

P1050 – Pregnancy warning labels on alcoholic beverages

Consultation - January 2019

Background paper

1 Purpose

Following a request from the Australia and New Zealand Ministerial Forum for Food Regulation, Proposal P1050 – Pregnancy warning labels on alcoholic beverages was prepared to consider amending the Australia New Zealand Food Standards Code (the Code) to mandate pregnancy warning labels on packaged alcoholic beverages. For reference, a summary of the current labelling requirements in the Code for alcoholic beverages and warning statements is at Attachment 1.

The purpose of this targeted consultation is to seek stakeholder views on:

- the design of a pregnancy warning label that reflects government advice to not drink alcohol during pregnancy, and
- issues associated with implementation of a pregnancy warning label.

2 History

In response to Recommendation 25¹ from the independent review of food labelling law and policy, the Legislative and Governance Forum on Food Regulation (FoFR) (now the Australia and New Zealand Ministerial Forum on Food Regulation (the Forum)) provided the alcohol industry with a two year period, commencing December 2011, to voluntarily place pregnancy warning labels on alcoholic beverages, before regulating such a change.

In 2014, ministers considered the report on the first evaluation of voluntary labelling in Australia and New Zealand and subsequently decided to allow another two years for industry to increase uptake of voluntary labelling.² At the November 2017 Forum meeting, ministers considered the second evaluation of voluntary labelling in Australia and New Zealand and asked for a policy options paper to consider mandatory versus voluntary approaches. A Consultation Regulation Impact Statement was prepared by the Food Regulation Standing Committee (FRSC) and targeted consultation undertaken in May and June 2018. At the Forum meeting in October 2018, ministers considered the Decision Regulation Impact Statement (DRIS)³ and agreed to ask FSANZ to consider mandatory labelling for pregnancy warning labels on packaged alcoholic beverages as a priority and that the work be completed expeditiously⁴.

FRSC received 52 submissions from the targeted consultation process in May/June 2018. FSANZ has reviewed these submissions and views, information and evidence relevant to the

¹ Recommendation 25 states: *That a suitably worded warning message about the risks of consuming alcohol while pregnant be mandated on individual containers of alcoholic beverages and at the point of sale for unpackaged alcoholic beverages, as support for ongoing broader community education.*

² Reports on evaluation of voluntary labelling are available at <http://foodregulation.gov.au/internet/fr/publishing.nsf/Content/pregnancy-warnings-alcohol-labels>

³ The Decision Regulation Impact Statement is available at <http://foodregulation.gov.au/internet/fr/publishing.nsf/Content/pregnancy-warnings-alcohol-labels>.

⁴ The communique from the Forum meeting in October 2018 is available at <http://foodregulation.gov.au/internet/fr/publishing.nsf/Content/forum-communique-2018-October>.

format, design and implementation of a warning statement have been taken into account when preparing for this consultation.

3 Scope of Proposal P1050

The scope of Proposal P1050 reflects the scope of the policy process that was undertaken by FRSC and the resulting DRIS.

Proposal P1050 considers a mandatory warning label about the risks of drinking alcohol during pregnancy on packaged⁵ alcoholic beverages required to bear a label for sale in Australia and New Zealand. Imported products are therefore in scope. Based on the policy advice in the DRIS the warning label is to include both a pictogram and a warning statement. The statement is to reflect government alcohol drinking guidelines in Australia and New Zealand relevant to the prevention of Foetal Alcohol Spectrum Disorder (FASD). This means including reference to breastfeeding in the warning label is out of scope.

Proposal P1050 excludes consideration of the display of a warning statement sign, for example, in licensed premises.

4 Design of a pregnancy warning label

4.1 Policy advice to FSANZ

During the policy development process, the Forum asked FRSC for advice on the most appropriate pictogram and the most appropriate and easy to understand message to discourage drinking alcohol during pregnancy.

It is noted in the DRIS that while pregnancy warning labels, in isolation, may not prevent women drinking alcohol while pregnant, they may help to reduce alcohol related harm when part of a broader package of measures. Pregnancy warning labels may help raise awareness of the risks of drinking alcohol during pregnancy, prompt discussions and support the establishment of cultural norms.

The DRIS includes a summary of evidence relating to the design of a warning label and stakeholder views from the targeted consultation (see Appendix 2 of the DRIS). It was concluded that a warning label should include a pictogram and warning statement, be evidence based and consumer tested. The DRIS also stated that evidence suggests effective pregnancy warning labels:

- include text that is readable and possibly the same size as all information on the product label
- use short warning messages, and words such as 'WARNING' or 'HEALTH WARNING' to indicate it is a warning label
- are separated from other information on the label (for example, placed in boxes with borders and away from messages such as *enjoy in moderation*)
- use contrasting colours, noting that the colour green should not be used as it can cause confusion and that the colour red receives the most attention and is readily associated with being a warning.

