

Project Officer Proposal P1059
Food Standards Australia New Zealand
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Tēnā koe,

Proposal P1059 – Energy labelling on alcoholic beverages (Call for Submissions)

Thank you for the opportunity to comment on this Proposal. We provide the following comments for consideration:

Key points

- NZFS supports a mandatory requirement for the provision of energy content information on alcoholic beverages. Mandating the provision of energy information on alcoholic beverages would ensure greater coverage and provide certainty and a level playing field for industry. We agree that mandating the provision of this information therefore best meets Food Ministers' expectations that food labels provide adequate information to enable consumers to make informed food choices to support healthy dietary patterns recommended in the Dietary Guidelines.
- NZFS considers there is more work required before this proposal is ready to be presented to Ministers for their decision. We strongly suggest FSANZ undertake consumer research to support the specific format prescribed, followed by further consultation on an updated draft variation prior to this being presented to Ministers.
- NZFS does not consider the evidence presented makes a strong case for the specific format proposed. It is important that requirements for energy labelling are no more trade restrictive than necessary to achieve a legitimate objective. Consumer testing would strengthen the evidence to support any requirements proposed. We consider consumer testing is also critical to both maximise effectiveness and to mitigate unintended consequences before any decision is made on a particular mandatory energy label for alcohol. Consumer testing would also help determine areas where education is needed to support the implementation of labels to have greatest impact.
- NZFS strongly supports the need for consumer education to ensure consumers can use the energy information, along with other information such as standard drinks labelling, to make informed choices. We consider this to be essential for the provision of energy information on labels to have any real impact for consumers.



Detailed comments:

Scope

NZFS notes that the scope of this proposal captures brewed soft drinks between 0.5 and 1.15% ABV. This is in line with the current exemption from displaying a NIP and with the recent decision by the Food Regulation Standing Committee (FRSC) that for the purposes of the HSR, brewed soft drinks with alcohol by volume between 0.5% and 1.15% are to be treated the same as alcoholic beverages and therefore are not permitted to carry an HSR.

In line with this, NZFS sees benefit in also aligning with the decision by the FRSC that very low and no-alcohol line extensions of alcoholic beverages be treated in the same way as their alcohol counterparts. This was supported by jurisdictional, public health and industry stakeholders. In addition, these line extension products are considered 'alcohol' for advertising purposes in NZ. Therefore, NZFS considers these very low and no-alcohol line extensions of alcoholic beverages should also be included in the scope of this proposal as many meet the definitions for standardised alcoholic beverages and as such are exempt from a NIP.

Format of required energy information

NZFS does not consider the evidence presented makes a strong case for the specific format proposed being more effective than other formats, in improving consumers' ability to understand the energy contribution that alcohol makes to their diet. In addition, there is a lack of evidence to show this is the best format to enable consumers to make informed food choices to support healthy dietary patterns recommended in the Dietary Guidelines.

NZFS notes the New Zealand research included in FSANZ's review that suggests some formats for presenting energy information on alcohol (including the provision of a NIP) may increase the intent to purchase for certain population groups¹. NZFS strongly recommends that any format proposed for mandatory energy labelling on alcohol is consumer tested to both maximise effectiveness and to mitigate unintended consequences. It is especially important that such research consider the unique cultural make up of both countries to ensure the proposed label is effective for priority population groups. We do not support adopting any prescribed format without this testing having been undertaken. We have not provided comments on the specific elements of the proposed format as we consider this premature without such consumer testing.

NZFS considers a consistent format with the NIP on other foods is not necessary for energy labelling on alcohol to be effective. We consider energy labelling on alcoholic beverages should first and foremost inform consumers of the energy content of the beverage itself and allow comparisons between different alcoholic beverages. This is more important than allowing consumers to easily compare energy content information with non-alcohol products, displaying a NIP. We do not want consumers choosing between an alcoholic beverage and a food, particularly where the comparison may show the alcoholic beverage to have less energy resulting in the unintended consequence of consumers choosing an alcoholic beverage instead of food.

Basis of energy content information

NZFS supports provision of information to help consumers make informed food choices.

We acknowledge that 'per serve' and 'per 100mL' are the basis for nutrition information for other foods (including beverages) and therefore that consumers may be familiar with these measures. We reiterate however that consumer testing is critical to determine the most effective format for

¹ Walker N, McCormack J, Verbiest M, Jiang, Y, Lang B, Ni Murchu C. (2018) Energy labelling for alcoholic beverages in New Zealand: Impact on consumer purchase and consumption. Phase 2 report: Randomised trial. Wellington: Health Promotion Agency

energy information on alcohol. Testing may not support the tabular format that allows for both 'per serve' and 'per 100mL'.

If 'per serve' is to be used as the basis for energy labelling on alcohol, NZFS supports realistic serving sizes being used, noting the Code definition of serving². This is particularly important where alcohol is presented in single serve containers. We consider the provision of guidance for industry on expected serve sizes, including an indication of what constitutes a single serve container and what a serve size is for multi serve containers would help with consistency of serve size.

Interface with Standard drinks labelling

The New Zealand Eating and Activity Guidelines recommend "If you drink alcohol, keep your intake low". Standard drinks labelling currently allows consumers to see how much alcohol is present in a container of alcohol. However, we note from the evidence provided that consumers generally do not understand what a standard drink is³ and find the distinction between 'serving size' and 'standard drinks' confusing⁴.

NZFS considers mandating the provision of energy information on alcoholic beverages to be an opportunity to also enhance consumer understanding of standard drinks labelling. While we support not prescribing the placement of the energy information, we consider there could be merit in investigating whether requiring co-location of energy information with information on serving size, number of serves in the container (where container is not considered a single serve) and standard drinks labelling could improve consumer utility of both pieces of information. We acknowledge that this level of prescription would need to be justified with evidence.

