



Distilled Spirits Aotearoa (NZ) Incorporated

Certificate of Incorporation: 2716891

Registered office 14 - 16 Harbour Street, Oamaru 9400, New Zealand

Telephone: +64(0)21 222 9881 Email: info@distilledspiritsaotearoa.org.nz

Facebook: <https://www.facebook.com/distilledspiritsaotearoa/>

Web: DistilledSpiritsAotearoa.org.nz

Distilled Spirits Aotearoa – Frequently Asked Questions

Allergens Labelling and Health Claims – as at August 2023

Relevant Standards and Guides

[Labelling requirements for wine and other alcoholic drinks | NZ Government \(mpi.govt.nz\)](#)

[Labelling of alcoholic beverages \(foodstandards.govt.nz\)](#)

[Australia New Zealand Food Standards Code – Standard 2.7.1 – Labelling of alcoholic beverages and food containing alcohol \(legislation.gov.au\)](#)

[Standard 1.2.8 Nutrition information requirements](#)

[1.2.7 Nutrition and health claims v159.pdf \(foodstandards.govt.nz\)](#)

Nutritional panels

A Nutrition Information Panel (NIP) is not required on alcoholic beverages.

Alcoholic beverages are currently exempt from the requirement to be labelled with a nutrition information panel under [Food Standard 1.2.7](#) or [1.2.8](#) – Nutrition information requirements, however if a nutrition content claim is made, a nutrition information panel must be provided.

All alcoholic beverages that contain more than 1.15% ABV can only make nutrition content claims about energy content, carbohydrate content (for example 'low carbohydrate', "low sugar" or "No sugar") or gluten content. Health claims are not permitted.

FSANZ is currently considering a proposal regarding changing the labelling requirements for alcoholic beverages: [P1049 - Carbohydrate and sugar claims on alcoholic beverages.](#)

Health Claims

Some overseas distilleries crossed the line in unfounded medical claims on their sanitiser labels recently, can you advise me on which agency I'm best to get feedback from for health claims for my gin?

Alcohol advertising and promotions shall not depict beverage alcohol as a necessity, nor required for relaxation nor **suggest it offers any therapeutic benefit**. An alcoholic product claiming unfounded health claims is likely to get them taken off the market and receive damaging bad press.

The NZ system is about self-regulation. Here's the law:

<https://www.mpi.govt.nz/food-safety/labelling-and-composition/applying-labelling-and-composition-requirements/health-claims-alcohol-gm-and-irradiated-food/>

<https://www.foodstandards.govt.nz/industry/labelling/fhr/Pages/notifications.aspx>



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and here's the info on advertising, which extends to social media:

<https://www.asa.co.nz/codes/codes/code-for-advertising-and-promotion-of-alcohol/>

It is the responsibility of all companies and enterprises connected with the alcoholic drinks industry in New Zealand (whether as producers, importers, wholesalers, distributors or retailers) to comply with this Code. This includes the provision of adequate and appropriate briefings to external agencies from whom the companies/enterprises may commission design or promotional work. Approval by the Liquor Advertising & Promotion Pre-vetting System (LAPPS) is strongly recommended.

<https://www.anza.co.nz/lapps>

The Australian ABAC (Alcohol Beverages Advertising Code) produce a quarterly report on breaches to the Australian Advertising Code ([The Alcohol Beverages Advertising Code Scheme | Quarterly Reports \(abac.org.au\)](#)). This is always an interesting read, and a wake-up call about what can/can't be used in advertising in Australia - very similar to what is acceptable in NZ. You can add yourself to their mail database: (Email info@abac.org.au Website abac.org.au).

NZ Allergen Labelling

New requirements for declaring allergens

On 25 February 2021 the Food Standards Code was changed to introduce new requirements for allergen labelling as set out in Standard 1.2.3 and Schedule 9.

These changes will help people find allergen information on food labels more quickly and easily and allow them to make safe food choices.

Food businesses have until 25 February 2024 to transition to the new requirements. During this transition period, food businesses can comply with either the existing or new allergen declaration requirements. If a food is packaged and labelled before 25 February 2024 and it complies with the existing allergen declaration requirements, then the food can be sold for up to two years (i.e. until 25 February 2026).

[Allergen labelling \(foodstandards.govt.nz\)](#)

The allergens for consumers who are allergic to wheat, soy or dairy are not present in distilled alcohol from wheat or whey. They do not need to be labelled.

In 2016 Standard 1.2.3 (Information requirements – warning statements, advisory statements and declarations) of the Food Standards Code was changed to remove mandatory allergen labelling requirements for some foods and ingredients derived from allergenic sources. These foods and



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ingredients have been assessed as safe, because they are processed in a way that makes them suitable for consumers who are allergic to wheat, soy or dairy. This includes distilled alcohol from wheat or whey. [product exemptions from allergen labelling. P1031 – Allergen Labelling Exemptions \(foodstandards.govt.nz\)](#)

Exempt = Wheat, oats, barley, rye, the cereal or its hybridised strain that is present in beer or spirits

Exempt = alcohol distilled from whey

[Microsoft Word - Gazette No. 197 \(foodstandards.govt.nz\)](#)

Distillery Examples

- (A) **NZ Council Decision** Alison Blair, Environmental Health Officer at the Dunedin City Council (Alison.Blair@dcc.govt.nz) giving advice to Dunedin Craft Distillers

(sue@dunedincraftdistillers.nz):

I agree that (based on the overseas allergen research literature below) there does not seem to be evidence that the allergens remain at the end of the distillation process - so you don't need to declare them on your label. Keep copies of the relevant articles in case you are ever questioned on this in future.

