



## INFORMATION

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- 1 USE OF NATAMYCIN/PIMARIZIN
- 2 WATER ADDITION TO CORRECT MOISTURE LOSSES
- 3 UPDATE ON EU ALLERGEN LABELLING

### 1 USE OF NATAMYCIN/PIMARIZIN

You are well aware of the problems the use of natamycin have caused wine exporters. Both industry and government have agreed that use of this additive must be phased out. As a result, the following has been decided:

- With immediate effect, the use of natamycin in certified wine (wine of origin) is no longer allowed.
- For uncertified wine, natamycin may, with immediate effect, only be added in bottling/filling tanks/containers and only on bottling/filling premises. This is to minimise the risk of contamination. However, as from 1 January 2013, the use of natamycin in uncertified wine will no longer be allowed at all.

### 2 WATER ADDITION TO CORRECT MOISTURE LOSSES

In Wine Law 3 of 2010 we informed you that directions are being awaited to allow the addition of water to certified wine to correct moisture losses in grapes. After further consultations, the Department of Agriculture, Forestry and Fisheries has, however, decided not to allow this practice.

### 3 UPDATE ON EU ALLERGEN LABELLING

The deadline for the indication of the “new” allergens (milk and egg products) has now been extended to 30 June 2012. This is to allow for the assessment of requests for the exemption of these products. An article on allergen labelling, courtesy of FIVS-Abridge, is attached hereto for your information. For more information on FIVS-Abridge visit [www.fivs-abridge.com](http://www.fivs-abridge.com).

  
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# Allergen Labeling

## Table of Contents

- [Allergen Labeling](#)
  - [History](#)
  - [Australian Provisions for Allergen Labeling in Wine](#)
  - [EU Provisions for Allergen Labeling in Wine](#)
  - [US Provisions for Allergen Labeling in Wine](#)
  - [Canadian Provisions for Allergen Labeling in Wine](#)
  - [Argentinian Provisions for Allergen Labeling in Wine](#)
  - [Chilean Provisions for Allergen Labeling in Wine](#)
  - [Research Activities](#)

[Perform search of entire FIVS-Abridge site for "Allergens", "Sulfites", "Hypersensitivity" etc.](#)

## History

The 1998 meeting of the [Codex Committee on Food Labeling \(CCFL\)](#) finalized proposed changes to the Codex General Standard on Food Labeling and advanced them to the Codex Commission meeting in 1999 for adoption.

In its meeting in 1999, the [Codex Alimentarius Commission \(see paragraphs 130-137 and 140\)](#) adopted the proposed [changes to the Codex General Standard on Food Labeling](#) to incorporate a recommendation that the presence of potentially allergenic substances in food should be indicated on the label.

In the changes (worded as follows), those foods that were associated with the majority of allergic reactions were grouped into 8 categories - often referred to as the "Big 8":

*"The following foods and ingredients are known to cause hypersensitivity and shall always be declared:*

- Cereals containing gluten; i.e., wheat, rye, barley, oats, spelt or their hybridized strains and products of these;
- Crustacea and products of these;
- Eggs and egg products;
- Fish and fish products;
- Peanuts, soybeans and products of these;
- Milk and milk products (lactose included);
- Tree nuts and nut products; and
- Sulphite in concentrations of 10 mg/kg or more."

Member Governments of the Codex Alimentarius have since been working to incorporate these recommendations into their national laws for labeling of foods, usually including alcoholic beverages.

The first set of regulations requiring the presence of potential allergens in wine to be indicated on the label was developed in Australia. Subsequently, provisions have been elaborated in the European Union, the United States of America and Canada.

## Australian Provisions for Allergen Labeling in Wine

Allergen labeling for wine is required by virtue of [The Australia New Zealand Food Standards Code, Standard 1.2.3: Mandatory Warning and Advisory Statements and Declarations, Clause 4](#), which reads as follows:

*(1) The presence in a food of any of the substances listed in the Table to this clause, must be declared in accordance with subclause (2), when present as*

- (a) an ingredient; or
- (b) an ingredient of a compound ingredient; or
- (c) a food additive or component of a food additive; or
- (d) a processing aid or component of a processing aid.

*(2) Any substances required to be declared by subclause (1) must be -*

- (a) declared on the label on a package of the food; or
- (b) where the food is not required to bear a label pursuant to clause 2 of Standard 1.2.1 -
  - (i) displayed on or in connection with the display of the food; or
  - (ii) provided to the purchaser upon request.

The table to this clause is as follows:

*Cereals containing gluten and their products, namely, wheat, rye, barley, oats and spelt and their hybridised strains other than where these substances are present in beer and spirits standardised in Standards 2.7.2 and 2.7.5 respectively*

*Crustacea and their products*

*Egg and egg products*

*Fish and fish products, except for isinglass derived from swim bladders and used as a clarifying agent in beer and wine.\**

*Milk and milk products*

*Peanuts and soybeans, and their products*

*Added Sulphites in concentrations of 10 mg/kg or more*

*Tree nuts and sesame seeds and their products*

\*On May 28, 2009, Food Standards Australia New Zealand (FSANZ) published [Amendment No. 108](#) which grants an exemption from the allergen labeling requirement for isinglass used as a fining agent in beer and wine.

