

# Pregnancy warning labels on alcoholic beverages

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Glen Neal  
June 2019  
Sydney & Wellington

# Work to date

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Date	Milestone
Oct 2018	Ministers noted Decision Regulation Impact Statement and agreed to ask FSANZ to consider mandatory labelling, expeditiously
Nov 2018	Commenced Proposal P1050 – Pregnancy warning labels on alcoholic beverages Started an evidence review
Jan/Feb 2019	Consultation meetings
March 2019	Decision to consumer test statement wording
June 2019	Ethics approval obtained for consumer testing
June 2019	Stakeholder feedback on warning label design and implementation issues

# Meeting objectives

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To seek stakeholder feedback on:

## Implementation

- which beverages are to carry the warning label
- application of warning label to different types of retail sales and packages
- transitional arrangements

## Pregnancy warning label design

- principles for 'attention' elements
- proposed approach for label format

# Pregnancy warning labels

Implementation

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June 2019  
Sydney & Wellington

# Which beverages to carry the warning label?

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## Context:

- Decision Regulation Impact Statement (DRIS) states pregnancy warning labels are to be on 'alcoholic beverages' but does not specify what beverages are included
- DRIS includes data for beer, wine, cider, spirits and RTDs

# Which beverages to carry the warning label?

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## Relevant Code requirements:

- Part 2.7 – standards for beer, fruit wine, vegetable wine, mead, cider, wine and wine products, spirits
- Non-alcoholic beverages and brewed soft drinks must not *contain more than 1.15% ABV* and not be represented as an alcoholic beverage (Standard 2.6.2)
- Labelling requirements (Standard 2.7.1)
  - Alcohol content, standard drinks, low alcohol representations
- Prohibition of health claims and most nutrition content claims about a food *containing more than 1.15% ABV* (Standard 1.2.7)

# Which beverages to carry the warning label?

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## NZ and Australian legislation & guidance (Attachment 1):

- Mostly refer to alcohol content of 1.15% ABV or more
- For example:
  - NZ Sale and Supply of Alcohol Act: alcohol is defined as having 1.15% alcohol or more
  - Most Australian jurisdictional liquor acts, liquor is defined as having more than 1.15% alcohol

# Which beverages to carry the warning label?

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Two options:

**Option 1: Beverages with more than 1.15% ABV  
to carry warning label**

Include beer, grape, fruit and vege wines, spirits, RTDS, cider and any other beverages with an alcohol content over 1.15% ABV

**Option 2: Beverages with 0.5% ABV or more  
to carry warning label**

Include beverages under option 1 plus those with alcohol content of 0.5% to 1.15% ABV e.g. brewed soft drinks



# Which beverages to carry the warning label?

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## Proposed approach:

Pregnancy warning labels be required on packaged beverages with **more than 1.15% ABV**.

### ***Rationale***

- Consistent with voluntary initiative (warning labels on 'alcoholic beverages').
- Consistent with Forum's request to FSANZ to consider mandating pregnancy warning labels on 'alcoholic beverages'.
- Consistent with existing Code requirements relating to non-alcoholic beverages or brewed soft drinks, and these beverages not being represented as alcoholic beverages
- Largely consistent with Australian and New Zealand legislation and guidance on alcoholic beverage definitions which generally apply to beverages containing 1.15% ABV or more.

# Discussion

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## Question 1:

Do you support the proposed approach of requiring beverages with more than 1.15% ABV to carry a pregnancy warning label?