- (B) **NP3 certifier Decision** Waiheke Distilling (liz@waihekedistilling.co.nz) use macadamia nuts as one of their botanicals and have the tree nut warning attached, and the NP3 certifier was happy with this.

SPIRIT OF WAIHEKE

Embrace the land, wind & sea

Our island spirit, a craft distilled interpretation of the classic dry gin. Enjoy with your favourite tonic and a twist of lime.

500ml/GIN 42% alc/vol Batch:

Distilled and bottled by
Waiheke Distilling Co Ltd
258 Cowes Bay Road, Waiheke Island

Made on equipment that
also processes tree nuts.

www.waihekedistilling.co.nz @ waihekedistilling



What is unclear is that although a NIP is not required (see above), “Macadamia” is a required name for declarations in a statement of ingredients, therefore one should be added

See [Microsoft Word - Gazette No. 197 \(foodstandards.govt.nz\)](#)

[P1044 SD2 - Safety Assessment.pdf \(foodstandards.govt.nz\)](#)



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Useful Overseas Allergen Research:

[Opinion of the Panel on dietetic products, nutrition and allergies \[NDA\] related to a notification from CEPS on nuts used in distillates for spirits pursuant to Article 6 paragraph 11 of Directive 2000/13/EC - - 2007 - EFSA Journal - Wiley Online Library](#)

Opinion of the Scientific Panel on Dietetic Products, Nutrition and Allergies on a request from the Commission related to a notification from CEPS on nuts used in distillates for spirits pursuant to Article 6 paragraph 11 of Directive 2000/13/EC (Request N° EFSA-Q-2006-141) (adopted on 3 May 2007)

SUMMARY

The applicant provided information regarding the addition of almonds, almond oils, and nuts to an alcohol distillation process where they act as natural flavouring agents of the final alcoholic distillate, supplementing information submitted to obtain temporary exemption.

The beverages in question are widely consumed in the European Union. Literature review that includes information up to April 2006 failed to reveal allergic reactions after consumption of distillates where nuts have been used as flavourings before distillation, although underreporting cannot be excluded. Further evidence of the unlikelihood of distillates made mainly from almonds or nuts to elicit allergic reactions stems from additional analytical data on potential residues of protein and their allergenicity in the distillates and the distillation process. The analytical methodology did not address the allergenic activity of residual protein levels in the final products by using appropriate human sera. Neither epidemiological studies nor double blind placebo controlled food challenge studies in clinical settings have been carried out to address possible adverse allergic reactions to distilled spirit drinks due to almond or nut allergens.

Based on the data submitted by the applicant, the Panel notes that proteins and peptides are not carried over into the distillate during a properly controlled distillation process, at least not in amounts above 1 mg/L. Although the analytical evidence is derived from experiments that were performed predominantly with almonds, the Panel considers that distillates made from nuts are unlikely to trigger a severe allergic reaction in susceptible individuals.

[Opinion of the Scientific Panel on Dietetic products, nutrition and allergies \(NDA\) related to a notification from CEPS on whey used in distillates for spirits pursuant to Article 6 paragraph 11 of Directive 2000/13/EC - - 2007 - EFSA Journal - Wiley Online Library](#)

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In addition to the information provided for temporary exemption, the applicant provided further information regarding distillates made from milk-derived whey which include gin, genever, pastis, ouzo, anis, aquavit, vodka, jagertee, advocaat, slivovice and similar spirit drinks. The beverages in question are widely consumed in the European Union. The literature survey that includes information up to April 2006 failed to reveal allergic reactions after consumption of distillates made from whey, although under-reporting cannot be excluded. Further evidence of the unlikelihood of distillates made from whey to elicit allergic reactions stems from additional analytical data on potential residual proteins and their allergenicity in the distillates and the distillation process. The analytical methodology did not address the allergenic activity of residual protein levels in the final products by using appropriate human sera. Neither epidemiological studies nor double-blind placebo-controlled food challenge studies in clinical settings have been carried out to address possible adverse allergic reactions to distilled spirit drinks due to whey allergens. Based on the data submitted by the applicant, the Panel notes that proteins, peptides and lactose are not carried over into the distillate during a properly controlled distillation process, at least not above 0.5 mg/L for proteins and 0.04 mg/L for lactose. The Panel considers that distillates made from whey are unlikely to trigger a severe allergic reaction in susceptible individuals.

[EU Spirits Sector Annex](#)

The absence of the raw materials used to make distillates was demonstrated most vividly in the 3 scientific dossiers submitted by the sector to EFSA in the early 2000s which prove that, while some spirits are made from potentially allergenic raw materials, the distillates themselves are not allergenic⁵.

Allergens - While the distillates that are made from potentially allergenic raw materials have been accepted by EFSA as non-allergenic, some spirits made from these distillates then add ingredients which are potentially allergenic. As is required under Regulation 1169/2011, any such allergenic ingredients would be declared on the label.

The allergens dossiers took around 170 samples of new-make spirit and bottled product and subjected them to laboratory analysis: while the level of detection for the allergen protein was lowered by a factor of 10 in this research, the allergen protein was not detected in any sample. The European Food Safety Authority therefore concluded that the relevant distillates did not contain allergens, and hence did not need to declare allergens, despite the potentially allergenic raw materials used.