

16 November 2022

[REDACTED]  
[REDACTED]  
National Public Health Service  
Te Whatu Ora – Health New Zealand

Tēnā koe,

**Submission to Food Standards Australia and New Zealand – Application  
A1256 – Colour of Pregnancy Warning Labels for Corrugated Cardboard  
Packaging.**

Thank you for the opportunity to provide feedback on the application to amend the  
Australia New Zealand Food Standards Code: *Printing requirements for corrugated  
cardboard outer packaging*.

If you have any questions about our comments below, please do not hesitate to contact  
me.

Ngā mihi,

[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]

1. Te Whatu Ora supports the requirements of Proposal P1050 '*Pregnancy Warning Labels on Alcoholic Beverages*' as incorporated into the Australia New Zealand Food Standards Code (the Code), including the scope, application, size and colour requirements of the warning labels.
2. Decisions about the mandated label were based on well-established research around the harm that alcohol can cause to unborn babies. A conservative estimate of at least 1800 babies are born in Aotearoa each year with Fetal Alcohol Spectrum Disorder (FASD).<sup>1</sup> The economic health-related costs have been estimated at approximately \$95,977.55 for each person living with FASD over their lifetime.<sup>2</sup> However, this total cost estimate is likely to be an underestimation as it did not take into account the social, emotional, health and economic impact on families/caregivers, and other costs associated with the wider secondary harms resulting from FASD. Many of these lifelong costs have never been quantified.
3. Research has also estimated that the lost productivity costs associated with FASD in Aotearoa range from \$49 million to \$200 million per year (based on 2013 costs).<sup>3</sup> In addition, it is estimated that 10-36% of the prison population has FASD<sup>4</sup>, with the annual cost to house a prisoner estimated at approximately \$150,000.<sup>5</sup>
4. Te Whatu Ora is concerned that the FSANZ draft food regulatory measure responding to Application A1256 – *Colour of Pregnancy Warning Labels for Corrugated Cardboard Packaging*, may compromise the objectives of P1050. The proposed measure represents a weakening of this important policy that helps prevent alcohol harm during pregnancy, including FASD.
5. The inclusion of Proposal P1050 into the Code applies to all packaged alcoholic products (with more than 1.15% alcohol by volume) available for retail sale. The only exception to this is when the beverage is packaged in the presence of the purchaser, for example wine or beer served in a glass at a restaurant or bar. There are no exceptions provided in the Code for products with packaging that has different technical, printing or cost requirements, and no exceptions for low or unknown volumes of packaged products.
6. These requirements are supported by the evidence considered by FSANZ during the P1050 consultation process. This evidence indicated that alcohol packaging should use prescribed colours (particularly the use of red), that achieve a consistent high contrast label, that is legible, noticeable and indicates the hazard being communicated. In the review of P1050, FSANZ assessed that changing the colour requirements of the warning,

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<sup>1</sup> Amohia Te Waiora (2022). Hapūtanga: How alcohol affects your baby. Accessed from:

<https://www.alcohol.org.nz/wellbeing/whanau-family-health/haputanga/#:text=FASD%20is%20a%20lifelong%20disability,by%20not%20drinking%20while%20pregnant> on 9 November, 2022.

<sup>2</sup> Joint Food Regulation System. Decision Regulation Impact Statement: Pregnancy warning labels on packaged alcoholic beverages (2018). Accessed from <https://foodregulation.gov.au/internet/fr/publishing.nsf/Content/pregnancy-warnings-alcohol-labels> (accessed on Nov 9, 2022).

<sup>3</sup> Easton, B., Burd, L., Rehm, J., Popova, S. (2016). Productivity losses associated with Fetal Alcohol Spectrum Disorder in New Zealand. *New Zealand Medical Journal*; 129: 72-83.

<sup>4</sup> McCormack, J., McGinn, V., Marsh, S., Newcombe, D., Bilen, C., Chu, J. (2021). Fetal alcohol spectrum disorder and prisoners: the need for research-informed action. 134:4.

<sup>5</sup> 'Expensive failure': NZ's cost per prisoner hits \$150,000 a year. *New Zealand Herald*. Accessed from <https://www.nzherald.co.nz/nz/exclusive-expensive-failure-new-zealands-cost-per-prisoner-rises-while-jail-population-dwindles/PU15ZGXWSLRYXFWZAUM3L5SZU>. Accessed on 9 November, 2022.

particularly the removal of the colour red, would undermine the label's effectiveness in reducing the prevalence and severity of FASD.

