

## 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):**

Brand Manager of Cape Mentelle Vineyards  
331 Wallcliffe Road, Margaret River WA 6285  
AUSTRALIA  
Phone:  
Email:

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

Managing Director of the Moët Hennessy Wine Division

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

Cape Mentelle fully supports raising awareness and understanding of the risk of drinking during pregnancy, however we feel confident the current voluntary DrinkWise pregnancy warning label is appropriate to convey the consumption warning message and was already performing well in the Australian market. By not testing the current label alongside the new proposals we are concerned the FSANZ does not have a baseline model from which to assess costs and benefits, hence the proportionality of the proposed mandatory health warning.

The new proposed design introduces a more comprehensive warning element by including the signal words “HEALTH WARNING” which seems beyond the original scope that the Ministerial Forum asked FSANZ to develop a “pregnancy warning”.

Finally, the proposal for containers under 200ml to be exempt from the full label and only required to use the pictogram disadvantages standard wine packaging and seems contradictory to a warning message about “any alcohol”.

### **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)**

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

Consistent with Australian Grape & Wine’s view, the text “HEALTH WARNING” is a generic statement. It seems beyond the scope of the original mandate and intention to provide pregnancy related warning information.

At Cape Mentelle we have been applying the voluntary DrinkWise pregnancy warning label for many years and we are pleased to note in Drinkwise’s consumer research that it receives good recognition in the community. It is disappointing that this logo was not tested alongside the

new proposals. In order to justify to the industry, the considerable new implementation cost of a new design it would seem relevant to have tested the existing voluntary label and be able to fully demonstrate improved benefits and impact scores.

**F. Pictogram (section 3.2.2.2)**

Whilst we support the use of the pictogram image, we do not feel the colour inclusion of the contrasting red circle and strikethrough elements should be mandatory. A reasonable contrast should be considered.

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

We do not believe there can be exemptions under the new regulations. If the statement is “Any amount of alcohol can harm your baby” then any alcoholic beverage, regardless of %ABV or container size should be treated similarly. Not to do so is confusing and contradictory to the validity of the warning.

We agree to Australian Grape & Wine’s comment that as a matter 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)”:

We remain concerned that the original intention of the mandate from the Ministerial Forum was to achieve a pregnancy warning label whereas this proposal by the FSANZ introduces a “HEALTH WARNING”. This appears to be an overreach and not directly meeting the objective to target pregnancy related drinking behaviour.

With regard to the proposed requirements relating to size and red colour scheme and exemptions:

We believe there should not be any exemptions to mandatory labelling. All packaged alcoholic beverages should be treated in the same way otherwise the message around “any alcohol” is not validated.

We believe there is a widespread understanding across the community that women should not drink when pregnant and that the existing DrinkWise pregnancy warning and pictogram was well recognised and understood. We are not confident that increasing the size and colour of the pregnancy warning pictogram and including the proposed text will dramatically change that understanding. As stated in response to section F, contrast in colour is more appropriate than mandating a red label.

For our category of wine, we rely heavily on the back-label panel to communicate several pieces of information (allergens, provenance, Drink Responsibly messaging, brand story etc). An unreasonably large warning label erodes our ability to include all pertinent consumer information.

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

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

We need a practical, fair & equitable solution to mandatory labelling and the proposal to exclude pregnancy warning labelling on alcoholic items <1.15% ABV is misleading and inconsistent with messaging around “any alcohol can harm your baby”.

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

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

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

We refer to The Australian Institute of Health and Welfare’s National Drug Strategy Household Survey of 2016, the pre-eminent set of government statistics relating to alcohol consumption in Australia, which states in its report (page 115), “Since 2007, the proportion of women consuming alcohol during pregnancy has declined and the proportion abstaining has risen”. This appears to recognise that existing practices are making a positive impact. It is therefore concerning that the existing voluntary DrinkWise pregnancy warning label did not form part of the consumer testing. We support Australian Grape & Wine’s comment for a measured, targeted evidence-based approach, which mandates a warning label similar in size, colour and design to Drinkwise voluntary label, and its inclusion in a more structured suite of awareness raising initiatives e.g. educational initiatives, public awareness campaigns and also professional medical advice.

There are numerous food items such as raw fish and soft cheeses that pregnant women are advised to avoid however we are not seeing mandatory warning labels enforced on these items?

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

In order to alleviate unnecessary business disruption and cost it should be noted that reasonable transition arrangements be applied, ensuring that all labelling changes being considered are communicated concurrently.

**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)**