

## 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):**

Barossa Grape & Wine Association  
The Barossa Cellar / 991 Stockwell Road Vine Vale / P.O. Box 420 Tanunda SA 5353

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

Chief Executive

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

### **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)**

To provide a literature review that has not been subject to peer review, for public consultation, appears to be an approach that is not consistent with providing adequate confidence in the information that is provided. It is a strange approach.

**E. Consumer testing of warning statements (section 3.1.2)**

A major concern is the use of the 'Health Warning' statements being put forward for consumer testing. The consultation process was intended to gauge consumer feedback on Pregnancy Warning statements, not be extended to general Health Warning statements and therefore goes beyond the scope as agreed by the Ministerial Forum on Food Regulation.

It is also disappointing that FSANZ chose not to test the voluntary pregnancy warning label with the public. The voluntary label is working well, with a high level of recognition across Australia. FSANZ's decision to not test this label and immediately opt for more expensive options is a missed opportunity. It undermines the rigour of the cost-benefit analysis undertaken as part of this process in that it does not provide a true baseline comparison for options. It also ignores the fact that the voluntary label has been an effective part of the national strategy to address FASD in Australia.

**F. Pictogram (section 3.2.2.2)**

Adding the colour red to the pictogram will impose a huge cost burden on small to medium sized wine companies and cause significant issues with label adaption. The existing pictogram

should be maintained without the addition of mandated colour as there is general acceptance of the message the pictogram already sends to consumers of alcoholic beverages.

**G. Warning statement (section 3.2.2.3)**

The inconsistency of statements between an acceptable amount of alcohol below 1.15% ABV and any amount of alcohol can cause harm has the real possibility of creating confusion among consumers and should therefore be reconsidered, especially based on the evidence being considered to support the statement.

**H. Design labelling elements (section 3.2.2.4)**

The statement was supposed to be a “Pregnancy Warning” and not a general “Health Warning”. It is of major concern that this change has been introduced as a means of applying a more general statement to alcoholic beverages rather than a specific target consumer being pregnant women.

The general lack of sufficient evidence to support FSANZ’s proposed size also does not lend confidence to their proposal.

The back labels of wine bottles for many producers are critical to help convey brand messaging that support a consumer’s appreciation of wine. Impinging on this space unnecessarily is detrimental to the promotion of regional wine stories and enhanced education and information about wine choices.

Feedback from our members regarding the cost estimates used by FSANZ are unrealistically low and again highlight the cost burden being imposed that is not duly regarded.

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

The industry actively promotes responsible consumption through initiatives such as supporting DrinkWise Australia and other messages relating to drinking in moderation. The risk to wine producers dropping their support for some of these more effective messages on labels because of the need to add a larger, colour version of a Health Warning statement should not be underestimated and does not outweigh any perceived benefit of making such a change.

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

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

There is general support for this element of the proposal.

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

There is general support for this element of the proposal. However, it is critically important that the exemption allowing containers of 200ml or less is not extended to containers 400ml or less, which we understand has been proposed by some other stakeholders. This is important from the perspective of ensuring no single category gains a competitive advantage over wine producers, which in the vast majority of cases use wine packaged in 750ml bottles.

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

The existence and general uptake by our membership of the existing voluntary label should serve to demonstrate that this should be continued, not to introduce an inflammatory significant

change that is unlikely to have any material benefit and impose significant cost and lack of support to continuing the industry's support of targeted and sensible messages of promoting responsible consumption.

We believe the cost estimates provided by FSANZ underestimate the reality of the proposed label change. Each SKU would require changes, including the addition of colour to label and outer-packaging design plates. While some other beverage producers may only have a handful of SKUs in their portfolio, many wine producers (small, medium or large) have very high numbers of SKUs in their range or products. For these companies, the cumulative costs could be enormous, and all without a robust evidence base that supports the change proposed.

**N. Transitional arrangements (section 4.1 of CFS)**

Two years is a reasonable timeframe to make changes, however any imposed change should not capture wine releases of museum stock or wines that have been deliberately cellared with museum release dates in mind.

Also, any possible additional changes should be considered without the significant risk of making a wine producer change their back labels on multiple occasions, as this will impose a deep mistrust and frustration with the regulatory body.

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

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