



**Australian Government**

**Australian Wine and Brandy Corporation**



# Wine Law

WINE LAW, WINEMAKING AND LABELLING



# Content

INTRODUCTION .....	5
<i>Relevant legislation</i> .....	5
<i>Why is standard 4.5.1 so important?</i> .....	5
<i>Administration of food packaging legislation</i> .....	6
NEW LABELS AND LABELLING INQUIRIES.....	7
<i>New Labels</i> .....	7
<i>Inquiries</i> .....	7
BRIEF OUTLINE OF HISTORY OF AUSTRALIAN WINE LAW.....	8
A TYPICAL AUSTRALIAN WINE LABEL.....	9
DISCLAIMER .....	11
INDEX.....	12
ADDITIVES (Mandatory Labelling Requirement) .....	12
ADDRESS.....	12
ALCOHOL STATEMENT (Mandatory Labelling Requirement).....	12
ALLERGEN LABELLING (Mandatory Labelling Requirement) .....	12
Legislation.....	14
Phase-out Dates .....	14
Contacts .....	15
OTHER INFORMATION .....	15
Source Of Additives .....	15
Export Labels.....	15
ANTI-OXIDANT.....	15
AROMATIC SPARKLING WINE .....	15
BACK LABEL .....	16
BAR CODES.....	16
BEST BEFORE (Mandatory, If Less Than Two Years' Shelf Life).....	16
BIO-DYNAMIC .....	16
BLENDING REGULATIONS.....	16
BOTRYTIS (NOBLE LATE HARVEST).....	17
BOTTLE FERMENTED .....	17
BRAND NAMES .....	17
BRANDY.....	18
BURGUNDY.....	18
BUSINESS NAMES .....	18
CABERNET.....	18
CABERNETS .....	18
CARBONATED WINE.....	18
CARTON LABELLING .....	19
CASK LABELLING.....	19
CHABLIS .....	19
CHAMPAGNE .....	19
CLARET .....	19
CLEANSKINS .....	20
CODE OF PRACTICE.....	20
COPYRIGHT .....	20
COUNTRY (IES) OF ORIGIN (Mandatory labelling requirement) .....	20
Two or more countries of origin .....	21
DATE MARKING .....	21
DE-ALCOHOLISED WINE .....	21
DESCRIPTION AND PRESENTATION .....	21
DESIGNATION OF PRODUCT .....	21
ESTATE.....	21
EXPORT .....	22
FALSE Description and Presentation.....	22

FONT.....	23
FORTIFIED WINE.....	23
FRONT LABEL .....	23
FRONTIGNAC .....	23
FRONTIGNAN.....	23
FRUIT FLAVOURED WINE (made from grapes).....	23
FRUIT WINE .....	24
GENERIC STYLES OF WINE .....	24
Already phased out.....	24
<i>Illegal to use from 31/12/93.....</i>	24
<i>Illegal to use from 31/12/97.....</i>	24
<i>Legal to use in Australia, until a date to be agreed.....</i>	24
<i>Legal to use in Australia, until a date to be agreed (dates have not yet     been determined) .....</i>	24
<i>Generic use of Riesling .....</i>	24
GEOGRAPHICAL INDICATION .....	25
Classification categories.....	25
Geographical indication claims.....	25
Avoiding misleading claims .....	26
GRAPE VARIETY .....	26
GRAVES.....	26
HEALTH CLAIMS.....	26
HERMITAGE .....	26
IMPORTED WINE.....	26
INTERNET .....	27
LABEL.....	27
LABEL CLAIM .....	27
LABEL INTEGRITY PROGRAM .....	27
LAMBRUSCO .....	27
LATE HARVESTED — SPECIAL LATE HARVESTED .....	28
LINKAGE of Vintage, Variety and Geographical Indication claims .....	28
LIP STATEMENT .....	28
LOGO .....	28
LOT MARKING .....	28
LOW ALCOHOL WINE.....	29
MADE IN (AUSTRALIA ETC).....	29
MADEIRA .....	29
MALAGA .....	29
MANDATORY DECLARATION of certain substances in food .....	29
MAPS .....	29
MARSALA.....	29
MEDAL CLAIMS .....	29
METHODE CHAMPENOISE .....	30
MISLEADING (Description and Presentation) .....	30
MOSELLE.....	30
MUSCAT.....	30
NAME AND ADDRESS (Mandatory labelling requirement) .....	30
NAME OR DESCRIPTION OF THE FOOD (Mandatory labelling requirement) .....	31
NOBLE LATE HARVEST .....	31
NON-ALCOHOLIC .....	31
NON-INTOXICATING WINE.....	31
ORGANIC WINE .....	32
OUTER CARTON.....	32
PACKAGING LEGISLATION.....	32
P4 STANDARD .....	32
P6 STANDARD .....	32
PENALTIES .....	32
PHASE-OUT DATES FOR EUROPEAN GENERIC WINE STYLE NAMES.....	32
PORT .....	32
PRESCRIBED NAME (Mandatory labelling requirement) .....	33
PRESERVATIVES .....	33

PRINT SIZE .....	33
PROCESSING AIDS.....	33
PRODUCT OF/PRODUCE OF .....	33
PROMOTIONAL MATERIAL .....	33
PROTECTED NAMES.....	33
REDUCED ALCOHOL WINE .....	33
REGION OR REGION OF ORIGIN.....	33
REGISTER OF PROTECTED NAMES .....	34
RIESLING .....	34
SAUTERNES.....	34
SHERRY .....	34
SPARKLING WINE.....	34
SPARKLING WINE PACKAGING WARNINGS .....	35
STANDARD 4.5.1 .....	35
STANDARD DRINK LABELLING .....	35
STANDARD PRINT (Size and Legibility Requirements) .....	35
STYLE NAMES .....	36
SUPER-ZONE .....	36
TOKAY .....	36
TRADE MARKS .....	36
TRADE PRACTICES ACT.....	37
TRADE MEASUREMENT LEGISLATION.....	37
Packer identification .....	37
Short weight or measure .....	38
TRADITIONAL EXPRESSIONS .....	38
Aromatic Sparkling Wine.....	38
Botrytis (Noble Late Harvest).....	38
Bottle fermented.....	38
Champagne.....	38
Fortified wine.....	38
Frontignac.....	39
Late harvested — Special Late Harvested.....	39
Madeira .....	39
Malaga .....	39
Marsala .....	39
Methode Champenoise .....	39
Muscat .....	39
Port .....	39
Sherry .....	39
Sparkling wine.....	39
Tokay .....	39
Traditional method .....	40
TRADITIONAL METHOD .....	40
USE-BY DATE .....	40
VARIETY.....	40
VINTAGE .....	41
VOLUME STATEMENT (Mandatory labelling requirement) .....	41
WHITE BURGUNDY .....	41
WINE .....	42
WINE PRODUCT.....	42
WINE PRODUCTION REQUIREMENTS .....	42
WINE SHOW MEDAL CLAIMS .....	42
WINE STYLE NAMES .....	42
WINERY NAME.....	42
ZONE.....	42

# Introduction

This document has been prepared by the Australian Wine and Brandy Corporation as a plain English information guide to manufacturers, marketers, retailers, students and consumers on domestic Australian wine making and labelling requirements. It includes references to the relevant Federal and State/Territory legislation, which should be read before making any labelling decisions.

The labelling requirements also apply to all imported wine sold in Australia. Generally, imported wine only has to meet manufacturing standards under Standard 2.7.4 (but not 4.5.1). For Australian wine intended for export, Australian manufacturing standards in Standard 4.5.1 have to be firstly met, even if the importing country standards are less demanding, but importing country labelling requirements should be adhered to. Where importing country requirements are not stipulated, in full or in part, then Australian labelling requirements should be used.

## ***Relevant legislation***

Australian wine law, covering the manufacture and labelling of wine, is legislated under several pieces of Federal and State legislation.

- The Australian Wine and Brandy Corporation Act 1980 predominantly sets legislation relating to the export of wine, and covers Australian wine international trade agreement obligations. It also incorporates the 'Label Integrity Program' and 'Protected Names' legislation.
- The Australian Wine and Brandy Corporation Regulations 1981 define sections of the AWBC Act, and include the wine 'export regulations' and the 'blending regulations'.
- The Food Standards prescribe Australian wine manufacturing and food labelling standards. The relevant authority is Food Standards Australia New Zealand (FSANZ).

FSANZ has recently revised food standards for Australia and New Zealand. The standards are known as 'Volume Two' and were effective from 20/12/2002. Volume Two has Standard 2.7.4, Wine and Wine Products, as a minimal standard and this will apply to all wine and wine products imported into both countries and for wine manufactured in New Zealand. The Australian wine industry has opted to retain its previously existing world's-best practice wine standards that are now detailed in 'Standard 4.5.1 Wine Production Requirements - (Australia only)' (previously known as Standard P4), for all wine manufactured in Australia. It is intended that some of the old Standard P6 (Wine Product) will later be amalgamated into Standard 4.5.1, for Australia only. The new general food labelling provisions of the new Food Standards (Volume Two) provide for the abolition of mandatory print sizes and anti-oxidant statements, and require a new mandatory declaration of certain (allergenic) substances - this will apply to all wine and wine product manufactured in Australia, and to imported wine.

## ***Why is Standard 4.5.1 so important?***

For the manufacture, in Australia, of 'wine, sparkling wine and fortified wine' and the wine component used in 'wine products' the list of allowable additives and processing aids in Standard 4.5.1 is still exhaustive, despite anything stated in Standard 2.7.4 or elsewhere in the new standards.

Food standards are determined by FSANZ after consultation with Australian State and Federal and New Zealand authorities and consultation with industry. The Food Standards are actually administered and policed in Australia by the various State/Territory Health authorities, as the standards are adopted by reference into the various State/Territory Food or Health Acts (see list in Standard 1.1.1).

*Safe Food Australia — A Guide to the Food Safety Standards* (previously known as Food Hygiene Standards) is incorporated into the Food Standards in Chapter 3 of Volume Two. Note: Manufacturers must have in place a food recall system that will ensure unsafe food is

recalled to the supplier (Refer: Standard 3.2.2). These standards have relevance to wine manufacture but are not covered in this document.

FSANZ also publish 'User Guides to the New Food Standards Code' that contain useful guides to food labelling and other information requirements.

### ***Administration of food packaging legislation***

Food packaging legislation is administered in Australia under the various State/Territory Trade Measurement (or Weights and Measures) Acts. Trade Measurement (Pre-packed Articles) Regulations primarily prescribe how the 'volume' statement and name and address of the packer must appear on food packaging. Go to <http://www.austlii.edu.au/> and search under legislation for the required State — you can search ANY State legislation and legal cases from this site.

The SA government has part of its packaging site dedicated to wine at:

<http://www.ocba.sa.gov.au/trademeasurement/wine>

For all Federal legislation go to <http://www.comlaw.gov.au>

## New Labels and Labelling Inquiries

### ***New Labels***

When planning a new label, it is necessary to consider not only the wine law mandatory and other requirements and conditions but also whether the brand name or other information or concepts on the label may infringe other laws or other peoples' rights.

There is no authority in Australia that registers or approves labels and, there is no one authority that can provide all the information as to whether a name, sign, design etc. is in some way protected or perhaps already in use. To check whether a brand name is already protected or in use you could: search existing/proposed Trade Marks (you can search from this site under Trade Marks below), Company Names, Business Names, search the brand names listed in a publication called *The Australian and New Zealand Wine Industry Directory* published by Winetitles ([www.winetitles.com.au](http://www.winetitles.com.au)). The Directory is comprehensive but not exhaustive and is probably the best available listing of current winery and brand names. There are also trade magazines such as *Thomson's Liquor Guide* which would be useful for this purpose.

