

Proposal P1050 – Submission Template

Please use the template below to provide your submission to Proposal P1050 – Pregnancy warning labels on alcoholic beverages. Please submit this to FSANZ as a word document (if required, a pdf of the submission may also be provided in addition to the word document).

For information about making a submission, including what your submission should include, visit the FSANZ website at [information for submitters](#).

Submission to Proposal P1050 – Pregnancy warning labels on alcoholic beverages

A. Name and contact details (position, address, telephone number, and email address):

B. For organisations, the level at which the submission was authorised:

Australian Chronic Disease Prevention Alliance (Executive Officer)

C. Summary (optional but recommended if the submission is lengthy):

The Australian Chronic Disease Prevention Alliance (ACDPA) brings together Cancer Council Australia, the National Heart Foundation of Australia, Diabetes Australia, Stroke Foundation and Kidney Health Australia in the prevention of chronic disease through improving modifiable risk factors. ACDPA members collectively advocate for prevention, integrated risk assessment and effective management of chronic disease risk.

ACDPA strongly supports mandatory pregnancy warning labels on alcoholic beverages to provide information to consumers on the potential risks of alcohol during pregnancy and to remind women not to drink while pregnant. ACDPA supports that the label design be prescriptive, legible and prominent on packaging. Additionally, it must be easily understood by consumers. Many of these features have been met in the proposed warning label design, including colour, inclusion of signal words, a clear warning statement and a pictogram, of which ACDPA is supportive. ACDPA recommends several improvements to further strengthen the warning label design and its potential effectiveness. These recommendations include:

- Prohibiting placement of the warning label on the base of the product.
- Applying the pictogram, without the warning statement, to beverages less than 100mL rather than the proposed 200mL.
- Removing the category 200-800mL and creating only two categories,
- Applying the pictogram, with minimum size 8mm, and warning statement, with minimum font size of 3mm, to all beverages over 100mL.

Mandatory labelling must be supported by comprehensive public awareness campaigns to enhance the effectiveness of these initiatives to reduce alcohol consumption during pregnancy and potential lifelong harm to unborn babies. It is imperative that these campaigns are not solely the responsibility of public health groups. ACDPA recommends greater government investment in consumer education and high-quality evaluation.

Comments to specified sections of P1050 Call for Submissions (CFS) report:

D. Literature review on the effectiveness of warning labels (section 3.1.1 of CFS)

ACDPA appreciates that time constraints prevented the literature review from being peer

reviewed prior to this consultation period. ACDPA recommends that professionals with suitable experience and qualifications, and independent of the alcohol industry undertake the peer review and that any issues identified during peer review be adequately addressed. Furthermore, we recommend clarity be provided on how the outcomes of the literature review have informed the proposed approach.

E. Consumer testing of warning statements (section 3.1.2)

ACDPA is pleased to see that consumer testing was undertaken to evaluate the wording of possible warning statements. The comparatively poorer results for the existing statement *it's safest not to drink while pregnant*, and the concerning finding that approximately 1 in 5 women's interpretation of this statement contradicted public health advice, reinforces the urgent need to change the current terminology. A clear warning statement, understood by consumers, is imperative to ensure that the purpose of the pregnancy warning statement is achieved – i.e. to inform consumers not to drink alcohol during pregnancy.

F. Pictogram (section 3.2.2.2)

ACDPA supports the use of the pictogram proposed by FSANZ as part of the mandated pregnancy warning label, including the proposed colours. ACDPA is concerned that the size proposed for the pictogram is smaller than what is currently being used in the voluntary warning labels, potentially limiting the effectiveness of the image.

G. Warning statement (section 3.2.2.3)

ACDPA strongly supports an update to the existing wording on the voluntary labels *it's safest not to drink while pregnant*, given it does not adequately portray the evidence-based advice not to drink whilst pregnant. ACDPA supports the use of the warning statement proposed by FSANZ *any amount of alcohol can harm your baby*.

H. Design labelling elements (section 3.2.2.4)

ACDPA strongly supports a prescriptive approach to label design and a label that is legible for the consumer. ACPDA welcomes the inclusion of many of the evidence-based design elements in the proposed label. ACDPA is supportive of the pictogram appearing in a red circle with a red strikethrough and on a white background; the use of *Health warning* in capitals and red; the warning statement and pictogram in a white box with a border; and a border and a space of 3mm outside the border. To increase prominence of the label for consumers ACDPA recommends the space around the border is specified to be white.

ACDPA agrees that the size of the label and position on the package are important elements of labelling design that can draw attention to the warning label. We understand that the literature review concluded that an enhancement in attention can be achieved through manipulation of different design factors such as size and orientation. ACDPA is however concerned that lack of prescription of some design elements may limit the effectiveness of the warning. Concerns with the current proposal are outlined in Section I.

I. Summary of proposed pregnancy warning label design (section 3.2.2.5)

As highlighted above, ACDPA strongly supports the chosen colours, use of a clear font, warning statement, pictorial, and warning signal as well as a border for the label.

