7 April 2025
336-25

Approval report – Proposal P1059

Energy labelling on alcoholic beverages

Food Standards Australia New Zealand (FSANZ) has assessed a proposal to consider amending the Australia New Zealand Food Standards Code (the Code) to require energy (kilojoule) labelling information on alcoholic beverages.

On 16 January 2023, FSANZ sought submissions on a draft variation and published an associated report. FSANZ received 65 submissions.

FSANZ approved the draft variation on 26 March 2025. The Food Ministers' Meeting[1] was notified of FSANZ's decision on 7 April 2025.

This Report is provided pursuant to paragraph 63(1)(b) of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act).

[1] Formerly referred to as the Australia and New Zealand Ministerial Forum on Food Regulation

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Supporting document

Supporting Document 1 – Decision Regulation Impact Statement, which informed the assessment of this proposal, is available on the FSANZ website.

Executive summary

Food Standards Australia New Zealand (FSANZ) has approved a change to the Australia New Zealand Food Standards Code to mandate energy labelling on packaged alcoholic beverages. The new standard will require energy content information to be presented on labels in a prescribed format, known as an energy statement, as follows:

ENERGY INFORMATION Servings per package: (insert number of servings) Serving size: mL ([insert number] standard drinks)		
	Quantity per serving	Quantity per 100 mL
Energy	kJ (Cal)	kJ (Cal)

The energy statement includes information most valued by Australian and New Zealand consumers in controlled testing. FSANZ research found an energy statement including energy content per serving, energy content per 100 mL, number of servings per package and number of standard drinks per serving best enables consumer understanding of energy content without negative unintended consequences. It also found 7 in 10 consumers want energy information on alcoholic beverages, which are currently not required to carry it.

Approximately 66% of Australian and New Zealand adults are overweight or obese, with related health costs estimated between $228-278 billion over 10 years. Governments have put in place multiple strategies to address obesity, however its prevalence remains high. The introduction of energy labelling of alcoholic beverages, in combination with education and awareness initiatives, can support consumers to better manage their energy intake from alcohol and make informed choices in line with dietary guidelines.

Alcohol is energy dense and Australian and New Zealand dietary guidelines recommend limiting alcohol intake to achieve energy balance. Energy balance is fundamental for maintaining a healthy body weight and reducing the risk of chronic disease related to overweight and obesity. Alcoholic beverages contribute almost 16% of adult energy intake on days it is consumed, however evidence indicates consumers generally have a poor understanding of their energy content. Consumers also do not understand alcohol is the main source of energy in most alcoholic beverages.

Education will be important to support consumer awareness and use of the energy statement. The provision of consistent, on-label information about the energy content of alcoholic beverages fits within broader government public health initiatives designed to address overweight and obesity. These initiatives include consumer education activities that will be supported by energy labelling as a foundational element which supports consumers to make informed choices in the context of their overall energy intake.

In developing the energy statement, FSANZ had regard to the best available evidence, data on obesity prevalence and alcohol consumption, consumer research and testing, relevant ministerial policy guidelines, international approaches, analysis of costs and benefits and input from both public and targeted consultations.

FSANZ break-even analysis found a less than 0.2% reduction in the 10-year health costs associated with overweight and obesity will offset the costs to industry of labelling changes, estimated at between AU$339 and AU$444 million. There is a three-year transition period from the date of gazettal of the approved draft variation and a stock-in-trade exemption for products packaged and labelled before the end of the transition period.

The approval includes changes to nutrition information panel (NIP) requirements for the small proportion of multi-serve alcoholic beverages bearing a NIP. There are no changes to existing requirements for a statement of alcohol content and a statement of the number of standard drinks in the food for sale.

1 Introduction

1.1 The proposal

Proposal P1059 was prepared to consider amending the Australia New Zealand Food Standards Code (the Code) to require energy (kilojoule) labelling information on alcoholic beverages[2].

1.2 Reason for preparing the proposal

Despite public health efforts, the prevalence of overweight and obesity in the Australian and New Zealand populations is high.

The available data at the time this proposal commenced showed more than two thirds (67%) of Australian adults[3] were overweight or obese in 2017-18 (ABS 2018), an increase from 63% in 2014-15. The prevalence of overweight and obesity in Australia has remained stable at 66% in 2022 (AIHW 2024; ABS 2023).

In 2020-21, 68.1% of New Zealand adults were overweight or obese, an increase from 64.4% in 10 years. More recent data show that in 2022-23, 65.5% of New Zealand adults[4] were overweight or obese (New Zealand Ministry of Health 2023).

Energy balance is fundamental for maintaining a healthy body weight and reducing the risk of chronic disease related to overweight and obesity.

Alcohol is energy dense. Both the Australian and New Zealand dietary guidelines recommend limiting alcohol intake to achieve energy balance. On average, alcoholic beverages contribute approximately 16% of total energy intake for Australian and New Zealand adults on days when alcohol is consumed (FSANZ 2021c).

Available evidence indicates consumers generally have a poor understanding of the energy content of alcoholic beverages and do not understand alcohol is the main source of energy in most alcoholic beverages. They do, however, generally value energy content information on the label of alcoholic beverages (FSANZ 2021a).

Alcoholic beverages are exempt from the requirement to be labelled with a nutrition information panel (NIP) that includes average energy content, unless a permitted nutrition content or health claim is made (see section 2.1 below).

The *Policy Guideline on Food Labelling to Support Consumers to Make Informed Healthy Choices*[5] states that food ministers expect *food labels to provide adequate information to enable consumers to make informed food choices to support healthy dietary patterns recommended in the Dietary Guidelines*[6].

In August 2019 the Australia and New Zealand Ministerial Forum on Food Regulation (now the Food Ministers' Meeting (FMM)) noted:

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[2] Standardised alcoholic beverages and beverages containing no less than 0.5% alcohol by volume (ABV) that are not standardised alcoholic beverages are referred to as alcoholic beverages or prescribed beverages in this report.
[3] 18 years and older
[4] 15 years and older
[5] Policy Guideline on Food Labelling to Support Consumers Make Informed Healthy Choices
[6] 'food' refers to foods and beverages, including alcoholic beverages in the policy guideline.

Currently, consumers' ability to understand the energy contribution that alcohol makes to their diet is severely limited, as alcoholic beverages are exempt from providing nutrition information on the label.

The FMM asked FSANZ to consider energy labelling on alcoholic beverages.

1.3 Procedure for assessment

The proposal was assessed under the General Procedure of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act).

1.4 Scope of the proposal

1.4.1 Requirement for energy content information

This proposal considers the requirement for energy (kilojoule) content information on alcoholic beverages that are currently exempt from the requirement to be labelled with a NIP, being:

- standardised alcoholic beverages[7], and
- beverages containing no less than 0.5% alcohol by volume (ABV) that are not standardised alcoholic beverages.

These beverages are also referred to as 'prescribed beverages', as defined in section 1.1.2—3 of the Code, and are referred to as 'alcoholic beverages' in this report.

Brewed soft drinks containing 0.5% or more ABV are therefore included in the scope. Beverages with less than 0.5% ABV are out of scope of the proposal. Foods containing alcohol that are not beverages are also out of scope.

Kits intended to be used to produce a standardised alcoholic beverage (e.g. a home beer brewing kit) are also exempt from the requirement to provide a NIP but are not within scope because, as sold, they are not alcoholic beverages.

The scope is limited to packaged alcoholic beverages for sale in Australia and New Zealand, including imported products.

This proposal will have no impact on the definition for standardised alcoholic beverages (section 1.1.2—2) or other existing labelling requirements for alcoholic beverages, such as the statement of alcohol content (section 2.7.1—3 of the Code) or statement of the number of standard drinks in the package (section 2.7.1—4 of the Code).

1.4.2 Nutrition information panels

This proposal also considers certain requirements for NIPs that are:

- provided voluntarily on the label of a packaged food that contains more than 1.15% ABV and which is not required by Standard 1.2.8 (Nutrition information requirements) of the Code to have a NIP, or
- required to be provided if a nutrition content or health claim is made on alcoholic beverages.

[7] Standard 1.1.2 of the Code defines ***standardised alcoholic beverage*** to mean beer, brandy, cider, fruit wine, fruit wine product, liqueur, mead, perry, spirit, vegetable wine, vegetable wine product, wine or wine product.

1.5 Decision

For the reasons outlined in this report, FSANZ has approved the draft variation as proposed in the call for submissions (CFS) with amendments.

The approved draft variation amends the Code to require the mandatory declaration of energy content information in a prescribed format (referred to as an 'energy statement') on alcoholic beverages.

It also amends the Code to:

- permit percentage daily intake (%DI) information about energy in the energy statement and if provided, require certain information to be included
- provide an exemption from the requirement for an energy statement for an alcoholic beverage that has a NIP on the label of its package, or is a food for sale in a small package with a surface area of less than 100 cm^2
- require the number of standard drinks equivalent to one serving to be declared in a NIP if provided, in a prescribed format, for certain alcoholic beverages
- permit the approximate number of standard drinks equivalent to one serving to be stated in a NIP if provided, in a prescribed format, for certain other alcoholic beverage
- prescribe the content and format requirements for a voluntary NIP.

The draft variation proposed at the CFS was amended following consideration of submissions, consumer evidence and targeted consultation, as follows:

- addition of a requirement that the energy statement includes the approximate number of standard drinks equivalent to one serving of the alcoholic beverage, accurate to one decimal place
- addition of a subsection prohibiting the statement of standard drinks as required under subsection 2.7.1—4(1) from appearing in the energy statement or in a NIP
- clarification that the energy statement is not required for an alcoholic beverage that has a NIP required by Standard 1.2.8
- addition of an exemption from the energy statement for an alcoholic beverage that has a voluntary NIP in accordance with new section 2.7.1—4E
- addition of a requirement that if a voluntary NIP is provided – that NIP must be in a certain format and contain certain information
- addition of a requirement that the approximate number of standard drinks equivalent to one serving of the alcoholic beverage, accurate to one decimal place, is stated in a NIP, if a NIP is provided for an alcoholic beverage. This statement, however, is not required, but may be included, in a NIP for an alcoholic beverage that is labelled with the approximate number of standard drinks in the food for sale (as required by subsections 1.2.1—6(1) and 2.7.1—4(1)), and that number is the same as the approximate number of standard drinks equivalent to one serving of that beverage
- other minor editorial amendments, for example, to correct formatting errors.

The approved draft variation takes effect upon gazettal and is at Attachment A. The related explanatory statement is at Attachment B. An explanatory statement is required to accompany an instrument if it is lodged on the Federal Register of Legislation.

The draft variation on which public submissions were sought is at Attachment C.

2 Background

2.1 Relevant labelling requirements in the Code

Standard 1.2.1 of the Code requires packaged foods to 'bear a label' with specific information, including nutrition information in a NIP, unless an exemption is provided in the Code.

Standard 1.2.8 sets out nutrition information requirements in relation to foods for sale that are required to bear a label, and for foods for sale that are exempt from these requirements. This standard also sets out when nutrition information must be provided, and the manner in which such information must be provided. A NIP must include (among other things) declarations of the average quantity of six specified nutrients and the average energy content. However, section 1.2.8—5 exempts certain foods from the general requirement to be labelled with a NIP unless a claim requiring nutrition information is made in relation to the food, including:

- standardised alcoholic beverages
- beverages containing no less than 0.5% ABV that are not standardised alcoholic beverages.

'Standardised alcoholic beverage' is defined in section 1.1.2—2 as beer, brandy, cider, fruit wine, fruit wine product, liqueur, mead, perry, spirit, vegetable wine, vegetable wine product, wine or wine product. These products are defined in section 1.1.2—3.

Under Standard 1.2.7, beverages containing more than 1.15% ABV are prohibited from making health claims and are permitted to make nutrition content claims only about energy, carbohydrate or gluten content (section 1.2.7—4). There is no prohibition on making nutrition content and health claims about beverages containing 1.15% ABV or less.

The exemptions for certain foods from the requirement in section 1.2.8—5 to be labelled with a NIP do not apply if a nutrition content or health claim is made in relation to that food.

The Code does not prevent beverages containing more than 1.15% ABV to voluntarily provide certain information in a NIP. Under subsection 1.1.2—9(4), the voluntary inclusion of information referred to in paragraphs 1.2.8—6(1)(a), (b) and (c), and subparagraphs 1.2.8—6(1)(d)(i), (ii) and (iii), does not constitute a *nutrition content claim* for foods containing more than 1.15% ABV. Those paragraphs and subparagraphs relate to (respectively):

- the number of servings in the package
- the *average quantity* of the food in a serving
- the *unit quantity* of the food, and
- for each serving and unit quantity of the food:
  - the average energy content
  - the average quantity of certain nutrients, which include sodium, protein, carbohydrate, sugars and fat.[8]

Section 1.1.2—2 defines 'average energy content' to mean *the average energy content calculated in accordance with section S11—2*. Section S11—2 sets out the equation.

Average energy content must be expressed in a NIP in kilojoules (kJ) or both in kilojoules and kilocalories[9] (Cal) (subparagraph 1.2.8—6(1)(d)(i), subsection 1.2.8—6(2) and section S12—2).

[8] Italicised terms are defined in section 1.1.2—2 of the Code.
[9] Kilocalories is expressed as 'calories' where appropriate in this report

Standard 2.7.1 sets out specific labelling requirements for alcoholic beverages and food containing alcohol. A statement of alcohol content is required on:

- a food including an alcoholic beverage, that contains more than 1.15% ABV
- an alcoholic beverage that contains 1.15% or less ABV
- a beverage that contains not less than 0.5% ABV but not more than 1.15% ABV (section 2.7.1—3).

A statement of the approximate number of standard drinks (the amount that contains 10 grams of ethanol when measured at 20˚C) contained in a food for sale that is capable of being consumed as a beverage and contains more than 0.5% ABV measured at 20ºC, must also be included on the label (section 2.7.1—4).

Further detail about the labelling requirements in the Code relevant to this proposal are provided in Appendix 1.

2.2 Related FSANZ projects

2.2.1 Proposal P1049 – Carbohydrate and sugar claims on alcoholic beverages

FSANZ has assessed P1049[10] to clarify requirements in the Code with respect to claims about carbohydrate content and the components of carbohydrate (such as sugar) on alcoholic beverages in parallel with P1059.

FSANZ decided in P1049 to amend Standard 1.2.7 to clarify that nutrition content claims can be made about carbohydrate content, and sugar or sugars content, on food that contains more than 1.15% ABV. The approved draft variation for P1049 also provides that nutrition content claims about food that contains more than 1.15% ABV must not name or refer to individually named sugars; or name or refer to a component of carbohydrate other than sugar or sugars.

2.2.2 Review of the Nutrition Information Panel

In April 2022, FSANZ prepared Proposal P1058 – Nutrition labelling about added sugars[11] to consider amending the Code to include 'added sugars' information in the NIP to enable consumers to make informed food choices in support of dietary guidelines.

In July 2023, food ministers noted FSANZ's evidence assessment to date had identified complexities and challenges in implementing added sugars labelling in the NIP which may not achieve the policy objective. Ministers requested FSANZ undertake consumer testing to identify the best way to incorporate added sugars in the NIP.

In July 2024, the FMM noted FSANZ's consumer research indicates that added sugars labelling in the NIP can result in consumer confusion, reduced trust in the label, and potentially food choices inconsistent with dietary guidelines. Based on FSANZ's evidence assessment, the FMM agreed to FSANZ scoping work on a holistic review of the NIP instead of progressing Proposal P1058. Any proposed changes to labelling requirements in the Code arising from the NIP review work may apply to alcoholic beverages.

[10] Proposal P1049 – Carbohydrate and sugar claims on alcoholic beverages | Food Standards Australia New Zealand
[11] Proposal P1058 - Nutrition labelling about added sugars | Food Standards Australia New Zealand

2.3 Australia and New Zealand dietary guidelines

The Australian Dietary Guidelines consider alcohol to be a discretionary food (i.e. energy dense, nutrient poor) and state that *limiting alcohol intake is an important strategy for achieving appropriate energy intake*. The guidelines recommend that *alcohol intake contribute less than 5% of dietary energy* (NHMRC 2013).

The Eating and Activity Guidelines for New Zealand Adults note that *drinking alcohol can add more energy to the diet than people are aware of* and recommend that *if you drink alcohol, keep your intake low* (New Zealand Ministry of Health 2020).

2.4 Ministerial policy guidance

The *Policy Guideline on Food Labelling to Support Consumers to Make Informed Healthy Choices* (policy guideline) was endorsed in August 2020 with the aim that food ministers expect *food labels to provide adequate information to enable consumers to make informed food choices to support healthy dietary patterns recommended in the dietary guidelines*. The scope of the policy guideline applies to foods and beverages, including alcoholic beverages.

The policy principles particularly relevant to energy labelling on alcoholic beverages are:

- Food labels should provide adequate information to enable consumers to identify foods that do and do not contribute to healthy dietary patterns recommended in the Dietary Guidelines.
- Information that enables consumers to identify foods that contribute to healthy dietary patterns recommended in the Dietary Guidelines is a public health priority and therefore sits towards the mandatory end of the 'dominant mode of intervention' within the preventative health section of the Food Labelling Hierarchy.
- Information that supports consumers to apply the recommendations in Dietary Guidelines should be provided on food labels in a format which:
  - is easily accessed and understood by consumers
  - supports consumers to manage energy intakes to assist with achieving and maintaining a healthy body weight
  - supports consumers to compare foods
  - does not promote consumption of foods inconsistent with Dietary Guidelines (such as those high in saturated fat, added sugars, added salt and/or foods with little or no nutritional value).

The policy guideline also refers to the need for education both in relation to the dietary guidelines to support consumer understanding and use of food labelling, and to inform consumers about new food labelling requirements.

2.5 Broader policy considerations

2.5.1 Australia

2.5.1.1 National Alcohol Strategy 2019 – 2028

The National Alcohol Strategy provides a framework to prevent and reduce alcohol-related harm in Australia, highlighting possible actions at the local, state or territory and national levels (Department of Health 2019). The strategy recognises that alcohol consumption may lead to overweight and obesity. Under priority area 4: Promoting healthier communities, it suggests that education is required to improve consumer awareness and understanding of alcohol related harms, including weight gain, overweight and obesity.

2.5.1.2 National Preventative Health Strategy 2021 – 2030

The National Preventive Health Strategy aims to improve the health and wellbeing of all Australians at all stages of life, by addressing the wider determinants of health, reducing health inequities and decreasing the overall burden of disease (Department of Health 2021). The strategy recognises alcohol consumption as a modifiable risk factor to the burden of disease, and notes that overweight and obesity is one of the top three contributing risk factors to the burden of disease. The strategy includes a number of desired policy achievements by 2030, including: *Consumer choice is guided by energy and ingredient labelling on all packaged alcoholic products*.

2.5.1.3 National Obesity Strategy 2022 – 2032

Australia launched a National Obesity Strategy in March 2022. The strategy is a 10-year framework for action to prevent and reduce overweight and obesity in Australia (Department of Health 2022). The framework outlines three ambitions with example actions. Ambition 1 focuses on creating environments that support healthy behaviours. It includes actions across the food system e.g. to consider regulations that support people to make healthier food and drink choices such as information on unhealthy ingredients including alcohol. Ambition 2 is about building health literacy. Actions include the provision of engaging information, education and skill-building initiatives, including online, that promote and align with the Australian guidelines for alcohol.

2.5.2 New Zealand

The New Zealand Government has information about its activities to address obesity on the Ministry of Health website. This notes the Government is taking a broad population approach to achieving healthy weight with a focus on improved nutrition and increased physical activity (New Zealand Ministry of Health 2024).

2.5.3 International recommendations

In 2010, the World Health Assembly endorsed the World Health Organization (WHO) Global Strategy to reduce the harmful use of alcohol (WHO 2010). The strategy outlined a range of policy options and interventions including labelling on alcoholic beverages. Following endorsement of the strategy, regional action plans and strategies that aligned with the strategy were developed and adopted in the Americas, European and African Regions.

In 2017, the WHO Regional Office for Europe released a discussion paper on policy options for alcohol labelling, proposing that alcohol labelling include nutritional information (including energy content) on containers. The paper notes that providing information about the energy content of alcoholic beverages allows consumers to monitor their diets and reduce their calorie intake if they wish (WHO 2017).

The WHO have subsequently developed a Global Action Plan (2022 – 2030) to effectively implement the strategy to reduce the harmful use of alcohol as a public health priority (WHO 2022a). The plan, which proposes operational objectives, principles and key actions, was agreed by delegates at the 75th World Health Assembly in May 2022 (WHO 2022b). One of the proposed actions is for Member States to develop and implement requirements for, among other things, calorie labelling on alcoholic beverages. Further, the European framework for action on alcohol 2022-2025 was endorsed at the 72nd session of the WHO Regional Committee for Europe. The framework, which aligns and contributes to the realisation of the plan, includes a specific focus on alcohol labelling as a priority area for action (WHO 2022c).