There is only one way to fully protect your label wording, design or concept, and that is by Trade Mark.

See: Trade Marks, Copyright, Trade Practices Act, in the Index below.

### ***Inquiries***

All domestic, export and imported wine labelling inquiries may be made to the Australian Wine and Brandy Corporation Compliance Centre on 08 8228 2050, fax 08 8228 2066 or use the web inquiry link. The AWBC does not approve Australian domestic labels, and neither does any other authority. However, if you have a new concept label or if you are concerned about the legality of the wording, logos, maps, protected names or other information on a label, the AWBC will provide advice as to whether or not a label appears to conform with Australian wine legislation. The AWBC does not have the resources to provide a quality control service for all of Australia's 20,000 or so wine labels, but it is happy to assist with advice to new players and those who are unsure of the legality of their existing or proposed labels.

Export labels are checked by the AWBC for compliance firstly with Australian requirements and then for importing country requirements. Labels for the European Union (EU) are actually approved by the AWBC, on behalf of the EU, before an export permit is granted. To find out about the requirements of importing countries, you need an AWBC document called 'Export Market Grid'. How to purchase a Grid. Note: the Grid is free if you have an Export Licence.

## Brief Outline of History of Australian Wine Law

- 1901 At Federation, Australian States retain responsibility for Food legislation.
- 1929 Federal Government creates Australian Wine Board, with responsibility to control and promote the export of wine and grape products.
- 1980 AWB becomes the Australian Wine and Brandy Corporation, created under the present AWBC Act 1980.
- 1989 Wine industry requests the Government to legislate the Label Integrity Program under the AWBC Act.
- 1991 States agree to uniform Food Standards, but States/Territories still administer legislation under their own Food Acts. Standards include manufacturing and food labelling provisions for wine.
- 1993 Wine Agreement with European Union signed. Mutual acceptance of winemaking practices and mutual protection of geographical indications. AWBC Act amended to reflect our obligations. Blending regulations now under the AWBC Act.
- 2000 Food standards revised, but two-year transition period of old and new.
- 2002 New Food Standards apply to both Australia and New Zealand, but 'old' standards retained for wine produced in Australia.

## A Typical Australian Wine Label

WINERY NAME/TRADE MARK/BUSINESS or BRAND NAME (Optional)	<b>Abcxyz</b>
NAME OF FOOD 'Wine', or Grape Varietal Name, or Generic Wine Style Name i.e. Dry Red/White – (a Name is Mandatory, but VARIETY is optional*)	<b>Shiraz</b>
GEOGRAPHICAL INDICATION (Optional*) – (i.e. Region of Grape Origin)	<b>Barossa Valley</b>
VINTAGE (Optional*) (i.e. Year Grapes Harvested)	<b>2002</b>
VOLUME (Mandatory on Front label) (Min. 3.3mm high)	<b>750mL</b>
ALCOHOL CONTENT (Mandatory) (wording is not prescribed)	12.5% ALC/VOL
STANDARD DRINKS (Mandatory)	Approx 7.4 Standard Drinks
<b>Allergens</b> declaration (Mandatory, where applicable)	Preservative (220) added or, Contains Sulphites [Insert any other prescribed allergenic substances the product contains (eg. Egg, milk, fish, nuts etc.)]
NAME, ADDRESS (Mandatory) (name and street address of responsible entity – must be postal address only)	ABZ Co, 15 Street address Suburb/Town/State/PC
COUNTRY OF ORIGIN (Mandatory)	Produce of Australia or Australian Wine

The above label comments are a very brief guide only. Please refer to the index for full information about all the above label statements, print sizes and conditions of use.

The layout of an Australian wine label is not prescribed, and any of the information, except the Volume statement, can appear on any label face. Fonts and minimum print heights have been abolished, except for the Volume statement.

Certain labelling requirements under the Food Standards Code (FSC) and Packaging legislation are mandatory. For example, they must appear on a label and sometimes in a specified format or print size. However, most labelling requirements under the AWBC Act are optional (in that conditions of use only apply where such a 'label claim' is made). Mandatory label requirements are identified in the following text accordingly.

'Cleanskins' must carry all the information marked 'mandatory' above.

To align domestic labels for the European Union or USA, look under Export below or click on the Exporting line on the home page menu.

## Disclaimer

This document has been prepared for the general information of Australian winemakers and does not represent any form of legal advice. Accordingly, readers should not rely on the recommendations or comments contained herein, whether express or implied, and should consult the relevant Federal and State Acts and Regulations and obtain specific advice on these matters from their own legal advisers. The Australian Wine and Brandy Corporation does not accept responsibility for the accuracy or completeness of any recommendations, comments, information or advice contained herein, and will not be held liable for any loss or damage that may arise as a result of the use of the information.

# Index

## **ADDITIVES (Mandatory labelling requirement)**

Permitted additives and processing aids for Wine, Sparkling Wine and Fortified Wine are prescribed in Standard 4.5.1 — any additives not listed in the Table to clause 3 of 4.5.1 are illegal to use in Australia, even if they otherwise appear in the (new) Food Standards, Volume Two, Standard 1.3.1 schedules or Standard 2.7.4.

Under Volume Two of the Food Standards Code, it is no longer mandatory to list on a label preservatives, antioxidants, flavourings and colourings in wine and wine product. Therefore claims for 'antioxidants', such as ascorbic or erythorbic acid, are no longer required by law. However, any substance caught under Allergens declaration labelling requirements must be declared (for example, preservatives SO<sub>2</sub>/PMS).

Important: Ingredients, additives and processing aids containing egg and egg products, casein and potassium caseinate, milk and milk product, fish and fish product (for example, isinglass), nuts (some tannins) added sulphites in concentrations of 10mg/kg or more, and some other substances must be declared if any traces could remain in the final product — see Allergen labelling, Mandatory Declaration.

Caution: Where there is no added sulphur dioxide, care must be taken in any claim that the wine is 'sulphur or preservative free', as sulphur dioxide can be produced by yeast. 'Preservative free' should only be claimed if there is <10mg/L of total sulphur dioxide in the wine.

Refer: Food Standards Code, Standards 4.5.1, 1.3.1 and 1.2.3, Clause 4.  
See also: Carbonated Wine.

## **ADDRESS**

See: Name and Address.

## **ALCOHOL STATEMENT (Mandatory labelling requirement)**

Food Standard 2.7.1 requires a statement of the alcohol by volume in foods containing more than 1.15% alcohol by volume expressed as X% alcohol by volume or words and expressions of the same or similar effect (and thus a format which is also suitable for export requirements may be used on domestic labels, such as '12.5% Vol' as for the European Union). Varying tolerance specifications apply — wine and sparkling wine within 1.5% alc/vol and, fortified wine within 0.5% alc/vol. Note: these tolerances vary for some export markets, particularly the European Union.

Refer: Food Standards Code, Standard 2.7.1.

## **ALLERGEN LABELLING (Mandatory labelling requirement)**

From 20 December 2002 all food, including Wine and Wine Product, labelled on or after that date must carry a declaration statement if any of the following substances have been used as an ingredient, food additive or processing aid and are present in the final product:

- Cereals containing gluten and their products.
- Crustacea and their products.
- Egg and egg products.
- Fish and fish products.
- Milk and milk products.
- Nuts and sesame seeds and their products.
- Peanuts and soybeans, and their products.
- Added sulphites in concentrations of 10mg/kg or more.

.....continued

- Royal jelly.
- Bee pollen.
- Propolis.

The following legal additives and processing aids for wine and wine products are listed as allergenic substances under the Food Standards Code:

- Added sulphites (such as SO<sub>2</sub>/PMS) in concentrations of 10mg/kg or more (preservative)
- Casein and potassium caseinate (fining agent).
- Egg white (fining agent) (including Lysozyme).
- Milk and evaporated milk (fining agent).
- Isinglass (fish product fining agent).
- Nuts (such as non-grape derived tannin that may be made from chestnuts).

Some allergen substances may potentially come from obscure sources. For example, some caramels are produced from wheat (gluten), and some 'technical' corks may be manufactured using casein-based glues.

The declaration:

The actual positioning, wording and format of the declaration is not prescribed. The declaration may be in textual form or the substance(s) simply named in a list of ingredients. Food Standards Australia New Zealand (FSANZ) has advised that code numbers may be used instead of the substance name, if listed in Standard 1.3.1 (for example, preservative (220) added).

Print heights are not prescribed, but must be legible and conspicuous.

Food Standards Australia New Zealand (FSANZ) has advised that the law is not met by previously suggested wording/statements such as 'may contain fish or milk product'. Any earlier advice/circulars to that effect should be disregarded.

FSANZ has confirmed that the law requires a statement to the effect that the substance IS in the product, or has been used in manufacture.

The following advice was obtained from the Winemakers Federation of Australia in May 2003, following representations by the Department of Agriculture, Fisheries and Forestry Australia to the State health authorities:

"The following options have been deemed acceptable in all jurisdictions as providing the most accurate information.

- Produced with isinglass (fish product).
- Contains/produced with fish product.
- Produced with isinglass (fish product). Traces may remain.
- Produced with fish products. Traces may remain."

There was general agreement that the use of only "may" labelling was seen as inconsistent with ACCC advice and not providing meaningful information. There was a preference for knowing clearly if the processing aid is present or not. However, it was recognised that it is very difficult to determine presence for substances at low levels such as in the case of processing aids and that available detection methodologies produced inconsistent results. Consequently the use of 'may' is acceptable when the product is used and it is uncertain if it remains – provided it is accompanied by 'produced with' or 'contains'.

The appearance of the words isinglass or casein on their own was not considered meaningful or appropriate as it was felt few consumers would know what these are and that confusion is possible.

FSANZ has advised that where there are added sulphites in concentrations of 10mg/kg or more, allergens labelling requirements are met by claiming 'contains sulphites', without necessarily having to name the actual sulphites used.

## Legislation

The relevant legislation in detail may be found in the Food Standards, Volume Two, Standard 1.2.3, Clause 4, 'Mandatory declaration of certain substances in food'.

The authority for this legislation is Food Standards Australia New Zealand – FSANZ (previously called the Australia New Zealand Food Authority – ANZFA). You can search their website for the food standards and other information on [www.foodstandards.gov.au](http://www.foodstandards.gov.au). The actual policing of the legislation will be performed as usual by the various State and Territory food authorities.

The general purpose of the legislation is to advise consumers of the presence of certain substances in food to which they may be allergic, so they may make informed decisions.

## Phase-out dates

Phase-out dates for sale of old stock, 2002 and older vintages, not carrying an allergens warning statement (where now required):

In brief:

- All 2002 and earlier non-vintage wine, sparkling wine and fortified wine (ie, does not carry a vintage date) may NOT be sold after 20 December 2004, without appropriate allergens labelling (where required).
- Indefinite allergens labelling exemption for the sale of all 2002 and older vintages of vintage wine, sparkling wine and fortified wine.

Under the stock-in-trade provisions of the Food Standards Code, introduced in September 2002, wine manufactured and packaged prior to 20 December 2002, which did not comply with the “allergen labelling” requirements, could only legally be sold until 20 December 2004.

This presents an obvious problem for older vintage wines, with a long shelf life. Wines from 2002 and earlier vintages, labelled in compliance with the law at the time, would face the prospect of having to be relabelled or withdrawn from sale after December 2004.