It was also recommended that FSANZ give consideration to including a two to three year transition period and a stock-in-trade exemption.

⁵ *Package* is defined in section 1.1.2—2 of the Code.

4.2 Review of available evidence

FSANZ is undertaking a literature review of the available evidence on the effectiveness of warning labels to inform the design of pregnancy warning labels. This section provides a high level overview of the findings to date. Much of the existing literature on pregnancy warning labels has been previously reviewed and summarised in the following key documents:

- Wilkinson et al. (2009b, 2009a): Evidence of effectiveness of alcohol warning labels for women of child bearing age and for risky alcohol consumption
- Siggins Miller (2014, 2017): First and second evaluations of the voluntary labelling initiative to place pregnancy health warnings on alcohol products
- Food Regulation Standing Committee (2018): Decision regulatory impact statement on pregnancy warning labels on packaged alcoholic beverages.

Literature published since the literature reviews by Wilkinson et al. (2009b, 2009a) was identified through searches of on-line bibliographic databases. Additional literature was identified in submissions to the FRSC RIS process, through stakeholder consultation and through hand searches (see reference list for literature considered to date).

FSANZ's review is structured using Argo and Main's (2004) five dimensions of effectiveness, representing the sequential processing of information that consumers engage in when exposed to warnings. These dimensions are:

- **Attention** refers to the cognitive effort directed to the warning. To be effective a warning must first be noticed; if it is unseen it cannot attract attention
- **Comprehension** includes the understanding of the elements of the warning, both textual and graphic
- **Recall** refers to the ability to retrieve warning information encoded in memory
- **Judgement** refers to the judgements and risk perceptions about the product
- **Behaviour** refers to the actions taken in response to the warning.

4.2.1 Attention

Attracting the attention of women and the general community is a necessary initial step in the process of attending to, and acting upon, a pregnancy warning label. The warning label needs to compete with other visual elements on the label in order to attract attention. The warning label should disrupt routine and habitual information searches to draw consumer attention to itself and its information. Consumers' attention must initially switch to the warning label, and then be maintained upon the warning, in order for information to be extracted and comprehended. The literature suggests that the existing pregnancy warnings labels in Australia and New Zealand do not readily attract the attention of consumers (Coomber, Hayley, & Miller, 2018; Hall & Partners, 2018; Rout & Hannan, 2016).

Attention is influenced by vividness-enhancing characteristics (Argo & Main, 2004). These are warning design aspects or physical characteristics that enhance the vividness of warnings, and in so doing attract the attention of consumers. A number of vividness-enhancing characteristics have been explored within the literature:

- Graphics: pictures and graphics capture greater attention than text alone (Coomber et al., 2018; Hall & Partners, 2018)
- Size: larger warnings, both in absolute terms and relative to other label elements, capture greater attention than smaller warnings (Kersbergen & Field, 2017; Peschel & Orquin, 2013; Peschel, Orquin, & Mueller Loose, 2019)

- Placement: warnings directly in the field of vision (e.g. front of pack) capture more attention than those not directly in the field of vision (e.g. side or back of package, not on primary package) (Coomber et al., 2018; Laughery, Young, Vaubel, & Brelsford Jr, 1993; Pham, Rundle-Thiele, Parkinson, & Li, 2018; Wilkinson et al., 2009b)
- Colour: colour can be used to enhance attention by making the warning stand out among other label elements, red is a common indicator of hazard/risk and enhances attention while also contributing to understanding that it is a warning, green can be ambiguous and confusing in the context of warnings (Hall & Partners, 2018; Pham et al., 2018)
- Contrast: high contrast increases attention and assists legibility, increased white space reduces clutter and may increase attention (Wogalter, 2006)
- Typography: font, font size and bolding can assist in enhancing attention, though capitalisation and some elaborate fonts can also reduce legibility
- Signal word: the use of signal words such as 'Health Warning' can increase attention (Hassan & Shiu, 2018; Wogalter, 2006)

A warning label may use a combination of these characteristics to enhance its ability to draw attention. For example a larger monochrome warning label may attract as much attention as a smaller multi-coloured warning label (Pham et al., 2018). Repeated long term exposure to a warning may result in its reduced ability to attract attention. Periodically changing the warning's appearance maybe useful in reinvigorating attention (Wogalter 2006).

