

P1050 Submission to FSANZ – Pregnancy warning labels on alcoholic beverages

A. Name and Contact Details

the Institute of Alcohol Studies.

B. For organisations the level at which it was authorised

C. Summary

The Institute of Alcohol Studies is an independent institute bringing together evidence, policy and practice from home and abroad to promote an informed debate on alcohol's impact on society. Our purpose is to advance the use of the best available evidence in public policy decisions on alcohol.

We are a charity registered and based in the UK, but firmly believe in international policy discussions and policy diffusion. As such, we work closely with our international colleagues, and actively work with the Foundation for Alcohol Research and Education (FARE) in Australia, and firmly support the position taken by their submission. Australia led the way in introducing plain package for cigarettes, before the UK along with much of the world then followed suit. In the UK we have some of the highest rates of drinking during pregnancy and, consequentially, fetal alcohol spectrum disorder (FASD), in Europe.¹ We know that, in the UK, the guidelines are poorly understood and communicating them has proved difficult.² We will be very interested in the outcome of this consultation. For more information about us please visit www.ias.org.uk.

IAS believes that the introduction of mandatory labels to explain the risks of consuming alcohol while pregnant are a positive step in reducing alcohol harm. While we are supportive of the proposal, we have some suggestions regarding the design of the label, in particular with respect to its size, but also regarding the categorisation of alcohol products, and the transition period.

D. Literature review on the effectiveness of warning labels

We are pleased to see that the literature review is being peer-reviewed and understand why the time constraints have led to this process running in parallel to the consultation process. We note that limited explanation has been provided to how studies of differing designs were weighted in this review. While there is a blanket quality assessment, this leaves some questions unanswered: for example, how were the findings of a systematic review compared to a qualitative focus group or to an experimental design?

We are more concerned, however, that some aspects of the review appear to have not been carried through to the proposals. Most notably, the literature review makes the firm conclusion that size is an important aspect of the warning label design.

¹ Popova S et al. (2017). [Estimation of national, regional, and global prevalence of alcohol use during pregnancy and fetal alcohol syndrome: a systematic review and meta-analysis](#). Lancet Health,

² Schölin L. et al. (2019). [Alcohol guidelines for pregnant women: barriers and enablers for midwives to deliver advice](#). The University of Edinburgh, the Institute of Alcohol Studies, the University of Hull.

Large labels attracts attention, enhances readability, and, importantly, do not unduly disadvantaging the visually impaired. The Food Standards Code ('the Code') in its existing form states that warning labels should have a minimum height of 3 mm. However, the proposal is to use a font size of 6 (2.1 mm high) for a wide range of products. This means that many consumables will display only small warning labels. This includes most wine, which is a popular drink amongst women: in the UK it was the most popular drink consumed by women on days of the heaviest drinking.³ Thus, a product that is commonly consumed by the group directly targeted by this warning, will carry labels that fall below the standards laid out in the Code and not supported by the evidence.

E. Consumer testing of warning statements

IAS supports the chosen statement, and we note that it performed well in the consumer testing, and substantially better than the current voluntary message. That being said, the statement: 'any amount of alcohol can cause lifelong harm to your baby' appears to have outperformed it. We appreciate the desire to have a short label, however, it is likely that part of the justification for brevity is that it helps in the easy communication and comprehension of the message. The data from the consumer testing appears to indicate that the inclusion of 'lifelong harm' amplifies both of these. We do not think a sufficient justification has been given for the choice of 'harm' over 'lifelong harm'.

We also note that the Industry asked for the opportunity to peer-review the consumer testing data. While IAS are strongly supportive of the peer-review we believe that the Industry would be the wrong group to carry out such a review, as they have a clear vested interest in the outcome, and we would strongly support that the review is performed by an independent group.

F. Pictogram

IAS supports the choice of colour and contrast for the pictogram, as it is consistent with the available presented evidence. We noted the concerns raised by the indigenous stakeholder consultation that the image of a glass of wine might not be applicable to that community. We would urge ongoing evaluation of the image following its adoption, with a particular focus on how well it is understood by at risk, minority, and other target groups.

However, like the text, the proposed size of the pictogram is too small. We are concerned that, for the wide variety of products in the 200-800mL range, the pictogram, at 6 mm, is considerably smaller than the standard drinks pictogram or the recycling pictogram. As discussed in Attachment C of the consultation document, other countries that mandate the size of warnings require larger images (ranging from 10-17 mm), and as described in the consultation document, while France does not currently mandate the size of the pictograms a 14 mm minimum [is being considered](#). We do not believe sufficient justification has been given for this diminutive size of this warning, especially on the 200-800mL products.

G. Warning Statement

As per our answer to section E we believe that more consideration should be given to including 'lifelong harm' in the warning statement. However, we would note that 'any amount of alcohol can harm your baby' performed well in the consumer testing

³ NHS Digital (2018). [Statistics on Alcohol, England, 2018 \[PAS\]](#).

and is notably superior to the current voluntary wording.

H. Design labelling elements

As in a previous answer IAS supports the choice of colours and contrast. We support the use of the signal words: 'HEALTH WARNING' as we believe that this is unambiguous. We agree with the proposal to use a border, and separate this by clear space, to distinguish this warning from other warnings (such as drink responsibly) and make it readily identifiable.