The Australian Wine and Brandy Corporation, Winemakers Federation of Australia and New Zealand Winegrower’s Association applied for an indefinite extension of these stock-in-trade provisions to the extent that fining agents derived from egg, fish and milk, and tannin derived from chestnuts should not need to be declared when present in bottled wine with a vintage date of 2002 or earlier.

After two rounds of public consultations, an impact analysis and consideration of a significant number of submissions, Food Standards Australia New Zealand has now recommended:

“To amend Standard 1.1.1 to allow the indefinite sale of bottled wine labelled with a vintage date of 2002 or earlier, in compliance with the applicable food standards of the time.”

Note that this exemption does not apply to non-vintage products, including non-vintage sparkling and fortified wines, which will need to comply with the “allergen labelling” requirements after 20 December 2004. Nor does it apply to wine bottled and labelled after 20 December 2002.

The complete final assessment report can be viewed at [http://www.foodstandards.gov.au/srcfiles/A485\\_Wine\\_Stock-In-Trade\\_FAR.pdf](http://www.foodstandards.gov.au/srcfiles/A485_Wine_Stock-In-Trade_FAR.pdf)  
Attachment 4 to that report provides a good summary.

## **Contacts**

The AWBC is not the authority for this legislation and cannot approve your warning statements. It is suggested that if you require any further clarification that you seek independent legal advice, or contact FSANZ direct:

Phone 1300 652 166 or 02 6271 2222 fax 02 6271 2278

Email [advice@foodstandards.gov.au](mailto:advice@foodstandards.gov.au)

Web [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

## **OTHER INFORMATION**

There is currently no practical analysis available to confirm the complete absence of all allergenic substances, however some tests are commercially available but may have limited applicability to wine.

### **Source of additives**

At the time of purchase, wine manufacturers are advised to seek written advice as to the source of any additives, processing aids or packaging or other products that potentially could be the source of allergenic substances. Sources of allergenic substances could include failure to adequately clean production machinery, failure to adequately segregate allergenic substances in storage or on the production line, accidental or subversive addition of substances, or the failure of suppliers to identify such substances in their products. It may be advisable to consider a purchasing audit process because simply obtaining a statement from suppliers, even if a statutory declaration, is not necessarily by itself due diligence.

Similarly, when purchasing wine or having your wine made by a contract winery, a written statement (as part of the Label Integrity Program statement) should be obtained detailing any allergenic substances used in manufacture.

Failure to provide a declaration on a label may expose the manufacturer/vendor to prosecution under the various State/Territory Food Acts and, may expose the manufacturer/vendor to legal action from any consumer who believes they may have suffered an allergic reaction to the product.

### **Export labels**

Implementation dates for allergens labelling for export markets, other than New Zealand, are still unclear. (New Zealand commenced the same date Australia did: on 20 December 2002). Japan has exempted alcoholic beverages from its allergens labelling laws. Latest advice is that the European Union (EU) has directed member states to bring into force from 25 November 2004 legislation that permits allergen labelling. The EU is enforcing allergen labelling from 25 November 2005. Only sulphites need be declared, and must be in the form 'Contains Sulphites' or 'Contains Sulphur Dioxide'. Declaration of other Australian allergenic substances is allowable but not mandatory (subject to review in 2007).

Refer: Food Standards Code, Standard 1.2.3 Clause 4.

See also: Additives, LIP Statement.

## **ANTI-OXIDANT**

A label statement is no longer mandatory, unless it is a declared allergenic substance.

See: Additives, Allergens.

## **AROMATIC SPARKLING WINE**

See: Traditional Expressions.

## **BACK LABEL**

The back, front, neck, cap and any other labels have equal status in Australian wine law so information may appear on either the front or back label (with the exception of the volume statement). All label law requirements must be met, even in the text appearing on a back label (for instance, a label claim should not be correctly made on the front label and then have something different in, say, textual form on a back label. For example, reference to 'a Bordeaux blend of grapes' or, failure to list named varieties or regions in descending order, or use of maps which name other geographical indications). The only mandatory requirement for information to appear on the front ('Main face, and the label exposed on the shelf to the consumer') is that for the volume (for example, 750mL) statement, as required by the State/Territory Trade Measurement Regulations.

See: Label Claim, Volume Statement, Maps.

## **BAR CODES**

Bar codes are not required by law or regulated as to size or where they may appear on a label. Bar codes are increasingly being required by wholesalers and retailers in Australia and overseas. The most common system in Australia and the European Union is the European Article Number (EAN) system which has 13 digits. In the past, North America (USA and Canada) had the Universal Product Code (UPC) 12 digit system which is readable by the EAN system (but EAN was not readable by UPC). Both systems are now acceptable anywhere in the USA. Only EAN numbers are acceptable in Canada.

Enquiries regarding EAN and UPC bar codes may be made to EAN Australia on phone 03 9569 9755 or toll free 1300 366 033.

## **BEST BEFORE (Mandatory, if less than two years' shelf life)**

Volume Two of the Food Standards Code requires a 'Best Before' date, which is prescribed in the following format: 'Best Before Dec 01' (or) 'Best Before 12 01'.

The 'best before' date is defined as: 'The date which signifies the end of the period during which the intact package of food, if stored in accordance with any stated storage instructions, will remain fully marketable and will retain any specific qualities for which express or implied claims have been made.' The 'best before' date is not mandatory if the date is two years or more from the date of packaging.

The label must include a statement of any specific storage conditions required to ensure that the food will keep for the specified period.

In the case of wine and wine product, this would only normally apply where plastic or other non-glass packaging is used and where a limited shelf life (less than two years) is likely. However, if the description and presentation of the wine claims or implies certain qualities (such as freshness, drink now etc.) then a best before date in respect of that quality may be required even if packed in glass.

Refer: Food Standards Code, Standard 1.2.5.  
See also: Cask Labelling, Date Marking, Use-by.

## **BIO-DYNAMIC**

See: Organic Wines.

## **BLENDING REGULATIONS**

The name commonly used to refer to the blending requirements for the description and presentation of wine as defined in the AWBC Regulations (18–22). There are no laws regulating how or what wine may be blended, only how it is described.

There is no requirement to place vintage, variety or geographical indication details of a blend on a label. However, if a label claim is made (even if only in back label text or in advertising material) it must be true and conform to the requirements of any one or more of AWBC Regulations 18–22 . If a claim is made for, say, variety, a geographical indication or vintage claim is still optional. (Please note that different rules may apply for certain export countries where these exceed the Australian legislation. For example, USA requires 95% for vintage claims.)

Note: Statement of ‘country(ies) of origin’ is mandatory.

See: Country of Origin, Vintage, Variety, Geographical Indication, Maps, Linkage, Label Claim, Cabernet, Cabernets, Description and Presentation.

Refer: AWBC Act, Section 40F(5A), Regulations 18–22.

### **BOTRYTIS (NOBLE LATE HARVEST)**

See: Traditional Expressions.

### **BOTTLE FERMENTED**

See: Traditional Expressions.

### **BRAND NAMES**

A Brand Name (or any other name) must not imply to a consumer that the grapes were sourced from a particular country or geographical location if that is not the case. This is especially important if no information as to the geographical source of the wine is provided anywhere on a label.

The easiest way to resolve this is to claim the appropriate geographical indication at the lowest level, at the most precise definition in any hierarchy of locations. For example, use of a broad geographical indication such as ‘South Eastern Australia’, would not diminish the misleading nature of the following example:

(Wine source = vineyards in several States.)

Bloggs Barossa Vineyards  
Dry Red  
South Eastern Australia  
(or no geographical indication claim)  
(Mandatory statements...)  
Address -  
Bloggs Rd, Tanunda SA

If it is not feasible to quote an appropriate geographical indication to take away the misleading nature of a name, a suggested alternative method is to make a statement in text to the following intent: ‘This wine has been sourced from various regions [in, say, Victoria] (or) this wine has been sourced from vineyards in several States’. Such a statement also gives manufacturers the flexibility to change the geographical indication sources of the wine each vintage or blend without having to change the label text.

Use of such a statement would not necessarily guarantee protection from legal challenge about a false or misleading claim under the AWBC Act, the Trade Practices Act or State Fair Trading Acts; however, it should diminish any potential to mislead.

See also: Description and Presentation, Estate, Logo, Trade Marks, Maps, False, Misleading.  
Refer: AWBC Act, sections 5C, 40 D&F.

## **BRANDY**

Means a spirit obtained from the distillation of wine, or fermented preparations of grapes or grape product.

Refer: Food Standards Code, Standards 2.7.5, 4.5.1 and 2.7.1.

## **BURGUNDY**

See: Generic Styles of Wine for conditions of use and phase-out dates.

## **BUSINESS NAMES**

See: Brand Names, Description and Presentation, Trade Marks.

Refer: AWBC Act, sections 5C, 40D, 40F.

## **CABERNET**

Cabernet is an acceptable synonym for the grape variety Cabernet Sauvignon but it is NOT a synonym for Cabernet Franc, or any combination of those two varieties. Cabernet Franc must always be considered a separate variety and be named in full. For example: 'Cabernet Sauvignon/Merlot/Cabernet Franc', or 'Cabernet/Merlot/Cabernet Franc'.

See also: Cabernets, Variety.

## **CABERNETS**

The conditions of use of the name 'Cabernets' has been DELETED from the Register of Protected Names with effect from 8 September 2003, and therefore the name 'Cabernets' no longer has a legal definition in Australian wine law.

Care should be taken when using Cabernets to ensure that its use is not misleading and in breach of the Trade Practices Act and State consumer legislation.

Cabernets is not a synonym for varietal naming of a blend of Cabernet Sauvignon and Cabernet Franc (domestic or for export), but may be used as a non-varietal generic name. A blend named say, Shiraz Cabernets could not be used because only one variety has been named and the only way this could be legal is if the blend consisted of at least 85% Shiraz.

Cabernets may not be used for any purpose for export to the European Union, but may be used as a generic name for other destinations where the importing country allows such use.

See also: Cabernet.

## **CARBONATED WINE**

Carbon dioxide is now a legal additive to wine. Therefore a wine with added carbon dioxide is 'wine', as defined in Standard 4.5.1, and is no longer a 'wine product' unless other ingredients (that are not allowable additives in 4.5.1) are used.

The word Carbonated is not prescribed for describing a wine with added carbon dioxide. However, under Standard 1.2.2 1 (1) it is a requirement that the label must include a name or a description of the food sufficient to indicate the true nature of the food. To meet this requirement the words 'carbonated wine' or similar should appear somewhere on the label, but not necessarily in the name of the product (for example, 'Bubbly Red' as the product name, and elsewhere on the label the words 'Carbonated wine' should appear).

If a carbonated wine contains additives that are not allowable in Standard 4.5.1 then it is a 'wine product' if it meets that description in Standard 2.7.4, and should be labelled accordingly (for example, 'Peach Flavoured Bubbly Chardonnay' as the product name and elsewhere on the label the words 'Carbonated Wine Product' should appear).

The word 'Sparkling' may NOT be used to describe a carbonated wine because 'sparkling wine' is an Australian Traditional Expression with prescribed conditions of use of that name. Similarly, the words 'Aromatic Sparkling Wine', 'Bottle Fermented', 'Champagne', 'Methode Champenoise' and 'Traditional Method' are Traditional Expressions that have prescribed conditions of use.

Refer: Food Standards Code, Standards 1.2.2 1 (1) and 4.5.1, Traditional Expressions.  
See: Traditional Expressions (Sparkling Wine). Name or Description of Food.

