

# Public Health (Alcohol) Act 2018

*(Number 24 of 2018)*

## Guidance for Industry

### Section 11

December 2021



An Roinn Sláinte  
Department of Health



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive



# Contents

Introduction

Guidance Document

Data Protection/Freedom of Information

Overview of the Public Health (Alcohol) Act 2018

Commencement

Definitions

Minimum price of alcohol products & Appendix

Contact details

**Department of Health**  
**Tobacco & Alcohol Control Unit**  
**Miesian Plaza**  
**Baggot Street Lr, Dublin 2**  
**D02 XW14**  
**E-mail:** [alcohol@health.gov.ie](mailto:alcohol@health.gov.ie)  
**Website:** [www.health.gov.ie](http://www.health.gov.ie)

**Health Service Executive**  
**National Environmental Health**  
**Oak House, Limetree Avenue**  
**Millennium Park, Naas**  
**Co. Kildare**  
**E-mail:** [ehs.alcoholunit@hse.ie](mailto:ehs.alcoholunit@hse.ie)  
**Website:** [www.hse.ie](http://www.hse.ie)

# Introduction

The [\*Steering Group Report on a National Substance Misuse Strategy\*](#) (NSMS) published in 2012 states that “alcohol has major public health implications and it is responsible for a considerable burden of health and social harm at individual, family and societal levels”. The Report contains a range of recommendations to reduce the consumption of alcohol in general.

In October 2013, the Government approved a comprehensive suite of measures to reduce excessive patterns of alcohol consumption and resultant social, economic and health harms as set out in the NSMS including the drafting of a Public Health (Alcohol) Bill.

The enactment of the Public Health (Alcohol) Bill was included in the Programme for a Partnership Government in 2016. [The Public Health \(Alcohol\) Act](#) was enacted on 17 October 2018.

The primary policy objectives of the legislation are to:

- reduce alcohol consumption to 9.1 litres of pure alcohol per person per annum,
- delay the initiation of alcohol consumption by children and young people,
- reduce the harms caused by the misuse of alcohol, and
- regulate the supply and price of alcohol in order to minimise the possibility and incidence of alcohol related harm.

These objectives were developed in recognition that alcohol causes harms to health, significant costs to the Exchequer and that alcohol consumption in Ireland remains high.

The principles guiding the objectives are that the harms of alcohol make it unlike other grocery products, that consumers should be able to make informed choices about their drinking and that children and young people’s relationship with alcohol be addressed.

## **Guidance Document**

The aim of this publication is to provide guidance in relation to Section 11 of the Public Health (Alcohol) Act 2018 which comes into effect 4<sup>th</sup> January 2022 to persons who have responsibilities under this legislation.

As interpretation of the law is a matter for the Courts, this guidance is intended to provide general information on the Public Health (Alcohol) Act 2018 and should not be construed as legal advice. It is without prejudice to any other legal obligations under criminal or civil law.

## **Data Protection and Freedom of Information**

The Health Service Executive (HSE) fully respects your right to privacy. Any personal information attained for the purposes of the Public Health (Alcohol) Act will be treated in accordance with the Data Protection Acts, 1988 and 2003 (and any amending or substituting legislation). Your personal information will be used only for the purposes for which it is provided, for example, for conducting regulatory checks or requirements or to comply with a legal process. You are entitled to access information that the HSE holds relating to you and can do so by applying to the HSE in writing and on payment of the prescribed statutory fee. The HSE reserve the right to charge a reasonable administration fee for each access request. The HSE are entitled to take reasonable steps to establish your identity in relation to any query, amendment, access or deletion request in respect of the *Alcohol Non-Compliance List*.

# Overview of the Public Health (Alcohol) Act 2018

The Act proposes to achieve its objectives through the introduction of:

- minimum pricing of alcohol products;
- labelling of alcohol products and notices in licensed premises;
- prohibitions and restrictions on advertising and sponsorship;
- separation and visibility of alcohol products and advertisements for alcohol products in specified licensed premises; and
- the regulation of the sale and supply of alcohol products in certain circumstances.

## Minimum Pricing of Alcohol Products

The Act will prohibit the advertising or sale of alcohol products below a set minimum price (10 cent per gram of alcohol in the product). This is a targeted measure designed to prevent the sale of alcohol at very cheap prices and is aimed at those who drink in a harmful and hazardous manner.