The Call for Submissions document clearly identifies that there is evidence to support that front of pack labelling is more effective. ACDPA appreciates that there are challenges with prescribing the position for the warning label due to international trade agreements. At minimum, ACDPA recommends that a clause be included regarding the location of the warning label to state that it cannot be placed on the base of a product. The 2013 audit by FARE found that the warning label was found on the bottom of 4% of products included in the audit. Whilst this is a small amount, when labelling becomes mandatory there is potential that this could increase. To ensure consumers can see the warning, placement should not be permitted on the base of the product.

ACDPA has further concerns regarding placement of the warning, particularly the potential proximity of the warning to the 'drink responsibly' messaging. These present conflicting messages to consumers, which can lead to confusion and potentially weaken the impact of the pregnancy warning label. We are unclear as to whether the use of the border will adequately prevent confusion.

Warning labels should be prominent and legible. The size of a label, as highlighted in the review, is a critical design element to maximise the effect. ACDPA has concerns about the sizes of the proposed labels. Firstly, we are unclear as to delineation of the type of warning based on product size by volume. The previous consultations included the proposal that beverages of less than 100mL would apply the pictogram only, however the current FSANZ proposal applies the pictogram only to containers that are equal to or less than 200mL. ACDPA is concerned that the proposed minimum size required to have the complete warning label means that larger products, such as piccolo bottles of wine that contain approximately two standard drinks, would only be required to contain a pictogram. We recommend that the size of the container that contains a pictogram only be limited to 100mL or less. ACDPA supports the size of the pictogram image proposed for smaller products.

The category 200-800mL is a large category and would likely contain most alcohol products in the market. ACDPA recommends that there be only two categories in place. Products less than 100mL with the pictogram only and products greater than 100mL with an appropriately sized warning label, including the text and pictogram. The size of the label proposed for the 200-800mL category is currently inadequate and ACDPA have significant concerns about the legibility of this label. This label and the proposed label for products over 800mL have a text size that is smaller than the font size that is currently prescribed for warning statements in the code (3mm). At minimum the font size of the warning on beverages over 100mL should be 3mm to align with the other warning labels in the code. Additionally, the pictogram size for this category is below the current voluntary approach (8mm) and at minimum this size should apply to all beverages over 100mL.

Reference:

FARE Audit: <http://fare.org.au/wp-content/uploads/Alcohol-Label-Audit-September-2013.pdf>

J. Beverages to carry the pregnancy warning label (section 3.2.3)

ACDPA recommends that the warning label should apply to all beverages that have greater than 0.5%ABV. This would be consistent with international guidelines, current evidence and the messaging used in the label that there is no known safe level of alcohol during pregnancy. Applying the warning label to beverages with 0.5%ABV or more provides clear information to pregnant women about products that contain alcohol, enabling them to make an informed choice to minimise harm to their unborn baby.

K. Application to different types of sales (section 3.2.4)

ACDPA agrees with the approach for the application depending on type of sale outlined in section 3.2.4.

L. Application to different types of packages (section 3.2.5)

ACDPA supports FSANZ's planned approach for the different types of packages. ACDPA notes that the concerns regarding the pregnancy warning label design for the different packages, outlined in sections H and I above, remain.

M. Consideration of costs and benefits (section 3.4.1.1 of CFS)

ACDPA supports FSANZ's assessment of the costs and benefits of this change. ACDPA agrees that a mandatory approach to pregnancy warning labels on alcoholic beverages offers the greatest community benefit.

N. Transitional arrangements (section 4.1 of CFS)

ACDPA recommends the transitional arrangements for implementation be over a 12-month period, rather than two years, proposed by FSANZ in the document. A shorter timeframe will enable consumers to be exposed to the label sooner, offering earlier protection of public health and safety.

O. Draft variation to the Australia New Zealand Food Standards Code (Attachment A of CFS)

There are no comments on the draft variation included as Attachment A as it accurately reflects what is included in the proposal. ACDPA has no further recommendations above those covered in earlier responses, that would impact on the Code. Any updates to the proposed warning label design will need to be incorporated into the variation to the Australia New Zealand Food Standards Code.

P. Other comments (within the scope of P1050 – see section 1.5 of the CFS)

ACDPA is providing further comment on sections 4.3 Education and 4.4 Monitoring and evaluation.

Consumer education on the change of labels and the risks of drinking during pregnancy is critical to enhancing the success and impact of this change. Whilst many public health agencies will incorporate information about the labels in their education materials as expected, this is inadequate to raise awareness within the community of the change to labels and potential harm caused to the unborn baby when alcohol is consumed during pregnancy. The consumer testing of the warning labels highlighted that a proportion of women interpret the existing warning label message in a way that is inconsistent with public health advice. This, along with evidence of poor understanding of guidelines for alcohol and pregnancy, highlights the importance of consumer education to support labelling initiatives. ACDPA recommends that government funding be invested in a public awareness campaign on the risks of alcohol during pregnancy, in conjunction with the addition of mandatory labels.

The implementation of mandatory pregnancy warning labels on alcoholic beverages must be adequately monitored and evaluated to assess implementation and effectiveness. ACDPA recommends that government funding be provided to enable a formal evaluation of the changes. Given the limited evidence on international implementation of pregnancy warning labels, this presents an opportunity for Australia and New Zealand to lead the way in evaluation of these labels.