7. Te Whatu Ora have several other specific concerns with the proposal and these are outlined below:

- a. The Application outlines apprehensions that an unclear warning label in 3 colours (black, white and red) will undermine its effectiveness. We believe that by increasing the size of the label this problem can be mitigated.
- b. Furthermore, removing the colour red from the warning label will mean that it is less visually distinctive undermining its effectiveness. It is important that the evidence behind the pregnancy warning labels, including evidence-based colour schemes and other details, are maintained.
- c. Evidence supports prescribing colour to achieve a consistent high-contrast label which is important for legibility and noticeability, and therefore label efficacy. Evidence also shows that red is the best colour as consumers consistently associate it with 'hazard'.<sup>6</sup>
- d. We note the alcohol industry has had a long lead in time to comply with the requirements and also has proven their ability to print on corrugated cardboard cartons (CCC) packaging with various colours for other purposes, such as branding.
- e. The cost benefit analysis presented by the Application is not fully considered and ignores the previous analysis undertaken by FSANZ. As FSANZ has noted previously, *preventing just a few people from getting FASD easily covers the high-end estimates of the cost of implementation*. The alcohol industry also has the ability to pass any increased cost onto the distributor or end consumer.
- f. More detailed analysis of the proposed amendment is required to illustrate the potential impact at point-of-sale. The Application says *"the use of CCCs (Corrugated Cardboard Cartons) at the point of sale is difficult to quantify"* and it is working on an assumption that *"less than 10% of all products are packaged in CCCs at the point of sale"*. Making amendments to evidence-based proposals on the basis of 'assumptions' is of concern. Often alcohol displays in supermarkets and bottle stores have large quantities (e.g. pellets) of CCC packaged alcohol on display meaning a lost opportunity for effective messaging around alcohol and pregnancy.
- g. Additionally, the types of alcohol products that are mentioned in the Application are popular with female drinkers in Aotearoa. Ready-to-drink (RTD) products and wine have special appeal to women. RTD consumption in Aotearoa has increased over time and is especially prevalent amongst women. Research spanning 2013 to 2016

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<sup>6</sup> Tinawi, G., Gray, T., Knight, T., Glass, C., Domanski, N., Wilson, N., Hoek, J., & Thomson, G. (2018). Highly deficient alcohol health warning labels in a high-income country with a voluntary system. *Drug & Alcohol Review*. DOI: 10.1111/dar.12814.

showed that women in Aotearoa aged between 18-44 years were 40% more likely to drink RTDs than men.<sup>7</sup> In relation to wine, 40% of women in Aotearoa between the ages of 18-24 years reported consuming wine and this increases with age.<sup>8</sup> Therefore, it is concerning that the products most preferred by women are more likely to be impacted by the proposed amendments.

- h. Proposed amendments to the warning labels need to be future-proofed as much as possible, front footing changes in purchasing patterns. For example, online alcohol sales have gone through a significant period of growth in Aotearoa over the past few years and this has clear implications for the messaging on CCC packaging.
- i. Following the pandemic, there has been significant growth in application for online alcohol retailers in Aotearoa. For example, in Auckland, online-only alcohol retailers (i.e. remote sellers) increased from 136 in December 2019 to 200 in October 2021, representing a 47% increase.<sup>9</sup>
- j. Similarly an increasing proportion of New Zealanders are reporting that they are purchasing alcohol online with significant growth in Māori and 18-49 year old cohorts.<sup>10</sup>
- k. Māori drinkers reported significantly higher levels of online purchases for the first time (27%) when compared with non-Māori drinkers (14% among Pacific peoples, 13% among NZ European/Other).<sup>11</sup>
- l. Lastly, Te Whatu Ora understands that the transition period for implementation of the pregnancy warning label was already extended from two to three years in June 2020 when FSANZ also **reaffirmed** the colour requirements of the label. We believe that the timeline for implementation should not be extended any further as is proposed.
- m. FASD is preventable by avoiding alcohol consumption during pregnancy. Available data show that approximately 26% of women in Australia<sup>12</sup> and approximately 23% of women in Aotearoa continue to consume alcohol while pregnant.<sup>13</sup>

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<sup>7</sup> Health Promotion Agency (2015). Women's alcohol use and harms compared with men's. Alcohol NZ. Accessed from <https://resources.alcohol.org.nz/resources-research/alcohol-resources/research-and-publications/alcoholnz-june-2015/> on 9 November 2022. Vol.5, No.2, p.21.

<sup>8</sup> Ibid.


<sup>9</sup> Auckland Council (2021). *Minutes of the Auckland Council Regulatory Committee*. Auckland, New Zealand. Accessed from: [https://infocouncil.aucklandcouncil.govt.nz/Open/2021/11/REG\\_20211109\\_MIN\\_10509.PDF](https://infocouncil.aucklandcouncil.govt.nz/Open/2021/11/REG_20211109_MIN_10509.PDF)

<sup>10</sup> Health Promotion Agency (2022). *Impact of COVID-19 August/September 2021: Topline Results – Wave 3*. Wellington, New Zealand. Accessed from <https://www.hpa.org.nz/research-library/research-publication/impact-of-covid-19-august-september-2021-topline-results---wave-3> on 9 November 2022.

<sup>11</sup> Ibid.

<sup>12</sup> Australian Government Department of Health and Aged Care (2022). *Pregnancy Care Guidelines: Alcohol*. Accessed from: <https://www.health.gov.au/resources/pregnancy-care-guidelines/part-c-lifestyle-considerations/alcohol> on 9 November 2022.

<sup>13</sup> Rossen, F., Newcombe, D., Parag, V., Underwood, L., Marsh, S., Berry, S., Grant, C., Morton, S., Bullen, C. (2018). Alcohol Consumption in New Zealand women before and during pregnancy: findings from the Growing Up in New Zealand Study. *New Zealand Medical Journal*, Vol 131, No. 1479.

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- n. Available evidence indicates that when combined with other public health initiatives, pregnancy warning labels contribute to increased awareness of the risks associated with drinking alcohol while pregnant and encourage behaviour change. They can also contribute to the development of social norms to support this behaviour change.<sup>14</sup>

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<sup>14</sup> Tinawi, G., Gray, T., Knight, T., Glass, C., Domanski, N., Wilson, N., Hoek, J., & Thomson, G. (2018). Highly deficient alcohol health warning labels in a high-income country with a voluntary system. *Drug & Alcohol Review*. DOI: 10.1111/dar.12814.