



INDUSTRY FACT SHEET

Vintage Wine and Application of Enhanced Allergen Regulations July 2012

There are new Canadian labelling requirements for food allergens, gluten and added sulphites which will take effect August 4, 2012 for all foods, including wine. For standardized wines, there are two manufacturing practices that have been examined because of their potential to trigger the enhanced labelling requirements:

(1) Addition of Added Sulphites

Under the new regulations, when added sulphites are present in the finished wine at a level of 10 parts per million (ppm) or more, they must be declared either on the label in an ingredient list or using the statement "Contains:".

(2) Use of Fining Agents

Derivatives of egg (i.e., ovalbumin), milk (i.e., casein) and fish (i.e., isinglass) may be used as fining agents in the wine production process. Health Canada scientists have concluded that the use of the above allergen-derived fining agents do not normally result in any appreciable amount of protein from food allergens remaining in the wine, particularly when good manufacturing practices such as filtration steps are employed. These wines will not be required to apply the new allergen labelling regulations.

If the use of a food allergen-derived fining agent resulted in a wine containing a significant amount of residual protein from the food allergen, such as an unfiltered wine, then there could be some risk to an allergic consumer and the new allergen labelling regulations would apply. In this case, if there was any appreciable amount of protein from food allergens remaining in the wine the food allergen must be declared either on the label in an ingredient list or using the statement "Contains:".

Vintage Wine

Individuals who suffer from adverse reactions to sulphites, egg, fish or milk should be aware that bottled wine, including sparkling and fortified wines, with a vintage date of 2011 or earlier will **not** be required to declare these substances on the label, if present. Health Canada does not expect these vintage dated wines to pose a risk to sulphite sensitive or food allergic consumers and is of the opinion that wines with a vintage date

of 2011 or earlier, can continue to be sold indefinitely without changing their original labels.

An indefinite extension has been granted, as these wines have a very long shelf life and can remain in circulation for many years.

For an indefinite extension of the stock-in-trade provisions to apply, the wine must meet the following conditions:

- Have been compliant with all applicable food standards at time of bottling; and
- Be labelled with a 2011 vintage date or earlier.

The new allergen labelling regulations will apply to all wine and wine products without a vintage date, such as bag-in-box, non-vintage sparkling wine and non-vintage port wines.

Bottled wine labelled with a vintage date of 2012 or later, must declare on the label added sulphites at levels greater than 10 ppm.

Bottled wine labelled with a vintage date of 2012 or later will only have to declare the derivatives of egg, fish and milk used as fining agents if any significant amount of residual protein from the fining agent remains in the wine. These allergens must be declared either on the label in the ingredient list or using the statement "Contains:".

Further Information

Electronic versions of the regulations amending the *Food and Drug Regulations* (1220 — Enhanced Labelling for Food Allergen and Gluten Sources and Added Sulphites) and other useful food allergen labelling information can be obtained from the Health Canada website: <http://www.hc-sc.gc.ca/fn-an/label-etiquet/allergen/index-eng.php>

Electronic information specific to the application of new allergen labelling regulations for wine can be obtained from the Health Canada website: <http://www.hc-sc.gc.ca/fn-an/label-etiquet/allergen/vintage-wine-vin-millesimes-eng.php>

Industry Guidance for the fining of wine and the labelling of fined wines can be obtained from the Canadian Vintners Association website: <http://www.canadianvintners.com/news/documents/GuidanceforFiningofWineandAllergenLabellingJuly2012.pdf>

This document is intended as a guide only; legal requirements are contained in the Food and Drugs Act Regulations Amending the Food and Drug Regulations (1220 — Enhanced Labelling for Food Allergen and Gluten Sources and Added Sulphites)

Questions and Answers About the New Regulations to Enhance the Labelling of Food Allergens, Gluten and Added Sulphites as they Apply to Wine

GENERAL

Q1. What are the foods that will need to be declared under the new allergen labelling regulations?

Under the new regulations, when protein, modified protein or protein fractions from the following foods are present in prepackaged products, these allergens will need to be declared using plain language.

