

LABELLING REQUIREMENTS – Basic Check list

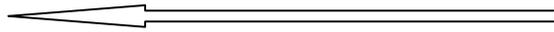
1. Gather together all labelling and packaging for the brand. This should include any carton, and the closure if it bears any text. In this example there is no text on the closure and only a neck label, front label and back label to consider.



2. Determine the correct category name for the brand. In this case it is “Blended Malt Scotch Whisky”.
3. Make a list of all other “descriptions of the whisky” appearing anywhere on the container or packaging. These are words which identify a characteristic or quality of the whisky. Working from top to bottom, the descriptions of the whisky appearing in this example, apart from the category name, are:



(h) Rare



(i) Aged 12 years



(j) Scotch Whisky



Note: The Royal warrant, the brand name (in this case “Fingal’s”), the words “Edinburgh” and “Green Banner”, the mandatory indications of volume and strength, the company name and address and the date the company was established, are not “descriptions of the whisky”.

4. From the above list, ignore any descriptions which are specifically exempted [Regulation 8(3)(c)]. These are:
 - (a) Any separate use of the description “Scotch Whisky”. In this case the words “Scotch Whisky” appear separately on the back label.
 - (b) Any age statement - in this case, “Aged 12 Years” and “Twelve Years Old”. Distillation and bottling dates would also qualify.
 - (c) Any descriptive word or words forming part of the brand name. In this case, the word “Rare”. Whether such words, which are in normal course descriptive, form part of the brand name is a question which will be judged in the circumstances of each case. If in doubt it is suggested that you contact the SWA legal department.
5. The descriptions you are left with are:
 - (a) De Luxe
 - (b) Choice Scotch Whiskies
 - (c) Blended and Bottled in Scotland
 - (d) Product of Scotland
6. Check that the category name (“Blended Malt Scotch Whisky”) is as prominent as the descriptions in paragraph 5, irrespective of where they appear on the container and packaging.
7. In addition, check that the category name (“Blended Malt Scotch Whisky”) is
 - (a) Printed on the front of the container and on the front of any individual carton.
 - (b) Printed in a conspicuous place in such a way as to be easily visible, legible to the naked eye, and indelible.
 - (c) Printed so that it appears clearly as the sales description of the whisky.
 - (d) Printed in a way that gives equal prominence to each word making up the name of the category
 - (e) Not overlaid or interrupted by other written or pictorial matter.
 - (f) Not used in conjunction with any other words except for a Locality or Regional name in accordance with Regulation 8(5).
8. Examples of acceptable and unacceptable practice in relation to points 7(d), (e) and (f) are shown below:

SINGLE MALT SCOTCH WHISKY



BUT NOT

SINGLE MALT SCOTCH WHISKY



SINGLE MALT SCOTCH WHISKY



BUT NOT

SINGLE MALT  SCOTCH WHISKY



SINGLE MALT SCOTCH WHISKY



BUT NOT

FINEST SINGLE MALT SCOTCH WHISKY



ORKNEY SINGLE MALT SCOTCH WHISKY



BUT NOT

SINGLE ORKNEY MALT SCOTCH WHISKY



LABELLING REQUIREMENTS – Age Statement Checklist

1. Gather together all packaging, labelling and advertising for the brand. Check whether any reference to the maturation period or age of the whisky (or its constituent whiskies) is made. If so, check that

- a. the reference is only to the youngest whisky in the brand. Examples of acceptable age statements are:

“Aged 10 Years”

“12 Years Old”

“Over 10 Years Old”

Examples of statements that are **prohibited** are:

“aged five to ten years”

“minimum age 5 years: maximum age 10 years”

“The average age of the whiskies in the blend is ten years”

“Contains whiskies up to 60 years old”

“80% 10 year old; 20% 25 year old Scotch Whisky”

- b. the maturation period or age is only expressed in years, and consists of one number only.

Examples of statements that are **prohibited** are:

“Aged 36 months”

“Aged 3 Years - 36 Months”

“Aged for 12 maturation cycles”

2. Check whether any reference is made to the distillation year of the whisky (or its constituent whiskies). If so, check that

- a. the reference relates to a single calendar year.

Examples of statements which are **prohibited** are:

“This 21 year old whisky contains whiskies distilled in 1960 and 1970”

“Distilled 1991 or earlier”

“Contains whiskies dating back to the 1950s”

- b. all of the whisky was distilled in the single year mentioned.

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- c. each reference to the distillation year appears in the same field of vision as one of the following:
- the year of bottling eg “Bottled 2009”



(this option should only be used where the spirit has spent the entire intervening period between distillation and bottling maturing in Scotland under revenue supervision in oak casks of a capacity not exceeding 700 litres)

or

- the maturation period eg “10 Years in cask” *or* the age of the whisky eg “Aged 10 Years”



3. Other numerals or dates, or words referring to periods of time, should not be used on labels, packaging or advertising if they could be mistaken for an age statement or distillation date. Particular care should be taken where English is not widely understood and where consumers will therefore not understand the context in which a numeral appears. The use of any number (however expressed) which is likely to lead to confusion as to the age or date of distillation of a Scotch Whisky is **prohibited**.
4. Ensure that customers do not use inappropriate age statements in any material they produce. It is recommended that this be made a condition of contract, and that breach of this condition be treated as a material breach of contract.