## Labelling of Alcohol Products and Notices in Licensed Premises

The Act provides for the following information on the label of an alcohol product:

- A warning to inform the public of the danger of alcohol consumption;
- A warning to inform the public of the danger of alcohol consumption when pregnant;
- A warning to inform the public of the direct link between alcohol and fatal cancers;
- The quantity of grams of alcohol contained in the product;
- The energy value expressed in kilojoules and kilocalories contained in the alcohol product,
- Details of a website run by the Health Service Executive providing information on alcohol and related harms.

Alcohol products sold in kegs or casks will have an accompanying document with the above information. Licensed premises will have a notice(s) in the legally prescribed form with above warnings and website information, confirming that a document noting the alcohol content and energy value of every product for sale in the premises is available on request. Finally, the above information will also be required to be displayed on any website that sells alcohol online. The aim is to provide consumers with information on alcohol products regardless of the manner of purchase whether in a shop, in a pub or online.

## Prohibitions and Restrictions on Advertising and Sponsorship

The Act provides for restrictions on the content, placement and volume of alcohol advertising. Advertisements for alcohol products will be required to include both health warnings and details of the HSE alcohol website.

Advertising of alcohol products will be prohibited in or on a sports area when a sports event is taking place, at an event aimed particularly at children, or at an event where the majority of individuals taking part are children.

The manufacture and/or sale of children's clothing which promotes alcohol consumption or is branded with an alcohol product name, trademark, emblem, marketing image or logo will also be prohibited.

The sponsorship by alcohol companies of events where the majority of individuals taking part are children, aimed particularly at children, or that involve driving or racing cars or motorbikes will be prohibited.

### **Separation and Visibility of Alcohol Products and Advertisements for Alcohol Products in Specified Licensed Premises**

Mixed trade retailers can store alcohol products in a storage unit behind the counter at only one point of sale area and can also display and advertise alcohol products using one of the following three options:

- A separate area of the shop separated by a physical barrier which has a minimum height of not less than 1.2 metres and through which alcohol and advertisements for alcohol are not visible or
- Enclosed adjacent storage units on the shop floor in which the products are not visible up to a minimum height of 1.5 metres or
- A maximum of three adjacent units, each of 1 metre width and 2.2 metres high.

Separation of alcohol products is intended to achieve the following objectives:

- access to alcohol products will be more controlled in premises to which it applies;
- alcohol products are less likely to be on display near grocery products, thereby discouraging their purchase as part of everyday household grocery shopping;
- alcohol products will be less visible to children.

### **The Regulation of the Sale and Supply of Alcohol Products in Certain Circumstances**

The Act provides for the Minister for Health to introduce regulations to prohibit or restrict certain types of alcohol promotions, for example, “buy one get one free” or student night promotions. The intention of the provision is to prohibit promotions which encourage risky drinking i.e. that encourage individuals to purchase or drink more than they intended or to drink faster than they intended.

# Commencement

- [The Public Health \(Alcohol\) Act 2018 \(Commencement\) Order 2018](#) (S.I. No. 448 of 2018) commenced 23 of 31 Sections of the Act: 1 to 3 inclusive, 5 to 9 inclusive, 14 to 17 inclusive, Section 20 and 22 to 31 inclusive. Since then, a further 3 Sections of the Act have been commenced bringing the total Sections commenced to 26. These are Sections 4, 10 and 11.
- With effect from 12 November 2019:
  - Section 14 – Prohibition on advertising in certain places,
  - Section 17 – Children’s clothing, and
  - Section 20 – Advertising in cinemas

have come into operation.

- With effect from 12 November 2020:
  - Section 22 – Separation and visibility of alcohol products and alcohol advertisements in specified licensed premises

has come into operation.

- With effect from 11 January 2021:
  - regulations made under Section 23 – Regulations relating to the sale and supply of alcohol products

have come into operation.

- On 10 May 2021, Section 11 – Minimum price of alcohol products was commenced and it will come into operation on 4 January 2022. See link to Commencement Order: (<https://www.irishstatutebook.ie/eli/2021/si/230/made/en/print>)

- With effect from 12 November 2021:
  - Section 15 – Restriction on advertising during events, and
  - Section 16 – Sponsorship

have come into operation.

- On 24 November 2021, Section 4 – Applicant to provide written notice to Executive and Section 10 – Repeals were commenced. In addition, subsections under both Section 12 – Labelling and under Section 13 – Content of advertising which relate to the regulation-making powers of the Minister were also commenced.



# Definitions

The following definitions will apply for the purpose of this guidance document.

