

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):

Organisation: Victorian Health Promotion Foundation (VicHealth)

Author: [REDACTED] Senior Project Officer

[REDACTED]
[REDACTED]

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

[REDACTED] Executive Lead, Policy Development Office, VicHealth

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

In summary, our submission states that:

- VicHealth accepts the approach to consumer testing and is supportive of the statement 'Any amount of alcohol can harm your baby'.
- VicHealth supports the proposed design of the pictogram but have concerns about the proposed size of the pictogram. VicHealth proposes that all containers 100ml and above display a pictogram of at least 8mm in diameter and warning text of at least 3mm so the warning is clear and legible to the consumer.
- VicHealth is supportive of the following design labelling elements:
 - That the design of the pictogram includes the pregnant woman being in black, placed on a white background, with a red circle and red strike-through;
 - That it includes a warning statement using the words 'HEALTH WARNING' and this appears in red;
 - That the warning statement and pictogram appear in a box with a border;
 - That there is a 3mm clear space outside the border (space should be white);
 - That the font size 3mm is used as is consistent with the current Code on warning labels;
- VicHealth recommends that to optimise consumer attention mandatory health warning labels should be located on the front of the container and in a horizontal orientation.
- VicHealth recommends FSANZ prescribe two different categories of labelling with the following requirements:
 - That all products above 100mls carry the full health warning label (pictogram and warning statement). This pictogram should be at least 8mm in diameter and warning statement at least 3mm, consistent with existing warning label requirements in the Food Standards Code.
 - That products (equal to or less than) 100mls are only required to carry the pictogram, which should be at least 8mm in diameter.
- VicHealth supports Option 2: warning labels applied to all alcohol products containing

0.5% ABV and above. This is in line with government advice that no amount of alcohol is safe during pregnancy.

- VicHealth agrees with the updated costs and benefits outlined in consultation document and believes unequivocally, that the social, economic and health benefits of preventing Foetal Alcohol Spectrum Disorder (FASD) for both individuals and the community, far outweigh the costs to industry associated with implementing a mandatory labelling scheme on alcohol products.
- VicHealth supports a 12 month transition period as it reduces delays to the possible benefits of the policy: preventing further cases of FASD and other associated harms from alcohol consumption during pregnancy such as stillbirth or premature births.
- VicHealth supports a comprehensive education and awareness campaign funded by the Australian Government to ensure consumers understand why the health warnings are being introduced and to improve information available to consumers. The campaign should align with other actions underway to prevent and manage FASD in the community.
- VicHealth is concerned that there is no clear proposal for monitoring and evaluation outlined in the CFS. A clear monitoring and evaluation framework should be established to assess the effectiveness of the pictogram and health warning message over time. Monitoring and evaluation of the mandatory labelling scheme should be conducted by experts free of commercial or vested interests.
- VicHealth is concerned that no compliance scheme has been outlined in the CFS. No government department has responsibility for ensuring industry compliance and clear sanctions for non-compliance have not been identified.
- VicHealth supports the proposal to include guidance at the time of gazettal to ensure that the alcohol industry implement labelling changes immediately.

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

E. Consumer testing of warning statements (section 3.1.2)

VicHealth accepts the approach to consumer testing is based on policy advice and evidence provided to FSANZ outlined in the Food Regulation Standing Committee (FSRC): Decision Regulation Impact Statement (DRIS).¹

FSRC recommended that consideration be given to pregnancy labels that are evidence based, and are able to be understood by a wide range of audiences. Evidence suggests that effective pregnancy warning labels contain the following elements:

- Combine a pictogram with a warning message;
- Include text that is readable and the same size as other text on the product label;
- Use short warning messages to indicate it is a warning label;
- Are separated from other information on the label, for example messages such as 'drink in moderation;'
- Use contrasting colours, with the colour red receiving the most attention and readily associated with a warning.

VicHealth accepts that all elements were included in the design for consumer testing.

