



Submission on behalf of Alcohol Action Ireland.

Alcohol Action Ireland (AAI) is the national NGO for alcohol-related issues in Ireland. We are an independent voice for advocacy and policy change, working to improve public health, safety and wellbeing. We campaign for the burden of alcohol harm to be lifted from the individual, community and State and have a strong track record in the development of public health policies around reducing alcohol harm.

AAI welcomes the opportunity to respond to the Food Standards of Australia and New Zealand's (FSANZ) consultation on the labelling of alcohol products.

Submission to Proposal P1050 – Pregnancy warning labels on alcohol beverages

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

Alcohol Action Ireland, Coleraine House, Coleraine Street, Dublin 7

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

This submission was authorised by the CEO of Alcohol Action Ireland,

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

This submission outlines Alcohol Action Ireland's comments in relation to the pregnancy warning labels on alcohol beverages as proposed by FSANZ.

The main points identified in the submission are as follows:

- The details of the peer review process for both the literature review and the consumer testing report are queried

- Clarity is sought in relation to the adequacy of the appraisal methodology employed in the literature review
- Concern for the rationale and evidence base for various decisions regarding warning label design is expressed, in particular the size and prominence of the pictogram, the warning statement text size, and the chosen warning statement
- The categories based on container volume are critically questioned and adjustments to these are strongly recommended in favour of public health outcomes
- A transition timeframe of 12 months is identified as sufficient
- It is recommended that warning labels are applied on all alcoholic products above 0.5% ABV, according to the message that 'no amount of alcohol is safe during pregnancy'
- The need for a robust monitoring and evaluation system in order to assess the efficacy of and compliance with the new labelling regulations, is highlighted

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

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

The extent of the material considered and reviewed in the FSANZ document, 'Pregnancy warning labels on packaged alcohol: A review of recent literature', appears to be a comprehensive representation of the relevant literature in this area.

However, the method by which the individual papers were apparently appraised and given a 'quality rating' is ambiguous and lacks clarity. In addition, the fact that a single approach to assigning a quality rating was used for studies with varying study designs would appear to be inadequate by not taking such differences into account.

The literature review goes on to draw on empirical evidence which presents results on key aspects required for effective warning labels. Alcohol Action Ireland would like to seek clarity as to how the literature review has informed FSANZ's decisions and approach. For example, the literature review concludes that the text used in the warning should be 'large' in order to attract attention. Yet, despite this key finding and 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. Alcohol Action Ireland therefore queries the rationale for selecting the proposed elements of the above label categories, which appear to contradict the key findings of the literature review.

Alcohol Action Ireland would also be interested to learn who is responsible for the peer review of the literature review document and when such a review will be completed. In the interests of transparency this information should be readily available.

E. Consumer testing of warning statements (section 3.1.2)

Alcohol Action Ireland approves of the warning statement chosen by FSANZ (*Any amount of*

alcohol can harm your baby) based on the evidence presented in the literature review and the results of the consumer testing study. However, the justification for the choice of ‘*Any amount of alcohol can harm your baby*’ over the option of ‘*Any amount of alcohol can cause lifelong harm to your baby*’ is unclear. The consumer testing report results favours the ‘lifelong harm’ option over many of the domains tested in the consumer testing but was not the statement that was chosen for the label. The rationale for the decision not to choose the most overall effective statement has not been sufficiently put forward in the CFS report.

Finally, Alcohol Action Ireland would like clarification on who will conduct the peer review of the RMR report. Referring to attachment E of the consultation document, it is noted that the alcohol industry sought the opportunity to peer review the consumer testing report. Alcohol Action Ireland supports the World Health Organisation (WHO) guidance that “the alcohol industry has no role in the formulation of alcohol policies, which must be protected from distortion by commercial or vested interests”¹. An independent peer review of the report would ensure that such interference does not occur.