2.6 Previous consideration of energy labelling on alcoholic beverages

When mandatory nutrition labelling was introduced during the development of the joint Code in 2000 (FSANZ 1999), alcoholic beverages were exempted from the requirement to be labelled with a NIP. This exemption was based on the view that the presence of a NIP could mislead consumers about the nutritional value of alcoholic beverages when most alcoholic beverages are of minor nutritional significance, except for their energy and alcohol content. It was noted that the relationship between energy and alcohol may need to be addressed through education (FSANZ 1999).

In 2011, *Labelling Logic: Review of Food Labelling Law and Policy* included a recommendation *that energy content be displayed on the labels of all alcoholic beverages, consistent with the requirements for other food products* (Blewett et. al. 2011). The context of this recommendation was that the provision of energy information would assist people wanting to manage their energy intake, given the energy density of alcohol as a nutrient. Labelling of alcoholic beverages with a NIP was not recommended given alcoholic beverages contain few nutrients of concern, other than alcohol.

Food ministers supported the recommendation 'in-principle' (Legislative and Governance Forum on Food Regulation, 2011) and noted the labelling review panel's advice that providing the energy content information on alcoholic beverages:

- *would help consumers make informed choices between alcoholic beverages, non-alcoholic beverages and other foods, based on energy content*
- *may assist with product choices based on personal preference in relation to health and/or weight management, and*
- *would more closely align this class of food with other food commodities already required to declare energy content in the nutrition information panel.*

Food ministers also noted:

- *alcohol consumption may contribute to a significant proportion of an individual's total daily energy intake and may therefore be a contributing factor to overweight and obesity, and*
- *that the implementation of this recommendation may bring associated costs for industry and have potential international trade implications; these would need to be fully assessed.*

Before making a decision, food ministers asked FSANZ to undertake further research, including discussions with industry, and complete a cost benefit analysis (CBA) to assess the impact of implementing the recommendation. FSANZ contracted the New Zealand Institute of Economic Research (NZIER) to complete the CBA and the report was published in 2015 (NZIER 2015).

Following this, the Australian Government Department of Health prepared a paper, '*Broader Policy Issues regarding energy labelling on alcoholic beverages*', for discussion by the Food Regulation Standing Committee (FRSC) (Food Regulation Secretariat 2017).

In September 2016, food ministers agreed to FRSC progressing to the next phase of the policy development process. FRSC commenced preliminary work to investigate a range of regulatory and non-regulatory policy options to address the issue of energy labelling on alcoholic beverages and support consumers to make informed purchasing choices and consumption decisions. This included undertaking targeted stakeholder consultation in June 2017.

In 2017 and 2018 respectively, food ministers referred two other alcohol labelling matters to FSANZ:

- carbohydrate and sugar claims on alcoholic beverages; and
- pregnancy warning labels on alcoholic beverages.

After industry raised concerns about possible multiple changes to alcohol labelling requirements and the associated costs, in August 2019 food ministers agreed to refer the work on energy labelling of alcoholic beverages to FSANZ as part of the alcohol labelling work already underway.

2.7 FSANZ preliminary work

In response to the food ministers' request to consider energy labelling on alcoholic beverages, FSANZ undertook two stages of preliminary work.

Stage 1, completed in June 2021, involved an evidence assessment (FSANZ 2021c) that, in the context of the Australian and New Zealand dietary guidelines and ministerial policy guidance, identified the following problem:

> *Unlike most other packaged food and beverages, labels on most packaged alcoholic beverages do not provide information about energy content to enable consumers to make informed choices in line with dietary guidelines.*

Stage 2, completed in December 2021, involved a high-level qualitative analysis of regulatory and non-regulatory options to address the problem and identify a preferred approach (FSANZ 2021d). This included consideration of implementation approaches (voluntary versus mandatory) and label format. Targeted consultation with key stakeholders informed the analysis of options. The key outcomes were:

- On-label energy content information was considered the best option to address the problem and was generally supported by stakeholders as the preferred option. However, most stakeholders also considered that on-label energy information must be accompanied by a targeted, government-led education campaign.
- A truncated NIP, containing average energy content only, appeared to be the most appropriate format for labelling on alcoholic beverages. It was also the preferred format for most stakeholders, but more detailed analysis of format options was required.
- A mandatory approach would provide greater coverage and consistency for consumers than a voluntary approach and would provide regulatory certainty and a level playing field for the alcohol industry.

Based on the findings from this preliminary work, FSANZ commenced Proposal P1059 in May 2022.

2.8 International and overseas standards

Internationally, there is no consistency in the requirements for nutrition and energy labelling on alcoholic beverages.

There is no Codex standard or guideline specific to the labelling of alcoholic beverages.

In the European Union (EU), alcoholic beverages containing more than 1.2% ABV are currently exempt from nutrition declarations (Regulation (EU) No 1169/2011). A nutrition declaration can, however, be provided voluntarily, and the declaration may be limited to the energy value only.

In December 2023, new labelling requirements for wine sold in the EU came into force. Regulation (EU) 2021/2117 requires wine and aromatised wine products to be labelled with a nutrition declaration and a list of ingredients. Producers have the option of limiting the on-label information to only the energy value, which may be indicated by the symbol 'E'. In such cases a full nutrition declaration and list of ingredients must be provided by electronic means (e.g. QR code) identified on the package (Council of the European Union 2021).

In Ireland, from 22 May 2026, all alcohol products sold must be labelled with the energy value expressed in kilojoules and kilocalories contained in the container (section 12 (10) of the Public Health (Alcohol) Act 2018) (Government of Ireland 2023).

In the USA, voluntary labelling of energy content information is permitted on certain alcoholic beverages[12] if the label also contains a statement of average analysis or a serving facts statement as provided in applicable Alcohol and Tobacco Tax and Trade Bureau (TTB) Rulings. Both of these statements include specified serving sizes for beverage types and require the listing of energy, carbohydrate, protein and fat content per serving or per container size. In January 2025, the TTB proposed to amend regulations to require an Alcohol Facts statement on alcoholic beverage labels (Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau 2025). The proposed Alcohol Facts statement would include information about the alcohol content expressed both as %ABV and in fluid ounces of alcohol per serving, the number of calories, and the number (in grams) of carbohydrates, fat, and protein, per serving.

In Canada, beverages with an alcohol content of more than 0.5% are exempt from nutrition labelling but a nutrition facts table, which includes calories, is allowed on a voluntary basis. A nutrition facts table becomes mandatory on an alcoholic beverage if a nutrition claim or reference to energy or certain nutrients is made, or if certain artificial sweeteners are added to unstandardised alcoholic beverages (Government of Canada 2022).

Further information about the requirements in international and overseas standards is provided in Appendix 2.

3 Summary of the findings

3.1 Summary of issues raised in submissions

3.1.1 Public consultation

FSANZ sought public comment via a CFS on proposed draft variations to the Code from 16 January to 20 March 2023. The proposed draft variations were to require the mandatory declaration of energy content information, in a prescribed format, on the label of prescribed beverages.

A total of 65 submissions were received during that period: 36 from industry, 17 from public health, 10 from government, and two from individuals. The submissions received are published on the FSANZ website. Table 1 of Appendix 4 summarises the issues raised and FSANZ's response.

A mandatory approach for the provision of standardised energy information on alcoholic beverages was supported by the majority of submitters.

[12] Wine, distilled spirits and malt beverages excluding wines containing less than 7 % alcohol by volume and beer that is not made with both malted barley and hops.

Reasons provided included that it aligns alcoholic products with other foods and beverages, ensures consumers have access to information to make informed nutritional decisions in regard to alcohol consumption and allows consumers more clarity and consistency around their purchasing and health choices. Among industry submitters, some preferred a mandatory approach to provide regulatory certainty, while others did not support, or raised concerns about, mandatory energy labelling on alcoholic beverages.

There were mixed views as to the most appropriate format and application of energy labelling, with some submitters also raising concerns about potential unintended consequences resulting from the proposed format. Some submitters recommended FSANZ undertake consumer research to support the format to be prescribed.

3.1.2 World Trade Organization notification

In January 2023, FSANZ made a notification to the World Trade Organization (WTO) for this proposal in accordance with the WTO Technical Barriers to Trade (TBT) Agreement (see section 4.6.2). Comments were received from three member countries (China, US and EU) and two industry associations. These are addressed in Table 2 of Appendix 4.

3.2 Targeted stakeholder consultation

To inform the development of the CFS, FSANZ undertook multiple rounds of targeted consultation. Details of these meetings, including stakeholders represented, are available in the CFS.

Following the CFS, in late November 2023, FSANZ undertook targeted consultation to present the findings of FSANZ's consumer research (see section 3.3.4.2) and seek views on possible changes to elements of the approach proposed at CFS. A list of the organisations, companies and government agencies represented at the meetings is provided in Table 3 of Appendix 4. Table 4 of Appendix 4 provides a summary of views expressed at the targeted consultation, including 34 written comments provided by participants.

Following further assessment including additional consumer research (see section 3.3.4.3), in November 2024, FSANZ undertook additional targeted consultation to inform the final assessment. A list of the organisations, companies and government agencies represented at the meetings is provided in Table 5 of Appendix 4. Table 6 of Appendix 4 provides a summary of the views expressed at the targeted consultation and in written comments provided by nine participants.

The approaches proposed at the targeted consultations and stakeholder issues raised are discussed in the relevant risk management section (see section 4). Where issues raised were also raised in comments to the CFS, responses to these issues are included in Table 1 of Appendix 4.

3.3 Evidence assessment

3.3.1 Consumption of alcoholic beverages

In recent national health surveys, 78.8% of Australian adults (aged 18 years and older) and 80.3% of New Zealand adults (aged 15 years and older) reported consuming alcohol on any occasion over the previous year (ABS 2018; New Zealand Ministry of Health 2019), with 55.0% of Australian adults consuming alcohol during the previous week (ABS 2018). In a 2020 poll, 5% of Australian adults who drink alcohol reported consuming alcohol daily over the previous 12 months (FARE 2020).

Based on day one of the consumption data from the Australian and New Zealand national nutrition surveys (ABS 2013; University of Otago et al. 2011a, 2011b), 31.8% of Australian and 32.3% of New Zealand adults (aged 18 years and over) reported consuming an alcoholic beverage. For those consumers, mean and median alcohol intake from alcoholic beverages was equivalent to the consumption of 4.5 and 3 standard drinks respectively. From the same nutrition survey data, 86.4% of New Zealand adults (aged 18 years and over) consumed an alcoholic beverage over the previous year, a similar proportion to that found in the New Zealand health survey noted above.

3.3.2 Energy intake from alcoholic beverages

Alcohol is high in energy, contributing 29.3 kilojoules/gram to the diet (NHMRC et al. 2006). For adults (aged 18 years and over) in the Australian and New Zealand national nutrition surveys (ABS 2013; University of Otago et al. 2011a, 2011b), 81% and 74% respectively of the energy intakes from alcoholic beverages consumed on day one of the surveys is contributed by the alcohol itself.

Alcohol is the main source of energy in most alcoholic beverages. However alcoholic beverages may also contain other components, such as carbohydrate, that contribute to their total energy content. The energy content of alcoholic beverages varies across categories (e.g. wine, beer, spirits) and across different products within categories, subject to the alcohol content and the content of other components that contribute energy. For example, a 330 mL full strength beer contains around 380kJ, while for the same volume, a stout beer contains approximately 430kJ and a cider over 700kJ due to the variation in alcohol and carbohydrate (sugar) content (The New Zealand Institute for Plant & Food Research Limited et al 2022). A 150 mL glass of red or white wine can contain around 400-500kJ due to variation in the alcohol content (The New Zealand Institute for Plant & Food Research Limited et al 2022). The energy content of ready-to-drink beverages (RTDs) is even more variable as these are more likely to contain other ingredients with components such as carbohydrate and fat that also contribute energy.

The energy intake from alcoholic beverages for adults (aged 18 years and over) on day one of the Australian and New Zealand national nutrition surveys (ABS 2013; University of Otago et al. 2011a, 2011b) is considerable. A mean of 5.3% and 5.2% of total daily energy intake for all Australian and New Zealand adults respectively is contributed by alcoholic beverages. These figures include adults who did not consume an alcoholic beverage. For those who reported consuming an alcoholic beverage on day one of the national nutrition surveys, a mean of 16.7% of total energy intake for Australian adults and 16.0% of total energy intake for New Zealand adults is contributed by alcoholic beverages. These results are corroborated by the literature where it has been shown that, on day one of the national nutrition survey, alcoholic beverages contributed the greatest proportion of energy from all beverage categories consumed by Australian adults (Riley et al. 2019).

For adults (aged 18 years and over) in the Australian and New Zealand national nutrition surveys (ABS 2013; University of Otago et al. 2011a, 2011b), wine and beer accounts for most of the energy intake from alcoholic beverages consumed on day one. For Australian adults, a mean of 46% of the energy intake from alcoholic beverages is from wine and 37% from beer. The remainder is from other alcoholic beverages (9%), spirits (6%) and cider and perry (2%). For New Zealand adults, a mean of 43% of energy from alcoholic beverages is from wine and 37% from beer. The remainder is from spirits (11%), other alcoholic beverages (8%) and liqueurs and cocktails (2%).

Further detail on alcoholic beverage intake in Australia and New Zealand is provided in Appendix 1 to the 2021 evidence assessment (FSANZ 2021c).

3.3.3 Availability and prevalence of energy content information

In 2020, FSANZ undertook a limited, qualitative survey of alcoholic beverage labelling at major liquor retail outlets and supermarkets in Australia (two stores in Canberra) and New Zealand (three stores in Wellington). This survey aimed to explore the prevalence of energy content information on the label of alcoholic beverages such as beer, wine, cider and RTDs. Brewed soft drinks were not included in the scope of this work.

While the Code does not prevent voluntary labelling with a NIP, very few products available for retail sale in Australia and New Zealand were labelled with a NIP in the absence of making a claim. Nutrition content claims were more commonly made about beers and RTDs than other categories of alcoholic beverages. Beers and RTDs were therefore more commonly labelled with a NIP. However, FSANZ's survey found most packaged alcoholic beverages for retail sale in Australia and New Zealand did not provide energy content information on the label.

The prevalence and format of nutrition-related information (e.g. a NIP and/or a nutrition content claim) on alcoholic beverages in Australia was more recently investigated by Barons et al. in 2022. An in-store audit of 850 products across five categories of alcoholic beverages[13] was conducted at the largest alcohol retailer in Melbourne. Only 19.8% of alcoholic beverages were labelled with nutrition related information and only 9.7% included a NIP in the absence of making a claim. More than half (57.9%) of the RTDs included in the study were labelled with nutrition related information, while less than 5% of wine and spirits were.

3.3.4 Consumer evidence

3.3.4.1 Literature review

In 2021, FSANZ undertook a rapid systematic review and meta-analysis of the available evidence regarding consumer value, understanding and behaviour in relation to energy content information about alcoholic beverages (FSANZ 2021a).

The literature review found that consumers generally value energy labelling on alcoholic beverages, with 7 in 10 consumers supporting it. They prefer energy labelling that allows easy comparison between different types of beverages and helps them to understand the energy content in a serve of alcohol (e.g. a glass of wine or bottle of beer). Although consumers generally value energy content information, other information on the label may be valued to a greater extent (e.g. alcohol content, ingredients, health warnings) and this likely varies across different groups in the population. Additionally, certain groups (heavy drinkers, people who are not health-/weight-conscious, males, or people with lower levels of education) are likely to value the energy content information less than others.

Consumers generally have a poor understanding of the energy content of alcoholic beverages, regardless of whether they are asked to estimate the energy content per 100 mL or per standard serving size (e.g. 330 mL bottle of beer). Consumers are also generally unable to accurately rank different types of alcoholic beverages by their relative energy content (e.g. 100 mL beer vs 100 mL spirits) or compared to food and non-alcoholic beverages. Consumers are generally unaware that alcohol is the main source of energy in wine, beer and spirits.

[13] Wine (n = 200), beer (n = 200), spirits (n = 200), RTDs (n = 140) and ciders (n = 110)

Energy labelling in kilojoule/calorie numerical format was not found to have an effect on consumers' likelihood of drinking a single alcoholic beverage. This may be because consumers find it difficult to interpret energy content information when presented in kilojoule/calorie numerical formats. It may also be because these studies only provided consumers with energy labelling on a single alcoholic beverage rather than on several, which may provide additional context and enable comparison between products. It is unclear whether energy labelling would affect other relevant behaviours such as consumers' choice between different alcoholic beverages or the number of drinks consumed over time.

There was limited evidence available to determine if providing energy labelling on alcoholic beverages is likely to encourage 'at risk' groups of consumers to offset the energy from alcoholic beverages by reducing their food intake.

There was no clear evidence to suggest that NIPs on alcoholic beverages cause consumers to make inaccurate assumptions about the general healthiness of alcoholic beverages.

3.3.4.1.1 Additional consumer evidence

In response to the CFS and targeted consultation held in November 2024, stakeholders provided additional consumer evidence that had become available since FSANZ's consumer literature review was undertaken in 2021. These studies, and their contribution to the evidence base, are detailed in Appendix 3. The additional evidence is broadly consistent with the findings of FSANZ's consumer literature review (see section 3.3.4.1) and consumer research (see sections 3.3.4.2 and 3.3.4.3), with a few exceptions that can be explained by methodological differences, as noted below.

Consistent with FSANZ's literature review, the additional evidence indicates that consumers generally value energy labelling on alcohol, with a majority of consumers supporting it. However, other information on the label may be more valued (e.g. alcohol content, sugar content, standard drink information). One study found that energy labelling may decrease consumers' consumption intentions and increase their likelihood of modifying their food intake or physical activity to compensate for the energy in alcohol, however this is at odds with FSANZ's consumer literature review and consumer research, which found no effect on behavioural measures. There are methodological differences that may explain this discrepancy (see Robinson et al. 2022 in Appendix 3 for a full discussion).

The additional evidence contained mixed findings around whether consumers perceive 'per 100 mL' information as useful for alcoholic beverages typically consumed in smaller quantities (such as spirits). Consumers also expressed confusion in response to the amount of information on the label, with some concern that it may distract from standard drink information. However, consistent with FSANZ's consumer research, the majority of consumers were able to use labels that included both 'per serving' and 'per 100 mL' information to accurately rank the energy content of a typical drink of different alcoholic beverages. Consumers were also found to generally support labels that include 'per 100 mL' as well as 'per serving' information.

One study found that some (proportion not reported) participants believed the presence of 'per 100 mL' information in the energy statement indicated this was a suitable serving size for spirits. This is inconsistent with FSANZ's consumer research, which found that consumers do not perceive 100 mL as a recommended serving size of spirits regardless of the presence or absence of 'per 100 mL' information in the energy statement (see section 3.3.4.2). This discrepancy in findings may be a result of the question wording (see White 2023 in Appendix 3 for a full discussion).

There is evidence of consumer confusion around how serving sizes relate to standard drinks. This may particularly be the case where the number of servings per package differs to the number of standard drinks per package, which is the scenario that was tested in the studies. However, no study examined how including vs excluding this information impacts upon consumers' level of understanding. FSANZ's research directly investigated this, and found that including the approximate number of standard drinks per serving significantly improves consumers' understanding compared to not including the information (see section 3.3.4.2).

While one study found that NIPs may decrease perceptions of the healthiness of wine, another study found, consistent with FSANZ's research (see section 3.3.4.3), that NIPs increase consumer perceptions of the healthiness of alcoholic beverages. This discrepancy may be explained by methodological differences (see Popovich and Velikova 2023 in Appendix 3 for a full discussion). One study also found that NIPs may distract consumers from perceiving the alcohol in the product as a potentially harmful component. This is consistent with FSANZ's consumer research, which found that NIPs have a small effect on consumers' perceptions of alcoholic beverages' harmfulness to health. However, FSANZ's consumer research also found that NIPs have no effect on the perceived alcohol content of alcoholic beverages (see section 3.3.4.3).

Finally, one study found that a written description of serving size for red wine has no effect on healthiness perceptions, and a marginal effect on purchase intentions (p = .05). The first finding is broadly consistent with FSANZ's research, which found that an energy statement with 'per serving' information has no effect on perceptions of healthiness compared to a label with no nutrition information (see section 3.3.4.3). FSANZ's literature review and consumer research did not investigate the effect of serving size information on purchase intentions.

