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**SUBMISSION on  
Pregnancy warning labels on packaged alcoholic beverages**

**1. Introduction**

This submission is from Consumer NZ, New Zealand's leading consumer organisation. It has an acknowledged and respected reputation for independence and fairness as a provider of impartial and comprehensive consumer information and advice.

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**2. General comments**

Thank you for the opportunity to make a submission on the consultation paper. We are pleased the Food Regulation Standing Committee is undertaking this consultation.

In 2011 the Final Report of the Review of Food Labelling Law and Policy (Labelling Logic) recommended pregnancy warning labels become mandatory. Despite this, New Zealand and Australia have a voluntary system which Consumer NZ believes is not effective.

The voluntary system means there is an inconsistent array of labels in the market with colour variations, small sizes and ad hoc placement. An evaluation found that fewer than half (48 percent) of all alcohol products in Australia carry pregnancy warning labels<sup>1</sup>. In New Zealand, figures ranged from 40 percent of wine to 80 percent of cider<sup>2</sup>.

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<sup>1</sup> Siggins Miller (2017). Second evaluation of the voluntary labelling initiative to place pregnancy health warnings on alcohol products. On behalf of Commonwealth Department of Health.

<sup>2</sup> Overview report: voluntary pregnancy warning labelling on alcohol products in New Zealand. MPI Technical paper No: 2017/50. Prepared for the Australian New Zealand Ministerial Forum on Food Regulation.

Research undertaken by the New Zealand Health Promotion Agency in 2016 found that 38 percent of consumers misunderstood the label to believe some alcohol consumption during pregnancy was okay<sup>3</sup>.

Our answers to selected questions from the discussion paper are set out below.

### **Answers to selected questions**

***Question 4: Variation in labelling coverage and consistency and some consumer misunderstanding associated with the voluntary pregnancy warnings were identified as reasons for possible regulatory or non-regulatory actions in relation to pregnancy warning labels on alcoholic beverages. Are there any other issues with the current voluntary scheme that justify actions?***

In our view, the current voluntary regime leads to inconsistent labelling and is not providing consumers with clear messages to make a safe choice about drinking during pregnancy.

In 2017, a report published by the Ministry for Primary Industries evaluated voluntary pregnancy labelling on alcohol products in New Zealand. Included in the report were results from a field study conducted in 2016.

The field study found 40 percent of wine, approximately 50 percent of spirits and RTDs, less than 70 percent of beer and approximately 80 percent of cider had some form of pregnancy labelling. In our opinion, this coverage is not high enough to provide consumers with health and safety information regarding drinking during pregnancy.

We are also concerned that there are a number of formats for providing pregnancy warning labels. For example, Heineken beer has the DrinkWise Australia logo with no accompanying written warning, Huntaway wine has the text "It is safest not to drink while pregnant" and a link to the Cheers.org.nz website, and Seagers Gin has the Cheers logo and a link to the Cheers website.

***Question 6: Considering the potential policy options to progress pregnancy labelling on alcoholic beverages and address the implementation issues: are there additional pros, cons and risks that have not been identified?***

Option 1a: Voluntary – status quo.

#### **Additional points**

- Only about 50 percent of products have pregnancy warning labels.
- There is limited use of the pictogram and accompanying text together. A 2017 Australian review of the voluntary pregnancy warning labels scheme found only 0.5 percent of products displayed both text and the pictogram.
- There is a lack of prominence given to the labels (small size and placed on the back of the product competing with lots of other information).

Option 1b: Voluntary – self-regulated by industry

#### **Additional points**

- The industry has already been given four years to self-regulate to limited effect.
- Encouraging the industry to develop the messages may be counter-productive to the health and safety objective of stopping pregnant women drinking.
- Public health and consumer organisations may have no input in to the code of practice.

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<sup>3</sup> Colmar Brunton (2016). Consumer awareness and understanding of alcohol pregnancy warning labels.

Option 1c: Voluntary with government style guide

**Additional points**

- It will not be mandatory for companies to sign up to the style guide so there may be limited uptake of the labelling guidelines.

Option 2: Mandatory – with government developed label.

**Additional points**

- Mandatory labelling would achieve the primary objective to provide a clear and easy to understand trigger to inform and remind pregnant women to not drink alcohol.
- It is the only option that will provide the coverage, consistency, prominence and comprehension required for the label to be effective.
- Mandatory labelling will overcome the conflict of interest the industry has with implementing an effective and consistent warning label.

The industry may argue mandatory labelling will incur costs that will be passed onto consumers. We do not think this is a valid argument as manufacturers often change labels for marketing purposes and in some cases alcohol labels are simply stickers, rather than complete packaging. Some producers are already applying mandatory statements when exporting to particular countries, for example France and the USA.

Any mandatory regulation would also require a transition period so companies will have time to manage labelling changes.

***Question 7: Which option offers the best opportunity to ensure the coverage of the label is high across all types of alcoholic beverages, labels are consistent with government recommendations, and are seen and understood by the target audience?***

We believe Option 2 – a mandatory standard – is the only option that would ensure sufficient coverage, consistency with recommendations, and comprehension by the target audience.

As noted in the consultation paper (page 21) surveys conducted with the industry in 2014 and 2016 found the main reasons for not adopting the voluntary labels were:

- Manufacturers would only comply with mandatory labelling requirements, and therefore would not provide the warnings unless it became mandatory.
- One industry body does not endorse the warning labels.
- Manufacturers argued it is well known that alcohol should not be consumed during pregnancy.

***Question 8: Do you support the use of a pictogram? If so, do you have views on what pictogram should be used (e.g. holding a beer or wine glass) and also what colours should be used? Do you have any views on size, contrast and position on the package?***

Consumer NZ supports the use of the current DrinkWise pictogram. However, the pictogram must be accompanied by a written warning.

Consumer research conducted in 2018 for the Foundation for Alcohol Research & Education (FARE) investigated consumer understanding and interpretation of the DrinkWise pictogram and warning label. The research concluded the pictogram was familiar and understood, and the silhouette was easily identified as a pregnant woman. However, it was not considered attention-grabbing, mainly due to the size of the pictogram. It is also most effective when used in combination with a written warning.

Any labelling requirements must stipulate a minimum size and be in a contrasting colour to the surrounding information.

We do not have any preference about whether a beer or wine glass should be used. The warning should be placed next to other consumer information, such as the number of standard drinks declaration.

***Question 9: Do you support the use of warning text on a label?***

We support the use of warning text on a label. The text must be located next to the pictogram for maximum consumer understanding. The FARE research found that the current text reinforces the view that some alcohol during pregnancy is okay, so the written warning may need to be reviewed to ensure it conveys the best message for desired health outcomes.

***Question 11: Should both the text and the pictogram be required on the label, or just one of the two options?***

As mentioned in previous answers, Consumer NZ supports the use of both the written warning and pictogram.

***Question 20: Should there be exemptions or other accommodations (such as longer transition periods) made for boutique or bespoke producers to minimise the regulatory burden?***

Consumer NZ does not support exemptions or other accommodations for boutique or bespoke producers. The industry would be provided with 12 months to implement labelling changes and in our opinion this is sufficient time for all producers.

***Question 25: Based on the information presented in this paper, which policy option offers the highest net benefit?***

Option 2 – mandatory labelling – is the only option that can overcome the conflict of interest industry has with effectively communicating a clear message that pregnant women should not drink alcohol.

Thank you for the opportunity to make a submission on the consultation paper. If you require any further information, please do not hesitate to contact me.

Yours sincerely

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