

September 6, 2022

Subject: Ireland Public Health (Alcohol) (Labeling) Regulations 2022 (TRIS Notification 2022/441/IRL, June 6, 2022)

To Whom it May Concern:

On behalf of the members of Spirits Canada, I respectfully submit our views regarding Ireland's Public Health (Alcohol) (Labeling) Regulations 2022 (TRIS Notification 2022/441/IRL, June 6, 2022).

Spirits Canada and its members are fully committed to encouraging the responsible consumption of alcoholic beverages by adults who choose to drink. Our Association supports and funds other organizations such as TIRF (Traffic Injury Research Foundation), MADD (Mothers Against Drunk Driving), Educ'alcool, and others. We fully support the public health objective of combating all forms of harmful drinking and encourage moderate alcohol consumption.

Our specific concerns regarding the proposal are detailed below.

I. The Proposal is inconsistent with the European Union Beating Cancer Plan and the EU Parliament's Special Committee on Beating Cancer

- The EU is already addressing health concerns through its Beating Cancer Plan, which intends to propose a requirement for health warnings by the end of 2023, and include a nutrition declaration on labels before the end of 2022. In February 2022, the EU Parliament's Special Committee on Beating Cancer voted on and issued its "[Report on strengthening Europe in the fight against cancer – towards a comprehensive and coordinated strategy](#)" (BECA), which proposes language about moderate and responsible drinking on labeling, instead of health warnings.
- In December 2021, the EU launched a public consultation and survey seeking general feedback on, among other things, requiring ingredient and nutrition information on beverage alcohol products, which may either appear 'on label' or 'off label' with a QR code 'on label'. As such, the Irish requirement would be duplicative of an EU-wide requirement and is unnecessary.

Spirits Canada respectfully requests that the EU submit a detailed opinion to block Ireland's adoption of the proposal as the EU continues its work on EU-wide mandatory health warnings and nutrition declaration requirements.

II. The Warning Statements Are Not Based on the Current State of Research

- Under Article 5 (1) and (3), beverage alcohol containers must bear warnings that "Drinking alcohol causes liver disease" and "There is a direct link between alcohol and fatal cancers." As noted above, Spirits Canada fully supports the collective public health objectives of encouraging adults who choose to drink to do so in moderation and responsibly, recognizing that some individuals should not drink at all. The proposed language, however, is disproportionate and misleading. It is accepted science that liver disease and fatal cancers are caused by multiple

factors, including genetic disposition, environmental factors, diet, lifestyle, and pre-existing disease. Alcohol may contribute to, but cannot be said to cause cancers, nor determine whether or not they will be fatal. The Canadian Liver Foundation lists five risk factors which can contribute to liver disease, including obesity/diabetes, exposure to chemicals or toxins, heavy alcohol consumption, family history of liver disease, and exposure to hepatitis B or C virus.

- Current scientific data indicates that responsible, occasional consumption of beverage alcohol is unlikely to contribute to the development of liver disease, but the warning as proposed does not account for this significant distinction in consumption patterns. This failure to differentiate between moderate and excessive alcohol consumption is also inconsistent with the Irish Ministry of Health's low-risk guidelines on the responsible consumption of alcohol and may confuse adult consumers who choose to drink responsibly.
- Research on the efficacy of public health warnings shows that warning labels using alarmist language can be less effective than more neutral messaging. Because alcohol consumption is a generally accepted social practice, alcohol warnings employing alarming statements about alcohol consumption can undermine their credibility.

Spirits Canada supports work being conducted by the EU and the "Beating Cancer Plan", to ensure that consumers receive consistent information that is grounded in scientific evidence. This is supported by the WTO's Agreement on Technical Barriers to Trade, which states that "available scientific and technical information" should be considered when establishing technical regulations with public policy objectives, such as protecting public health and safety. As currently proposed, the statement is also inconsistent with the World Health Organization Global Alcohol Strategy, which is aimed at curbing the harmful use of alcohol.

To ensure consistency with science and the work currently under way in the EU to curb harmful use of alcohol, Canada Spirits respectfully requests that Ireland either adapt to the labeling policies being adopted in the EU, or adjust its national warning statement to speak to health risks generally and provide clear and accurate information that is consistent with current research.

