

Labelling of Irish Whiskey



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This guide sets out an approach to ensure the correct use of marketing materials and terms which do not mislead the consumer when it comes to labelling Irish whiskey.



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Purpose

This guide applies to Irish whiskey that is placed on the market. The labelling and advertising of food is governed by the principles outlined in Articles 16 and 17 of Regulation EC No 178/2002 on the general food law.¹

Whiskey is food as far as the law is concerned. Regulation (EC) No 178/2002 defines food as “any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans. ‘Food’ includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment.”



This guide sets out an approach to ensure the correct use of marketing materials and terms which do not mislead the consumer when it comes to labelling Irish whiskey.

This guide will aid in compliance with the rules governing the labelling, advertising and presentation of food as specified in Article 16 of the general food law (Regulation (EC) No 178/2002) and expanded on in Article 7 of Regulation (EU) No 1169/2011 on the provision of food information to consumers (FIC). This guide also sets out the requirements of Regulation (EC) No. 110/2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks.

Food business operators (FBOs) include those who produce/ manufacture, distribute, bottle or blend Irish whiskey. The FBO is obliged to ensure that food information provided to consumers is compliant with relevant legislation.

¹ “Without prejudice to more specific provisions of food law, the labelling, advertising and presentation of food or feed, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium, shall not mislead consumers.”
Article 16.

Legal provisions

The legal provisions which protect Irish whiskey are covered in:

- Number 33 of 1980, Irish Whiskey Act, 1980
- Regulation (EC) No 110/2008
- S.I. No. 316/2015 – European Communities (Spirits Drinks) Regulations 2015

In addition to the above, there are rules on the labelling of food which must be also be adhered to:

- Regulation (EU) No 1169/2011
- S.I. No. 556/2014
- Directive 2011/91/EU
- S.I No. 110 of 1992

As Irish whiskey is a protected geographical indicator, it is also covered by a technical file.

The technical file details terminology, ingredients and production practices involved in the production of Irish whiskey. The technical file is available on the Department of Agriculture, Food and the Marine (DAFM) website. (For details, see [DAFM website – technical file](#)).



Types of Irish whiskey

The general classification “Irish whiskey/uisce beatha Éireannach/ Irish whisky” also contains the following three recognised Irish whiskey varieties, each with their own specific technical specifications:

- pot still Irish whiskey/
Irish pot still whiskey
- malt Irish whiskey/
Irish malt whiskey
- grain Irish whiskey/
Irish grain whiskey.

The term “blended Irish whiskey/
Irish blended whiskey” means a blend of two or more different whiskey types from the three recognised Irish whiskey varieties.



Whiskey and Irish Whiskey

Whiskey is a spirit drink under Regulation (EC) No. 110/2008 and must comply with this legislation. For whiskey to be called Irish whiskey, it must, in addition, comply with the requirements of the technical file.

The specifications for the Irish whiskey geographical indicator (GI) are set down in the technical file and registered with the European Commission. To attain GI status, a spirit drink must be produced in accordance with the technical specifications for the GI in question. Irish whiskey has a protected status, which is governed by national and EU legislation.

Those who produce and market Irish whiskey under the Irish GI must ensure that the production processes used for the products are verified as meeting the requirements of the relevant technical file. All traders in these products who are involved in any or all of the following processes are required to undergo a verification check:

- Brewing
- Fermentation
- Distillation
- Maturation
- Blending, bottling and labelling.

Revenue is for the GI verification of Irish whiskey in Ireland. In the case of Irish whiskey produced in Northern Ireland, verification of the product is carried out by Her Majesty's Revenue and Customs (HMRC).

A list of verified premises is available on the DAFM website. (For details, see [DAFM list of verified premises](#))



Whiskey and Irish whiskey (continued)