# Application to different types of sales & packages

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- Item 1. Whether or not the warning label should be required for specific types of retail sales of packaged alcoholic beverages that would normally be exempt from the requirement to bear a label
- Item 2. Requirements for the warning label for alcoholic beverages that have more than one layer of packaging

# Application to different types of sales & packages

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## Item 1 Exemptions:

Relevant exemptions from the general requirement for packaged foods to bear a label are food:

- Made and packaged on the premises from which it is sold
- Delivered packaged and ready for consumption at the express order of the purchaser
- Sold at a fundraising event
- Displayed in an assisted service display cabinet
- Packaged in the presence of the purchaser

# Application to different types of sales & packages

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## Item 1 Exemptions:

Propose the pregnancy warning label **be required** for beverages:

- Made and packaged on the premises from which it is sold
- Delivered packaged and ready for consumption at the express order of the purchaser
- Sold at a fundraising event
- Displayed in an assisted service display cabinet

# Application to different types of sales & packages

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## Item 1 Exemptions:

Propose a pregnancy warning label would **not be required** on beverages packaged in the presence of the purchaser including if packaged in the presence of the purchaser when:

- Made and packaged on the premises from which it is sold
- Delivered packaged and ready for consumption at the express order of the purchaser
- Sold at a fundraising event
- Displayed in an assisted service display cabinet

# Application to different types of sales & packages

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## Item 1 Exemptions:

Rationale for proposed approach:

- consistent with the DRIS – pregnancy warning label be on packaged alcoholic beverages
- expect alcoholic beverages sold in the four situations listed would normally be labelled as for retail sale
- exemption for beverages ‘packaged in the presence of the purchaser’ consistent with DRIS (e.g. glass of wine served at a restaurant out of scope)



## Question 2:

Do you support the proposal for a pregnancy warning label to be required on packaged 'alcoholic beverages' that are:

- Made and packaged on the premises from which it is sold
- Delivered packaged and ready for consumption at the express order of the purchaser
- Sold at a fundraising event
- Displayed in an assisted service display cabinet?



# Application to different types of sales & packages

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## **Item 2** Requirements when more than one layer of packaging

### *Current Code requirements:*

If the food for sale has more than 1 layer of packaging, only 1 label is required (section 1.2.1-6(2))

If the food for sale is sold in packaging that includes individual packages for servings that are intended to be used separately but are not designed for individual sale, and have a surface area of 30 cm<sup>2</sup> or greater, then the individual portion pack is also required to bear a label with allergen information and warning statements (section 1.2.1-6(3))

# Application to different types of sales & packages

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## **Item 2** Requirements when more than one layer of packaging

Propose existing Code requirements would apply to pregnancy warning labels.

- where there is more than 1 layer of packaging, warning label would be required on 1 layer (usually the outer layer so it is legible)
- for individual portion packs inside an outer carton, warning label would be required on portion packs as well as outer packaging.

# Application to different types of sales & packages

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## **Item 2** Requirements when more than one layer of packaging

Rationale for proposed approach:

- consistent with Code requirements for other warning labels, allergens
- most frequently bottles inside a box are fully labelled
- variation in packaging materials (e.g. cask wine, bottles of beer held together at top with cardboard or plastic that does not obscure labels)
- similar approach to Codex for multilayer packages



## Question 3:

Do you support applying existing Code requirements to pregnancy warning labels on alcoholic beverages:

- with more than one layer of packaging
- in individual portion packs (inside an outer package) that are intended to be used but not sold separately?

# Transitional arrangements

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Consideration needs to be given to transitional arrangements for a variation to the Code for mandatory warning labels on alcoholic beverages

# Transitional arrangements

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## Recommendations in the DRIS:

- Give consideration to a 2-3 year transition period and stock-in-trade exemption so that beverages already packaged and labelled before the end of the transition period would not have to have label changed
- Noted costs are likely to be disproportionately higher for small businesses

# Transitional arrangements

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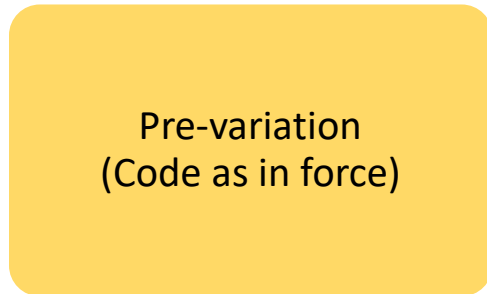
## Options:

- shorter vs longer transition periods
- transition period with no stock-in-trade exemption
- stock-in-trade exemptions of varying lengths
- extended transition period for businesses that have voluntarily labelled beverages with warning label

# Proposed option

Date of gazettal/date of  
variation/start of transition

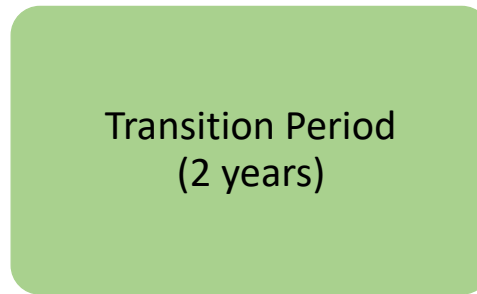
End of transition  
period



Pre-variation  
(Code as in force)



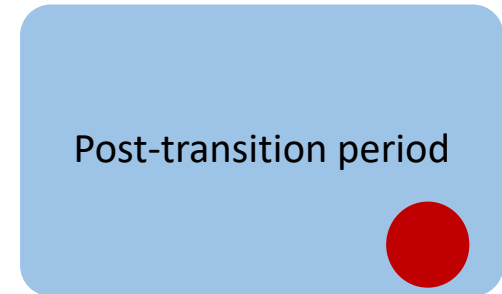
A product is taken as compliant if it meets the requirements of the Code as in force before the variation took place



Transition Period  
(2 years)



During the transition period products can either:  
✓ comply with the Code before the variation or  
✓ comply with the Code as amended by the variation.



Post-transition period



All products must comply with the Code as amended by the variation, except those which are **exempt**.



A product that were compliant with the Code before the end of the transition period (i.e. did not carry the pregnancy warning label) will be deemed compliant with the Code as amended, if sold after the transition period.



# Transitional arrangements

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## Rationale for proposed approach:

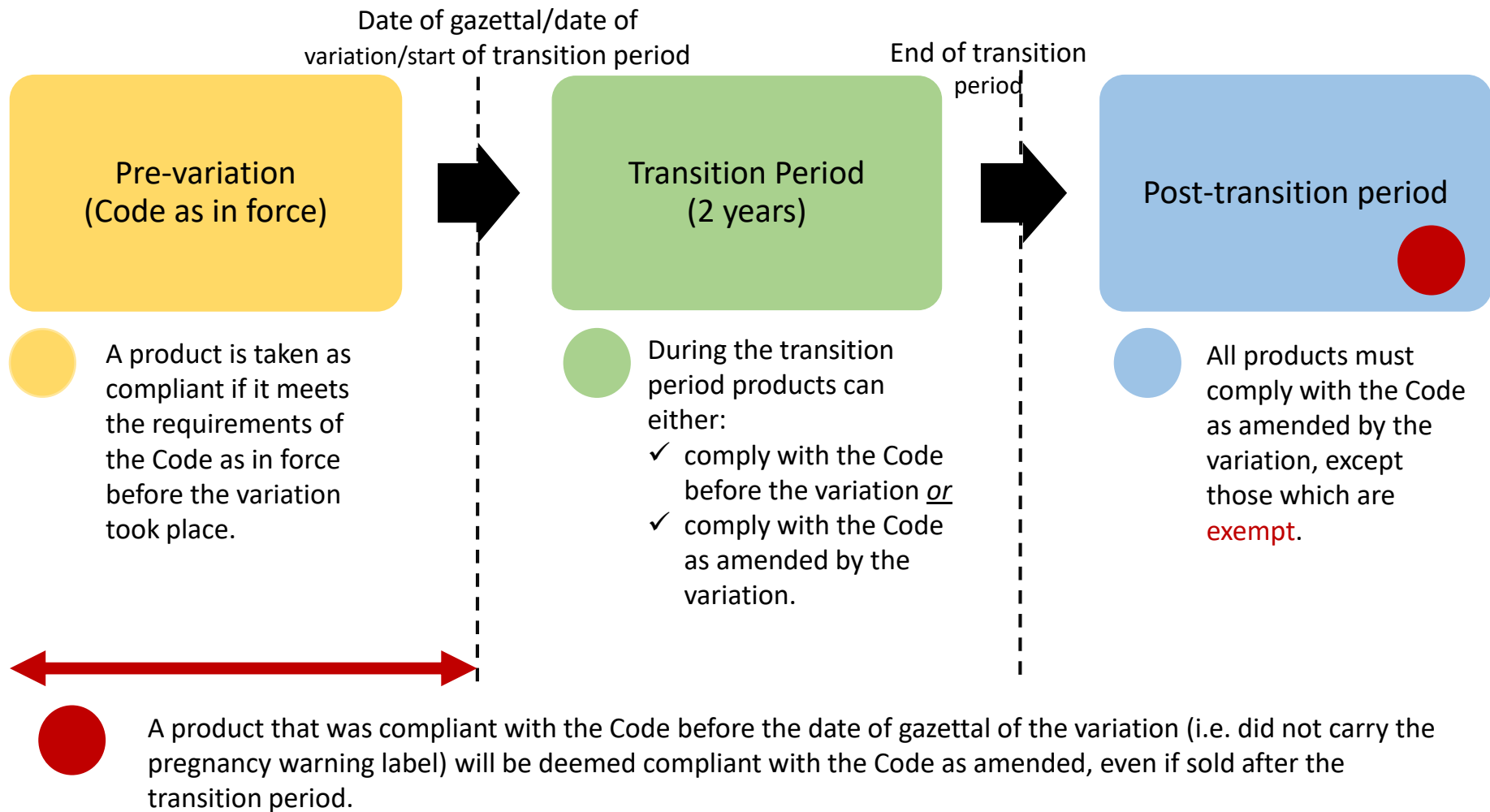
- two year transition period from date of gazettal:
  - balances minimising costs for industry (SMEs) with not unduly delaying exposure of warning label to consumers
- stock-in-trade exemption:
  - reduce need for relabelling of beverages with a slower market turnover e.g. premium aged wines, some spirits
  - expect majority of alcoholic beverages will be labelled after end of two year transition period