### **CARTON LABELLING**

(Mandatory) The Food Standards Code requires that all the mandatory information for a wine label also be re-produced on the outer carton, if the product is to be offered in the carton to consumers (for example, a three-bottle presentation pack).

See: Cask Labelling, Cleanskins.  
Refer: Food Standards Code, Standards 1.1.1 and 1.2.1.

Under Trade Measurement (Pre-packaged Articles) Regulations, the name and address of the packer, or the person for whom the articles were packed is required. The carton must indicate either the total volume of the inner packages or, the number of packages and the volume of each (for example, 12 x 750mL).

See: Trade Measurement Legislation.

### **CASK LABELLING**

The mandatory and other label requirements for wine casks are similar to that of any other type of container with the exception that cask wine, and any other non-glass container, may require a 'Best Before' date, which is prescribed in the following format: 'Best Before Dec 01' (or) 'Best Before 12 01'.

The 'best before' date is defined as follows: 'The date which signifies the end of the period during which the intact package of food, if stored in accordance with any stated storage instructions, will remain fully marketable and will retain any specific qualities for which express or implied claims have been made.' This is mandatory, unless the 'best before' date occurs two or more years from the date of packaging.

The label must include a statement of any specific storage conditions required to ensure that the food will keep for the specified period.

Mandatory information should not be printed on the bottom of the cask.

See also: Standard Print, Date Marking, Best Before.  
Refer: Food Standards Code: Standard 1.2.5.

### **CHABLIS**

See: Generic Styles of Wine for conditions of use and phase-out dates.

### **CHAMPAGNE**

See: Traditional Expressions and Generic Styles of Wine for conditions of use and phase-out dates.

### **CLARET**

See: Generic Styles of Wine for conditions of use and phase-out dates.

## **CLEANSKINS**

A cleanskin is a package (bottle or other) that does not have attached a label bearing the mandatory food labelling and packaging requirements. It is not essential to have the usual manufacturers label, and a simple handwritten or computer address type label may suffice provided it is legible, contains the required mandatory information and meets any print specifications.

The retail sale (sale to the public) of cleanskin single bottles of wine is illegal because it is mandatory to have on a label the following: name of food; name and address of either vendor/manufacturer/packer or importer; volume statement (for example, 750mL); alcohol statement; declaration of certain substances (Allergens) statement; country of origin, and standard drink information. Packaging legislation also requires the name and address of the packer to appear on the carton.

A winery or retailer may sell cleanskins in an unbroken carton that carries all the mandatory label information (including standard drinks and allergens); however, a winery or retailer selling individual cleanskins to consumers is committing an offence.

Note that the above definition of a cleanskin is not defined in law and is given for the purpose of this document – retailers often use the term ‘cleanskin’ even when they have a label attached containing the mandatory information. Note: cleanskins cannot be exported.

Refer: Food Standards Code, Standards 1.1.1 and 1.2.1.

## **CODE OF PRACTICE**

For Display of Wine Awards.

See: Medal Claims.

## **COPYRIGHT**

As a general rule, the author or creator of the artistic and/or literary work is the owner of the copyright. Therefore in most cases the copyright in a label will be owned by the advertising agency, or by the copywriter/graphic artist used by the agency. There is no need for any formal registration for copyright to come into existence.

Wine manufacturers should insist (if possible) on obtaining a written assignment of copyright or at least an exclusive, perpetual licence for use of the copyright in the work. If a licence is obtained, you should ensure that it permits the work to be used on products other than simply the label. For example, it might be used on merchandise (posters, aprons etc.) sold at the cellar door. Such an assignment or licence should be a condition of appointment of the advertising agency or label design consultant. If this is not done, the only time a wine manufacturer will ‘own’ the label is if he or she designs it, or if an employee designs it as part of their job.

## **COUNTRY (IES) OF ORIGIN (Mandatory labelling requirement)**

The name of the country in which the product was produced must be shown; for example, ‘Product (or Produce) of Australia’, ‘Wine of Australia’, ‘Australian Wine from [region]’ or any combination of words including ‘AUSTRALIA’ — the name of the country is the only mandatory word.

This statement should not to be confused with a geographical indication claim. You may claim, ‘Produce of State or Region’ but you will also need to include somewhere on the label (even if in the address) the word ‘Australia’.

Note that for export to many countries the format of the ‘country’ statement is prescribed. Many will now elect to use the European Union format that requires the word wine in combination with the Country claim, and this format is also perfectly acceptable on domestic labels.

## **Two or more countries of origin**

A blend of grapes that is produced in more than one country must be identified on a label in a manner that mentions first the country with the larger or largest percentage of the blend as well as the percentage of the blends. An example of labelling for a blend produced in say, two countries might be: 'PRODUCE OF AUSTRALIA 90%; CHILE 10%'.

(Please note that the '85% rule' does NOT apply to country of origin of wine and, any percentage of wine from a second country in a blend must be stated: AWBC Regulation 19).

It is recommended not to use the words 'Made in Australia' because under Trade Practices Act legislation Made in may imply to a consumer the product is imported but has been substantially processed in Australia under conditions prescribed in that Act. The issue about rules of origin is being debated globally in the World Trade Organisation forum and the outcome will be advised.

Refer: AWBC Act, Regulation 19. Food Standards Code, Standard 1.1A.3 (Transitional).

## **DATE MARKING**

Not required for products with a shelf life of two years or more.

See: Cask Labelling, Best Before, Use-by, Lot Marking.

Refer: Food Standards Code, Standard 1.2.5.

## **DE-ALCOHOLISED WINE**

A reduced alcohol beverage which contains at most 0.5% alcohol may be represented as 'non-intoxicating' or words of similar meaning.

Refer: Food Standards Code, Standard 2.7.1.

See: Low Alcohol, Non-alcoholic.

## **DESCRIPTION and PRESENTATION**

The 'description and presentation' of wine which is sold, exported or imported is a reference to all names (including business names) or other descriptions, references (including addresses), signs, designs and trade marks used to distinguish the wine and, extends far beyond the label on the container to include cartons, packaging, transport and commercial documents and even advertisements or promotional material relating to the wine. The legislation also does not stop at the manufacturer. It refers to 'a person' and would include a claim by a retailer or restaurateur.

Manufacturers are advised to also closely watch what their retailers are saying about their wine, as retailers sometimes assume that a wine comes from where the winery is located, especially if no geographical indication is claimed on the label. Of course, irrespective of the wine laws, any false and misleading statements are at all times subject to the provisions of the Trade Practices Act and State Fair Trading Acts.

See also: False, Misleading, Register of Protected Names, Business Names, Maps, Penalties.

Refer: AWBC Act, Section 5C.

## **DESIGNATION OF PRODUCT**

See: Name or Description of the Food.

## **ESTATE**

There is nothing in Australian wine law that prescribes conditions of use of the word 'estate', in any context. If the word is used in conjunction with other information in the description and

presentation of wine (for example, with a place name, either real or implied) then the net result may breach the false or the misleading provisions of the AWBC Act, especially if a meaningful claim as to the true source of the wine is not made. If use of the word estate could mislead a consumer as to the source of the wine (such as in association with a place name or as the term 'estate grown/bottled') then the label may breach State consumer legislation and/or the Trade Practices Act.

Therefore, the onus is on you to not inadvertently mislead as to the source of the wine by use of the word estate. Whether or not a description and presentation of wine is misleading is determined by the net overall effect of all the information and not necessarily just the use of one particular word.

When using the word estate, and particularly when in conjunction with a place name, you must very clearly identify the actual source of the wine if it is not sourced from the estate implied, by either naming a meaningful geographical indication or making a statement, at least as prominent as the potentially misleading one, to the effect that 'this wine has been sourced from various regions of Australia, (or South Eastern Australia, or a State etc.)'.

Note: for export to some countries, such as the European Union and USA, 'estate' or 'estate bottled' have prescribed definitions which may restrict use of these words.

See: Brand Names, Description and Presentation, Trade Marks, Maps, False, Misleading.

## **EXPORT**

All export wine must be manufactured to Australian standards, and to standards set by importing countries. All export wine must be described according to the Australian blending regulations (vintage, variety and geographical indication), and these can only be varied if the importing country regulations exceed the Australian regulations. Export labels mostly have to meet importing country standards, but where these are not defined, Australian labelling standards apply. Labelling requirements for export markets can be significantly different from domestic requirements and as a general rule one label cannot do both jobs. To reduce printing costs, label information may in some cases be spread over two or more labels, with constant information such as brand name and designation on one label (for use in all countries) and, all the mandatory and variable information (for the particular country's requirements) on the other interchangeable label.

Licensed exporters are provided with access to the AWBC 'Export Market Grid' manual which lists the specific wine import label and other requirements of individual countries.

See our website [www.awbc.com.au](http://www.awbc.com.au) for information about how to obtain an Export Licence or to purchase a copy of the Export Grid. Also on the AWBC website home page look under the 'Export' menu for some hints on how to align a domestic label for use in the European Union and the USA.

See: Blends, Country of Origin, Vintage, Variety, Geographical Indication, Maps, Linkage, Label Claim.

Refer: AWBC Act, Export Regulations.

## **FALSE Description and Presentation**

The sale, import or export of wine with a false description and presentation is illegal under Section 40C of the AWBC Act. This provision essentially protects names which appear in the Register of Protected Names (such as geographical indications, traditional expressions and conditions of use of those names). It is illegal to use 'style', 'kind', 'type', 'method' or similar words in conjunction with protected names (even in a textual form on, say, a back label or in promotional material and advertising). The legislation also does not stop at the manufacturer, it refers to 'a person' and would include a claim by a retailer or restaurateur. Severe penalties apply under this section and considerable care needs to be taken to avoid breaches of these provisions. Prosecution action can be instigated by the AWBC or any interested party, located here or overseas.

Recent court decisions have upheld the principle that protected names cannot be used in any context in the description and presentation of wine, even if a statement is true — such as ‘This is a typical Bordeaux blend of wine’ or ‘This wine is sourced from a vineyard located near the famous Barossa Valley’.

Of course, irrespective of the wine laws, any false and misleading statements are at all times subject to the provisions of the Trade Practices Act and State Fair Trading Acts.

See: Register of Protected Names, Description and Presentation, Brand Names, Maps, Trade Marks, False.

Refer: AWBC Act, Sections 40C and 40D.

## **FONT**

See: Standard Print.

## **FORTIFIED WINE**

Fortified Wine is not a prescribed name. A fortified wine must contain at least 15% and not more than 22% of alcohol (ethanol at 20°C).

See also: Traditional Expressions, Port, Generic Styles of Wine.

See the introduction at the beginning of this document for prompt to see the complete Standard 4.5.1.

Refer: Food Standards Code, Standard 4.5.1.

## **FRONT LABEL**

The back, front, neck, cap and any other labels have equal status in Australian wine law so information may appear on either the front or back label (with the exception of the volume statement). All label law requirements must be met, even in the text appearing on a back label (a label claim should not be correctly made on the front label and then have something different in, say, textual form on a back label. for example, reference to ‘a Bordeaux blend of grapes’ or failure to list any named varieties or regions in descending order, or use of maps). The only mandatory requirement for information to appear on the front (‘Main face, and the label exposed on the shelf to the consumer’) is that for the volume (for example, 750mL) statement, as required by the State/Territory Trade Measurement Regulations.

See also: Label Claim, Volume Statement, Maps, Brand Names, Trade Measurement legislation.

## **FRONTIGNAC**

See: Traditional Expressions for conditions of use.

## **FRONTIGNAN**

No longer legal to use.

See: Generic Names.