#### EU Provisions for Allergen Labeling in Wine

[The EU Food Labeling Directive, 2000/13](#), requires that foods be labeled to indicate the presence of the following potentially allergenic substances (Article 6 and Annex IIIa):

- *Cereals containing gluten ( i.e. wheat, rye, barley, oats, spelt, kamut or their hybridised strains) and products thereof*
- *Crustaceans and products thereof*
- *Eggs and products thereof*
- *Fish and products thereof*
- *Peanuts and products thereof*
- *Soybeans and products thereof*
- *Milk and products thereof (including lactose)*
- *Nuts i. e. Almond (Amygdalus communis L.), Hazelnut (Corylus avellana), Walnut (Juglans regia), Cashew (Anacardium occidentale), Pecan nut (Carya illinoensis (Wangenh.) K. Koch), Brazil nut (Bertholletia excelsa), Pistachio nut (Pistacia vera), Macadamia nut and Queensland nut (Macadamia ternifolia) and products thereof*
- *Celery and products thereof*
- *Mustard and products thereof*
- *Sesame seeds and products thereof*
- *Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre expressed as SO<sub>2</sub>.*

[COMMISSION REGULATION \(EC\) No 1991/2004](#) takes account of this modification to lay down requirements for **sulfite** and **allergen** labeling of wine in the EU.

- Sulfite labeling

The form of the indication is "Contains Sulfites" and, under European Law, the Member States may decide which languages are acceptable for the presentation of this information in their territory. This regulation came into force on November 25, 2005. The European Union maintains a [list of the acceptable languages](#) on its [web site](#).

- Allergen Labeling

Under [COMMISSION DIRECTIVE 2005/26/EC of 21 March 2005](#), the EU granted a temporary exemption (until November 25, 2007) from the need to label wines for their potential content of eggs, fish and milk proteins used as fining agents, pending the opinions of the European Food Safety Authority (EFSA) on scientific and technical dossiers that have been submitted to it. The EFSA opinions were published between June and October 2007 and can be found at the following locations:

- [Egg treatment of wine \(WFA/AWRI dossier\)](#)
- [Egg treatment of wine \(DWV/VINIFLHOR dossier\)](#)
- [Milk treatment of cider \(CTPC dossier\)](#)
- [Milk treatment of wine \(WFA/AWRI dossier\)](#)
- [Milk \(casein\) treatments of wine \(DWV/VINIFLHOR dossier\)](#)
- [Casein and potassium caseinate treatment of wine \(WFA/AWRI dossier\)](#)
- [Isinglass treatment of wine \(WFA/AWRI dossier\)](#)
- [Isinglass treatment of wine \(DWV/VINIFLHOR dossier\)](#)
- [Isinglass treatment of beer \(Brewers of Europe dossier\)](#)
- [Cereals used in distillates for spirits production \(CEPS dossier\)](#)
- [Nuts used in distillates for spirits production \(CEPS dossier\)](#)
- [Whey used in distillates for spirits production \(CEPS dossier\)](#)

After evaluating the opinions of the EFSA, the European Commission formulated [Directive 2007/68/EC](#) to amend Annex IIIa of Directive 2000/13/EC of the European Parliament and of the Council as regards certain food ingredients. This Directive grants a permanent exemption from allergen labeling for

isinglass used as a fining agent in beer and wine production, but grants no such exemption for similar use of milk and eggs. Also exempted from labeling under this Directive are cereals used for making distillates or ethyl alcohol of agricultural origin for spirit drinks and other alcoholic beverages.

Products will need to be labeled in conformity with the provisions of this Directive from May 31, 2009 onwards. Products labeled according to the provisions of Commission Directive [2005/26/EC](#) before 31 May 2009 will be allowed to be marketed until stocks are exhausted. Commission Regulation (EC) No [415/2009](#) extended this deadline to 31 December 2010 for wine products. **Commission Regulation (EU) No [1266/2010](#) extended this deadline to 30 June 2012 for wine products pending scientific opinions of the EFSA concerning the allergenicity of milk and egg derivatives used during the fining process.**

#### US Provisions for Allergen Labeling in Wine

The [Food Allergen Labeling and Consumer Protection Act \(FALCPA\)](#) came into force on January 1, 2006 and requires indication on food labels of the presence in the food of major allergens, defined as follows:

The term "major food allergen" means any of the following:

- 1) Milk, egg, fish (e.g., bass, flounder, or cod), Crustacean shellfish (e.g., crab, lobster, or shrimp), tree nuts (e.g., almonds, pecans, or walnuts), wheat, peanuts, and soybeans.
- 2) A food ingredient that contains protein derived from a food specified in paragraph (1), except the following:
  - (A) Any highly refined oil derived from a food specified in paragraph (1) and any ingredient derived from such highly refined oil.
  - (B) A food ingredient that is exempt under paragraph (6) or (7) of section 403(w).

