



**APRIL 2022**

**SPIRITSEUROPE GUIDANCE  
DOCUMENT ON  
NON- & LOW-ALCOHOLIC 'SPIRITS'**



**EXPLANATORY DISCLAIMER:**

**Please note that not all members of spiritsEUROPE currently support all of the points in this document. Points on which no full consensus exists are marked by an asterisk (\*) and footnote.**

## I. Introduction

Non- and low-alcoholic 'spirits' are a new, fast-growing category of beverages which enjoy increasing popularity among European consumers of legal drinking age. The multiple new product launches in the non- and low-alcoholic 'spirits' category in recent years are a strong testimonial to the ability of Europe's spirit drinks sector to further innovate and respond to consumers' demands by broadening product choice.

The increasing demand for non- and low- alcoholic 'spirits' is part of a broader trend among European consumers to differentiate their consumption occasions. Another element of this broader trend in spirits consumption is premiumisation which refers to consumers "trading up" and switching to more premium, and differentiated products and consumption experiences (comprising taste, setting and occasion).

As more and more companies are starting to launch products in this new, emerging category, it is important to provide clear guidance to producers on the correct labelling, description, and marketing of non- and low- alcoholic 'spirits' ( $\leq 1.2\%$  ABV) which are not legally defined by specific EU law) so that any applicable regulatory framework is future-proof, reputationally sound, competitive vis-à-vis other categories, supports product innovation and technological advancements, whilst at the same time protecting defined spirit drink categories and Geographical Indications (GIs) from misuse. As the non- and low- alcoholic 'spirits' category is subject to constant research and development – also driven by consumers demands – this document reflects the spirits sector's current thinking and versions adjusted in order to reflect technological progress will be drafted in the months and years to come.

## II. User guide & Disclaimer

This non-legally binding guidance document has been prepared by the spiritsEUROPE secretariat in close cooperation with the membership and is intended for internal use by spiritsEUROPE members active in the non- and low alcoholic 'spirits' sub-category ( $\leq 1.2\%$  ABV).

The objective of spiritsEUROPE is to:

- 01 Promote **regulatory clarity** in Europe on bringing non- and low- alcoholic 'spirits' to market, so that producers have a practical framework to operate in
- 02 Guide the sector towards accurate, clear, consistent **terms for the description** on non- and low alcoholic 'spirits' for consumers
- 03 Establish an overview of **required legal names, selling names, descriptors** as well as broad **marketing guidelines**[1] for the non- and low alcoholic 'spirits' category, whilst safeguarding the protected spirit drinks categories and GIs as stipulated in EU legislation
- 04 Recommend **standards** for the non- and low alcoholic 'spirits' as the category expands and spiritsEUROPE members are committed to providing clear information to consumers, enabling them to make well-informed purchasing decisions. It is paramount to avoid consumer confusion or misinformation.

Whereas this guidance is primarily intended for the internal use of spiritsEUROPE members, **it may also be distributed to non-members** for the purpose of sharing the sector's internal best practice guidance to support companies also outside the membership when producing products of this specific category. Hereby, the entire sector can benefit from best practice, and consumers can shop with confidence within the entire offering of non- and low alcoholic 'spirits'.

spiritsEUROPE **encourages its members to consider and implement the recommendations** contained in the present Guidance. However, when deciding whether a label is compliant each table should be judged on a case-by-case basis. Ultimately, it is up to the courts to decide whether a label is misleading or not. It is our ambition that this industry non-legally binding guidance on non- and low-alcoholic 'spirits' will set the **benchmark for how the European Union (EU) and Member States will view and potentially regulate** this rapidly growing category of products in the future.

*[1] Non- and low alcoholic 'spirits' Marketing Code to follow separately as Annex to this document which spiritsEUROPE will develop, based on principles for marketing of non- and low alcoholic 'spirits' developed by the International Alliance for Responsible Drinking (IARD) (forthcoming).*



### III. THE MARKET FOR NON- AND LOW-ALCOHOLIC 'SPIRITS'

According to IWSR [2], globally, the non- and low alcoholic beverages category represents already 3% of the total alcoholic market, and the total volume is forecast to grow by +31% by 2024. Further, IWSR reports that the total category stood at some 270m 9 litre cases in 2020, and the forecast is to reach 352m 9 litre cases in 2024.