3.3.4.2 Consumer testing of energy statements

In 2023, FSANZ undertook a high-quality randomised controlled trial with a nationally representative sample of more than 2,000 Australian and New Zealand consumers to investigate concerns raised by submitters in relation to the energy statement format proposed in the CFS (FSANZ 2023). The full research report is available on FSANZ's website.

The key concerns raised by submitters were that:

- 'energy per serving' information could imply a recommended amount for consumption and reduce consumer understanding of standard drinks
- 'servings per package' information could reduce consumer understanding of standard drinks
- 'energy per 100 mL' information could imply that 100 mL of spirits is an acceptable amount to consume.

The research investigated the effect of five different energy labelling formats on consumers' understanding of the energy content information, understanding of standard drinks, and consumption intentions.

The research found that an energy statement that includes energy content per serving, energy content per 100 mL, number of servings per package and number of standard drinks per serving best enables consumer understanding of the energy content information and does not result in any negative unintended consequences. Consumers do not perceive 'per serving', 'per 100 mL' or 'servings per package' information as implying a recommended amount to consume, nor does the provision of this information reduce their understanding of standard drink labelling or increase consumers' consumption intentions. A majority of consumers were able to correctly rank different types of alcoholic beverages based on the energy content of 'a typical drink' using the energy statement.

Incorporating the number of standard drinks per serving in the energy statement substantially improves consumer understanding of how a standard drink relates to a serving size for beverages where the package contains more than one serving (e.g. a 750 mL bottle of wine or a 700 mL bottle of spirits). It also improves consumer understanding of how a standard drink relates to a serving size for beverages in single-serve packages (e.g. a 330 mL bottle of beer), but to a lesser extent.

3.3.4.2.1 Stakeholder views on the research

As part of the targeted consultation held in November 2023, public health, consumer, industry and government stakeholders were presented with the full research report and an overview of the research methodology and findings.

Some public health stakeholders expressed concern that the research did not assess whether 'per serving' information influences consumers' perceptions about whether there is a 'safe' amount of alcohol to consume. As noted above, the research found that consumers do not perceive 'per serving' information as implying a recommended amount to consume and the inclusion of it did not affect the number of drinks consumers intended to consume.

Public health stakeholders also expressed concern that 'per serving' information may influence consumer perceptions on factors that were not assessed in the research (e.g. healthiness, harmfulness). The effect of the energy statement, which includes 'per serving' information, on consumers' perceptions of healthiness and harmfulness was later investigated as part of research undertaken for Proposal P1049 (see section 3.3.4.3).

Industry stakeholders expressed concern that the research did not include all mandatory and voluntary information usually included on alcohol labels and that this, along with the 'attention check' questions, meant it did not reflect a real-world environment. FSANZ agrees that the research did not replicate a real-world environment. The purpose of the research was to determine the format of energy statement that best enables consumer use and understanding, and best mitigates any negative unintended consequences. This purpose was best served by ensuring participants had read the information in order to test their understanding and ability to use it.

3.3.4.3 Consumer perceptions of NIPs and energy statements on alcoholic beverages

In 2024, as part of the assessment of Proposal P1049[14], FSANZ undertook a high quality randomised controlled trial with more than 2,500 Australian and New Zealand consumers to investigate consumer perceptions and behaviours in response to NIPs and energy statements on alcoholic beverages (FSANZ 2024). It also investigated whether a consistent format for energy labelling across alcoholic beverages (i.e. all energy statements vs a mix of energy statements and NIPs) makes it easier for consumers to use the information.

The research found that neither NIPs nor energy statements have an effect on the number of alcoholic beverages consumers intend to consume or their likelihood of modifying food intake or physical activity to compensate for the energy from alcoholic beverages.

NIPs cause consumers to make some inaccurate assumptions about alcoholic beverages. Consumers perceive alcoholic beverages with NIPs as being healthier, less harmful to health and lower in energy compared to the same alcoholic beverages without nutrition labelling. These effects are small and consumers do not perceive alcoholic beverages to be overall healthy, low in energy or unharmful to health regardless of the presence or absence of NIPs. NIPs have no effect on consumers' perceptions of the alcohol content.

[14] P1049 consumer research report (FSANZ 2024)

Energy statements (including energy content per serving, energy content per 100 mL, number of servings per package and number of standard drinks per serving) have no effect on consumers' perceptions of healthiness, harmfulness to health or energy content of alcoholic beverages compared to labels with no nutritional information.

Consistency in the format of energy content information across different alcoholic beverages (i.e. all energy statements vs a mix of energy statements and NIPs) was found to have no effect on consumers' ability to accurately use the information to compare energy content across products, but it does make consumers feel that the information is easier to use. The effect on consumers' perceived ease of use is small.

3.3.4.4 Conclusion

The evidence indicates that consumers generally have a poor understanding of the energy content of alcoholic beverages and are unaware that alcohol is the main source of energy in wine, beer and spirits. Consumers generally value energy labelling, however there may be other information on the label that is valued to a greater extent (e.g. alcohol content, ingredients, health warnings). The perceived value of energy labelling is likely to differ across population groups. Consumers may have difficulty interpreting energy content information due to a general lack of nutrition knowledge. However, they prefer energy labelling that allows easy comparison between different types of beverages and helps them to understand the energy content in a serve of alcohol (e.g. a glass of wine or bottle of beer).

Energy statements that include energy content information per serving and per 100 mL, number of servings per package and number of standard drinks per serving, best enable consumer understanding of the energy content information, and do not result in any negative unintended consequences. Incorporating the number of standard drinks per serving substantially improves consumer understanding of how a standard drink relates to serving size where the package contains more than one serving and improves it to a lesser extent for single-serve packages. Energy statements have no effect on consumers' perceptions of the healthiness of alcoholic beverages, the number of drinks they intend to consume, or likelihood of modifying physical activity or food intake.

NIPs have a small effect on consumers' perceptions of the healthiness and harmfulness of alcoholic beverages, but do not cause consumers to perceive alcoholic beverages as overall healthy, low in energy, or unharmful to health. NIPs also have no effect on consumers' perceptions of the alcohol content of alcoholic beverages, the number of drinks they intend to consume, or their likelihood of modifying physical activity or food intake. The totality of evidence indicates that, although a small effect was observed, NIPs do not have a meaningful impact on consumer perceptions.

Consistency in the format of energy content information across alcoholic beverages (i.e. all energy statements versus a mix of energy statements and NIPs) has no effect on consumers' ability to use the information, but makes consumers feel it is easier to use.

4 Risk management

4.1 Mandatory declaration of energy content

4.1.1 Decision

For reasons set out in this report, FSANZ's decision is to amend the Code to:

- require the mandatory declaration of energy content information for the following alcoholic beverages (also known as prescribed beverages – see section 1.4):
  - standardised alcoholic beverages
  - beverages containing no less than 0.5% ABV that are not standardised alcoholic beverages
- clarify that the display of the mandatory energy statement does not constitute a *nutrition content claim* (as defined in section 1.1.2—9 of the Code).

The mandatory declaration will not be required for an alcoholic beverage that:

- is exempt from the general requirement to bear a label (if a food for retail sale), or
- has a NIP required by Standard 1.2.8, or
- has a voluntary NIP in accordance with new section 2.7.1—4E, or
- is in a *small package.*

4.1.2 Rationale

Following assessment and for the reasons set out in this report, FSANZ has decided to retain the approach proposed in the CFS to require energy labelling on standardised alcoholic beverages and beverages containing no less than 0.5% ABV that are not standardised alcoholic beverages (referred to as 'alcoholic beverages').

4.1.2.1 Mandatory energy content declaration

Currently, information about the energy content of alcoholic beverages is not easily accessible to consumers because these products are exempt from the requirement to be labelled with a NIP unless a nutrition content or health claim is made. While suppliers can voluntarily provide a NIP containing energy content information, most alcoholic beverages are not currently labelled with a NIP. Voluntarily labelling an alcoholic beverage with energy content information would be a nutrition content claim which triggers the requirement in subsection 1.2.8—5(2) of the Code for a NIP to be provided.

As noted in section 2.7, FSANZ's preliminary work identified the problem that, *unlike other packaged food, the labels on most packaged alcoholic beverages do not provide information about energy content to enable consumers to make informed choices in line with dietary guidelines* (FSANZ 2021c). This is in the context of Australian and New Zealand dietary guidelines that recommend limiting alcohol intake to assist in managing body weight (see section 2.3) and policy guidance indicating that food ministers expect food labels to provide adequate information to enable consumers to make informed food choices to support healthy dietary patterns recommended in the dietary guidelines (see section 2.4).

The energy content of alcoholic beverages ranges substantially across different products. Alcoholic beverages can contribute considerably to total energy intake, however consumers generally have a poor understanding of the energy content of alcoholic beverages and the contribution it makes to their overall energy intake (see section 3.3.4.1).

Available evidence indicates consumers want and value this information and, when provided with it, most consumers can accurately rank the relative energy content of different alcoholic beverages (see sections 3.3.4.1 and 3.3.4.2). Therefore, readily accessible energy content information on the label of alcoholic beverages could enable consumers to make informed purchasing and consumption decisions and help them manage their energy intake and body weight.

The provision of energy content information on alcoholic beverages can also provide a foundation for education and other health care initiatives to be developed and implemented. This combined with other measures, including broader health education, can contribute to public health efforts to reduce the prevalence of overweight and obesity in Australia and New Zealand.

The majority of submitters supported a mandatory approach. Reasons provided included observations that voluntary labelling initiatives are unsuccessful and can result in inconsistent uptake, which may indirectly promote consumption of alcohol. While some industry submitters supported a mandatory approach to provide regulatory certainty, others did not, citing regulatory burden and associated financial impacts on some producers and importers of alcoholic beverages, in particular small business.

A voluntary approach was not proposed in the CFS, based on preliminary work and previous targeted consultation (see section 2.7). FSANZ notes that while alcoholic beverages may be labelled with energy content information under a voluntary approach, it would remain possible that energy content information would not be provided on the labels of most alcoholic beverages. This would limit consumers' ability to make informed choices and compare the energy content of different products.

A mandatory approach for the provision of energy information on alcoholic beverages ensures greater coverage and consistency for consumers to make informed choices about alcoholic beverage consumption in support of dietary guidelines. It is also consistent with policy guidance (see section 2.4) and supports broader policy objectives, in particular the Australian National Alcohol Strategy and the National Preventive Health Strategy (see section 2.5). It will provide regulatory certainty for industry and enforcement agencies.

Further information about the options considered for the implementation of energy labelling and the costs and benefits of mandatory energy labelling is provided in section 4.7.1 of this report and the Decision Regulation Impact Statement (DRIS) (see SD1).

The requirement for the energy statement is included in a new section in Standard 2.7.1 of the Code – section 2.7.1—4A.

The approved draft variation also includes amendments to the definition of a nutrition content claim, to clarify that neither of the following displays of an energy statement constitute a nutrition content claim:

- the display of an energy statement required by section 2.7.1—4A
- the additional display of an energy statement referred to in section 2.7.1—4A on an alcoholic beverage which is not required by the Code (also see section 4.3.2.1).

Those displays of an energy statement will therefore not trigger the requirement in subsection 1.2.8—5(2) for a NIP to be provided for the prescribed beverage.

4.1.2.2 Scope of beverages

The requirement for energy labelling will apply to beverages that are exempt from being labelled with a NIP unless a nutrition content or health claim is made, that is standardised alcoholic beverages and other beverages containing no less than 0.5% ABV that are not standardised alcoholic beverages. This latter category captures beverages such as an RTD containing a mixture of a spirit and a carbonated beverage. Additionally, 'brewed soft drinks', as defined in Standard 1.1.2, can contain 1.15% or less ABV and therefore will also require energy labelling if they contain 0.5% or more ABV. This was the approach proposed in the CFS.

FSANZ is aware that some standardised alcoholic beverages are represented as having zero or less than 0.5% ABV, such as 'zero alcohol beer'. During targeted consultation in November 2024, stakeholders questioned whether the requirement to be labelled with the energy statement will apply to these products, as the definition for standardised alcoholic beverage does not specify an alcohol content.

Proposal P1059 does not change the definition for standardised alcoholic beverages, and existing regulatory determinations for these products will continue to apply. As noted in section 1.2, the intended scope of the mandatory energy labelling is to capture alcoholic beverages that are currently exempt from the requirement to provide a NIP. FSANZ understands there are differing industry practices for the labelling of standardised alcoholic beverages (as defined in the Code) when represented as zero or less than 0.5% ABV, including whether they are labelled with a NIP. This may relate to regulatory aspects covered by other relevant legislation or codes of practice (e.g. liquor acts, advertising and marketing codes, etc) that are outside the scope of P1059. Regardless, all beverages represented as zero or less than 0.5% ABV will be required to have energy labelling, either in the form of an energy statement or a NIP, subject to whether they are a standardised alcoholic beverage.

4.1.2.3 When the energy statement will not be required

There will be some circumstances in which the energy statement will not be required on alcoholic beverages, as follows:

- an alcoholic beverage that has a NIP (see below)
- certain types of sales (see section 4.3.1)
- certain types of packages, including small packages (see section 4.3.2).

Regarding the first point above, the energy statement will not be required for an alcoholic beverage that has either of the following:

- **a NIP required by Standard 1.2.8**

Standards 1.2.1 and 1.2.8 of the Code require a NIP to be provided for certain foods, including alcoholic beverages, if a nutrition content or health claim is made about that food. The above exemption from the requirement to provide an energy statement applies both when the required NIP is provided on the label of the alcoholic beverage or in another manner. For example, for food for retail sale that is exempt from the requirement to bear a label, but about which a health or nutrition content claim has been made, the NIP may be displayed in connection with the display of the food or provided to the purchaser upon request (see subsection 1.2.1—9(6) of the Code), and for food sold to a caterer, the NIP may be provided on the label or in documentation (see section 1.2.1—16 of the Code).

- **a voluntary NIP in accordance with new section 2.7.1—4E**

This new section sets out the requirements for a voluntary NIP. It will apply to alcoholic beverages (and other foods) that contain ***more than 1.15%*** *ABV* and are not required by Standard 1.2.8 to have a NIP. See section 4.4.3.2.2.

If an alcoholic beverage containing ***1.15% or less*** *ABV* is voluntarily labelled with a NIP, FSANZ considers this would constitute a nutrition content claim, thereby triggering the requirement in subsection 1.2.8—5(2) of the Code for a NIP to be provided i.e., in that circumstance, provision of a NIP is mandatory not voluntary. If such a NIP is provided, the requirement for an energy statement would not apply, as outlined above.

4.2 Format for energy labelling

4.2.1 Standardised tabular format for energy labelling

4.2.1.1 Decision

For reasons set out in this report, FSANZ's decision is to prescribe a standardised format in the Code for the provision of energy content information on alcoholic beverages (referred to as an 'energy statement').

The prescribed format is a tabular format with the heading 'ENERGY INFORMATION', as follows:

ENERGY INFORMATION Servings per package: (insert number of servings) Serving size: mL ([insert number] standard drinks)		
	Quantity per serving	Quantity per 100 mL
Energy	kJ (Cal)	kJ (Cal)

4.2.1.2 Rationale

For reasons set out in this report, FSANZ has decided to retain prescribing the above standardised, tabular format and heading for the energy statement on alcoholic beverages as proposed in the CFS, with the addition of the requirement for the number of standard drinks (see section 4.2.4). It is noted this approach also allows for energy content information to be provided in a NIP – the rationale for this is detailed in section 4.4.3.

Most submitters supported a standardised approach, however there were mixed views as to the most appropriate format, with some also raising concerns about potential unintended consequences. Some submitters supported the proposed format, suggesting consumers are familiar with it and the heading would differentiate the energy labelling from other information on the label. Some industry submitters were concerned about the prescriptive nature and requested a more simplified or flexible approach. They had concerns about space limitations on labels and considered the heading to be unnecessary duplication of information and not supported by evidence. Issues raised in submissions to the CFS are summarised and addressed in Table 1 in Appendix 4.

FSANZ considers consistency in the presentation of energy content information will enable consumers to become familiar with and more readily identify that information and compare the energy content of products. A prescribed standardised format will also provide regulatory certainty for industry and enforcement.

Consumers are familiar with the NIP format, as evidenced in research commissioned by FSANZ (Heartward Strategic 2024). A NIP is required to be presented in a prescribed tabular format, with borders and the heading 'Nutrition Information' (subsection 1.2.8—6(2) and section S12—2 of the Code).

Use of a similar, tabular format with a heading will likely enable consumers to more easily recognise energy content information on alcoholic beverages and compare it with other foods and non-alcoholic beverages. A tabular format with borders and a heading will also help consumers distinguish the information from other labelling elements that may compete for their attention (FSANZ 2020).

FSANZ's consumer research found that the energy label proposed in the CFS, with the addition of standard drink information, best enables consumer understanding of the energy content information and best mitigates any negative unintended consequences. This was not the case for smaller label formats that were tested e.g. formats with a reduced number of columns where 'per serving' and 'per 100mL' was removed and formats with a reduced number of rows where 'servings per package' information was removed.

Other specific elements of the prescribed format are addressed in sections 4.2.2 - 4.2.5 below.

4.2.2 Units of measure

4.2.2.1 Decision

For reasons set out in this report, FSANZ's decision is to require the average energy content in the energy statement to be provided to no more than 3 significant figures, in units of kilojoules with kilocalories optional.

4.2.2.2 Rationale

The approach outlined above is the same as that proposed in the CFS and submitters were supportive. However, during targeted consultations following the CFS, concern was raised about permitting calories in the energy statement.

The approach standardises the units used across all prescribed energy statements and is consistent with the requirements in the Code for declaring energy in a NIP. In all cases, kilojoules must be used in the energy statement. The use of kilocalories would be voluntary only and therefore may not be used widely. FSANZ is therefore not prohibiting the voluntary, additional use of kilocalories.

4.2.3 Basis of energy content information – quantity per 100 mL and per serving

4.2.3.1 Decision

For reasons set out in this report, FSANZ's decision is that the average energy content in the energy statement must be provided:

- per serving of the alcoholic beverage; and
- per 100 mL of the alcoholic beverage.

The fact that the energy quantities are average quantities must be clearly indicated as part of the energy statement.

4.2.3.2 Rationale

The above approach is the same as that proposed in the CFS. This approach is consistent with requirements for energy information in a NIP (paragraphs 1.2.8—6(1)(d) and 1.2.8—7(1)(a) of the Code), enabling consumers to easily compare energy content information between alcoholic beverages and with other products, where a NIP is displayed.

4.2.3.2.1 Per serving basis

There was some support from submitters for a per serving basis, however a number of submitters had concerns about this approach, in particular in relation to how serving sizes are determined and possible confusion with standard drinks. These two issues are discussed in section 4.2.4 below. Some submitters were concerned that provision of serving information could imply a recommended amount for consumption or increase healthiness perceptions of alcoholic beverages.

FSANZ did not support the suggestion from submitters for energy content information to be required on a 'per container' basis instead of the per serving basis. A per container basis is not consistent with the requirements for other packaged food. For products in packages that contain more than one serve, such as a 750 mL bottle of wine or a 700 mL bottle of spirits, it would not be appropriate or useful for consumers if energy content information was provided on a per container basis.

As a result of submitter concern, FSANZ's 2023 consumer research tested the effect of including versus excluding energy content on a per serving basis in the energy statement. The research found that provision of energy per serving causes consumers to have a higher perceived understanding of the energy content and enables them to rank different alcoholic beverages by the energy content of a typical drink. In addition, consumers do not perceive energy labelling with per serving information as implying a recommended amount for consumption, nor does provision of this information influence the number of alcoholic beverages consumers intend to consume (see section 3.3.4.2). Further consumer research by FSANZ (FSANZ 2024) also found that energy statements with per serving information do not increase healthiness perceptions of alcoholic beverages (see section 3.3.4.3).

FSANZ considers providing energy content information on a per serving basis, combined with information on the serving size (see section 4.2.4), will help consumers estimate how much energy they would consume in a typical serving of the beverage. This is important as consumers are unaware of the energy content of alcoholic beverages based on serving sizes and prefer energy content information that helps them understand the implications of drinking a serving of an alcoholic beverage, such as a glass of wine or bottle of beer (see section 3.3.4.1). Possible confusion about serving sizes and standard drinks is discussed in section 4.2.4.2.1 of this report.

4.2.3.2.2 Per 100 mL basis

The provision of energy content per 100 mL enables comparison between alcoholic beverages. This is important as consumers are unaware of the energy content of different alcoholic beverages for the same volume (e.g. 100 mL).

There was support from submitters for a per 100 mL basis, however some submitters considered this was inappropriate for spirits as these are consumed in smaller serving sizes.

FSANZ considered whether the basis for energy labelling on spirits should be different to other alcoholic beverages, such as per serve or per 30 mL (a 'nip') only, but decided to retain the approach of a per 100 mL basis, in addition to per serving, on all products including

spirits for the reasons outlined below.