IAS appreciates the potential legal difficulties around mandating the location of the label to the front of the package, although we do believe this would be more effective, as was concluded by your literature review. We firmly believe that health should be in all policies, and it is unfortunate that in this case policies are actively impeding effective health messaging. We think that mandating the orientation of the label should be given further consideration. Limited justification appears to have been given for allowing the labels to be vertically oriented, despite the recognition that this may impede recognition. Given the lack of awareness and understanding of the risks of drinking while pregnant, in a study of over 1,000 Australians only two thirds of drinkers responded that it was 'definitely true' that alcohol caused harm to unborn babies,⁴ we believe that easy recognition should be prioritised.

I. Summary of proposed pregnancy warning label design

IAS appreciates that there is some complexity inherent in requiring a label for products of varying sizes, but we do not believe sufficient justification is given for the system proposed in the consultation document. We are very concerned that the labels are simply too small and out of step with FSANZ Code. We support the position of FARE and believe that the ranges of <200mL, 200-800mL, and >800mL should be changed to <100mL and >100mL.

Firstly, we would note that the existing Code requirements mandate a minimum size of 3 mm high for warning text, with 1.5 mm used for small packages (defined as a surface area of <100cm²). We note that packaging a volume of <100mL into something with a less than <100cm² surface area is impossible. Even when label size is measured alone, rather than package size as a whole, many alcohol product labels are larger than 100cm². For example, while wine labels vary being >10x10cm is common. It appears that the suggestion from FSANZ of 2.1 mm high text for products in the 200mL-800mL range is inconsistent with the Code. We would support, for all products over 100mL that the font size be a minimum of 3 mm tall, in keeping with the Code.

Secondly, the 200mL cut off below which only a pictogram is required appears arbitrary and would exempt a large number of products. This including small bottles of wine, which can often contain up to 2 standard drinks. While we appreciate the potential difficulties in fitting a label onto a small bottle, we think the threshold should be lowered to 100mL, bringing a greater number of products up to the same standard.

Thirdly, we do not understand the justification for only requiring a pictogram, without text, on products less than 200mL with outer package. The addition of outer

⁴ Coomber, K. , et al. (2017), [Awareness and correlates of short-term and long-term consequences of alcohol use among Australian drinkers](#). Australian and New Zealand Journal of Public Health

packaging would expand the available space for labelling considerably, to the extent that a larger text and pictogram would be reasonable for all outer packaging. We believe this exception needs further justification, or the full labelling requirements should be extended to these products.

Finally, regarding the pictogram size, as explained in our response to F we believe that the suggested size is too small: it is significantly out of step with guidance for standard drinks and recycling symbols, and the requirements in other countries.

J. Beverages to carry the pregnancy warning label

IAS does not support the decision to exempt products with <1.15% ABV, and we believe that the >0.5% standard should be applied. We appreciate the complexity of brewed soft drinks and their unusual position. However, we support the position of FARE, and we note the concerns expressed by the public health experts in the consultation as to the risks posed by the consumption of a large quantities of brewed soft drinks. Furthermore, we think that exempting drinks from the pregnancy warning when they are still required to display the number of standard drinks presents a serious risk of confusion. If the message is, as is the guideline, that no amount of alcohol is safe in pregnancy, we believe it will be undermined by the existence of drinks which demonstrate that they are alcohol-containing through a standard drinks label, yet do not carry the pregnancy warning. This is likely to enforce the inconsistent message that some amount of alcohol is safe in pregnancy.

K. Application to different types of sales

IAS agrees with the proposed approach

L. Application to different types of packages

We are supportive of the labelling of outer and inner packaging, as per the consultation proposal. This is important in allowing the warning to be seen at the time of purchase and consumption. However, as per our previous response, we believe further clarification is needed as to why a pictogram alone is sufficient for containers <200mL in an outer pack. This outer pack would presumably expand the space for a label considerably.

M. Consideration of costs and benefits

We agree with the outlined costs and benefits, and with the analysis that prevention of FASD substantially outweighs the cost of requiring labels.

N. Transitional arrangements

IAS understands the need for a transition, but we agree with the public health stakeholders that 2 years is too long. It is substantially longer than the one-year transition period which was applied in France.⁵ We appreciate the desire to not impose undue costs upon the Industry, and in that context the decision not to require re-labelling of products labelled before the end of the transition is not unreasonable. However, we noted that the cost-benefit analysis of the proposal appears to comfortably favour the adoption of labels. Given that, while a more rapid transition might impose a greater cost upon the Industry, we believe further thought should be given to the additional cases of FASD, due to slower adoption of labels, and the cost

⁵ Guillemont J. (2009) [Labelling on alcoholic drinks packaging: The French experience](#). Presentation to the Committee on National Alcohol Policies and Action (CNAPA) meeting, European Commission, February 2009

and harm that this represents. Perhaps most importantly, we note that the 12-month period would be consistent with the general rules within the Code (as per 1.1.1-9), and we see no particular reason why this specific Industry should be exempt from normal practices.

O. Draft variation to the Australia New Zealand Food Standards Code

No additional comments

P. Other comments

We note that there is currently no description within the consultation regarding the consequences of non-compliance with the new standards. We would urge that, if it has not already been considered, thought is given to enforcement measures that provide sufficient sanctions for failure to comply with the new standards.