

To¹:
 Heads of Environmental Health Service (England)
 Directors of Trading Standards Services (England)
 cc²: CIEH, TSI,

Date: 25th February 2016

ENF Ref: ENF/E/16/005

Dear Colleagues

Subject: ALCOHOLIC DRINK VOLUNTARY LABELLING		
FOR ACTION	Action timescale: Immediate and until further notice	Category: Labelling of alcoholic beverages
<p>Action requested: New guidance from the UK Chief Medical Officers has been issued giving advice to the public about how to keep risks to health low from drinking alcohol. It is requested that no action is taken against manufacturers or retailers who continue to provide the old CMO advice as voluntary information on pre-packaged alcoholic beverages until</p> <ul style="list-style-type: none"> a) final wording for the guidelines has been agreed following completion of the consultation; and b) agreement has been reached on timescales. 		

Please bring this letter to the attention of all relevant officers in your Authority.

- **Issue**

The UK Chief Medical Officers have published new guidelines on low risk drinking. These are, in summary, that for men and women, it is safest not to drink regularly more than 14 units a week. A consultation seeks views on the clarity,

¹ NI and Wales to insert as appropriate

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expression and usability of these guidelines by members of the public. This consultation ends on 1 April 2016.

Most alcoholic beverages sold pre-packaged in the UK now carry a statement of the previous CMO guidelines (that people should not regularly drink more than the daily unit guidelines of 3-4 units of alcohol for men and 2-3 units of alcohol for women). Strictly, those statements are no longer accurate and therefore could be considered to breach the EU Food Information to Consumers Regulation (No.1169/2011) (FIC).

Article 3(3) of FIC provides that, "when food information law establishes new requirements, a transitional period after the entry into force of the new requirements shall be granted, except in duly justified cases. During such transitional period, foods bearing labels not complying with the new requirements may be placed on the market and stocks of such foods that have been placed on the market before the end of the transitional period may continue to be sold until exhausted."

Whilst Article 3(3) of FIC is concerned with new EU food information requirements rather than domestic ones, it can be sensibly applied, by analogy, to national voluntary initiatives such as those relating to the CMO advice on alcohol consumption.

So it is recommended that no action is taken where existing labels or new labels which refer to the previous CMO alcohol guidelines are used until final wording for the guidelines has been agreed following completion of the consultation and agreement has been reached on timescales. Please note that, legally, it is acceptable for a food business operator to remove the previous CMO recommendation from their label or include the new CMO recommendation (on the basis that recommendation took effect immediately) before the outcome of the consultation is known. Though these approaches could lead to an inconsistent message, the Government is advising that no action should be taken in both these cases.

- **Action required**

As part of a proportionate and pragmatic approach, please do not take enforcement action on the basis of out of date CMO guidance appearing on labels of alcoholic beverages.

- **Timescale**

A further update will be issued at the appropriate time.

- **Background/context**

No further background

- **Contact details**

labelling@defra.gsi.gov.uk for enquiries specific to the FIC

alcoholpolicycorrespondence@dh.gsi.gov.uk for advice on the CMO guidelines.

Yours faithfully

Michelle Young