“**advertising**” means any form of commercial communication with the aim or direct or indirect effect of promoting an alcohol product and includes, in relation to an alcohol product, every form of recommendation of the product to the public including—

- (a) (i) a statement of the name of a manufacturer or importer of an alcohol product, or the name of any brand of alcohol product, or
- (ii) a statement of any trade description or designation, or a display or other publication of a trademark, emblem, marketing image or logo, by reference to which the product is marketed or sold,

in circumstances where such statement, display or publication may reasonably be regarded as a recommendation of the product to the public, and

- (b) a statement of the properties of the product on a label, container, wrapper or package used for the product or in a leaflet, circular, pamphlet or brochure issued to the public or given to a purchaser of the product;

“**alcohol**” means pure ethyl alcohol;

“**alcohol product**” has the same meaning as it has in section 73 of the Finance Act 2003;

“**alcoholic strength by volume**” means the ratio, expressed as a percentage, of the volume of alcohol present in the alcohol product concerned to the total volume of the product at a temperature of 20° Celsius;

“**container**” means, in relation to an alcohol product, a bottle or other container and where such bottle or container is accompanied by any additional packaging, also includes such packaging;

“**minimum price of an alcohol product**” shall be construed in accordance with *section 11*;

“**Minister**” means the Minister for Health;

“**sell**” means sell by retail or wholesale and includes—

- (a) offer or expose for sale,
- (b) invite the making by a person of an offer to purchase,
- (c) distribute free of charge, and
- (d) supply for any of these purposes (whether or not for profit);

## Minimum price of alcohol products

**Section 11 of the Public Health (Alcohol) Act 2018 prohibits the sale and/or advertisement or promotion of an alcohol product at a price below the minimum price of the alcohol product concerned.**

### **Section 11 of the Public Health (Alcohol) Act 2018 – Minimum price of alcohol products**

**The relevant subsections of Section 11 of the Public Health (Alcohol) Act 2018 for the purposes of this Guidance are:**

Subsection (1)

The minimum price per gram of alcohol for the purposes of this Act shall be €0.10.

Subsection (2)

The minimum price of an alcohol product shall be calculated using the following formula:

$$A \times B = C$$

where—

A is the minimum price per gram of alcohol,

B is the quantity in grams of alcohol contained in the alcohol product, and

C is the minimum price of the alcohol product expressed in euro and cent.

Subsection (7)

Where an alcohol product is supplied or offered for sale together with another product (other than an alcohol product) or service, for a single price, this section shall apply as if the alcohol product concerned is supplied or offered for sale on its own for that price.

Subsection (8)

Subject to any regulations under *section 23*, where an alcohol product is supplied or offered for sale together with another alcohol product for a single price, the quantity in grams of alcohol contained in each of the alcohol products concerned shall be included when calculating the minimum price of the first mentioned alcohol product.

#### Subsection (9)

The quantity in grams of alcohol contained in an alcohol product shall be calculated using the following formula:

$$A \times B \times .789 = C$$

where —

A is the volume, expressed in millilitres, of liquid contained in the alcohol product,

B is the alcoholic strength by volume of the alcohol product, and

C is the quantity in grams of alcohol contained in the alcohol product.

#### Subsection 11

(a) This section shall not apply to the sale of alcohol products in a tax-free shop to travellers departing the State.

(b) In this subsection “tax-free shop” means a tax-free shop within the meaning of Article 14 of Council Directive 2008/118/EC of 16 December 2008<sup>1</sup> concerning the general arrangements for excise duty and repealing Directive 92/12/EEC.

#### Subsection (12)

In this section, “sell” does not include—

- (a) sell by wholesale, or
- (b) distribute free of charge.

### **What does this mean?**

From 4 January 2022, the

- sale, and/or
- advertisement and promotion for sale

of alcohol products below the minimum price will be prohibited.

An alcohol product is defined as having the same meaning as it has in Section 73 of the Finance Act 2003: “Alcohol product” means beer, wine, other fermented beverage, spirits or intermediate beverage.

The minimum price of an alcohol product is calculated based on the minimum price per gram of alcohol (0.10c) multiplied by the quantity of grams of alcohol contained in the product.

The quantity in grams of alcohol contained in an alcohol product is calculated using the formula:  $A \times B \times .789 = C$  where:

A is the volume, expressed in millilitres, of liquid contained in the alcohol product,

B is the alcoholic strength by volume of the alcohol product, and

C is the quantity in grams of alcohol contained in the alcohol product.

