



INFORMATION

SA HEALTH MESSAGES ON EU EXPORTS

We have now received an answer in above regard from the European Commission. It seems to boil down to the following:

- (a) The following South African warning messages should be allowed on EU markets:
- *Drinking during pregnancy can be harmful to your unborn baby.*
 - *Alcohol abuse is dangerous to your health.*
 - *Alcohol reduces driving ability, don't drink and drive.*
- (b) These messages must be in a language easily understood by the final consumer. It is recommended that you use the language prescriptions for the allergen statement - attached hereto for you convenience. Please bear in mind that for the warning message in France you must use their prescribed French wording or their prescribed logo.

The full response from the European Commission is attached hereto for your information.



ANDRÉ MATTHEE
DIRECTOR: REGULATORY SERVICES
WINE AND SPIRIT BOARD

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Disclaimer: This document has been prepared primarily for the general information of the South African wine industry and does not represent any form of legal advice. Accordingly, readers should not rely on the comments contained herein, whether express or implied, and should consult the legislation concerned and obtain specific advice on these matters from their own legal advisers. Writer or his employer 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.



LANGUAGES STIPULATED BY THE EU STATES FOR THE ALLERGEN STATEMENT

Member State	Language(s)	Competent Authority
Austria	German	Bundesministerium für Land- und Forstwirtschaft Stubenring 12 – 1010 Wien Tel.: +431 71100 2840 - Fax: +431 71100 2725
Belgium	Dutch or French or German or English	Ministère Santé Publique - Tel.: +32 2 5247371 Ministère Economie – Tel.: +32 2 2777481
Bulgaria	Bulgarian	Executive Agency on vine and wine 125, Tsarigradsko chaussee, blvd, bl.1 1113 Sofia, Bulgaria tel: +359 2 9708 111 fax: +359 2 9708 122
Cyprus	Greek	Wine Products Council P.O. Box 71011 – 3840 Limassol Tel.: +357 25892892 – Fax: +357 25819305 e-mail: cwpc@wpc.org.cy
Czech Republic	Czech	Ministerstvo zemědělství České republiky, oddělení pro víno Tel.: +420 221812 332 e-mail: heimlich@mze.cz
Denmark	Danish or Swedish	Danish Veterinary and Food Administration Mørkhøj Bygade 19 – 2860 Søborg Tel.: +45 33 95 60 00 e-mail: fa04@fvst.dk
Estonia	Any EU language	Ministry of Agriculture Tel.: +372 6256 512
Finland	Finnish and Swedish (Swedish can be replaced by Danish or Norwegian)	National Product Control Agency for Welfare and Health Säästöpankinranta 2 A – 00531 Helsinki Tel.: +358 9 3967 2761 - e-mail: satu.pekkarinen@sttv.fi
France	French or English	Ministère de l'Economie Bureau D2, Teledoc 251, Boulevard Vincent Auriol n° 59 75703 Paris Cedex 13 Tél. +33(0)144972907 – Fax +33(0)144973039 e-mail: d2@dgccrf.finances.gouv.fr
Germany	German	Referat für Wein, Marktangelegenheiten bei Hopfen, Bier, Mineralwasser und Erfrischungsgetränken Rochusstraße 1 _ 53123 Bonn Tel: +49 228 529 3402 - Fax: +49 228 529 3375
Greece	Greek	Ministry of Agriculture Tel. +30 210 2124173 e-mail: ax2u043@minagric.gr
Hungary	Hungarian	National Institute for Wine Qualification Bem József tér 2 - 1027 Budapest Fax: 0036 1 2124978
Ireland	English	Food Division, Department of Agriculture and Food Kildare Street, Dublin 2 Tel: +353 1 6072303
Italy	Italian	Ministero Attività Produttive Tel.: +39 06 47887729 – Fax: +39 06 47887797 e-mail: giuseppe.degiovanni@minindustria.it