4.2.2 Comprehension

Once noticed, the warning label must be read and understood by the consumer. The DrinkWise pictogram (refer to Table 3) and some alternatives have been tested among Australian and New Zealand samples. Using focus groups, Hall & Partners (2018) found that the DrinkWise pictogram effectively conveyed the message 'do not drink alcohol when pregnant'. It was easy to understand with little cognitive effort required. The universal symbol for prohibition appears to aid comprehension. Some (mainly male partners of women planning a pregnancy) suggest that the pictogram conveyed a slightly softer message of it being *advisable/recommended* not to drink when pregnant. Using a survey, Rout and Hannan (2016) found the pictogram conveyed the general message of don't drink if pregnant to 80% and 90% of New Zealanders and young New Zealand women respectively. A secondary message of harm to an unborn child or mother was not as well conveyed by the pictogram; 10% and 3% of New Zealanders and young New Zealand women respectively associated this message with the pictogram. Siggins Miller (2017) reported similar levels of comprehension among an Australian sample⁶.

Hall & Partners (2018) also tested a range of alternative pictograms. One showing a visible foetus was considered the most effective as it conveyed the message that pregnant women shouldn't drink while pregnant and also drew attention to the reason for this. However some participants noted that the size of the foetus may suggest that the warning is only relevant for a particular stage of pregnancy. They conclude that the DrinkWise pictogram was the 'strongest option' among those tested (Hall & Partners, 2018).

As noted, colour can enhance the attention that a warning receives. Colour can also assist in consumer' understanding. Rout and Hannan (2016) tested red and black, duotone grey, monotone green, and duotone gold versions of the DrinkWise pictogram. They found that 97% of respondents considered the red and black option to be most like a warning.

⁶ 80% of the sample and 83% of women interpreted the pictogram to mean don't drink when pregnant; 2.2% and 1.9% interpreted the pictogram as alcohol may/can cause harm to an unborn baby or mother (Siggins Miller (2017).

Comprehension of the DrinkWise/Cheers text of ‘It’s safest not to drink while pregnant’ has been tested among both Australia and New Zealand samples. Siggins Miller (2017) found that approximately 53% of Australian women interpreted the DrinkWise text as meaning don’t drink alcohol when pregnant, while a further 30% interpreted it as alcohol causes harm to the unborn child or mother. Rout and Hannan (2016) reported similar findings from a New Zealand sample⁷. Using a focus group methodology, Hall & Partners (2018) found that the DrinkWise text was interpreted as a suggestion, rather than definitive advice or a directive. The use of the word ‘safest’ leads to this interpretation as it implies there is a degree of uncertainty about the consequences of alcohol consumption during pregnancy. The warning text leaves open the interpretation that it is okay to drink small amounts while pregnant while noting that it’s safest not to drink.

A range of alternative messages have been tested with Australian and/or New Zealand samples (Table 1).

Table 1: Alternative warning text tested among Australians and New Zealanders (Hall & Partners, 2018; Rout & Hannan, 2016).

Warning text	Consumer comprehension
During pregnancy no amount of alcohol is safe	Conveyed small amounts are not safe; May be too definitive leading to credibility being questioned
Do not drink alcohol when pregnant	Clear instruction; No consequences to impact motivation
Alcohol causes birth defects, do not drink when pregnant	Serious message. May be too definitive leading to credibility being questioned.
Do not use if pregnant: alcohol causes birth defects	Serious message May be too definitive leading to credibility being questioned
Drinking any alcohol can harm your unborn baby	Conveyed small amounts are not safe; ‘Harm’ may be too vague
Even small amounts of alcohol can harm unborn babies	Conveyed small amounts are not safe; Harm may be too vague; too general cf. your baby
This product should not be used when pregnant or breastfeeding	Meaning straightforward – extended to breastfeeding Small amounts message unclear
Warning: Do not use if pregnant or breastfeeding	Meaning straightforward – extended to breastfeeding Small amounts message unclear, Signal word gives gravity
Don’t drink pregnant	82% of young women interpreted it as don’t drink if pregnant; 27% of young women interpreted as alcohol may/can cause harm to unborn baby/mother; 72% of young women considered this conveyed the message that you should not drink any alcohol very well

⁷ 54% of the sample and 61% of young women interpreted the DrinkWise/Cheers text to mean don’t drink when pregnant, 36% and 29% interpreted the DrinkWise/Cheers text to mean alcohol may/can cause harm to an unborn baby/mother (Rout and Hannan (2016)).