## Example

### **How to calculate the applicable minimum price for an alcohol product.**

Example: 75cl bottle of wine 14% ABV

Step 1. To calculate the quantity in grams = A: (750 millilitres) x B: (14% or 0.14)  
x C: (0.789) = 82.84 grams of alcohol

Step 2. To calculate the MUP = A (€0.10) x B (82.84) = €8.28

Note: The figure of 0.789 refers to the density of ethanol at room temperature (0.789 grams per millilitre) which is the standard scientific measurement for ethanol.

Where an alcohol product is supplied or offered for sale with another non-alcohol product or with another service for a single price, the minimum unit price is calculated as if the alcohol product is supplied or offered on its own for that price.

Subject to any regulations under Section 23, where an alcohol product is supplied or offered for sale with another alcohol product for a single price, the minimum unit price for each product is calculated separately and then added to give the total minimum unit price as if the combined alcohol products are supplied or offered on their own for that price.

Section 23 of the Public Health (Alcohol) Act 2018 provides for the Minister to make regulations (by way of Statutory Instrument) under the Act. On 11 January 2021 Statutory Instrument No 4/2020 came into operation. This Regulation prohibits the sale or supply of an alcohol product at a reduced price or free of charge to any person on the purchase by that person of one or more alcohol products or with any other product or service.

Links below to the Regulations under Section 23 and Guidance for Industry:

<http://www.irishstatutebook.ie/eli/2020/si/4/made/en/print>

<https://www.gov.ie/en/policy-information/89335d-healthy-ireland-alcohol-policy/>

## **Exemptions**

MUP does not apply to a “non-alcoholic beverage” which means any beverage not exceeding 0.5% volume per Section 73 of Finance Act 2003.

MUP does not apply to the sale of alcohol products in a tax-free shop to travellers departing the State.

MUP does not apply to the wholesale sale or supply of alcohol products or to the distribution of alcohol products free of charge.

## **Offences**

A person who sells or causes an alcohol product to be sold below the minimum price of the alcohol product shall be guilty of an offence.

A person who advertises, promotes or causes to be advertised or promoted the sale of an alcohol product that is below the minimum price of the alcohol product concerned shall be guilty of an offence.

## **Penalties**

Penalties for offences in relation to Minimum Pricing are set out under Section 8 of the Act.

On summary conviction for offences under Section 11, a person shall be liable to a class A fine or up to 6 months imprisonment or both.

On conviction on indictment for offences under Section 11, a person shall be liable to a fine not exceeding €250,000 or up to 3 years imprisonment or both.

If contravention continues following conviction, the person shall be guilty of a further offence for every day the contravention continues and for each offence the person shall be liable, on summary conviction, to a fine of €2,000 per day.

## **Q & As**

### **Q. Who is responsible for applying MUP to a product?**

A. The person who sells the alcohol product i.e. retailer.

### **Q. Is MUP applicable to non-alcohol products?**

A. No.

### **Q. Is MUP applicable to low-alcohol products?**

A. MUP is applicable to alcohol products which are of a strength which exceeds 0.5% volume.

### **Q. Does MUP apply in restaurants/pubs?**

A. MUP applies to all alcohol products sold both on-license and off-licence within the State. However, on-license alcohol product prices generally exceed the minimum unit price.

**Q. Does MUP apply to alcohol products sold online within the State?**

A. MUP is applicable to all alcohol products sold within the State, whether sold online or instore.

**Q. Does MUP apply to sales of alcohol products in duty free/tax free shops?**

A. No. MUP does not apply to the sale of alcohol products in duty free/tax free shops to those departing the State.

**Q. When or how will MUP be increased?**

A. The Minister for Health may by Order increase the minimum unit price of €0.10 per gram of alcohol 3 years after commencement of the Minimum Pricing provision and for subsequent increases 18 months after any previous order.

## **Appendix**

See Appendix for calculated minimum unit price for sample range of alcohol products across major retail suppliers and most common alcohol products by volume and ABV as at August 2021. Sample is of 497 alcohol products across 4 stores and 6 classes of alcohol

