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Dear FSANZ Submissions

## **PROPOSAL P1059 – ENERGY LABELLING ON ALCOHOLIC BEVERAGES**

The Department of Health WA (DOH) would like to thank Food Standards Australia New Zealand (FSANZ) for the opportunity to provide comment on Proposal P1059 – Energy labelling on alcoholic beverages. The Environmental Health Directorate of the DOH WA has prepared this response.

In summary, the DOH accepts most of the proposed approaches in support of energy labelling of alcohol and a response is provided in three parts.

Part 1 provides a commentary on the presentation of the nutrition information in tabular format and the serving sizes.

Part 2 provides mock up examples of the different ways that the tabular format and serving sizes can be presented. DOH WA presents these for consideration of providing labels with serve sizes.

Part 3 provides a table outlining the advantages and disadvantages of the proposed scenarios of the different ways of presenting the serve sizes. In highlighting these issues, the DOH emphasise the importance of maintaining a level of consistency across products and with the National Health and Medical Research Council (NHMRC) definition of 'standard drinks' in order to retain consumer confidence.

Part 4 provides a response to the questions for submitters.



## Part 1. Commentary

### Presentation of Nutrition Information

The DOH supports the tabular format consistent with the requirements for nutrition information in a NIP using the generic legibility requirements of the Code.

Issues relating to specific elements within the table are as follows:

*Tabular Format:* will be used to present the energy information as per Figure 1.

The DOH:

- support the table heading '*Energy Information*'
- have concern with reporting %DI per serving. DOH concern is that this information could possibly be misinterpreted as an energy requirement from alcohol and potentially encourage the consumption of alcohol.
- recommend FSANZ conduct research on consumer understanding of %DI per serving and %daily intake to provide much needed insight on the provision of this information.
- Recommend FSANZ conduct research of consumer acceptability of the final version of the NIP to be used in the labelling of alcoholic beverages.

**Figure 1. Proposed standardised format for the provision of energy content information for alcoholic beverages**

ENERGY INFORMATION			
Servings per package: (insert number of servings)			
Serving size: mL			
	Quantity per serving	% Daily intake* (per serving)	Quantity per 100 mL
Energy	kJ (Cal)	%	kJ (Cal)
*Percentage daily intakes are based on an average adult diet of 8700 kJ.			

*Servings Per Package:* is outlined in the proposal to be provided as a serve size determined by the manufacturer (see call for submissions – Proposal P1059; section 5.3.3.3 & 5.6.1.1), however this may cause confusion if manufacturers independently choose varying serve sizes for similar beverages, and or serve size conflicts with standard drink size.




The DOH:

- support FSANZ (see call for submissions – Proposal P1059; 5.3.4.2) in *“proposing that the word ‘package’ be replaced by ‘bottle’, ‘can’, or another word or words that accurately describes the package containing the beverage”*.
  - o Using bottle or can may help support consumer education regarding volume consumed and the equivalent number of standard drinks.
- prefer in all instances where appropriate, that servings per package/container be indicative of number of standard drinks contained in the package/container.
- propose that in vessels typically consumed on one occasion/sitting (e.g. 330ml bottle) only one serving per package is provided, that being the container size as per Figures 2 and 3. AND that the number of standard drinks also be presented.
- propose for packages/containers that are not typically singularly consumed on one occasion and/or contain more than the recommended four standard drinks per day per person (NHMRC 2020), the number of serves per package/container to be indicative of standard drinks as outlined in Figures 4 and 5.
  - o However, it is important to note that the %ABV will affect the actual standard drink size, i.e. the volume that provides 10g alcohol. Figure 4 clearly demonstrates this misalignment where 10g alcohol is provided in 115ml of prosecco and the total vessel contains 6.5 standard drinks but using the NHMRC standard drink of 100ml results in 7.5 serves. Figure 5 outlines the actual volume of wine that would provide one standard drink (87ml) and the total servings and total standard drinks align.
- support FSANZ (see call for submissions – Proposal P1059; 5.3.4.2) in that providing *“the number of servings per package is important contextual information for consumers to consider serving size”* and encourage providing serving sizes as standard drinks where possible (in addition to the required standard drinks labelling) to provide contextual standard drinks education for consumers.
- strongly recommend consultation with the NHMRC Alcohol Guidelines Project Team ([alcohol@nhmrc.gov.au](mailto:alcohol@nhmrc.gov.au)) for guidance on standard drink serve sizes and the discrepancies outlined in this submission between current recognised standard drink volumes and actual volumes that will need to be taken into consideration as highlighted in Figures 4 and 5.
- strongly support FSANZ in the provision of a comprehensive consumer health education campaign to support the introduction of energy labelling, however the development of an education campaign should not hold up implementation of the proposal (see call for submissions – Proposal P1059; 7.2).