## **FRUIT FLAVOURED WINE (made from grapes)**

If fruits, other than grapes, are added to a (grape) wine, that product meets the definition of a ‘Wine Product’ in Standard 2.7.4, provided it remains at least 70% ‘wine’.

Any combination of (grape) wine with other fruit wine, juice or flavours must be named ‘sufficient to indicate the true nature of the food’ (for example, ‘Peach Flavoured Chardonnay’)

Refer: Food Standards Code, Standards 2.7.4, 1.2.2(1)(b); for labelling see 2.7.1.

## **FRUIT WINE**

Not covered in this document but fruit wine is the alcoholic beverage produced from the complete or partial fermentation of fruit, other than the beverage produced solely from grapes. Food Standard 2.7.3 covers Fruit Wine and Vegetable Wine.

See: Wine Product, Name or Description of the food

Refer: Food Standards Code, Standards 2.7.3, 1.2.2 (1)(b); for labelling see 2.7.1.

## **GENERIC STYLES OF WINE**

There are no wine law restrictions on the use of generic wine-style names, unless those names are protected in the Register of Protected Names. Use of all traditional Australian generic wine style names that are now also protected European Union names in the Register is illegal, EXCEPT the following names to be phased out in varying stages:

### **Already phased out**

#### ***Illegal to use from 31/12/93***

Beaujolais, Cava, Frascati, Sancerre, Saint-Emilion, St. Emilion, Vinho Verde, Vino Verde, White Bordeaux.

#### ***Illegal to use from 31/12/97***

Chianti, Frontignan, Hock, Madeira, Malaga.

Refer: AWBC Regulation 13.

#### ***Legal to use in Australia, until a date to be agreed***

Burgundy, Chablis, Champagne, Claret, Graves, Marsala, Moselle, Port, Sauternes, Sherry, White Burgundy. (European Union/Australian Wine Agreement aim was to determine phase-out dates by 31/12/97, but dates have still not yet been determined.)

Refer: AWBC Regulation 13. (Note: wine under these names may not be exported to the European Union.)

#### ***Legal to use in Australia, until a date to be agreed (dates have not yet been determined)***

Lambrusco, Hermitage. (Note: wine under these names may not be exported to the European Union.)

#### ***Generic use of Riesling***

Generic use of Riesling as a wine style ceased on 31 December 2000. Riesling may now only be used to describe the grape variety 'Riesling'.

See: Riesling, Lambrusco, Hermitage, Traditional Expressions.

Refer: AWBC Regulations 14–16.

Note: when the phase-out dates are determined, there may be a relatively short phase-out period for most of these names (except possibly for Port and Sherry) and therefore use of these names for new products is not recommended. It is recommended that for existing products which use these names, your proposed replacement names should be added now to the 'old' names so that consumers can readily identify with the change. Products using any of these names may not be exported to the European Union, even now.

## **GEOGRAPHICAL INDICATION**

(Previously known as Region of Origin.)

Wine comes from where the grapes were grown (which is not necessarily where the winery is located).

Refer: AWBC Act, Section 5D.

A 'geographical indication' in relation to wine means: a word or expression used in the description and presentation of the wine to indicate the country, region or locality in which the wine originated; or, a word or expression used in the description and presentation of the wine to suggest that a particular quality, reputation or characteristic of the wine is attributable to the wine having originated in the country, region or locality indicated by the word or expression.

Refer: AWBC Act, Section 4.

Australia has already protected all European Union geographical indications and, the names of the Australian wine regions. We are still in the process of determining all the names and boundaries of Australian geographical indications and placing them in the 'Register of Protected Names' (See in this index: Register of Protected Names.) Until the Australian names and boundaries are fully determined and protected under the AWBC Act in the Register of Protected Names, the traditional names of Australian wine growing regions not yet determined may continue to be used.

### **Classification categories**

Australian geographical indications will be classified into: South Eastern Australia; the States; Zones (parts of States); Regions (parts of Zones); and Sub-regions (parts of Regions). For the purpose of making a label claim, any level of geographical indication may be chosen. For example, if grapes are sourced from one sub-region then that sub-region would most likely be claimed but, if sourced from two sub-regions in the one region then that region would most likely be claimed, and so on. A label claim for grapes grown in a vineyard in a particular sub-region, could be claimed under the name of: the Sub-region, or the Region, or the Zone, or the State, or the Zone 'South Eastern Australia', as desired or applicable.

Once determined, there is no difference in law between a Zone, Region or Sub-Region. There is also one collective Zone with the unofficial title of 'Super-Zone' and this is named 'Adelaide', and it includes the Zones of 'Barossa', 'Fleurieu' and 'Mount Lofty Ranges'.

See: AWBC Regulations 23–26 for the criteria for determining a Zone, Region or Sub-Region.

Refer: AWBC Act, Sections 40N–40Z.

### **Geographical indication claims**

There is no mandatory requirement to place a geographical indication claim (information as to the regional source of the grapes in a wine) on the label. However, if a claim is made, it must be true and conform to AWBC Regulation 21:

- (1) If the wine is a blend of different geographical indications and the description and presentation refers to one or more of those indications, then the description and presentation must refer to ALL of the geographical indications in descending order of their proportions in the blend.
- (2) In spite of (1), the description and presentation may refer to only one geographical indication if the blend contains 85% of grapes sourced from that geographical indication.
- (3) In spite of (1), a wine may be described and presented using particular geographical indications if it consists of at least 95% of a blend of varieties of grapes sourced from

no more than three regions that have those geographical indications and includes at least 5% of varieties sourced from each of those geographical indications. Geographical indications must be described and presented in descending order of their proportions in the blend. geographical indication claims for fortified wine may be calculated exclusive of the grape spirit or brandy added.

See also: Linkage, Description and Presentation, Penalties.  
Refer: AWBC Act, Section 40H(1) and Regulation 21.

### **Avoiding misleading claims**

Geographical indication (GI) claims are optional; however, if there is no information as to the geographical source of the wine provided anywhere on a label, the brand name, winery name, logo, product name or even the winery address must not imply to a consumer that the grapes were sourced from a particular country or geographical location if that is not the case. Such implied claims may be just as illegal as a straight false or misleading claim, under either the AWBC Act and the Trade Practices Act, or both.

To remedy this problem, see the examples under Brand Names, Trade Marks or Maps. Maps and textual descriptions of all Australian geographical indications can be viewed on the AWBC website – look under ‘wine law’. Names of all European Union geographical indications can also be searched on this same web page.

### **GRAPE VARIETY**

See: Variety.

### **GRAVES**

See: Generic Styles of Wine for conditions of use and phase-out dates.

### **HEALTH CLAIMS**

A food (including wine) may not have on any label or in an advertisement a ‘health’ claim.

Refer: Food Standards Code, Standard 1.1A.2.

### **HERMITAGE**

The name Hermitage may continue to be used under the following conditions: the name is used as a synonym for the grape variety ‘Shiraz’; and, the wine originates in Australia; and, the wine is not exported to the European Union (EU).

Note: use of this name may be phased out at short notice, under the terms of the EU Wine Agreement.

See: Generic Styles of Wine.  
Refer: AWBC Regulation 14.

### **IMPORTED WINE**

Labelling of imported wine must meet Australian standards and all Australian mandatory information (including name and address of importer, standard drinks, allergens labelling etc.) must appear. The exception to this is wine and wine products imported from New Zealand. If the product has been manufactured and labelled in New Zealand to New Zealand standards, then that label is allowable in Australia without amendment (for example, the name and address of the importer is not required). The regulatory authority dealing with the importation of wine is the Australian Quarantine and Inspection Service (AQIS) phone 1800 020 504 or ring AQIS State offices. For quick reference to the required mandatory information see ‘Typical Australian Wine Label’ near the beginning of this document.

See also: Country(ies) of Origin.

## **INTERNET**

When contemplating use of the internet for wine sales it is advisable to seek sound financial and legal advice. As the internet has no national boundaries, it is necessary to consider not only Australian law but also the laws in other countries. Obviously, Australian wine laws in this document apply to Australian-based wine marketers. However, there are traps for the unwary. For example, your brand names may be trade mark protected in Australia but when you advertise those brands on the internet you may be infringing trade marks held in other countries. Another difficulty is sales to individuals in the USA, where in many States it is illegal to ship wine to home addresses.

Care should be taken in selecting an appropriate domain name and good advice should be sought. Domain names should reflect your company/business/trade mark name and be .com or .com.au etc. without further suffix, as such names could be outside the internet address fields and also escape search engines. Domain names are allocated on a first-in, best-dressed basis and claims to company name/trade mark etc. are not necessarily considered. Domain names are not owned, only licensed, and care must be taken to renew at the end of the licence period.

See also: Trade marks.

## **LABEL**

See: Description and Presentation, Front and Back Label.

## **LABEL CLAIM**

'Label Claim' means, in relation to 'wine goods', a claim about their vintage, variety or geographical indication made on a wine label, or in a commercial document or an advertisement.

See: Vintage, Variety, Geographical Indication.  
Refer: AWBC Act, Section 39C.

## **LABEL INTEGRITY PROGRAM**

The integrity of Australian wine is underpinned by the provisions of the Label Integrity Program under the Australian Wine and Brandy Corporation Act. The program requires all steps in the manufacture of wine to be recorded to provide an audit trail from finished product back to original grape purchase to ensure the integrity of label claims as to vintage, grape variety and geographical indication. AWBC Label Integrity Program Inspectors continuously monitor the industry for compliance.

For further information on the Label Integrity Program see our website, [www.awbc.com.au](http://www.awbc.com.au) under 'Wine Law', 'Label Integrity Program' and 'Record Keeping Template'.

See also: Label claim, Vintage, Variety and Geographical Indication, LIP Statement.  
Refer: AWBC Act, Part VIA (Section 39).

## **LAMBRUSCO**

The name Lambrusco may continue to be used under the following conditions: the name is used to describe a style of wine traditionally made and marketed under that name; and, the name is not used to describe a variety of grapes from which the wine is made; and, the wine originates in Australia; and, the wine is not exported to the European Union (EU).

Note: use of this name may be phased out at relatively short notice, under the terms of the EU Wine Agreement.

See also: Generic Styles of Wine.  
Refer: AWBC Regulation 15.

## **LATE HARVESTED — SPECIAL LATE HARVESTED**

See: Traditional Expressions.

### **LINKAGE of Vintage, Variety and Geographical Indication claims**

Where vintage, variety and geographical indication claims are simultaneously made in respect of a wine, there is NO requirement for the resulting "composite claim" to necessarily be consistent with the blending regulations.

For example, for a label claim of '2001 Hunter Shiraz' the blend has to be at least 85% of that vintage, at least 85% of that variety, and at least 85% of that geographical indication, but not necessarily 85% of all three combined.

### **LIP STATEMENT**

A Label Integrity Program (LIP) statement is a commercial document, of no prescribed format, stating the LIP status of a wine in respect of vintage, grape variety and/or geographical indication. The statement is usually required by manufacturers or wholesalers when purchasing unlabelled wine, or bulk wine for bottling or further blending. The statement usually is provided on company letterhead and forms the basis of further LIP record keeping for the recipient, and justification for a subsequent label claim. Increasingly, purchasers of wine are requiring further information, such as statements detailing vineyard spray regimes, agricultural residues, GM-free products, whether the wine has been made to Standard 4.5.1, and whether any allergenic substances have been used that may require a declaration when the wine is labelled.

See: Label Integrity Program, Allergen Labelling, Label Claim.

