

Attachment H – Submission Template

Please use the template below to provide your submission to Proposal P1050 – Pregnancy warning labels on alcoholic beverages. Please submit this to FSANZ as a word document (if required, a pdf of the submission may also be provided in addition to the word document).

For information about making a submission, including what your submission should include, visit the FSANZ website at [information for submitters](#).

Submission to Proposal P1050 – Pregnancy warning labels on alcoholic beverages

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

Technical Advisory Group of the New Zealand Beverage Council, P.O. Box 47, Auckland 1140, New Zealand

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

President of the New Zealand Beverage Council

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

The NZBC thanks FSANZ for the opportunity to provide this submission in support of changing the Code to mandate a pregnancy warning label on the label of any beverage with more than 1.15 % alcohol by volume [Option 1] in conjunction with education and other actions to prevent and manage FASD.

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)
none

E. Consumer testing of warning statements (section 3.1.2)
none

F. Pictogram (section 3.2.2.2)
none

G. Warning statement (section 3.2.2.3)
none

H. Design labelling elements (section 3.2.2.4)
none

I. Summary of proposed pregnancy warning label design (section 3.2.2.5)
none

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

Based on the legislation for what beverages could be considered in scope of this proposal and policy guidance, FSANZ considered two options for determining what 'alcoholic beverages' would be required to carry the warning label, with reference to %ABV:

- Option 1: beverages containing more than 1.15 % alcohol by volume, and
- Option 2: beverages containing 0.5 % alcohol by volume or more.

The NZBC has reviewed the proposal and, acting on behalf of the non-alcoholic beverages industry in New Zealand, would like to indicate its support for:

Option 1 - beverages containing more than 1.15 % alcohol by volume

Under this option, a pregnancy warning label would be required on the label of any beverage with more than 1.15 % alcohol by volume. This would generally include beer, grape, fruit and vegetable wine, wine products, cider, spirits, RTDs and any other beverages containing more than 1.15 % alcohol by volume such as alcoholic ginger beer and alcoholic lemonade.

Beverages listed above with less than 1.15 % alcohol by volume such as brewed soft drinks would not be required to include a pregnancy warning label under option 1.

The NZBC notes that FSANZ

"proposes Option 1 as a reasonable and pragmatic approach that will result in broad application of the pregnancy warning label across the alcoholic beverage sector. The proposed approach is broadly consistent with relevant requirements in the Code relating to alcohol and non-alcoholic beverages, and with relevant Australian and New Zealand legislation and guidance on alcoholic beverage definitions."

We wish to make the following points in relation to the application.

Consumer confusion

The NZBC agrees with FSANZ that consumer confusion may occur under option 2 - all beverages captured under option 1 would be included plus beverages with an alcohol content of 0.5% to 1.15% ABV – due to inconsistency across the brewed soft drink market.

The NZBC and its Members who manufacture and bottle brewed soft-drink beverages do not consider beverages under *Standard 2.6.2 Non-alcoholic beverages and brewed soft drinks* part of the alcohol industry, which also may cause confusion for both industry and consumers.

The NZBC believes the risk of consumer confusion would be heightened given retail sales alcoholic beverages above 1.15 % alcohol by volume are under an entirely separate legislative framework than other beverages. This framework includes restrictions on sales, placement and advertising as well as subjecting these beverages to excise taxes. Parliament has determined these restrictions should only apply to beverages above 1.15 % alcohol by volume and the NZBC advocates that, for consistency, this position should also apply to warning labels, given the very low level of risk associated with trace levels of alcohol.

The NZBC also notes

"that requiring beverages with 0.5% ABV or more to have the pregnancy warning label would also be inconsistent with the scope of the voluntary labelling initiative and the intent of the decision made by the Forum for FSANZ to consider warning labels on 'alcoholic beverages'."

Consumer education

The NZBC strongly supports education on how to read and interpret labelling information about alcohol in pregnancy and raising awareness of the risk of drinking alcohol during pregnancy and Fetal Alcohol Spectrum Disorder [FASD] prevention.

- K. Application to different types of sales (section 3.2.4)**
none
- L. Application to different types of packages (section 3.2.5)**
none
- M. Consideration of costs and benefits (section 3.4.1.1 of CFS)**
none
- N. Transitional arrangements (section 4.1 of CFS)**
none
- O. Draft variation to the Australia New Zealand Food Standards Code (Attachment A of CFS)**
none
- P. Other comments (within the scope of P1050 – see section 1.5 of the CFS)**
none