

16 November 2022



APPLICATION A1256 – COLOUR OF PREGNANCY WARNING LABELS FOR CORRUGATED CARDBOARD PACKAGING

Thank you for the opportunity to comment on the Food Standards Australia New Zealand (FSANZ) consultation on Application A1256.

Cancer Council is Australia's leading cancer charity, and the only charity working across every aspect of every cancer, from research to prevention and support to reduce the incidence and the impact of cancer.


Cancer Council has actively supported efforts to reduce alcohol use during pregnancy

In addition to being a risk factor for at least seven types of cancer, alcohol use also causes a wide range of other harms in the community. Alcohol use during pregnancy increases the risk of miscarriage, stillbirth, and low birth weight, and can cause Fetal Alcohol Spectrum Disorder (FASD).

Cancer Council continues to be part of community wide efforts to help ensure that people have access to clear, accurate and evidence-based information on the risks of alcohol use and of the dangers of alcohol use during pregnancy. We are a foundation member of Alcohol Change Australia (formerly the National Alliance for Action on Alcohol) and have been involved in earlier discussions about pregnancy warning labels on alcoholic products, and in helping to ensure that the warning labels are clear, legible, and consistently formatted on all alcohol products.

Cancer Council commissioned research estimates that approximately 3,500 cancer cases each year are attributed to alcohol use.¹ Over many years, Cancer Councils have run social marketing campaigns to inform Australians about the risks of alcohol use and the link between alcohol and cancer primarily through licencing of the WA Mental Health Commission's (formerly the WA Drug and Alcohol Office) *Alcohol. Think Again Spread* and *Stains* alcohol and cancer campaigns. Further, together with the WA Mental Health Commission, Cancer Council WA launched the *Alcohol. Think Again* campaign called *One Drink* in January 2020. The campaign informs the WA community of the risks of alcohol use during pregnancy and promotes the national alcohol guideline for women who are pregnant and planning a pregnancy. It is an important complementary strategy that has helped support the introduction of the pregnancy warning labels on alcoholic products.

¹ Wilson LF, Antonsson A, Green AC, et al. How many cancer cases and deaths are potentially preventable? Estimates for Australia in 2013. *International Journal of Cancer*. 2018; 142: 691-701.



Cancer Council welcomed the requirements of Proposal P1050 *Pregnancy warning labels on alcoholic beverages* into the Australia New Zealand Food Standard Code (the Code). Cancer Council strongly supports P1050 as is, particularly in relation to the size, colour, and format of the prescribed pregnancy warning label.

We are concerned that the proposed changes to the original P1050 requirements outlined in Application A1256 will compromise the integrity of P1050 and have potential to undermine the objectives it aims to achieve. The specific requirements for the warning labels were based on the best available evidence in order to draw attention to and increase awareness of the harm associated with alcohol use during pregnancy. For the objectives to be achieved, the label is required to be on all alcohol products with more than 1.15% alcohol by volume that are available for retail sale. Excluding a situation where the individual does not see the label (e.g., at a bar or restaurant), there are no exceptions in the Code, regardless of any inconvenience to the manufacturer.

While we agree with a proposed increase in the existing minimum size for warning labels for corrugated cardboard packaging, we are not supportive of the proposed changes to the colour of the label and the background. Further detail about our concerns is outlined below.

Cost of implementation appears to be the driving force behind the application for variation

Page 8 highlights that through the use of a pre-print process, the margin of error is much less compared to a post-print process. Therefore, the implementation of a pregnancy warning label as required through P1050 appears to be possible and the application for a variation appears to be made due to cost considerations, rather than a technical difficulty with implementation.

