

Standard 2.7.5 Spirits

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.7.5—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.7.5 – Spirits*.

Note Commencement:
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the New Zealand Gazette under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.7.5—2 Definitions

Note In this Code (see section 1.1.2—3):

brandy means:

- (a) a spirit obtained from the distillation of wine, or fermented preparations of grapes or grape product; or
- (b) such a spirit with any of the following added during production:
 - (i) water;
 - (ii) sugars;
 - (iii) honey;
 - (iv) spices;
 - (v) grape juice;
 - (vi) grape juice concentrates;
 - (vii) wine;
 - (viii) prune juice.

liqueur means an alcoholic beverage that is a spirit, flavoured by or mixed with other foods, which contains more than 15% alcohol by volume, measured at 20°C.

spirit means an alcoholic beverage consisting of:

- (a) a potable alcoholic distillate, including whisky, brandy, rum, gin, vodka and tequila, produced by distillation of fermented liquor derived from food sources, so as to have the taste, aroma and other characteristics generally attributable to that particular spirit; or
- (b) such a distillate with any of the following added during production:
 - (i) water;
 - (ii) sugars;
 - (iii) honey;
 - (iv) spices.

2.7.5—3 Requirement for food sold as brandy, liqueur or spirit

- (1) A food that is sold as brandy must be brandy.
- (2) A food that is sold as a liqueur must be a liqueur.
- (3) A food that is sold as a spirit must:
 - (a) be a spirit, and;
 - (b) contain no less than:
 - (i) in the case of tequila—35% alcohol by volume; and
 - (ii) otherwise—37% alcohol by volume.

2.7.5—4 Restriction on use of geographical indications

- (1) A *geographical indication must not be used in relation to a spirit, even where the true origin of the spirit is indicated or the geographical indication is used in translation or accompanied by expressions such as 'kind', 'type', 'style', 'imitation' or the like, unless the spirit has been produced in the country, locality or region indicated.

- (2) A spirit lawfully exported under a geographical indication, but bottled other than in the territory, locality or region indicated by the geographical indication must not be sold under that geographical indication:
- (a) unless the concentration of alcohol by volume in the spirit is at a level permitted under the laws for that geographical indication of the territory, locality or region indicated by that geographical indication; or
 - (b) if any other distinctive quality or characteristic of the spirit is such as to mislead or deceive the public as to the nature of the product identified by the geographical indication.
- (3) In this section:
- geographical indication*** means an indication, whether express or implied:
- (a) which identifies a spirit as originating in a particular country, locality or region; and
 - (b) where a given quality, reputation or other characteristic of the spirit is essentially attributable to its origin in that particular country, locality or region.
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Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

About this compilation

This is compilation 1 of Standard 2.7.5 as in force on **5 December 2019** (up to Amendment No. 188). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **5 December 2019**.

Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted	am = amended
exp = expired or ceased to have effect	rep = repealed
rs = repealed and substituted	

Standard 2.7.5 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00399 — 1 April 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
2.7.5— 3(3)	188	F2019L01571 4 Dec 2019 FSC129 5 Dec 2019	5 December 2019	am	Omitting and inserting subsection 3(3)