

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):

Consumer NZ
PO Box 932
Wellington Central
Wellington 6140
Phone:
Email:

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

Chief Executive

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

Thank you for the opportunity to make a submission on Proposal P1050. Overall, Consumer NZ is pleased with the proposal to mandate pregnancy warning labels with a pictogram and prescribed wording in specified fonts and colours. Our comments are specific to the transitional arrangements, beverages to carry the pregnancy warning label, warning statement, application to different types of packaging and design labelling elements.

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)

No comment.

E. Consumer testing of warning statements (section 3.1.2)

No comment.

F. Pictogram (section 3.2.2.2)

Consumer NZ supports the use of the current pictogram.

G. Warning statement (section 3.2.2.3)

Consumer NZ supports the preferred approach to include “Health Warning” in the label. This conveys the message better than “Pregnancy warning” or “Warning”.

The consumer research conducted showed that across both Australia and New Zealand more than 50 percent of participants selected “Any amount of alcohol can cause lifelong harm to your baby” as the statement that best conveys the public health message. This was significantly more than the proposed statement “Any amount of alcohol can harm your baby”.

The New Zealand survey of Maori and Pacific people also found the longer statement best conveys the message.

We acknowledge the advantage of a shorter statement. However, in light of the survey findings, Consumer NZ recommends the longer statement is reconsidered.

H. Design labelling elements (section 3.2.2.4)

Consumer NZ supports the proposal that the design elements be prescribed in the Code. Consumers may not look for warning statements therefore they must be presented in a way that is likely to attract attention to achieve their purpose. If design elements are not prescribed it gives manufacturers the opportunity to minimise the warning’s impact.

Consumer NZ agrees the pregnancy warning label should:

- use the words “Health warning” to indicate it’s a warning label
- be separated from other information such as “enjoy in moderation”
- be placed in a border with clear space around the warning label
- use contrasting colours
- avoid the colour green which can cause confusion. The colour red is most commonly associated with being a warning.

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

Consumer NZ supports the warning label design, which includes a pictogram, prescribed wording, prescribed fonts and colours, and a defined border around the warning.

However, Consumer NZ does not support the exceptions to the proposed font size based on the size of the packaging.

We don’t support any warning label font size being <3mm. This is not in line with other warning label requirements in the Food Standards Code and would undermine the legibility of the warning.

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

Consumer NZ does not support the proposed option (option 1) that only beverages containing more than 1.15% ABV are required to carry the warning label. Option 1 does not align with the Food Standards Code requirement that all foods and beverages containing more than 0.5%

ABV display the number of standard drinks.

Option 1 also does not align with New Zealand government advice to “Stop drinking if you could be pregnant or trying to get pregnant. There is no safe level of alcohol consumption during pregnancy”.

Consumer NZ supports option 2 that warning labels be applied to beverages containing 0.5% ABV or more. Option 2 would capture fermented products such as kombucha that contain residual alcohol due to the brewing process. These products are a concern because the variability in the brewing process results in inconsistent residual alcohol levels.

This year, Consumer NZ tested five brands of kombucha and found two brands contained significantly more alcohol than stated on the label. One brand had a higher alcohol content than some low-strength beers. For the full report visit <https://www.consumer.org.nz/articles/kombucha-alcohol-content>. An Australian report by the Australian Department of Health had similar findings. Testing of kombucha samples indicated about 65 percent exceeded 0.5% ABV and testing of kefir samples indicated 74 percent exceeded 0.5% ABV.

The Australian report states this poses public health and safety risks, particularly to the following population groups:

- Pregnant women who are advised to consume no alcohol.
- People using prescription medicines which may interfere with alcohol.
- Workers requiring a zero-blood alcohol reading.
- Under-age drinkers/minors and recovering alcoholics that may inadvertently consume alcohol.
- People with aldehyde dehydrogenase deficiency (an inherited deficiency in one of the enzymes involved in the breakdown of alcohol).

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

No comment.

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

Consumer NZ does not support the proposal that beverages with volumes less than 200ml only be required to display the pictogram. The cut-off is inadequate to cover the growing range of beverage sizes. For example, products in the <200ml range include single serve wine products.

We would like the volume decreased to 100ml to capture these smaller packages.

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

No comment.

N. Transitional arrangements (section 4.1 of CFS)

Consumer NZ does not support the proposed two-year transition period from the time of

gazettal.

As noted in the discussion document, FSANZ conducted research with label, cardboard and can printing companies, and determined most packaging companies store label stock for a maximum of four months. Consumer NZ believes a one-year transition period is acceptable.

Consumer NZ is concerned the exemption for beverages packaged and labelled before the end of the transition period may result in industry producing and labelling greater volumes before the end of the transition period to avoid the warning label.

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

See comments in other sections.

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

No comment.