### **LOGO**

Use of a logo must not be allowed to imply that the wine is sourced from a particular country, geographical indication or place if that is not the case.

If the company/winery/brand logo on a label includes a place name, either in the written word or pictorially or some other manner (either real or implied), then this forms part of the description and presentation of wine and the net result may breach the false or the misleading provisions of the AWBC Act, especially if a meaningful claim as to the true source of the wine is not made. Similarly, if a logo could mislead a consumer as to the source of the wine then the label may breach consumer legislation and/or the Trade Practices Act. A logo that includes a registered geographical indication cannot be used unless the wine is sourced from that geographical indication.

Therefore, the onus is on you to not inadvertently mislead as to the source of the wine by use of a logo. Refer to Brand Names for ways to reduce any misunderstandings.

See: Brand Names, Trade Marks, Maps, Estate, False, Misleading, Description and Presentation.

### **LOT MARKING**

Mandatory in Australia, and for export. The format is not prescribed and need only have meaning to the manufacturer. A lot mark usually commences with the letter L (mandatory for the European Union market) and is often followed by the year and date of packing (for example, L9330 could mean the 330th day of 1999). The lot mark does not have to appear on the label and is often stamped on the bottle at the time of bottling. It may be placed anywhere that will be visible after finished packaging. Lot marking is primarily required for the purpose of traceback in the event of a recall for health or safety reasons. Caution: if the product is not Lot marked then all product carrying the same label may be compulsorily recalled by health authorities, instead of just the affected production run.

Ref: Food Standards Code, Standard 1.2.2.

## **LOW ALCOHOL WINE**

An alcoholic beverage which contains more than 1.15% alcohol by volume must not be represented as a low alcohol beverage.

Refer: Food Standards Code, Standard 2.7.1.  
See also: De-alcoholised, Non-intoxicating, Non-alcoholic.

## **MADE IN (Australia etc)**

See: Country(ies) of Origin.

## **MADEIRA**

Now illegal to use.

See: Traditional Expressions and Generic Styles of Wine for conditions of use and phase-out dates.

## **MALAGA**

Now illegal to use.

See: Traditional Expressions and Generic Styles of Wine for conditions of use and phase-out dates.

## **MANDATORY DECLARATION of certain substances in food.**

See: Allergen labelling.

## **MAPS**

Maps appearing on labels, brochures and advertising etc., form part of the description and presentation of wine. Some wineries use maps to identify the location of the winery cellar door, but in doing so they invariably name well-known locations on the map, and these locations are often also Geographical Indications as classified under Section 4 of the AWBC Act (named in full or in part, such as Perth, Adelaide, Margaret River, Sydney etc.). If a place is named on a map (irrespective of the intended purpose) it is also a geographical indication claim (whether intended or not) — and if the wine is not sourced from that geographical indication, then a false or misleading label claim may have been made, even if a legal geographical indication has been displayed elsewhere in the description and presentation.

See: Geographical Indication, Brand Names, False, Misleading, Trade Marks.

## **MARSALA**

See: Traditional Expressions and Generic Styles of Wine for conditions of use and phase-out dates.

## **MEDAL CLAIMS**

Wine show medal label claims are not controlled under wine law; however, they must be true (that is, comply with consumer laws and Trade Practices Act legislation), they must be used in accordance with the relevant Show Society rules and should only relate to the awarded exhibit and the wine actually in the bottle. Most wine show rules require at least the wine show name, the class entered, the award given and the year awarded to be indicated.

The Winemakers Federation of Australia has issued an industry Code Of Practice for the 'Display Of Awards' and all Australian wine shows, manufacturers, exhibitors and retailers are strongly encouraged to comply from the 2005 vintage.

The European Union now allows the display of awards for any Australian wine show that is approved by the AWBC for the purpose. The AWBC will only approve wine shows that fully comply with the Code of Practice. The export of wine displaying awards for wine shows will only be approved where the relevant wine show adheres to the code, is approved by the AWBC, and the manufacturer/exporter complies with all aspects of the code.

Note: It is not the intention of the code to preclude a manufacturer from displaying awards such as 'Winemaker of the year' or 'Best Winery in Show' etc. — these types of awards can be displayed in a manner that does not depict a medal for the particular wine.

To view the Code of Practice go to [www.awbc.com.au](http://www.awbc.com.au).

## **METHODE CHAMPENOISE**

See: Traditional Expressions.

## **MISLEADING (Description and Presentation)**

The sale, import or export of wine with a misleading description and presentation is illegal if an indication or expression is used in such a way to mislead as to country, region or locality in which the wine originated.

A description and presentation is misleading if it includes a translation likely to mislead or so resembles a protected name as to be likely to be mistaken for the protected name.

Sections 40E and 40F of the AWBC Act essentially protect registered geographical indications and traditional expressions against unfair use. Severe penalties apply under these Sections and considerable care needs to be taken to avoid breaches of these provisions. Note that the description and presentation of wine not only refers to what is on the label but also to promotional material and advertising. The legislation also does not stop at the manufacturer, it refers to 'a person' and would include a claim by a retailer or restaurateur. Prosecution action can be instigated by the AWBC or ANY interested party, located here or overseas. Of course, irrespective of the wine laws, any false and misleading statements are at all times subject to the provisions of the Trade Practices Act and State Fair Trading Acts.

See: Register of Protected Names, False, Description and Presentation, Brand Names, Maps, Trade Marks, Penalties  
Refer: AWBC Act, Sections 40E and 40F.

## **MOSELLE**

See: Generic Styles of Wine for conditions of use and phase-out dates.

## **MUSCAT**

See: Traditional Expressions.

## **NAME AND ADDRESS (Mandatory labelling requirement)**

The name and business address of either the vendor, manufacturer, packer or importer must be placed (anywhere) on the label.

The name to be used appears to be flexible to the extent that it could be a company name, business name, brand name etc.

The address must show the road or street number (if any), road or street, suburb, town, State or Territory. Postal addresses, such as PO Box or RSD numbers, must NOT be used instead of a physical address; however, there is no reason that a postal address, phone/fax number, email and/or web address cannot also appear in this statement or elsewhere on a label to encourage communication.

The name and address is primarily required for the purpose of traceback and product recall by food authorities in the event of some public health risk caused by the product. Therefore the name and address must be 'findable' at all times.

For wine made under contract it is not essential to have the manufacturer's name and address on a wine. It is therefore a commercial arrangement between the contract manufacturer and the vendor as to whether or not the manufacturer's details appear on the vendor's label.

Caution: although the name and address is mandatory, the address must not be allowed to mislead as to the actual source of the wine. An address that includes a geographical indication could be misleading in cases where there is no other information to clearly identify the source of the wine. If this occurs, other actions are necessary to negate any misunderstandings caused by the address.

See: Brand Names, Misleading, Description and Presentation.

Refer: Food Standards Code, Standard 1.2.2.

See also: Trade Measurement Legislation.

### **NAME OR DESCRIPTION OF THE FOOD (Mandatory labelling requirement)**

(Previously known as Designation).

'Wine', 'Sparkling Wine' and 'Fortified Wine' are not prescribed names, that is, they are not required by law. However, the Food Standards Code requires an appropriate name or description of the food on a label; for example, a name such as 'Wine', or 'Chardonnay' (varietal), or 'Dry White', 'Ron's Red' etc. (generic). The print height is no longer prescribed.

For products that are NOT wine, sparkling wine or fortified wine, it is important that the name is 'sufficient to indicate the true nature of the food'. For example, a wine that has had carbon dioxide added should be clearly labelled as 'carbonated wine', to distinguish it from, say, a 'sparkling wine'. Wine-based drinks, whether greater or lesser than 70% wine-based, should be clearly labelled. For example, 'Fruit flavoured wine', or 'wine and other flavours' etc. Use of the term 'wine product' alone (where at least 70% wine-based) may not necessarily adequately describe the true nature of the product.

See: Designation, Wine, Sparkling Wine, Fortified Wine, Wine product, Reduced Alcohol Wine, Fruit Wine, Fruit Flavoured Wine.

Refer: Food Standards Code, Standard 1.2.2 (1).

### **NOBLE LATE HARVEST**

See: Traditional Expressions, (under Botrytis).

### **NON-ALCOHOLIC**

Food containing alcohol must not be represented in a form which expressly or by implication suggests that the product is a non-alcoholic beverage.

Refer: Food Standards Code, Standard 2.7.1.

### **NON-INTOXICATING WINE**

The label on a package of a beverage containing more than 0.5% alcohol by volume must not include the words 'non-intoxicating' or words of similar meaning.

Refer: Food Standards Code, Standard 2.7.1.

See also: Low Alcohol, De-alcoholised, Reduced Alcohol, Alcohol Statement.

## **ORGANIC WINE**

The manufacture and labelling of organic wine, whether relating to vineyard practices and/or manufacturing practices, is not specifically regulated in wine law. Certification for organic claims can be made by any of the many private organisations that perform this function. These organic organisations are authorised by the Australian Quarantine and Inspection Service, primarily for the purpose of export certification of agricultural products. Such certification is mandatory at present as part of the AWBC export approval process for all export wine claimed as organic or bio-dynamic.

Caution: Where there is no added sulphur dioxide, care must be taken in any claim that the wine is 'sulphur or preservative free', as sulphur dioxide can be produced by yeast. 'Preservative free' should only be claimed if there is <10mg/L of total sulphur dioxide in the wine.

## **OUTER CARTON**

See: Carton Labelling, Cleanskins.

## **PACKAGING LEGISLATION**

See: Trade Measurement Legislation.

## **P4 STANDARD**

That part of the now defunct old Food Standards Code, Volume One, dedicated to 'Wine, Sparkling Wine and Fortified Wine'. P4 has been replaced by Standard 4.5.1.

Refer: Food Standards Code, Standards 4.5.1 and 2.7.1.

## **P6 STANDARD**

That part of the now-defunct old Food Standards Code, Volume One, dedicated to 'Wine Products and Reduced Alcohol Wine'. Some of the old P6 content is now contained in Standard 4.5.1 and more may be added in due course. If a wine product is not covered by (the wine) Standard 4.5.1, but the product fits the interpretation of 'Wine Product' in Standard 2.7.4, then that standard applies.

Refer: Food Standards Code, Standards 2.7.4, 4.5.1 and 2.7.1.

## **PENALTIES**

Various penalties apply for breaches of legislation, from \$2,500 for minor offences under the Food Standards Code, to a maximum \$60,000 and two years gaol per offence under the AWBC Act. Penalties under the false and misleading provisions of the Trade Practices Act exceed those under the AWBC Act, and the Trade Practices Act is always applicable to wine matters despite the AWBC Act.

## **PHASE-OUT DATES FOR EUROPEAN GENERIC WINE STYLE NAMES**

See: Generic Styles of Wine.

## **PORT**

Australia is committed to phaseout of use of the name Port. To date, industry has been unable to come up with a suitable generic replacement name. Use of the name Tawny is also under threat as the European Union considers this as one of its traditional expressions. Negotiations are continuing on the future use of this name in Australia and for export.

See: Traditional Expressions and Generic Styles of Wine for conditions of use and phase-out dates.

### **PRESCRIBED NAME (Mandatory labelling requirement)**

Any name prescribed in the Food Standards Code which must be used in relation to labelling a particular product. The Food Standards Code may require that a particular word must be used or may prescribe conditions of use of a word. 'Wine' is not a prescribed name.

Refer: Food Standards Code, Standards 1.1.1.2 and 1.2.2.1.

### **PRESERVATIVES**

No longer required to be stated unless required under mandatory declaration of certain substances.

