

## **Attachment A: Submission template**

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

[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]

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

[REDACTED], CEO, JKLP Group

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

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

Willow Creek Vineyard supports the mandatory pregnancy warning on alcohol, and indeed has voluntarily used the text of the DrinkWise warning on our labels since 2013. However, the proposed labelling requirements from FSANZ are far beyond the primary objective of triggering a reminder for pregnant women not to drink alcohol, opens the possibility of much broader health warnings to be added to labels, and puts an undue economic burden on small producers, whilst impinging on aesthetics of one of our critical marketing avenues – our labels.

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

Unfortunately, the literature review does not have any specific assessments of pregnancy warning labels, so extrapolations from other health warnings are made. It would seem a missed opportunity that no assessment of the voluntary labelling period has been done, or study of any decline in FASD cases over that period – we have no way of knowing if what has already been adopted is actually effective before going to the expense of redesigning the warning.

The conclusion that ‘it is generally accepted that where alcohol warning labels have been introduced they have limited impact on consumer behaviour’ seems an odd point at which to decide the focus of public awareness should be a more proscriptive label rather than an education campaign that is more targeted at the problem.

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

With more than 75% of women surveyed recognising the current voluntary text to have the meaning of current public health advice, that would appear to be a very good starting point. Taking any ambiguity out with rephrasing would seem reasonable.

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

Willow Creek Vineyard supports the use of the pictogram **OR** use of the term Pregnancy Warning in bold. We do not agree with the proposal to mandate the red circle and strike-through. We have a pale grey label with black text and all the mandatory information and current pregnancy warning text are the same size and clearly legible. Adding three new colours to the label affects the design aesthetic and adds substantial cost, with no clear evidence of increased efficacy.

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

Whilst we agree with taking any ambiguity out of the warning statement to reflect the current public health advice, there is some confusion in then not putting the pregnancy warning on alcohol under 1.15% ABV and saying “any amount alcohol can harm your baby”. As a second point of principle,

FSANZ must ensure that the text of the warning statement is supported by clear and peer reviewed evidence.

Willow Creek Vineyard would support a stronger statement than current voluntary text such as “Public Health advice is that pregnant women do not drink alcohol”.

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

- With regard to the use of “Signal word(s)”
  - It is very clear the Ministerial Forum asked FSANZ to develop a “Pregnancy Warning” and not a “HEALTH WARNING”. FSANZ acknowledges ‘Health Warning’ has a far broader meaning and refers throughout their consultation paper to ‘pregnancy warning’ but recommends the far broader term with no apparent reasoning.
  - 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”. One can easily imagine the box being expanded in a year or two to include cancer warnings, for example, if anti-alcohol advocates have their way.
  - Furthermore, if the objective of this exercise is to raise awareness about drinking during pregnancy across the broader community, surely using the signal words “Pregnancy Warning” would be a more targeted and direct way to achieve this.
- With regard to the proposed requirements relating to size:
  - FSANZ pays a lot of attention to the need to use size as a means to gain the consumer/purchaser’s attention. With 93% of beverages surveyed under the voluntary code having ‘standard’ or ‘above standard’ legibility and 90% having ‘standard’ or ‘above standard’ prominence, increasing mandated size seems redundant.
  - In addition, FSANZ needs to consider:
    - Why a pregnancy warning would be larger (and in red) than a mandatory allergen label, which 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?
    - Wine, perhaps more than other alcohol beverages, relies 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 square millimetre of label space is vital to your brand. An unreasonably large warning label erodes your ability to tell the story of your wine.
- As stated in response to section F:
  - Contrast in colour is more appropriate than mandating a red label. What if your back label is predominantly red? Wouldn’t a black, grey or white colour be more prominent in that instance
  - Adding colour adds cost to your label design, and FSANZ’s cost estimates are far too low. The estimate we have received from our label printer equates to around \$0.05/label in additional preparation and printing costs.
  - Discussions with label printers suggest it may not even be possible to successfully print this box onto a label that has a dark background or stock.

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

Willow Creek Vineyard supports use of the pictogram OR the signal words “PREGNANCY WARNING”, with revised consumer statement text, but printed in existing colour palette of the label, clearly legible, and equal size to other mandatory label requirements of preservatives, allergens, alcohol and standard drinks.

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

As previously noted, the exemption of the sub 1.15% ABV beverages highlights the confusion around the recommended consumer statement that ANY alcohol can harm your baby. We support a revised statement, not the mandatory labelling of those products.

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

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

Willow Creek Vineyard does not support the mandatory labelling of outer packaging – it has very little point of consumption relevance for wine, so doesn’t meet the primary focus of triggering a reminder for pregnant women, and because of the proposed mandated additional colours would add hugely to carton printing costs, or would necessitate adding a label to each carton with additional staff costs. The benefit would be extremely hard to see.

The estimate we have received from our carton manufacturer increases our cost by between \$0.15-\$0.23 per carton.

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

Willow Creek Vineyard supports the view of our peak industry body as below:

Australian Grape & Wine’s initial concerns include:

- 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” (page 1 of consultation paper). While this may be true, the cost-benefit analysis does not adequately consider or forecast the likely reduction in FASD as a result of the proposed change, beyond the reductions we are already seeing in Australia.
- The Australian Institute of Health and Welfare’s National Drug Strategy Household Survey of 2016 is the pre-eminent set of government statistics relating to alcohol consumption in Australia. On page 115 of the report it states “Since 2007, the proportion of women consuming alcohol during pregnancy has declined and the proportion abstaining has risen” (<https://www.aihw.gov.au/getmedia/15db8c15-7062-4cde-bfa4-3c2079f30af3/21028a.pdf.aspx?inline=true>)
- Furthermore, it does not consider alternative arrangements to achieve awareness in Australia, such as investing further in educational initiatives and public awareness campaigns. While Australian Grape & Wine supports such campaigns, we also firmly believe that most Australian’s understand the risk of drinking during pregnancy, as it is the first thing their medical professionals say to them upon finding out they are pregnant (along with quitting smoking, and avoiding certain foods like raw fish and soft cheeses – which we add are not required to carry a warning label).

What Australian Grape & Wine would like to see is 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 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.

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

Willow Creek Vineyard agrees the transitional period is reasonable, however:

- FSANZ must ensure the proposed labelling requirements do not capture museum stock, or wines released with significant bottle age.
- FSANZ should also ensure that if other labelling changes are currently being considered, such as the 2018 request to consider energy labelling for alcoholic beverages, transitional arrangements must be coordinated to ensure wine businesses only have to change their labels once, to incorporate the multiple required amendments.

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

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