

Drinks Ireland briefing on alcohol labelling

6 September 2024

Drinks Ireland

- Drinks Ireland is the business association within Ibec representing **alcohol drinks manufacturers and suppliers across the island of Ireland.**
 - Drinks Ireland | Beer
 - Drinks Ireland | Cider
 - Drinks Ireland | Spirits
 - Drinks Ireland | Wine
 - Irish Whiskey Association
- Drinks Ireland aims to ensure that the **business environment** on the island of Ireland is **conducive to drinks enterprise.**
- Through our activity we aim to ensure that the industry is recognised for the **positive contribution it makes to the economic and cultural landscape.**
- Drinks Ireland membership means you are part of the **leading voice** that speaks for **Ireland's world class drinks sector.**

Ireland's Public Health (Alcohol) Act 2018

Overview of measures contained in the Act

Section	Timeframe (from when Commencement Order signed by Minister)
Section 11 Minimum price of alcohol products	Was to be in conjunction with NI. / into force January 2022
→ Section 12 Labelling of Alcohol Products and notices in licensed premises	3 years / due into force May 2026
Section 13 Content of advertisements (warnings & website to be included in alcohol advertisements)	1 year
Section 13 Content of advertisements (other than warnings & website)	3 years
Section 14 Prohibition on advertising in certain places	1 year / into force November 2019
Section 15 Restrictions on advertisements during events	3 years / into force November 2021
Section 16 Sponsorship	3 years / into force November 2021
Section 17 Children's Clothing	1 year / into force November 2019
Section 18 Advertisement in publications	18 months
→ Section 19 Broadcast watershed	1 year / due into force January 2025
Section 20 Advertising in cinemas	1 year / into force November 2019
Section 22 Separation and visibility of alcohol products	2 years / into force November 2020

Key:

Yet to be Completed
Law signed / Not enacted
Enacted

EU/International Opposition



- **EU Examination:**

- Notified in June 2022 (3-month standstill, extended by further 3 months)
- TRIS Process & examined under Food Information to Consumer (FIC) regulation
- 13 EU member states opposed / 9 submitting Detailed Opinions
- European Commission failed to act
- Formal complaints submitted by EU/MS trade associations (Summer 2023) – COM still to respond

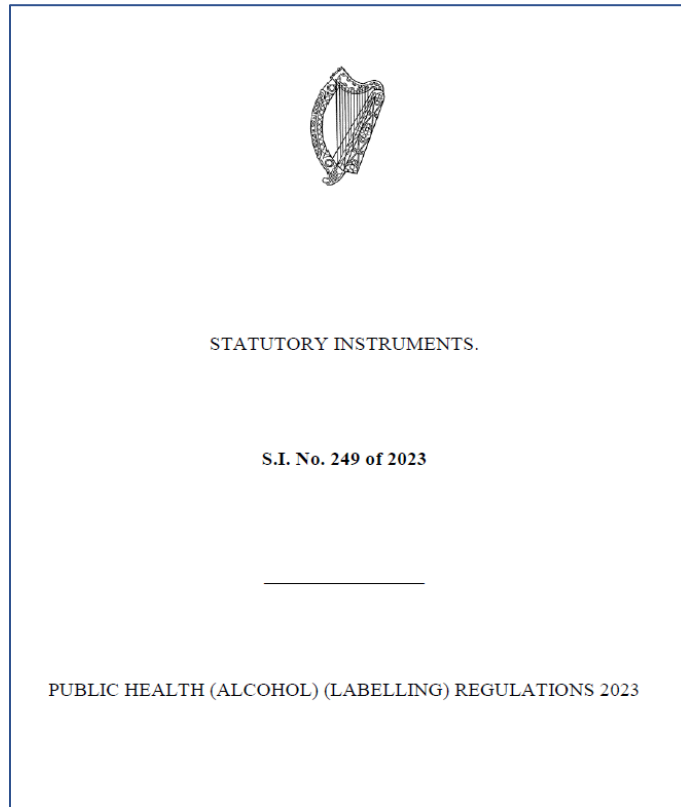
- **WTO Notification:**

- Notified February 2023 (90-day comment period)
- At least 12 WTO members submitted comments - USA, Australia, NZ, Argentina, Mexico, UK, Japan, Cuba, Canada, Chile, Columbia, Dominican Republic, Guatemala
- Raised at several TBT Committee meetings. EU COM defended Ireland measures.