The provision of information per 100 mL on spirits enables consumers to more easily compare the energy content of spirits with the energy content of other products with different serving sizes. This is particularly important as evidence indicates consumers are unaware that spirits contain more energy per mL than beer and wine, and some consumers think spirits have no energy at all (see section 3.3.4.1).

Furthermore, FSANZ's 2023 research found that consumers do not perceive energy statements with energy content on a per 100 mL basis as implying a recommended amount for consumption and provision of this information does not influence the number of alcoholic beverages (including spirits) consumers intend to consume (see section 3.3.4.2).

The requirement for a declaration of the average quantity of food in a serving will guide consumers as to what a normal serving size is (see section 4.2.4.2.2 below).

The provision of energy content information for a unit quantity (i.e. per 100 mL) is consistent with the requirements for other packaged foods and beverages that are not typically consumed in 100 g or 100 mL volumes e.g. jam and other spreads, soy sauce. There is no evidence from national nutrition surveys in Australia and New Zealand to indicate consumers eat 100 g/mL servings of those foods, or that provision of energy content information per 100 g/100 mL encourages consumption patterns inconsistent with public health advice.

4.2.4 Serving information and standard drinks in one serving

4.2.4.1 Decision

For reasons set out in this report, FSANZ's decision is as follows:

- The energy statement for an alcoholic beverage must contain the following information:
  - the number of servings of the beverage in the package;
  - the average quantity of the beverage in a serving, in mL; and
  - the approximate number of standard drinks equivalent to one serving of the beverage, accurate to the first decimal place.
- The requirement for the approximate number of standard drinks equivalent to one serving in the energy statement will not replace the existing labelling requirement in the Code for a statement of the approximate number of standard drinks in the food for sale (see subsections 1.2.1—6(1) and 2.7.1—4(1) of the Code). This statement of the approximate number of standard drinks in the food for sale must not appear in the energy statement (nor in a NIP – see section 4.4.3.1).
- The serving size of the beverage is not prescribed and is to be determined by the supplier in accordance with the requirement in the Code for the serving size to constitute a 'normal' serving.
- The word 'package' may be replaced by 'can', 'bottle' or any other word(s) that accurately describes the package containing the beverage.

4.2.4.2 Rationale

Following assessment and consideration of submitter comments and feedback from targeted stakeholder consultation, and for the reasons set out in this report, FSANZ decided on the approach outlined above. This approach is the same as that proposed in the CFS, with the exception of:

- an additional requirement to include the approximate number of standard drinks equivalent to one serving of the beverage
- the requirement that the statement of the approximate number of standard drinks in the food for sale (under subsections 1.2.1—6(1) and 2.7.1—4(1) of the Code) must not appear in the energy statement (nor a NIP– see section 4.4.3.1).

The approach aligns with the requirements in the Code for a NIP whereby it must contain details of the number of servings in the package (paragraph 1.2.8—6(1)(a) of the Code) and the average quantity of the food in a serving (paragraph 1.2.8—6(1)(b) of the Code).

The word 'package' may be replaced by 'bottle', 'can', or another word (or words) that accurately describes the package containing the beverage, to provide flexibility for producers and allow for the provision of information that may be more meaningful to consumers than the word 'package'.

There were mixed views on the approach proposed in the CFS from submitters, particularly in relation to serving information and the potential for consumer confusion with standard drink information. Further discussion regarding standard drinks and serving sizes is provided in the following two sections.

4.2.4.2.1 Standard drinks

The Code currently requires a statement on the label of a food for sale of the approximate number of standard drinks contained in a beverage with more than 0.5% ABV, measured at 20°C (see subsections 1.2.1—6(1) and 2.7.1—4(1) of the Code and section 2.1 of this report). Some submitters were concerned the display of a serving size in the energy statement may cause consumer confusion between the size of a standard drink compared to the serving size, noting that the size of a standard drink is prescribed, but the serving size was not proposed to be prescribed and may not be equivalent to the size of a standard drink.

As a result of submitter comments, FSANZ conducted research to test consumer responses to an energy statement that included the number of standard drinks in one serving (see section 3.3.4.2). The research found that provision of the number of standard drinks in one serving in the energy statement (i.e. Serving size: x mL (x standard drinks)) substantially improves consumer understanding of how a serving size relates to a standard drink for beverages where the package contains more than one serving (e.g. 750 mL bottle of wine or 700 mL bottle of spirits). It also improves consumer understanding of how a standard drink relates to a serving size for beverages in single-serve packages (e.g. a 330 mL bottle of beer), but to a lesser extent.

Based on the research results, FSANZ undertook targeted stakeholder consultation in November 2023 and 2024 (see section 3.2) about a proposed approach to require the number of standard drinks in one serving to be included in the energy statement. There were mixed views from participants, with some supporting the proposed inclusion of the number of standard drinks but others not. Participant's reasons for not supporting its inclusion were:

- Potential for consumer confusion for packages that contain more than one serving as there would be two different numbers representing standard drinks on one label.
- It adds unnecessary complexity and duplicates information already provided on labels.
- It dilutes the clarity and importance of standard drink information.
- The approximate number of standard drinks contained in the package may not be stated elsewhere, including use of standard drink pictograms/icons which consumers are familiar with.
- It is outside the scope of P1059 and diverts focus from the energy content information – the primary purpose of this proposal.

- The format without standard drink information sufficiently meets the objective of the proposal.
- It increases costs and complexity for producers, with the cost being disproportionate to any perceived consumer benefit.

Some participants, whilst supporting the proposed approach for including standard drink information in the energy statement, recommended the number of standard drinks in one serving in the energy statement should not be permitted to satisfy the existing Code requirement to state the number of standard drinks in the food for sale on its label.

FSANZ has considered the feedback from targeted stakeholder consultations and notes the mixed views on the proposed approach. However, based on the consumer evidence (see section 3.4.2.2) FSANZ considers including the approximate number of standard drinks equivalent to one serving of the beverage in the energy statement will benefit consumers as discussed below.

FSANZ considers the requirement to state the approximate number of standard drinks equivalent to a serving in the energy statement helps to address the potential for consumer confusion about the difference between a serving and a standard drink. Contrary to stakeholders' concerns about consumer confusion, and as noted above, FSANZ's consumer research found that including this information in the energy statement significantly improves consumer understanding of how a serving size relates to a standard drink. The energy statement that included standard drink information per serving was also the label selected by consumers as best enabling comparison between products.

Research cited by one stakeholder in the November 2024 targeted consultation (Pettigrew et al. 2025; see Appendix 3 for a summary) also shows that consumers generally support the energy statement, including standard drink information, which is consistent with FSANZ's research.

The requirement to include the approximate number of standard drinks equivalent to one serving in the energy statement will not replace the existing requirement in subsections 1.2.1—6(1) and 2.7.1—4(1) of the Code for a statement on the label of the approximate number of standard drinks contained in a package for beverages with more than 0.5% ABV. It will also not necessarily duplicate that statement, as the basis for the two declarations is different. Standard drink information in the energy statement advises consumers how many standard drinks are in a serving of the beverage (as declared in the energy statement), rather than the entire package as required for standard drink information under section 2.7.1—4. Under the approved draft variation, the statement of the approximate number of standard drinks in the food for sale under section 2.7.1—4 must not appear in the energy statement, nor in a NIP.

FSANZ acknowledges that where a serving size is equal to the package size (i.e. a single serve package such as a can of beer), the approximate number of standard drinks in the energy statement would be the same as the statement of the approximate number of standard drinks required by section 2.7.1—4. Regardless, the required standard drink information must still be provided both in the energy statement and elsewhere on the label as applicable. As noted above, this provides consumers with standard drink information on two different bases and maintains consistency for all alcoholic beverages (both single and multi-serve packages). Furthermore, this approach ensures existing standard drink labelling remains separate to the energy statement and current standard drink labelling practices, which consumers are familiar with, are more likely to be retained e.g. the pictogram/icon formats consistent with industry guidance.

Regarding the potential for confusion if there are two different numbers for standard drinks

on a package, the basis for the number of standard drinks equivalent to a serving as declared in the energy statement should be clear. Consumer education will also be important to support consumers' use of the new energy labelling and its relationship to standard drink labelling (see section 5.2).

In relation to concerns about increased costs for producers, it is assumed adding the number of standard drinks in one serving of the alcoholic beverage to the energy statement will not add to the label space taken by the energy statement and therefore is not expected to add further cost to the cost of incorporating the new energy statement.

FSANZ considers this requirement is within the scope of this proposal as it is relevant to the energy statement, consequential to the inclusion of a serving size in the energy statement and supported by consumer research which found the proposed energy label, with the addition of the approximate number of standard drinks in one serving of the beverage, best enables consumer understanding of the energy content information.

4.2.4.2.2 Determining serving sizes

A number of submitters had concerns about industry determining serving sizes for their products, as a serving size could be taken to be a recommendation to consume a certain amount of an alcoholic beverage. FSANZ therefore gave further consideration to the options of prescribing serving sizes for alcoholic beverages (e.g. equivalent to a standard drink) or guidance for suppliers about appropriate serving sizes, but did not decide on either of those options for the following reasons.

If a serving was required to be equal to a standard drink (or energy was required to be provided on a per standard drink basis) the energy content per serving would be similar for similar alcoholic beverages (if the alcohol content was the main source of energy) and would not necessarily reflect an amount normally consumed as a serving. In these instances, the energy content information could be misleading to consumers and less meaningful than on a per serving basis.

FSANZ notes there were differing concerns from submitters which included the potential for suppliers to inflate serving sizes to maximise profits, or to reduce serving sizes to minimise the energy content, presumably compared to a 'normal' serving or to a standard drink. It would therefore be very unlikely that a prescribed serving size would address all submitter concerns.

Based on the above, no alternative option for determining serving sizes was identified that would address submitter concerns and not raise other issues. FSANZ therefore considers the most appropriate and pragmatic approach is to not prescribe serving sizes.

This approach is consistent with that currently used for serving sizes in NIPs on other food whereby the supplier is responsible for determining the serving size for their individual product(s), in accordance with the definition of 'serving' in the Code. This requires the serving size to be 'an amount of the food which constitutes one normal serving'. This provides suppliers with the flexibility to determine what a 'normal' serving size is, which is appropriate for their particular product, taking into account various factors such as the beverage type, alcohol content and packaging size.

FSANZ considers the requirement to include the approximate number of standard drinks equivalent to a serving as part of the energy statement will assist with consumer understanding of serving sizes on alcoholic beverages.

Where a supplier chooses a serving size of 100 mL for their product, energy content per

100 mL is still required to be provided in addition to the per serving information, for clarity for consumers and consistency with energy statements on other alcoholic beverages. This approach is also consistent with existing requirements for NIPs on food and non-alcoholic beverages.

4.2.5 Legibility and location

4.2.5.1 Decision

For reasons set out in this report, FSANZ's decision is that the generic requirements for statements to be legible, prominent and in English, as set out in section 1.2.1—24 of the Code, apply to the energy statement. No additional requirements for legibility or location of energy information on alcoholic beverages are prescribed.

4.2.5.2 Rationale

The approach outlined above is the same as that proposed in the CFS and submitters were supportive. It is consistent with the requirements for nutrition information in a NIP and, as discussed above, the use of a heading and a tabular format will ensure the energy content information is distinct from other information on the label of alcoholic beverages (see section 4.2.1).

4.3 Application of energy labelling

4.3.1 Application to different types of sales

4.3.1.1 Decision

For reasons set out in this report, FSANZ's decision is that the energy statement:

- is required for alcoholic beverages for retail sale, if required to bear a label under existing provisions in the Code
- is required for alcoholic beverages for sale to caterers, either on the label of the food for sale or in documentation
- is not required for non-retail and non-catering sales situations or in intra-company transfers.

4.3.1.2 Rationale

Following assessment and consideration of submitter comments, FSANZ has decided on the above approach for the reasons set out below. Note that irrespective of the above, the energy statement will not be required for an alcoholic beverage that:

- has a NIP required by Standard 1.2.8 or a voluntary NIP in accordance with new section 2.7.1—4E (see sections 4.1 and 4.4.3); or
- is in a small package (see section 4.3.2).

Packaged food for retail sale required to bear a label under current provisions in the Code (section 1.2.1—6) will be required to be labelled with the energy statement. This means there will be exemptions for packaged food:

- made and packaged on the premises from which it is sold (e.g. wine made in and sold from a winery, beer made in and sold from a brewery)
- packaged in the presence of the purchaser (e.g. a drink poured in a bar or restaurant, fill your own bottle)

- delivered packaged and ready for consumption at the express order of the purchaser (excluding from vending machines) (e.g. orders delivered to consumers by a liquor retailer)
- sold at a fundraising event
- displayed in an assisted service display cabinet (e.g. a drink in an enclosed display cabinet such as glass fronted fridge behind a bar).

The approach is consistent with the approach proposed in the CFS. Some submitters were concerned that consumers would not be able to access energy information when making purchasing decisions if exemptions were provided e.g. for alcoholic beverages made and packaged on the premises from which it is sold (e.g. wineries, breweries, distilleries); or that are delivered packaged and ready for consumption (e.g. online sales for home delivery). (see summary of submitter comments in Table 1 of Appendix 4).

The approach however, is consistent with the approach for exemptions from labelling with a NIP and FSANZ considers it is commensurate with the risk this labelling is intended to address. Although there will not be an explicit requirement for the energy statement to be provided for certain sales, FSANZ notes that a number of alcoholic beverages that are exempt from the requirement to bear a label are labelled for retail sale despite existing exemptions.

Currently in the Code, packaged foods sold to caterers are required to bear a label with certain information (sections 1.2.1—12 and 1.2.1—15 of the Code). Other information, including NIPs (unless exempt), can be provided either on the label or in documentation (section 1.2.1—16 of the Code). For alcoholic beverages sold to a caterer, the energy statement will be required either on the label of the food for sale or in documentation. This enables caterers to provide the information to consumers for retail sales if required. No amendments to the existing requirements for the provision of information for food sold to caterers in Division 3 of Standard 1.2.1 are required to enable this.

The approach aligns with the current approach in the Code for the provision of NIPs on foods for retail sale and sold to caterers. FSANZ has not identified any evidence to warrant deviating from that approach for energy labelling on alcoholic beverages. Maintaining the same approach may also assist with compliance and enforcement of the Code.

The energy statement will not be required for non-retail and non-catering sales situations or in intra-company transfers. This is because in these situations the beverage is not sold directly to consumers for whom the information is intended. As outlined above, the purchaser must be provided with any information requested to enable them to comply with the Code requirements. This approach relies on existing provisions in the Code (see Appendix 1).

Table 1 summarises the proposed approach for energy labelling on alcoholic beverages for different types of sales.

Table 1: Approach for energy labelling on alcoholic beverages for different types of sales

Packaged beverage[1] – type of sale	**Energy content information required on label?**
Wholesale (non-retail, not sold to caterers), intra-company transfers (including 'transportation outers')	No
Sold to caterers	Required either on the label or in documentation, unless labelled with a NIP
Food for retail sale	
Retail sale, required to bear a label	Yes, unless labelled with a NIP

Made and packaged on premises from which it is sold e.g. in winery, brewery	No[2]
Delivered packaged and ready for consumption, at the express order of the purchaser	No[2]
Sold at fundraising event	No[2]
Displayed in an assisted service display cabinet	No[2]
Packaged in presence of purchaser e.g. 'fill your own' and also drinks poured into drinking vessel ready for immediate consumption e.g. glass of wine in a bar	No[2]
Sold from a vending machine	Yes, unless: • an exemption applies e.g. packaged in the presence of the purchaser • labelled with a NIP
Vending machine itself	No (not a package according to the definition of package in the Code)
Sold in a hamper	Yes, unless labelled with a NIP
Hamper itself	No (not a package according to the definition of package in the Code)

[1] If the alcoholic beverage is in a small package, it is exempt from labelling with the energy statement.
[2] If a nutrition content or health claim is made about the product, a NIP must either be displayed in connection with the display of the food or provided to the purchaser upon request.

4.3.2 Application to different types of packages for retail sale

4.3.2.1 Decision

For reasons set out in this report, FSANZ's decision is that:

- the energy statement for alcoholic beverages for retail sale will only be required on one layer of packaging and generic legibility requirements of the Code will apply at the point of sale
- there will be no requirement for the energy statement on:
  - 'transportation outers'[15] (removed before retail sale)
  - alcoholic beverages in 'small packages'[16]
- if the energy statement is not required on a layer of packaging of a beverage containing alcohol for retail sale, the display of an energy statement in the prescribed format on that layer of packaging will not be deemed a nutrition content claim and therefore will not trigger the requirement in Standard 1.2.8 for a NIP.

4.3.2.2 Rationale

Following assessment and consideration of submitter comments and feedback from targeted stakeholder consultation, FSANZ has decided to retain the above approach, as proposed in the CFS, for the reasons as set out below.

[15] Transportation outer is defined in Standard 1.1.2 and means a container or wrapper which:
(a) encases packaged or unpackaged foods for the purpose of transportation and distribution; and
(b) is removed before the food is used or offered for retail sale or which is not taken away by a purchaser of the food.

[16] Small package is defined in Standard 1.1.2 as a package with a surface area of less than 100 cm^2.

While some submitters supported the proposed approach to not require the energy statement on all layers of packaging, others did not, primarily because the information may not be available at the point of consumption.

Some industry submitters raised concerns about labelling of outer packaging that may or may not be removed before retail sale (see Table 1 of Appendix 4) and during targeted consultations industry stakeholders reiterated concerns around the application of energy labelling to outer (secondary) packaging (see Tables 4 and 6 of Appendix 4).

The approach outlined above aligns with the current approach for labelling in subsection 1.2.1—6(2) of the Code for a food with more than one layer of packaging, including labelling of alcoholic beverages with the number of standard drinks and alcohol content. For example, for a bottle of spirits inside an outer carton or a bladder of wine inside a carton ('cask' wine), only one label is required. This will usually mean a label will need to be on the outermost layer so that it is legible in accordance with the legibility requirements in section 1.2.1—24 of the Code. FSANZ is not aware of any evidence that would warrant a change from that approach. The information will be available at the point of purchase for alcoholic beverages required to bear a label, supporting informed choice at that point and, for many products, will be available at the point of consumption as well.

FSANZ considers that to specifically require the labelling on both inner and outer packages would be onerous in the situations whereby the inner packages are not intended for individual/separate retail sale outside of the outer box. This also applies to individual portion packs (individual packages for servings that are intended to be used separately, as defined in subsection 1.2.1—6(3) of the Code).

The energy statement may be provided voluntarily on additional layers of packaging of a product and, if provided, will not be deemed a nutrition content claim. The provision of an energy statement in those circumstances will therefore not trigger the requirement in section 1.2.8—5(2) of the Code for a NIP. This approach provides producers with the flexibility to choose to label different layers of packaging with the prescribed energy statement (e.g. on individual cans of beer sold in a six-pack in addition to the outer package/box, or just on the outer facing box), subject to how the product will be displayed for retail sale. This allows for the product to be sold by the retailer in either the outer package or inner package, with compliant labelling.

Not requiring energy labelling on all layers of packaging provides a balance between cost to industry and benefit to consumers. FSANZ notes that a number of packages may be labelled with the energy statement even if not required to be (e.g. cans and bottles inside a carton) as these products are often fully labelled for individual retail sale.

There will be no requirement for energy statements on transportation outers. FSANZ is aware that some packages may be used either as a 'transportation outer' as defined by the Code, or as a package for retail sale. For example, a box/case used to transport 12 bottles of wine may be removed before retail sale of the individual bottles, or displayed and sold to consumers as a box/case. If the package for retail sale does not meet the definition of a transportation outer, in particular because it is not removed before the food is used or offered for retail sale, then the labelling requirements for foods for retail sale, as outlined in section 2.1, will apply. In these circumstances, as is currently the case, other labelling requirements may apply, such as standard drink labelling, for alcoholic beverages in packages that function as either a 'transportation outer' or a package for retail sale. No amendments to the requirements for transportation outers in the Code are required to enable this approach.

Similarly, energy statements will not be required on alcoholic beverages in small packages. Foods for sale in small packages are currently exempt from the requirement to be labelled

with a NIP. This exemption aligns with that approach. No amendments to the Code with respect to energy labelling on alcoholic beverages in a small package are necessary in order to achieve this exemption.

Nutrition labelling of small packages when nutrition content or health claims are made was considered during P293 – Nutrition, Health and Related Claims[17]. If a nutrition content or health claim is made about energy or certain nutrients in relation to food in a small package, the average energy content of that food is required to be declared.