Member State	Language(s)	Competent Authority
Latvia	Latvian	Ministry of Economics – Department of Internal Market Consumer Rights Protection Division Brivibas str. 55, Riga, LV – 1519 Tel.: +37 1 7013101 e-mail: pasts@em.gov.lv
Lithuania	Lithuanian	Ministry of Agriculture Gedimino av. 19 – 01103 Vilnius Fax: +370 5 2391212 e-mail: zum@zum.lt
Luxembourg	French or German or Luxembourgian	Institut Vitivinicole B.P. 50 – 5501 Remich Tel.: +35 2 236121
Malta	Maltese or English or Italian	Ministry for Rural Affairs and the Environment Valletta e-mail: randall.caruana@gov.mt tel.: 00356 25904151 fax: 00356 25904225
Poland	Polish	Wydział Kontroli Jakości Handlowej Artykułów Rolno-Spożywczych i Środków Produkcji tel.: +48 22 6232915 e-mail: dbalinska@ijhars.gov.pl
Portugal	Portuguese or English or French or Spanish	Instituto da Vinha do Vinho Rua Mouzinho da Silveira n° 5 - 1250 165 Lisboa Tel.: +351 213 506 710 - Fax: +351 213 534 820 e-mail: presidencia@ivv.min-agricultura.pt
Romania	Romanian	Ministry of Agriculture and Rural Development State Inspection for Vine and Wine Technical Control
Slovakia	Slovak	Ministry of Agriculture Dobrovičova 12 – 81266 Bratislava e-mail: adriana.varinska@land.gov.sk
Slovenia	Slovenian	Ministrstvo za Kmetijstvo Dunajska 58 - 1000 Ljubljana Tel.: ++386 1 478 9000 Fax.: ++386 1 478 9021 e-mail: gp.mkgp@gov.si
Spain	Spanish or English or French or Italian or Portuguese	Ministerio de Sanidad y Consumo Paseo del Prado, 18-20. E-28071 – Madrid Tel. +34 91 596 10 00
Sweden	Swedish or English	National Food Administration Box 622 – 75126 Uppsala Tel.: 018-175593 e-mail: amoa@slv.se
The Netherlands	Dutch	Voedsel-en Warenautoriteit (VWA) CentreCourt - Prinses Beatrixlaan 2 - 2595 AL Den Haag Telefoon (070) 448 48 48 - Fax (070) 448 47 47 e-mail: info@vwa.nl
United Kingdom	English	Food Standards Agency Room 115, Aviation House, 125 Kingsway, London Phone: +44 (0) 207 276 8192 e-mail: theresa.ekong@foodstandards.gsi.gov.uk



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate C. Economics of agricultural markets (and CMO)
C.3. Wine, alcohol, tobacco, seeds and hopsBrussels,
DG AGRI C.3 LjB/mel D(2008) 5330

Dear Mr. Mathee,

I thank you for your message of 14 February 2008 to Mr. Berlottier relating to new South African wine labelling requirements, which oblige South African wine labels to bear, as from February 2009, one of the following health warnings:

"Alcohol reduces driving ability, don't drink and drive",
"Drinking during pregnancy can be harmful to your unborn baby",
"Alcohol abuse is dangerous to your health",
"Alcohol increases your risk to personal injuries",
"Alcohol is a major cause of violence and crime",
"Alcohol is addictive",
"Don't drink and walk on the road, you may be killed",

in black letters on a white space, one eighth of the size of the label concerned.

As a preliminary remark, there is no Community legislation relating to health warnings and therefore, the labelling legislation, including the wine labelling legislation, apply to these indications.

The European Community has sent its comments to notification G/TBT/N/ZAF/48 (see Annex) related to the labelling of alcoholic beverage, noting that *"the term 'alcohol abuse' is only used in one warning while the other health warnings refer to alcohol in general"*. The EC has therefore invited the South African authorities to choose warnings which are as precise as possible given that not every level of alcohol consumption is likely to result in harm.

Mr. A. Mathee, Director Regulatory Services
Wine and Spirit Board
South Africa
e-mail: mathee@wo.org.za

Moreover, on 24 October 2006 the European Commission adopted the Communication⁽¹⁾ to the Council, the European Parliament, the European Economic and social Committee and the Committee of the Regions, setting out a strategy to support Member States in reducing alcohol-related harm. It focuses on preventing and cutting back heavy and extreme drinking patterns as well as under-age drinking. The Communication therefore is not a reflection on alcohol use as such, but on misuse and its harmful consequence.

