

Join the Mindful Drinking Movement

Nicola Blackwood MP
Minister for Public Health & Innovation
Department of Health
Richmond House
79 Whitehall
London
SW1A 2NS

Dear Minister,

Expediting the review of low & no alcohol drinks labelling

We are writing to you as we have noticed that Lord Rennard has four questions tabled for written answers from your department about the future of low and no alcohol drinks labelling (HL5615 to HL5618). We wanted to take this opportunity to outline why we feel that this issue needs to be addressed urgently, and ask you to bring forward your planned review of the issue.

In this letter we will set out what we would like to happen, why we are asking, the five reasons why the legislation is outdated, and the implications of this confusion for the producers, customers, and retailers of these drinks, and for public health.

What we would like to happen

1. We urge you to use the opportunity to review this issue sooner rather than later, and speed up implementation to December 2017 rather than 2018.
2. We seek a simplification in the regulations that allows producers to label their 0.5% ABV or lower products 'alcohol free' in line with foreign counterparts, so that similar products have the same labelling regardless of their country of origin, allowing UK businesses to compete fairly.
3. We would like you to consult the public and create a new labelling system for low alcohol drinks that is reflective of both the information customers need in order to make informed decisions, and of modern manufacturing processes.
4. We would appreciate the opportunity to meet at a time of your convenience and discuss this further, along with some of the new craft brewers who are finding this situation affecting their fledgling businesses.

Join the Mindful Drinking Movement

joinclubsoda.co.uk | clubsodaguide.com | nudgingpubs.uk

laura@joinclubsoda.co.uk | 07968708703

Why we are asking

We are aware that The Food Information Regulations 2014 have a delayed implementation date of December 2018, specifically to deal with the terminology and labelling of low alcohol, alcohol-free, dealcoholised and non-alcoholic drinks, yet there seems to be no discussion or public consultation in the pipeline.

Club Soda (joinclubsoda.co.uk) is a mindful drinking movement. Our individual members often drink alcohol-free products when they are on an evening out, or as a support in reducing their alcohol intake for health or during pregnancy. We also recently launched a pub guide (clubsodaguide.com) and have been working with the licensed on-trade sector over the past two years on finding good products to meet the needs of more mindful drinkers.

Through this work with both pubs, bars and their customers, we have realised that the confusing nature of labelling drinks between 0% and 0.5% ABV is affecting the alcohol-free drinks sector. It is confusing for producers and retailers, and misleading for customers, deterring them from buying those drinks, and licensed premises from stocking them.

We would like all drinks that are 0.5% ABV and below to be labelled alcohol-free.

Why current legislation is outdated

The current situation with the labelling of alcohol-free drinks is outdated, confusing and anti-competitive. Our experience working with customers, producers and retailers over the last two years demonstrates that poor labelling stops consumers being able to make healthier choices when it comes to alternatives to drinking alcohol.

We assume that the Government agrees that Regulation 42 and schedule 8 of the Food Labelling Regulations 1996 no longer make sense, which is why it delayed the implementation of the new labelling rules. We believe that there are a number of reasons why the labeling rules need to be reviewed and changed:

1. Production methods have changed

The regulations were written for products where the alcohol is removed post-fermentation, such as using heating or reverse osmosis processes.

However, these are no longer the primary production methods for beers that are 0.5% ABV or lower, as heating adversely affects the flavour, and reverse osmosis is an expensive procedure and therefore not available for small scale producers.

Instead, brewers creating products with less than 1.2% ABV follow normal brewing practices, but use less malt (which is turned into alcohol during the process). As a result, many 0.5% or below ABV products have never had alcohol in them.

Join the Mindful Drinking Movement

joinclubsoda.co.uk | clubsodaguide.com | nudgingpubs.uk

laura@joinclubsoda.co.uk | 07968708703

For example, Big Drop Brewing Company's Chocolate Milk Stout (less than 0.5% ABV) was never brewed with alcohol in. This is not unlike Fentiman's soft drinks, which are partially fermented ("botanically brewed") and also contain up to 0.5% alcohol by volume, but do not need to have this fact on the label, nor be labelled as 'low alcohol'.

It is also odd to apply this rule to a drink that may, by name, have a high alcohol content equivalent (beer and wine) and not to any other food stuffs that go through a natural fermentation process (e.g. vinegar or fruit juice) and may contain similar amounts of alcohol (e.g. ginger beer).

2. Legal opinion is divided

We have had sight of a legal opinion about whether a product can or cannot be called alcohol-free - even the legal experts couldn't say for sure how a 0.5% beer that is made without the de-alcoholisation process can be labeled.

We would like to bring some of the new British non-alcoholic beer producers to meet with you, so that they can share the mixed legal advice they have received and how this lack of clarity is affecting their businesses, and how simplifying the labelling issue will be good for them as British producers.