4.4 Other considerations

4.4.1 Calculation of energy content

4.4.1.1 Decision

For reasons set out in this report, FSANZ's decision is that:

- the current provisions in the Code for determining average energy content, including a prescribed equation, will apply to the requirement for energy labelling on alcoholic beverages
- specific tolerance levels for which the average energy content may vary from the precise energy content of a particular product will not be included in the Code.

4.4.1.2 Rationale

For the reasons set out below, FSANZ has decided on the above approach.

The above approach was proposed in the CFS. Some submitters noted their support for the approach, however some submitters expressed concerns as discussed below.

A small number of submitters raised concerns about the potential for variability of the energy content across different batches, resulting in the need for different labels for different batches. FSANZ considers the use of 'average quantities' allows for an average energy content across different batches from a manufacturer or producer (e.g. across different batches of a beer brewed by a craft beer company), as further detailed below.

Standard 1.2.8 of the Code requires the 'average energy content' of a food to be included in the NIP (subparagraph 1.2.8—6(1)(d)(i)). Section S11—2 (Calculation of values for nutrition information panels) sets out the equation that must be used for calculating average energy content. Energy factors (set out in subsection S11—2(2)) and the 'average quantity' of each component in the food (such as carbohydrate, fat and alcohol) are required for the calculation.

The definition of 'average quantity' (section 1.1.2—2) refers to the average for such foods from that producer or manufacturer[18]. Section 1.1.1—6 sets out how the 'average quantity' of a substance (such as carbohydrate) to be declared in the labelling of a food for sale is to be calculated. The section allows for factors that would cause the actual amount to vary, including as a result of seasonal variability.

Standard 2.7.1 requires the labels of certain foods, including beverages with 0.5% or more

[17] Proposal P293 - Nutrition, Health and Related Claims (foodstandards.gov.au)

[18] ***average quantity***, of a substance in a food, means the average, for such foods from that producer or manufacturer, of: (a) where a serving or reference amount is specified—the amount of the substance that such a serving or reference amount contains; or (b) otherwise—the proportion of that substance in the food, expressed as a percentage.

ABV, to include a statement of the alcohol content (ABV) of that food/beverage. The statement must be accurate to within certain limits prescribed in the standard e.g. for beer, cider or perry, to within 0.3% ABV (subsection 2.7.1—3(4)), providing scope for variation across batches of the same product.

The ABV could be used in the energy calculation (following conversion to g per 100 mL). Therefore, additional costs would not be imposed in obtaining that information for the purpose of the average energy calculation.

There also appeared to be some confusion among some submitters about the method to be used and resources available for determining energy content. The prescribed equation in the Code for determining average energy content must be used. The average quantity of components used in the calculation (carbohydrate for example) can, however, be determined using generally accepted data relevant to that food e.g. the Australian Food Composition Database (FSANZ 2021a) and the New Zealand Food Composition Database (The New Zealand Institute for Plant & Food Research Limited et al. 2022), by laboratory analysis or by calculation from ingoing ingredients. The method used is at the discretion of the manufacturer or producer (subsection 1.1.1—6(2)).

Calculation using generally accepted data is consistent with the method in the EU where the energy value provided on-label may be based on a calculation from generally established and accepted data. It is also consistent with the US, where manufacturers may rely on an appropriate combination of analyses and other sources to accurately label their products, including databases and typical value charts.

FSANZ recognises Australian and New Zealand food composition databases have limited data available for alcoholic beverages. However, other data may be available and could be used, subject to its reliability and accuracy. For example, the Australian Wine Research Institute (AWRI) has published data on the typical composition of Australian red and white wines (AWRI 2021).

FSANZ is developing an online tool to assist the alcohol beverage industry, particularly small producers and importers, to calculate the energy content of their products. It is intended the tool will be made available on the FSANZ website and will assist users to undertake the necessary conversions and calculations required to determine the average energy content of an alcoholic beverage following the calculation in the Code. Industry stakeholders have asked that the tool is made available as soon as possible after gazettal to assist industry making label changes during the transition period.

Laboratory analysis is not mandated, hence there should not be costs for laboratory analysis unless a company chooses to have their product analysed.

In summary, the current provisions in the Code for determining average energy content will apply to the requirement for energy labelling on alcoholic beverages. This requires the use of an equation for determining average energy content – average energy content cannot be obtained directly from data. The calculation relies on ‘average’ quantities of certain components, which may be sourced from generally accepted data relevant to the food, or from laboratory analysis, or from calculation from ingoing ingredients. The use of average quantities of components used in the equation and the ABV for the product, for which tolerance levels do apply, allow for some deviation of the average energy content from the precise energy content for a particular product. There are therefore no specific tolerance levels prescribed for which the average energy content may vary from the precise energy content of a particular product.

4.4.2 Percentage daily intake

4.4.2.1 Decision

For reasons set out in this report, FSANZ's decision is to permit percentage daily intake (%DI) information about energy in the energy statement.

If the %DI information is included, the following must be included in the energy statement:

- the %DI of energy per serving, calculated using the reference value of 8700 kJ
- either of the following statements:
  - 'based on an average diet of 8700 kJ'
  - 'Percentage daily intakes are based on an average adult diet of 8700 kJ'.

4.4.2.2 Rationale

For the reasons set out below, FSANZ has decided on the above approach which is the same as that proposed in the CFS.

Although some industry submitters to the CFS supported this approach, a number of submitters from government and public health agencies did not, mainly because of concern about the possible impact on consumer understanding and behaviour with respect to alcohol (see Table 1 of Appendix 4 for further detail).

In response to submitters' concerns, in November 2023 FSANZ undertook targeted consultation (see section 3.2 and Tables 3 and 4 of Appendix 4) about a proposed approach to prohibit %DI information in the energy statement. This was proposed on the basis that %DI information in general is intended to assist consumers to understand the relationship between the nutrient content in a serving of food and targeted intakes of those nutrients, and that it is inappropriate for alcoholic beverages, in particular when in the context of %DI information for energy only.

There was overall support from public health, consumer and most government representatives involved in the targeted consultation to prohibit %DI information in the energy statement due to concerns that %DI information is poorly understood in general, is inappropriate in the context of alcohol, and would result in inconsistent labelling across products.

Conversely, most industry participants did not support prohibiting %DI information. They considered that %DI information is useful for consumers, there is no evidence that it is detrimental, the prohibition would be inconsistent with that for other foods, and although it is unlikely to be used, the logic in removing the ability to use it was questioned.

Following further assessment and consideration of stakeholder views, at the November 2024 targeted stakeholder consultations (see section 3.2 and Tables 5 and 6 of Appendix 4), FSANZ proposed to retain the same approach as that proposed in the CFS. Public health stakeholders reiterated their concerns in relation to the provision of %DI information. FSANZ notes the concern was raised about alcohol but also about %DI on foods more broadly, however those concerns are outside the scope of this proposal.

In terms of whether it is appropriate in the context of alcoholic beverages, as pointed out by some submitters, the Australian Dietary Guidelines recommend that alcohol intake contributes less than 5% of dietary energy (see section 2.3). While there is no recommendation in relation to energy intake from alcoholic beverages in the New Zealand guidelines, they do note that drinking alcohol can add more energy to the diet than people are aware of and recommend keeping intake low. Percentage daily intake information about energy on alcoholic beverages therefore may assist consumers in implementing this guidance.

FSANZ has therefore decided, consistent with the approach for other foods, to permit the voluntary provision of %DI information about energy in the energy statement.

In relation to concerns raised about %DI information on foods more broadly, FSANZ expects to assess the available evidence around consumer use and understanding of %DI information in the NIP as part of the work underway on the review of the NIP (see section 2.2.2).

One government stakeholder queried if %DI information about energy is permitted on front-of-pack or elsewhere on the label (outside the energy statement) without being a claim. FSANZ notes this would constitute a nutrition content claim about energy and therefore would need to meet the requirements for making such a claim (see section 4.4.3.2.4).

The approach to permit %DI information but regulate its use, as outlined above and in the approved draft variation (Attachment A), is consistent with the current approach for voluntary provision of %DI in NIPs on food, including alcoholic beverages. That is, section 1.2.8—8 of the Code provides that a NIP may include information relating to the %DI of nutrients set out in the panel. If included, the NIP must include the %DI per serving, calculated using associated reference values, and either of the following statements: 'based on an average adult diet of 8700 kJ' or 'Percentage daily intakes are based on an average adult diet of 8700 kJ'. The following is an example of how it may appear if voluntarily provided in the energy statement as discussed in section 4.2.1 above:

ENERGY INFORMATION			
Servings per package: (insert number of servings) Serving size: mL (x standard drinks)			
	Quantity per serving	% Daily intake* (per serving)	Quantity per 100 mL
Energy	kJ (Cal)	%	kJ (Cal)
*Percentage daily intakes are based on an average adult diet of 8700 kJ.			

4.4.3 Nutrition information panels

4.4.3.1 Decision

For reasons set out in this report, FSANZ's decision is as follows:

- to provide an exemption from the requirement for an energy statement for an alcoholic beverage that has a NIP on the label of its package
- to prescribe the content and format requirements for a voluntary NIP for food containing more than 1.15% ABV
- to require the approximate number of standard drinks equivalent to one serving, accurate to the first decimal place, to be stated in a NIP if provided for an alcoholic beverage. This statement is not required, but may be included, in a NIP for an alcoholic beverage labelled with the approximate number of standard drinks in the food for sale (as required by subsections 1.2.1—6(1) and 2.7.1—4(1) of the Code), and if that number is the same as the approximate number of standard drinks equivalent to one serving of that beverage
- the requirement for the approximate number of standard drinks equivalent to one serving in the NIP will not replace the existing labelling requirement in the Code for a statement of the approximate number of standard drinks in the food for sale (see sections 1.2.1—6 and 2.7.1—4)

- the statement of the approximate number of standard drinks in the food for sale required by section 2.7.1—4 must not appear in a NIP.

The following existing provisions in the Code relating to NIPs are not amended under this proposal:

- for a food containing more than 1.15% alcohol by volume, the inclusion in a nutrition information panel of certain information does not constitute a nutrition content claim (subsection 1.1.2—9(4))
- the requirement for a NIP for alcoholic beverages when a nutrition content or health claim is made.

4.4.3.2 Rationale

For the reasons set out below, FSANZ has decided on the above approach, which is the same as that proposed in the CFS with two exceptions. Firstly, the draft variation has been amended to prescribe the content and format requirements for a voluntary NIP for food containing more than 1.15% ABV (see section 4.4.3.2.2 below). Secondly, there is an additional requirement to include the approximate number of standard drinks equivalent to one serving of the beverage in the NIP in certain circumstances (see section 4.4.3.2.3 below).

FSANZ notes some industry stakeholders in the November 2024 targeted consultation raised that it would be premature to make changes to the requirements for a NIP for alcoholic beverages when a review of the NIP is occurring (see section 2.2.2) that may result in further label changes.

FSANZ acknowledges the outcomes of the NIP review may result in proposed label changes in the future. As the work on the NIP review is at an early stage, the outcomes and the associated timing of any potential label changes cannot be predicted. FSANZ notes that no amendments will be made to the Code as part of the current NIP review. If amendments to the Code were recommended under the NIP review, these would need to be considered through a proposal in accordance with the FSANZ Act. FSANZ would also need to consider whether these amendments would be appropriate for alcoholic beverages. Further, if amendments were to be made to the NIP via a separate proposal, transition arrangements could be considered at that time to help minimise costs associated with label changes, if any.

4.4.3.2.1 Voluntary NIPs

The Code currently sets out that, for a food containing more than 1.15% alcohol by volume, the inclusion in a NIP of certain information does not constitute a nutrition content claim (subsection 1.1.2—9(4)). This is referred to as a voluntary NIP.

Public health and some government submitters to the CFS stated they did not support the proposed approach to retain the permission for a voluntary NIP on the label of alcoholic beverages. This was mainly due to concerns about possible impacts on consumer understanding and potential to mislead consumers about the health and nutritional benefits of alcohol. Some industry submitters stated their support for the proposed approach in the CFS, noting the costs associated with removing a NIP and replacing it with an energy statement for those producers who currently voluntarily label alcoholic beverages with a NIP.

In November 2023 FSANZ undertook targeted consultation (see section 3.2 and Tables 3 and 4 in Appendix 4) about a proposed approach to not permit a voluntary NIP on the labels of alcoholic beverages. The reasons put forward for this approach were that it addresses concerns raised by some submitters and would increase consistency in energy labelling by replacing voluntary NIPs with the mandatory energy statement. Another reason for the proposed approach was that NIPs do not include standard drink information, which consumer research indicates significantly improves consumer understanding of how a serving relates to a standard drink. FSANZ estimated around 2% of stock keeping units (SKUs) of alcoholic beverages available for retail sale in Australia and New Zealand are voluntarily labelled with a NIP and therefore expected it would be a low impact change.

There was overall support to not permitting voluntary NIPs from public health/consumer groups and most government representatives involved in the 2023 targeted consultation based on the view it would increase consistency for consumers and reduce confusion and potential for consumers to be misled by a NIP.

Conversely, most industry participants did not support prohibiting voluntary NIPs on alcoholic beverages. Some participants noted that no evidence or justification was put forward to support concerns about the potential for a NIP on alcoholic beverages to mislead consumers and considered that a NIP may assist decision making and allow consumers to compare alcoholic beverages with food and non-alcoholic beverages. The impact on imported products labelled with NIPs was also noted.

From FSANZ's literature review (see section 3.3.4.1) it was not possible to draw a conclusion about whether NIPs on alcoholic beverages cause consumers to make inaccurate assumptions about the general healthiness of alcoholic beverages.

As outlined in section 3.3.4.3 above, following the CFS and subsequent targeted consultation, FSANZ conducted further research to investigate consumer perceptions and behaviours in response to NIPs on alcoholic beverages. The research found that, while alcoholic beverages with NIPs have a small effect on consumer perceptions, they do not cause consumers to perceive alcoholic beverages as overall healthy, low in energy or unharmful to health. NIPs have no effect on perceptions of alcohol content and do not affect the number of alcoholic beverages consumers intend to consume, or their likelihood of modifying their food intake or physical activity. The totality of evidence indicates that NIPs on alcoholic beverages do not have a meaningful impact on consumer perceptions.

FSANZ's consumer research also found that consistency in the format of energy content information across different alcoholic beverages (i.e. all energy statements vs a mix of energy statements and NIPs) has no effect on consumers' ability to accurately use that information to compare energy content information across products. While it causes consumers to feel that the information is easier to use, this effect is small. The approach whereby energy content information must be provided either in the prescribed energy statement format or in a NIP is therefore not inconsistent with these findings.

Based on FSANZ's evidence assessment, at the November 2024 targeted stakeholder consultation (see section 3.2), FSANZ proposed that the current provision for a voluntary NIP is retained. Representatives from public health and consumer agencies continued to opposed NIPs on alcoholic beverages as they considered there is sufficient evidence to suggest NIPs mislead consumers about the healthiness of alcoholic beverages and divert consumers' attention from more important information such as alcohol content. They provided additional evidence (see section 3.3.4.1.1) that NIPs may increase perceptions of healthiness and decrease perceptions of harmfulness of alcoholic beverages. Conversely, there was support expressed for the proposed approach from industry participants.

Following further consideration of the evidence, FSANZ considers the available evidence does not support prohibiting the display of voluntary NIPs for alcoholic beverages and has decided to retain the current approach whereby the Code does not prohibit the display of NIPs for alcoholic beverages.

Furthermore, this approach is consistent with the EU, United States and Canada where voluntary declarations of nutrition information on alcoholic beverages, in accordance with requirements for the presentation of that information in those jurisdictions, are permitted. This approach may facilitate trade if the NIP on the label of an alcoholic beverage complies with legislation overseas.

To avoid duplication of information on labels, an energy statement will not be required on an alcoholic beverage that is labelled with a NIP either when required or provided voluntarily.

4.4.3.2.2 Format and content of voluntary NIPs

The Code currently provides that for foods containing more than 1.15% ABV, the inclusion in a NIP of certain information does not constitute a nutrition content claim (subsection 1.1.2—9(4)). This means that certain information may be provided in a NIP voluntarily without that information being considered as a nutrition content claim for those foods, and therefore not contravene the prohibition of certain nutrition content claims about those foods in Standard 1.2.7.

It was intended that the provision of information referred to in subsection 1.1.2—9(4) of the Code met the format and content requirements for NIPs in Standard 1.2.8. The provision does not, however, identify those format and content requirements. FSANZ has therefore included an additional section in the approved draft variation (section 2.7.1—4E), requiring that a voluntary NIP on foods containing more than 1.15% ABV must be in the format prescribed for a NIP in section S12—2, and must contain information related to the following in accordance with the associated provision:

- the number of servings in the package (paragraph 1.2.8—6(1)(a))
- the average quantity of the food in a serving (g or mL) (paragraph 1.2.8—6(1)(b))
- the unit quantity of the food (100 g or 100 mL) (paragraph 1.2.8—6(1)(c))
- for a serving and unit quantity of the food—the average energy content and average quantity of protein, carbohydrate, sugars, fat, saturated fatty acids and sodium ((subparagraphs 1.2.8—6(1)(d)(i), (ii) and (iii))
- if the food is a prescribed beverage – the approximate number of standard drinks equivalent to one serving of that beverage (section 2.7.1—4F).

The additional section 2.7.1—4E, prescribing the format and content of voluntary NIPs applies more broadly to all foods containing more than 1.15% ABV (rather than just to the prescribed beverages) to align with the scope of foods to which the existing provisions for voluntary NIPs apply (subsection 1.1.2—9(4)).

FSANZ considers this additional section clarifies the intent of the existing provision, providing certainty about the content and format of voluntary NIPs for industry and enforcement. It will not apply to foods containing more than 1.15% ABV that are not exempt from labelling with a NIP. These foods are currently required to meet the format and content requirements for mandatory NIPs in Standard 1.2.8. It is therefore appropriate to include in this proposal.

Nutrition content and health claims are permitted on foods containing 1.15% or less ABV and therefore this clarification of existing provisions is not relevant if a nutrition content or health claim is made about such foods, as they must be labelled with a NIP in accordance with Standard 1.2.8 i.e. in those circumstances, provision of a NIP is mandatory not voluntary.

For prescribed beverages only, section 2.7.1—4E also requires the approximate number of standard drinks equivalent to one serving of the beverage to be stated in the NIP. However, that statement is not required in a NIP, but may be included, if the beverage is labelled with the approximate number of standard drinks in the food for sale as required subsections 1.2.1—6(1) and 2.7.1—4(1) of the Code, and that number is the same as the approximate number of standard drinks equivalent to one serving of that beverage (see section below).

4.4.3.2.3 Standard drinks in one serving

In the November 2024 targeted stakeholder consultation (see section 3.2), FSANZ proposed an additional requirement for the approximate number of standard drinks equivalent to the serving size of an alcoholic beverage, accurate to the first decimal place, to be included in a NIP for that beverage, if a NIP is provided (either voluntarily or if required by the Code). This approach was based on FSANZ's consumer testing of the energy statement, which found this information significantly improves consumer understanding of how a serving relates to a standard drink on alcoholic beverages (see sections 3.3.4.2 and 4.2.4). As 'per serving' information is also provided in NIPs on alcoholic beverages, FSANZ considered this finding also applied where NIPs are provided for alcoholic beverages.

There were mixed views from participants, with some industry participants not supporting the proposed approach, primarily due to the costs of changing existing labels of alcoholic beverages labelled with NIPs. Some participants noted they did not want standard drink information in the NIP to replace standard drink information elsewhere on the label or for standard drink information to lose prominence.

Following further assessment, FSANZ has decided to require the approximate number of standard drinks equivalent to one serving of an alcoholic beverage to be included in a NIP for that alcoholic beverage, as proposed at the targeted stakeholder consultation, with one exception. That exception is, if the beverage is labelled with the approximate number of standard drinks as required by existing standard drink labelling requirements in section 2.7.1—4 of the Code, and that number is the same as the approximate number of standard drinks equivalent to one serving of that beverage, the approximate number of standard drinks equivalent to one serving of an alcoholic beverage may be stated, but is not required to be stated, in the NIP.

The effect of this is:

- for an alcoholic beverage labelled with a NIP in a package containing more than one serving (a multi-serve package), the approximate number of standard drinks in one serving of that beverage must be stated in the NIP
- for an alcoholic beverage labelled with a NIP in a package containing only one serving (a single serve package), the approximate number of standard drinks in one serving of that beverage may be stated in the NIP, but is not required if that beverage is labelled with a statement of the approximate number of standard drinks as required by existing standard drink labelling requirements in section 2.7.1—4 of the Code, and the number of standard drinks declared in that statement is the same as the approximate number of standard drinks equivalent to one serving of that beverage.

