



Alcohol content and labelling requirements for non-alcoholic fermented beverages

Information for Local Government *Food Act 2008* Authorised Officers

This guide provides information for local government *Food Act 2008* (Food Act) Authorised Officers to carry out functions under the Food Act in relation to monitoring compliance with the alcohol content and labelling requirements of the Australia New Zealand Food Standards Code (the Code) by food businesses manufacturing fermented beverages commonly sold as non-alcoholic.

Non-Alcoholic Fermented Beverages

Fermented beverages are drinks that have undergone a fermentation process during manufacture. This is a chemical process which occurs when an organism converts any carbohydrate into an acid or alcohol. This may be done with the addition of yeast, bacteria, fruit and/or vegetables containing natural sugars. A fermented beverage can be an alcoholic or non-alcoholic drink. Alcoholic fermented drinks include beer, wine and cider. Fermented drinks commonly sold as non-alcoholic can include kombucha, kefir and brewed soft drinks.

Fermented beverages commonly sold as non-alcoholic can contain low levels of alcohol as a by-product of the fermentation process used in their manufacture. However, if the appropriate controls have not been achieved during manufacture there is potential for unintended higher levels of alcohol production. In Western Australia (WA) any beverage containing more than 0.5% alcohol (ethanol) by volume (ABV) must be labelled with a statement of the alcohol content and number of standard drinks. Beverages containing more than 1.15% ABV are considered a liquor and need to be labelled with the alcohol content, number of standard drinks and a pregnancy warning. A liquor licence will also be required to sell liquor.

Alcohol Content and Labelling Requirements

Liquor Control Act

The sale, supply and consumption of liquor in WA is regulated under the *Liquor Control Act 1988* (Liquor Control Act). The Liquor Control Act defines liquor as any beverage containing more than 1.15% ABV and defines the requirements for liquor licencing. These requirements are administered by the Department of Local Government, Sport and Cultural Industries - Racing, Gaming and Liquor (DLGSC). Local government planning approval is needed for liquor licence applications to be approved by the DLGSC.

Food Standards Code

The production and sale of all food (and beverages) in WA is regulated under the *Food Act 2008*, *Food Regulations 2009* and the *Australia New Zealand Food Standards Code* (the Code). The Code sets out the provisions for alcohol content in food and the specific requirements for alcohol labelling. These requirements are administered by local government enforcement agencies.

Monitoring Compliance

Local government enforcement agencies are responsible for monitoring and verifying compliance by food businesses operating within their district and where necessary, enforce the mandatory requirements of the Code.

Regular monitoring of the alcohol content and labelling information of non-alcoholic fermented beverages is important to ensure that appropriate manufacturing controls are in place to prevent unintended alcohol production. Monitoring compliance by manufacturers of fermented beverages commonly sold as non-alcoholic can be done by assessing the following:

Skills and Knowledge

Manufacturers are responsible for demonstrating compliance with the Code and must have the required skills and knowledge commensurate with the processes and practices needed to produce a compliant and safe product.

The manufacturing process for fermented beverages can vary from one product to another. If the manufacturing process is well designed most of the alcohol produced from the fermentation process can be metabolised to acetic acid during the first fermentation stage. However, if inadequate control is applied during this stage alcohol production can be very high or can continue after bottling, which can lead to unintended high concentrations of alcohol in the final product. The control of alcohol production needs to be managed across the entire shelf-life of the product.

It will be necessary for the manufacturer to have the appropriate skills and knowledge to undertake manufacturing processes with adequate controls, particularly during the first fermentation stage. The manufacturer can demonstrate skills and knowledge relevant to the manufacturing process for fermented beverages by:

- Successful completion of formal training courses
- Guidance from someone with appropriate technical skills (e.g. Consultant)
- Having clearly documented manufacturing and operating processes and procedures
- Having records that validate the manufacturing processes and controls
- Having laboratory reports that verify the alcohol content is less than 0.5% ABV of the final product including at the end of shelf-life

Analysis of Alcohol Content

Manufacturers of fermented beverages are responsible for ensuring that their products consistently meet the alcohol content and labelling requirements of the Code and if applicable, the liquor licensing requirements of the Liquor Control Act. The manufacturer can demonstrate compliance by providing analytical reports that can verify the alcohol content is consistently less than 0.5% ABV at the end of the product's shelf-life.

Local government can also perform analytical testing as part of routine monitoring or verification of compliance by manufacturers operating within their district.

Sampling

Local government should focus on collecting samples of non-alcoholic fermented drinks manufactured within their district. This will allow the local government to work with the food business and undertake any compliance and enforcement activities as the appropriate enforcement agency.