## Question 4:

Do you support the proposed approach for transitional arrangements which include a two year transition period and a stock in trade exemption for beverages that complied with the Code before the end of the transition period?

## Alternative option (Question 5)





## Question 5:

What types and numbers of labelled beverages typically take more than 2 years to sell and therefore would need to be relabelled if the **alternative option** was implemented?

# Pregnancy warnings on alcohol

Pregnancy warning label design

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Sydney & Wellington

# Pregnancy warning label design

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- Ministers asked FSANZ to consider mandating a pregnancy warning label that has a pictogram and statement.
- Warning label is to reflect public health messaging consistent with government advice that pregnant women not consume alcohol
- Broad public health initiative
- Three key aspects to consider in label design:
  - pictogram
  - statement
  - 'attention' labelling elements

# Pregnancy warning label design

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## Pictogram

- Moderate and increasing levels of awareness and understanding of pictogram commonly used in voluntary labelling scheme
- Therefore, propose to use



## Warning Statement

- Undertaking consumer testing of label statement

# Pregnancy warning label design

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## 'Attention' labelling elements

- Colour & contrast
- Typography
- Signal word
- Separation from other label information
- Size
- Location of warning label on package.



# Pregnancy warning label design

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Principles for approach to 'attention' labelling elements:

1. Have regard to policy advice and DRIS
2. Consider best available evidence
3. Consider current guidance and requirements for alcohol labelling (Attachment 2).

# Pregnancy warning label design

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## Principle 1: Policy advice

- DRIS recommendations:
  - Text be readable and possibly the same size as other label information
  - Warning message is short
  - Signal words such as 'WARNING' or 'HEALTH WARNING' are used
  - Warning label is separated from other information, e.g. placed in a box, clear space used around the warning label
  - Use contrasting colours. Green should not be used while red receives the most attention and is readily associated with being a warning.
  - Size of the warning label is larger than that used in voluntary labelling initiative.