Drawing on the research of Hall & Partners (2018) and the World Health Organisation's (2017) discussion document on alcohol labelling, the following principles can be used to guide the development of warning text that will enhance understanding of the text:

- directly refer to low levels of alcohol consumption
- explain consequences of alcohol consumption during pregnancy
- provide instructions to avoid the problem
- avoid definitive language that harm will always occur
- use personalised language to increase relevance.

4.2.3 Recall

Recall of a warning label is a commonly used measure in the evaluation of warning label effectiveness. Both unprompted and prompted recall can be measured with the latter typically using a picture of the warning label in association with the question. Table 2 summarises the recall data for various Australian and New Zealand populations. Both Siggins Miller (2017) and Rout and Hannan (2016) suggest unprompted awareness of pregnancy warning labels is low, while less than 50% of the key target audience were aware of pregnancy warning label when prompted. It is unclear why the prompted level of awareness of DrinkWise warning labels reported by GALKAL (n.d.) is higher, however the sample size for that study was considerably smaller leading to larger confidence intervals around the estimate.

Table 2: Prompted and unprompted awareness of pregnancy warnings

Study	Population	Unprompted		Prompted	
		Pict.	Text	Pict.	Text
Siggins Miller (2017)	Women who are currently pregnant, planning a pregnancy or have a child under 18 months (AU)	6.8%	11.4%	39%	33%
Siggins Miller (2017)	All respondents (AU)	4.9%	8.6%	30.8%	25.9%
GALKAL (n.d.)	Women aged 18-40 yrs (AU)	n/a		74%	
GALKAL (n.d.)	All respondents (AU)	n/a		45%	
Rout and Hannan (2016)	Women (18-34 yrs) (NZ)	17% ⁸		46%	49%
Rout and Hannan (2016)	All respondents (NZ)	7%		25%	29%

In their literature review, Wilkinson et al. (2009b), suggest that the majority of women will have noticed pregnancy warnings within 2-3 years of their introduction. Younger women and heavier drinkers are more likely to notice pregnancy warnings.

4.2.4 Judgement

Warning labels can impact consumers by challenging the risk perceptions held towards a particular behaviour or product. Pregnancy warning labels can provide information that can

⁸ Unprompted awareness for Rout and Hannan (2016) relates to pregnancy warning message, rather than the pregnancy warning specifically.

alter or challenge consumers' held beliefs and judgements about the risks of consuming alcohol when pregnant. For some, there is a perception that small amounts of alcohol may be safe to consume while pregnant. This is in contrast to Government advice that no level of alcohol consumption during pregnancy is considered safe.

Some studies have explored the impact of warning labels on consumers' risk perceptions. Hall & Partners (2018) found that the DrinkWise/Cheers pictogram and text did not challenge beliefs and judgments about the risks of consuming small amounts of alcohol while pregnant. Rather, they found for some participants that the text 'appeared to reinforce the belief that consuming very small amounts of alcohol in pregnancy is unlikely to cause harm'. Rout and Hannan (2016) found that 14% of young women interpreted the DrinkWise text as 'you can drink when pregnant but it is safer not to'.

4.2.5 Behaviour

The fifth dimension of effectiveness is behaviour. Several types of behaviours have been explored in the literature on alcohol warning labels. These include changes to the amount of alcohol consumed (including complete abstention from consumption), discussions with others about the risks associated with alcohol consumption, and interventions by third parties acting on warning information. However as noted by Wilkinson et al. (2009b), the evidence base around behaviour is very limited. They draw attention to the following behaviours related to the introduction of warning labels in the US:

- reported increase in the likelihood of respondents having a conversation about the risks of alcohol (Kaskutas & Greenfield, 1992)
- prompted pregnant women to discuss the topic (Kaskutas, Greenfield, Lee, & Cote, 1998)
- the greater number of warning types that respondents were exposed to the more likely they were to discuss alcohol associated risks (Kaskutas & Graves, 1994).

In their survey of New Zealanders, Rout and Hannan (2016) reported that the DrinkWise pictogram prompted the following behaviours:

- to consider the risks of drinking alcohol while pregnant – 70% of young women
- to encourage you not to drink while pregnant – 68% of young women
- to talk with a friend or family member about the risks of drinking alcohol while pregnant – 37% of young women.

Forty-one percent of Australian adults reported that they 'did something different' as a result of seeing DrinkWise pictograms and text (GALKAL n.d.). The majority of these 'shared information with other' (20%) followed by 'reduced alcohol intake' (16%). One percent reported they had 'stopped drinking alcohol' as a result of seeing the DrinkWise messaging and pictogram.

