other alcoholic drinks) must be displayed. Cocktails and other mixtures of dispensed drinks are exempted from these requirements. The alcoholic strength must be marked or labelled, or notified, by volume, positive and negative tolerances being permitted for the purpose.

Regulations 8, 9 and 10 make consequential amendments to the manner of marking or labelling requirements of the principal Regulations. In particular they require that dispensed drinks be marked or labelled on a menu, wine list or notice and that the indication of alcoholic strength marking appear in the same field of vision as the name of the alcoholic drink. Where information is already required and displayed under the Price Marking (Food and Drink on Premises) Order 1979 the notification of alcoholic strength required under the principal Regulations may be given in the same place as is the information given under that Order.

Regulation 11 provides that a reference to protein, polyunsaturated fatty acid or sodium in a statement of the basic nutrient content of a food shall not of itself constitute a claim of a type described in Schedule 6 to the principal Regulations.

Further amendments are made by regulations 4 and 12 to update the provisions on wine in accordance with Council Regulation ([EEC](#)) No. [822/87](#) (O.J. No. L84, 27.3.87, p.1) and by regulations 5 and 6 to exempt from labelling requirements sparkling wines and aerated sparkling wines in so far as their labelling is governed by Council Regulation ([EEC](#)) No. [3309/85](#) (O.J. No. L320, 29.11.85, p.9).

The Regulations come into force for the most part on 8th June 1989 and, in the case of the new alcoholic strength labelling requirements, on 17th July 1989. Until the latter date, regulation 14(1) and (2) permits, for prepacked drinks, compliance with the new requirements and, for dispensed drinks, the use of the new tolerances, in alcoholic strength labelling.

For alcoholic drinks (other than Community controlled wine), there is no offence in respect of the failure to mark or label with the alcoholic strength where the drink was prepacked before 1st May 1989 and complies with the former regulation 31 labelling requirements, or where the drink is dispensed from a container prepacked before 1st May 1989 (regulation 14(3)).

For dispensed community controlled wine, there is no offence in respect of the failure to mark or label with the alcoholic strength where the drink was prepacked before 1st May 1988, or where the label on the container from which the wine is dispensed was printed before 1st May 1988 and affixed

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before 1st May 1989 or where the container was directly labelled in manufacture before 1st May 1988 and prepacked before 1st May 1990 (regulation 14(4)).