**Figure 2. Presentation of a nutrition information panel including standard drinks for a bottle typically consumed on one occasion**

Nutrition facts are based on average quantities as set out in nutrition information panel.

SERVING SIZE (330 ML BOTTLE)	 1.2 STD. DRINK 4.6% ALC/VOL
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AVG. QUANTITY PER	SERVING	100mL
ENERGY (KILOJOULES)	415 kJ	126 kJ
	99 CAL	30 CAL
PROTEIN	1.0g	0.3g
FAT, TOTAL	<0.7g	<0.2g
– SATURATED	<0.3g	<0.1g
CARBOHYDRATE	2.2g	0.7g
– SUGARS	0.3g	0.1g
DIETARY FIBRE	1.3g	0.4g
SODIUM	8mg	3mg

Source: Hahn.com.au

*Energy Labelling on Alcohol for Different Types of Sale:* In Table 1. (see call for submissions – Proposal P1059; p 30) a list of beverage package types and the corresponding intent to provide the energy content on these is outlined.

The DOH:

- do not support the current proposal that some packages are exempt from the proposed energy labelling requirement.
- propose that all beverage types where possible and appropriate, including all layers of packaging, are labelled with the energy content information or that this information is displayed at the place of purchase.
- recognises that some beverages cannot be labelled (e.g. a beer keg) and encourage NIP labelling on the outer packaging in these circumstances only.
- Consider there is a lack of clarity as to why some beverages outlined in Table 1. in the proposal will remain unlabelled. This would be partially addressed by clearer definitions of all exemptions outlined in Table 1 (Proposal P1059; p 30).

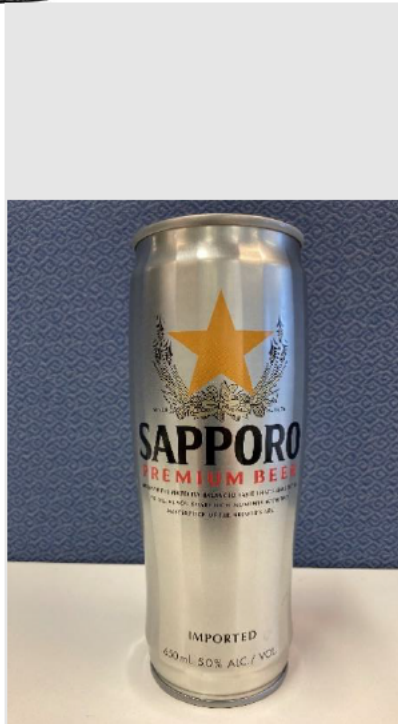




## Part 2. Mock up Examples

**Figure 3. Presentation of 'mock' labels with nutrition information panel including standard drinks for a vessel typically consumed on one occasion**



