



# EU Ingredient Labeling

*Navigating the Compliance Process*

SEPTEMBER 2023 WEBINAR

A close-up photograph of a hand holding a bunch of green and purple grapes. The background is filled with large, green grape leaves, some showing signs of aging or disease. The lighting is soft and natural, highlighting the textures of the grapes and leaves.

## TODAY'S WEBINAR

- Introductions and Agenda Overview
- Legal Considerations
- Review of New Regulations & E-labels
- Ingredient Labeling
- Q&A

# GOT QUESTIONS?

Submit questions into the Q&A section of Zoom (not the chat) or send your questions to [legal@wineinstitute.org](mailto:legal@wineinstitute.org)

Your questions will help us with planning further webinars and guidance

## IMPORTANT NOTE:

- This webinar and presentation are intended for informational purposes only and do not constitute legal advice. Please confer with your company's counsel.
- The relevant EU regulations continue to evolve
- EU member states monitor and enforce the relevant EU regulations and may differ on approach
- Wine Institute is working closely with the US government. We expect their support in working on solutions when challenges arise.

# Summary: Provision of Ingredient & Nutritional Information in the EU



## INGREDIENTS

EU will require a list of ingredients for all wines sold in the EU market. This list of ingredients can be presented off-label.



## NUTRITIONAL INFORMATION

EU will require certain nutritional information be provided to consumers. Energy (aka Calories) must be presented on the label; other nutritional elements can be presented off label.



## QR CODE

Electronic means, such as QR codes, may be used to direct consumers to the off-label information

# Deadline for Compliance



## **DEADLINE: December 8, 2023**

--Wines produced before December 8, 2023, do not need to provide ingredient & nutritional information

--What does “produced” mean? Based on conversations with outside counsel in the EU, it means fermentation

--Therefore, wines produced in harvest year 2023 (and before) do not need to provide this information



[EU Regulation 1308/2013](#)

This understanding is consistent with the definition for “wine” in the Common Market Organizations or “CMO” regulation which is Regulation (EU) No. 1308/2013. Specifically, that definition is found in Annex VII, Part II, subsection (1) of the CMO regulation and provides: *“Wine’ means the product obtained exclusively from the total or partial alcoholic fermentation of fresh grapes, whether or not crushed, or of grape must.”*

# Watchouts



- While wines produced before December 8, 2023, do not need to provide ingredient & nutritional information, watchout for the following:
- EU Customs** officials may expect to see nutritional & ingredient info on labels
- Retailers** may push suppliers to include this information in December regardless of when the wine was produced
- Bulk wine exports** to Europe may need to provide this information to EU Customs, the European bottler of the wine, or by both entities

# Provision of Nutritional Information



- “Nutrition Declaration” requires the following:
  - Energy – **On the label**, in kJ and kcal (Calories)
  - Fat
    - “Of which saturates”
  - Carbohydrate
    - “Of which sugars”
  - Protein
  - Salt (not *Sodium*)
- **Serving Size = 100 mL**

# Wine Institute's EU Nutrition Calculator



Step 1 - Enter Wine Information

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Wine Brand

Wine Type\*

\*(e.g., Chardonnay, Ridge Creek Vineyard Merlot)

Alcohol Content\* (%abv)

\*If this is a "table wine" without an alcohol stated on the label, please enter the typical alcohol for this product.

Sugar Content\* (g/L)



## NUTRITIONAL DECLARATION

	Standard Serving	Other Serving Size
	per 100 mL	per <b>125</b> mL
Energy	334 kJ	418 kJ
	80 kcal	101 kcal
Fat	0 g	0 g
of which		
Saturates	0 g	0 g
Carbohydrate	1.3 g	1.6 g
of which		
sugars	0.6 g	0.8 g
Protein	0 g	0 g
Salt	0.01 g	0.02 g

# Currently Known Service Providers



[U-Label](#)



[Bottlebooks](#)

scantrust:

[Scantrust](#)

IMERO

[IMERO](#)

These platforms (and any others that might be out there) can create a QR code for each product you sell in the EU market.

But how do you go about creating a list of ingredients for your wines?