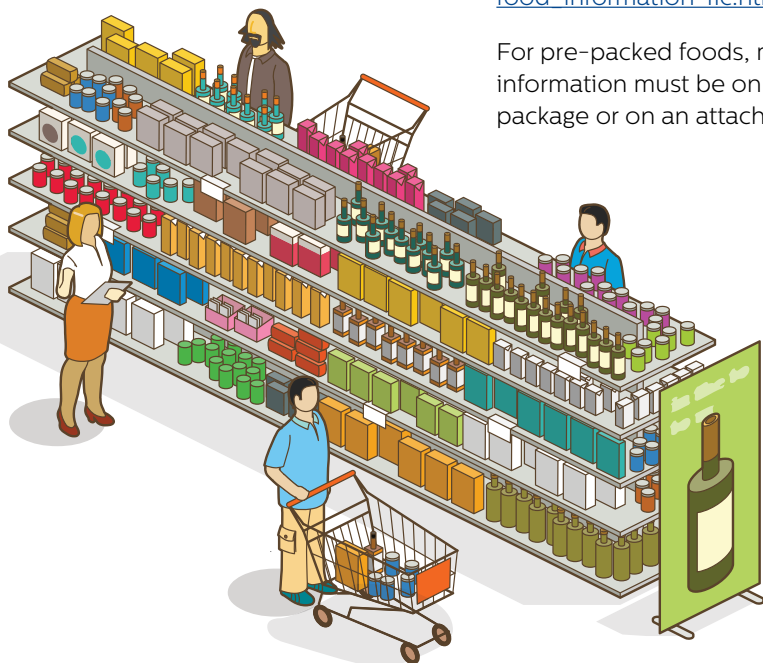
Labelling of Irish whiskey

Irish whiskey which conforms to Regulation (EC) No 110/2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks, and which also conforms with the DAFM technical file, may be labelled as “Irish whiskey” “uisce beatha Éireannach” or “Irish whisky”.

The labelling of Irish whiskey is governed by the general labelling regulations – Regulation (EU) No 1169/2011 on the provision of food information to consumers – and also by the general rules for whiskey which are contained in the European Communities (Spirits Drinks) Regulations 2015.

Regulation (EU) No 1169/2011 is available on the Food Safety Authority of Ireland’s website. www.fsai.ie/legislation/food-legislation/food_information_fic/food_information-fic.html

For pre-packed foods, mandatory information must be on the package or on an attached label.



The following indications must be provided on Irish whiskey labelling:

Labelling information			
Mandatory		Voluntary	
Food information to consumers (FIC) – Regulation (EU) No 1169/2011	Lot/Batch – Directive 2011/91/EU	Voluntary information	Health Claims – Regulation (EC) 1924/2006
1. Name of the food	In addition to the FIC requirements, Directive 2011/91/EU on indications or marks identifying the lot to which a foodstuff belongs requires that foodstuffs must be accompanied by an indication which allows identification of the lot to which a foodstuff belongs, i.e. a lot/ batch number.	If an FBO decides to add information to the label that is covered under FIC legislation, they must ensure that the information is provided in the manner specified in the FIC Regulation.	Health claims are not permitted on the labelling of Irish whiskey. Beverages containing more than 1.2% by volume of alcohol are exempted from the obligation to provide nutrition information. However, should an FBO wish to provide a nutrition declaration, the content of the declaration may be limited to the energy value only.
2. Allergen information			
3. The net quantity of the food			
4. The name or business name and address of the FBO			
5. With respect to beverages containing more than 1.2% by volume of alcohol, the actual alcoholic strength by volume (<i>name, net quantity and alcoholic strength must be in the same field of vision</i>).			

Whiskey and Irish whiskey (continued)

Labelling provisions as set out in the technical file

All Irish whiskeys must bear the sales denomination “Irish whiskey” or “uisce beatha Éireannach” or “Irish whisky”, unless they qualify as “pot still Irish whiskey/Irish pot still whiskey” or “malt Irish whisky/Irish malt whiskey” or “grain Irish whiskey/Irish grain whiskey” or “blended Irish whiskey”, in which event they must bear the relevant sales denomination.



The compulsory sales denomination (i.e. the relevant category description) must:

- Appear on the front of the bottle and on packaging or materials used for display purposes during the marketing of the Irish whiskey
- Be prominent, printed in a conspicuous place in such a way as to be easily visible and legible to the naked eye and indelible so that it is clear that it is the sales description of the whiskey
- Be printed in a way that gives equal prominence to each word making up the name of the category
- Be as prominent as any other description of the whiskey on the container or packaging.

The compulsory sales denomination must not be:

- Overlaid or interrupted by other written or pictorial matter
- Used in conjunction with any other words.

Voluntary information

If an FBO decides to add information to the label that is covered under FIC legislation, they must ensure that the information is provided in the manner specified in the FIC Regulation. For example, the provision of a list of ingredients is not mandatory for beverages containing more than 1.2% by volume of alcohol. However, if an FBO decides to provide a list of ingredients, it must be provided as set out in Regulation (EU) No 1169/2011, i.e. headed or preceded by a suitable heading which consists of or includes the word 'ingredients'.