3. Import regulations and product discovery

The Food Information Regulations 2014 state: "As these are national measures there are no requirements for imported alcoholic spirit to be labelled with these terms or to comply with the standards specified."

Confusion is therefore compounded by inconsistencies between British products and imports. Imports only need to adhere to the regulations of their home nation - such as Erdinger Alkoholfrei, a 0.5% ABV wheat beer from Germany, which can be labelled 'alcohol free' when sold in this country. This allows imports to be more clearly labelled and marketed using 'alcohol-free', whilst **products made in the UK can not**.

This is anti-competitive for UK based brewers, and creates further confusion for consumers, retailers and licensed venues. Online, Erdinger Alkoholfrei appears in the alcohol-free section of supermarkets despite being labelled as less than 0.5% ABV, whilst Nanny State by Brewdog sits in the low alcohol section.

Wines like Eisberg and Torres Natureo can only be tagged as 'de-alcoholised' - a term that no one uses - making them hard for online shoppers to find and for retailers to stock in the 'right' aisle.

Join the Mindful Drinking Movement

joinclubsoda.co.uk | clubsodaguide.com | nudgingpubs.uk

laura@joinclubsoda.co.uk | 07968708703

Waitrose

The screenshot shows a grid of product listings on the Waitrose website. A red box highlights a product, 'Brewdog Nanny State 330ml', with a price of £1.29 (£3.91 per litre) and a note that it 'appears in none of these searches'. Other search filters shown include 'search: de-alcoholised', 'search: low alcohol', 'search: non alcoholic', and 'search: alcohol-free'. Products listed include various wines and beers like Torres Natureo De-alcoholised, Fre Premium De-alcoholised, Erdinger Weissbräu Low Alcohol, Waitrose low alcohol cider, Clausthaler low alcohol lager, Bavaria Premium Original Non Alcoholic Beer, Ebony Vale Alcohol Free, Beck's alcohol-free, Koppartberg Alcohol Free, and Beck's Blue Alcohol Free.

Well known pub chain menu

BREWDOG NANNY STATE

330ml

Low Alcohol

A very hoppy low-alcohol ale
Scotland, 0.5%

MAISEL'S WEISSE ALKOHOLFREI

500ml

No Alcohol

A spicy fruit sensation
Germany, 0%

This beer is
actually 0.5%

4. Licensing and trading standards

In licensing terms drinks below 0.5% are not considered to be alcoholic and, according to licencing policy officers at Hackney Council, an alcohol licence is not needed to serve drinks labelled 0.5% ABV or below.

Trading standards have confirmed to St Peter's Brewery that they can label their 0.05% ABV beer as 0%.

Join the Mindful Drinking Movement

joinclubsoda.co.uk || clubsodaguide.com || nudgingpubs.uk

laura@joinclubsoda.co.uk || 07968708703

Yet in the supermarket (according to a conversation with Waitrose) these drinks and Fentiman's ginger beer are age restricted items.

5. What is alcohol-free anyway?

Alcohol-free beers (0 to 0.5% ABV) represent a growing market, with many brewers adding these products to their range in response to growing demand. In the last six months Big Drop Brewing Company and St Peter's Brewery have launched alcohol-free beers (0.05% - 0.5% ABV). FitBeer (0.3% ABV) has made an appearance, and a new alcohol-free brewery is opening soon in Leyton, East London (Nirvana Brewery).

Club Soda members find that drinks of 0.5% ABV and below are useful in helping them change their drinking habits, and in choosing healthier options on a night out. Many use these products to reduce the number of alcohol units they drink. A 0.5% drink contains such little alcohol that the body will process it more quickly than it is consumed. A 0.05% ABV drink according to Drinkaware has 0 units (although even Drinkaware round down a 0.05% Becks Blue to 0% on their calculator and round up a 0.05% Eisberg wine to 0.1%). A pint of a 0.5% drink is only 0.28 units.

Wines and beers that are 0.5% ABV or under tend to have fewer calories and no added sugar, and so for many are also an alternative to sugary soft drinks. In fact, next to water a non-alcoholic beer is often the healthiest thing you can drink in the pub.

In addition there are many products that contain as much alcohol as these beers and wines that do not have to be labelled in the same way.

Even most soft drinks contain traces of alcohol. Diet 7Up & Canada Dry Ginger Ale contain between 0.05 to 0.08 g/100ml ethanol. Fentiman's Ginger beer can be up to 0.5% ABV.

Baked goods such as breads, cakes & pizza crust contain up to 1g/100g alcohol (up to 1.7 g/100g in those flavoured with alcohol like bourbon cake). Juices - fresh, pasteurized, concentrates, frozen orange juice - all contain small amounts of ethanol: 75-780 ppm ethanol in samples from [one study](#) and in some other literature reviews, values go up to 900 ppm which can mean an alcohol content of nearly 0.1% (Comparison of Volatile Flavor Components in Fresh and Processed Orange Juices, J. Agric. Food Chem, 1990).