The statement of the approximate number of standard drinks in the food for sale required by section 2.7.1—4 must not appear in a NIP. Therefore, in all the above situations, the approximate number of standard drinks in the food for sale must still be stated elsewhere on the label if required under the existing requirement for standard drink labelling in sections 1.2.1—6 and 2.7.1—4 of the Code, as outlined in section 4.2.4.

It is noted that NIPs on alcoholic beverages are either provided voluntarily or are required when certain claims are made. Therefore, the approximate number of standard drinks equivalent to one serving of the alcoholic beverage will be required in the NIP for the beverage (subject to the exception outline above) in accordance with new section 2.7.1—4F:

- if a NIP is provided voluntarily on the label of an alcoholic beverage
- for a NIP provided in accordance with Standard 1.2.1 and Standard 1.2.8 e.g. when a nutrition content or health claim is made on an alcoholic beverage, triggering the requirement for a NIP.

Similar to the energy statement, the information will be required to be declared in brackets immediately after the serving size information provided in the NIP, i.e.

Serving size: mL ([insert number] standard drinks)

The reasons for requiring the approximate number of standard drinks equivalent to the serving size of an alcoholic beverage in the NIP for beverages where the package contains more than one serving are the same as those applying to the same requirement in the energy statement. That is, the provision of this information substantially improves consumer understanding. Refer to section 4.2.4 for further detail.

For single serve packages, the decision to permit but not require the number of standard drinks equivalent to a serving in the NIP, as outlined above, allows flexibility for industry and removes the need to relabel single serve beverages already labelled with a NIP, thereby reducing associated costs. FSANZ notes consumer research (see section 3.3.4.2) found that consumers had a relatively high understanding of how a serving relates to a standard drink for single-serve packages compared to multi-serve packages even when this information was not provided in nutrition labelling. Although the provision of this information still improved consumer understanding for single-serve beverages, it was to a lesser extent than for multi-serve packages. Therefore, the approach is considered appropriate to balance the consumer research findings with providing flexibility for industry and reduce the disproportionate costs to some businesses.

4.4.3.2.4 Nutrition content claims about energy

In the CFS, FSANZ did not propose to change the current provisions for making nutrition content claims about energy in relation to alcoholic beverages. A nutrition content claim made about energy content (not the mandatory provision of energy content information in the prescribed format) would trigger the requirement to provide a NIP.

Following consideration of concerns from some submitters about NIPs on alcoholic beverages, FSANZ undertook targeted stakeholder consultation (see section 3.2) about amending the Code so that the presence of a nutrition content claim about the energy content of an alcoholic beverage would not trigger the requirement for that beverage to be labelled with a NIP. At the time, it was considered the proposed mandatory energy statement would provide adequate information about energy content for consumers to make an informed choice and for enforcement of nutrition content claims about energy. There were mixed views from participants, with some supporting the approach and some not.

After further assessment, FSANZ has decided not to amend the current provision in the Code that a nutrition content claim made about energy content of an alcoholic beverage (not the mandatory provision of energy content information in the prescribed format) triggers the requirement to provide a NIP for that beverage. This is consistent with the requirements for a NIP when a permitted nutrition content or health claim is made, including those on other foods and beverages. The approach also aligns with the approach to permit the voluntary provision of NIPs on alcoholic beverages and the reasons provided in section 4.4.3.2.1 above also apply.

Labelling with a NIP enables consumers to evaluate the nutrient content in an alcoholic beverage with an energy claim and to compare those nutrients with those in other foods and beverages, including other alcoholic beverages making a claim.

It is noted that a number of submitters did not support nutrition content claims about energy on alcoholic beverages, citing concerns about potential impact on consumer understanding with regard to the effect of alcohol on health. These submitters suggested energy content claims should be considered under the scope of P1049. FSANZ notes consideration of the current permission for nutrition content claims about energy was not part of P1059. Rather, FSANZ's assessment focused on the requirement to provide a NIP when an energy claim is made. The permission for these claims was also not within the scope of P1049.

4.5 Risk management summary

In summary, energy content information will need to be provided for standardised alcoholic beverages and beverages containing no less than 0.5% ABV that are not standardised alcoholic beverages (prescribed beverages), which are currently exempt from the requirement to be labelled with a NIP unless a nutrition content or health claim is made about the beverage.

The following standardised format for the provision of energy content information will be prescribed in the Code:

ENERGY INFORMATION Servings per package: (insert number of servings) Serving size: mL ([insert number] standard drinks)		
	Quantity per serving	Quantity per 100 mL
Energy	kJ (Cal)	kJ (Cal)

The energy statement must:

- be in a tabular format with borders
- have the heading: ENERGY INFORMATION.

The average energy content of the prescribed beverage must be provided:

- per serving of the beverage, and
- per 100 mL of the beverage.

The average energy content must be expressed:

- in kilojoules or both in kilojoules and in kilocalories
- to not more than 3 significant figures
- as the quantity per serving and quantity per 100 mL.

The energy statement must also contain the following information:

- the number of servings of the beverage in the package
- the average quantity of the beverage in a serving, in mL, and
- the approximate number of standard drinks equivalent to one serving, accurate to the first decimal place.

The energy statement must also indicate that the energy quantities are average quantities.

Generic legibility requirements of the Code will apply.

The energy statement will be required on the label of packaged prescribed beverages for retail sale, except for those that:

- are exempt from the general requirement to bear a label, or
- have a NIP required by Standard 1.2.8, or
- have a voluntary NIP in accordance with new section 2.7.1—4E, or
- are food for sale in a small package (see new section 2.7.1—4A).

For prescribed beverages sold to a caterer, the energy content information will need to be provided either on the label or in documentation (under section 1.2.1—16), unless an exemption under new section 2.7.1—4A applies.

The energy content information for prescribed beverages for retail sale will only be required on one layer of packaging. Generic legibility requirements of the Code would apply at the point of sale. There will be no requirement for the energy content information on 'transportation outers' as defined in the Code.

The energy content will need to be determined in accordance with the current provisions in the Code for determining average energy content. There are no specific tolerance levels for which the average energy content may vary from the precise energy content of a particular product.

The inclusion of percentage daily intake information as part of the energy information declaration will be permitted. If included, specific content and format requirements will apply.

Even if exempt from the requirement in the Code to provide a NIP, food businesses may continue to *voluntarily* provide a NIP on the label of prescribed beverages. As stated above, if a NIP is voluntarily provided in accordance with new section 2.7.1—4E, the energy statement will not be required.

The current provisions in the Code for a statement of the approximate number of standard drinks in the food for sale (subsections 1.2.1—6(1) and 2.7.1—4(1)) will continue to apply. That statement must not appear in the energy statement or in the NIP.

The approximate number of standard drinks equivalent to one serving will be required to be stated in a NIP if the NIP is provided for an alcoholic beverage. This statement however, is not required but may be included, in a NIP for an alcoholic beverage labelled with the approximate number of standard drinks in the food for sale (as required by subsections 1.2.1—6(1) and 2.7.1—4(1) of the Code), and that number is the same as the approximate number of standard drinks equivalent to one serving of that beverage.

If a voluntary NIP is provided on the label of a food containing more than 1.15% ABV, the content and format of the NIP will be prescribed.

The current provisions in the Code for making nutrition content claims about energy in relation to prescribed beverages will continue to apply. The existing requirement for a NIP to be provided when a nutrition content claim or health claim is made will also continue to apply.

4.6 Risk communication

4.6.1 Consultation

Consultation is a key part of FSANZ's open and transparent standards development process. FSANZ developed a communication strategy for this proposal.

To inform the development of the CFS, FSANZ undertook multiple rounds of targeted consultation to seek views on preliminary options for this proposal (see section 3.2). Details of these meetings, including stakeholder organisations represented, are available in the CFS. FSANZ considered the views and information provided by stakeholders in its assessment.

A public CFS was made from 16 January to 20 March 2023 to assist consideration of the draft variation to the Code (see section 3.1). Subscribers and interested parties were notified about the CFS via the FSANZ Notification Circular, media release, FSANZ's digital channels and Food Standards News. Sixty-five submissions were received.

In its assessment of this proposal, FSANZ had regard to all submissions received. FSANZ acknowledges the time taken by individuals and organisations to make submissions on this proposal. All comments are valued and contribute to the rigour of our assessment.

Following the CFS, in late November 2023, FSANZ undertook targeted consultation with key alcohol industry, public health, consumer and government stakeholders (see section 3.2) to seek views on possible changes to elements of the approach proposed at CFS. In addition to the views expressed during these consultations, FSANZ received written comments from 34 participants.

Further targeted consultation on the proposed changes to the draft variation was also undertaken in November 2024 to inform the FSANZ's final assessment (see section 3.2).

The draft variation to the Code was considered for approval by the FSANZ Board having regard to all submissions made during the CFS and the views and information provided during targeted consultation.

4.6.2 World Trade Organization

Australia and New Zealand are members of the World Trade Organization (WTO) and therefore are legally obliged to follow the rules of WTO trade related agreements. The TBT Agreement recognises countries' rights to adopt standards for the protection of human health at the level it considers appropriate provided that such measures are in accordance with that agreement (WTO 1995).

As members of the WTO, Australia and New Zealand are obliged to notify WTO members where proposed mandatory regulatory measures are not substantially the same as existing international standards and the proposed measure may have a significant effect on trade.

There are relevant overseas standards for declarations of energy content information on the label of alcoholic beverages but there is currently no international standard (see section 2.8). Amending the Code to require alcoholic beverages to be labelled with energy content information in a prescribed format may have an effect on international trade because this requirement is additional to and/or different from requirements in other countries. Therefore, a notification to the WTO under Australia's and New Zealand's obligations to the WTO TBT Agreement was made to enable WTO members to comment on the proposed amendments (see section 3.1.2 and Table 2 of Appendix 4).

4.6.3 International trade agreements

Australia and New Zealand are also parties to several free trade agreements (FTAs) that include clauses relevant to the labelling of alcoholic beverages, particularly wine and distilled spirits. The general purpose of FTAs is to protect against technical regulations that create unnecessary barriers to trade. For example, Australia and New Zealand are parties to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) which includes Annex 8-A: Wine and Distilled Spirits (DFAT 2019).

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 after importation but before offering the product for sale and may require that the supplier fix the supplementary label before release from customs. Section 5 of Annex 8-A sets out similar permissions for distilled spirits.

This means the proposed mandatory energy labelling (that is the energy statement in the prescribed format) may be affixed as a supplementary label on wines and distilled spirits imported into Australia and New Zealand. The Code does not prevent the use of supplementary labels. Further, the mandatory labelling requirements may not need to be met before products are released from customs in both Australia and New Zealand but must be met before products are offered for sale.

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 their labels for each individual market (WWTG 2019). Importantly article 5.4 states that nothing in the agreement prevents a party from taking measures for the protection of human health, provided it complies with the WTO Agreement. Further article 10.1 of the agreement does not prevent an importing country from requiring national mandatory information on a label. Therefore, the WWTG Labelling Agreement does not prevent Australia and New Zealand from introducing mandatory energy labelling on alcoholic beverages for domestically produced or imported products.

4.6.4 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, the *Wine Australia Regulations 2018* and the *New Zealand Wine Act 2003* include some provisions to facilitate the entry of wine into overseas markets.

Section 14(3) of the *Wine Australia Regulations 2018* applies to exports from Australia. It states:

> *The Authority* [Wine Australia] *may approve the grape product* [for export] *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.*

Section 14(2A) of the *New Zealand Wine Act 2003* states that labelling requirements in a New Zealand standard do not apply where they conflict with a labelling requirement for an export market.

Therefore, it appears unlikely that the proposed mandatory energy labelling in Australia and New Zealand would be a barrier for wine exports.

4.7 FSANZ Act assessment requirements

4.7.1 Section 59

When assessing this proposal and in the development of the approved draft regulatory measure, FSANZ had regard to the following matters in section 59 of the FSANZ Act:

4.7.1.1 Consideration of costs and benefits

The FSANZ Act requires FSANZ to have regard to whether costs that would arise from the proposed measure outweigh the direct and indirect benefits of the proposed measure[19]. The purpose of this consideration is to determine if the community, government and industry as a whole is likely to benefit from a move from the status quo to the proposed option.

The Office of Impact Analysis (OIA[20]) previously exempted FSANZ from the need to prepare a formal Consultation Regulation Impact Statement (CRIS) in relation to the regulatory change proposed in the CFS (reference number OBPR22-02135). The OIA was satisfied that ongoing consultation had been undertaken over a prolonged period, the options under consideration had been tested with relevant stakeholders and representative stakeholder views were known.

However, a Decision Regulation Impact Statement (DRIS) has been prepared (see SD1). The DRIS contains FSANZ's assessment of the costs and benefits of options for addressing the problem in accordance with the FSANZ Act and the Regulatory Impact Analysis Guide for Ministers' Meetings and National Standard Setting Bodies (OIA 2023). The OIA has assessed the DRIS as compliant with this guide (reference number OBPR22-02135)[21].

Summarised below are the options considered, costs and benefits of each of the options and the overall conclusion reached.

4.7.1.1.1 Options considered

1. Maintain the status quo
2. Require an energy statement as proposed in the CFS
3. Require an energy statement with standard drink information or the addition of standard drink information to a NIP, if provided, on certain alcoholic beverages (additional option since the CFS).

Option 2 also included a requirement that a voluntary NIP on alcoholic beverages and other foods containing more than 1.15% ABV must have the same content and format required by certain sections of Standard 1.2.8. It is assumed that most (if not all) voluntary NIPs on alcoholic beverages and other foods containing more than 1.15% ABV already meet those requirements.

[19] Paragraph 59(2)(a) of the FSANZ Act
[20] Formerly The Office of Best Practice Regulation (OBPR)
[21] Letter dated 21 October 2024 available on the OIA website.

Under Option 3, a NIP, if provided on alcoholic beverage packages containing more than one serve (multi-serve package), must additionally include standard drink information. For an alcoholic beverage labelled with a NIP in a package containing only one serving (a single serve package), standard drink information may be stated in the NIP, but is not required if that beverage is labelled with a statement of the approximate number of standard drinks as required by existing requirements (section 2.7.1—4), and the number of standard drinks declared in that statement is the same as the approximate number of standard drinks equivalent to one serving of that beverage.

Option 3 has been added since the CFS to take account of stakeholder feedback and FSANZ consumer testing. That testing found that incorporating the number of standard drinks per serving in the energy statement substantially improves consumer understanding of how a standard drink relates to a serving size for beverages where the package contains more than one serving, and improves that understanding for single-serve packages.

The previous CFS option to voluntarily include energy content information in a prescribed format is no longer being considered. As stated earlier, the majority of submitters to the CFS supported a mandatory approach. Reasons provided included observations that voluntary labelling initiatives are unsuccessful and can result in inconsistent uptake, which may indirectly promote consumption of alcohol.

4.7.1.1.2 Costs and benefits

FSANZ has considered the costs and benefits of each option to determine which option would have the greatest net benefit. Net benefit means benefits minus costs.

Not all costs and benefits can be quantified due to either:

- a lack of available data, or
- the nature of the impact making it extremely difficult to quantify, for instance, the causal links between including energy content information on labels, informed consumer choice, consumer decisions and weight management, not being straight-forward.

Whether an impact is quantified or not does not reflect the significance of the impact.

FSANZ has taken into account all comments, information and evidence received in response to the CFS and targeted consultations. That has included, but has not been limited to:

- additional research into health-related costs of both obesity and overweight
- additional consumer research
- industry-supplied cost estimates per SKU and numbers of SKUs
- industry-supplied cost estimates for the addition of standard drink information in NIPs (under option 3)
- circumstances where required energy content information under options 2 and 3 (below) may be placed on multiple packaging layers. For example, on individual beers and six packs and 24-packs in the same SKU, and on certain wine bottles and additional retail casing
- information about stock turnover and importing.

Option 1

The net benefit of the status quo by definition is zero as no amendments to the Code would be made. The status quo is the option against which the costs and benefits of other options are considered.

Option 2

Table 2 below summarises the costs and benefits associated with option 2 for each stakeholder group.

Table 2 Costs and benefits of option 2 by stakeholder group

Stakeholder group	Cost or benefit	Impact and description
Consumers	Benefit	Readily accessible energy content information on the label of all in-scope alcoholic beverages to enable consumers to make informed purchasing and consumption decisions in support of dietary guidelines. Many consumers would value this information.
	Benefit	Potential improvements to overall health and quality of life from reduced overweight and obesity. Consumer testing found that consumers are able to accurately rank alcoholic beverages by the energy contained in a typical drink using the approved energy statement. This easily accessible energy content information at point-of-purchase is foundational for enabling informed choice about the contribution alcoholic beverages make to total dietary energy consumption.
	Benefit	Potential welfare gains for consumers who use the information to better manage or adjust their energy intake to meet personal goals.
Industry	Cost	Calculating energy content for each SKU. This would not require any equipment or other purchase costs or fees. FSANZ is developing an online tool to assist the alcohol beverage industry to calculate the energy content of their products. Most other food manufacturers and some alcoholic beverage producers already calculate energy content as an insignificant time cost of normal business.
	Cost	Label change costs.
	Cost	Possible loss of some SKUs. Impacts on overall industry structure, supply and variety of alcoholic beverages, and total industry revenues and profits expected to be minor. Costs may, however, as always, be proportionately higher compared to revenue turnover and/or profits for certain individual businesses and lower for others.
	Cost/ benefit	Availability of energy content information on all beverages may lead to some substitution between different alcoholic beverage products and perhaps to non-alcoholic products for consumers that use energy content as a criterion to choose between products. This may be a cost to some producers, and a benefit to others.
Governments	Benefit	Foundation for wider public health and education initiatives.
	Benefit	Potential savings in health care expenditure if overall energy consumption reduces, and that leads to a lower extent and severity of overweight / obesity in population.
	Cost	This would be a small additional element for enforcement officers to check during routine enforcement, leading to small additional costs for governments. Enforcement officers would need to be made aware of the new requirements.

Option 3

The costs and benefits of option 2 outlined in Table 2 also apply to option 3. However, under option 3, the addition of standard drink information to energy statements, and NIPs if provided on alcoholic beverages as required, will have the additional benefit of improving consumer understanding of how a serving size relates to a standard drink. FSANZ estimates incorporating this information in NIPs on the label of the estimated 4% of SKUs (2,553 SKUs) currently labelled with a NIP (where the package contains more than one serve) would come

at relatively minor costs to industry. Further details of this estimate are included in Appendix A of the DRIS (see SD1).

Use of a break-even-analysis

It can be challenging to establish a link between a label change and a health effect, because a chain of causation needs to be established between the label change and a final benefit. This especially applies to P1059 given the foundational role the energy statement would have in education initiatives and the potential for greater long-term impacts over ten years and beyond.

For net benefits considerations, it is therefore appropriate to use a break-even-analysis to make some comparison between label change costs and reduced obesity-related health costs. A break-even-analysis provides guidance to the decision maker on the reduction in obesity and overweight-related health costs needed over ten years to offset label change costs.

Excess energy consumption has a link to negative health outcomes for individuals as a result of chronic disease due to overweight and obesity. It also has negative consequences for wider society as a result of medical and other costs. FSANZ estimates that over ten years (the typical time over which new policy proposals are assessed), discounted[22] health-related costs of obesity and overweight in Australia and New Zealand combined will cost between AU$228 and AU$278 billion. That excludes considerable quality of life impacts for individuals and their families.

Using a break-even-analysis, FSANZ estimates that a 0.13% to 0.18% reduction in the AU$228 to AU$278 billion of overweight and obesity-related health costs over ten years is needed to offset the main costs of option 3 i.e. the costs of changing labels, estimated at between AU$339 and AU$444 million. The break-even-analysis produced a nearly identical range of 0.13% to 0.17% for Option 2, but Option 3 is preferred because of the additional benefit of improving consumer understanding of how a serving size relates to a standard drink. The limitations involved in making this break-even-analysis estimation are discussed in Section 6 and Appendix A of the DRIS (see SD1).

It does not seem unreasonable to assume option 3 could contribute to a health-related cost reduction of this size, given energy content information is foundational for wider health and education initiatives aimed at reducing overweight and obesity. Option 3 would also ensure greater consistency with requirements for other foods and non-alcoholic beverages.

FSANZ acknowledges that changing labels to comply with the new requirements will be proportionately more costly for some businesses than others. To help reduce costs to industry, under option 3 FSANZ will:

- provide a three-year transition period for industry to adopt the new labelling requirements
- exempt products packaged and labelled before the end of the transition period from the new requirements (see section 5.1).

The Code would allow flexibility of size and colour of the required energy statement and would permit solutions that may help reduce label change costs including over-stickers or using printing techniques that are more suitable for low numbers of containers. Such solutions would be permitted for any SKU.