It must include all the ingredients of the whiskey, in descending order of weight, as recorded at the time of their use in the manufacture of the food. Where the whiskey contains the colour 'caramel', it must be declared in the list of ingredients by the food additive category colour, immediately followed by the specific name of the additive or its E number, i.e., colour: E150a or colour: Plain caramel.



Marketing terms, claims and examples

It is important that any marketing materials (including labelling, claims made and/or terms used) are not false, misleading or inaccurate. The use of voluntary information should be considered in the context of legal requirements under Regulation (EU) No 1169/2011 on the provision of food information to consumers.

Voluntary information is often used as part of the marketing of a spirit drink, where the information and terms used highlight particular messages and/or attributes that the producer/brand owner wishes to convey to consumers, as part of the promotion of their product. Such information is often used as part of the labelling of the product itself; this includes statements made on the labels of the products themselves, as part of promotion on websites, and/or on other media formats.

Voluntary food information

In accordance with Article 36 of Regulation (EU) No 1169/2011:

Food information (including spirit drinks) provided on a voluntary basis shall meet the following requirements:

- (a) It shall not mislead the consumer, as referred to in Article 7 (see below)
- (b) It shall not be ambiguous or confusing for the consumer, and
- (c) It shall, where appropriate, be based on the relevant scientific data

https://www.fsai.ie/uploadedFiles/Reg1169_2011.pdf

Fair information practices

In accordance with Article 7 of Regulation (EU) No 1169/2011:

1. Food information shall not be misleading, particularly:
 - (a) as to the characteristics of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, country of origin or place of provenance, method of manufacture or production
 - (b) by attributing to the food effects or properties which it does not possess
 - (c) By suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics, in particular by specifically emphasising the presence or absence of certain ingredients and/or nutrients

Distillery and distiller

All distilleries involved in the production of Irish whiskey must be verified by Revenue. Any statements on labels that would appear to give the impression of distilling where distilling is not yet taking place is not permitted. Any specific claims made on the packaging regarding where the product was distilled, matured or blended must be accurate. Any information provided must be factual, and evidence will be required to support any claims.

For example: ‘Distilled by St Mary’s Distillery, Dublin, Ireland’: This voluntary text ‘Distilled by’ could be understood to mean that the ‘whiskey’ was wholly distilled in this distillery.

‘Place of manufacture’ as defined in Regulation (EC) No 110/2008 means the place or region where the stage in the production process of the finished product which conferred on the spirit drink its character and essential definitive qualities took place. Consequently, ‘Product of’ can be used if distilling, blending or maturing of the product took place at the named distillery.

Marketing terms, claims and examples (continued)

Care must be taken with the use of brand names and company or trading names, which may be taken by consumers to be the name of a distillery (when they are not).

For example: brand name – (X Distillery) with an address at St John's Bridge. This statement could mislead the consumer, as they might think there is a distillery at St John's Bridge, whereas, in fact, this could just be the brand name of the whiskey. Care must be taken when giving this kind of information, as this implies that the distillery is in a certain location that may not actually exist, and this could potentially mislead consumers, which would be in breach of Article 7 of Regulation (EU) No 1169/2011.

Equally, any reference to the distiller must be accurate. Any information provided must be factual, and evidence will be required to support any claims. The labelling, packaging, advertising or promotion of an Irish whiskey should not, having regard to the presentation of the product, create a likelihood that the public may think that the whiskey was distilled by any person other than the person who distilled it.

A 'master distiller' is responsible for the quality of the product that a distillery produces and any reference to a 'master distiller' must reflect a person who has acquired such a responsibility and skill set. If using this phrase, the company must explain the meaning of this term bearing in mind Article 36 of Regulation (EU) No 1169/2011.



Use of place names in sale names/brand name

In the case of Irish whiskey products that use a place name as a sales name or brand name, it is important to ensure that any claims which specify where the product is distilled, matured or blended are accurate and do not confuse the consumer as to place of provenance.

Categories of Irish whiskey

Where the variety name is used to describe an “Irish whiskey/uisce beatha Éireannach/Irish whisky”, then the production method for this whiskey must strictly adhere to the technical specification defined for that whiskey.

For example: single malt Irish whiskey means an Irish whiskey made from malted barley at a single distillery by batch distillation in pot stills.

