



Due diligence for wine traders

November 2012

For all queries about this guidance — including if you require the information in an alternative format such as audio, large print or Braille — please use the number below.

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Intended audience:	Importers (also wholesalers and UK wine makers)
Which UK nations does this cover?	All UK countries
Purpose:	This document identifies steps which traders may take to demonstrate due diligence to comply with wine regulations
Legal status:	Best Practice
Key words	Wine
Review date	October 2013

Revision history

This guidance follows the Government [Code of Practice on Guidance](#). If you believe this guidance breaches the Code for any reason, please let us know by emailing betterregulation@foodstandards.gsi.gov.uk. If you have any comments on the guidance itself, please call us using the contact number on page 2 or complete our ongoing [Guidance survey](#): <https://www.surveymonkey.com/s/55QQDCG>

Revision No.	Revision date	Purpose of revision and paragraph number	Revised by

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Introduction

1. As a trader, and particularly if you bring wine into the UK (from other EU countries or from non EU countries), you are responsible for the authenticity, quality and labelling of the wine that you sell.

Purpose of guidance

2. This guidance on due diligence has been produced to help wine traders minimise the risk of any problems with wines by setting out recommendations for reasonable steps (i.e. exercised “due diligence”) to prevent the problem from occurring.

Legal status of guidance

3. These guidance notes have been produced to provide best practice advice about Due diligence for compliance with wine regulations. You are **not** required by law to follow this advice. Businesses with specific queries may wish to seek the advice of their local Wine Standards Inspector.
4. These guidance notes have been produced to explain how to comply with European Community wine regulations. They cannot cover every situation and you may need to consider the relevant legislation itself to see how it applies in your circumstances. If you do follow the guidance notes they will help you to comply with the law.
5. The guidance notes on legal requirements cannot cover every situation and you may need to consider the relevant legislation itself to see how it applies in your circumstances. If you do follow the guidance notes they will help you to comply with the law. You are **not** required by law to follow best practice advice. **To distinguish between the two types of information, all advice on Best Practice is in shaded boxes.**
6. Businesses with specific queries may wish to seek the advice of their local Wine Standards Inspector. potential benefits of due diligence
7. Apart from your responsibilities, both in law and to your customers, due diligence checks may protect you by reducing the risk of you being a victim of an unscrupulous supplier and also by avoiding the cost and inconvenience of rectifying genuine mistakes.

Risks of not observing due diligence

8. If you have not checked the wine and the documentation prior to selling it you will have difficulty persuading the courts or your customers that you have exercised “due diligence” if the wine has a fault or it is falsely described or wrongly labelled.
9. Some problems might not lead to prosecution but could result in your wine being “frozen” until investigation or corrective action takes place. This could cause serious financial problems and difficulties with your customers.
10. In extreme cases you could lose customers and your reputation could be seriously affected.

Recommended steps

11. Firstly, you should have a written “due diligence” policy or checklist which you use.
12. If needs be, you can send it to the relevant enforcement agencies or to your customers, setting out the measures that you take to ensure wine quality and authenticity.
13. Secondly, you must record what checks you made and when, together with any follow up action that was taken if a problem was identified.
14. The steps you need to take will vary depending on the nature of the risk and the quantities of wine involved.

Larger companies

15. Not surprisingly larger companies importing or selling large quantities of wine will have more comprehensive systems. For example, they may:

Initially,

16. Agree a wine specification, (preferably in writing as part of a formal contract) including labelling, especially for own label wines or for large quantities of wine imported in bulk,
17. Visit the winery\producer before agreeing to buy wine from them, to see first hand what standards they adopt and whether they have their own quality control and due diligence procedures in place

18. Commission an audit of the producer\supplier or ask the producer to supply them with copies of audits that have been carried out and to provide copies of their quality control or due diligence procedures. This may mean compliance with internationally recognised quality schemes.

19. Study the procedures to satisfy themselves that they are adequate

Subsequently

- obtain pre shipment samples for tasting and analysis, especially at vintage changes
- Check shipments as they arrive and make sure that the product is what they have ordered and that the shipping documents or invoices correctly identify the wine and match the consignment
- check the labelling to see that it is correct and matches information on the shipping documents, especially for non EU wines
- Take random samples from each shipment to taste them to ensure the wine is sound and of the standard expected
- take random samples for analysis, often in their own laboratories.

Smaller traders

20. The same principles apply although it may not be practicable for the smaller trader to go to the same lengths as larger companies who employ their own quality assurance staff and operate their own laboratories.

It is still possible for smaller traders to ask themselves:-

- have I agreed what will be sent to me
- how can I trust the supplier\producer to send me the correct product
- am I satisfied with the security and storage arrangements if it is stored elsewhere
- am I familiar with the wine and have I tasted it
- have I obtained and checked the documents for each shipment or purchase
- have I checked the labels at each initial shipment or at each vintage change

- have I tasted the wine, particularly at each vintage change
- have I periodically sent a sample to a specialist laboratory for analysis, especially for new lines or at a vintage change and
- have I recorded the dates and details of the checks that I have made
- have I got good stock rotation

If you find a problem

21. Firstly identify all of the wine affected, ***usually via the Lot number***, and isolate it until you resolve the problem. The action you then take will depend on the nature and severity of the problem. You can always seek advice from your local Wine Standards Inspector.
22. If the problem appears serious you will need to contact your customers and ask them to check the wine, and if necessary, get them to return it to you. You will also need to advise your supplier so they can check their supplies, investigate the cause and prevent any further deliveries from taking place. If you are initiating a recall you must notify the competent authorities including the Food Standards Agency, via the website link <http://www.food.gov.uk/foodindustry/incidents/report/>

Legal Compliance

For some faulty labels, you may simply need to apply new labels to show otherwise missing information (e.g. importer details or allergens warnings), or to correct incorrect information or descriptions.

More detailed guidance

23. More detailed guidance on the legislation regarding documentation, labelling and checking wine can be found on the website <http://www.food.gov.uk/wine>
- Resources page
 - Guide to the Law page, including labelling guidance notes

Review

24. The guidance will be reviewed in November 2013. If you wish to give comments on this guidance please use the [feedback questionnaire](#).