# Creating the List of Ingredients



- What changed in EU Regulations?
- What ingredients must be listed for wine?
- What materials need not be listed?
- The ingredients list itself:
  - Presentation
  - Simplifications – grapes, concentrated grape must, Acidity regulators and stabilizing agents, packaging gases, sparkling wines
  - Potential allergens/intolerance-causing substances
  - Specific cases – CO<sub>2</sub>, tannins, wine spirits addition

# What Changed in the EU Regulations?



Regulation (EU) 1169/2011 - Food Info. to Consumers (FIC - Horizontal Food Labeling Reg.). Applies to all foods unless specific provisions exist. Temporarily exempts alcohol beverages from ingredient & nutrition labeling. ***This regulation is being amended.***

The EU also has a Common Market for Wine

## COMMON MARKET FOR WINE

1308/2013 – CMO Regulation for certain EU Agricultural Products

### Wine Production

Delegated Regulation 2019/934, as amended most recently by Delegated Regulation 2022/68. *What practices does EU allow, **additives and processing aids***

### Wine Labeling

Delegated Regulation 2019/33 (*most recently amended by delegated regulation 2023/1606. Otherwise, 1169/2011 applies*)

### Aromatized Wine Production and Labeling

Regulation (EU) No 251/2014. *Likely to be amended for labeling provisions.*

# EU's Common Market for Wine



## COMMON MARKET FOR WINE

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### Aromatized Wine Production and Labeling

Regulation (EU) No 251/2014. *Likely to be amended for labeling provisions.*

Regulation 2021/2117 amended 1308/2013 to remove the exemption in the larger EU regulation on the labeling of foodstuffs (1169/2011) for ingredient and nutrition labeling for wines and aromatized wines starting on December 8, 2023. Regulation 2021/2117 also allowed for the use of QR codes.

*N.B. All these provisions need to be read in light of the **Agreement between the European Community and the United States of America on trade in wine (2006)**. This allows practices legal in the US (but not the EU) up to September 2005 to be used according to US regs in US wines exported to the EU. Possible labeling implications also.*

# Wine's Unique Place in EU Regulations



**Regulation (EU) 1169/2011 - Food Info. to Consumers (FIC - Horizontal Food Labeling Reg.).** Applies to all foods unless specific provisions exist. Temporarily exempts alcohol beverages from ingredient & nutrition labeling.

**Beer and Spirits:** Unlike wine, no Common Market exists for beer and spirits. There is no regulatory requirement for ingredient and nutrition labeling currently because Regulation 1169/2011 (FIC) temporarily exempts alcoholic beverages. But an amendment to FIC will introduce these requirements for beer and spirits.

The Beer and Spirit sectors are pursuing voluntary actions in an attempt to encourage similar regulations as those now in place for wine.



# What Ingredients Must be Listed for Wine?



- Raw materials
- Additives

# Raw Materials That Should be Listed (if used)



- “Grapes” may be used, and includes “grape must”
- “Grape must concentrate” may be used and includes “rectified grape must concentrate”

# Additives That Should be Listed (if used)



Category Name	Specific additive name		Category Name	Specific additive name
Acidity regulators	Tartaric acid (L(+)-)		Stabilising agents	Carboxymethylcellulose
	Malic acid (D,L-; L-)			<b>Citric acid</b>
	Lactic acid			Fumaric acid
	<b>Citric acid</b>			Gum arabic
	Calcium Sulphate			<b>Potassium polyaspartate</b>
Preservatives and antioxidants	Sulphur dioxide	"Sulphites" should be used	Gases and packaging gases	Yeast mannoproteins
	Potassium metabisulphite			Carbon dioxide
	Potassium sorbate/ <b>Sorbic acid</b>		Nitrogen	
	Lysozyme		<p>Items in red are not approved for use in the EU, but US winemakers may use them under the Bilateral agreement with the EU</p> <p>Items in purple are approved in the EU but only provisionally approved (section 250) in the US.</p> <p>Items in blue have more than one possible category – choose the one for the predominant usage.</p>	
	L Ascorbic acid			
	<b>Erythorbic acid</b>			
Dimethyldicarbonate (DMDC)				