See: Allergen Labelling, Additives.

### **PRINT SIZE**

See: Standard Print.

### **PROCESSING AIDS**

The full list of processing aids allowable for the manufacture of wine in Australia are listed in the Table to clause 4 of Standard 4.5.1. This list is exhaustive, and only the processing aids on this list may be used, despite anything else contained elsewhere in the Food Standards.

See: Standard 4.5.1, Allergen Labelling, Additives.

### **PRODUCT OF/Produce of ...**

See: Country(ies) of Origin.

### **PROMOTIONAL MATERIAL**

The same rules that apply to the description and presentation of wine on a label also apply to any promotional material that describes a wine. The legislation also does not stop at the manufacturer, it refers to 'a person' and would include a claim by a retailer or restaurateur. These rules include Protected Names and the Blending Requirements.

Refer: AWBC Act, Section 5C.

See: Description and Presentation, Register of Protected Names, False, Misleading, Vintage, Variety, Geographical Indication, Label Claim.

### **PROTECTED NAMES**

See: Register of Protected Names.

### **REDUCED ALCOHOL WINE**

No longer defined in the Food Standards.

See: Low Alcohol Wine and De-alcoholised Wine, Non-alcoholic.

Refer: Food Standards Code, Standards 2.7.1 and 4.5.1.

### **REGION or Region of Origin**

See: Geographical Indication.

## **REGISTER OF PROTECTED NAMES**

The Register is the means of legally formalising and protecting Australian and Agreement Countries' (only the European Union at present) names for such things as Geographical Indications, Traditional Expressions and their conditions of use. To date, most geographical indications and a few Traditional Expressions have been determined for Australia and the process is continuing. Details of all current European Union and Australian Protected names (including outline maps of Australian geographical indications) are available on this website under 'Wine Regions'. Further information can be obtained from the Registrar of Protected Names at the AWBC (phone 08 8228 2000).

Please note that it is illegal to use protected names in the description and presentation of wine in any context whatsoever, even in an otherwise true statement in textual form on a back label. For example, 'This wine is made from a typical Bordeaux blend of grapes' or 'Marsanne is a native variety of the Rhone Valley' or 'My family has grown grapes in Chianti for generations' or 'This wine is from vineyards near the famous Barossa Valley' or 'this wine is equal to a top Hunter Semillon'). Protected Names are only protected when describing a wine, but it is difficult to say that anything on a wine label is not describing that wine. Note that country names are also protected.

To clarify the boundaries for use of Protected Names, you could in, say, promotional material, use Protected Names to describe family history, or discuss generally the wine styles you make, or comparing your climate conditions with European regions etc., but whenever you are describing a particular wine then Protected Names can not be used in any context.

Search the register for European Union and Australian Protected Names.

See also: Geographical Indication, Traditional Expression, False, Misleading, Trade Marks.  
Refer: AWBC Act, Sections 40ZA–ZE.

## **RIESLING**

The name Riesling has traditionally been used as both a varietal (grape variety) name and a generic (wine style) name. Since 31/12/2000, Riesling may only be used to describe the grape variety – that is, the wine must consist of at least 85% Riesling grapes. Wholesalers had only six months (in lieu of the usual three years) to quit all stocks of generic Riesling - usually used only for cask wine.

Note: AWBC Regulation 16 previously allowed generic use of Riesling but was repealed on 31/12/2000.

## **SAUTERNES**

See: Generic Styles of Wine for conditions of use and phase-out dates.

## **SHERRY**

See: Traditional Expressions and Generic Styles of Wine, for conditions of use and phase-out dates.

## **SPARKLING WINE**

See: Standard 4.5.1 for manufacturing requirements for Sparkling Wine (which is not a prescribed name).

See also: Traditional Expressions for conditions of use of the name 'Sparkling Wine'.

See: Traditional Expressions, Generic Styles of Wine, if using a European geographical indication (such as Champagne), in relation to conditions of use and phase-out dates.

See also: Carbonated Wine.

Refer: Food Standards Code, Standard 4.5.1.

## **SPARKLING WINE PACKAGING WARNINGS**

The Winemakers' Federation of Australia (WFA) has identified standard warnings for all sparkling wine labels and shippers as a means to potentially reduce the level of risk and injury associated with sparkling wine bottles. As sparkling wine is stored under pressure, scratching or damage to the bottle can cause it to explode. Injuries have occurred as a result of consumers using corkscrews to remove sparkling wine closures, and retailers opening shippers' packaging with sharp objects such as Stanley™ knives.

Back Label: 'Warning: This wine is stored under pressure. Take care not to scratch or damage this bottle as it may cause it to explode. To open, point bottle away from self and others. Do not use a corkscrew to remove the cork.'

Shipper (international warning symbol over a Stanley™ knife): 'Warning: Box contains bottled wine stored under pressure. Take care not to scratch bottle when using sharp objects to open this box'.

Please note that although the WFA has recommended that the industry adopt these warnings, they are not compulsory, and the WFA makes no representation as to their legal effect. For further information, please contact: WFA on 08 8222 9255 (or +61 8 8222 9255).

### **STANDARD 4.5.1**

The Food Standard containing the wine production requirements for the manufacture in Australia of wine, sparkling wine, fortified wine and brandy.

Refer: Standard 4.5.1.

## **STANDARD DRINK LABELLING**

(Mandatory - required on any alcoholic beverage labelled on or after 22 December 1995.

A 'standard drink' is the amount of beverage which contains 10 grams of ethanol, measured at 20°C. The formula for the calculation is: container volume (litres) x %alcohol/vol (mL/100mL) x 0.789 (specific gravity of ethanol) = the number of standard drinks. To be shown to one decimal point.

For example, a 750mL bottle which is 12.5% alc/vol would be calculated  $0.75 \times 12.5 \times 0.789 = 7.39$ , to be rounded to one decimal place = 7.4 standard drinks.

The wording for the label (for the above example) is prescribed as follows: 'CONTAINS APPROXIMATELY 7.4 STANDARD DRINKS' or 'APPROX 7.4 STANDARD DRINKS'.

For containers holding more than 10 standard drinks, the nearest whole number may be used.

Refer: Food Standards Code, Standard 2.7.1.

## **STANDARD PRINT (Size and Legibility Requirements)**

Unless otherwise stated, each mandatory word, statement or expression prescribed to be contained, written or set out in a label must be done legibly and prominently such as to afford a distinct contrast to the background, and in the English language. Unless specifically mentioned, minimum print heights are no longer prescribed in the Food Standards – there are none for wine, but some could apply for wine product in rare circumstances if an additive has a prescribed print specification. Any information in other languages must not negate or contradict the information in English.

Refer: Food Standards Code, Standard 1.2.9.

Note: Print height for the Volume statement (for example, 750mL) remains at 3.3mm minimum for a standard bottle, as this is covered by different legislation.

See: Volume Statement.

## **STYLE NAMES**

See: Generic Styles of Wine.

## **SUPER-ZONE**

See: Geographical Indication.

## **TOKAY**

See: Traditional Expression.

## **TRADE MARKS**

A Trade Mark (™) is the only way to fully protect your labels, whether the mark covers your name, design or concept etc. If you are planning to export you will also need to register the ™ in each country (although it is now possible to obtain one ™ for the European Union instead of each member country separately). If you plan to sell wine on the web and only have an Australian ™ then you may infringe the same or a similar ™ registered in other countries. You should seek legal advice before entering the international arena.

If you are considering trade marking a new brand name or logo etc, you can do a web search yourself to find out if a name is already registered or pending.

The address is: <http://www.ipaustralia.gov.au/>

Select: 'Trademarks' 'Search the trademark database with ATMOSSE' 'Start' 'Single Session Connection, Create New Connection'.

Enter your chosen word(s), for CLASS, type in 33 (the class number for 'wine' trade marks), then click on search. For a string of two or more words, better search results are often achieved if you search each word separately.

The search will indicate if there is more than one entry for the chosen word(s) and may separately indicate word, details, images etc. You will note that the trade mark may have a condition of use or endorsements.

You can register an Australian trade mark with IPAustralia yourself, especially if it is a simple name only – just go to the website above. You can also register a single international trade mark application (under the 'Madrid Protocol', covering over 50 countries) with IPAustralia. If registering a more complex trade mark, such as a label concept, it may be advisable to do this through a registered patent attorney or a trade marks agent or solicitor.

You cannot register a wine trade mark name which includes a name already protected in wine law. If you register a place name as part of your trade mark name, IPAustralia may allow the mark but they will place a condition of use on the name. Such condition may be that the trade mark may only be used for wine actually sourced from that area. Therefore, use of a place name as part of a winery, logo or brand name may be restrictive immediately or sometime in the future, and for that reason is not recommended.

A Trade Mark should not imply to a consumer that the grapes are sourced from a particular country or geographical indication, if that is not the case. Whilst wine law does not necessarily override use of a pre-existing trade mark (in a case where the TM existed before the geographical indication was declared) it is recommended that if such a conflict exists, the description and presentation of the wine should conspicuously claim the actual geographical indication of the grape source OR, should include a clear statement to the effect that the wine is NOT sourced from the implied geographical indication. If claiming a geographical indication (GI), it is essential to claim the appropriate GI at the lowest level.

Use of a broad GI such as 'South Eastern Australia' would not diminish the misleading nature of the following example.

(wine source = vineyards in several States)

Bloggs Barossa Vineyards  
Dry Red  
South Eastern Australia  
(or no geographical indication claim)  
Mandatory statements...  
Address –  
Bloggs Rd, Tanunda SA

If it is not feasible to quote an appropriate geographical indication to take away the misleading nature of a name, a suggested alternative method is to make a statement in the text to the following intent: 'This wine has been sourced from various regions [in, say, Victoria] (or) 'This wine has been sourced from vineyards in several States'.

Such a statement also gives manufacturers the flexibility to change the geographical indication sources of the wine each vintage or blend without having to change the label text. To be effective, and thus avoid possible legal challenge, the statement should have equal prominence with the statement (TM or other) that might be construed as misleading.

Use of such a statement would not necessarily guarantee protection from legal challenge about a false or misleading claim under the AWBC Act, the Trade Practices Act or State consumer legislation. However, it should diminish any potential to mislead to a significant degree.

It should be noted that there is currently much legal debate in Australia and overseas regarding the conflict between Trade Mark and geographical indication legislation and the matter may take some time to resolve.

See also: Business Names, Internet, Description and Presentation, Estate, Logo, Maps, False, Misleading.

Refer: AWBC Act, Sections 40 D&F.

## **TRADE PRACTICES ACT**

Notwithstanding the provisions of the *Australian Wine and Brandy Corporation Act 1980*, any claim or action that may be considered false or misleading may also contravene the provisions of the Trade Practices Act, and legal challenges or prosecutions could be made under either or both Acts.

## **TRADE MEASUREMENT LEGISLATION**

Covers Food Packaging legislation as administered in Australia under the various State/Territory Trade Measurement (or Weights and Measures) Acts. For wine, Trade Measurement (Pre-packed Articles) Regulations primarily prescribe how the 'volume' statement and name and address of the packer must appear on food packaging, and prescribes short weight or measure.

Labelling must be: at least the prescribed minimum height; read in the same direction as the name or brand; at least two millimetres from the edge or other graphics or print; in metrics and clear English; be legible; and in distinct colour contrast to the background. Labels also may be handwritten.

### **Packer identification**

A trader who packs goods that may be resold at other outlets is required to mark the packs with their business name and address OR the name and address of the person for whom the goods are packed. The business address or registered business address should be used, a Post Office box number alone is not sufficient.