[22] Based on discounting by 7% per year, as recommended by OIA guidance.

Based on FSANZ assessment of costs and benefits of each option, FSANZ has concluded that option 3 will likely have the greatest net benefit (see SD1).

4.7.1.2 Other measures

There are no other measures (whether available to FSANZ or not) that would be more cost-effective than a food regulatory measure developed or varied as a result of the proposal.

FSANZ has previously assessed that non-regulatory options, including education or a voluntary provision, would not adequately address the problem of a lack of consistent energy content information being available on the label of alcoholic beverages to enable informed consumer choice. This was discussed in the CFS and is also covered in the DRIS (see section 4 of SD1).

4.7.1.3 Any relevant New Zealand standards

The relevant Standards apply in both Australia and New Zealand. There are no relevant New Zealand only Standards.

4.7.1.4 Any other relevant matters

Other relevant matters are considered below.

4.7.2 Subsection 18(1)

FSANZ has also considered the three objectives in subsection 18(1) of the FSANZ Act during the assessment.

4.7.2.1 Protection of public health and safety

FSANZ's assessment is that the provision of energy information on alcoholic beverages will enable consumers to make informed choices about energy content and alcoholic beverage consumption in support of dietary guidelines that recommend limiting alcohol intake to help manage energy intake. FSANZ's assessment also found that the provision of this information in the prescribed format best mitigates any negative unintended consequences, such as increased consumption of alcohol or reduced understanding of standard drinks. Furthermore, the provision of energy content information on alcoholic beverages can provide a foundation for education and other health care initiatives to be developed and implemented. This combined with other measures, including broader health education, can contribute to public health efforts to reduce the prevalence of overweight and obesity in Australia and New Zealand (see section 2.5 for strategies in place relating to the reduction of obesity and overweight).

4.7.2.2 The provision of adequate information relating to food to enable consumers to make informed choices

The mandatory declaration of energy content information in the prescribed format will provide consumers with consistent access to information about the energy content of alcoholic beverages to enable them to make informed choices. Further the inclusion of standard drink information in the energy statement, or in the NIP (if provided) on certain alcoholic beverages, will improve consumer understanding of how a serving size relates to a standard drink. Additionally, the statement of the number of standard drinks in the food for sale must still be stated elsewhere on the label if required under existing requirements, as outlined in sections 4.2.4 and 4.4.3.2.3.

4.7.2.3 The prevention of misleading or deceptive conduct

FSANZ has not identified any issues relevant to this matter.

4.7.3 Subsection 18(2) considerations

FSANZ has also had regard to:

- **the need for standards to be based on risk analysis using the best available scientific evidence**

FSANZ's assessment used the best available evidence, including data on consumption of, and energy intake from, alcoholic beverages (see Sections 3.3.1 and 3.3.2), a literature review and meta-analysis (FSANZ 2021b), additional consumer evidence provided by stakeholders (see Appendix 3), consumer testing of energy labelling (FSANZ 2023) and consumer testing of NIPs (FSANZ 2024) (see section 3.3).

- **the promotion of consistency between domestic and international food standards**

FSANZ has considered international and overseas regulations for the provision of energy information on alcoholic beverages (see section 2.8 and Appendix 2). There is no consistency across international and overseas food standards in the format or requirements for the provision of energy content information on the label of alcoholic beverages.

- **the desirability of an efficient and internationally competitive food industry**

FSANZ's assessment is that the approved draft variation will not have a significant impact on efficiency and international competition. As noted above, there is no consistency across international and overseas food standards in the format or requirements for the provision of energy content information on the label of alcoholic beverages.

FSANZ notified WTO members about the draft variation to the Code as proposed in the CFS (see sections 3.1.2 and 4.6.2) and had regard to submissions received before making its decision (see Table 2 of Appendix 4 of this report).

- **the promotion of fair trading in food**

FSANZ has not identified any issues relevant to this matter.

- **any written policy guidelines formulated by the Food Ministers' Meeting**

The relevant ministerial policy guideline, the *Policy Guideline on Food Labelling to Support Consumers Make Informed Healthy Choices* (see section 2.4) was considered in the assessment of this proposal. FSANZ considers the approved variation is consistent with the aim and principles in this guideline.

5 Implementation

5.1 Transitional arrangements

5.1.1 Decision

For reasons set out in this report, FSANZ has decided that the stock-in-trade exemption provided by section 1.1.1—9 of Standard 1.1.1 of the Code will not apply to any of the amendments made by the approved draft variation, and instead, the following transitional arrangements will apply (details are provided in section 5.1.2 below):

- there will be a three-year transition period for implementation of the new labelling requirements commencing on the date of commencement of the approved draft variation is i.e. the date of gazettal of the variation, and
- products packaged and labelled before the end of the transition period may be sold after the transition period without having to meet the new requirements in the approved variation (stock-in-trade exemption).

5.1.2 Rationale

The above approach of a three-year transition period for implementation of the new labelling requirements was proposed in the CFS.

Most industry submitters supported the approach proposed in the CFS although some exemptions, such as for aged wine and spirits, were requested. Two representative bodies for independent brewers requested a transition period of more than three years (see Table 1 of Appendix 4) to reduce impact on small breweries. Conversely, public health and consumer submitters and one jurisdiction who commented on the transition period supported a transition period of 1-2 years.

Industry submitters strongly supported aligning the transitional arrangements with other FSANZ proposals (namely P1049 and P1058) to minimise costs.

In developing the approach for transitional arrangements, FSANZ considered the range of products in the market required to adopt the new labelling requirements, the costs and practicalities of transition for industry, submitter views, relevant precedents for transitional arrangements and other relevant FSANZ proposals.

Noting there are no significant changes in labelling requirements arising from P1049 and work on P1058 has been paused (see section 2.2), FSANZ considers that there is no requirement to align transitional arrangements for these proposals.

FSANZ maintains a three-year transition period would allow sufficient time for industry to adopt new labelling requirements and minimise costs associated with labelling changes. A transition period greater than three years would delay the provision of information to consumers.

Application of the stock-in-trade exemption to products packaged and labelled before the end of the transition period is aimed at reducing the need for relabelling. This approach recognises alcoholic beverages with a slow market turnover or those intended for ageing/cellaring before sale but have been labelled. Such products may include, but are not limited to, top-shelf spirits and premium wines. Given the relatively fast market turnover of beer, cider, RTDs and most spirits (i.e. most of these beverage types produced after gazettal of the new requirement would be sold within three years), FSANZ expects only a relatively

small proportion of beverages will not be required to be labelled with the new mandatory requirements under this exemption. In relation to the wine market, the majority of wines have the vintage on the label. FSANZ considers it reasonable to not expect the small proportion of wines which remain in the market for some years to be relabelled to comply with the new requirements. After the end of the three-year transition period, the majority of alcoholic beverages for retail sale will be expected to carry an energy statement.

The three-year transition period will begin on the date of gazettal of the approved draft variation. During the transition period, a product can be sold if it complies with either the Code as in force without the variations made by the approved draft variation, or with the Code as amended by that variation.

After the transition period, products will have to comply with the Code as amended by the approved draft variation, unless they are packaged and labelled before the end of the transition period. Products packaged and labelled before the end of the transition period may be sold after the transition period if they comply with:

- the Code as in force without the variations made by the approved draft variation, or
- the Code as amended by the approved draft variation.

5.2 Education

Education is important to support consumers' awareness and use of the new energy labelling. As recognised in policy guidance (see section 2.4), there is a role for education and promotion of the dietary guidelines to raise consumers' awareness of and understanding about healthy dietary patterns. The provision of consistent, on-label information about the energy content of alcoholic beverages also fits within broader government public health policy initiatives designed to address overweight and obesity (see sections 2.5.1, 2.5.2 and 2.5.3). These broader policy initiatives include consumer education activities that will be supported by having information about the energy content of alcoholic beverages available at the point of purchasing and consumption to enable consumers to make informed choices in the context of their overall energy intake.

FSANZ will focus on informing consumers, health professionals and the alcohol beverage sector, particularly smaller businesses, of the new labelling requirements. FSANZ will develop web content and utilise communication channels to inform consumers about the new energy labelling on alcoholic beverages and where to look for it. FSANZ will also communicate with health professionals and state, territory, Australian and New Zealand governments about the new requirements for energy labelling to raise awareness about its ability to support health education and promotion activities within communities.

FSANZ will also work with peak industry organisations and jurisdictional authorities on communication strategies to ensure there is broad awareness across industry of the new mandatory energy labelling requirements for alcoholic beverages to assist implementation. Additionally, FSANZ is developing an online tool to help businesses calculate the energy content of their products (see section 4.4.1.2).

5.3 Monitoring and evaluation

It is good practice to monitor and evaluate the implementation of a change in labelling requirements in the Code. As labelling is part of a broader suite of activities, responsibility for certain aspects of monitoring and evaluation may extend beyond FSANZ's remit. Therefore, FSANZ will pursue options with the Food Regulation Standing Committee and other stakeholders during the transition period with a view to establishing a plan for monitoring and evaluation of the implementation of energy labelling on alcoholic beverages.

Non-food-policy entities within governments can also play a role in evaluation and monitoring food standards, including but not limited to food inspection and enforcement agencies and healthcare bodies. Monitoring and evaluation by these entities of the impact on consumers of mandatory energy labelling on alcoholic beverages may form part of the evaluation of relevant broader government public health policy initiatives.

6 References

ABS (Australian Bureau of Statistics) (2013) *Microdata and TableBuilder: Australian Health Survey: Nutrition and Physical Activity*, accessed April 2021.

ABS (2018) *National Health Survey: First results*, accessed April 2021.

ABS (2023) National Health Survey, accessed August 2024.

AIHW (Australian Institute of Health and Welfare) (2024) *Overweight and obesity*, accessed October 2024.

AWRI (Australian Wine Research Institute) (2021) *Impact of wine components on energy label calculations*, accessed August 2022.

Barons KP, Mann D, Orellana L, Miller M, Pettigrew S and Sacks G (2022) 'Nutrition-Related Information on Alcoholic Beverages in Victoria, Australia, 2021', *International Journal of Environmental Research and Public Health*, 19(8):4609, doi: https://doi.org/10.3390/ijerph19084609.

Blewett N, Goddard N, Pettigrew S, Reynolds C and Yeatman H (2011) *Labelling logic: Review of food labelling law and policy (2011)*, *Department of Health*, accessed May 2024.

Bowden, J, Harrison NJ, Caruso J, Room R, Pettigrew S, Olver I, and Miller C (2022) 'Which drinkers have changed their alcohol consumption due to energy content concerns? An Australian survey', *BMC Public Health, 22*:1775, doi: https://doi.org/10.1186/s12889-022-14159-9.

Council of the European Union (2021) *Regulation (EU) 2021/2117*of the European Parliament and of the Council of 2 December 2021, accessed September 2022.

Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau (2025) *Alcohol Facts Statements in the Labeling of Wines, Distilled Spirits, and Malt Beverages: A Proposed Rule by the Alcohol and Tobacco Tax and Trade Bureau on 01/17/2025*, accessed January 2025.

Department of Health (2019) *National Alcohol Strategy 2019-2028*, accessed September 2022.

Department of Health (2021) *National Preventative Health Strategy 2021 – 2030*, accessed September 2022.

Department of Health (2022) *National Obesity Strategy 2022–2032*, accessed September 2022.

DFAT (Department of Foreign Affairs and Trade) (2019) *Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)*, accessed September 2022.

FARE (Foundation for Alcohol Research and Education) (2020) *Annual alcohol poll 2020: Attitudes and behaviours*, accessed May 2024.

Food Regulation Secretariat (2017) *Energy labelling of alcoholic beverages*, accessed October 2024.

FSANZ (Food Standards Australia New Zealand) (1999) *Review of Nutrition Labelling Full Assessment Report Proposal P167*, accessed May 2024.

FSANZ (2020) *Pregnancy warning labels on packaged alcohol: A review of recent literature*, accessed

May 2024.

FSANZ (2021a) *Australian Food Composition Database*, accessed September 2022.

FSANZ (2021b) *Consumer literature review and meta-analysis for W1135: Consumer value/motivation, understanding and behaviour in relation to energy content information on alcoholic beverages*, accessed May 2024.

FSANZ (2021c) *Energy labelling of alcoholic beverages; Evidence Assessment*, accessed May 2024.

FSANZ (2021d) *Energy labelling of alcoholic beverages; Options analysis*, accessed May 2024.

FSANZ (2023) *P1059 Consumer Research Report. Energy labelling on alcoholic beverages: The effects of various labelling formats on consumer perceptions and behavioural intentions*, accessed July 2024.

FSANZ (2024) *Alcohol Labelling Consumer Research Report: Consumer responses to sugar claims, carbohydrate claims, and nutrition information panels on alcoholic beverages*, accessed August 2024.

Government of Canada (2022) *Labelling requirements for alcoholic beverages*, accessed September 2022.

Government of Ireland (2023) *S.I. No. 249/2023 – Public Health (Alcohol) (Labelling) Regulations 2023*, accessed April 2024.

Heartward Strategic (2024) *Added Sugar Focus Groups*, accessed September 2024.

Legislative and Governance Forum on Food Regulation (convening as the Australia and New Zealand Food Regulation Ministerial Council) (2011) *Response to the Recommendations of Labelling Logic: Review of Food Labelling Law and Policy*, accessed November 2024.

New Zealand Ministry of Health (2019) *New Zealand Health Survey Annual Data Explorer 2018/19*, accessed October 2022.

New Zealand Ministry of Health (2020) *Eating and Activity Guidelines for New Zealand Adults*, accessed October 2022.

New Zealand Ministry of Health (2023) *New Zealand Health Survey Annual Data Explorer 2022/23*, accessed May 2024.

New Zealand Ministry of Health (2024) Obesity | Ministry of Health NZ, accessed November 2024.

NHMRC (National Health and Medical Research Council), Australian Government Department of Health and Ageing, and New Zealand Ministry of Health (2006) *Nutrient Reference Values for Australia and New Zealand*, accessed August 2024.

NHMRC (2013) *Australian Dietary Guidelines*, accessed April 2021.

NZIER (New Zealand Institute of Economic Research) (2015) *The net benefits of energy labelling on alcoholic beverages: Cost benefit analysis of the impacts of mandatory labelling of energy content on alcoholic beverages*, accessed August 2022.

OIA (Office of Impact Analysis) (2023) *Regulatory Impact Analysis Guide for Ministers' Meetings and National Standard Setting Bodies*, accessed July 2023.

Pettigrew S, Sträuli B, Yusoff A, O'Brien P, Bowden J, Jongenelis M, Brownbill A, Chikritzhs T, Petticrew M, Matheson A, Taylor F, Jones A (2025) '"There's just a lot of numbers and I just want to have a drink": The challenge of communicating the energy content of alcohol products', *Appetite, 205*:10770, doi: https://doi.org/10.1016/j.appet.2024.107700.

Popovich D and Velikova N (2023) 'The impact of nutrition labelling on consumer perceptions of wine', *Journal of Consumer Marketing, 40*(6);748-757, doi: https://doi.org/10.1108/JCM-09-2020-4101.

Riley MD, Hendrie GA and Baird DL (2019) 'Drink choice is important: Beverages make a substantial contribution to energy, sugar, calcium and Vitamin C intake among Australians', *Nutrients, 11*(6):1389, doi: https://doi.org/10.3390/nu11061389.

The New Zealand Institute for Plant & Food Research Limited and Ministry of Health (2022) *New Zealand Food Composition Database: New Zealand FOODfiles™ 2021 Version 01*, accessed September 2022.

University of Otago and New Zealand Ministry of Health (2011a) *A focus on nutrition: Key findings of the 2008/09 New Zealand Adult Nutrition Survey*, accessed April 2021.

University of Otago and New Zealand Ministry of Health (2011b) *Methodology report for the 2008/09 New Zealand Adult Nutrition Survey*, accessed April 2021.

Walker N, McCormack J, Verbiest M, Jiang, Y, Lang B, Ni Mhurchu C (2019) *Energy labelling for alcoholic beverages in New Zealand: Impact on consumer purchase and consumption. Phase 2 report: Randomised trial.* *Health Promotion Agency*, accessed January 2024.

Wellard-Cole L (2023) *NSW Community Survey on Cancer Prevention 2022.* Report prepared by the Cancer Council NSW, accessed December 2024.

WHO (World Health Organization) (2010) *Global strategy to reduce the harmful use of alcohol*, accessed October 2022.

WHO (2017) *Alcohol labelling: a discussion document on policy options*, accessed September 2022.

WHO (2022a) *Draft action plan (2022-2030) to effectively implement the Global strategy to reduce the harmful use of alcohol as a public health priority*, accessed September 2022.

WHO (2022b) *Seventy-fifth World Health Assembly – Daily update: 27 May 2022*, accessed September 2022.

WHO (2022c) *Turning down the alcohol flow. Background document on the European framework for action on alcohol, 2022–2025*, accessed October 2022.

WTO (World Trade Organization) (1995) *Agreement on the Technical Barriers to Trade*, accessed May 2024.

WWTG (World Wine Trade Group) (2019) *The 2007 agreement on requirements for wine labelling (labelling agreement)*, accessed September 2022.

Attachments

A. Approved draft variation to the Australia New Zealand Food Standards Code
B. Explanatory Statement
C. Draft variation to the Australia New Zealand Food Standards Code (call for submissions)

Attachment A – Approved draft variation to the Australia New Zealand Food Standards Code

Food Standards (Proposal P1059 – Energy labelling on alcoholic beverages) Variation

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The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of this variation.

Dated [*To be completed by Delegate*]

[*Name and position of Delegate*]
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC XX on XX Month 20XX. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal P1059 – Energy labelling on alcoholic beverages) Variation*.

2 Variation to Standards in the *Australia New Zealand Food Standards Code*

The Schedule varies Standards in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on the date of gazettal.

4 Effect of the variations made by this instrument

(1) Section 1.1.1—9 of Standard 1.1.1 does not apply to the variations made by this instrument.

(2) During the transition period, a food product may be sold if the product complies with one of the following:

(a) the Code as in force without the variations made by this instrument; or

(b) the Code as amended by the variations made by this instrument.

(3) A food product that was packaged and labelled before the end of the transition period may be sold after the transition period if the product complies with one of the following:

(a) the Code as in force without the variations made by this instrument; or

(b) the Code as amended by the variations made by this instrument.

(4) For the purposes of this clause, the **transition period** means the period commencing on the variation's date of commencement and ending 36 months after the date of commencement.

Schedule

Standard 1.1.2

[1] At the end of section 1.1.2—9

Insert:

Display of a required energy statement does not constitute a nutrition content claim

(5) To avoid doubt, the display of an energy statement required by section 2.7.1—4A does not constitute a nutrition content claim.

Voluntary additional display of a required energy statement does not constitute a nutrition content claim

(6) If this Code does not require a layer of packaging of a *prescribed beverage to display an energy statement referred to in section 2.7.1—4A, the display of that statement on that layer of packaging does not constitute a nutrition content claim.

Standard 1.2.1

[2] Paragraph 1.2.1—8(1)(z)

Repeal the paragraph, substitute:

(z) the required information for reduced sodium salt mixtures and salt substitutes (see section 2.10.2—8);

(za) for *prescribed beverages—an energy statement (see section 2.7.1—4A).

Standard 2.7.1

[3] Note to section 2.7.1—2

Insert each of the following in alphabetical order:

average energy content means the average energy content calculated in accordance with section S11—2.

prescribed beverage means:

(a) a *standardised alcoholic beverage; or

(b) a beverage containing no less than 0.5% alcohol by volume.

serving means an amount of the food which constitutes one normal serving when prepared according to manufacturer's directions or when the food requires no further preparation before consumption, and in the case of a formulated meal replacement is equivalent to one meal.

small package means a package with a surface area of less than 100 cm^2.

[4] After subsection 2.7.1—4(1)

Insert:

(1A) The statement must not appear in:

(a) an energy statement required by paragraph 1.2.1—8(1)(za); or

(b) a nutrition information panel.

Note An energy statement required by paragraph 1.2.1—8(1)(za) must state the approximate number of standard drinks equivalent to one serving of the prescribed beverage. Section 2.7.1—4F requires a nutrition information panel for certain prescribed beverages to state the approximate number of standard drinks equivalent to one serving of the beverage concerned.

[5] After section 2.7.1—4

Insert:

2.7.1—4A Energy statement

(1) For the labelling provisions, an energy statement is required for a *prescribed beverage.

Note The labelling provisions are set out in Standard 1.2.1.

(2) An energy statement is not required for a *prescribed beverage that:

(a) has a nutrition information panel required by Standard 1.2.8; or

(b) has a voluntary nutrition information panel in accordance with section 2.7.1—4E; or

(c) is a food for sale in a *small package.