Non- and low-alcoholic 'spirits' and 'Ready-To-Drinks' (RTDs) have displayed the strongest growth in 2020 (nearly 33% and 49% respectively) among other categories such as beer, cider, and wine, demonstrating consumers demand for a variety of tastes and product formats. This also contrasts with a decline of nearly 6% for alcoholic spirits and a 10% growth for alcoholic RTDs over the same period. Non- and low-alcoholic 'spirits' are forecast to reach 2.7m 9 litre cases by 2024. In addition to entirely new brands, brand extensions are used by many producers of spirit drinks to launch products in the new, emerging product category. Non- and low-alcoholic 'spirits' are intended for consumption by persons of or above the legal drinking age and support diversifying drinking behaviour.

Non-alcoholic 'spirits' can be produced in different ways:

1. 'Spirits' created from a category defined distillate which is diluted to  $\leq 0.5\%$  ABV or less [3]
2. 'Spirits' created from a category defined distillate from which the ethyl alcohol is extracted to  $\leq 0.5\%$  ABV or less
3. 'Spirits' created from ethyl alcohol which are diluted to  $\leq 0.5\%$  ABV or less
4. 'Spirits' created from ethyl alcohol from which the ethyl alcohol is extracted to  $\leq 0.5\%$  ABV or less
5. 'Spirits' created from ethyl alcohol created to a recipe that produces a beverage with a maximum of  $\leq 0.5\%$  ABV
6. 'Spirits' created without any alcohol - but include distilled elements - which are designed to be consumed at the same moment when a spirit drink would be enjoyed and which are marketed accordingly. [4]\*

Low-alcoholic 'spirits' can be produced in different ways:

1. 'Spirits' created from a category defined distillate which is diluted to  $\leq 1.2\%$  ABV or less [5]
2. 'Spirits' created from a category defined distillate from which the ethyl alcohol is extracted to  $\leq 1.2\%$  ABV or less
3. 'Spirits' created from ethyl alcohol which are diluted to  $\leq 1.2\%$  ABV or less
4. 'Spirits' created from ethyl alcohol from which the ethyl alcohol is extracted to  $\leq 1.2\%$  ABV or less
5. 'Spirits' created from ethyl alcohol created to a recipe that produces a beverage with a maximum of  $\leq 1.2\%$  ABV
6. 'Spirits' created without any alcohol - but include distilled elements - which are designed to be consumed at the same moment when a spirit drink would be enjoyed and which are marketed accordingly. [6]\*



[2] IWSR, *Non- and Low-Alcohol Strategic Study 2021 (alcohol consumption in the 10 key countries, including Australia, Canada, France, the U.K. and the U.S., that represent over 75% of the global zero-proof and low-proof alcoholic beverage market)* [https://www.theiwsr.com/wp-content/uploads/IWSR\\_No-and-Low-Alcohol-Gains-Share-Within-Total-Beverage-Alcohol-2021.pdf](https://www.theiwsr.com/wp-content/uploads/IWSR_No-and-Low-Alcohol-Gains-Share-Within-Total-Beverage-Alcohol-2021.pdf)

[3] It should be noted that simply diluting a protected category or GI with water is the subject of restrictions in the Spirit Drinks Regulation EU 2019/787.

[4]\* Not all members of spiritsEUROPE support this point.

[5] It should be noted that simply diluting a protected category or GI with water is the subject of restrictions in the Spirit Drinks Regulation EU 2019/787.

[6]\* Not all members of spiritsEUROPE support this point.

## IV. THE PURPOSE OF NON- AND LOW-ALCOHOLIC BEVERAGES FOR ADULT CONSUMERS

Research from IWSR shows that the popularity of the low and no-alcohol category has grown within the overall trend of people in search of more choice, taste, and lifestyle optimisation. Consumers' drivers for drinking non- and low-alcoholic beverages are multiple and include seeking adult alternatives to traditional soft drinks, partaking in alcohol occasions, or moderating their alcohol intake.

Nearly 3 in 5 consumers drink non- and low-alcoholic beverages and full-strength alcoholic beverages of any category on the same occasion, while only 14% state they do not drink alcoholic beverages at all. The most popular occasion to consume non- and low-alcoholic beverages is when relaxing at home (64%).

Further, IWSR research also indicates that consumers are consistently pointing towards taste as key to drinking non- and low-alcoholic beverages.