# What Materials Do **NOT** Need to be Included?



- **Processing Aids** – (i.e., materials added but that do not remain in the finished product at levels having a technological effect. For example, clarifying agents, yeast nutrients). Note: processing aids derived from major food allergens need to appear in the ingredients list if they are present in the finished product at levels greater than 0.25 ppm.
- **Yeast and Malolactic bacteria** (seen as a type of processing aid)
- **Oak chips, pieces of oak wood, barrels** (seen as processes)
- Constituents of an ingredient temporarily separated, then later reintroduced in original proportions
- **Additives and enzymes** whose presence is solely because they were contained in one or more ingredients, serving no technological purpose in finished product
- **Residues** (e.g. phytocontrol products)
- **Water** (under certain circumstances – see next slides)

# Ingredient Labeling and Water



- In general, addition of water to wine in the EU is not permitted.
- However, an exception is given for cases of “specific technical necessity”.
- Where the “technical necessity” hurdle is cleared, ingredient labeling decisions then fall under the FIC Regulation, 2011/1169.

# Ingredient Labeling and Water



“Technical Necessity” Water Uses in California	Labeling Exempt?	Reason
<b>Water for treatment</b> (e.g., to form a slurry to facilitate use of materials)	Yes	A “carrier” for the purposes of EU food regulation. Carriers are specifically exempted from ingredient labeling in the EU
<b>Incidental water</b> (e.g., used to rinse or wash machinery in keeping with GMP)	Yes	Provided the quantity used does not exceed 5% of final product, this does not need to be taken into account for ingredient listing
<b>Water to facilitate normal fermentation</b> (to replace water lost in field dehydration)	Yes	Used to re-constitute an ingredient to single strength before its use in winemaking. Water used for reconstitution of an ingredient is exempted from ingredient listing in the EU.
<b>Water to reconstitute concentrated grape juice</b> (prior to use as juice)	Yes	

# The Presentation of the List of Ingredients



- May appear on the physical label of the wine (in all languages of the destination countries in the EU) or may be presented via electronic means such as a QR code.
- Must be preceded by a suitable heading including the word, “ingredients”.
- When the list appears on the physical label, it must be in the same field of vision as the other mandatory particulars
- Rules concerning legibility and font size apply as for other info

# The Presentation of the List of Ingredients



- Must include all non-exempted ingredients, in descending order by weight, as recorded at the time of their use in the manufacture of the product, however:
  - Ingredients that are less than 2% by weight of the finished product may be listed in a different order, after the other ingredients.

# The Presentation of the List of Ingredients



- Ingredients must be designated by their **specific name** and not by a casual name (the specific names for additives are given in Regulation 2019/934, Annex I, Part A, Table 2, Column 1 (as amended)). *See slide 17*
- The specific name must be preceded by a **functional category** name (the functional category names are given in Regulation 2019/934, Annex I, Part A, Table 2). *See slide 17*
- *Examples:*
  - *Preservatives and antioxidants (Potassium sorbate)*
  - *Acidity regulators (Tartaric acid (L(+)-))*
- N.B., Functional categories and specific names may be given automatically by 3<sup>rd</sup> party software platforms in “”wizard” mode

# Additives That Should be Listed (if used)



Category Name	Specific additive name	Category Name	Specific additive name
Acidity regulators	Tartaric acid (L(+)-)	Stabilizing agents	Carboxymethylcellulose
	Malic acid (D,L-; L-)		<b>Citric acid</b>
	Lactic acid		Fumaric acid
	<b>Citric acid</b>		Gum arabic
	Calcium Sulphate		<b>Potassium polyaspartate</b>
Preservatives and antioxidants	Sulphur dioxide	Gases and packaging gases	Yeast mannoproteins
	Potassium metabisulphite		Carbon dioxide
	Potassium sorbate/ <b>Sorbic acid</b>	Nitrogen	
	Lysozyme		
	L Ascorbic acid		
	<b>Erythorbic acid</b>		
	Dimethyldicarbonate (DMDC)		

Items in red are not approved for use in the EU, but US winemakers may use them under the Bilateral agreement with the EU

Items in purple are approved in the EU but only provisionally approved (section 250) in the US.

Items in green have more than one possible category – choose the one for the predominant usage.

