

Proposal P1050 – Submission – Pregnancy warning labels on alcoholic beverages

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

The Department of Health, Tasmania

Program Manager, Alcohol and Drug Services
The Department of Health, Tasmania

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

Minister for Mental Health and Wellbeing, Tasmania

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

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)

The Department supports the findings from the literature review undertaken by FSANZ. The review confirmed that multiple design elements (size, location, colour, pictorials, signal words) can be used to enhance the noticeability of the warning labels.

The literature review also stated that current mandated warnings do not incorporate many of these design factors into labels, reducing their effectiveness. It is therefore essential that mandatory warning on alcoholic beverages do include these design factors.

E. Consumer testing of warning statements (section 3.1.2)

See section G

F. Pictogram (section 3.2.2.2)

The Department supports the use of the pictogram and notes that the Australian and New Zealand Ministerial Forum on Food Regulation (the Forum) requested that the warning label should include a pictogram and a relevant warning label.

G. Warning statement (section 3.2.2.3)

The Department supports the words '*any amount of alcohol*' as this is consistent with government advice.

FSANZ consumer testing found more than 50% of both women and those in the proximate pregnant category selected *any amount of alcohol can cause lifelong harm to your baby* as the statement that best conveys the public health message followed by 24-29% for *any amount of alcohol can harm your baby*.

FSANZ chose the second most common response as it performed well in all areas and has the advantage of being a shorter statement. Whilst the length of the statement is a generally accepted criterion for warnings FSANZ noted that no studies were identified in the literature search that explored message length. Message length was only one of the six principles that was considered when determining the best statement.

The Department considers the words '*lifelong harm*' are important to convey the seriousness of drinking alcohol during pregnancy and that it doesn't go away. The Department believes it better meets the principle 'explains the consequences if exposed to the problem' and that the additional words do not add significant length to the statement.

The Department considers it may be possible to address the *lifelong* issue through associated consumer education and recommends this is given high priority should the word *lifelong* be omitted from the final warning label.

H. Design labelling elements (section 3.2.2.4)

The Department supports the higher level of prescription as this draws greater attention to the warning label and reinforces the health message. Consumers do not look for warning labels, so they need to attract attention at point of sale. The Department supports the following elements of the design label proposed by FSANZ

- Use of the words 'HEALTH WARNING' as highlighted in the DRIS this would provide information to the broader community as well as pregnant women.
- Colour and contrast proposed. The colour red attracts attention and the Department supports the use of a specific red colour to ensure it stands out and provides consistency across all alcoholic beverages. Clear space outside the border and white background colour within the border are also important elements.

The Department is concerned with the minimum size proposed for alcoholic beverages >200ml and < 800ml. This is very difficult to read and without prescribing location and label orientation it has the risk of not being very visible. With a large proportion of alcoholic beverages being available in this volume size it reduces the public health impact of pregnancy warning labels. The Department supports removal of this option and that all alcoholic beverages >200ml should meet the minimum font size of 2.8mm (8 point). This has the added benefit of reducing complexity for enforcement authorities and industry stakeholders.

If this is not considered a viable option an alternative approach to ensure visibility would be to keep the proposed size but mandate location and orientation to front of pack.

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

See section H

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

The Department supports Option 1: beverages containing more than 1.15% ABV as a reasonable and pragmatic approach that will result in broad application of the pregnancy warning label across the alcoholic beverage sector.

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

The Department supports the approach proposed by FSANZ.

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

The Department supports the approach proposed by FSANZ. The pregnancy warning label needs to be visible at point of sale and the potential point of consumption, therefore the Department supports labelling on all layers of packaging. This approach is consistent with the objectives in the DRIS.

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

At the Forum meeting in October 2018 Ministers supported the DRIS and a policy decision was made that pregnancy warning labels should be mandated.

The Office of Best Practice Regulation exempted FSANZ from the need to undertake a formal Regulation Impact Statement (RIS).

FSANZ's updated cost benefit analysis came to the same conclusion as the DRIS and therefore the Department supports the findings that the mandatory option represents the greatest net benefit to the community.

N. Transitional arrangements (section 4.1 of CFS)

The Department has some reservations about the two-year transition period and an exemption for alcoholic beverages packaged and labelled before the end of the transition period from having to carry the warning labels.

Whilst this approach may minimise the costs for businesses it will be challenging for enforcement agencies post transition (i.e. determining whether a beverage not carrying a warning label were compliant before the end of transition period). There is a risk that this approach may encourage businesses to expedite production through the transition period to avoid the labelling requirement. Monitoring and evaluation of coverage will be essential to ensure this does not occur.

FSANZ outlines that this approach recognises alcoholic beverages with a slow market turnover or those intended for ageing/cellaring before sale but have been labelled. FSANZ expects this will be only a small proportion of beverages (mainly top-shelf spirits and premium wines) as beers, RTDs, cider and most spirits have a fast market turnover and would have turned over during the two-year period.

If monitoring and evaluation post the two-year period indicates poor coverage, particularly with high turnover products, the use of over-stickers at point of manufacture maybe worth considering, to ensure majority of alcoholic products have the pregnancy warning labels.

- 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)**