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STATUTORY INSTRUMENTS

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**2009 No. 2890**

**The Scotch Whisky Regulations 2009**

**Names of distilleries and distillers etc.**

9.—(1) The name of a distillery mentioned in Schedule 1 must not be used as a brand name, or as part of a brand name of a Scotch Whisky, or be used in a similar fashion in terms of its positioning or prominence, unless the whisky has been wholly distilled at that distillery.

(2) Any name adopted for a Scotch Whisky distillery after these Regulations come into force, including the name of a new or re-opened Scotch Whisky distillery, must not be used by the proprietor of that distillery as a brand name, or as part of a brand name, for a Scotch Whisky, or be used in a similar fashion in terms of its position or prominence, unless the Scotch Whisky has been wholly distilled at that distillery.

(3) But paragraph (2) does not apply in the circumstances specified in Schedule 2.

(4) Scotch Whisky must not be labelled, packaged, advertised or promoted in any other way that, having regard to the presentation of the product as a whole, creates a likelihood that the public may think that it has been distilled at any distillery or place other than the distillery or place at which it was actually distilled.

(5) Single Malt Scotch Whisky and Single Grain Scotch Whisky must not be labelled, packaged, advertised or promoted in any way that, having regard to the presentation of the product as a whole, creates a likelihood that the public may think that the whisky was distilled by any person other than the person who distilled it, or the owner or operator of the distillery at which it was distilled, whether by an indication that that person is the distiller, the owner or operator of the distillery, or otherwise.

(6) A person must not label, package, advertise or promote any Scotch Whisky in a way that contravenes the requirements of paragraph (1), (2), (4) or (5), or sell any Scotch Whisky that has been labelled or packaged in that way.