### **Short weight or measure**

It is an offence to pack and sell products where: the overall average measure of the sample goods (such as one carton) is less than the stated quantity or where a single package is more than 5% deficient.

See also:, Volume Statement, Carton Labelling, Cleanskins.

### **TRADITIONAL EXPRESSIONS**

'Traditional Expression' is defined in the AWBC Act as: 'In relation to wine, means a word or expression used in the description and presentation of the wine to refer to the method of production, or to the quality, colour or type, of the wine'.

When Australia signed the Wine Agreement with the European Union in 1994, it was agreed in principle to protect the traditional expressions of both parties. To date there has been no agreement reached on which Traditional Expressions (TEs) will be agreed to be mutually protected. (However there are a few European Union TEs which may not be used on Australian wine exported to the European Union). Some Australian TEs have been entered into the Register of Protected Names and are protected in Australian wine law only.

Following is the current list of conditions of use of certain Australian TEs, which are now law: (Please note: some of these expressions may be subject to phase-out dates.

See: Generic Styles of Wine)

#### **Aromatic Sparkling Wine**

Condition of use: There shall not be written on a label or attached to a package containing sparkling wine the words "aromatic sparkling wine" unless the sparkling wine is one produced by fermentation in a bottle or pressure vessel and aged on its lees for not less than one month.

#### **Botrytis (Noble Late Harvest)**

Condition of use: For a wine to be labelled with the term "botrytis" or words to similar effect, or the phrase "noble late harvested", it must be made from fresh ripe grapes of which a significant proportion have been affected under natural conditions by the mould *Botrytis cinerea* in a manner which favours the concentration of sugars in the berries. Such wines have the characteristics referred to as "pourriture noble" or "Edelfäule".

#### **Bottle fermented**

Condition of use: There shall not be written on the label or attached to a package containing sparkling wine the words "bottle fermented" unless the sparkling wine is produced by fermentation in a bottle not exceeding five (5) litres capacity and aged on its lees for not less than six (6) months.

#### **Champagne**

Condition of use: There shall not be written on the label or attached to a package containing sparkling wine the word "champagne" unless the sparkling wine is one produced by fermentation in a bottle not exceeding five (5) litres capacity and aged on its lees for not less than six (6) months.

#### **Fortified wine**

Condition of use: "Fortified wine" means wine to which has been added grape spirit, brandy or both.

**Frontignac**

Condition of use: The word "frontignac" may be used to describe and present a fortified wine.

**Late harvested — Special Late Harvested**

Condition of use: For a wine to be labelled with the phrase "late harvested" or "special late harvested", it must be made from ripe grapes of which a significant proportion have been desiccated under natural conditions in a manner which favours the concentration of sugars in the berries.

**Madeira**

Condition of use: Except where the word "madeira" is used as a registered geographical indication, it may only be used to describe and present a fortified wine made before 1 January 1998.

**Malaga**

Condition of use: Except where the word "malaga" is used as a registered geographical indication, it may only be used to describe and present a fortified wine made before 1 January 1998.

**Marsala**

Condition of use: Except where the word "marsala" is used as a registered geographical indication, it may only be used to describe and present a fortified wine.

**Methode Champenoise**

Condition of use: There shall not be written on the label or attached to a package containing sparkling wine the words "methode champenoise" unless the sparkling wine is one produced by fermentation in the bottle and aged on its lees for not less than nine (9) months, after which time the wine is separated from its lees by disgorging.

**Muscat**

Condition of use: The word "muscat" may be used to describe and present a fortified wine.

**Port**

Condition of use: Except where the word "port" is used as a registered geographical indication, it may only be used to describe and present a fortified wine.

**Sherry**

Condition of use: Except where the word "sherry" is used as a registered geographical indication, it may only be used to describe and present a fortified wine.

**Sparkling wine**

Condition of use: "Sparkling wine" means wine that by complete or partial fermentation of contained sugars has become surcharged with carbon dioxide.

**Tokay**

Condition of use: The word "tokay" may be used to describe and present a fortified wine.

### **Traditional method**

Condition of use: There shall not be written on the label or attached to a package containing sparkling wine the words "traditional method" unless the sparkling wine is one produced by fermentation in the bottle and aged on its lees for not less than nine (9) months, after which time the wine is separated from its lees by disgorging.

Note: some of the above expressions have phase-out dates.

See: Generic Styles of Wine.

See also: Register of Protected Names, Generic Styles of Wine.

Refer: AWBC Act, Section 8 (2)(ab) and Section 40ZD(1)(b).

### **TRADITIONAL METHOD**

See: Traditional Expressions.

### **USE-BY DATE**

Need only be used if by a certain date the product should not be consumed because of health and safety reasons. This is most unlikely to ever apply to any wine or wine product.

Refer: Food Standards Code, Standard 1.2.5.

See: Best Before, Date Marking, Lot Marking.

### **VARIETY**

There is no mandatory requirement to place grape varietal information on a label. However, if a varietal claim is made (in any context), it must be true and conform to AWBC Regulation 20. There is no restriction on grape varieties allowable for the manufacture of wine in Australia. (Please note that restrictions on varieties, particularly naming hybrids, may apply for export to certain countries such as the European Union. The European Union has recently allowed the naming of the hybrid Chambourcin for wine imported from Australia.)

AWBC Regulation 20:

- (1) If the wine is a blend of different varieties and the description and presentation refers to one or more of those varieties, then the description and presentation must refer to ALL of the varieties in descending order of their proportions in the blend.
- (2) In spite of (1), the description and presentation may refer to only one variety if the blend contains 85% of grapes sourced from that variety.
- (3) In spite of (1), if a blend consists of at least 85% of a blend of no more than three varieties and, the wine includes at least 20% of each of those varieties, the wine may be described and presented as being of those particular varieties. All of those varieties (up to three) must be named and must be presented in descending order of their proportions in the blend.
- (4) In spite of (1), if a wine consists of 100% (not including up to 5% used for inoculation of additives) of a blend of no more than five varieties and the wine includes at least 5% of each of those varieties, the wine may be described and presented as being of those particular varieties. All of those varieties (up to five) must be named and must be presented in descending order of their proportions in the blend.

Note: Wine may be described and presented using any one of the above four conditions which fit. Varietal claims for fortified wine are to be calculated exclusive of the grape spirit or brandy added.

See also: Linkage, Designation, Name or Description of the Food, Penalties.

Refer: AWBC Act, Section 40H(1) and Regulation 20.

## VINTAGE

Means the year in which the grapes were harvested.

There is no mandatory requirement to place vintage information on a label. However, if a claim is made, it must be true and conform to AWBC Regulation 22:

- (1) If wine is made from grapes that were harvested in more than one vintage and, the description and presentation of the wine refers to one or more of those vintages, the description and presentation must refer to all of the vintages in descending order of their proportions in the blend.
- (2) In spite of (1), wine may be described and presented as being of one vintage if it consists of at least 85% of a variety or varieties of grape harvested in that vintage.
- (3) For the purposes of fortified wine, the volume of grapes is to be calculated exclusive of the grape spirit and/or brandy added to the wine.

Minimum print size = 'Standard Print'.

See also: Linkage, Penalties.

Refer: AWBC Act, Section 40H(1) and Regulation 22.

## VOLUME STATEMENT (Mandatory labelling requirement)

This statement is the only mandatory requirement for information to appear on the front label and the label exposed on the shelf to the consumer. The 'front' label is the 'Main display part' of the label, which is the part with the largest 'name' or 'brand name'.

It should be: stamped or printed in a colour that provides a distinct contrast with the colour of the background.... and if the package is, say, a standard 750mL wine bottle, the minimum character height must be 3.3mm.

Trade Measurement legislation requires the following print sizes depending on the largest dimension of the container. For example, for a bottle, it is the bottle height in millimetres. For a cask, it is the longest edge measurement.

<b>Largest package dimension</b>	<b>Minimum print height</b>
<120mm	2.0mm
120–<230mm	2.5mm
230–<360mm	3.3mm (standard 750mL bottle)
>360mm	4.8mm

Note: the volume statement must be read in the same direction as the name or brand, and may only be expressed in litres, or millilitres if the volume does not exceed 1 litre (note: not centilitres). For a cylindrical object (such as a bottle) the volume statement must appear within one-sixth of the circumference of the package from a line drawn vertically in the centre of the front label. See: Introduction to this document for access to the legislation.

Refer: (State) Trade Measurement (Pre-packed Articles) Regulations- which generally reflect the *(Australian) National Measurement Act 1960* and Regulations.

See: Trade Measurement Legislation, Carton Labelling.

## WHITE BURGUNDY

See: Generic Styles of Wine for conditions of use and phase-out dates.

## **WINE**

The name 'Wine' by itself can only refer to the product of grapes manufactured in Australia to Standard 4.5.1. – (imported wine has to meet Standard 2.7.4). Where (grape) wine is blended with other products it should be labelled as 'Wine Product', if it contains at least 70% wine.

Any other fruit or vegetable made into a 'wine' must use the fruit or vegetable name in conjunction with the word wine.

It is not mandatory to use the word 'wine' on a wine label, and consequently many labels simply refer to the wine variety or style or brand name. (Note: the word 'wine' is mandatory for the European Union and must be used in conjunction with the country claim; for example, Wine of Australia this format is acceptable for the domestic market — see Country of Origin).

See: Name or Description of the Food, Variety, Generic Styles of Wine.  
Refer: Food Standards Code, Standards 2.7.4; (2.7.3 Fruit Wine).

## **WINE PRODUCT**

Means a food containing no less than 70% of wine which has been formulated, processed, modified or mixed with other foods such that it is not wine. The 'wine' portion must be made to Standard 4.5.1 before it is modified to become a 'Wine Product' under Standard 2.7.4.

The words 'Wine Product' are no longer prescribed for labelling. However, under Standard 1.2.2(1) it is a requirement that the label must include a name or a description of the food sufficient to indicate the true nature of the food. To meet this requirement the words 'Wine Product' should appear somewhere on the label, but not necessarily in the name of the product. (For example: 'Bubbly Red' or 'Peach Flavoured Chardonnay' as the product name, and elsewhere on the label the words 'Wine Product' should appear.)

A wine product containing less than 70% wine is just an alcoholic beverage and general food manufacturing and labelling provisions would apply (which would include all the wine mandatory information).

See: Fruit Flavoured Wine, Carbonated Wine.  
Refer: Food Standards Code, Standards 2.7.4, 4.5.1 and 2.7.1.

## **WINE PRODUCTION REQUIREMENTS**

Food Standard 4.5.1 defines wine production requirements for Brandy, Fortified Wine, Grape Spirit, Sparkling Wine and Wine. (These standards were previously contained in the old Standards P4 and P6.)

Refer: Food Standards Code, Standards 4.5.1 and 2.7.1.

## **WINE SHOW MEDAL CLAIMS**

See: Medal Claims.

## **WINE STYLE NAMES**

See: Generic Styles of Wine.

## **WINERY NAME**

See: Brand Name.

## **ZONE**

See: Geographical Indication.



**Australian Government**

**Australian Wine and Brandy Corporation**

**T** +61 8 8228 2050

**F** +61 8 8228 2066

**E** [awbc@awbc.com.au](mailto:awbc@awbc.com.au)

**W** [www.awbc.com.au](http://www.awbc.com.au)

**Australian Wine and Brandy Corporation**

Compliance Centre

Level 2, 18 Dequetteville Terrace, Kent Town SA 5067

**T** +61 8 8228 2050 **F** +61 8 8228 2066