- a. almonds, Brazil nuts, cashews, hazelnuts, macadamia nuts, pecans, pine nuts, pistachios or walnuts;
- b. peanuts;
- c. sesame seeds;
- d. wheat and triticale;
- e. eggs;
- f. milk;
- g. soybeans;
- h. crustaceans (common name of the crustaceans);
- i. shellfish (common name of the shellfish);
- j. fish (common name of the fish); or
- k. mustard seeds.

Also,

Sulphites will still have to be declared at any level of use when directly added to a food as a food additive or when indirectly added to a food as components of an ingredient that is not exempted from component declaration. In addition, the new regulations will require that sulphites added as components of an ingredient exempted from component declaration will have to be declared when the total amount of sulphites contained within the food is 10 ppm or more in the finished product

Q2. Will fining agents used in wine have to be declared?

The new regulations do not systematically mandate the declaration of fining agents. Fining agents derived from allergens (i.e., milk, egg and fish) will **only** have to be declared if their use results in protein from the allergen being present in the final product. In such cases, the allergen source would need to be declared on the label in the "Contains:" statement. Health Canada has not defined a minimum threshold, but concluded that the use of allergen-derived fining agents does not normally result in any

appreciable amount of protein from food allergens remaining in the wine, particularly when usual manufacturing practices such as filtration steps are employed

Q3. Tannins derived from chestnuts are sometimes used in the winemaking process. Do all tree nuts, including chestnuts, need to be declared on food labels?

Chestnuts have not been identified as an allergenic source. Only the tree nuts identified in the new regulations (see above) will have to be declared.

Q4. Do wines aged in oak barrels sealed with a wheat paste require the labelling of a gluten source?

No. The wheat paste gluten source has not been used as an additive or processing aid in the winemaking process. There is no evidence of gluten protein remaining in the wine as the result of cross contamination, and allergen labelling is not required in this circumstance.

Fining Agents Used in Wine

Q5. Do the derivatives of egg, fish and milk fining agents become part of the wine?

The addition of egg, fish and milk used as fining agents are not used as a food additive and are not meant to remain in the final wine product. The use of good filtering practices will ensure that protein residues are removed or "negligible".

Q6. Are residues of the substance in the wine "negligible" in accordance with this policy?

Negligible in the case of eggs, fish and milk fining agents used in winemaking means that there are no residues of public health significance in the finished wine, and that any residues that are present are at levels too low to exert a technical effect in or on the product. Health Canada has not defined a minimum threshold level, but the data presented in Annexes 1-6 of the CVA Guidance Document provide some scientific and technological information for consideration.

Q7. Does the winemaker have to test each bottle for negligible egg, fish or milk protein?

Routine, periodic monitoring of the fining process should be conducted. In general, this will entail analysis of a sample of fined wine using a sufficiently sensitive method of analysis for the fining agent in question. The frequency of sampling should be adequate

to give confidence that the fining processes are being conducted in such a way as to leave negligible (if any) fining agent residues in the treated wine.

Analysis should always be conducted on fined wines that are intended to be bottled without filtration to ensure that no appreciable fining agent protein residues are detected. Corrective action must be taken where the analysis of such wines indicates the presence of residual fining agents, or the product labels must reflect that presence in a “Contains:” statement.

Q8. Has Health Canada tested for residual protein in defining its policy?

The Canadian Food Inspection Agency (CFIA) analyzed 100 samples of domestic and international red and white wines collected from provincial liquor stores across Canada for detectable levels of milk or egg proteins used as fining agents. No residual proteins were found in any of the samples tested.

Good Fining Practices for Wine

Q9. What is considered good fining practices?

In addition to the FIVS Good Fining Practices Guidelines¹ outlined below, winemakers should give attention to maintaining traceability throughout the wine production process by recording the batch from which each sample of fining material is drawn, and obtaining documented evidence from suppliers of the fining agents used in keeping with the normal requirements of traceability.

