

## **Application 1256 – Colour of pregnancy warning labels for corrugated cardboard packaging**

### **1<sup>st</sup> call for submissions (CFS)**

#### **Summary**

NSW appreciates the opportunity to comment on Application 1256 – Colour of pregnancy warning labels (PWL) for corrugated cardboard packaging.

The *Australian Alcohol Guidelines* recommends women who are pregnant, or breastfeeding should not consume alcohol<sup>[1]</sup>. In 2019, 35% of Australian women reported consumption of alcohol during pregnancy<sup>[2]</sup>. Alcohol consumption in pregnancy can result in preventable brain damage and behavioural and neurological harms to the foetus.

*The National Foetal Alcohol Spectrum Disorder (FASD) Strategic Action Plan 2018-2028*<sup>[3]</sup> prioritises prevention and education, including pregnancy warning labels.

NSW appreciates the practical and pragmatic discussion raised by industry in resolving technical difficulties associated with implementing decisions agreed by Proposal 1050 (Pregnancy Warning Labels on alcoholic beverages).

The amended transition period for matters considered under Application 1256 compared to Proposal 1050 needs to be clearly communicated to stakeholders to avoid confusion as to what needs to be labelled for product released to the market on or after 1 August 2023, and what PWL applies after 1 February 2024.

NSW seeks further clarity on some issues from FSANZ to enhance consistent interpretation and application of requirements agreed by the Food Ministers Meeting (FMM) through P 1050 and modified through this application.

NSW seeks further clarity on some issues from FSANZ to avoid ambiguity in the lead up to the preparation of the approval report. Details are offered below.

#### **Package of cask wine and cardboard used to package spirits**

NSW would appreciate clarity from FSANZ that cardboard packaging used for cask wine is out of scope of Application 1256 in the approval report (i.e, requirements proposed by draft section 2.7.1—13 will not apply) as cask wine contains only 1

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<sup>1</sup> Australian Government. "Australian Guidelines to Reduce Health Risks from Drinking Alcohol." Ed. National Health and Medical Research Council 2020.

<sup>2</sup> Australian Government. "National Drug Strategy Household Survey 2019." Ed. Australian Institute of Health and Welfare 2019.

<sup>3</sup> Commonwealth of Australia. "National Fetal Alcohol Spectrum Disorder (FASD) Strategic Action Plan 2018-2028." Ed. Department of Health 2018.

individual unit (draft standard 2.7.1-13(2)(a)). NSW assumes the same situation applies to spirits when they are packaged in bottles with an outside layer of cardboard packaging.

NSW seeks this clarity to understand the PWL system that will apply to cask wine (and cardboard used to house spirit bottles) through this application and the applicable transition date, i.e. is it 31 July 2023 or 1 February 2024? Does cask wine package carry PWL for an individual unit as described in section 2.7.1—11 of the Australia New Zealand Food Standards Code (the Code) in the same way as other types of individual alcohol beverage packages (e.g. bottle, can), or is treated by draft section 2.7.1-13 as the bladder inside the box contains the alcoholic beverage?

NSW is of the view that cardboard used to package cask wine is excluded from draft section 2.7.1-13 on the basis that it only contains one individual unit (individual unit is a defined term in the Code).

### **Contrast of the colour black against the background colours of corrugated cardboard**

NSW seeks further clarity from FSANZ in the approval report for A 1256 that there is always sufficient contrast between the colour black and any of the permitted background colours (brown, white or grey) of corrugated cardboard so the PWL mark is always legible. A simple visual display in the approval report of the 3 permitted colours with example marks would assist stakeholders visually understand how corrugated cartons would appear with the design proposed by Application 1256.

### **Location of pregnancy warning mark**

NSW seeks clarity from FSANZ on the location of the PWL mark on the corrugated cardboard outer packaging considered by this application. As legibility of the PWL mark is an important factor for the PWL requirement, NSW considers there may be merit in proposing the location of the mark on the front of the carton so it is visible to the prospective consumer pre-purchase. NSW notes FSANZ commentary in the 1<sup>st</sup> CFS that warning words in red as well as the pictogram in red is supported by evidence as being more noticeable. Given the practical issues raised by the Application associated with printing the colour red, a possible means of promoting enhanced visibility and attention to PWL on corrugated cardboard could be to require that it is printed on the front of the carton. NSW requests that FSANZ consider the merits of this suggestion in progressing Application 1256.

### **Impact of extended transition period for corrugated cardboard on the operation of the rest of Standard 2.7.1 modifications made by Proposal 1050**

NSW suggests clear stakeholder communications materials are prepared to assist consumer, regulator and industry understanding of which PWL requirement to what type of package and on which date.

NSW anticipates a 6-month transition period arising from this application, where beer, cider, ready-to-drink spirit mixers and wine bottled on or after 1 August 2023 will require PWL. The corrugated cardboard containing these bottled beverages will not require PWL until 2 February 2024.

NSW understands that cardboard boxes containing cask wine and individual spirit bottles will require PWL according to transition timelines provided by Proposal 1050.

NSW suggests some simple communications materials are prepared in conjunction with the approval report to enhance stakeholder understanding of which PWL system applies to which type of packaging, and to what transition timeline.

## **ENDS**

**The views expressed in this submission may or may not accord with those of other NSW Government agencies. The NSW Food Authority has a policy which encourages the full range of NSW agency views to be submitted during the standards development stages before final assessment. Other relevant NSW Government agencies are aware of and agree with this policy.**

Dated as 14 November 2022