



Position paper on the labelling of wine and fermented wine vinegar both as a standalone product and as ingredient in compound foods

Until December 2023, EU law did not require an ingredient list for wine placed on the market as such. Consequently, under Annex VII, Part E, point 2(c) of Regulation (EU) No 1169/2011 (the FIC Regulation), there was likewise no obligation to declare the individual constituents of wine when used as a compound ingredient in foods.

Regulation (EU) 2021/2117 of 2 December 2021 amended Regulations (EU) No 1308/2013, No 1151/2012, No 251/2014 and No 228/2013. Since 8 December 2023, wine and wine products have been subject to mandatory nutrition and ingredient declarations, to be provided either on the product label or by electronic means.

This new requirement for ingredient information for wine necessitates a critical assessment of whether such ingredients must also be indicated on the final product when the wine is used as an ingredient in food or in the production of wine vinegar.

1. WINE VINEGAR

According to Article 19(1)(c) of the FIC Regulation, fermented vinegar produced exclusively from a single raw material and to which no additional ingredients have been added is exempt from the obligation to provide an ingredient list. **Accordingly, wine vinegar made solely from red or white wine does not require an ingredient declaration.** Substances used only as auxiliary materials in the manufacturing process – such as yeasts, enzymes or fining agents – are to be regarded as processing aids. As they are no longer technologically active in the final product, they do not have to be declared (see Article 20 of the FIC Regulation). The same applies to acetic acid bacteria, which do not qualify as “ingredients” of vinegar.

Furthermore, even after the entry into force of the new legislation, wine vinegar remains exempt from the obligation to declare nutritional information or ingredients. Wine vinegar is listed as a category of wine products in Annex VII, Part II, point 17 of Regulation (EU) No 1308/2013 (the CMO Regulation). However, Article 119(1) CMO – which sets out the new labelling requirements for wine products, including the declaration of ingredients – explicitly covers only categories 1–11 and 13, 15 and 16, but not category 17. **Consequently, wine vinegar is not subject to mandatory ingredient or nutrition labelling.**



Culinaria Europe therefore upholds its established legal position that wine vinegar does not require an ingredient list. Only sulphites must be declared, provided that the concentration thresholds set out in Annex II, point 12 of the FIC Regulation are met or exceeded.

2. WINE VINEGAR USED AS INGREDIENT

As just outlined, no ingredient list is required for fermented vinegar (see Section 1). This remains the case when wine vinegar is used as an ingredient in further processed foods (e.g. ketchup).

3. WINE AS INGREDIENT IN COMPOUND FOOD

In the various types of wine (as listed in Annex VII, Part II of Regulation (EU) No 1308/2013), the key ingredient is the alcoholic ferment of grapes and/or grape must. In wine production, several additives may optionally be used. In addition, for certain specific types of wine, grape must and/or wine alcohol may be added afterwards in order to enhance particular sensory attributes. Where the new regulation now requires wine products to provide consumer information on the ingredients used, such information would typically take the form of “grape must, <additives>, <wine alcohol>”.

At first glance, it may seem evident that, when wine is used as an ingredient in a food product (e.g. red wine in a BBQ sauce), the provisions of the FIC Regulation would require the individual ingredients of the wine to be declared in the ingredient list of the final product. However, such an obligation results only from a particularly strict reading of the relevant provisions. To our understanding, the French authorities and the German Winegrowers’ Association (Deutscher Weinbauverband e.V.) follow this strict interpretation. However, in connection with the breakdown of composite ingredients, certain exceptions must be taken into account and included in this consideration:

- According to Annex VII, Part E, point 2 of the FIC Regulation, where the composition of a product is governed by Union provisions (which is the case for wines covered by Annex VII, Part II of Regulation (EU) No 1308/2013), and where the wine accounts for **less than 2% of the final product** and no additives have a technological function in the final product, **no ingredient declaration is required**. The French authorities concur with this interpretation. Consequently, the question of declaring the component ingredients of wine becomes relevant only where wine is used at levels exceeding 2% in the final product.
- For any **additives** present and declared in the wine, labelling such additives in the final product is required only if they have a **technological effect in that final product**. In most food products, the additives contained in the wine can be regarded as **carry-over substances** and therefore do not trigger a labelling obligation.



