

## Proposal P1050 – 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):**

General Manager of Punt Road Wines and Napoleone Cider

10 St Huberts Rd, Coldstream, VIC, 3770

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

Owner/Director

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

Our business understands the societal problem of alcohol abuse, and the dangers to the foetus of drinking whilst pregnant. We are willing to act to encourage safe enjoyment of our product by including a pregnancy warning on our labelling. However we are very concerned that this proposal is:

- Ineffective: Insofar as it could improve maternal health. Alcohol consumption during pregnancy continues to decline across Australia.
- Excessive: The new warning is provocative, emotional and designed to significantly disrupt our label with its colour and size.
- Costly: in time, money and challenging our social licence to operate

### **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)**

We believe that evidence of examples relating to the effectiveness of pregnancy warnings on alcohol is lacking in the literature review.

**E. Consumer testing of warning statements (section 3.1.2)**

Whilst our business understands that take-up of the current voluntary Drinkwise pregnancy warning label was not comprehensive enough (indeed we were complicit in not changing our labels sooner), we believe that the label that was rolled out was well recognized in the community, and effective (alcohol consumption rates amongst pregnant women have been falling significantly for some time, and abstinence increasing). It is disturbing to us that FSANZ did not use the current warning label template in its consumer testing process. Therefore the proposed label was not tested against the control, and the ramifications for winemakers have not been measured accurately.

We also object that the phrase “WARNING STATEMENT” appeared on all of the options put forward for public consultation. This phrase extends beyond the mandate given to FSANZ by the Ministerial Forum, which asked FSANZ to develop a pregnancy warning.

**F. Pictogram (section 3.2.2.2)**

We support the continued use of the pictogram, however we believe that making ‘red’ the mandatory colour would not achieve the intended outcome, as many alcohol labels themselves are predominantly red (including our own Napoleone Apple Cider).

As well, adding a colour adds cost to our label designs, and FSANZ’s cost estimates are lower than what is realistic.

**G. Warning statement (section 3.2.2.3)**

On the one hand the FSANZ say that “any amount alcohol can harm your baby” on the proposed warning statement, but then say that alcohol under 1.15% ABV is ok, which seems contradictory. This is inconsistent and confusing to pregnant women, and brings the validity of the warning statement into question.

As a second point of principle, FSANZ must ensure that the text of the warning statement is supported by clear and peer reviewed evidence.

**H. Design labelling elements (section 3.2.2.4)**

With regard to the use of “Signal word(s)”

- It seems to us that the Ministerial Forum asked FSANZ to develop a “Pregnancy Warning” and not a “HEALTH WARNING”. This represents regulatory overreach by FSANZ and will be exceptionally damaging to our business as we lose sales due to a severely compromised perception of wine as a product in the marketplace. It must be removed.
- The use of the phrase “HEALTH WARNING” will be used as a precedent by those who seek to demonise wine producers to immediately seek other “warnings”. We do not believe that our product as craft wine and cider producers poses such a dramatic threat to society.
- If the objective of this exercise is to raise awareness about drinking during pregnancy across the broader community, then using the signal words “Pregnancy Warning” would be a more targeted way to achieve this.

FSANZ pays a lot of attention to the need to use size as a means to gain the consumer/purchaser’s attention. We ask that that FSANZ needs to consider:

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- Why a pregnancy warning would be larger than the mandatory allergen labelling we already put on our labels. This is also a serious warning, ignorance of which could lead to severe illness. FSANZ has said that people with severe allergies manage their risk well by knowing to look for allergen warnings on labels. While this may be true, surely it is also true that there is widespread understanding across society that pregnant women should not drink when pregnant?
- That while a larger label will be noticed more, what evidence is there to suggest there will be a measurable and material benefit to consumers, and how will the cost-benefit analysis be made clear? Does FSANZ really expect a dramatic difference in the amount pregnant women drink when they are pregnant as a result of a larger or more prominent warning?
- As winemakers, we heavily rely on the back label of the product to tell the consumer about variety, vintage, provenance and the like. In a highly competitive market, this matters and every millimetre of label space is vital to us to market our product. An unreasonably large warning label erodes our ability to tell the story of our wine.

With regard to the proposed requirements relating to size:

- We are in favour of no exemptions from the proposed design beyond the proposal to allow containers 200ml and less to only use the pictogram.
- If the Minister were to exempt containers under (for example) 400ml, that would mean our wine would carry the full warning label, while others (beer, RTDs etc) would only carry a pictogram. This would be an unjustifiable outcome.

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

See above

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

No comment

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

Punt Road Wines and Napoleone Cider are broadly comfortable with this approach.

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

Punt Road Wines and Napoleone Cider are broadly comfortable with this approach.

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

We believe the label proposal as it stands from FSANZ is ill considered and harsh on our

business.

We would be happy to see a measured, targeted evidence-based approach, which mandates a warning label similar in size, colour and design to the voluntary label, and accompanied by a suite of other awareness raising materials. There is no evidence that colour and size will do anything more than capture a slightly higher degree of the purchaser or consumer's attention when holding the product. And there is no evidence presented to suggest that a larger format or red colour scheme will have a significant impact on behaviours.

**N. Transitional arrangements (section 4.1 of CFS)**

We are happy with the arrangements proposed, but would point out that changes to our labels such as this will cost the business \$8,000 in packaging set up fees. We would hope that any warning template committed to would not be altered for some time thereafter.

**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 comment