While consumers expect newly created non- and low-alcoholic beverages to be produced by deploying manufacturing techniques which are reminiscent of (but not identical with) alcoholic beverages, the production process is not a driver for buying into the non- and low-alcoholic beverages category.



## V. THE EU LEGAL FRAMEWORK

Non- and low-alcoholic 'spirits' ( $\leq 1.2\%$  ABV) are not (yet) legally defined by EU law, nor are self-explanatory descriptive names widely agreed. Therefore, the on-label information must clearly inform consumers about what the product at stake is – or is not.

Beverages (including those with a maximum of 1.2% ABV) should be labelled in accordance with the EU Food Information to Consumers Regulation (Regulation (EU) 1169/2011, the so-called "FIC Regulation"). The regulation details the mandatory food information that must be provided to consumers. Mandatory information (which also applies to advertising) [7]:

- must not be misleading, in particular as to character, nature, properties, composition or method of production.[8]
- must be accurate, clear and easy to understand.[9]
- should not be hidden, obscured, detracted from or interrupted by a written picture or any other intervening material.
- carry a legal name, customary name or descriptive name as appropriate which meets the requirements above.[10]

In addition, at EU level, the Spirit Drinks Regulation (2019/787) ("the Regulation") sets out that spirit drink category names and Geographical Indications can only be used by products that comply with the requirements of that category of spirit drinks or Geographical Indication, with certain exceptions which are subject to strict rules.

[7] Article 7(4) of Regulation 1169/2011

[8] Article 7(1) of Regulation 1169/2011

[9] Article 7(1) of Regulation 1169/2011

[10] Article 17(1) of Regulation 1169/2011

## VI. GUIDANCE ON THE APPROPRIATE DESCRIPTION & LABELLING OF NON- AND LOW-ALCOHOLIC 'SPIRITS' (< 1.2% ABV)

### 01 DO'S & DON'TS:

spiritsEUROPE and its members are committed to providing clear and effective information to consumers to enable them to make conscious, well-informed purchasing decisions. It is paramount to avoid consumer confusion on basis of the claims and benchmarks in the market for non- and low-alcoholic drinks. As regards the regulatory situation applicable to low and non-alcoholic 'spirits' (< 1.2% ABV), the following points should be highlighted:

- a) No use of/reference to protected spirit drinks categories and Geographical Indications (GIs) permitted in the labelling, description<sup>[11]</sup> and presentation of other beverages according to the EU Spirit Drinks Regulation 2019/787, category names of spirit drinks can only be used by beverages that comply with the requirements set out in Annex I. Categories of spirit drinks listed in Annex I of the Spirit Drinks Regulation (EU 2019/787), e.g. 'Gin', 'Vodka' and 'Whisky' as well as GIs such as 'Scotch Whisky' and 'Irish Cream' need to be protected and safeguarded. The use of such names as descriptors on, or in relation to, non- or low- alcohol 'spirits' is therefore prohibited under the EU's Spirit Drinks Regulation (EU 2019/787), without prejudice to specific exemptions which are already permitted by that regulation. In general terms, those exemptions apply when the category referred to is an ingredient and strict rules apply. Such names should not be used on non-alcoholic 'spirits' (under 0.5% abv).<sup>[12]\*</sup>
- b) The prohibition referred to in (a) above also applies where such legal names or geographical indications are used in conjunction with words or phrases such as 'like', 'type', 'style', 'made', 'flavour' or any other similar terms.
- c) It is not acceptable to simply qualify a category name from the Spirit Drinks Regulation, or compound term, with a 'non' or 'low' descriptor. Thus, 'low alcohol gin' is not acceptable. Gin is a legally defined product that has a minimum alcohol content of 37.5% ABV. Products with an ABV below this do not satisfy the compositional requirement of Gin. By alluding to the presence of gin as an influencing ingredient it is clear to the consumer that the product is not a gin, but that the product does include gin as an ingredient.

However, it is important that existing alcoholic brands operating in the growing non-and low-alcohol market meet the expectations of those consumers who are seeking brand quality reassurance, or similar taste profiles on those occasions they chose not to drink alcoholic beverages. The EU COM, having taken note of the growing product category, will be exploring the need for EU rules and regulations in the months to come.