F. Pictogram (section 3.2.2.2)

Alcohol Action Ireland favours the use of the pictogram in the colour red, as has been demonstrated as more effective than monochrome colours²

It is very concerning however, that the size of the pictogram (especially for products between 200-800mls) is smaller than what is currently being employed in the voluntary approach which, as outlined in the literature review, has been found to be too small. Evidence from France, where similar mandatory pregnancy warnings were implemented including a pictogram, has shown that the size and prominence of the pictogram is crucial for noticeability and therefore, awareness of the warning³. Further research has also highlighted the importance of adequate design regulations to ensure conspicuous and prominent presentation of the intended warning²³⁴⁵.

In addition, in order to ensure that the size of the pictogram is adequately effective according to the framework of warning label effectiveness set out by Argo and Main (2004)⁶, a monitoring and evaluation system would be beneficial to provide evidence of how the pictogram is working according to its intended purposes.

¹ Gornall, Jonathan. "Doctors and the alcohol industry: an unhealthy mix?" *Bmj* 346 (2013): f1889

² Pham, Cuong, et al. "Alcohol warning label awareness and attention: a multi-method study." *Alcohol and Alcoholism* 53.1 (2017): 39-45. <https://academic.oup.com/alcalc/article/53/1/39/4608043>

³ Dossou, Gloria, et al. "The effectiveness of current French health warnings displayed on alcohol advertisements and alcoholic beverages", *European Journal of Public Health*, Volume 27, Issue 4, August 2017, Pages 699–704, <https://doi.org/10.1093/eurpub/ckw263>

⁴ Critchlow, Nathan, et al. "Awareness of product-related information, health messages, and warnings on alcohol packaging among adolescents: A cross-sectional survey in the United Kingdom." *Journal of Public Health* (2019). <https://dspace.stir.ac.uk/handle/1893/29912#.Xa7E5XdFzcc>

⁵ Tinawi, Georges, et al. "Highly deficient alcohol health warning labels in a high-income country with a voluntary system." *Drug and alcohol review* 37.5 (2018): 616-626. <https://onlinelibrary.wiley.com/doi/abs/10.1111/dar.12814>

⁶ Argo, Jennifer J., and Kelley J. Main. "Meta-analyses of the effectiveness of warning labels." *Journal of Public Policy & Marketing* 23.2 (2004): 193-208.

G. Warning statement (section 3.2.2.3)

As previously discussed in section E, Alcohol Action Ireland approves of the chosen statement (*Any amount of alcohol can harm your baby*) and the process by which the various warning statements were tested and evaluated. However, we would like further clarity as to the rationale for making the final decision, which is not well documented in the CFS document.

Alcohol Action Ireland understands from the CFS report that FSANZ commissioned Roy Morgan Research to conduct the consumer testing study in order to determine which of four statements would best convey the desired public health message and which “would be the **most** appropriate to be included in a pregnancy warning label on alcoholic beverage containers”⁷. According to the testing results, the statement *Any amount of alcohol can cause lifelong harm to your baby* performed best on average across all four statements, therefore better than the chosen statement. The process by which a decision was made to override the evidence base from the FSANZ commissioned consumer testing report in favour of other factors in the selection of the final statement, is not justified within the CFS document.

H. Design labelling elements (section 3.2.2.4)

The design elements of the label appear to be generally in line with the guidance on effective warning label design informed by empirical evidence internationally.

Alcohol Action Ireland supports the pictogram appearing in a red circle, with a red strikethrough and on a white background, the use of the words ‘HEALTH WARNING’ and this appearing in red, and that the warning statement and pictogram appear in a box, with a border that is red, white and black. While a 3mm clear space outside the border is acceptable, we suggest that this space should be coloured white as opposed to clear, in order to improve noticeability and prominence of the warning.

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

Alcohol Action Ireland would like to seek clarity on the rationale behind the labelling categories created by FSANZ (under 100mls, 100-800mls and above 800mls). The creation of different labelling categories for different alcohol products (by container volume) has not been established or justified within the CFS document. Alcohol Action Ireland is of the view that decisions on sizes of pictograms and warning texts should be guided by the total alcohol content of the container, as opposed to the arbitrary container volumes.