4.3 Design elements


Based on the DRIS and our consideration of the evidence to date, we propose the following elements as a starting point for discussion of label design:

- a pictogram and a specific warning statement be presented together
- the pictogram be based on that used by DrinkWise in the style guide for voluntary labelling (pregnant woman holding a wine glass noting colour(s) to be discussed)
- must be legible
- statement text be based on design principles

- statement be short
- bold font used for statement text
- signal word(s) be used: e.g. Health warning, Warning, Government warning
- warning label be separated from other label information (e.g. border)
- contrasting colours be used, colour green not to be used

The key elements of the DrinkWise style guide that was used for voluntary labelling in both Australia and New Zealand are shown in Table 3.

Table 3: Key labelling elements from DrinkWise style guide for alcoholic packaging & advertising (September 2016)

Label element	DrinkWise Style Guide
Pictogram: Pregnant woman in black holding wine glass	 <p>Charcoal circle and strikethrough (or reverse colours depending on background)</p>
Size (pictogram or statement)	Minimum height 8mm (includes 'exclusion area' space around pictogram/statement)
Text	It's safest not to drink while pregnant
Colour	Suggests using charcoal (PMS432) or a prominent colour from own palette. Includes 50% charcoal and a green colour in style guide.
Text font, upper/lower case, bold and contrast	Not specified. General Code requirements: <i>must be legible and be prominent so as to contrast distinctly with the background of the label</i> (section 1.2.1—24).
Pictogram and text	An option in the logo suite shows pictogram alongside the statement. Options in the logo suite also include a contrasting rectangular/square background.

Legibility can be optimised using a number of effective combinations of design elements such as size, colour and contrast. The Code provides that a required word, statement, expression or design must be legible and be prominent so as to contrast distinctly with the background of the label (section 1.2.1—24). In addition, warning statements must be written in a type size of at least 3 mm or at least 1.5 mm for small packages⁹ (section 1.2.1—25).

Alcoholic beverages are sold in a wide range of container sizes (< 100 ml to over 3 litres) which adds complexity to specifying a minimum label size. However, the importance of size in attracting attention is evident from research and was a significant issue in the DRIS. A minimum warning label size could be based on a number of approaches including, one size for all products, by percentage of label area, by percentage of container area and by volume. Examples will be presented at the consultation meetings.

⁹ In the Code a small package is defined to be a package with a surface area of less than 100 cm² (section 1.1.2—2).

We have applied the design principles for the warning statement itself (given above in section 4.2) to statements that have been consumer tested, suggested by stakeholders in the 2018 submissions and used overseas. This will be outlined at the consultation meetings.

Examples of warning labels that bring all the design elements together will also be presented at the meetings.

5 Implementation Issues

5.1 Projects potentially affecting labelling of alcoholic beverages

There are four projects underway across the Australia and New Zealand food regulatory system that may result in changes to labelling requirements for alcoholic beverages:

- Proposal P1050 – Pregnancy warning labels on alcoholic beverages (FSANZ)
- Proposal P1049 – Carbohydrate and sugars claims on alcoholic beverages (FSANZ)
- Sugar labelling – policy development (FRSC)
- Energy labelling on alcoholic beverages – policy development (FRSC)

It would be desirable that transition periods for any changes in labelling requirements arising from these projects occur at a similar time. Currently transition periods for any labelling changes from P1050 and P1049 could be aligned. We would also consider possible alignment of transition periods with sugar labelling and energy labelling if these progress to mandatory requirements.

5.2 Transition period and stock-in-trade exemption for pregnancy warning label

The DRIS recommends FSANZ gives consideration to including a two to three year transition period to minimise impacts on industry with the introduction of mandatory warning labels. At the October 2018 Forum meeting, ministers also called for *appropriate transition timelines and stock-in-trade exemptions on new arrangements* in recognition of many industry members voluntarily adopting pregnancy warning labels.

The usual transition period for implementing variations to the Code is 12 months (section 1.1.1—9 of Standard 1.1.1 – Structure of the Code and general provisions). Subsection 1.1.1—3(2) states that Code requirements do not apply to wine that:

- has a shelf-life of more than 12 months
- was bottled before 20 December 2002
- complies with all food standards in the case of Australia and in the case of New Zealand, that applied at the date of bottling, and
- is labelled with a 2002 vintage date or earlier.

