

Submission to Proposal P1050 – Pregnancy warning labels on alcoholic beverages

- A. Board Member and Treasurer, National Organisation on Fetal Alcohol Spectrum Disorder Australia (NOFASD Australia),
- B. This submission was authorised at the Chief Executive Officer level and supported by the NOFASD Board.

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

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

NOFASD is concerned about the lack of detail in the methodology of the literature review and how studies with different study designs were compared with the same quality appraisal method (which is lacking in significant detail).

NOFASD requests further details on how the literature review informed FSANZ's decisions and approach. For example, the conclusion of the literature review is that warning text should be 'large.' Yet, despite this recommendation, for two of the proposed warning label categories FSANZ has chosen a text size (2.1mm and 2.8mm) that is smaller than current requirements for other warning texts (3mm) already outlined in the Food Standards Code.

Accordingly, NOFASD requests the name, level of academia and institution of those that will peer review the document and the timeframe of the review.

D. Consumer testing of warning statements (section 3.1.2)

NOFASD supports the chosen statement (Any amount of alcohol can harm your baby).

NOFASD seeks further clarification and justification for the choice of 'Any amount of alcohol can harm your baby' over the longer option of 'lifelong harm.' It was evident that the consumer testing favoured the 'lifelong harm' option over many of the domains tested in the consumer testing but this was not the statement that was chosen for the labels. There was no strong justification for making this choice.

NOFASD requests further details on who will peer review the consumer testing component, as it is noted in the consultation document that the alcohol industry wanted the opportunity to peer review it without the necessary qualifications to do so with any degree of credibility or objectivity.

E. Pictogram (section 3.2.2.2)

NOFASD supports the use of the colour of the pictogram in red.

It is of significant concern to NOFASD that the size of the pictogram (particularly for products between 200-800mls) is smaller than what is used currently in the voluntary approach and consistently found to be too small (see Appendix B for examples).

NOFASD requests a clear evaluation program (over time) to establish the effectiveness of the pictogram – that is, that it is noticed and understood by a range of audiences.

F. Warning statement (section 3.2.2.3)

NOFASD supports the warning statement (*Any amount of alcohol can harm your baby*). However, as abovementioned in section E, NOFASD will seek further clarification as to how the shorter statement was chosen given this is not well demonstrated in the consultation document.

G. Design labelling elements (section 3.2.2.4)

NOFASD supports the pictogram appearing in a red circle, with a red strikethrough and on a white background.

NOFASD supports the warning statement using the words 'HEALTH WARNING' and that this text is in red.

NOFASD supports the warning statement and pictogram appear in a box, with a red border, a white background and the statement in black text.

NOFASD supports a 3mm clear space outside the border but recommends that this space be white.

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

FSANZ has created three labelling categories (under 200mls, 200-800mls and above 800mls). FSANZ has also created labelling categories for outer packaging of products such as carton or multipack.

- The creation of different labelling categories for different alcohol products (by container volume) has not been established or justified by FSANZ within the consultation document.

FSANZ is proposing that products (greater or less than) 200mls are only required to display the pictogram only.

- NOFASD proposes that this should be reduced this to 100mL products or less



- There are numerous products below 200mls and this approach does not recognise the relative risk of different products, small bottles of wine (187ml) contain around 2 standard drinks whereas ready-to-drink products (287ml) contain 1 standard drink.
- The suggested pictogram diameter size for this category (below 100mls) is acceptable and appropriate and some products are already doing this.

NOFASD strongly recommends that the second category (products between 200-800mls) be deleted for the following reasons:

- A clear justification for this category has not been provided.
- The text is too small and not in line with FSANZ's own requirement for text size of warning text which is 3.0mm for larger packaging and 1.5mm for smaller (defined as 10cm²)
- The proposed pictogram (6mm) is smaller than the current voluntary approach (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 (3mm).

NOFASD strongly recommends that all products above 100mls carry the full warning mark (pictogram and warning text). This pictogram should be at least 8mm in diameter and warning text at least 3mm.

NOFASD strongly recommends that the pictogram for outer packaging for products under 200mls also be abandoned. No justification is provided for this category nor products to which it would apply to. Please see Appendix A for products included under NOFASD's suggested changes.

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

In accordance with the recommendations of the public health organisations and FASD experts, the warning labels should be applied to all alcoholic products above 0.5% ABV, consistent with the message that 'no amount of alcohol safe during pregnancy'.

NOFASD requests clarification on non-alcohol products such as Kombucha which may contain up to 3-4% ABV but is not labelled as alcohol and the implication for pregnant women who believe they are making an alcohol-free choice during pregnancy.

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

NOFASD supports the proposed approach outlined in the consultation document.

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

NOFASD supports the labelling of outer packaging but would like clarification of what



types of outer packaging will require only the pictogram (i.e. an outer package of a small-sized container which is not a multipack).

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

NOFASD unequivocally agrees with the updated costs and benefits outlined in the consultation document. It is profoundly evident that the benefits of preventing FASD far outweigh the costs of implementing mandatory warning labels on alcohol products.

M. Transitional arrangements (section 4.1 of CFS)

NOFASD does not support a 2 year transition timeframe and no justification is provided for such a lengthy timeframe.

NOFASD strongly recommends a 12 month transition timeframe. FARE have summarised evidence from other countries where a 12 months transition time was successfully implemented.

NOFASD notes that the Food Standards Code states “the food is taken to be compliant for that kind of sale for a period of 12 months beginning on the date of the variation” suggesting 12 months is standard and reasonable transition time.

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

NOFASD has no further comments on the draft variation that are not otherwise covered in the sections above.

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

The education component is severely lacking and it is not sufficient to rely on public health agencies to update consumers about the labelling changes. There is a need for a comprehensive education campaign funded by the Australian Government to ensure that consumers are aware of the changes and more importantly, why.

The monitoring and evaluation section is weak. There is a need to clearly outline how labels will be monitored and evaluated to ensure that they are effective. The monitoring and evaluation framework should also outline how non-compliance will be handled, (i.e. fines for non-compliance) and how and who will be responsible for compliance.

The evidence highlights that horizontal orientation of the warning label is important in labels being understood. NOFASD would like to reinforce the importance of having horizontal health warning labels on alcohol products.

OFFICIAL



NOFASD supports FSANZ developing guidelines and making these available at the time of gazettal to ensure that alcohol industry producers are able to implement labelling changes immediately.

OFFICIAL

National Organisation for Fetal Alcohol Syndrome and Related Disorders
PO Box 448, Wynyard Tasmania 7325

Phone: **1300 306 238** | email: admin@nofasd.org.au | www.nofasd.org.au | ABN: 93 833 563 942

Patron: Dame Quentin Bryce Ret. Governor-General of the Commonwealth of Australia.

Appendix A



Here is currently what will be labelled with pictogram, and the rest with the 200–800ml proposed sized label with pictogram and warning text.

Importantly, under FSANZ's proposal things like the 187ml bottles of wine which are close to 2 standard drinks, would not carry the same type of warning label as the Vodka Cruiser, second from the right which only contains 1 standard drink.



Here is what would be covered with the pictogram only under our proposed cut-off at 150ml.