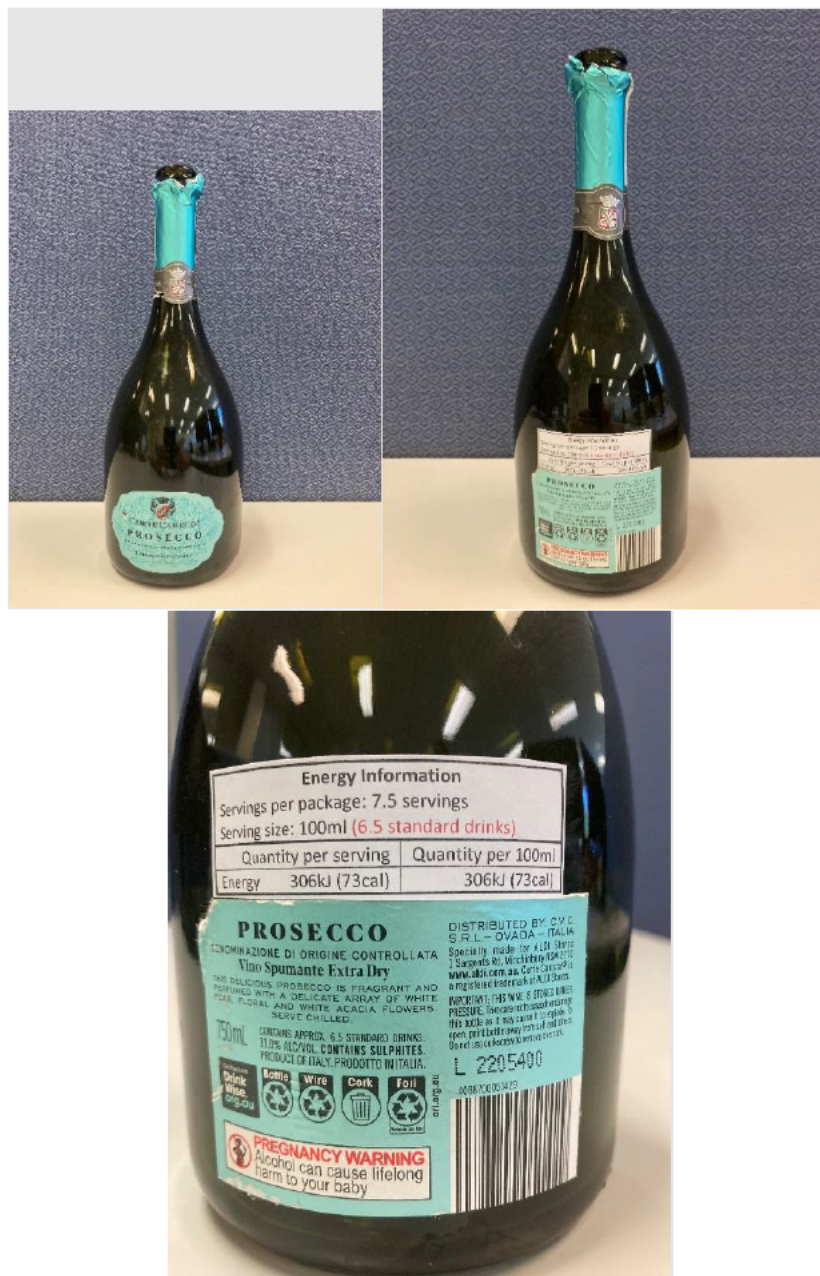


Example B





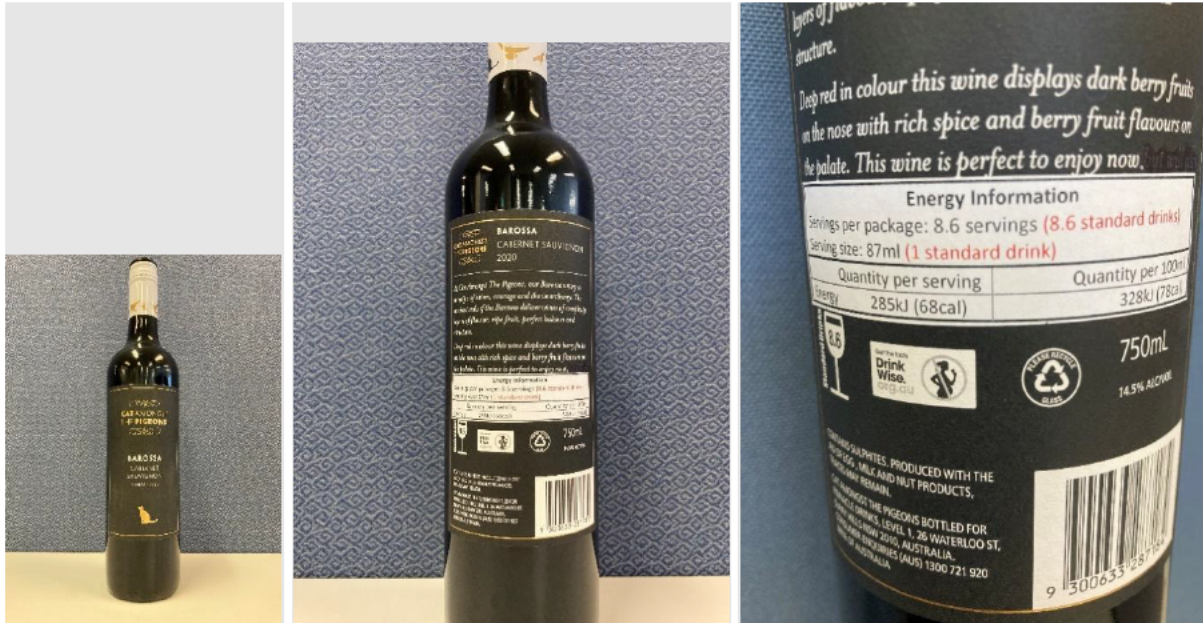
**Figure 4. Presentation of a 'mock' label with nutrition information panel including standard drinks for a vessel NOT typically consumed on one occasion**



*Please note in this instance 115ml Prosecco would provide one standard drink (10g EtOH) however in order not to cause confusion with the NHMRC guidelines (National Health and Medical Research Council 2020), the recognised value of 100ml has been used in this mock up and demonstrates that consideration of all aspects of the labelling is required.*



**Figure 5. Presentation of a 'mock' label with nutrition information panel including standard drinks for a vessel NOT typically consumed on one occasion – actual standard drink serve size delivering 10g alcohol**







### Part 3. Advantages and Disadvantages of Different Serve Size Presentations

The decision to include energy labelling is a unique opportunity for FSANZ to make a meaningful difference in how consumers safely navigate the alcohol landscape and influence healthier lower energy choices. There are a number of complexities in the proposed labelling suggestions which require considered consumer feedback and consultation with the NHMRC Alcohol Guidelines Project Team. The following table outlines possible labelling scenarios and the potential advantages and disadvantages of each.