# The Presentation of the List of Ingredients



- Where an electronic presentation of the ingredients list is used, it is recommended that the QR code should have the letter “i” (for information) at its center or in close proximity to it.
- The following points should be noted:
  - No user data shall be collected or tracked via the process
  - The ingredients list shall not be displayed with other information intended for sales or marketing purposes, and
  - Substances causing allergies or intolerances still must appear directly on the package or on a label attached thereto with “contains”

# The Presentation of the List of Ingredients



- The provisions in the FIC regulation (2011/1169) concerning **Quantitative Indication of Ingredients (QUID)** do not apply in the case of wine.
- This is because there are specific EU provisions requiring wine to be made exclusively from grapes, and making no mention of quantitative ingredient indication for the product. Thus, no indication of the percentage grapes in the wine is needed in the ingredients list.

# The List of Ingredients–Simplifications



- **Acidity regulators and stabilizing agents**
  - Additives under these categories, which are similar or mutually substitutable, may be indicated in the list of ingredients by using the expression “contains... and/or”, followed by no more than three additives, where at least one of those is present in the final product.
- **Packaging gases**
  - The indication of additives falling under this category “packaging gases” in the list of ingredients may be replaced by the specific particular “Bottled in a protective atmosphere” or “Bottling may happen in a protective atmosphere”.
- **Sparkling wine production**
  - The addition of tirage liqueur and expedition liqueur to grapevine products may be indicated by the specific particulars “tirage liqueur” and “expedition liqueur”, alone or accompanied, in brackets, by a list of their constituents, as laid down in Annex II to Delegated Regulation (EU) 2019/934.’

# List of Ingredients—Allergies & Intolerances



- Where fining agents (e.g., milk and milk products, eggs and egg products) are used and the residue in the treated wine is 0.25 ppm or greater, these must be labeled. Note:
  - If the ingredient list appears **on the physical label**, the potentially allergenic ingredient must appear in that list under its general name (milk, egg – see regulation 2019/33), but must stand out from other ingredients by the use of **boldface** or some other method.
  - If the ingredient list is **provided electronically**, the potentially allergenic substance must appear in the e-list of ingredients still under its general name. **In addition**, an indication must be given (as at present) on the physical label in the format “contains XX”, where XX is the general name of the material. This indication **does not have to appear in the same field of vision** as the other mandatory particulars

# List of Ingredients—Allergies & Intolerances

- Where lysozyme is used to treat a wine and leaves a residual of 0.25 ppm or greater, this must be in the list of ingredients. (as “Preservatives and antioxidants (lysozyme)” or possibly “egg lysozyme”). In the case of an electronic ingredients list, a declaration on the physical label (e.g., “contains egg”) is required as at present
- Note that isinglass used as a fining agent is exempted from ingredient listing in the EU

# List of Ingredients—Allergies & Intolerances



- Where sulfites are used to treat a wine and remain at levels  $>10$  ppm, this must be labeled:
  - If the ingredient label appears **on the physical label**, the sulphites must appear in that list under the name, “sulphites” and must stand out from other ingredients by the use of boldface or some other method
  - If the ingredient list is **accessed through a QR code**, the indication of sulfites must appear in the e-list of ingredients (also as “sulphites”). **In addition**, an indication must be given (as at present) on the physical label in the format “contains sulphites”

# List of Ingredients—Specific Cases

- Carbon dioxide used to spritz or carbonate (not as a packaging gas) is an ingredient and should be listed but with no functional category.
- Tannins. There are no additive uses of tannins indicated in the current EU winemaking practices regulation (only processing aid uses). No indication is presently required, but this may change over time with ongoing discussions.
- Wine Spirit Addition (WSA)
  - Not a recognized EU winemaking practice for a product to be sold as “wine”.
  - EU/US bilateral nevertheless allows US producers to use this practice for products that may be sold as “wine” in the EU.
    - We are aware of the issues—e.g., labeling, customs clearance, taxation—and are working to address them.

QUESTIONS

**Q & A**

ANSWERS



**Still have questions?**  
**Please send any questions to**  
**[legal@wineinstitute.org](mailto:legal@wineinstitute.org)**

**We will send out more information as we learn more  
about the EU rules**