



GUIDANCE ON ALLOWABLE CASKS FOR MATURATION

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This guidance considers the consequences of the recent amendment to the Scotch Whisky Product Specification (PS) which sets out details of allowable casks for maturing Scotch Whisky and conditions applying to use of those casks. This supersedes the section headed "Previous use" on page 4 of the Consolidated Advice Circular on Illegal Practices issued by the SWA on 5th January 2010.

In summary, casks which have been traditionally used for Scotch Whisky maturation remain allowable but there is some flexibility in relation to previous use for some other spirits, subject to specific prohibitions and conditions applying to all maturation, as set out in more detail below.

THE RELEVANT SECTION OF THE PRODUCT SPECIFICATION NOW READS:

"The quality of the casks is important because the spirit will gain character and colour from the wood in which it matures. The spirit must be matured in new oak casks and/or in oak casks which have only been used to mature wine (still or fortified) and/or beer/ale and/or spirits with the exception of:

- wine, beer/ale or spirits produced from, or made with, stone fruits
- beer/ale to which fruit, flavouring or sweetening has been added after fermentation
- spirits to which fruit, flavouring or sweetening has been added after distillation

and where such previous maturation is part of the traditional processes for those wines, beers/ales or spirits.



Regardless of the type of cask used, the resulting product must have the traditional colour, taste and aroma characteristics of Scotch Whisky. These requirements also apply to any finishing as referred to below. Casks must be empty of their previous contents prior to being filled with Scotch Whisky or with spirit destined to become Scotch Whisky. The type of cask used for maturation will have been determined by the Chief Blender who is seeking a particular character for the final whisky."

BACKGROUND

Whilst there is a definition of "whisky" in EU law, Member States are allowed to lay down stricter rules for spirit drinks with Geographical Indications (GIs), such as Scotch Whisky, although these rules must still be compatible with EU law. The specifications with which any such GI must comply require to be set out in the Product Specification ("PS").

The reputation of Scotch Whisky is based upon the products which have traditionally been sold under that GI and the law is designed to protect that reputation. The law also specifically requires Scotch Whisky to retain the colour, aroma and taste derived from the raw materials used in, and the method of, its production and maturation.

As set out in Regulation 3 of The Scotch Whisky Regulations 2009 (SWR) and in the PS, casks used for the maturation of Scotch Whisky must be made of oak and have a capacity not exceeding 700 litres. However, that did not mean that any cask meeting these requirements would be acceptable. While the SWR and PS did not specify beyond these basic requirements the kind of casks which are allowable, they had to be of a kind which gives the matured spirit the established characteristics of Scotch Whisky because the object of the legal provisions is to protect the reputation of the traditional product. As set out in previous guidance, if a particular type of cask has been in general use in the industry for many years and has thus contributed to the characteristics of Scotch Whisky upon which its reputation is founded, it can be regarded as acceptable. Previous extensive research by the SWA found evidence of longstanding traditional use of oak casks previously used to mature still wine, fortified wine, beer/ale, whisky, grape brandy and rum.

Over the years a number of enquiries have been raised about allowable casks. Given the wide range of casks for which evidence had been found of traditional use, as well as the availability of other oak casks with a wide range of previous uses, there was a need for clarity within the PS. The amendment to the PS takes account of traditional practice by including all those categories of casks where there is evidence of longstanding traditional use and by allowing only those which will result in a product which has the traditional colour, taste and aroma characteristics of Scotch Whisky.

WHAT CASKS ARE ALLOWABLE?

- 1 Casks traditionally used – nothing in the amendment changes the allowable use of casks traditionally used for maturing Scotch Whisky, and therefore includes the use of new oak and of casks previously used for Bourbon and other whisky, grape brandy (including Armagnac and Cognac although they are technically wine spirits), rum, fortified wine (including Sherry, Madeira, Port and Malaga), still wine (of whatever type or origin) and beer/ale. These are, however, subject to the specific prohibitions and conditions below.
- 2 Potential for use of other casks – there is now the potential for casks which were previously used to mature other spirits not mentioned above to be used for maturation of Scotch Whisky. Again, this is subject to the prohibitions and conditions below.

WHAT CASKS ARE SPECIFICALLY PROHIBITED?

Casks with previous use which falls outside the two categories above cannot be used. For example, a cask previously used for cider would be prohibited. Further, there are specific prohibitions on using casks which were previously used to mature:

- wine, beer/ale or spirits produced from, or made with, stone fruits
- beer/ale to which fruit, flavouring or sweetening has been added after fermentation
- spirits to which fruit, flavouring or sweetening has been added after distillation

Casks used to mature these products have not been used in the past to mature Scotch Whisky and their use could in some cases impart dominant flavours and aromas to the final spirit which would not be characteristic of Scotch Whisky.

WHAT CONDITIONS APPLY TO ALLOWABLE CASKS?

The following conditions apply to any cask used in the maturation of Scotch Whisky:

- If there has been previous use of a cask for maturation, that maturation must have been part of the traditional process for the wine, beer/ale or spirit concerned. This ensures that Scotch Whisky is not matured, for example, in a unique cask created by maturing a spirit which is not matured as a traditional part of its production process. The fact that some beverages in a particular category may undergo maturation does not necessarily mean it is a traditional process for that beverage or the category to which it belongs. It is a question of fact in each case as to whether the maturation of a particular beverage is traditional. Calvados would be an example of a spirit which is matured as part of its traditional process but gin is not.
- All casks used must result in a spirit which has the taste, aroma and colour characteristics generally found in Scotch Whisky. To use an example for colour, if Scotch Whisky is matured in a wine cask until it becomes bright pink or red, it will no longer qualify as Scotch Whisky.

FINISHING

Finishing is an extension of maturation. For the avoidance of doubt, these requirements apply to all maturation of Scotch Whisky, including finishing.

CASK COMBINATIONS AND REPAIRS

Traditional reconstruction and repair of casks is unaffected. A combination of allowable casks can be used to mature the final spirit and a combination of staves from allowable casks may be used to reconstruct and repair casks.

REPLICATION



Replication of allowable casks continues to be permitted as long as the replication is equivalent to the traditional maturation being replicated in both time and other factors so that the oak is affected in an equivalent manner. As at present, replication should be treated with caution, and whether a replicated cask is acceptable will depend upon the facts of each case.

If any company is considering using a cask which could conceivably be regarded as novel in the production of Scotch Whisky, it is strongly recommended to contact the SWA's legal affairs team. All such enquiries will be treated in the strictest confidence. Contact the legal affairs team at legal@swa.org.uk | (+44)131 222 9218

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