Need for consumer education

NZFS strongly supports the need for consumer education on the new labelling and how to use it. Such a campaign should align with the messages in the dietary guidelines of both countries regarding alcohol consumption and include how consumers should use this information along with currently required information on standard drinks to make informed decisions regarding alcohol consumption. We consider this consumer education to be essential to the provision of energy information having any real impact for consumers. Consumer testing of the proposed label formats would help determine areas where education is needed to support the implementation of labels to maximised impact.

Mandatory provision of a NIP

NZFS notes the Code currently requires that a full Nutrition Information Panel (NIP) is required on the label where a nutrition content or health claim is made for a packaged food (including alcoholic beverages). Consumers do not understand that most of the energy in alcoholic beverages comes from the alcohol itself, not other components⁴. Alcoholic beverages generally have minor nutritional significance (except for energy and alcohol levels) and many of the values in the NIP are likely to be zero. This may inadvertently mislead consumers by implying that an alcoholic beverage is a 'healthy' option for consumption, when compared with most foods. If the proposal to require a truncated NIP for all prescribed beverages is taken up, we suggest that rather than a full NIP being required on prescribed beverages making these claims, a similar truncated NIP with additional line/s for the subject/s of the claim be required. If P1049 results in the ability to make claims on

² **serving** means an amount of the food which constitutes one normal serving when prepared according to manufacturer's directions or when the food requires no further preparation before consumption, and in the case of a formulated meal replacement is equivalent to one meal.

³ Wettlaufer A (2018) Can a label help me drink in moderation? A review of the evidence on standard drink labelling. Substance use & misuse, 53(4), 585-595.

⁴ Walker N, McCormack J, Verbiest M, Jiang Y, Lang B and Ni Murchu C (2019) Energy labelling for alcoholic beverages in New Zealand: Consumer perceptions. Phase 1 report: Focus Groups, Health Promotion Agency, accessed October 2022.

carbohydrate and/or sugar being removed or affected in some way, this could mean the only nutrition content claims remaining for alcohol could be for energy and gluten. This should therefore only necessitate the declaration of energy and gluten content in a truncated NIP, rather than a full NIP.

Voluntary provision of NIP

NZFS does not support the voluntary provision of a NIP on alcoholic beverages. NZFS notes that the Code currently permits the voluntary provision of a NIP on alcoholic beverages and that this permission is proposed to continue. We consider that if a truncated NIP is required but a full NIP is a permitted alternative, industry may choose to provide full NIPs on alcoholic beverages because it generally looks appealing in comparison with other foods or beverages. We also note the earlier mentioned NZ evidence¹ that suggests some formats for presenting energy information on alcohol (including the provision of a full NIP) may increase the intent to purchase for certain population groups.

Permission for %DI

NZFS does not support the voluntary provision of percentage daily intake (%DI) information on alcoholic beverages. %DI recommendations are not meant to apply to energy from alcohol, but rather refer to the % of energy which should come from each of the macronutrients in a population level average diet. We consider it inappropriate to allow %DI labelling on alcohol. Voluntary permissions would likely only be used on lower energy products and those with small serve sizes and could mislead consumers.

Requirements for multi-layer packaging

NZFS considers there would be benefit to consumers in requiring energy information to be on both the outer and the 'individual unit/s' where alcoholic beverages are sold with multiple layers of packaging. This would be particularly useful for multipack products where the consumer is often different to the purchaser. However, we acknowledge that requiring energy labelling on one layer of packaging in a way that meets the legibility requirements of Standard 1.2.1 Division 6, is consistent with other mandatory nutrition requirements in the Code.

If energy labelling is not required on inner and outer labels for multi pack products, NZFS supports that the voluntary provision of the required energy information on multiple layers of packaging would not be considered a claim and therefore would not trigger the requirement for a full NIP (see also our comments under mandatory provision of a NIP above).

Exemptions from labelling (Table 1 pg 30)

NZFS recommends it is made clear in any drafting whether alcohol sold online by the likes of breweries and wineries would be required to bear a label and therefore the proposed energy labelling.

Alignment with implementation of other labelling changes for alcoholic beverages.

NZFS would like more clarity on how the implementation of this proposal will align with the implementation and transition times for both P1049 Carbohydrate and Sugar Claims on Alcohol (noting P1049 has already been delayed by years due to P1059) as well as P1050 Pregnancy Warning Labels on Alcohol (Transition period ends 31 July 2023). NZFS does not consider there is a need to progress P1059 before P1049 and recommends these proposals are worked on concurrently. Our preference is that a package of changes to alcohol labelling supported by robust evidence is presented to Ministers at one time.

We also note that P1044 Plain English Allergen Labelling (Transition period ends 25 February 2024) impacts labelling of alcoholic beverages. Alignment of the transition periods will help to reduce costs to industry to make the mandatory changes.

What NZFS sees as next steps

Thank you for the opportunity to comment on this Proposal. NZFS considers there is more work required before this proposal is ready to be presented to Ministers for their decision. We strongly suggest FSANZ undertake consumer testing to determine the best format for providing energy labelling on alcohol. Such research would significantly strengthen an updated draft variation. We also strongly suggest FSANZ undertake further consultation on an updated draft variation prior to this being presented to Ministers.

We look forward to reviewing an updated draft variation with evidence from consumer testing prior to this being provided to the FSANZ board. In the meantime, please contact us if you would like to discuss any points made in this submission.

Nāku noa, nā