Industry submitters to the targeted consultation undertaken by FRSC in May and June 2018 noted that flexibility with the timing of the adoption of a mandatory warning label would be important for cost-saving, particularly for small businesses. Some submitters stated that a transition period of two to three years should be sufficient. It was noted that some businesses purchase labels up to 12 months in advance. Exemptions for aged wine that is already labelled was suggested. The public health and consumer sector generally considered that a one-year transition period would be adequate. It was noted however, that consideration should be given to stock-in-trade, particularly for vintage wines. While a public health submitter considered that a longer transition period could be appropriate for smaller producers, other submitters considered such an approach would be confusing for

consumers. Of the five enforcement authorities that participated in the consultation, one suggested the transition period should be based on risk posed to the community and another that there should be a slow transition to mandatory requirements.

FSANZ proposes a two year transition period following the gazettal of a new requirement for a pregnancy warning label. Such a transition period balances minimising costs for industry with not unduly prolonging possible consumer confusion. During the two year transition period businesses could choose whether or not to adopt the new warning label. As was suggested in the DRIS, FSANZ also proposes a stock-in-trade exemption whereby products that are labelled at or before the end of the transition period could still be sold without a prescribed warning label after the end of the transition period.

5.3 International trade

5.3.1 Imported products

Given imported foods need to comply with all relevant requirements in the Code, imported alcoholic beverages will need to comply with new labelling requirements, unless a different arrangement was specified in the Code for a pregnancy warning label. In the targeted consultation undertaken by FRSC in May and June 2018, one jurisdiction suggested that consideration should be given to flexibility in the format of a pregnancy warning label to allow for international mandatory warning messages to be acceptable for the Australian and New Zealand markets. However, such an approach would not achieve consistency of message and message format across Australia and New Zealand.

5.3.2 WTO notification

As members of the World Trade Organization (WTO), Australia and New Zealand are obliged to notify WTO members where proposed mandatory regulatory measures are inconsistent with any existing or imminent international standards and the proposed measure may have a significant effect on trade. A WTO notification will be lodged when the Call for Submissions is released in March 2019.

5.3.3 Free trade agreements

Australia and New Zealand are parties to several free trade agreements that include clauses relevant to the labelling of alcoholic beverages, particularly wine and distilled spirits. The general purpose of the agreements, relevant to alcohol labelling, is to align technical regulations so that they do not create unnecessary barriers to trade.

Australia and New Zealand are members of the World Wine Trade Group (WWTG) along with Argentina, Canada, Chile, Georgia, South America and the USA. The group developed a Labelling Agreement in 2007 which enables exporters to sell wine into WWTG markets without having to redesign all of their labels for each individual market. Under the Labelling Agreement, the WWTG members have agreed to a 'single field of vision' approach to wine labelling, whereby four key common items of information (country of origin, product name, net contents, and alcohol content) are deemed to comply with domestic labelling requirements if they are presented together in any single field of vision on the container. If the common mandatory information is presented outside of a single field of vision, the information has to comply with the requirements of the importing country. National mandatory information may also be required by an importing country. Article 10 of the Labelling Agreement states that although an importing country may not restrict the placement of

national mandatory information, an importing country may require two or more items of national mandatory information to appear in the same field of vision as each other.¹⁰

Australia and New Zealand are signatories to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership¹¹ (CPTPP) which includes Annex 8-A: Wine and Distilled Spirits. The CPTPP came into force in Australia and New Zealand on 30 December 2018. Section 10 of Annex 8-A states that if a party requires a wine label to include information other than the product name, country of origin, net contents or alcohol content, the party shall permit the supplier to provide the information on a supplementary label fixed to the wine container. This means that should a pregnancy warning label be required in Australia and New Zealand, the warning label could be provided via a supplementary label on imported wines and distilled spirits. The Code does not prevent the use of supplementary labels.

5.3.4 Australia and New Zealand wine exports

While there are broad requirements in both Australia and New Zealand for wine exported from either country to comply with domestic labelling requirements, provisions in the *Wine Australia Regulations 2018* and the *New Zealand Wine Act 2003* mean that a mandatory warning label in Australia and New Zealand is unlikely to be a barrier for exported product.

Section 14(3) of the *Wine Australia Regulations 2018*¹² states:

The Authority may approve the grape product if the Authority is satisfied that:

(a) either:

*(i) the grape product complies with the Australia New Zealand Food Standards Code; or
(ii) the ways in which the product does not comply will not compromise the reputation of Australian grape products; and*

(b) the grape product is sound and merchantable; and

(c) the description and presentation of the grape product is appropriate having regard to requirements of the Act, other Australian laws and the laws of other countries.

Therefore it appears that a mandatory pregnancy warning label in Australia would not be a barrier for wine exports provided an export wine without a warning label (that would be required in the Code) is not considered to *compromise the reputation of Australian grape products*.

