Nutritional Labelling and Claims in Alcoholic Beverages

With the growth in the ‘nutritional’ and calorie conscious alcoholic beverage categories, it is important to understand and comply with the legal requirements for labelling and advertising of such products. Upholding these regulations through direct label reviews and with direct supplier communications will both protect consumers and maintain a fair competitive environment.

Sections B.01.401 and B.01.402 of the Food and Drug Regulations (FDR) specify the required nomenclature for the information listed in the Nutrition Facts table, as well as the units of measurement and rounding rules required for labelling.

Beverages with an alcohol content of more than 0.5% are exempt from showing a Nutrition Facts table [B.01.401(2)]. However, when a nutrient content claim is made or if a reference is made to energy, the exemption no longer applies and a Nutrition Facts table or applicable nutrient information becomes mandatory.

Further, under the Canadian Food Inspection Agency (CFIA) Guide to Food Labelling and Advertising, Section 5.3.1, a Nutrition Facts table is required when a beverage alcohol product displays a label or advertisement that contains one or more of the following:

- a nutritional reference or nutrient content claim;
- a biological role claim;
- a health claim;
- a health-related name, statement, logo, symbol, seal of approval or other proprietary mark of a third party; or
- the phrase "nutrition facts", "valeur nutritive" or "valeurs nutritives".

This does not necessarily apply to the terms “light” or “dry”, which are defined by section 10.13 and 10.14. If "light" is used to describe a reduction in some constituent other than alcohol, then it must satisfy the conditions established by the regulations for nutrition labelling, for light as a sensory characteristic or light as a reference to the reduction in fat or of energy.

Standard Serving Size

When a Nutritional Facts table is required, the standard serving size is strongly recommended by Health Canada to reflect those established by the Canada’s Low Risk Alcohol Drinking Guidelines, and approved by Federal-Provincial Health Ministers. These standard serving sizes are further supported on Health Canada’s website under It’s Your Health – http://www.hc-sc.gc.ca/hl-vs/iyh-vsv/life-vie/drink-boire-eng.php
Energy/Calorie Claims

Section B.01.401 of the Food and Drug Regulations (FDR) establishes the rounding rules for the core information of nutrition labelling. This includes the requirement to round to the nearest multiple of 10 calories, for all energy claims greater than 50 calories.

Comparative Claims

Section 7.9 establishes that products the condition where nutritional comparative claims can be made; however, at minimum, a 25% difference must be established with a reference product that is similar in character, composition or other relevant attribute.

When a comparative statement is made on the label, the accompanying information must be adjacent to the most prominent comparative statement on the principal display panel (e.g., on the front label or, when the claim is not on the front label, grouped with the most prominent claim elsewhere on the label), and shown in letters of at least the same size and prominence. "Adjacent to" means there can be no intervening material between the claim and the accompanying information.

Example:

A product that implies that it is “Lower Calorie”, “Fewer Calorie” or “Reduced Calorie” must reference the comparison adjacent to the claim:

- “At least 25% less in calories compared to a 750ml common chardonnay” or
- “At least 25% less in calories compared to a 750ml Chateau XYZ 2009 Reserve Chardonnay”

Words such as "very", "ultra" and "extra" and other words, numbers, signs or symbols that change the nature of the statement or claim are prohibited (e.g., Super low energy”).
Misleading and False Claims

CFIA has established that statements such as “guilt free” are not permitted on beverage alcohol products. These types of statements may create false, misleading or deceptive impressions about the product or imply that consumption of low calorie beverage alcohol products are a healthy part of a weight reduction or weight maintenance plan are prohibited.

A "claim" is any representation (statement, image or advertising) which states, suggests or implies that a food has particular qualities relating to its character, origin, nutritional properties, nature, processing, composition or any other quality.

To avoid misleading claims, the *Food and Drugs Act* (FDA) Section 5(1) states:

No person shall label, package, treat, process, sell or advertise any food in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.

The *Consumer Packaging and Labelling Act* (CPLA) 7. (1) states:

No dealer shall apply to any prepackaged product or sell, import into Canada or advertise any prepackaged product that has applied to it a label containing any false or misleading representation that relates to or may reasonably be regarded as relating to that product.