

## CHAPTER II

**DESCRIPTION, PRESENTATION AND LABELLING OF SPIRIT DRINKS AND USE OF THE NAMES OF SPIRIT DRINKS IN THE PRESENTATION AND LABELLING OF OTHER FOODSTUFFS***Article 9***Presentation and labelling**

Spirit drinks placed on the Union market shall comply with the presentation and labelling requirements set out in Regulation (EU) No 1169/2011, unless otherwise provided for in this Regulation.

*Article 10***Legal names of spirit drinks**

1. The name of a spirit drink shall be its legal name.

Spirit drinks shall bear legal names in their description, presentation and labelling.

Legal names shall be shown clearly and visibly on the label of the spirit drink and shall not be replaced or altered.

2. Spirit drinks that comply with the requirements of a category of spirit drinks set out in Annex I shall use the name of that category as their legal name, unless that category permits the use of another legal name.

3. A spirit drink that does not comply with the requirements laid down for any of the categories of spirit drinks set out in Annex I shall use the legal name 'spirit drink'.

4. A spirit drink that complies with the requirements for more than one category of spirit drinks set out in Annex I may be placed on the market under one or more of the legal names provided for under those categories in Annex I.

5. Notwithstanding paragraphs 1 and 2 of this Article, the legal name of a spirit drink may be:

- (a) supplemented or replaced by a geographical indication referred to in Chapter III. In this case, the geographical indication may be supplemented further by any term permitted by the relevant product specification, provided that this does not mislead the consumer; and
  - (b) replaced by a compound term that includes the term 'liqueur' or 'cream', provided that the final product complies with the requirements of category 33 of Annex I.
6. Without prejudice to Regulation (EU) No 1169/2011 and to the specific rules laid down for the categories of spirit drinks in Annex I to this Regulation, the legal name of a spirit drink may be supplemented by:
    - (a) a name or geographical reference provided for in the laws, regulations and administrative provisions applicable in the Member State in which the spirit drink is placed on the market, provided that this does not mislead the consumer;
    - (b) a customary name as defined in point (o) of Article 2(2) of Regulation (EU) No 1169/2011, provided that this does not mislead the consumer;
    - (c) a compound term or an allusion in accordance with Articles 11 and 12;
    - (d) the term 'blend', 'blending' or 'blended', provided that the spirit drink has undergone blending;
    - (e) the term 'mixture', 'mixed' or 'mixed spirit drink', provided that the spirit drink has undergone mixing; or
    - (f) the term 'dry' or 'dry', except in the case of spirit drinks that comply with the requirements of category 2 of Annex I, without prejudice to the specific requirements laid down in categories 20 to 22 of Annex I, and provided that the spirit drink has not been sweetened, not even for rounding off the taste. By way of derogation from the first part of this point, the term 'dry' or 'dry' may supplement the legal name of spirit drinks that comply with the requirements of category 33 and have therefore been sweetened.

7. Without prejudice to Articles 11 and 12 and Article 13(2), (3) and (4), the use of the legal names referred to in paragraph 2 of this Article or geographical indications in the description, presentation or labelling of any beverage not complying with the requirements of the relevant category set out in Annex I or of the relevant geographical indication shall be prohibited. That prohibition shall also apply where such legal names or geographical indications are used in conjunction with words or phrases such as 'like', 'type', 'style', 'made', 'flavour' or any other similar terms.

Without prejudice to Article 12(1), flavourings that imitate a spirit drink or their use in the production of a foodstuff other than a beverage may bear, in their presentation and labelling, references to the legal names referred to in paragraph 2 of this Article, provided that such legal names are supplemented by the term 'flavour' or any other similar terms. Geographical indications shall not be used to describe such flavourings.

#### Article 11

##### Compound terms

1. In the description, presentation and labelling of an alcoholic beverage, the use in a compound term of either a legal name provided for in the categories of spirit drinks set out in Annex I or a geographical indication for spirit drinks shall be authorised on condition that:

- (a) the alcohol used in the production of the alcoholic beverage originates exclusively from the spirit drink referred to in the compound term, except for the alcohol that may be present in flavourings, colours or other authorised ingredients used for the production of that alcoholic beverage; and
- (b) the spirit drink has not been diluted by addition of water only, so that its alcoholic strength is below the minimum strength provided for under the relevant category of spirit drinks set out in Annex I.

2. Without prejudice to the legal names provided for in Article 10, the terms 'alcohol', 'spirit', 'drink', 'spirit drink' and 'water' shall not be part of a compound term describing an alcoholic beverage.

3. Compound terms describing an alcoholic beverage shall:

- (a) appear in uniform characters of the same font, size and colour;
- (b) not be interrupted by any textual or pictorial element which does not form part of them; and
- (c) not appear in a font size which is larger than the font size used for the name of the alcoholic beverage.

#### Article 12

##### Allusions

1. In the presentation and labelling of a foodstuff other than an alcoholic beverage, an allusion to legal names provided for in one or more categories of spirit drinks set out in Annex I, or to one or more geographical indications for spirit drinks, shall be authorised on condition that the alcohol used in the production of the foodstuff originates exclusively from the spirit drink or the spirit drinks referred to in the allusion, except as regards the alcohol that may be present in flavourings, colours or other authorised ingredients used for the production of that foodstuff.

2. By way of derogation from paragraph 1 of this Article and without prejudice to Regulations (EU) No 1308/2013 <sup>(20)</sup> and (EU) No 251/2014 <sup>(21)</sup> of the European Parliament and of the Council, an allusion in the presentation and labelling of an alcoholic beverage other than a spirit drink to legal names provided for in one or more categories of spirit drinks set out in Annex I to this Regulation or to one or more geographical indications for spirit drinks shall be authorised on condition that:

- (a) the added alcohol originates exclusively from the spirit drink or spirit drinks referred to in the allusion; and
- (b) the proportion of each alcoholic ingredient is indicated at least once in the same visual field as the allusion, in descending order of quantities used. That proportion shall be equal to the percentage by volume of pure alcohol it represents in the total pure alcohol content by volume of the final product.

<sup>(20)</sup> Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

<sup>(21)</sup> Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).