The Communication also recognizes that there are different cultural habits related to alcohol consumption in the Member States and states that the Commission does not intend to propose the development of harmonised legislation in the field of the prevention of alcohol-related harm.

However, Member States can adopt non-harmonised national provisions if they are justified on grounds of public health. Until today only France has adopted a measure on the compulsory labelling of a warning concerning the risks linked to the consumption of alcohol during pregnancy, for which a logo can be used.

In the light of these considerations, the presence of wine bottles bearing warnings in all Member States where South African wine is sold, including those MS where no rules on warnings have been adopted appears to be unjustified.

However, since scientific evidence indicates that exposure to alcohol during pregnancy can impair brain development of the foetus and is associated with intellectual deficits that become apparent later in childhood and that harmful and hazardous alcohol consumption patterns are also acknowledged to have a major impact on public health and can seriously reduce driving ability, the warnings "Drinking during pregnancy can be harmful to your unborn baby", "Alcohol abuse is dangerous to your health" and "Alcohol reduces driving ability, don't drink and drive" could only be accepted as justified measures by public health reasons. I would like to draw your attention to the fact that, when used, such warnings shall be indicated in one or more of the official languages of the Community so that the final consumer can easily understand each of these items of information, which might imply the translation of these warnings into one of the 23 official languages of the Community depending on where the wine is sold.

Yours sincerely,
Pour le Directeur Général empêché

L. HOELGAARD
Directeur Général Adjoint



Jean-Luc DEMARTY
Director-General

Copies: E. Moliterno, B. Lefevre, L. Berlottier, A. Saarela

¹ COM(2006) 625 final



EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Regulatory policy
Notifications

Brussels, 07 JUL. 2005
ENTR/C/3 SL/RE D(2005) 20467

FAX

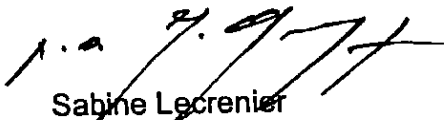
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Number of pages:	1 + 1		
Subject:	G/TBT/N/ZAF/48 – Foodstuffs, Cosmetics and disinfectants act, 1972 Regulations relating to the labelling of alcoholic beverages – EC Comments.		

Message:

Dear Sir or Madam,

Please find attached the comments from the European Communities to the above-mentioned notification.

Yours faithfully,


Sabine Lecrenier
Head of Unit

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COMMENTS FROM THE EUROPEAN COMMUNITIES RELATING TO NOTIFICATION

G/TBT/N/ZAF/48

**FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972
REGULATIONS RELATING TO THE LABELLING OF ALCOHOLIC BEVERAGES**

The European Communities (EC) welcomes the opportunity to comment on the draft text notified by South Africa (ZAF) relating to the labelling of alcoholic beverages.

The EC shares the legitimate objective of combating the negative consequences of inappropriate consumption of alcohol. However, it would like to receive some clarifications on the scope of the notified draft measure and would like to point out the need for precise and clear health warnings.

Annex A of the notified text sets out seven different health warnings and there is a requirement to alternate the label every 12 months. The EC requests that the requirement to alternate the label must be applied in a way that would avoid creating unnecessary trade obstacles and unnecessary costs with regard to the legitimate objective pursued. Furthermore, the EC notes that the term 'alcohol abuse' is only used in health warning 5, while the other health warnings refer to alcohol in general. The EC would like to invite the South African authorities to choose warnings which are as precise as possible given that not all alcohol consumption, in all circumstances, causes harm.

Furthermore, the EC considers that the scope of the health warning regime is not clearly defined. While the heading of Section 2 of the notified text provides that health warnings must figure on container labels for alcoholic beverages, Section 2(2)(ii) states that the health warning shall cover at least "one eighth of the total size of such advertisement, container label, or promotional material". The EC therefore requests clarification whether advertisements and promotional material, contrary to the heading of Section 2, fall within the scope of this regulation.

Since Article 2.2 of the TBT Agreement provides that technical regulations shall not be more trade restrictive than necessary to fulfil a legitimate objective, the EC invites South Africa to take the above comments into account and submit the requested clarifications in Accordance with Article 2.9.4 of the TBT Agreement.