- Annex VII, Part B, point 16 of the FIC Regulation provides the **class name “wine”** for all types of wine covered by Annex VII, Part II of Regulation (EU) No 1308/2013 when used as an ingredient. The use of class names allows food business operators to employ equivalent materials with slightly different technical characteristics without having to adjust labelling. In the case of wine, such technical variations largely concern the possible addition of grape must or wine alcohol after the initial fermentation, while the final composition remains derived from the fermentation of grapes. Where the ingredient name remains identical and all component materials originate from grapes, an ingredient declaration would not provide any technically relevant information. In current business practice the supply of wine that is used as food ingredient, is not segregated, is delivered in large containers and varies between batches, and accurate labelling of ingredients of such batch will impose an unjustified burden on food producers with a need to change labels per batch produced.
- Wine producers may fulfil the requirement to provide consumers with ingredient information through electronic means. Regulation (EU) 2021/2117, however, does not lay down rules on how ingredient information must be provided when wine is used as an ingredient in another food, although the same amending regulation explicitly addresses the use of protected geographical indications when such products are used as ingredients. This results in a legal gap regarding the manner in which ingredient information for wine is to be supplied when wine functions as an ingredient. There is no regulatory basis for imposing more burdensome labelling obligations on certain food business operators in circumstances where the relevance of the information for consumers is lower than in cases for which more flexible rules have been established.

In current practice, where wine is used as ingredient in a food product, and sulphite levels of that wine would contribute to a level exceeding to 10 mg/kg or 10 mg/l sulphite in the final product ready for consumption, then the declaration of the ingredient follows the provisions of Article 21 of the FIC Regulation, i.e. ‘wine (contains **sulphites**)’. The above considerations do not impact this current practice.

According to Annex VII, Part II, point 1 of Regulation (EU) No 1308/2013, some Member States may permit the use of the term “wine” for products obtained from fruits other than grapes, provided that the fruit used is indicated together with the term “wine”. Where applicable, such a designation (e.g. “apple wine”) already clarifies the primary ingredient. Consequently, the use of such fruit wines as ingredients in food products would follow the same considerations as those applicable to wines made from grapes



Following a similar line of reasoning, the designation of wine as “red wine” or “white wine” in the ingredient list of a food product already indicates that these products are derived from grapes. An additional declaration of the ingredients of the wine would therefore not provide any further meaningful information to the consumer. Here, the legal reasoning underlying Article 19(1)(e) of the FIC Regulation may likewise be applied. An ingredient list may be omitted for foods consisting of a single ingredient where the name of the food clearly identifies the nature of that ingredient. It can be assumed as generally known that wine is produced from grapes.

Extracts derived from wine and selectively enriched in flavour components cannot be labelled using the class name “wine” when used as ingredients. They therefore fall outside the scope of the new provisions introduced by Regulation (EU) 2021/2117.

4. Conclusion

1. The amendment to Regulation (EU) No 1308/2013 does not require wine vinegar, nor the wine contained in it, to be broken down into its constituent ingredients. Accordingly, no ingredient list is required for fermented vinegar – neither for the vinegar itself nor when it is used as an ingredient in other foods.
2. Where wine is used in a food product and its proportion is below 2%, a breakdown of its individual ingredients is not required.
3. When wine is used as an ingredient in a food product in an amount of 2% or more , it can be argued that the obligation to declare its individual component ingredients is dispensed with through the use of the class name “wine”, including where commonly used wine-type designations such as “white wine”, “red wine” or “[fruit] wine” are applied.

It must be noted that there is currently no EU-wide binding interpretation as to whether a compound ingredient falling under a class name no longer requires a breakdown of its individual ingredients. In the case of wine, there are strong arguments against a strict interpretation; manufacturers should therefore, where appropriate, discuss this matter with the competent authorities in the respective Member States. With regard to the FIC Regulation, Culinaria Europe advocates an explicit clarification, for example within the framework of Article 19.

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CULINARIA EUROPE