In terms of the nature of the categories, we argue that a lower container volume does not necessarily equate to a lower risk. For example, small bottles of wine (187ml) contain around

⁷ Roy Morgan Research, Alcohol Warning Label Survey Report Australia and New Zealand, 20 September 2019: p.6 <http://www.foodstandards.gov.au/code/proposals/Documents/SD2%20-%20Alcohol%20Warning%20Label%20Survey%20Report.pdf>

two standard drinks, whereas some ready-to-drink products (287ml) contain one standard drink. However, under the proposed labelling categories, the latter product would contain the more substantial warning than the former i.e. a pictogram and warning statement, rather than just a pictogram. Therefore, the suggested approach that products $\leq 200\text{mls}$ are required to display the pictogram only, fails to recognise the relative risk of different product types. The justification in the report that “comparatively fewer alcoholic beverages [are] sold in these volumes” is unsatisfactory as a rationale for not including the full warning statement accompanying the pictogram. Products of this volume are widely available and can have an alcohol content similar or greater than that of products in the second category, as mentioned previously. Excluding the warning statement element from a significant portion of products in the market weakens the ability of the intended messaging to be coherently and comprehensively received by the intended audience. Alcohol Action Ireland proposes that the first category should be reduced to products of 100mls and less, with the suggested pictogram diameter size of 8 mm for this category.

Alcohol Action Ireland call for the removal of the second category (products between 200-800mls). A clear justification for this category has not been provided in the CFS. The text size suggested is too small and is 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. Additionally, the proposed pictogram (6mm) is smaller than 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).

In summary, Alcohol Action Ireland calls for all products above 100mls to carry the full warning (pictogram and warning statement). This pictogram should be at least 8mm in diameter and the warning text at least 3mm. Our view is that decisions on sizes of pictograms and warning texts should be based on total alcohol content of the container.

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

With regard to the two options put forward in the CFS document, Alcohol Action Ireland is in agreement with the public health organisations and FASD experts that warning labels should be applied on all alcoholic products above 0.5% ABV (Option 2), in line with the message that ‘no amount of alcohol is safe during pregnancy’.

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

Alcohol Action Ireland agrees with the proposed approach outlined in the CFS document.

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

Alcohol Action Ireland is supportive of the labelling of all layers of outer packaging

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

Alcohol Action Ireland agrees with the updated costs and benefits outlined in the CFS document and that the benefits of preventing FASD far outweigh the costs of implementing mandatory warning labels.

N. Transitional arrangements (section 4.1 of CFS)

The decision of a 2-year transition timeframe is not sufficiently justified or supported by evidence. Alcohol Action Ireland argues that a 12-month transition timeframe is adequate based on the international evidence where countries with similar mandatory labels, such as France⁸, Lithuania⁹, the USA¹⁰, and South Korea¹¹, have enforced similar transition periods for new labelling standards to come into force. The transition period should be determined by what indicates the best approach for health outcomes, rather than what approach best favours commercial interests at the subsequent expense of public health.

Alcohol Action Ireland 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”, which suggests 12 months is standard transition time.

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

N/A

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

Alcohol Action Ireland would like to make the following additional comments:

- There is a lack of provision within the report for a statutory education and awareness campaign which is necessary in order to update consumers about the labelling changes and why they are being implemented.
- The evaluation and monitoring section of the CFS is not sufficient in order to properly measure and gauge the effectiveness of warning labels over time. This should also outline how non-compliance will be handled, fines for non-compliance, which Government Departments are responsible for compliance, and so forth.

⁸ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000422967&categorieLien=id> Order of October 2nd, 2006 concerning the modalities of registration of the health message advocating the absence of alcohol consumption by pregnant women on the alcoholic beverage packaging units [Google Translate]

⁹ <https://www.e-tar.lt/portal/legalAct.html?documentId=ab5c3d5091e711e5a6f4e928c954d72b> The Republic of Lithuania Alcohol Control Law NO. I - 857 amendment of article 9 the law

¹⁰ <https://uscode.house.gov/view.xhtml?path=/prelim@title27/chapter8&edition=prelim> Chapter 8 of the Federal Alcohol and Administration act in 1988

¹¹ https://elaw.klri.re.kr/eng_service/lawView.do?hseq=43278&lang=ENG National Health Promotion Act