Typically Spirits			Typically wine			Typically beer/cider/stout contd.		
ABV	Volume	MUP	ABV	Volume	MUP	ABV	Volume	MUP
43	1000	€33.93	14.5	750	€8.58	5	300	€1.18
43	700	€23.75	14	750	€8.28	4.9	660	€2.55
43	350	€11.87	13.5	750	€7.99	4.9	500	€1.93
43	200	€6.79	13	750	€7.69	4.9	440	€1.70
42	1000	€33.14	12.5	750	€7.40	4.9	355	€1.37
42	700	€23.20	12	750	€7.10	4.9	330	€1.28
42	350	€11.60	11.5	750	€6.81	4.9	300	€1.16
42	200	€6.63	11	750	€6.51	4.8	660	€2.50
41	1000	€32.35	Typically sparkling wines			4.8	500	€1.89
41	700	€22.64	ABV	Volume	MUP	4.8	440	€1.67
41	350	€11.32	12.5	750	€7.40	4.8	355	€1.34
41	200	€6.47	12	750	€7.10	4.8	330	€1.25
40	1000	€31.56	11.5	750	€6.81	4.8	300	€1.14
40	700	€22.09	11	750	€6.51	4.7	660	€2.45
40	350	€11.05	10.5	750	€6.21	4.7	500	€1.85
40	200	€6.31	Typically pre-mixed spirits			4.7	440	€1.63
39	1000	€30.77	ABV	Volume	MUP	4.7	355	€1.32
39	700	€21.54	5	750	€2.96	4.7	330	€1.22
39	350	€10.77	5	700	€2.76	4.7	300	€1.11
39	200	€6.15	5	330	€1.30	4.6	660	€2.40
38	1000	€29.98	5	275	€1.08	4.6	500	€1.81
38	700	€20.99	5	250	€0.99	4.6	440	€1.60
38	350	€10.49	5	200	€0.79	4.6	355	€1.29
38	200	€6.00	4	750	€2.37	4.6	330	€1.20
37.5	1000	€29.59	4	700	€2.21	4.6	300	€1.09
37.5	700	€20.71	4	330	€1.04	4.5	660	€2.34
37.5	350	€10.36	4	275	€0.87	4.5	500	€1.78
37.5	200	€5.92	4	250	€0.79	4.5	440	€1.56
37	1000	€29.19	4	200	€0.63	4.5	355	€1.26
37	700	€20.44	Typically beer/cider/stout			4.5	330	€1.17
37	350	€10.22	ABV	Volume	MUP	4.5	300	€1.07
37	200	€5.84	5.4	660	€2.81	4.4	660	€2.29
36	1000	€28.40	5.4	500	€2.13	4.4	500	€1.74
36	700	€19.88	5.4	440	€1.87	4.4	440	€1.53
36	350	€9.94	5.4	355	€1.51	4.4	355	€1.23
36	200	€5.68	5.4	330	€1.41	4.4	330	€1.15
35	1000	€27.62	5.4	300	€1.28	4.4	300	€1.04
35	700	€19.33	5.3	660	€2.76	4.3	660	€2.24
35	350	€9.67	5.3	500	€2.09	4.3	500	€1.70
35	200	€5.52	5.3	440	€1.84	4.3	440	€1.49
Typically Liqueurs/fortified wine			5.3	355	€1.48	4.3	355	€1.20
ABV	Volume	MUP	5.3	330	€1.38	4.3	330	€1.12
20	1000	€15.78	5.3	300	€1.25	4.3	300	€1.02
20	750	€11.84	5.2	660	€2.71	4.2	660	€2.19
19	1000	€14.99	5.2	500	€2.05	4.2	500	€1.66
19	750	€11.24	5.2	440	€1.81	4.2	440	€1.46
18	1000	€14.20	5.2	355	€1.46	4.2	355	€1.18
18	750	€10.65	5.2	330	€1.35	4.2	330	€1.09
17.5	1000	€13.81	5.2	300	€1.23	4.2	300	€0.99
17.5	750	€10.36	5.1	660	€2.66	4.1	660	€2.14
17	1000	€13.41	5.1	500	€2.01	4.1	500	€1.62
17	700	€9.39	5.1	440	€1.77	4.1	440	€1.42
16	1000	€12.62	5.1	355	€1.43	4.1	355	€1.15
16	700	€8.84	5.1	330	€1.33	4.1	330	€1.07
15	1000	€11.84	5.1	300	€1.21	4.1	300	€0.97
15	700	€8.28	5	660	€2.60	4	660	€2.08
14.5	1000	€11.44	5	500	€1.97	4	500	€1.58
14.5	700	€8.01	5	440	€1.74	4	440	€1.39
			5	355	€1.40	4	355	€1.12
			5	330	€1.30	4	330	€1.04
						4	300	€0.95

## Contact Details

For further information or enquiries regarding enforcement or to make a complaint please contact the HSE at [ehs.alcoholunit@hse.ie](mailto:ehs.alcoholunit@hse.ie).

For further information regarding the Public Health (Alcohol) Act please contact the Tobacco and Alcohol Control Unit of the Department of Health at [alcohol@health.gov.ie](mailto:alcohol@health.gov.ie).