# Pregnancy warning label design

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## Principle 2: Best available evidence

- literature review of evidence to be included in public consultation
- **colour & contrast** – high contrast increases attention; red commonly used to indicate hazard; white space reduces clutter;
- **typography** – font, font size, bolding
- **signal words** – *health warning* or *government warning* have increased credibility over *warning*
- **separation** – can increase attention
- **size** – larger size relative to other label elements attract greater attention up to certain point

# Pregnancy warning label design

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## Principle 3: Relevant guidance, code and international requirements

- code – 3 mm font for warning statements; general legibility provisions
- DrinkWise – 8 mm box height; clear space around label, charcoal or other colour
- standard drink graphics – guidance – height of 14 mm (Australia); 12 mm (NZ)
- recycle logo – 14 mm height (Australia)

# Pregnancy warning label design

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Proposed approach (**containers over 100 ml**):

## General format:



## Prescribed labelling elements:

- pictogram, 'HEALTH WARNING' signal words and statement in a box
- pictogram of pregnant woman within circle with strikethrough across circle
- signal words in capital letters, bolded
- warning statement in sentence case, bolded
- min. box height 11 mm
- min. font size 2.8 mm
- min. pictogram diameter 8 mm
- clear space of at least 3 mm outside box
- non serif font type

# Pregnancy warning label design

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Proposed approach (**containers 100 ml and under**):

- only pictogram be required
- same size as for containers over 100 ml  
(8 mm diameter)

# Pregnancy warning label design

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## Rationale:

- DRIS and evidence related to warning label design supports high level of prescription
- if warning label not noticed by consumers, will not achieve its purpose
- alcoholic beverage sector – large range of container sizes (under 100 ml to over 3 litres)
- larger minimum size than that used for voluntary labelling balanced with large range of container sizes and available label space
- consistency across sector



## **Question 6:**

Do you support the proposed general format for the warning label?

## **Question 7:**

Do you support the proposal to prescribe the labelling elements as specified?



# Pregnancy warning label design

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## Colour & contrast:

### **Option 1:**

Colour & contrast prescribed

Black box

White background inside box

Statement in black text

'HEALTH WARNING' in colour red

Pregnant woman in black

Pictogram circle and strikethrough in red

### **Option 2:**

Existing Code legibility requirements would apply

Colour green prohibited (Code)

Style guide would provide guidance on colour and contrast

Examples of high and low contrast



## **Question 8:**

Do you support either option 1 or option 2 relating to colour & contrast?

## **Question 9:**

Do you have any other suggestions for how colour & contrast could be managed?