Section 14(2A) of the *New Zealand Wine Act 2003*¹³ states that labelling requirements in a New Zealand standard do not apply where they conflict with a labelling requirement for an export market. Therefore, a mandatory warning label in the Code will not affect labelling requirements for wine products for export from New Zealand where the export market requires a pregnancy warning label.

¹⁰ Further information is at <https://www.trade.gov/td/ocg/wwwg.htm>

¹¹ Further information is at <https://dfat.gov.au/trade/agreements/in-force/cptpp/Pages/comprehensive-and-progressive-agreement-for-trans-pacific-partnership.aspx>

¹² The Australian Wine Regulations 2018 are available at <https://www.legislation.gov.au/Details/F2018L00286>

¹³ The New Zealand Wine Act 2003 is available at <http://www.legislation.govt.nz/act/public/2003/0114/55.0/DLM222447.html>.

6 References

- Argo, J. J., & Main, K. J. (2004). Meta-Analyses of the Effectiveness of Warning Labels. *Journal of Public Policy & Marketing*, 23(2), 193–208. <https://doi.org/10.1509/jppm.23.2.193.51400>
- Coomber, K., Hayley, A., & Miller, P. G. (2018). Unconvincing and ineffective: Young adult responses to current Australian alcohol product warnings. *Australian Journal of Psychology*. (2), 131. <https://doi.org/10.1111/ajpy.12177>
- Food Regulation Standing Committee. (2018). Decision regulation impact statement: Pregnancy warning labels on packaged alcoholic beverages. Canberra, Australia. <http://foodregulation.gov.au/internet/fr/publishing.nsf/Content/pregnancy-warnings-alcohol-labels>.
- GALKAL. (n.d.). DrinkWise label awareness.
- Hall & Partners. (2018). Understanding of consumer information messaging on alcohol products: Focus group testing report. Retrieved from <http://fare.org.au/understanding-of-consumer-information-messaging-on-alcohol-products/>
- Hassan, L. M., & Shiu, E. (2018). A systematic review of the efficacy of alcohol warning labels. *Journal of Social Marketing*, 8(3), 333–352. <https://doi.org/10.1108/JSOCM-03-2017-0020>
- Kaskutas, L. A., & Graves, K. (1994). Relationship between cumulative exposure to health messages and awareness and behavior-related drinking during pregnancy. *American Journal of Health Promotion*, 9(2), 115–124.
- Kaskutas, L. A., Greenfield, T., Lee, M. E., & Cote, J. (1998). Reach and effects of health messages On drinking during pregnancy. *Journal of Health Education*, 29(1), 11–17.
- Kaskutas, L. A., & Greenfield, T. K. (1992). First effects of warning labels on alcoholic beverage containers. *Drug and Alcohol Dependence*, 31(1), 1–14.
- Kersbergen, I., & Field, M. (2017). Alcohol consumers' attention to warning labels and brand information on alcohol packaging: Findings from cross-sectional and experimental studies. *BMC Public Health*, 17(1), 123. <https://doi.org/10.1186/s12889-017-4055-8>
- Laughery, K. R., Young, S. L., Vaubel, K. P., & Brelsford Jr, J. W. (1993). The Noticeability of Warnings on Alcoholic Beverage Containers. *Journal of Public Policy & Marketing*, 12(1), 38–56.
- Peschel, A. O., & Orquin, J. L. (2013). A review of the findings and theories on surface size effects on visual attention. *Frontiers in Psychology*, 4, 902. <https://doi.org/10.3389/fpsyg.2013.00902>
- Peschel, A. O., Orquin, J. L., & Mueller Loose, S. (2019). Increasing consumers' attention capture and food choice through bottom-up effects. *Appetite*, 132, 1–7. <https://doi.org/10.1016/j.appet.2018.09.015>
- Pham, C., Rundle-Thiele, S., Parkinson, J., & Li, S. (2018). Alcohol warning label awareness and attention: A multi-method study. *Alcohol and Alcoholism*, 53(1), 39–45. <https://doi.org/10.1093/alcalc/agx087>
- Rout, J., & Hannan, T. (2016). Consumer awareness and understanding of alcohol pregnancy warning labels. Retrieved from Health Promotion Agency website: <https://www.hpa.org.nz/research-library/research-publications/consumer-awareness-and-understanding-of-alcohol-pregnancy-warning-labels>
- Siggins Miller. (2014). Evaluation of the voluntary labelling initiative to place pregnancy health warnings on alcohol products. Retrieved from <http://www.health.gov.au/internet/fr/publishing.nsf/Content/pregnancy-warnings-alcohol-labels>