VicHealth supports the statement, 'Any amount of alcohol can harm your baby' as this tested well with target audiences and meets the objectives of the FRSC: to provide an easily recognisable and clear message to pregnant women at the point of sale and consumption to not drink alcohol when they are pregnant, and that drinking alcohol products when pregnant

¹ Food Regulation Standing Committee (October 2018) *Decision Regulation Impact Statement: Pregnancy warning labels on packaged alcoholic beverages*.

can cause harm to their baby.

F. Pictogram (section 3.2.2.2)

VicHealth supports the design of the pictogram, the pregnant woman being in black, placed on a white background, with a red circle and red strike-through, and in combination with text and a warning statement. This position is supported by research conducted by Hall & Partners² which demonstrated that the information conveyed by the pictogram would be more effective in encouraging women to not consume alcohol during pregnancy if the pictogram is paired with supporting text.

VicHealth have concerns about the proposed size of the pictogram, particularly for products in the 200-800ml category as it will be smaller than current voluntary labels. VicHealth proposes that all containers 100ml and above display a pictogram of at least 8mm in diameter and warning text of at least 3mm, so the warning is clear and legible to the consumer. This is consistent with the font size required under current Food Standards Code (Code) labelling requirements.

A clear monitoring and evaluation framework should be established to assess the effectiveness of the pictogram and health warning message over time. Indicators of effectiveness should be developed in consultation with public health experts to ensure the pictogram and health warning messages are working as intended to increase consumer health knowledge and awareness of the risks associated with consuming alcohol when pregnant. Monitoring and evaluation of the mandatory labelling scheme should be conducted by experts free of commercial or vested interests.

G. Warning statement (section 3.2.2.3)

VicHealth is supportive of the shorter statement 'Any amount of alcohol can harm your baby'.

H. Design labelling elements (section 3.2.2.4)

Research shows that a consistent application of warning labels increases awareness and aids effectiveness,³ with particular attention to font and size of text, colour, placement and orientation of the label.⁴

VicHealth is supportive of the following design labelling elements:

- That the design of the pictogram includes the pregnant woman being in black, placed on a white background, with a red circle and red strike-through;
- That it includes a warning statement using the words 'HEALTH WARNING' and this appears in red;
- That the warning statement and pictogram appear in a box with a border;
- That there is a 3mm clear space outside the border (space should be white);
- That the font size 3mm is used as is consistent with the current Code on warning labels;

Findings from the literature review⁵ indicate that consumers would be more likely to notice the

² Hall & Partners (April 2018). *Understanding of consumer information messaging on alcohol products: Focus group testing report*. Canberra: Australia.

³ Hall & Partners (April 2018). *Understanding of consumer information messaging on alcohol products: Focus group testing report*. Canberra: Australia.

⁴ Stockwell, T.R. (2006). *A review of research into the impacts of alcohol warning labels on attitudes and behaviour*. British Columbia, Canada: Centre of Addictions Research of BC, University of Victoria.

⁵ Food Standards Australia New Zealand (FSANZ) (September 2019) *Pregnancy warning labels on packaged alcohol: A recent review of the literature*.

label if it were located at the front of the container and displayed horizontally. FSANZ has proposed not prescribing location and label orientation due to wine free trade agreements and the current absence of requirements in the Code. FSANZ also notes that no other countries currently mandate on location for warning labels. While VicHealth acknowledges Australia's international obligations in regards alcohol labelling, we strongly contest the position that these agreements may be a barrier to ensuring effective placement options for health information.

VicHealth recommends that to optimise consumer attention that mandatory health warning labels be located on the front of the container and in a horizontal orientation. If location and orientation are to be determined by industry, then VicHealth strongly advises that government advice accompanying the mandatory labelling scheme identify best practice approaches to providing health information to consumers, which would include where possible, labels applied to the front of containers horizontally for optimum readability and clarity.

VicHealth supports a clarification of the allowable proximity of the 'drink responsibly' messaging, and further testing to ensure that this messaging doesn't undermine government advice not to drink alcohol during pregnancy.

