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## India

**Post:** New Delhi

### **Implementation of Alcoholic Beverages Regulations 2018**

**Report Categories:**

Sanitary/Phytosanitary/Food Safety

Exporter Guide

FAIRS Subject Report

Beverages

Trade Policy Monitoring

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**Report Highlights:**

The Government of India's (GOI) Food Safety and Standards Authority of India (FSSAI) published a notification to announce the alcoholic beverages standards implementation date as April 1, 2019. However, implementation of certain provisions have been deferred related to yeast in beer, and amendments to tolerance limits for low alcoholic beverages and wines, new category definitions and labeling requirements. These provisions when modified will be officially notified and incorporated into the final regulation.

## General Information:

Major highlights of the current notification are:

1. The Food Safety and Standards (Alcoholic Beverages) Regulations, 2018 went into effect April 1, 2019. However, new/innovative categories of alcoholic beverages not covered under these regulations will need to be incorporated in the FSSAI regulations before they are introduced in the market.
2. The notification defers the implementation of provisions related to yeast in beer, and amendments to tolerance limits for low alcoholic beverages and wines, new category definitions and labeling requirements.
3. A six-month extension has been granted to food business operators to use old unused labels and printed cans, and sell product inventory manufactured prior to April 1, 2019 until March 31, 2020 or until amendment regulations are finalized.
4. Any alcoholic beverages with Geographical Indications (GI) would be allowed to follow the quality standards as per the country of origin, but need to comply with the labeling and food safety requirements in accordance with the Indian regulation.

The provisions that require modifications will be later notified as amendments to the final regulation.

## Background:

On April 5, 2018, FSSAI published the final version of the Food Safety and Standards (Alcoholic Beverages) Regulations, 2018 related to standards for alcoholic beverages. The Regulations were scheduled to go into effect April 1, 2019. The earlier chronology related to the draft regulations are given below.

**October 23, 2015:** FSSAI issued a notice calling for claims, suggestions, views, comments, etc. from stakeholders within a period of 60 days on the proposed standards for alcoholic beverages. The comment period ended on December 23, 2015 (GAIN [IN5140](#)).

**December 1, 2015:** India notified its Draft Alcoholic Beverage Standards to the World Trade Organization (WTO) as G/TBT/N/IND/51.

**December 14, 2015:** WTO Notification SPS/N/IND/119 detailing the standards of alcoholic beverages.

**September 5, 2016:** The Draft Food Safety and Standards (Alcoholic Beverages Standards) Regulation, 2016 were published in the Official Gazette of India and uploaded on FSSAI's website.

The entire text of the notification is pasted below and is also available on FSSAI's website - [Direction related to implementation of FSS \(Alcoholic Beverages Standards\) Regulation, 2018](#)

**Table 1. Calendar year exports of Alcoholic Beverages to India  
(Value in U.S \$ Thousands)**

Area/Partners of Destination And Commodities Exported		January - December Cumulative To Date Values in Thousands of dollars							Period/Period % Change (Value)
		2014	2015	2016	2017	2018	Jan - Jan 2018	Jan - Jan 2019	
Partner	Product	Value	Value	Value	Value	Value	Value	Value	
India	2208 - Liqueur, Spirits	3,873	4,769	5,225	6,297	6,976	265	336	26
India	2204 - Grape Wines	1,408	899	766	769	851	16	0	--
India	2203 - Beer Made From Malt	17	37	98	42	38	5	0	--
India	2206 - Fermented Beverages	16	0	21	99	18	0	0	--
India	2205 - Vermouth	6	0	18	11	0	0	0	--
<b>Grand Total</b>		<b>5,320</b>	<b>5,706</b>	<b>6,129</b>	<b>7,217</b>	<b>7,882</b>	<b>287</b>	<b>336</b>	<b>17</b>

Source: U.S. Census Bureau Trade Data

Dated, the 27<sup>th</sup> March, 2019

**Subject: Direction under Section 16 (5) of Food Safety and Standards Act, 2006 regarding implementation of The Food Safety and Standards (Alcoholic Beverages Standards) Regulations, 2018.**

The Food Safety and Standards (Alcoholic Beverages) Regulations, 2018 was notified on 19.03.2018. As per this notification, a transition period up to 1<sup>st</sup> April, 2019 was given to the Food Business Operators to comply with these regulations. In this regard, representations which were received from various stakeholders in respect of the difficulties in complying with certain specific provisions of the above regulations were discussed in the Scientific panel on Water and Beverages and also in the meeting with Excise Commissioners and Food safety commissioners of all States/ UTs. Based on the outcome of these meetings following decision have been made.

- (i) The Food Safety and Standards (Alcoholic Beverages) Regulations, 2018 will be implemented with effect from 1<sup>st</sup> April, 2019, except the parameter for yeast in various categories of beer, and with the modification of certain specific provisions as mentioned in the Annexure-1. These modifications may be incorporated in the regulations after following due notification process
- (ii) Food Business Operators (FBOs) may continue manufacturing, importing, packing and distributing of craft beer and wine based beverages currently traded/ available in the market. However, for any other new innovative alcoholic beverage not covered under these regulations, FBO's are required to approach Food Authority.
- (iii) The text of Statutory Warning in the square box as stipulated in the regulation 5.12 should be kept uniform across the country. However, the language of the same as stipulated in the said regulation shall be printed in English and/ or one or more local or regional language, as prescribed by the State government.
- (iv) A time period of 6 months is allowed for use of old unused labels and printed cans. The same as well as alcoholic beverages manufactured prior to 1<sup>st</sup> April, 2019 can be sold in the market up to 31<sup>st</sup> March 2020 or till the finalisation of the amendment regulations incorporating modification mentioned at para (i), whichever is later.

