



Position of FSSAI on the use of identical flavours in Alcoholic Beverages

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Numerous electronic and print media outlets have been circulating reports regarding the action taken against alcohol beverage manufacturers for the use of non-permitted flavours and age-related claims.

Enforcement action against certain alcoholic beverage manufacturers was initiated by FSSAI over following non-compliance to the existing regulations:

1.Name of the alcoholic product:

The characteristic sensory profile of each alcoholic product is developed through the combined effect of the base material (e.g. molasses for rum, malt for whisky), fermentation, yeast activity, distillation, maturation and other recognized manufacturing processes.

Few manufacturers are found to add flavour externally, which mimics the product's inherent aroma and taste, and sell the same as a standard product, thereby misleading consumers. The potential need for the addition of such flavour is observed due to an existing malpractice wherein manufacturers, instead of creating products through maturation and/or from base materials such as molasses, malt, or grapes to develop their flavour naturally, use spirit/neutral alcohol primarily, which has no specific flavour and therefore add flavour externally.

Such products are not only sub-standard but are also misrepresented by using the names of standard categories. At best, they can be identified as Rum-flavoured Spirit or Whisky-flavoured Spirit, etc. Further, the front of the pack completely fails to disclose the true nature of the product.

Regulation 5.1 of FSS (Labelling and Display) Regulation, 2020 clearly states that "Every package of food shall carry the name of the food which indicates the true nature of the food contained in the package, on the Front of Pack"

2.Laboratory findings and regulation requirement:

Rum and whisky across multiple manufacturers are sampled and sent for testing. The laboratories opined these products to be sub-standard due to the presence of external artificial or nature identical flavours in the product.

For example, as per Regulation 2.5 of FSS (Alcoholic beverages) Regulation, 2018 the "Rum shall possess the characteristic taste and aroma associated with the product".

Laboratory report clearly noted down, "the addition of artificial flavours is masking its natural flavour and making the product substandard". Also failing to name these products as "flavoured/premix rum" on the product label may mislead or be deceptive to the consumers.

3.Deceptive claims:

The claim of "7 years old blended" in the label of Old monk XXX Rum variant was also found to be misleading. The major ingredient of the rum is neutral (unmatured/unaged) spirit, while the matured rum spirit is only a minor ingredient of the rum (less than 5% as per investigation findings). This is also a clear violation of existing regulations, as the age claim of the spirit should be from the youngest of spirit in the blend as per FSS (Alcoholic Beverages) Regulations. 2018..

4.Regulatory position of flavour addition in alcoholic product:

It is an undisputed position that the use of natural and nature-identical flavouring substances is permissible under the applicable Food Safety and Standards Regulations governing alcoholic beverages. Consequently, manufacturers are not prohibited from incorporating flavouring substances such as coffee, vanilla or other similar flavours, where such use is otherwise permissible under law and is supported by a legitimate technological justification.

The present matter, however, does not pertain to a prohibition on the use of flavouring substances. Rather, it concerns the practice adopted by certain manufacturers of adding the flavour of the standardized alcoholic beverage itself, for instance, the addition of rum flavour in rum or whisky flavour in whisky.

The practice presently under consideration is analogous to the addition of coffee flavour to coffee or tea flavour to tea. Such an addition does not serve any 'legitimate technological function' as it is expected to arise inherently from the composition of the product. The regulatory framework governing food additives unequivocally reinforces this principle. Clauses 3.1.1(4) and 3.1.1(7) of the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011 stipulate that clearly.

5.Enforcement action taken by FSSAI:

i.Based on non-conforming laboratory reports prohibition of sale issued in the case of the following:

- M/s Mohan Rocky Springwater, Khopoli unit (Brand: 3 Old Monk Rum variants- The Legend, Gold Reserve, XXX Matured Rum)
- M/s United Spirits, Baramati (Brand: McDowell's No 1 Rum)
- M/s INBREW Beverages, Madhya Pradesh (Brand: Bagpiper Deluxe Whisky, Old Cask deluxe XXX Rum)
- M/s Associated Alcohol & Breweries, Madhya Pradesh (Brand: Central Province Whisky, McDowell's No. 1 Celebration matured XXX Rum)
- M/s United Spirits, Madhya Pradesh (Brand: Antiquity Blue Whisky, Royal Challenge Whisky)

ii. From Goa, inspections and sampling done in the premise of M/s Mandexi Distilleries & Breweries.

iii. Notices have been issued to 6 other manufacturers in the State of Maharashtra in this case and further necessary action to follow soon.

6. Conditional relaxation to prohibition of sale given to few manufacturers:

Based on the appeal by two manufacturers against the prohibition of sale, conditional revocation has been issued. For the existing stock in hand they have been allowed to sell the product by revealing the true nature of the product on the front of the pack whereas for future production a clear direction has been passed as to not add identical flavour in the product, such as rum flavour or whisky flavour etc

7. Market position:

It is equally relevant to clarify that the present issue is not representative of the entire industry. Several manufacturers continue to produce standardized alcoholic beverages fully compliant with the prescribed standards, as reflected in the enclosed Annexure.

Only certain manufacturers are producing beverages predominantly from neutral alcohol or extra neutral alcohol, which inherently lacks the characteristic flavour profile associated with standardized alcoholic beverages, and thereafter introducing identical or artificial flavouring substances to recreate such characteristics.

It is also noteworthy that there is no internationally recognized manufacturing practice whereby rum flavour is added to rum or whisky flavour is added to whisky for the purpose of generating the defining sensory characteristics of standardized alcoholic beverages.

FSSAI standards are instituted to ensure that the chemical composition of alcoholic beverages remains authentic to their raw material origins. Food business shall not use any additives which shall mislead the consumers. FSSAI is mandated to ensure the protection of consumer's interests, including fair practices in all kinds of food trade with reference to food safety standards and practices.

Source : FSSAI (Western Region) NJ/EC/PK

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