FIVS GOOD FINING PRACTICES GUIDELINES

- A) Fining agents should be free from undesirable taints and must conform to all applicable regulations. They should be stored in a cool, dry environment in sealed containers, or in other recommended storage conditions.
- B) It is recommended that laboratory scale trial runs be conducted prior to treatment of wine in the cellar.
- C) The laboratory trial runs should also duplicate as far as possible the treatment to be conducted in the cellar, giving attention to the batch of fining agent to be used, the method of its preparation and addition to the wine, and the temperature of the laboratory sample with respect to

¹ FIVS is a worldwide organization for all sectors of the alcohol beverage industry, including wine, beer, and spirits. Its members include producers, distributors, importers, exporters and trade associations. FIVS is a non-governmental organization (NGO) that gathers and disseminates information related to activities of interest to its members and advocates consensus positions to international organizations. Founded in July 1951, FIVS has its headquarters in Paris, France. Best Fining Practices approved March 7, 2007.

that of the bulk wine to be fined. Hydration protocols for protein fining agents should be consistent between laboratory and cellar.

D) A minimal volume of distilled, de-ionised or other suitably pure water should be used in order to dissolve or disperse the fining agent without overly diluting the wine (applicable regulations must be observed).

E) The quantity of fining agent used should always be the smallest amount needed to achieve the desired result as stipulated by winemaker sensory and/or analytical evaluation, and in no case should the amount used exceed any applicable regulatory limits.

F) Thorough and adequate mixing of the fining agent into the juice or wine should be ensured, and sufficient time should be allowed for the material to react prior to immediate racking and/or subsequent filtration.

G) Industry recognized best practice filtration methods (including passing the wine through a fine powder filtration process and/or pre-bottling filtration through a 0.65 µm or smaller filter, or performing treatments of equivalent effect) should be used to remove insoluble protein fining agents. Where the treated wine is simply racked off the lees remaining from the fining treatment, or where a less rigorous filtration or other technique for removal of the lees is applied, and it is desirable to confirm the absence of detectable residual fining agent, a laboratory test should be conducted to confirm this at some stage prior to bottling.

Q10. Do unfiltered wines require the allergenic labelling of derivatives of egg, fish or milk fining agents used in the wine making process?

Analysis should always be conducted on fined wines that are intended to be bottled without filtration to ensure that no appreciable residues of fining agents are detected. Corrective action must be taken where the analysis of such wines indicates any appreciable presence of residual fining agents, or the product labels must reflect that presence in a “Contains:” statement.

Vintage Dated Wines

Q11. Do non-vintage dated wines have to be in compliance with the new allergen labelling requirements for food allergens (eggs, fish and milk used as fining agents) and added sulphites?

Yes. All non-vintage bottled wines, including bag-in-box, and non-vintage sparkling and fortified wines, must ensure that effective August 4, 2012 and thereafter that they are in compliance with the new allergen labelling regulations.

Q12. Which vintage dated wines are exempt from the new allergen labelling requirements for food allergens (eggs, fish and milk used as fining agents) and added sulphites?

All wines with a 2011 vintage date or earlier have been exempt from the new allergen labelling requirements. An indefinite extension has been granted as these wines were compliant with the applicable food standards at time of bottling and can have a very long shelf life.

Q13. Do the new allergen labelling rules apply to vintage wines labelled with a vintage date of 2012 or later?

Yes. All wines with a vintage date of 2012 or later must be in compliance with the new allergen labelling requirements for food allergens (eggs, fish and milk used as fining agents), gluten and added sulphites.

Q14. Why does the exemption only apply to vintage wines dated 2011 or earlier?

The following reasons were provided:

- Vintage wines are unique in that they have a labelled vintage date
- Vintage dated wines can have a very long shelf life and remain in circulation for many years
- Exemption permits wineries, retailers, restaurants etc., to legally sell vintage dated wines after August 4, 2012
- Exemption does not provide a greater risk to sensitive individuals than existing regulatory requirements
- Exemption provides sensitive consumers with a clear choice based on the vintage date provided on the bottle of wine
- Exemption enables health professionals to advise allergen sufferers of different labelling requirements for wine
- Vintage dating would simplify enforcement and differentiate wines by vintage date
- Exempt vintage dated wine stock will continuously become a smaller proportion of the wine market.