**Table 1. Advantages and Disadvantages of Proposed Labelling Scenarios**

Proposed Labelling Scenario	Advantages	Disadvantages
<u>Manufacturer Proposes Serve Size</u> "FSANZ is not proposing to prescribe serving sizes for energy labelling on alcoholic beverages. This would provide producers with the flexibility to determine what a 'normal' serving size is for their particular product." p23 P1059 Proposal	<ul style="list-style-type: none"> <li>- Manufacturers all agree on generic serve sizes for similar alcoholic beverages.</li> </ul>	<ul style="list-style-type: none"> <li>- Different manufacturers may choose different sizes for similar drinks, i.e. do not agree on generic serve sizes for similar beverages creating consumer confusion.</li> <li>- Manufacturer serve sizes do not align with NHMRC standard drinks</li> </ul>
<u>Average Serve Size</u> "FSANZ also proposes the energy content information must clearly indicate that quantities are average quantities." p24 P1059 Proposal	<ul style="list-style-type: none"> <li>- Average quantity based on NHMRC standard drink recommendations.</li> <li>- Manufacturers and FSANZ all agree on generic serve sizes for similar alcoholic beverages.</li> </ul>	<ul style="list-style-type: none"> <li>- No current agreement on average serve sizes in alcoholic beverages exists.</li> <li>- Drink serve sizes (see Figures 1 &amp; 2) are not aligned with a NHMRC standard drinks but reflect the container size.</li> </ul>
<u>Container Size as Serve Size</u> Where an alcoholic drink is consumed on one occasion/sitting, propose the serve size could be used as the serve size. See Figures 1 & 2.	<ul style="list-style-type: none"> <li>- Average quantity potentially based on container size (where appropriate) making it easier for consumers to identify a serve size.</li> </ul>	<ul style="list-style-type: none"> <li>- Suggesting container size as one serve could encourage excess alcohol intake.</li> <li>- In Figure 2. 650ml can provides 2.7 standard drinks. If considered a serve this volume is providing a considerable amount of alcohol. Conversely, one mid strength 375ml can of beer as a serve provides 1 standard drink and could be considered a more measured serve size.</li> <li>- Drink serve sizes (see Figures 1 &amp; 2) are not aligned with a NHMRC standard drinks but reflect the container size.</li> </ul>
<u>Serve Sizes based on 10g alcohol (EtOH)</u>	<ul style="list-style-type: none"> <li>- Supports consistency with NHMRC standard drinks.</li> </ul>	<ul style="list-style-type: none"> <li>- The delivery of 10g EtOH is varies between with the different beverages and percentage alcohol.</li> <li>- In Figure 3. Serve size based on NHMRC standard drinks which then creates a misalignment with number of serves provided in the 750ml bottles.</li> <li>- In Figure 4. Serve size is the amount that will provide 10g EtOH.</li> </ul>



Questions for submitters (see Attachment E)

**Q1** Do you agree with the estimates for the average cost of labelling change and the number of Stock Keeping Units (SKU) that would need to be changed? Please provide evidence to support your position.

The 'Cost labelling model' provided by Marsden Jacob Associates outlines the best estimate of the average cost of labelling changes by the number of Stock Keeping Units. Knowledgeably, the Consultant has indicated that with clear change principles the model could be used by businesses to predict future label and packaging design changes that are less costly (p6, full report Marsden Jacob Associates).

The full report and summary give a comprehensive overview of the indicated costs and the only exception would be a potential increase in costs due to the time elapsed since the survey was conducted with industry stakeholders.

**Q2** Do you think the estimated average cost of labelling change is representative of all products within scope of this application?

It appears from the report that Marsden Jacob Associates endeavoured to gain varied representation of all products and producers to respond to this application. There may be one minor potential gap of wine sold in cans if this market has grown since the report was completed.

**Q3** Do you have any views on whether the estimates we have used for the costs of overweight and obesity are appropriate? If you have alternative studies you would like us to consider please provide references to them.

The most recent costing found was in agreeance with the figure presented in Proposal 1509, i.e. in 2011–12, obesity was estimated to have cost the Australian economy \$8.6 billion by the Australian Institute of Health and Welfare.(Australian Institute of Health and Welfare 2017)

**Q4** Do you agree with the use of break-even analysis in this situation? If not can you provide alternative evidence about potential causal links between labelling change and potential health benefits?

The break-even analysis appears to be supportive of promoting the intended labelling change. It is understood that the total cost of a labelling change is valued at \$260 million, and the crude cost of obesity estimated at \$17.9 billion (annually?).

- DOH has no comment on the break-even analysis but note that further evidence will be sought as part of formulating the DRIS.



**Q5** Are there any other material costs and benefits that you believe should be taken into account in this analysis?

The proposal document is very comprehensive and the DOH WA cannot think of any other material costs and benefits not considered.

Thank you for considering the above comments. Should you wish to discuss any of these comments please do not hesitate to contact the [REDACTED]

Yours sincerely

[REDACTED]

20 March 2023

## **References**

Australian Institute of Health and Welfare (2017). A picture of overweight and obesity in Australia 2017. Canberra, AIHW.

National Health and Medical Research Council (2020). Australian Guidelines to Reduce Health Risks from Drinking Alcohol. Canberra, Commonwealth of Australia.