- Siggins Miller. (2017). Second evaluation of the voluntary labelling initiative to place pregnancy health warnings on alcohol products: Final report. Australia. Retrieved from <http://www.health.gov.au/internet/fr/publishing.nsf/Content/pregnancy-warnings-alcohol-labels>
- Wilkinson, C., Allsop, S., Cail, D., Chikritzhs, T., Daube, M., Kirby, G., & Mattick, R. (2009). Alcohol Warning Labels: Evidence of effectiveness on risky alcohol consumption and short term outcomes. Report 1. Australia. <http://www.foodstandards.gov.au/code/applications/Documents/Final%20NDRI%20Report%201%20word.doc>
- Wilkinson, C., Allsop, S., Cail, D., Chikritzhs, T., Daube, M., Kirby, G., & Mattick, R. (2009). Alcohol Warning Labels: Evidence of impact on alcohol consumption amongst women of childbearing age. Report 2. Australia. <http://www.foodstandards.gov.au/code/applications/Documents/Alcohol-warning-labels-report-2.doc>
- Wogalter, M. S. (2006). Communication-Human Information Processing (C-HIP) Model. In M. S. Wogalter (Ed.), Human factors and ergonomics. Handbook of Warnings (pp. 51–61). Mahwah, New Jersey: Lawrence Erlbaum Associates.
- World Health Organisation. (2017). Alcohol labelling: A discussion document on policy options. Copenhagen, Denmark. Retrieved from World Health Organisation Regional Office for Europe website: <http://www.euro.who.int/en/health-topics/disease-prevention/alcohol-use/publications/2017/alcohol-labelling-a-discussion-document-on-policy-options-2017>

Attachment 1 – Summary of Code requirements for labelling of alcoholic beverages and type size of warning statement

- The **alcohol content** must be provided on the label of alcoholic beverages. For alcoholic beverages containing more than 1.15% alcohol by volume (ABV), the alcohol content must be expressed as the percentage of ABV or in mL/100 g or mL/100 ml. For alcoholic beverages containing 1.15% ABV or less, the alcohol content must be expressed in words to the effect 'contains not more than x% alcohol by volume' (section 2.7.1—3 of Standard 2.7.1 (Labelling of alcoholic beverages and food containing alcohol)).
- A statement of the **number of standard drinks** contained in food for sale that is capable of being consumed as a beverage and contains more than 0.5% ABV must be included on the label (section 2.7.1—4 of Standard 2.7.1).
- The **general legibility requirements** in the Code apply to mandatory labelling information on alcoholic beverage containers. This means that any words must be in English and that any word, statement, expression or design must be legible and be prominent so as to contrast distinctly with the background of the label (section 1.2.1—24 of Standard 1.2.1 – Requirements to have labels or otherwise provide information).
- Alcoholic beverages are **exempt from the requirement to label with a nutrition information panel (NIP)** unless a claim requiring nutrition information is made (section 1.2.8—5 of Standard 1.2.8 - Nutrition Information Requirements). In the case where the alcoholic beverage is not required to bear a label, the NIP must be displayed on or in connection with the alcoholic beverage, or provided to the purchaser upon request. An NIP must contain the information set out in section 1.2.8—6 in the prescribed format (Schedule S12—2) (i.e. energy, protein, carbohydrate, sugars, fat, saturated fat, sodium).
- Alcoholic beverages containing more than 1.15% ABV are **only permitted to make nutrition content claims about energy content, carbohydrate content (for example 'low carbohydrate') or gluten content**. Health claims are not permitted (section 1.2.7—4 of Standard 1.2.7 (Nutrition, health and related claims)).
- An alcoholic beverage which contains more than 1.15% ABV must not be represented as a low alcohol beverage (section 2.7.1—5 of Standard 2.7.1).
- Alcoholic beverages may **voluntarily include an NIP**. The inclusion of an NIP does not constitute a nutrition content claim (section 1.1.2—9 of Standard 1.1.2 (Definitions used throughout the Code)).

Code requirements for warning statements

- Definition of warning statement (Section 1.1.2—2):
 - *Warning statement, for a food for sale, means a statement about a particular aspect of the food that is required to be expressed in the words set out in the following provisions....*
- Legibility requirements for warning statements (Section 1.2.1—25):
 - *A *warning statement on a label must be written:*
 - (a) *For a small package—in a *size of type of at least 1.5 mm;*
 - (b) *Otherwise—in a size of type of at least 3 mm.*
- There is no exemption for warning statements on small packages.