III. If Adopted, Flexibility Should be Provided to Deliver the Information 'Off Label' through an 'On Label' QR Code or Website Reference

- EU Legislators have already adopted rules related to wine (Regulation (EU) 2021/2117, December 2, 2021) that allow the list of ingredients and nutrition information to be provided by "electronic means identified on the package or on a label attached thereto." Providing the information through easy-to-use online tools empowers adult consumers to make informed and responsible choices.

Spirits Canada urges Ireland to provide flexibility for the required information to appear 'off label' on a website through a QR code or website reference provided 'on label'. This option limits the impact on the EU-single market by allowing the continued use of EU-wide labels, while allowing for the inclusion of the proposed requirements.

IV. Mutual Recognition of Existing Pregnancy Pictograph Warnings

- Pregnancy pictograph warnings similar to what Ireland is proposing are already required in other countries, including France and Lithuania. Lithuania included in its regulation a mutual recognition provision under which Lithuania agreed to recognize pregnancy warnings used in other EU countries, as well as in third countries. Under the provision, products may be sold in Lithuania without restrictions and without enforcement of the requirements of the decree “if they are labelled with warnings of different shape or size about the potential impacts of consuming alcohol during pregnancy.”

Spirits Canada respectfully requests that Ireland also recognize products that contain similar but not identical pregnancy pictograph warnings, without requiring a labeling change.

V. Alcohol and Energy Content Should be Provided by Serving Size

- Under the proposal, the quantity of grams of alcohol in a container and the energy value expressed in kilojoules and kilocalories in a container are required to appear on the label. This is confusing to consumers who may not be familiar with those measurements. A standard drink in Ireland is 10 grams of alcohol. A requirement to provide such information by “container” does not provide consumers with the basic information of the alcohol content in a serving of distilled spirits, wine, or beer in a manner to measure and moderate their drinking to help them make responsible consumption decisions.

Spirits Canada urges Ireland to require such information to be provided per standard serving size and not per container.

VI. Alcohol Content Should be Provided by Volume

- Grams of alcohol is not a measure that is understood by consumers and will create confusion if adopted in Ireland. EU Regulation No. 1169/2011, which seeks to harmonize health information, among other things, requires alcohol content to be presented in volume. Consumers are familiar with alcohol strength being measured in percentage alcohol by volume, and not by grams of alcohol.

Spirits Canada respectfully requests that Ireland adopt measurements that are consistent with global practices and are understood by consumers.

VII. The Proposal Should be Notified to the WTO’s Committee on Technical Barriers to Trade

- The proposal should have been notified to the WTO’s Committee on Technical Barriers to Trade (TBT), to ensure consistency with the EU and Ireland’s obligations under the TBT Agreement.
- Article 2.9.2 of the TBT Agreement provides that notifications of draft technical regulations shall occur at an early stage when amendments can still be introduced and comments taken into account.
- The TBT Committee now recommends allowing a comment period of at least 60 days before a draft regulation is adopted, in the interest of transparency. The notice-and-comment period are important to enabling free trade between markets.

Spirits Canada requests that Ireland and the EU notify the proposed regulation to the WTO's TBT Committee for stakeholder feedback, consistent with their international commitments.

Conclusion

Spirits Canada supports and applauds the aim of the proposal to reduce alcohol abuse and “ensure that Irish consumers are directly informed of the health risks of alcohol and they are supported in healthier choices regarding their alcohol consumption.” However, as noted above, we have several concerns with the proposal, including whether it will effectively accomplish its goals and, if implemented, whether it will contravene existing trade agreements by establishing a new trade barrier.

In summary, we respectfully request the following:

- **That the EU submit a detailed opinion to block Ireland's adoption of the proposal;**
- **That Ireland revise the warning statement to address health risks generally and provide information in a non-confusing and accurate manner consistent with the current state of research, if it is to proceed;**
- **That Ireland provide flexibility for the required information to appear 'off label' on a website through a QR code or website reference provided 'on label, if it is to proceed;**
- **That Ireland recognize products that contain similar pregnancy pictograph warnings without requiring a labeling change;**
- **That Ireland require alcohol content and energy content information to be provided per standard serving size in a manner that is consistent and clear for consumers;**
- **That Ireland and the EU notify the proposed regulation to the WTO's TBT Committee.**

Respectfully yours,

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Spirits Canada and our member companies are strongly committed to the encouragement of moderate and responsible consumption of beverage alcohol for those adults who choose to drink. [Know your standard drinks.](#)

