



Some thoughts on the use of Low, No, Non and Zero....

As the Low-No alcohol market grows, so do the number of Low-No beers on the market. With this in mind, and with the recent Kombucha recall the Guild has had a number of discussions regarding how industry can ensure that it is careful when promoting their low or non-alcoholic products. While there are no specific guidelines from FSANZ or MPI about the use of the word Zero, we do think that it is in the best interests of our brewing industry that the product is promoted carefully. We recommend that you always take into consideration how your label or the wording you use could be construed by consumers. Using the word Zero alcohol, when in fact the beverage concerned has some alcohol in it - i.e. 0.5% could potentially be problematic, remembering that under the Fair Trading Act there is a requirement to satisfy a "reasonable person" test so that any statements made will be judged against what a reasonable person would believe when reading them.

We want to protect our industry's ability to use the term non-alcoholic as it is a term that consumers have come to understand, and should the industry push the use of terminology that could be construed as giving false information could in fact jeopardise this.

As a reminder to our members, under the standards:

- you must have a statement saying "contains not more than X% alcohol by volume" for an "alcoholic" drink with less than 1.15%, or any drink with 0.5% to 1.15%.

- the words "non-intoxicating" or words meaning the same thing must not be used if a drink contains more than 0.5% alcohol by volume.

If you are using the term or words "zero" percent beer, and in fact it has 0.5% alcohol, this could possibly be problematic, even more so with the required disclaimer "contains not more than X% alcohol by volume" – what would a "reasonable person" take from the seemingly conflicting messages? Is it 0% abv or 0.5% abv?

Something to consider when in this new world of non, no and low alcoholic beers, and as always if you are unsure, or if you have any concerns, please seek legal advice.

Note: The use of the word Zero as a brand or trademark can be different from referring to zero as a quantity or number in relation to the ABV. If you are in doubt, we recommend legal advice.