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

FSANZ has proposed three labelling categories (under 200mls, 200-800mls and above 800mls). FSANZ has also proposed labelling categories for outer packaging of products such as carton or multipack. The rationale for creating different labelling categories for different size alcohol products (by container volume) has not been established by FSANZ within the CFS.

Evidence⁶ suggests that the pictogram is most effective when used in conjunction with a health warning message. To ensure greater coverage of the health warning, VicHealth strongly recommends that the threshold below which products are only required to display the pictogram should be 100mls, as the threshold of 200mls proposed by FSANZ does not recognise the relative risk of different products. For example, small bottles of wine (187ml) contain around 2 standard drinks, more than a larger 287 ml serve of a ready-to-drink product, which contains 1 standard drink. Setting a threshold of 200ml misses the opportunity to apply the most effective health warning to a larger number of alcohol products, of which there are many below 200mls. VicHealth recommends that the suggested pictogram diameter size of 8mm for this category (below 100mls) is appropriate.

VicHealth does not accept the need for the second category (products between 200-800mls) as it fails to meet minimum specifications in the Code and is not supported by evidence. The proposed size of the pictogram (6mm) is smaller than those currently on the market under the voluntary labelling scheme (8mm) and the proposed font size of the warning text (2.1mm or 6 point) is smaller than the minimum already specified in the Code, which requires the font size of warning statements to be at least 3 mm and 1.5 mm for small packages.

VicHealth considers the size of the label as fundamental to optimising consumer attention. The literature review confirms that the effectiveness of the warning label increases with size, and that larger size increases consumer recall. If the objective of the label is to provide consumers with a clear, understandable and easily observable health warning, at a minimum, the size of the warning text must be large enough to be noticed and read. The proposed 2.1mm (6 pt) warning text size for the proposed 200-800m category is well below the size required and would fail to meet these objectives.

⁶ Hall & Partners (April 2018). *Understanding of consumer information messaging on alcohol products: Focus group testing report*. Canberra: Australia.

VicHealth recommends FSANZ prescribe two different categories of labelling with the following requirements:

- That all products above 100mls carry the full health warning label (pictogram and warning statement). This pictogram should be at least 8mm in diameter and warning statement at least 3mm, consistent with existing warning label requirements in the Code.
- That products (equal to or less than) 100mls are only required to carry the pictogram, which should be at least 8mm in diameter.

VicHealth supports the proposed size requirements for outer packages, and for multi-packages.

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

VicHealth supports Option 2: warning labels applied to all alcohol products containing 0.5% ABV and above. This is in line with government advice that no amount of alcohol is safe during pregnancy.

VicHealth recommends FSANZ seek further policy advice about the implications for pregnant women who may consume non-alcoholic products that contain up to 3-4% ABV but are not represented as alcohol products, nor permitted with the Code to be represented as alcohol products, such as Kombucha. Women who are pregnant or considering having children have a right to be informed of the potential risks associated with consuming these products.

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

VicHealth supports the proposed approach outlined in the consultation document.

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

VicHealth supports FSANZ's proposal for the application of pregnancy warning labels to different types of packages. We strongly support the proposal that pregnancy warning labels be required on all layers of packaging (for example, the bottle/can and outer retail packaging), so that it is visible at both the point of sale and point of consumption. This approach best aligns with the objective set out in the DRIS.

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

FASD is **completely preventable** by avoiding alcohol consumption during pregnancy. Babies who are exposed to alcohol during pregnancy are more likely to be born with a range of cognitive, physical, behavioural and neurodevelopmental disabilities. FASD is a lifelong condition, which significantly impacts the individuals affected, as well as their families and the wider community. Affected individuals are more likely to struggle with school, work, social relationships, their mental health and are at an increased risk of entering the criminal justice system⁷. In Australia, Aboriginal and Torres Strait Islander communities are disproportionately affected by FASD and harm from alcohol products.⁸

VicHealth believes that the net benefit of labelling changes is likely to be far greater than

⁷ Food Regulation Standing Committee (October 2018) *Decision Regulation Impact Statement: Pregnancy warning labels on packaged alcoholic beverages*.