Labelling Legislation signed into Irish Law

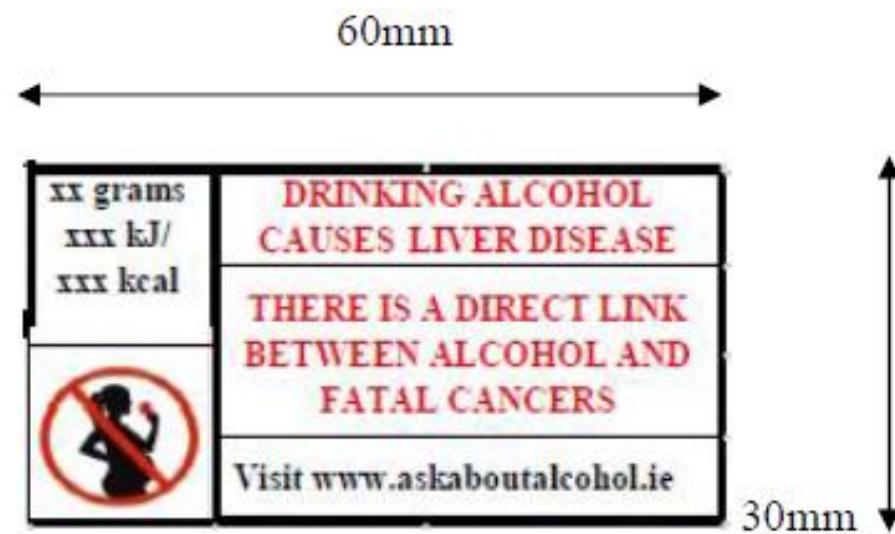
Statutory Instrument 249 of 2023



- Signed 22 May 2023. Entry into effect on 22 May 2026
- **Offence for**
 - alcohol products to be sold in the State without the required health warnings and health information.
 - To sell an **alcohol product in a reusable container** unless accompanied by the **required document (schedule 3)**
 - Licence-holder not to display the **required notice inside the premises (schedule 4)**
 - Licence-holder to sell **alcohol online with required health warnings/info (schedule 5)**
 - Holder of a license or employee, when requested by a person in the **licensed premises**, to fail to **furnish a document** with the required information relating to the **grams and kilojoules and kilocalories**
- The **EHS** is the **enforcement authority** for Section 12, Labelling of alcohol products and notices in licensed premises.

Information on alcohol product containers

- **Health information:**
 - *calories and grams of alcohol per container* [15 x 15mm]
 - *link to a health website* [45 x 5mm]
- **Health symbol:**
 - *red and black pregnancy pictogram* [15 x 15mm]
- **Health warnings:**
 - *“Drinking alcohol causes liver disease”* [45 x 10mm]
 - *“There is a direct link between alcohol and fatal cancers”* [45 x 15mm]



Outside border: Black. 1-2mm thickness

9. (1) Subject to paragraph (2), in the case of an alcohol product the largest surface area of the container of which has an area of less than 80 square centimetres, the area reserved for the health warnings, health symbol and health information shall cover an area of not less than 75 per cent of the area provided in Regulations 6(1), 7(1) and 8 respectively

Document provided with alcohol sold in reusable containers (keys, casks, etc.)

- be printed on white paper of at least A4 size
- contain the text set out in Schedule 3 in Times New Roman bold type of at least font size 24
- be in red font in upper-case type as set out in S3
- contain the information in relation to alcohol content and details of the website in black font in lower-case type as set out in S3.

Schedule 3

DRINKING ALCOHOL CAUSES LIVER DISEASE

DRINKING ALCOHOL WHEN PREGNANT HARMS YOUR BABY

**THERE IS A DIRECT LINK BETWEEN ALCOHOL AND FATAL
CANCERS**

grams

kJ / kcal

Visit www.askaboutalcohol.ie

Source: DoH Guidance Note July 2024

Notice to be displayed by licensee

- be at least A4 size
- be printed on white paper or cardboard which may be laminated
- contain the text as set out in Schedule 4
- be printed in Times New Roman bold type of at least font size 18 subject to paragraph (f), be in red font in upper-case type as set out in S4
- contain the information in relation to alcohol content and details of the website in black font in lower-case type as set out in S4
- The holder of a licence shall display at least one notice adjacent, or in close proximity, to each public entrance to his or her licenced premises.

