

## Submission to Proposal P1050 – Pregnancy warning labels on alcoholic beverages

### A. Name and contact details (position, address, telephone number, and email address):

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

Health Promotion Advisor

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

The comprehensive review clearly establishes the desirability of having warning labels on alcoholic beverage containers to contribute to the prevention of FASD. As stated – “the primary objective of pregnancy warning labels on packaged alcoholic beverages is *to provide a clear and easy to understand trigger to remind pregnant women, at both the point of sale and the potential point of consumption, to not drink alcohol*”. The conclusion that only “*a small proportion of cases of FASD need to be prevented to offset the costs of label changes on industry*” is telling.

When you put together the desirability and obligation of an effort to educate and warn pregnant women of the dangers of alcohol consumption and the obligation of both the regulatory agencies and those producing and marketing a product with the proven ability to cause harm, it seems a simple decision to move forward with these requirements,

Labelling would also give the producers an opportunity to demonstrate genuine social responsibility/conscience and rebut the oft stated perceptions that the liquor industry minimises the risks of the product in the search for profit. (This perception is of industry downplaying is reinforced by studies like the recent one by Lim et al 2019 where they stated: “ “Alcohol industry–funded websites omit and misrepresent the evidence on key risks of alcohol consumption during pregnancy. .... alcohol industry–funded bodies may increase risk to pregnant women by disseminating misinformation.”

<https://www.jsad.com/doi/10.15288/jsad.2019.80.524> accessed October 2019

The FSANZ review is extremely comprehensive and the suggested approaches seem to be pragmatic solutions which seek to maximise public health benefits while taking industry concerns and interests into account.

The sooner these labels are on all alcoholic beverage containers in the market, the sooner their presence can begin to be part of the effort to reduce the rates of FASD in our communities.

### D. Literature review on the effectiveness of warning labels (section 3.1.1 of CFS)

Despite the review’s statement that there was no “comprehensive” study on the interactions between design elements, it does consider that enhancement in attention level can be achieved, and acknowledges that experience in countries with mandatory warning labels **does** indicate that awareness and recall will increase over time.

The information from the review would, in light of this conclusion and the general desirability of attempting to prevent FASD, give a degree of direction towards what is needed in terms of

improvements in wording, placement, appearance and size. As the review states – improving the size and position etc would lead to more noticeability and attention and could only improve on the situation existing under the voluntary regime in New Zealand where the average size of the warning is 45mm<sup>2</sup> !! (Tinawi et al 2018)

<https://www.otago.ac.nz/wellington/departments/publichealth/undergraduate/otago686858.pdf>, accessed October 2019

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

It is agreed that a pictogram and a warning statement together are desirable.

It is also agreed that “It is safest not to drink while pregnant”, while accurate, is a non-committal, non-directive statement and it is unsurprising that a number of those surveyed saw it as allowing for the consumption of “some” alcohol.

To clearly state the risk while not opening the statement up to irrelevant or tendentious disputes, the statement “Any amount of alcohol can cause lifelong harm to your baby” would seem best.

The second best would be “Any alcohol can harm your baby.”

Accurate, direct and indisputable.

### **F. Pictogram (section 3.2.2.2)**

While some points can be made regarding the wine glass and the colour and the stereotyping etc, the figure in the pictogram is not only generally recognised as a pregnant woman drinking, but, in conjunction with the warning and wider use and exposure, will increase in public recognition. It is important to strengthen the message’s reach, and to ensure messaging to those for whom the written word alone might not suffice.

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

The favoured statement: “Any alcohol can harm your baby.” may have slightly less weight than the longer version including “causing lifelong harm”, but is a positive, un-debateable message that has general acceptance among the stakeholders.

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

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

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

While acknowledging that brewed soft-drinks do contain some alcohol and there is indeed a theoretical risk that heavy consumers could possibly create a risk for an unborn child, this seems a low probability event. The pragmatic rationale behind the decision to require the labelling on defined “alcoholic beverages” only is reasonable.

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

The proposals seem not only pragmatic, but sensible in that kegs, transportation outers etc are not likely to be coming to the attention of the target group and any retail products within wholesale packages will presumably bear the warning label

The majority of sales will be covered by the requirements and the small minority of exceptions which do interact with the target group (e.g. fill your own) are a very small portion of total sales and could be covered by signage at point of sale – which is out of the scope of this document.

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

WE agree with the proposed approach so there is visibility of the warning label at both point of sale AND point of consumption. Given that the intention is to remind the target group of the risks, this must be a common-sense approach related to the normal way in which the

consumer interacts with the product. So, as examples, not labelling the wine bladder, but labelling individual cans in a multipack.

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

We agree that the potential benefits outweigh any additional costs. The proposal has a 2 year transition phase which will mitigate any waste from old labels or stock. While the cost is on the industry, the benefits to the public and individuals within the community are significant, and are not just a moral imperative and corporate social responsibility, but arguably a necessary mitigation of harm caused by a potentially dangerous product from which a profit is derived. Given that labelling will better prevent FASD one comes to the conclusion, as detailed, that only a small proportion of cases of FASD need to be prevented to offset the costs of label changes on industry.”

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

With the priority being getting consumers exposed to the warning labels as soon as possible the 2 year transition period seems more than an adequate pragmatic response, given the estimate that most alcoholic beverages are sold within one year.

Some “stock-in-trade” exemptions would seem a reasonable measure – given that a certain proportion of alcoholic beverages (e.g. premium wines and spirits) may be slower moving. However, given a 2 year transition period to relabel, one would envisage that the quantities outstanding after this period would be comparatively very small if the manufacturer had taken reasonable steps to comply.

To avoid unnecessary delays getting the warning label into the market perhaps the stock-in-trade exemption could include a proviso that it only apply to product labelled within the last 12 months, or some wording covering the exceptional circumstances of ultra-premium product which is only manufactured every 5 years – for example. (Over-stickering is another option for this very small category.)

If action on breaches was on the basis of complaints then the regulatory agencies would not face the onerous task of extensive auditing of retailers for compliance.

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

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

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**REFERENCES**

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

Lim, A., van Schalkwyk, M., Hessari, N., Petticrew, M. Pregnancy, Fertility, Breastfeeding, and Alcohol Consumption: An Analysis of Framing and Completeness of Information Disseminated by Alcohol Industry–Funded Organizations, *Journal of Studies on Alcohol and Drugs*, 80(5), 524–533 (2019).