# Pregnancy warnings on alcohol

Overview of approach to consumer testing

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Sydney & Wellington

# Label effectiveness

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attention

comprehension

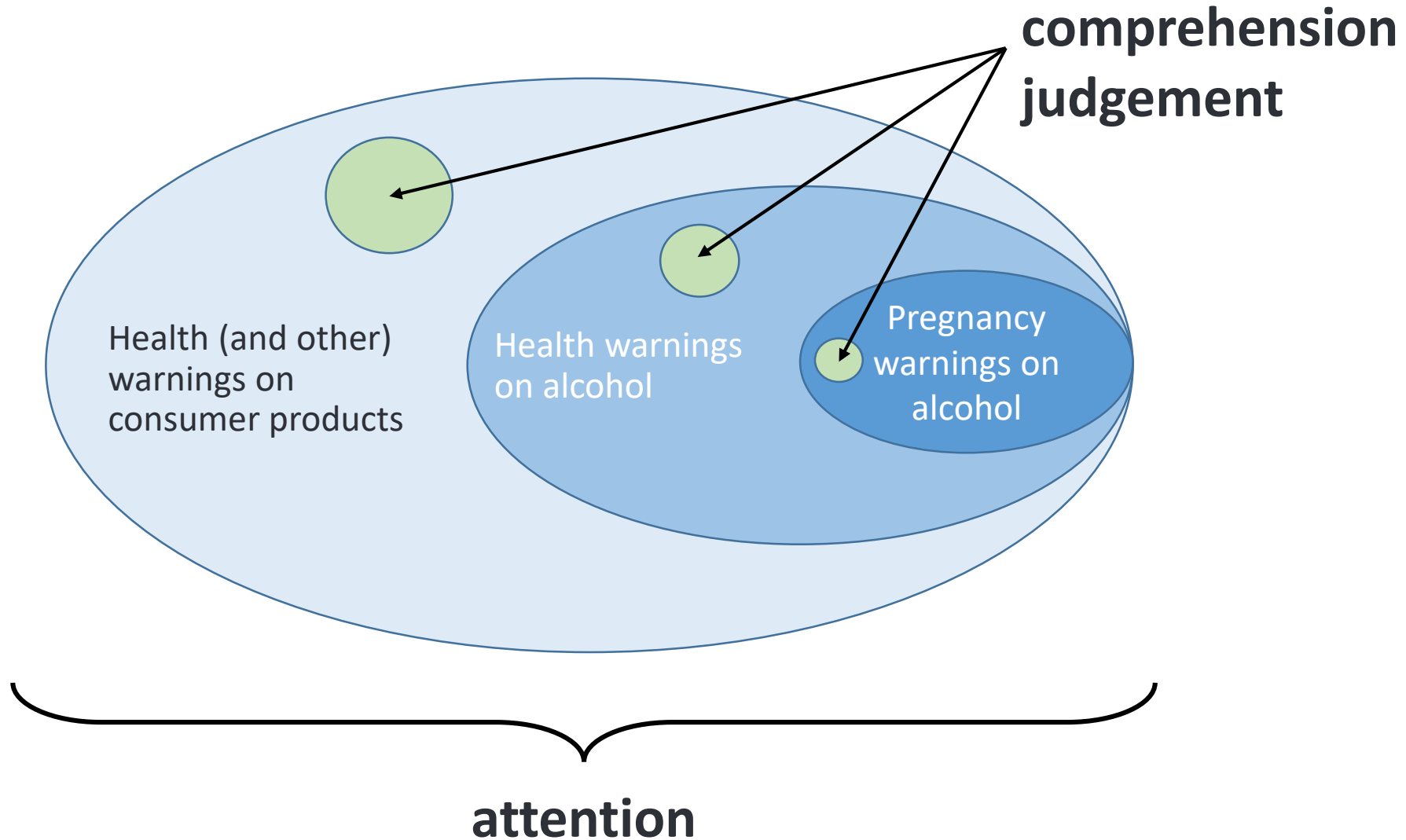
recall

judgement

behaviour

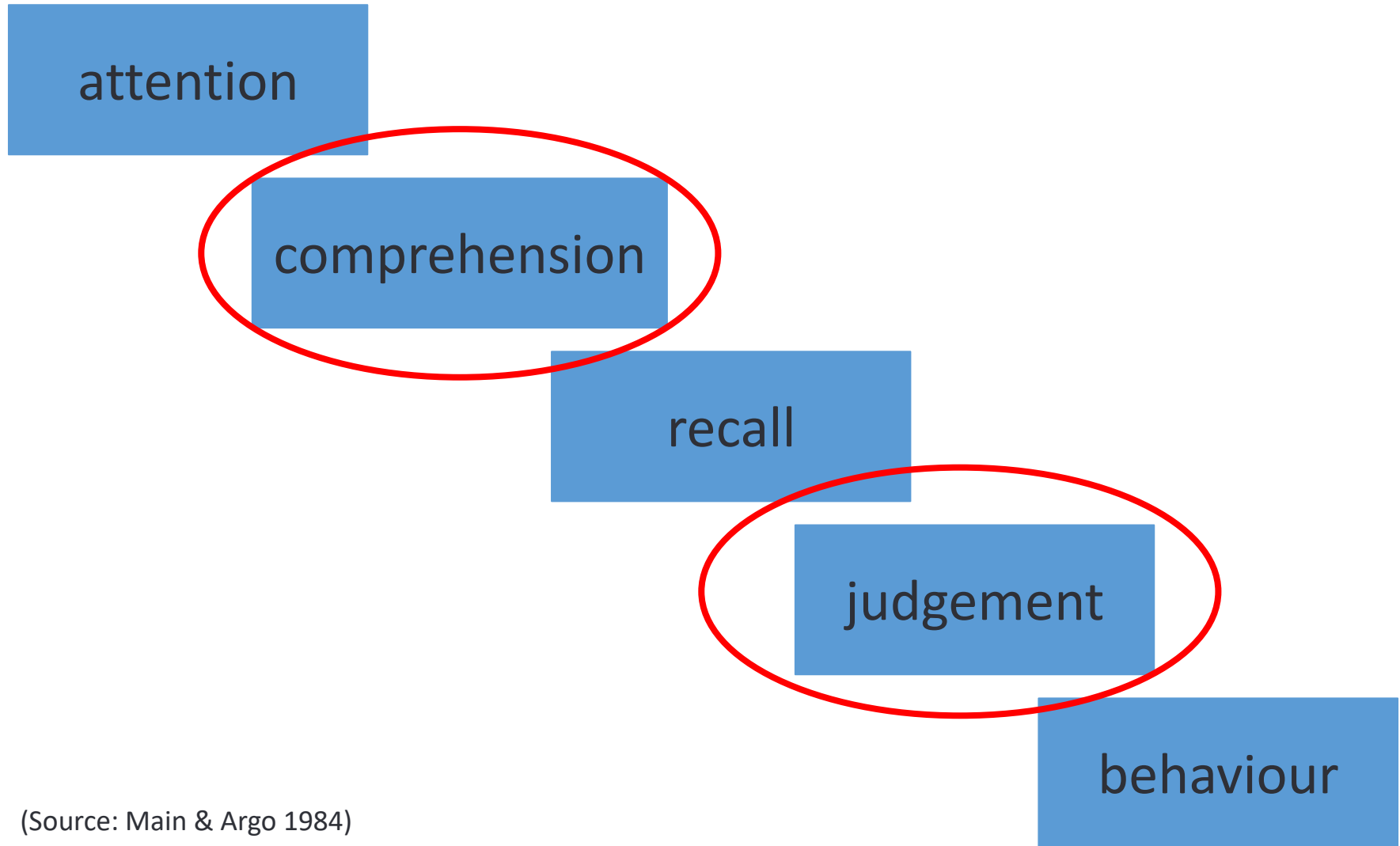
(Source: Main & Argo 1984)

# Literature on warnings



# Label effectiveness

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(Source: Main & Argo 1984)

