

# The Zero-Alcohol Divide: Law, Policy, and Minors

The rapid growth of the zero and low-alcohol beer market has introduced an interesting legal and ethical dilemma for the UK's licensed trade: should a product that is legally classified as a soft drink be sold to under-18s, particularly when it is packaged and marketed identically to its alcoholic counterparts?

The decision to sell or refuse a 'no-alcohol' beer to a minor sits at the crossroads of strict statutory law and self-imposed industry policy, driven largely by the need to adhere to the core Licensing Objectives.

## 1. The Legal Position: What the Law Says

The primary piece of legislation governing the sale of alcohol in England and Wales is the **Licensing Act 2003**. Crucially, the Act provides a clear definition of what constitutes 'alcohol' for the purposes of sales to minors:

- **Below 0.5% ABV is NOT Alcohol:** The Act defines alcohol as spirits, wine, beer, cider, and other fermented or distilled liquors that exceed **0.5% Alcohol by Volume (ABV)**.
- **Zero-Alcohol Beers are Soft Drinks:** Zero-alcohol beers, typically labelled as 0.0% ABV or "Alcohol-Free" (up to 0.05% ABV) or "De-alcoholised" (up to 0.5% ABV), therefore fall *outside* the scope of the Act's age restriction offences.
- **The Outcome:** Legally, there is **no statutory offence** committed by selling a drink that is 0.5% ABV or below to a person under the age of 18. This means, in principle, a 15-year-old is legally entitled to buy a 0.0% beer.

### The Right to Refuse Service

Despite the clear legal position, premises (pubs, bars, and retailers) retain a fundamental **common law right** to refuse service to anyone, provided the refusal is not discriminatory (e.g., based on race, gender, or disability). This right is the cornerstone of the industry's proactive policy.

## 2. Licensed Industry Policy and Practice

In reality, the licensed trade operates on a principle of caution, which is why most national chains and major retailers have implemented blanket policies prohibiting the sale of zero-alcohol beers to minors.

### Policy Drivers (Why the Refusal?)

1. **Staff Error and Risk Mitigation:** The primary concern is the potential for staff confusion.

The packaging of 0.0% ABV products is often visually identical to their 4% or 5% ABV versions. Expecting a busy bar or retail worker to constantly check the fine print of every label for every under-18 customer dramatically increases the risk of them mistakenly selling a **genuine** alcoholic product to a minor—a serious criminal offence carrying severe penalties, including hefty fines and the suspension of the premises licence.

2. **Challenge 25 Policy Extension:** Many businesses extend their 'Challenge 25' policy (requiring ID from anyone who looks under 25 when buying alcohol) to cover all low or non-alcoholic alternatives. This creates a consistent, easy-to-enforce rule: *if it looks like beer, you must be 18+ to buy it.*
3. **Normalisation and Social Responsibility:** There is a genuine industry concern, often supported by public health advice, that allowing children to consume adult-marketed beverages that mimic the taste, appearance, and consumption rituals of alcohol could contribute to the **normalisation of drinking behaviour** at an early age. This position is supported by groups like the Portman Group, which advises that marketing for alcohol alternatives should not "have a particular appeal to under-18s."

### 3. The Licensing Objectives and Zero-Alcohol Sales

All decisions made by license holders and local authorities are framed by the four **Licensing Objectives** :

#### 1. The Protection of Children from Harm (Primary Focus)

This objective is the most relevant in this debate. Although 0.0% beer is not legally 'harmful' in terms of alcohol content, the industry's strict policy of refusal serves to:

- **Prevent Future Harm:** By avoiding the normalisation of adult drinking patterns.
- **Protect from Legal Harm:** By ensuring staff never accidentally commit the criminal offence of selling genuine alcohol to a child, thereby protecting the premises licence and the community's safety.

#### 2. The Prevention of Crime and Disorder

A blanket age-verification policy for all beer-lookalike products helps prevent disorder by removing ambiguity. It simplifies the rules for customers and staff, reducing the likelihood of arguments or police involvement over mistaken alcohol sales.

#### 3. Public Safety & 4. The Prevention of Public Nuisance

While less directly related, a licence holder promoting a clear, responsible image through rigorous age-checking policies contributes to overall public safety and good conduct within the community.

In conclusion, while the law permits the sale of sub-0.5% ABV drinks to minors, the vast majority of the licensed trade chooses not to, viewing the policy of refusal as an essential, proactive measure to promote the **Protection of children from harm** objective and

safeguard their legal standing.