### 02 INGREDIENTS LISTING AND NUTRITION DECLARATION:

Non- and low-alcoholic 'spirits' must be labelled in full compliance with existing, applicable rules and regulations. The EU food information to consumer Regulation ((EU) 1169/2011) sets the threshold for the exemption to label the list of ingredients and full nutrition information at < 1.2%. These mandatory requirements do apply to beverages with an alcohol content up to < 1.2% ABV. A beverage with 1.2% ABV or less, which contains a defined category spirit drink, would therefore need to list the category defined spirit drink in the list of ingredients on the label.

Regarding the nutritional declaration, spiritsEUROPE recommends, where possible and considered relevant, displaying the nutritional values per serve/portion (30ml for 'spirits') on label, in addition to the per 100ml information, which is mandatory for beverages < 1.2% ABV. This is consistent with the spiritsEUROPE Memorandum of Understanding on consumer information where the spirits industry commits to displaying the serve/portion in addition to the 100ml reference for the provision of the energy.

<sup>[11]</sup> This includes advertising and sales promotion.

<sup>[12]\*</sup> Not all members of spiritsEUROPE support this point.

### 03 USE OF TERMS & DESCRIPTORS:

Labels of non- and low-alcoholic 'spirits' often make use of certain terms & descriptors on liquid characteristics and/or production techniques that have traditionally been used for spirit drinks. For instance, the description of a specific production method can act as an important differentiator whenever a new category becomes more firmly established in the market. It is therefore necessary and timely to clarify and provide guidance which kinds of terms and descriptors can and should be legitimately used for non- and low-alcoholic 'spirits'. Our guidance concerns the use of the following terms & descriptors as follows (non-exhaustive list):

- a) **'spirit', 'spirits':** Whilst the EU Spirit Drinks Regulation (EU 2019/787) does not define these terms, their general use will be subject to the requirements to provide consumers with clear, accurate and easy to understand information
- b) **'Distilled':** Distillation is defined<sup>[13]</sup> by the EU Spirit Drinks Regulation (EU 2019/787) as a thermal separation process involving one or more separation steps intended to achieve certain organoleptic properties or a higher alcoholic concentration or both, regardless of whether such steps take place under normal pressure or under vacuum.) Distillation does not relate solely to the manufacture of a spirit drink, as, for instance, water is also commonly and often distilled. Therefore, use of the term 'distilled' in the description of a non- and low- alcoholic 'spirits' is possible, provided that the manufacturing process of the product in question involved distillation.
- c) **'Matured' and 'aged'** are common terms to describe certain production (and pre-commercialization) processes. Maturation is also defined by the EU Spirit Drinks Regulation<sup>[14]</sup> as the storage of a spirit drink in appropriate receptacles for a period of time for the purpose of allowing that spirit drink to undergo natural reactions that impart specific characteristics to that spirit drink. In practice, consumers expect spirits to be aged in wooden containers. Products that undergo this process can correctly be labeled and described accordingly. Producers must therefore not use the terms 'matured' or 'aged' if characteristics were merely added to mimic aging (while no actual maturation/ageing took place during production). In other words, both terms must only be used for the description of a product if an actual aging or maturation process has taken place in the manufacture of the final product. The nature of the maturation or ageing should also be clear and transparent for consumers.
- d) **Flavour profiles such as 'citrusy', 'peaty' flavours and notes or similar terms** can be freely used as taste qualifiers by producers as long as the term is an accurate description/reflection of the flavor profile of the product in question, even if no actual e.g., citrus fruit or peat have been used in the production process.

Producers may use these or similar terms in conjunction with non- and low-alcoholic 'spirits', supplementing the sales description.

<sup>[13]</sup> Article 4(6) of Regulation 2019/787

<sup>[14]</sup> Article 4(11) of Regulation 2019/787



## 04 ALCOHOL-RELATED DESCRIPTORS:

Whilst the terms non- and low-alcoholic are commonly used to describe the new product category, these terms are not the only descriptors found on such products. Other frequently used descriptors include: 'alcohol-free', 'zero-alcohol' and 'non-alcoholic'. spiritsEUROPE recommends the use of the following descriptors, subject and without prejudice to national guidance and regulations:

### 4.1 Processes:

- a) These beverages may use the word spirit as part of their descriptor if they are produced via a process that includes a distillate or a distillation step and may include one or more of the following steps:[15]\*
- (iii) a maturation process;
  - (iii) the maceration or similar processing of plant materials;
  - (iv) a combination thereof, which has been sweetened and to which one or more flavourings, products of agricultural origin or foodstuffs have been added;
  - (v) watery extraction;
  - (vi) emulsification (mixture of two or more liquids)

Note: any of the above may involve removing alcohol from a spirit drink

- b) The particular organoleptic qualities that it possesses have not been derived in whole or in part by the addition of a spirit drink (as defined in Regulation (EU) No. 2019/787).