# Developing messages to test



# Test labels

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**HEALTH WARNING**

It's safest not to drink  
while pregnant



**HEALTH WARNING**

Alcohol can harm  
your baby



**HEALTH WARNING**

Any amount of alcohol  
can harm your baby

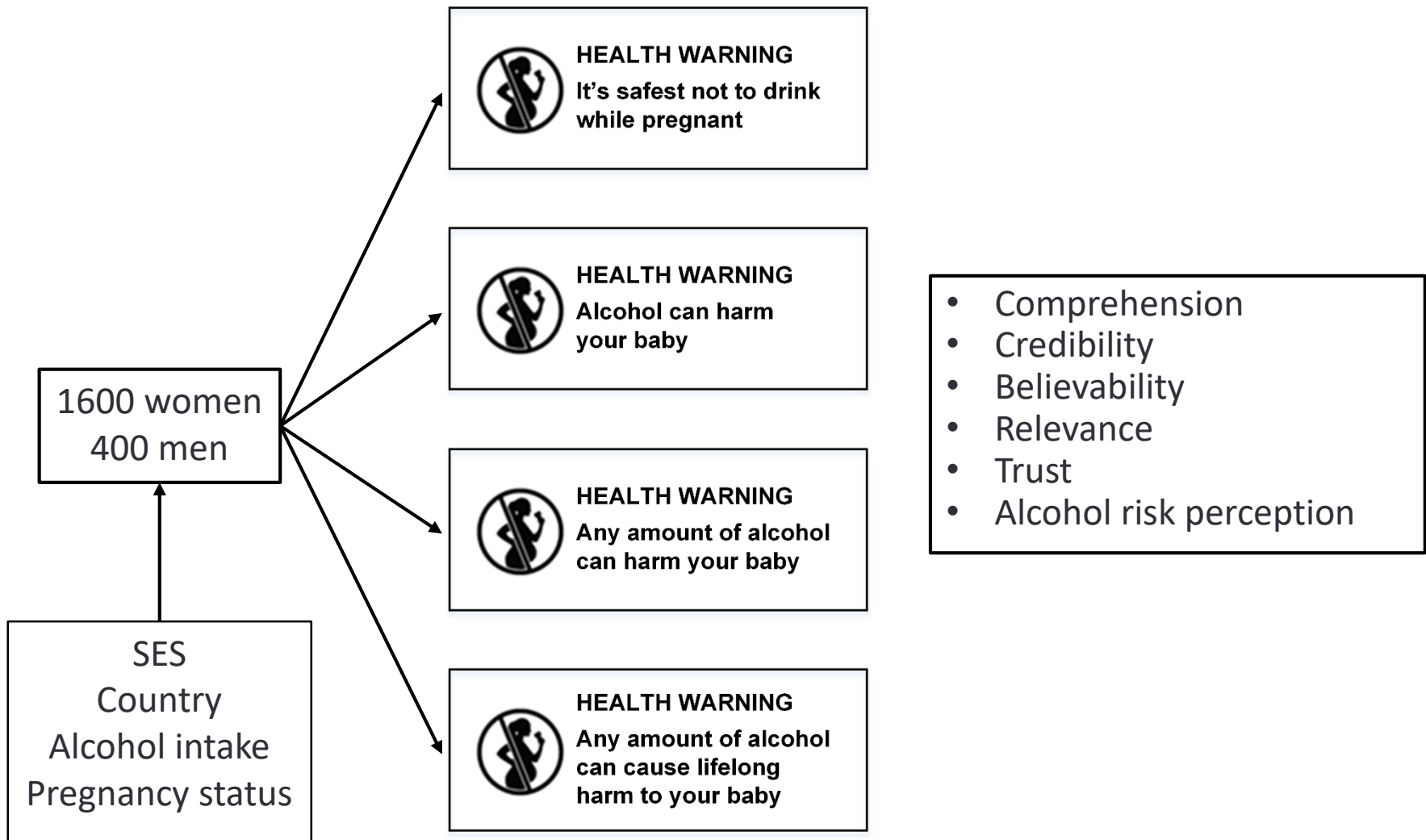


**HEALTH WARNING**

Any amount of alcohol  
can cause lifelong  
harm to your baby



# Design



# Where are we now?

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- Designed experiment ✓
  - Developed questionnaire ✓
  - Commissioned Roy Morgan to sample and collect data ✓
  - Programmed questionnaire ✓
  - Submitted ethics review ✓
  - Received ethics clearance ✓
- 
- Cognitive interviews
  - Pilot test
  - Field work
  - Top line results
  - Draft report
  - Final report and database
  - Additional analysis

# Cost of label changes

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- Summary of labelling costs used in the DRIS and outcomes of the break-even analysis (Attachment 4)
- Do you want to provide updated cost information?
- Please email cost information to Mark Jones:  
[mark.jones@foodstandards.gov.au](mailto:mark.jones@foodstandards.gov.au)

**By CoB Friday 12 July 2019**

# Next steps

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Date	Activity
October 2019	Public consultation – Call for Submissions (with drafting)
Early Dec 2019	FSANZ Board consideration
Dec 2019	Notification to Forum (subject to Board consideration)
By Mid March 2020	Forum decision
Late March or early April 2020	Gazettal (if Forum does not request a review) Transition period for new requirements.

# Discussion

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