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## **Attachment A: Zonte's Footstep Submission**

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

Directors  
PO Box 353  
McLaren Vale SA 5171  
(08) 7786 3088

### **A. For organisations, the level at which the submission was authorised.**

Owners

### **B. Summary (optional but recommended if the submission is lengthy)**

- Zonte's Footstep are concerned with the additional costs to revising our labels to include colour in the mandatory section.
- Feel the phrase "Warning Statement" is too prominent and far extends the "Pregnancy Warning" FSANZ set out to develop
- Are alarmed with the size of the warning label – with all other mandatory items already required on the back label (ie alcohol, geographic location, standard drinks, allergens, producer details, just to name a few), our labels will become cluttered and confusing to read by the consumer. Every square millimetre of label space is vital to our brand. An unreasonably large warning label reduces the opportunity to tell the story of our wine whilst incorporating all other mandatory requirements.

### **C. Literature review on the effectiveness of warning labels (section 3.1.1 of CFS)**

It was disappointing to see the literature review does not take examples from case studies directly relating to pregnancy warning labels. Instead it has attempted to draw comparisons between pregnancy warnings and warning labels for other health conditions. This is not comparing apples with apples and can be interpreted differently for each reader.

### **D. Consumer testing of warning statements (section 3.1.2)**

We were concerned and feel the key problem with the Consumer Testing of Warning Statement is the phrase "WARNING STATEMENT" appeared on all of the options put forward for public consultation. This phrase far extends the "Pregnancy Warning" FSANZ set out to develop.

Furthermore, we were surprised that FSANZ did not test the current voluntary DrinkWise warning label in its consumer testing process which already has good recognition in the community.



By failing to do this, we feel FSANZ does not have a baseline model from which to assess costs and benefits and is immediately considering a "WARNING STATEMENT" that is significantly more prominent and costly than the voluntary DrinkWise label, which we feel is already performing well amongst consumers.

#### **E. Pictogram (section 3.2.2.2)**

While Zonte's Footstep supports the use of the pictogram in general, we do not agree with the proposal to mandate the red circle and strike-through.

Adding colour to our existing back labels would add an extra cost of \$19.00 per 1000 labels printed (plus multiple set up costs) with additional plates and artwork fees. FSANZ's cost estimates are far too low to justify adding colour to the Pregnancy Warning

#### **F. Warning statement (section 3.2.2.3)**

We found the conclusions in Warning Statement 3.2.2.3 to be confusing and inconsistent. FSANZ states that "... any amount alcohol can harm your baby" on the proposed Warning Statement, but also acknowledges that alcohol under 1.15% ABV is ok? This could be confusing to pregnant women and brings the validity of the Warning Statement into question.

#### **G. Design labelling elements (section 3.2.2.4)**

Zonte's Footstep have listed our concerns under this Section 3.2.2.4 below.

1. With regard to the use of "Signal word(s)"
  - It is clear the Ministerial Forum asked FSANZ to develop a "Pregnancy Warning" and not a "HEALTH WARNING". We feel this is over stepping the mark by FSANZ and recommend it to be removed.
  - The use of the phrase "HEALTH WARNING" not only goes well beyond what was agreed by Ministers but will be used as a precedent by those who seek to demonise wine producers to immediately seek other "warnings". We are concerned the box being expanded in a year or two to include, for example CANCER WARNINGS.
  - If the objective of this exercise is to raise awareness about drinking during pregnancy across the broader community, we feel using the signal words "Pregnancy Warning" would be a more targeted and direct way to achieve this.
2. With regard to the proposed requirements relating to size:
  - Zonte's Footstep are concerned about the exceptions proposed to allow smaller alcoholic beverages 200ml or less (ie beers and cidars) to only use the pictogram. This would impact heavily on the wine industry whose alcoholic beverages containing 750ml would be required to carry the full warning label. We feel this would be an unjustifiable and unreasonable outcome.
  - We are also alarmed that the recommended Pregnancy Warning would be larger (and in red) than a mandatory allergen label, which (in some cases) could lead to severe illness or death. 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.
  - We understand that while a larger label will be more noticeable, what evidence is there to suggest there will be a measurable and material benefit to consumers? How will the cost-benefit analysis be made clear? How will this be measured? Does FSANZ expect a dramatic difference in the number of pregnant women who drink when they are pregnant as a result of a larger or more prominent warning?

- We feel that a larger mandatory warning statement may lead to a situation in which long-standing messages relating to drinking in moderation will no-longer be placed on the label. This could be due to the limited space for mandatory statements and commercial label requirements.
- Being in the wine industry our consumers rely on the back label of our wines to list the mandatory requirements of variety, vintage, geographic location, alcohol %, standard drinks and producer details to name a few. In a highly competitive market, every square millimetre of label space is vital to our brand. An unreasonably large warning label reduces the opportunity to tell the story of our wine whilst incorporating all other mandatory requirements.

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

Zonte's Footstep are concerned the cost benefit analysis suggests that "only a small proportion of FASD cases need to be prevented to offset the costs of label changes to industry". We feel this does not adequately consider or forecast the likely reduction in FASD as a result of the proposed change, which could impact our business.

Furthermore, we note that FSANZ does not consider alternative arrangements to achieve awareness in Australia, such as investing further in educational initiatives and public awareness campaigns. We firmly believe that most Australian's understand the risk of drinking during pregnancy, (along with quitting smoking, and avoiding certain foods like raw fish and soft cheeses – which are not required to carry a warning label).

Zonte's Footstep would like to see a measured, targeted evidence-based approach, which mandates a warning label similar in size, colour and design to the voluntary "DrinkWise" label and accompanied by a suite of other awareness raising materials. We feel there is no evidence to suggest 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).

#### **I. Transitional arrangements (section 4.1 of CFS)**

Zonte's Footstep would expect that FSANZ ensure the proposed labelling requirements do not capture museum stock, or wines released with significant bottle age.

We would also like to note that FSANZ should ensure if other labelling changes are currently being considered, transitional arrangements must be coordinated to ensure we only have to change our labels once, to incorporate the multiple required amendments. We do not want to have to make one change, and then another a year later.

I am happy to further discuss the above mentioned points if required.

Kind regards

Director & Owner  
Zonte's Footstep Pty Ltd