

### Comments from the Victorian Department of Health and the Victorian Department of Jobs, Precincts and Regions.

#### Due date of submission – 16 November 2022

The Victorian Departments of Health and Jobs, Precincts and Regions (the departments) welcome the opportunity to respond to this application to amend the Australia New Zealand Food Standards Code (the Code).

Application A1256 – *Colour of pregnancy warning labels for corrugated cardboard packaging* seeks to permit pregnancy warning labels on corrugated cardboard packaging used for multiple individual units of alcoholic beverages to vary from the specifications in Standard 1.1.2 of the Code, allowing the warnings to be in a single colour on a contrasting background.

From the Food Standards Australia New Zealand (FSANZ) Assessment report it is understood that:

- The Brewers Association of New Zealand has identified a technical issue with printing pregnancy warning labelling on corrugated cardboard packaging in the required colours of red, black and white. Elements of the pregnancy warning mark are misaligned when applying three colours during the post-print (flexographic) printing process.<sup>1</sup>
- The alternative options explored to rectify the misalignment issue have been described as unsuitable, leading to this Application to amend the Code to allow an alternative pregnancy warning mark on exterior packaging explicitly for the flexographic printing process.
- Assessment of the requested amendment to the pregnancy warning mark was completed and the following modifications proposed by FSANZ:
  - To increase the existing minimum size of type for the signal words and statement and the pictogram
  - diameter of the circle with diagonal strikethrough be increased by around 25%
  - the text, pictogram and border be in the single colour black
  - the background be the same colour as the corrugated cardboard outside liner (that is, kraft brown, recycled brown or grey, or white).

The (then) Australia and New Zealand Ministerial Forum on Food Regulation (now the Food Ministers' Meeting) confirmed its ongoing commitment to mandatory pregnancy warning labels and agreed on the colours and signal wording in the pregnancy warning label design proposed under P1050 – *Pregnancy warning labels on alcoholic beverages*.<sup>2</sup> These labelling requirements were assessed for effectiveness and were implemented to assist with reducing the prevalence of foetal alcohol spectrum disorder. Any proposal to amend the label design should therefore carefully consider the impact on overall effectiveness of the label and associated trade-offs.

FSANZ has accepted that the application of three colours presents a technical problem for this form of packaging. However, the departments believe that further examination is

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<sup>1</sup> A post-print (flexographic) printing process involves printing directly onto the outside of the corrugated cardboard packaging using flexible raised image printing plates.

<sup>2</sup> [Proposal P1050 – Pregnancy warning labels on alcoholic beverages](#)

required to establish why amendment of the Code is the most appropriate mechanism to address this technical problem, with particular focus on the extent of the misalignment problem and its impact on efficacy of the label, whether alternative three-colour designs could address the problem and more detailed assessment of how a single colour design is expected to affect the efficacy of the label.

It is not clear from the assessment report how many labels will be misaligned, the extent to which they will be misaligned or how either of these factors will impact overall efficacy of the design. For example, the assessment report does not indicate whether a slight misalignment of the label will mean that it ceases to serve as a warning if it is still legible and consumers are already familiar with the design and intent of the label. This information is considered necessary to demonstrate a case to amend the Code.

Similarly, it is not clear from the assessment report if other design options using the three prescribed colours were explored to resolve the misalignment issue. Further assessment of labelling design options within the permitted parameters, for example increasing the size of the white background around the red warning text, would be instructive. Anecdotal data indicates that this option has been adopted by other manufacturers and could be explored.

Finally, the assessment report concludes that the proposed change will not lead to an overall decrease in the effectiveness of the labels on corrugated cardboard outer packaging. However, it is not clear how this conclusion was reached when earlier consumer research, including the research cited in the assessment report, found that red was a critical component of effectiveness of a warning label that could not necessarily be compensated for by an increase in size. This was supported by ministers when they considered P1050 and, for this reason, flexibility in the design of the pregnancy warning label was not built into the standard that was agreed. This provided a consistent approach in support of public health messaging. As such, further substantiation of the conclusion reached by FSANZ regarding effectiveness of the proposed label requirements is required to justify a move away from the current position.

If FSANZ cannot clearly demonstrate that the proposed new labels will be equally effective within the context that they are likely to be displayed, information needs to be presented regarding the costs savings to industry associated with the proposed change to enable ministers to make a fully informed decision regarding the trade-off between cost and effectiveness.

FSANZ undertook extensive consultation and consideration of issues in the previous work to establish the current pregnancy warning labels. The departments are of the view that the proposed amendments of Application 1256 require further analysis and clarification in order to progress this amendment to the Code.