In 2020, FSANZ completed a full cost-benefit analysis of pregnancy warning labels and determined that only a small proportion (1.3%) of FASD cases need to be prevented to offset the costs associated with the label. Application A1256 provides minimal detail regarding the new cost associated with printing the required label on corrugated cardboard. For example, it notes, 'Advice from across the printing industry is that if the size of the warning is increased it might lead to a small increase in cost due to an increased percentage of the box being covered in ink' (page 17). Further, the application does not specify if the current label as is can be printed on corrugated cardboard at a slightly higher cost. Therefore, a detailed cost-benefit analysis would need to be conducted with all possible options explored to justify any consideration of compromising P1050 requirements.

The proposed colour change is concerning

Altering the colour of the warning label will likely undermine the objective of P1050, which is 'to provide a clear and easy to understand trigger to remind pregnant women'. The specific three colours, size and format were selected based on the evidence around warning label effectiveness. For example, the colour red was selected as it increased the speed of identification and level of attention the warning label receives. Application A1256 has provided no evidence of the impact on consumers of the proposed change.

An increase in the size of the label appears to be a simple solution

Page 8 of the application notes that the size of the warning would need to be substantially larger for the misalignment not to be obvious. Therefore, it appears that it is possible to meet the requirements of P1050 with an increase in the size of the warning. While the application notes that the increased warning would be significantly disproportionate to the size of pregnancy warning labels on other packages, this isn't necessarily reason enough to seek a variation to the prescribed requirements.

FSANZ notes 'whilst the applicant and printers acknowledged that misalignment will not be evident on every corrugated cardboard package, it is difficult to predict the incidence or extent of the misalignment within the margin of error. One printer noted that they get close to 90% strikethrough (coloured red) movement of varying amounts in a printing run' (page 8). The importance of each aspect of the pregnancy warning label is noted above; changing any aspect would likely impact its effectiveness. Therefore, all options should be explored to ensure the warning label remains as prescribed in P1050.

Detailed data is required

From the perspective of Cancer Council, the application does not provide sufficient information on the retail display of corrugated cardboard packaging to support compromising P1050 requirements. Given that the applicant states the use of corrugated cardboard at the point of sale is difficult to quantify, that producers do not control a retail display, and that they *estimate* 8% of beer and cider, 9.5% of wine and 12.5% of premixed drinks are in corrugated cardboard packaging at the point of sale, we would suggest enhanced collection of relevant data is needed prior to recommending any changes to the original requirements of P1050.

Cancer Council recommendations

Cancer Council supports the Foundation for Alcohol Research and Education (FARE) recommendations to FSANZ, and in particular the following alternative options to ensure the integrity of the original P1050 is maintained. The below recommendations would help ensure that no changes to P1050 would need to be made, maintaining consistency in its application across all alcohol products.

1. Industry invests in the technology (pre-print or higher quality post-print) required to implement P1050 as originally prescribed.
2. The current draft proposal by FSANZ suggests increasing the size of the pregnancy warning label to ensure no misalignment. Given this, a simple and effective option is available to ensure the full label complies with the current P1050 requirements. Increasing the size of the whole pregnancy warning label will allow greater separation between the elements whilst keeping the three colours will ensure all requirements of P1050 are maintained.
3. Requiring an additional label on corrugated cardboard post-print packaging with the text "NOT FOR RETAIL DISPLAY". This could be accompanied with a requirement to print the larger warning as per the FSANZ draft response. In addition to this, it would also be important to monitor these products to ensure compliance and gather data.

Conclusion

Cancer Council supports regulation that aims to reduce harms from alcohol in the community. This includes mandating pregnancy warning labels on all alcohol products. The pregnancy warning labels are an important component of raising awareness of the harms associated with alcohol use during pregnancy.

Application A1256 states it is not challenging P1050 and the evidence base used to create P1050. However, this application for amendments to the key requirements of the labels suggests a possible lack of acceptance of the pregnancy warning label.

We strongly caution against any changes to P1050. Overall, the application is lacking detail and evidence to support the need to compromise P1050.

Thank you for the opportunity to raise our concerns. Please contact [REDACTED]

Yours sincerely,

[REDACTED]