### 4.2 Descriptors:

- a) 'alcohol-free'/'non-alcoholic'

The terms should be reserved for a beverage that has a maximum alcoholic strength by volume of  $\leq 0.5\%$  ABV;

- b) 'low-alcohol'/'low-alcoholic':

spiritsEUROPE recommends the use of this term in products with an ABV of  $\geq 0.5\%$  and  $1.2\%$  ABV maximum. Some EU Member States have guidance in place that sets an upper threshold  $\leq 1.2\%$  ABV for 'low-alcohol' beverages. The EU food information to consumer legislation (Regulation 1169/2011) indicates the same threshold when it comes to the mandatory labelling of ABV content ( $\leq 1.2\%$ ).

- c) '0.0%':

spiritsEUROPE recommends reserving the use of this symbol for products for those beverages that have an ABV  $0.05\%$  or lower. This will help consumers differentiate and make an informed choice between products with an ABV of  $0.05\%$  or less and products with an ABV greater than  $0.05\%$  but equal to or less than  $0.5\%$ .

spiritsEUROPE recommends that the name, the nominal volume, and ABV shall be displayed in the same field of vision. The ABV should be declared to one decimal place and be indicated via one of the following formats:

- X% vol., or
- Alcohol x% vol
- Alc X% vol.



[15]\* Not all members of spiritsEUROPE support this point.



## Annex I on marketing of non- and low-alcoholic 'spirits' (non-exhaustive)

In line with this guidance document, producers of non- and low-alcoholic 'spirits' must

- Promote non- and low-alcoholic 'spirits' to adults only and never target those younger than the legal purchase age for alcohol
- Clearly distinguish non- and low-alcoholic variants of brands from those containing alcohol, via packaging, labelling and brand communications.
- Be designed and placed for an adult audience, and never be designed or constructed or placed in a way that appeals primarily to individuals younger than the legal purchase age for alcohol.
- People appearing in alcohol brand advertising must be over 25 years or older, and reasonably appear to be and be portrayed as 25 years or older. This also applies to non and low-alcoholic variants of existing alcohol brands.
- Not imply that lower-strength alcohol beverages may be consumed in ways or situations that would be inappropriate with higher strength beverages.

This provision uses the following definitions as defined also under VI.4.4.2. Descriptors of this document

a) 'alcohol-free'/'non-alcoholic'

The terms should be reserved for a beverage that has a maximum alcoholic strength by volume of  $\leq 0.5\%$  ABV;

b) 'low-alcohol'/'low-alcoholic':

spiritsEUROPE recommends the use of this term in products with an ABV of  $\geq 0.5\%$  and  $1.2\%$  ABV maximum. Some EU Member States have guidance in place that sets an upper threshold  $\leq 1.2\%$  ABV for 'low-alcohol' beverages. The EU food information to consumer legislation (Regulation 1169/2011) indicates the same threshold when it comes to the mandatory labelling of ABV content ( $\leq 1.2\%$ ).

c) '0.0%':

spiritsEUROPE recommends reserving the use of this symbol for products for those beverages that have an ABV  $0.05\%$  or lower. This will help consumers differentiate and make an informed choice between products with an ABV of  $0.05\%$  or less and products with an ABV greater than  $0.05\%$  but equal to or less than  $0.5\%$ .

### Placement in store

- We will recommend to retailers that all non- and low-alcoholic 'spirits' can be placed either in the alcohol beverage section of retail shops and/or in other areas that are principally targeted at those above the legal purchasing age, where permitted by law

### Pregnancy

- Alcohol brands can never portray, or be marketed to, pregnant women. This applies to non- and low-alcoholic variants of alcoholic brands.





### Address

rue Belliard 12, bte 5 - 1040 Bruxelles



### Telephone

+32. 2. 779. 24 . 23



### Website & email

[www.spirits.eu](http://www.spirits.eu) - [info@spirits.eu](mailto:info@spirits.eu)



@spiritsEUROPE