

SUBMISSION - Proposal P1050 - Pregnancy warning labels on alcoholic beverages

A. Name and contact details (position, address, telephone number, and email address);

Owner – Smallwater Estate

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

Smallwater Estate

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

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

Smallwater Estate understands the concerns being raised but is of the opinion that a more measured and evidence-based approach which mandates a warning label similar in size, colour and design to the existing voluntary label would be more appropriate.

That it should also be accompanied by a suite of other awareness raising materials.

The current pictogram is well recognised by consumers and understood to mean by the majority that drinking alcohol whilst pregnant is not recommended.

We cannot see sufficient evidence to suggest that the larger format or red colour scheme will increase attention nor have a significant impact on the behaviour of consumers.

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

The literature review undertaken fails to take examples from studies directly relating to pregnancy warning labels. As quoted from the literature review, "*The peer-reviewed literature regarding pregnancy warnings on alcohol is limited in quantity and quality.*" Instead it attempts to draw comparisons between pregnancy warnings and warning labels for other health conditions, and therefore may be of limited relevance.

E. Consumer testing of warning statements (section 3.1.2)

We agree that the uptake of the current voluntary DrinkWise Australia pregnancy warning label was not as comprehensive amongst our members and the wider industry as would have been liked, but we are confident that the voluntary label was well recognised within the general population.

The consumer testing wasn't a fair comparison when the existing voluntary label was not also included in this process.

F. Pictogram (section 3.2.2.2)

Smallwater Estate supports the use of the current voluntary pictogram but does not agree with the proposal to mandate the red circle and strike-through, and add additional words. We feel there is already good recognition of the current pictogram and what it means with respect to not consuming wine whilst pregnant.

The use of a contrast colour would be more appropriate than mandating a red colour. Wine labels are produced in any number of colours, thus a contrast colour such as black, grey or white may be more prominent and appropriate. The addition of colour will increase the cost of label design and production for our members.

G. Warning statement (section 3.2.2.3)

If FSANZ is prepared to mandate a warning statement that "any amount of alcohol can harm your baby", then they cannot exempt those beverages under 1.15% ABV. In doing so they are then sending an inconsistent message to the general public.

H. Design labelling elements (section 3.2.2.4)

The Ministerial Forum asked FSANZ to develop a "*Pregnancy Warning*" and not a general "*Health Warning*". It not only goes beyond what was agreed by ministers, but it could be used as a precedent by those who seek to demonise wine producers, giving them a way to commence seeking other "warnings". We understand the objective of this exercise was to raise the awareness about drinking during pregnancy across the broader community, thus using the signal words "*Pregnancy Warning*" would surely be a more targeted and direct way to achieve this.

Given there is a widespread understanding across society that women should not drink at all during pregnancy and that there is widespread recognition of the existing pictogram, we would question why there is a need for "signal words" at all.

We have noted that FSANZ pays a lot of attention to the need to use size as a means to gain the attention of the consumer. We ask FSANZ why would a pregnancy warning need to be larger than a mandatory allergen label. FSANZ states that people with severe allergies manage their risk well by knowing to look for these warnings. While this may well be true for allergies, surely it is also true that there is a widespread understanding across our society that pregnant women should not drink.

FSANZ needs to be aware that wine perhaps more than other alcohol beverages, relies on the back label of the product to tell the consumer about the vintage and provenance of the wine. In a highly competitive market, the available space on a label is vital to our member's wine brands. An unreasonably large warning label erodes the ability to tell the story of our wine.

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

The problems with the summary of the proposed Pregnancy Warning Label design include the following:

- The signal words "Health Warning" instead of "Pregnancy Warning". Health warning is a more generic term and may dilute the pregnancy message which is the stated aim of the proposal.
- The pictogram using a wine glass opposed to other identifiable alcoholic beverage image. This may imply that only wine is a harmful beverage and that other alcoholic beverages are safe.
- The size of the pregnancy warning is large, considerably larger than the current allergy warnings, and especially when combined with the border and proposed clear space will use a significant amount of label space. This will necessitate new label design, and may force a reduction of the information currently provided to consumers on a back-label - highly undesirable for a wine label.
- The additional colours (red, white and black) will add significantly to the cost of label printing, as well as new label design.

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

As stated in response to item G, how can FSANZ on the one hand say that “any amount alcohol can harm your baby” on the proposed warning statement, but on the other hand say that alcohol under 1.15% ABV is ok? This is inconsistent and confusing to pregnant women, and brings the validity of the warning statement into question. FSANZ needs to consider both a practical and workable solution.

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

The Geographe Wine Industry Association is broadly comfortable with this approach.

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

The Geographe Wine Industry Association is broadly comfortable with this approach.

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

The Geographe Wine Industry Association consists of mostly small boutique , family owned and run wine businesses as their members. The majority of our members are involved in all aspects of production from the agricultural aspects of growing grapes through to the production of wine, and also direct sales to consumers via their cellar doors located within the region. Their businesses make a significant financial contribution to local regional economies.

We understand the need to inform and educate the public about the risks of drinking whilst pregnant, and have encouraged our members to make sure the voluntary materials provided by DrinkWise are displayed at the point of sale, and to use the current pictogram on their wine labels.

Smaller wine producers print smaller batches of labels, they do not have the economy of scale of larger printing orders. Thus their costs will be proportionally higher than those of larger producers. Whilst this point is acknowledged in the CFS, it is followed by the dismissive statement that “However, FSANZ understands that for glass bottles smaller producers often use digital printing. This form of printing is suited to printing smaller numbers of labels as label changes can be made more easily and cheaply than for higher volume printing processes.” If the small producer currently uses digital printing and is required to design and produce a new label with 3 new colours, this is still a significant cost increase. It may be cheaper than making the changes using conventional printing but it is still a significant cost increase.

The Geographe Wine Industry Association would prefer to see a more measured and evidence-based approach which mandates a warning label similar in size, colour and design to the existing voluntary label. This should also be accompanied by a suite of other awareness raising materials. We cannot see sufficient evidence to suggest that the larger format or red colour scheme will increase attention or have a significant impact on the behaviour of consumers.

N. Transitional arrangements (section 4.1 of CFS)

The Geographe Wine Industry Association is of the belief that the proposed transitional arrangements are generally reasonable. However we would ask that FSANZ exempts those wines we consider museum stock or those wines released with significant bottle age. (*Museum and bottle aged wines are those wines, with an older vintage date, stored by the winery, and then often not released until some years later.*)

We would also request that if FSANZ is considering any other labelling changes, that they ensure all transitional arrangements are coordinated so that wine businesses only have to change their labels once. We would not want our wine businesses to have to make one change and then another a year later and so on.

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

No Comment

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

No further comments.