Samples of fermented drinks commonly sold as non-alcoholic can include:

- Brewed soft drink – kombucha tea, ginger ale and probiotic fruit sodas.
- Fermented milk – yakult and kefir drinks.
- Yoghurt – yoghurt drinks.

Preferably, at least 5 samples from the same batch should be collected at the point of retail sale and clear photos of the product labelling information should be recorded.

Testing

The testing procedures and equipment used by manufacturers to assess alcohol content should be validated to ensure the testing methods are suitable, and the operators are qualified.

Analytical services engaged by local government to assess alcohol content should also provide validated or accredited test methods.

Interpretation of results and recommended actions

Test results for alcohol content should be assessed together with the labelling information on the product packaging. The table below provides a guide for assessing compliance with Standard 2.7.1 of the Code and the recommended actions that can be taken by local government.

Result (ABV)	Interpretation	Recommended actions
Less than 0.5%	Not required to declare alcohol	No further action
0.5% to 1.15%	<ul style="list-style-type: none">• Statement of alcohol content is required – alcohol content must be expressed in words to the effect 'CONTAINS NOT MORE THAN X% ALCOHOL BY VOLUME'• Statement of number of standard drinks is required – the statement must be accurate to the first decimal place.	Engage with the manufacturer on the following issues: <ul style="list-style-type: none">• Provide advice regarding the mandatory alcohol content labelling requirements• Investigate how alcohol production has exceeded 0.5% ABV• Review the production method• Review the label information• Conduct further testing
Greater than 1.15%	<ul style="list-style-type: none">• Statement of alcohol content is required – alcohol content must be expressed in mL/100mL OR as the percentage by volume.• Statement of number of standard drinks is required – the statement must be accurate to the nearest whole number.• A pregnancy warning label must be displayed on the package.• Is defined as a liquor and must meet liquor licencing requirements.	Engage with the manufacturer on the following issues: <ul style="list-style-type: none">• Conduct a food safety risk assessment• Investigate how alcohol production has exceeded 1.15% ABV• Review the production method• Review the label information• Conduct further testing

Food Standards Code definitions

The alcohol content and labelling requirements for fermented beverages commonly sold as non-alcoholic are captured under the following standards:

- **Non-alcoholic beverage (std 2.6.2)** - means packaged water, a water-based beverage (or one that contains other foods) or an electrolyte drink and does not include a brewed soft drink.
- **Brewed soft drink (std 2.6.2)** - means a food that is prepared by a fermentation process from water with sugar and one or more fruit or vegetable extractives or infusions and containing no more than 1.15% ABV.
- **Fermented milk (std 2.5.3)** - means a food obtained by fermentation of milk or products derived from milk, where the fermentation process involves the action of microorganisms and results in coagulation and a reduction in pH.
- **Yoghurt (std 2.5.3)** - means a fermented milk where the fermentation has been carried out with lactic acid producing microorganisms.
- **Statement of alcohol content (std 2.7.1–3)** -
 - for foods (including alcoholic beverages) that contain more than 1.15% ABV, the statement of alcohol content must be expressed in one of either mL/100 g, mL/100 mL or % ABV.
 - for beverages that contain between 0.5% and 1.15% ABV the statement of alcohol content must be expressed in words to the effect 'CONTAINS NOT MORE THAN X% ALCOHOL BY VOLUME'.
- **Statement of number of standard drinks (std 2.7.1–4)** - a statement of the approximate number of standard drinks is required for any beverage containing more than 0.5% ABV.
- **Restriction on representation of 'non-intoxicating' (std 2.7.1–6)** - a beverage containing more than 0.5% ABV must not include on the label the words 'non intoxicating' or words of similar meaning.
- **Restriction on representation as non-alcoholic (std 2.7.1–7)** - a food containing alcohol must not be represented to imply that it is a non-alcoholic confection or beverage.
- **Requirement to display a pregnancy warning label (std 2.7.1–8)** - a beverage that contains more than 1.15% ABV and is for retail sale (except if packaged in the presence of the purchaser) must display a pregnancy warning label on the package.

More information

- [Liquor | DLGSC](#)
- [Liquor Control Act 1988 A Guide for Local Governments \(dlgsc.wa.gov.au\)](http://dlgsc.wa.gov.au)
- [Survey of Alcohol Content and Labelling of Fermented Soft Drinks \(foodstandards.gov.au\)](http://foodstandards.gov.au)
- [Summary Coordinated survey of alcohol content and labelling of fermented soft drinks.pdf \(foodstandards.gov.au\)](#)
- [Food Standards Code](#)

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