Source: DoH Guidance Note July 2024

Schedule 4

DRINKING ALCOHOL CAUSES LIVER DISEASE

**DRINKING ALCOHOL WHEN PREGNANT HARMS YOUR
BABY**

**THERE IS A DIRECT LINK BETWEEN ALCOHOL AND FATAL
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Visit www.askaboutalcohol.ie

A document with the quantity of alcohol in grams and the energy value in kilojoules and kilocalories for every quantity, measure or unit sold is available for inspection on request

BÍONN ALCÓL INA CHÚIS LE GALAR AE

**MÁ ÓLANN TÚ ALCÓL NUAIR A BHÍONN TÚ TORRACH,
DÉANTAR DÍOBHAIL DO DO LEANBH**

TÁ NASC DÍREACH IDIR ALCÓL AGUS AILSÍ MARFACHA.

Déan teagmháil le www.askaboutalcohol.ie

Tá doiciméad ina bhfuil an méid alcóil i ngraim agus an luach fuinnimh i gciligiúil agus i gcileacalraí do gach cainníocht, tomhas agus aonad a dhíoltar ar fáil lena iniúchadh ar iarratas.

On-line sales of alcohol products

- shall be displayed on the website of the holder of a licence who sells or causes to be sold alcohol products on-line.
- the information shall be displayed on any page of the website on which an alcohol product or alcohol products are displayed for sale
- be clearly visible to a person viewing the website
- appear in a clear legible script, in red font which shall be in upper-case type.
- the quantity in grams of alcohol and the energy value expressed in kilojoules and kilocalories of each alcohol product displayed on the website shall –
 - be clearly visible to a person viewing the website,
 - appear in a clear legible script, in black font, and
 - be in close proximity to the description or representation of the product to which it applies.

Schedule 5

DRINKING ALCOHOL CAUSES LIVER DISEASE
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Implementation of Labelling Provisions

Source: DoH Guidance Note July 2024

What products does the labelling law apply to?

- All alcohol products as defined by the Finance Act 2003 which includes vintage, specialized, craft or any other alcohol product as defined by the Act

Who is responsible for the labelling of an alcohol product?

- Any person who sells an alcohol product within the State without the required warnings and information can be prosecuted. The range of persons who may be prosecuted include manufacturers, wholesalers and retailers.

Imports

- A person can **import** an alcohol product which does not have the required health warnings and health information on the label. However, if they sell the product within the State without the required health warnings and health information on the label, they may be prosecuted.

Exports

- It is not an offence to **export** an alcohol product outside the State without the prescribed warnings and information. It is an offence only if the product is sold in the State.

Implementation of Labelling Provisions

Source: DoH Guidance Note July 2024

Duty free/tax free shops

- The labelling legislation does not apply to the sale of alcohol products in duty free/tax free shops to those departing the State.

Requirement for a notice in a licensed premises

- The requirement for a notice in a licensed premises applies to all licensed premises, both on-license and off-licence within the State.

How will the legislation apply to alcohol beverages not sold in a labelled container e.g. dispensed in a glass as in the case of pints of beer, glasses of wine, measures of spirits etc.?

- It is an offence for the holder of a license or his employee, when requested by a person in the licensed premises, to fail to furnish a document with the following required information (Section 12.8 of the PHAA 2018).
 - Quantity in grams of alcohol of each quantity, measure or unit of every alcohol product that is for sale in the licensed premises concerned
 - the energy value expressed in kilojoules and kilocalories of each quantity, measure or unit of every alcohol product that is for sale in the licensed premises.”

Drinks Ireland Submission to DoH

- **Commencement Date / Transition Approach** - proposed that date of 22 May 2026 will apply to all alcohol products delivered to the final retailer, bar, restaurant, etc. from that date. Therefore, any alcohol product that has already been delivered for 'retail sale or supply' before 22 May 2026 will not be required to carry the new label.
- **Label Size for smaller containers** - proposed a graduated label size depending on the size of the container. One possible solution is to look at an approach similar to that of the US Tax and Trade Bureau for its mandatory Surgeon General warning.
- **Alcohol/Energy value per container** – asked for this to be reconsidered to allow industry the option to provide the grams of alcohol and energy value on a per serve or per 100ml basis rather than per container.
- **Structure / Layout of Label** - requested the option of stacking the components of the new label in a vertical format.
- **Secondary Packaging** - proposed that the labelling requirements do not apply to secondary packaging (box, sleeve, etc.) as the information is provided on the primary container and secondary packaging is generally disposed of before consumption.

Latest Position

Meeting with Dept of Health on 28th August:

- Briefed on key aspects of submission
 - Acknowledged that there should be engagement and promised that this would take place
 - Thought approach on commencement date was reasonable
 - Label size would require an SI change / Info per container would require a change to Act (more difficult)
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- Ministers McConalogue (DAFM) and Burke (DETE) briefed on need for practical approach on label implementation and their support sought

Questions?