The indication has to be given by reference to the name of the food source from which the food allergen is derived.

The corresponding regulations for wine are the responsibility of the Alcohol and Tobacco Tax and Trade Bureau (TTB).

On July 26, 2006, the U.S. Federal Register included both [interim](#) and [proposed](#) labeling notices in the area of food allergens for beverage alcohol issued by the Alcohol Tobacco Tax and Trade Bureau (TTB). The interim rules closely followed recent amendments to the Federal Food, Drug and Cosmetic Act and are intended to provide rules to be followed on an interim basis before rules are finalized. These interim rules promulgated labeling standards for major food allergens used in the production of alcoholic beverages and provided for the voluntary labeling of allergens. The interim rules became effective as of July 26, 2006 and will be in effect until final rules are issued.

In a separate notice, TTB issued proposed rules for public consultation which will provide the basis for final rules in this area of allergenic labeling. The proposals require labeling in a form such as "Contains: egg" where substances derived from milk, eggs or fish are **used** in the production of alcoholic beverages, and not on the basis of their **presence** in the final product (as is the case in Australia and the EU). The comment period was originally due to expire on September 25, 2006 but was ultimately extended until 26 December 2006. The comments received can be viewed [here](#). TTB is currently reviewing the comments before issuing a final rule.

#### Canadian Provisions for Allergen Labeling in Wine

On 26 July 2008, the Canadian Government published in the [Canada Gazette](#) a proposed modification to the Food and Drugs Regulations that would require the declaration of the presence of potential allergens on prepackaged food.

The following foods, or any of their protein-containing derivatives, are the allergens that will need to be declared under the new regulations:

- almonds, Brazil nuts, cashews, hazelnuts, macadamia nuts, pecans, pine nuts, pistachios or walnuts;
- peanuts;
- sesame seeds;
- wheat, kamut, spelt or triticale;
- eggs;
- milk;
- soybeans;
- crustaceans;
- shellfish; or
- fish.

Also, the gluten source will need to be declared when a food contains gluten protein or modified gluten protein from barley, oats, rye, triticale or wheat, including kamut or spelt.

Added sulphites will have to be declared when directly added to a food, or when the total amount of sulphites contained within the food is 10 parts per million or more.

This declaration would take the form "Allergy and Intolerance Information - Contains: X" and would appear on the label separate from the list of ingredients. An exemption is provided for the labeling of standardized alcoholic beverages (including wine) where fining agents derived from milk, eggs and fish have been used in the production process. Further details and background to the proposals can be found [here](#).

Interested persons may make representations concerning the proposed Regulations within 90 days after the date of publication of this notice. All such representations must cite the Canada Gazette, Part I, and the date of publication of this notice, and be addressed to William Ross, Director, Bureau of Food Regulatory, International and Interagency Affairs, Department of Health, 200 Tunney's Pasture Driveway, Address Locator 0702C1, Ottawa, Ontario K1A 0K9 (tel: 613-946-4591; fax: 613-941-3537; e-mail: [sche-ann@hc-sc.gc.ca](mailto:sche-ann@hc-sc.gc.ca)).

The proposal was notified to the WTO TBT committee and published for comment on 7 August with the same deadline that applies to comments made to the Canada Gazette publication - i.e. 24 October 2008.

In September 2009, *Health Canada* updated its website to provide further information regarding [Proposed Exemptions from Food Allergen Declaration for Fining Agents](#). It appears that fining agents derived from eggs, fish or milk that are used in the manufacture of alcoholic beverages will not be exempted from the Food Allergen Declaration as originally expected. Please consult the [website](#) of *Health Canada* for further information.

#### Argentinian Provisions for Allergen Labeling in Wine

On 1 July 2009, the Argentinian Government submitted notification to the WTO announcing the proposed addition of Article 235 to the Argentine Food Code, requiring the labeling of allergens present in packaged food.

The WTO Notification G/TBT/N/ARG/252 is available in [English](#), [French](#), and [Spanish](#).

To see the proposed regulations in Spanish, please consult this Ministry of Health [document](#).

### Chilean Provisions for Allergen Labeling in Wine

On 18 August 2009, the Chilean Government submitted notification to the WTO announcing a proposed amendment to Article 107 of the Food Health Regulations, Decree No. 977/96, which would require the labeling of allergens present in packaged food.

This WTO notification is available in [English](#), [French](#), and [Spanish](#).

Also available is an outline of proposed changes to Article 107, both in [Spanish](#) and [English](#).

Please consult the Chilean Ministry of Health [website](#) for further information.

### Research Activities

Research has been conducted in Australia, coordinated by the [Australian Wine Research Institute \(AWRI\)](#). The results are scheduled for publication in the near future.