(v) Levy of fee charged for registration of new/ change in label as required under the Excise Act, may be waived off on one-time basis by the respective State/ UT Government.

2. This issues with the approval of the Competent Authority in exercise of the power vested with Food Authority under Section 16(5) of Food Safety and Standards Act, 2006.



(Pawan Agarwal)

Chief Executive Officer, FSSAI

To

1. All State Food Safety Commissioner/Excise Commissioners.

Copy for information to:

1. PPS to Chairperson, FSSAI
2. PS to CEO, FSSAI
3. All Directors, FSSAI
4. Department of Excise of all State/UT

## Annexure-1

- 1) **Sub Regulation 1.3.2:** "The tolerance limit for ethyl alcohol content for upto 20% abv shall be  $\pm 0.3$  (-0.5 for upto 90 ml pet bottle), and for more than 20% abv it shall be  $\pm 1.0$  (-1.5 for upto 90 ml pet bottle) of the declared strength. In case of wine the tolerance limit shall be  $\pm 0.5$ ."
- 2) **Sub Regulation 1.3.9:** Low alcoholic beverages shall be defined as Alcoholic beverage containing alcohol not more than 8.0% abv. Low Alcoholic beverages, other than wine and beer shall conform to the following requirements:

### Requirements for Low Alcoholic Beverages other than wine and beer

S.No. (1)	Characteristics (2)	Requirements (3)
1.	Ethyl alcohol content at 20 degree C, per cent by volume	0.5 to 8.0
2.	Residue on evaporation, per cent. (g/liter), Max.	25.0
3.	Total acids as tartaric acid, per cent. (m/v), Max.	1.0
4.	Methyl alcohol (expressed in terms of g/100 l of absolute alcohol), Max.	25.0
5.	Sugar, per cent. (w/v), Max.	20.0
6.	pH	2.0 to 5.0
7.	Copper (mg/l), Max.	1.0
8.	Iron (as Fe) mg/l, Max.	5.0
9.	Lead (mg/l), Max.	0.2
10.	Arsenic (mg/l), Max.	0.25
11.	Cadmium (mg/l), Max.	0.1 "

- 3) **Brandy:** A new category 'Indian Brandy' is inserted under Brandy which shall be made either from neutral spirit or rectified spirit or a mixture of both. Such product shall be labelled as 'Indian Brandy' followed by a statement under bracket as '(Made from molasses spirit)' with a font size that is easily readable. The font size of the words 'Indian' and 'Brandy' shall be same."
- 4) **Sub Regulation 2.8.1(i):** In the definition of single malt whiskey, the term "single grain whiskey" shall be inserted. Single malt or Single grain whiskey and be defined as "a distillate obtained from fermented mash that uses one particular malted barley or malted grain, respectively, distilled in pot still only, and produced in a single distillery."
- 5) **Sub Regulation 3.1.1.2(i):** Dry wine may be defined as "Dry wine is a wine that contains upto 0.9% sugar."
- 6) **Sub Regulation 3.1.2.2(ii) and (iii):** the tolerance limit shall be read as 0.3%.

7) **Sub Regulation 3.1.5:**The term 'Palm Wine' be revised as 'Palm Wine/Toddy'.

8) **Sub Regulation 3.2 (iii):** the limit of water be revised as 'not more than 70 ml per kg of grape or fruit' along with following proviso:

"(a) necessary to incorporate any permitted additive and processing aid

(b) necessary to facilitate fermentation; or

(c) incidental to the winemaking process.

Incidental water is intended to cover small amounts of water which may be present from production processes such as residual water remaining in tanks and pipes after washing and cleaning and hosing out bins to force the last of the grapes into the crushers, where the water used is the minimum needed to perform the technological purpose (i.e. using good manufacturing practices). Water is also permitted to include the addition of permitted processing aids and food additives added as an aqueous solution. The sub-clause 3.2 (iii) does not contain an express permission for water added to dilute high sugar musts to limit the occurrence of "stuck" fermentations."

9) **Sub Regulation 5.1.1:**The Pot distilled alcohol be labelled as 'Pot Still or Pot Still Distilled or Pot Distilled' on the package."

10) **Regulation 5.3:** Alcoholic beverages with Geographical Indications (GI) tag registered under the Geographical Indications of Goods (Registration and Protection) Act, 1999 shall meet the country specific regulations for such GI products of the country of origin. For such products safety requirements such as heavy metals and microbiological requirements as specified under these regulations and other regulations notified under the Act shall be applicable. Labelling requirements as given under these regulations and other regulations notified under the Act shall also apply.

11) **Sub Regulation 5.9.1 (i):** Instead of exact amount of sugar, range of sugar as specified under these regulations may be declared.

12) **Regulation 5.12:**Statutory warning for packs upto 200 ml shall be 1.5 mm minimum and for above 200 ml, it shall not be less than 3 mm."

13) **TABLE-1, serial no. 5, column (2):** "Absolute distilled alcohol"be read as "absolute alcohol".