Blend/blending/blended whiskey

“Blended Irish whiskey/Irish blended whiskey” means a blend of two or more different whiskey types from the “pot still Irish whiskey/Irish pot still whiskey”, “malt Irish whiskey/Irish malt whiskey” and “grain Irish whiskey/Irish grain whiskey” varieties. “Blended Irish whiskey/Irish blended whiskey” may also be described simply as “Irish whiskey”.

It is important that any statements or claims made regarding blends of whiskey are not misleading, inaccurate or false. Consequently, the source, age and type of all whiskey used in each blending operation must be fully traceable as GI verified whiskey. Nothing may be added during blending other than water and caramel colouring E150A.

It takes years to acquire the skill and knowledge to become a ‘master blender’. If using this phrase, the company must explain the meaning of this term bearing in mind Article 36 of Regulation (EU) No 1169/2011.

Marketing terms, claims and examples (continued)

There needs to be evidence supporting any claims/statements made, which should be kept on file for verification purposes (i.e. by the Revenue Commissioners and the Health Service Executive (HSE)).

Maturation and age

“Irish whiskey/uisce beatha Éireannach/Irish whisky” must be matured in wooden casks only on the island of Ireland, such maturation being for a minimum of three years. Whiskey is matured in wooden casks, from different types such as oak which may have been previously used to store other categories of alcoholic beverages, including but not limited to madeira, sherry, port or bourbon. During the maturation phase, interactions take place between the spirit and the cask, which influences the flavour of the final product.



“Irish whiskey/uisce beatha Éireannach/Irish whisky” cannot be labelled, packaged, sold, advertised or promoted in a way that includes a reference to the year of distillation of the whiskey. An exception to this rule is allowed if the presentation of the whiskey also includes in the same field of vision the reference to the year of distillation:

- (a) The year of bottling of the whiskey
- (b) The period of maturation of the whiskey, or
- (c) The age of the whiskey

“Irish whiskey/uisce beatha Éireannach/Irish whisky” cannot be labelled, packaged, sold, advertised or promoted in a way that includes any reference to a period of maturation or age of the whiskey unless it is to the period of maturation or age of the youngest whiskey in the drink expressed in years and consisting of one number (which may be expressed either as a numeral or as a word), and provided that the whiskey was aged under appropriate control and verification.

The labelling, packaging, advertising or promotion of an Irish whiskey must not include a reference to any number (however expressed) if the reference to that number may create a likelihood of confusion on the part of the public as to whether the number relates to the maturation period of the Irish whiskey, its age or when it was distilled.

For example: if a commemorative date of significance appears on an Irish whiskey label, this could be interpreted as the age of the whiskey or its distillation date. Brand owners must ensure that such references are not misleading. Similarly, references to the foundation dates of distilleries, vintages and finishing periods must be clear and accurate and not misleading to the consumer.

Marketing terms

When using marketing terms, FBOs should always bear in mind the general principles governing the provision of food information to consumers in Regulation (EU) No 1169/2011. For details, please see the FSAI Guidance Note on the use of marketing terms, which is available on: https://www.fsai.ie/publications_food_marketing_terms

Examples of terms used as follows:

Maturation in a ‘charred cask’ would mean that the whiskey was matured in charred barrels. Evidence that casks were in fact ‘*charred*’ should be available for verification, in order to make such a claim.

‘Double wood’ – evidence is needed to support the use of this term. This could mean, for example, that the whiskey was aged in American oak bourbon barrels before finishing, for example, in French oak wine casks. The term ‘double wood’ would need to be authentic and, again, evidence supporting this voluntary claim would need to be available, so that it could be verified.

Marketing terms, claims and examples (continued)

If using terms such as ‘old’ or ‘very rare single cask’, for example, it is important to consider what message the consumer is taking from this. It could be interpreted by the consumer as meaning that the whiskey is old rather than the cask is old.

Care must be taken when using phrases such as ‘our whiskey is made and cared for by hand’. The consumer may think that this production method is different from that used by other producers.

If using a word such as ‘pure’, this could imply that other single grains are ‘not pure’. A label should not imply that the food possesses special characteristics when in fact all similar food possesses such characteristics.

Water

With regard to ‘spring water’, please note that [Directive 2009/54/EC](#) on the exploitation and marketing of natural mineral waters reserves the term “spring water” for a water that meets specific criteria. If an FBO wishes to use this term on their label, they must ensure that the water used meets the criteria set out in this legislation. (See Article 9(4) of Directive 2009/54/EC for the specific requirements.)

It is important to note that any statement/claim used must be true. Moreover, the FBO is likely to be required to provide evidence to support their use of any statement/claim.



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