Vinegar has about 2% ABV [according to this article](#); [Aspall](#) says theirs is always less than 0.3%. And many completely natural products contain naturally occurring alcohol: fresh fruit and berries can have up to 0.7% [in the wild](#), a banana up to c. [0.1%](#).

Join the Mindful Drinking Movement

joinclubsoda.co.uk | clubsodaguide.com | nudgingpubs.uk

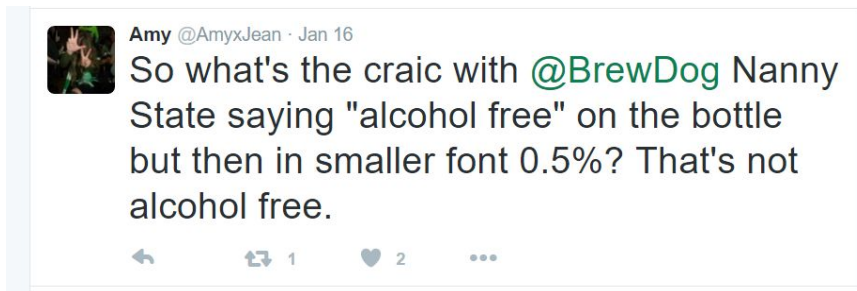
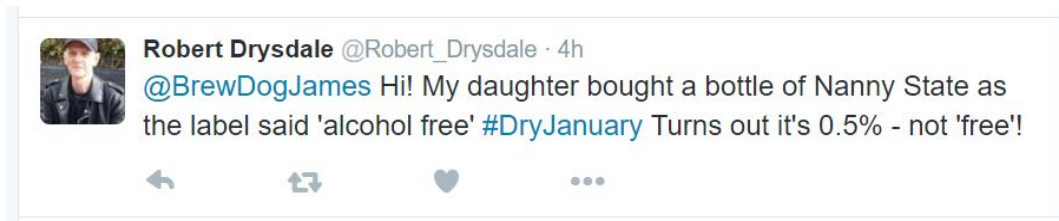
laura@joinclubsoda.co.uk | 07968708703

Join the Mindful Drinking Movement

joinclubsoda.co.uk || clubsodaguide.com || nudgingpubs.uk

laura@joinclubsoda.co.uk || 07968708703

5. Customers are, unsurprisingly, confused



Implications of this confusion

Why does this matter? Here are a few of the issues that have arisen from our experience over the last two years:

1. We are continually asked whether a 0.5% ABV drink is alcoholic or not, and what it means. Can you get drunk? Will you be breaking your dry January? Will you be over the driving limit? How many units is in a bottle of 0.5% beer? I am muslim, what can I drink? The consumer is confused.
2. The new emerging producers of lower alcohol craft beers have to label their drinks as 'low alcohol', whereas imported beers can be called 'alcohol-free'. This is anti-competitive for UK-based producers, and also misleading for the consumer.
3. Supermarkets do not know how to tag or display these products, meaning that customers cannot find the products they want, or find out what alternatives are available to them.
4. Through our research with pubs and bars we have found that licensed venues are also confused and unsure on how to answer customers' questions. As a result, they lack confidence in selling these products and avoid stocking them.
5. Research shows that consumers want more choice of low and no alcohol and low sugar products. We also know that given 'permission' to do so, people will make healthier drink choices. The labelling confusion leads to both the on and off trades hiding these products or not stocking them at all, and that 'permission' is therefore not forthcoming.

What we would like to happen

1. We urge you to use the opportunity to review this issue sooner rather than later, and speed up implementation to December 2017 rather than 2018.

Join the Mindful Drinking Movement

joinclubsoda.co.uk || clubsodaguide.com || nudgingpubs.uk

laura@joinclubsoda.co.uk || 07968708703

2. We seek a simplification in the regulations that allows producers to label their 0.5% ABV or lower products 'alcohol free' in line with foreign counterparts, so that similar products have the same labelling regardless of their country of origin, allowing UK businesses to compete fairly.
3. We would like you to consult the public and create a new labelling system for low alcohol drinks that is reflective of the information customers need to make informed decisions, and modern manufacturing processes.
4. We would appreciate the opportunity to meet at your earliest convenience to discuss this further, along with some of the new craft brewers who are finding this situation to be affecting their fledgling businesses.

We hope this outlines just some of the consequences of the current situation and helps you in reaching a decision about consultation and change in respect to alcohol-free labelling.

Yours sincerely

The image shows two handwritten signatures in black ink. The signature on the left is 'Laura Willoughby' written in a cursive, flowing style. The signature on the right is 'Jussi Tolvi', also in a cursive style, appearing more compact and stylized.

Laura Willoughby MBE and Dr Jussi Tolvi

Club Soda

Join the Mindful Drinking Movement

joinclubsoda.co.uk | clubsodaguide.com | nudgingpubs.uk

laura@joinclubsoda.co.uk | 07968708703