⁸ Fitzpatrick, J.P., Latimer, J., Carter, M., Oscar, J., Ferreira, M.L., Olson, H.C. ... & Elliott, E. (2015). Prevalence of fetal alcohol syndrome in a population-based sample of children living in remote Australia: The Lililwan Project. *Journal of Paediatrics and Child Health* 51(4), 450-457. doi.org/10.1111/jpc.12814

outlined in the CFS, given that the cost assessment is conservative in estimating the cost benefits of avoiding new FASD cases. The CFS also assumes a cost to industry at the higher end of the range quoted in the DRIS.

VicHealth agrees with the updated costs and benefits outlined in consultation document and believes unequivocally, that the social, economic and health benefits of preventing Foetal Alcohol Spectrum Disorder (FASD) for both individuals and the community, far outweigh the costs to industry associated with implementing a mandatory labelling scheme on alcohol products.

N. Transitional arrangements (section 4.1 of CFS)

VicHealth does not support the proposed two year transition period as it will delay the possible benefits of the policy: preventing further cases of FASD and other associated harms from alcohol consumption during pregnancy such as stillbirth or premature births.

VicHealth acknowledges that industry will need time to develop new labels but believe a 12 month transition period is more reasonable, given that most alcohol is sold within a 12 month timeframe and that alcohol manufacturers are readily able to change their labels to meet commercial interests. This also reflects the timeframe provided for label changes in the Code (Standard 1.1.1—9) as well as the transition period applied in other countries that have introduced pregnancy health warning labels. It also mitigates the risk that manufacturers may delay labelling until the end of the transition period and under the proposed exemption, produce greater volumes of alcohol and label them before the transition period to avoid the pregnancy warning label.

If a two year transition period is maintained, VicHealth does not support the exemption for alcohol products packaged and labelled before the end of the exemption period. VicHealth believes that given the high turnover of the majority of alcohol products, it is reasonable to expect manufacturers to ensure that all products on sale after the end of that two year period display the pregnancy health warning labels.

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

No other comments.

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

Education

VicHealth is concerned about the inadequate investment in education and awareness raising activities to accompany the introduction of the pregnancy warning labels. Public health agencies have limited resources to draw attention to the new requirements and should not be relied upon to perform this function.

There is a need for a comprehensive education campaign funded by the Australian Government to ensure consumers understand why the health warnings are being introduced and to improve information available to consumers. The education campaign should align with other actions underway to prevent and manage FASD in the community. The mandatory pregnancy health warnings are a key policy lever but shifting the cultural norms around drinking while pregnant requires concerted efforts at multiple levels.

Evaluation and monitoring

VicHealth is concerned that there is no clear proposal for monitoring and evaluation outlined

in the CFS. The DRIS outlines a comprehensive proposal for monitoring and evaluation to ascertain if the objectives of the scheme have been achieved. A clear monitoring and evaluation framework should be established to assess the effectiveness of the pictogram and health warning message over time. Process, impact and outcome indicators should be developed in consultation with public health experts to ensure the pictogram and health warning messages are effective and working as intended to increase consumer health knowledge and awareness of the risks associated with consuming alcohol when pregnant, to change attitudes towards alcohol consumption during pregnancy and to change behaviour amongst consumers so that not drinking for the duration of a pregnancy is the norm. Monitoring and evaluation of the mandatory labelling scheme should be conducted by experts free of commercial or vested interests.

Compliance

VicHealth is concerned that no compliance scheme has been outlined in the CFS. No government department has been identified as being responsible for ensuring industry compliance to the pregnancy warning labels and clear sanctions for non-compliance have not been outlined in the CFS.

Gazettal

VicHealth supports the proposal to include FSANZ guidance at the time of gazettal to ensure that the alcohol industry implement labelling changes immediately.