(3) An energy statement required by subsection (1) must comply with sections 2.7.1—4B, 2.7.1—4C and 2.7.1—4D.

2.7.1—4B What must be in an energy statement

(1) The energy statement must contain the following information:

(a) the number of servings in the package; and

(b) the *average quantity of the beverage in a serving expressed in millilitres; and

(c) the *average energy content expressed in kilojoules or both in kilojoules and in kilocalories per:

(i) serving of the beverage; and

(ii) 100 mL of the beverage; and

(d) the approximate number of *standard drinks equivalent to one serving of the beverage.

(2) The number required by paragraph (1)(d) must be accurate to the first decimal place.

(3) The energy statement must be set out in the following format unless this Code provides otherwise:

ENERGY INFORMATION		
Servings per package: (insert number of servings)		
Serving size: mL ([insert number] standard drinks)		
	Quantity per serving	Quantity per 100 mL
Energy	kJ (Cal)	kJ (Cal)

2.7.1—4C How to express particular matters in an energy statement

(1) The energy statement must clearly indicate that any average quantities set out in the statement are average quantities.

(2) In an energy statement, 'package' may be replaced by 'can', 'bottle' or any other word or words that accurately describes the package containing the *prescribed beverage.

(3) The *average energy content must be expressed in an energy statement to not more than 3 significant figures.

(4) If the *average energy content per serving or 100 mL of the *prescribed beverage is less than 40 kJ, that average energy content may be expressed in the energy statement as 'LESS THAN 40 kJ'.

2.7.1—4D Percentage daily intake information

(1) The energy statement may include information relating to the percentage daily intake of energy in the statement.

(2) If information relating to percentage daily intake of energy is included, the energy statement must include:

(a) the percentage daily intake of energy per serving, calculated using 8700 kJ as the reference value; and

(b) either of the following statements:

(i) 'based on an average adult diet of 8700 kJ'; or

(ii) 'Percentage daily intakes are based on an average adult diet of 8700 kJ'.

(3) For subsection (2), an example energy statement with percentage daily intake information is:

ENERGY INFORMATION			
Servings per package: (insert number of servings)			
Serving size: mL ([insert number] standard drinks)			
	Quantity per serving	% Daily intake* (per serving)	Quantity per 100 mL
Energy	kJ (Cal)	%	kJ (Cal)
*Percentage daily intakes are based on an average adult diet of 8700 kJ.			

2.7.1—4E Voluntary nutrition information panel for food containing alcohol

(1) This section applies to a food that:

(a) contains more than 1.15% alcohol by volume; and

(b) is not required by Standard 1.2.8 to have a nutrition information panel.

(2) The label on a package of the food may include a nutrition information panel that is not required by Standard 1.2.8 to be included on that label (***a voluntary nutrition information panel***).

(3) The voluntary nutrition information panel referred to in subsection (2) must:

(a) contain the information as required by each of the following provisions for a

mandatory nutrition information panel:

(i) paragraphs 1.2.8—6(1)(a), (b) and (c);

(ii) subparagraphs 1.2.8—6(1)(d)(i), (ii) and (iii);

(iii) if a *prescribed beverage—section 2.7.1—4F; and

(b) be set out in the format in section S12—2.

2.7.1—4F Nutrition information panel for a prescribed beverage – number of standard drinks in a serving

(1) The nutrition information panel for a *prescribed beverage, other than a prescribed beverage to which subsection (3) applies, must state the approximate number of *standard drinks equivalent to one serving of that beverage.

(2) The nutrition information panel for a *prescribed beverage to which subsection (3) applies may state the approximate number of *standard drinks equivalent to one serving of that beverage.

(3) This subsection applies to a *prescribed beverage:

(a) that *bears a label with the statement required by section 2.7.1—4; and

(b) the number of *standard drinks declared in that statement is the same as the approximate number of standard drinks equivalent to one serving of that beverage.

Note Section 2.7.1—4 and the labelling provisions in Standard 1.2.1 require the labelling for a food for sale that is capable of being consumed as a beverage and contains more than 0.5% alcohol by volume, measured at 20°C, to state the approximate number of standard drinks in that food for sale.

(4) The number stated in accordance with subsection (1) or (2) must be:

(a) accurate to the first decimal place; and

(b) stated in the nutrition information panel in brackets and immediately after the entry in the panel for the *average quantity of the food in a serving.

Attachment B - Explanatory Statement

Food Standards Australia New Zealand Act 1991

Food Standards (Proposal P1059 - Energy labelling on alcoholic beverages) Variation

1. Authority

Section 13 of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act) provides that the functions of Food Standards Australia New Zealand (the Authority) include the development of standards and variations of standards for inclusion in the *Australia New Zealand Food Standards Code* (the Code).

Division 2 of Part 3 of the FSANZ Act specifies that the Authority may prepare a proposal for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering a proposal for the development or variation of food regulatory measures.

The Authority prepared Proposal P1059 to consider amending the Code to require energy (kilojoule) labelling information on certain alcoholic beverages. The Authority considered the proposal in accordance with Division 2 of Part 3 and has approved a draft variation – the *Food Standards (Proposal P1059 - Energy labelling on alcoholic beverages) Variation* (the approved draft variation).

Following consideration by the Food Ministers' Meeting (FMM), section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the draft variation.

2. Variation is a legislative instrument

The approved draft variation is a legislative instrument for the purposes of the *Legislation Act 2003* (see section 94 of the FSANZ Act) and is publicly available on the Federal Register of Legislation (www.legislation.gov.au).

This instrument is not subject to the disallowance or sunsetting provisions of the *Legislation Act 2003.* Subsections 44(1) and 54(1) of that Act provide that a legislative instrument is not disallowable or subject to sunsetting if the enabling legislation for the instrument (in this case, the FSANZ Act): (a) facilitates the establishment or operation of an intergovernmental scheme involving the Commonwealth and one or more States; and (b) authorises the instrument to be made for the purposes of the scheme. Regulation 11 of the *Legislation (Exemptions and other Matters) Regulation 2015* also exempts from sunsetting legislative instruments a primary purpose of which is to give effect to an international obligation of Australia.

The FSANZ Act gives effect to an intergovernmental agreement (the Food Regulation Agreement) and facilitates the establishment or operation of an intergovernmental scheme (national uniform food regulation). That Act also gives effect to Australia's obligations under an international agreement between Australia and New Zealand. For these purposes, the Act establishes the Authority to develop food standards for consideration and endorsement by the FMM. The FMM is established under the Food Regulation Agreement and the international agreement between Australia and New Zealand, and consists of New Zealand, Commonwealth and State/Territory members. If endorsed by the FMM, the food standards on gazettal and registration are incorporated into and become part of Commonwealth, State

and Territory and New Zealand food laws. These standards or instruments are then administered, applied and enforced by these jurisdictions' regulators as part of those food laws.

3. Purpose

The Authority has approved a draft variation to amend Standards 1.1.2, 1.2.1 and 2.7.1 of the Code to require a statement of energy, on the label of certain standardised alcoholic beverages, and certain beverages containing no less than 0.5% ABV that are not standardised alcoholic beverages.

The approved draft variation also amends Standard 2.7.1 to prescribe content and format requirements for nutrition information panels for certain foods containing alcohol.

4. Documents incorporated by reference

The approved draft variation does not incorporate any documents by reference.

5. Consultation

In accordance with the procedure in Division 2 of Part 3 of the FSANZ Act, the Authority's consideration of P1059 included one round of public consultation following an assessment, and the preparation of a draft variation and associated report. Submissions were called for on 16 January 2023 for a 9-week consultation period. Further details of the consultation process, the issues raised during consultation and by whom, and the Authority's response to these issues are available in an approval report published on the Authority's website at www.foodstandards.gov.au.

The Office of Impact Analysis (OIA) exempted FSANZ from the need to prepare a formal Consultation Regulation Impact Statement (CRIS) in relation to the regulatory change proposed (reference number OBPR22-02135). The OIA was satisfied that ongoing consultation had been undertaken over a prolonged period, and the options under consideration were tested with relevant stakeholders and representative stakeholder views known.

A Decision Regulation Impact Statement was prepared by the Authority and the OIA has assessed the DRIS as compliant (reference number OBPR22-02135).

6. Statement of compatibility with human rights

This instrument is exempt from the requirements for a statement of compatibility with human rights as it is a non-disallowable instrument under section 44 of the *Legislation Act 2003*.

7. Variation

A reference to the variation in this section is a reference to the approved draft variation.

Clause 1 of the variation provides that the name of the variation is the *Food Standards (Proposal P1059 – Energy labelling on alcoholic beverages) Variation*.

Clause 2 of the variation provides that the Code is amended by the Schedule to the variation.

Clause 3 of the variation provides that the variation commences on the date of gazettal of the instrument.

Clause 4 of the variation sets out the transitional arrangements applying to the relevant food products (see below for details).

Item [1] of the Schedule to the variation amends Standard 1.1.2 by adding two new subsections to section 1.1.2—9 in numerical order: subsections 1.1.2—9(5) and 1.1.2—9(6).

Section 1.1.2—9 sets out the definition of *nutrition content claim* for the purposes of the Code.

New subsection 1.1.2—9(5) provides that the display of a mandatory energy statement required by new section 2.7.1—4A (see **item [5]** below) does not constitute a *nutrition content claim*.

New subsection 1.1.2—9(6) provides that the voluntary display of an energy statement referred to in new section 2.7.1—4A (see **item [5]** below) on a layer of packaging of a *prescribed beverage* does not constitute a *nutrition content claim.*

A *prescribed beverage* is defined in section 1.1.2—2 as:

- a standardised alcoholic beverage i.e. beer, brandy, cider, fruit wine, fruit wine product, liqueur, mead, perry, spirit, vegetable wine, vegetable wine product, wine or wine product; or
- a beverage containing no less than 0.5% alcohol by volume.

Item [2] of the Schedule to the variation amends Standard 1.2.1 by repealing existing paragraph 1.2.1—8(1)(z) and substituting it with the same paragraph 1.2.1—8(1)(z) (except with a semi-colon at the end), followed by new paragraph 1.2.1—8(1)(za).

As paragraph 1.2.1—8(1)(z) is currently the last paragraph in subsection 1.2.1—8(1), it has a full stop at the end. So it was necessary to change the full stop to a semi-colon because of inserting new paragraph 1.2.1—8(1)(za).

New paragraph 1.2.1—8(1)(za) provides that the label on a packaged *prescribed beverage* must contain an energy statement in accordance with the new section 2.7.1—4A (see **item [5]** below).

Item [3] of the Schedule to the variation amends Standard 2.7.1 by inserting in the Note to section 2.7.1—2 references to the following terms and their definitions in section 1.1.2—2:

- *average energy content*;
- *prescribed beverage*;
- *serving*; and
- *small package*.

The Note to section 2.7.1—2 sets out references to terms defined in section 1.1.2—2 which are relevant to Standard 2.7.1.

The definitions of these additional terms relate to the new requirements in Standard 2.7.1 (see **items [4]** and **[5]** below).

These terms are italicised in the Explanatory Statement.

Item [4] of the Schedule to the variation amends Standard 2.7.1 by inserting new subsection

2.7.1—4(1A) after subsection 2.7.1—4(1).

Section 2.7.1—4 sets out certain requirements for providing a statement of the approximate number of standard drinks in a food for sale that:

- is capable of being consumed as a beverage; and
- contains more than 0.5% alcohol by volume, measured at 20ºC.

In particular, subsection 2.7.1—4(1) requires the provision of the statement for that food for sale.

New subsection 2.7.1—4(1A) provides that the statement required by subsection 2.7.1—4(1) must not appear in:

- an energy statement required by paragraph 1.2.1—8(1)(za); or
- a nutrition information panel.

The note to this new subsection explains to the reader that:

- an energy statement required by paragraph 1.2.1—8(1)(za) of the Code must state the approximate number of standard drinks equivalent to one *serving* of the *prescribed beverage*; and
- section 2.7.1—4F requires a nutrition information panel for certain *prescribed beverages* to state the approximate number of standard drinks equivalent to one *serving* of the beverage concerned.

The effect of the amendment in **item [4]** is that the standard drink statement required by section 2.7.1—4 must be separately located on the label for that beverage from:

- an energy statement required by paragraph 1.2.1—8(1)(za); or
- any nutrition information panel.

A standard drink is defined in section 1.1.2—2 for a beverage containing alcohol, and means the amount that contains 10 grams of ethanol when measured at 20°C.

Item [5] of the Schedule to the variation amends Standard 2.7.1 by inserting six new sections in 'Division 2 – Requisite statements' of the Standard, after section 2.7.1—4: sections 2.7.1—4A, 2.7.1—4B, 2.7.1—4C, 2.7.1—4D, 2.7.1—4E and 2.7.1—4F.

The new sections 2.7.1—4A, 2.7.1—4B, 2.7.1—4C, and 2.7.1—4D set out requirements for an energy statement for *prescribed beverages*. New section 2.7.1—4E sets out the requirements for a voluntary nutrition information panel for certain food containing alcohol. New section 2.7.1—4F sets out requirements for providing information about standard drinks in the nutrition information panel for a *prescribed beverage*.

The new sections are as follows:

<u>New section 2.7.1—4A</u>

New section 2.7.1—4A is the primary provision relating to mandatory energy statements for *prescribed beverages* and sets out when an energy statement is required.

Subsection 2.7.1—4A(1) provides that for the labelling provisions, an energy statement is required for a *prescribed beverage* (as defined in section 1.1.2—2 – see **item [3]** above).

The Note to this subsection explains that the labelling provisions are set out in Standard 1.2.1.

Subsection 2.7.1—4A(2) provides that an energy statement required by subsection (1) does not apply to a *prescribed beverage* that:

- has a nutrition information panel required by Standard 1.2.8 on the label of its package; or
- has a voluntary nutrition information panel in accordance with new section 2.7.1—4E (see below); or
- is a food for sale in a *small package* (as defined in section 1.1.2—2 – see **item [3]** above).

Subsection 2.7.1—4A(3) provides that an energy statement required by subsection (1) must comply with new sections 2.7.1—4B, 2.7.1—4C and 2.7.1—4D (see below).

<u>New section 2.7.1—4B</u>

New section 2.7.1—4B sets out requirements about what information an energy statement must contain, and how that information must be set out.

Subsection 2.7.1—4B(1) provides that an energy statement must contain:

- the number of *servings* in the package of the beverage; and
- the *average quantity* of the beverage in a *serving* expressed in millilitres; and
- the *average energy content* expressed in kilojoules or both in kilojoules and in kilocalories per:
  - *serving* of the beverage; and
  - 100 mL of the beverage; and
- the approximate number of *standard drinks* equivalent to one serving of the beverage.

A *standard drink* is defined in section 1.1.2—2 for a beverage containing alcohol, and means the amount that contains 10 grams of ethanol when measured at 20°C.

Subsection 2.7.1—4B(2) provides that the approximate number of *standard drinks* required by subsection 2.7.1—4B(1) must be accurate to the first decimal place.

Subsection 2.7.1—4(B)(3) requires an energy statement to be set out in a prescribed format, unless the Code provides otherwise. That prescribed format is:

ENERGY INFORMATION Servings per package: (insert number of servings) Serving size: mL ([insert number] standard drinks)		
	Quantity per serving	Quantity per 100 mL
Energy	kJ (Cal)	kJ (Cal)

<u>New section 2.7.1—4C</u>

New section 2.7.1—4C sets out requirements about how to express particular matters in an energy statement.

Subsection 2.7.1—4C(1) provides that the energy statement must clearly indicate that any

average quantities set out in the statement are average quantities.

Subsection 2.7.1—4C(2) permits the word 'package', in an energy statement, to be replaced by the word 'can', 'bottle' or any other word or words that accurately describe the package containing the *prescribed beverage*.

Subsection 2.7.1—4C(3) requires the *average energy content* in an energy statement to be expressed to not more than 3 significant figures.

Subsection 2.7.1—4C(4) provides that if the *average energy content* per serving or 100 mL of the *prescribed beverage* is less than 40 kJ, that *average energy content* may be expressed in the energy statement as 'LESS THAN 40 kJ'.

New section 2.7.1—4D

New section 2.7.1—4D sets out provisions related to percentage daily intake information in an energy statement.

Subsection 2.7.1—4D(1) permits information relating to percentage daily intake of energy to be included in an energy statement. Therefore, the inclusion of such information in an energy statement would be voluntary.

Subsection 2.7.1—4D(2) provides that if information relating to percentage daily intake of energy is included in an energy statement, the statement must include:

- the percentage daily intake of energy per serving of a *prescribed beverage* calculated using 8700 kJ as the reference value (see paragraph 2.7.1—4D(2)(a)); and
- either of the following statements (see paragraph 2.7.1—4D(2)(b)):
  - 'based on an average adult diet of 8700 kJ', or
  - 'Percentage daily intakes are based on an average adult diet of 8700 kJ'.

Subsection 2.7.1—4D(3) provides an example of an energy statement with percentage daily intake information for the purposes of subsection 2.7.1—4D(2).

New section 2.7.1—4E

New section 2.7.1—4E sets out the requirements for a voluntary nutrition information panel for certain food containing alcohol.

Subsection 2.7.1—4E(1) provides that section 2.7.1—4E applies to a food that contains more than 1.15% alcohol by volume and is not required by Standard 1.2.8 to have a nutrition information panel.

Subsection 2.7.1—4E(2) provides that the label on a package of that food may include a nutrition information panel that is not required to be included on its label by Standard 1.2.8. This panel is referred to as a 'voluntary nutrition information panel'.

Subsection 2.7.1—4E(3) sets out the content and format requirements for the voluntary nutrition information panel.

Paragraph 2.7.1—4(E)(3)(a) provides that the voluntary nutrition information panel must contain the information as required for a mandatory nutrition information panel by paragraphs 1.2.8—6(1)(a), (b) and (c); and subparagraphs 1.2.8—6(1)(d)(i), (ii) and (iii). Additionally, if the voluntary nutrition information panel is for a *prescribed beverage*, the panel must contain

the information about *standard drinks* required by new section 2.7.1—4F (see below).

Paragraph 2.7.1—4(E)(3)(b) provides that the voluntary nutrition information panel must be set out in the format prescribed in section S12—2.

New section 2.7.1—4F

New section 2.7.1—4F sets out the requirements for providing information about *standard drinks* in a nutrition information panel for a *prescribed beverage*. The new section applies to both a voluntary nutrition information panel, and a nutrition information panel that is required by the Code.

Subsection 2.7.1—4F(1) requires a nutrition information panel for a *prescribed beverage* that is not a *prescribed beverage* to which subsection 2.7.1—4F(3) applies, to state the approximate number of *standard drinks* equivalent to one *serving* of the *prescribed beverage*. This measure is mandatory.

Subsection 2.7.1—4F(2) permits a nutrition information panel for a *prescribed beverage* that is a *prescribed beverage* to which subsection 2.7.1—4F(3) applies to state the approximate number of *standard drinks* equivalent to one *serving* of that beverage. This measure is voluntary.

Subsection 2.7.1—4F(3) applies to a *prescribed beverage*:

- that bears a label with the statement required by section 2.7.1—4; and
- the number of *standard drinks* declared in that statement is the same as the approximate number of *standard drinks* equivalent to one *serving* of that beverage.

The note to this subsection explains to the reader that section 2.7.1—4 and the labelling provisions in Standard 1.2.1 require the labelling for a food for sale that is capable of being consumed as a beverage and contains more than 0.5% alcohol by volume, measured at 20°C, to state the approximate number of *standard drinks* in that food for sale.

Subsection 2.7.1—4F(4) imposes two requirements in relation to how the approximate number of *standard drinks* equivalent to one serving of the *prescribed beverage* must be stated in accordance with the requirement in subsection 2.7.1—4F(1) or with the permission provided by subsection 2.7.1—4F(2). The requirements are that:

- the stated number must be accurate to the first decimal place (paragraph 2.7.1—4F(4)(a)); and
- the number must be stated in the nutrition information panel in brackets and immediately after the entry in the panel for the *average quantity* of the food in a *serving* (paragraph 2.7.1—4F(4)(b)).

A *standard drink* is defined in section 1.1.2—2 for a beverage containing alcohol, and means the amount that contains 10 grams of ethanol when measured at 20°C.

8. Transitional arrangements

The above amendments commence or take effect on the date of gazettal of the instrument (see clause 3 of the variation).

The stock-in-trade exemption provided by section 1.1.1—9 of Standard 1.1.1 does not apply to any of the above amendments (see subclause 4(1) of the variation).

Clause 4 provides two transitional arrangements:

First, there is a general transitional arrangement where during a three year transition period commencing on the date of gazettal of the instrument, a food product may be sold if the product complies with either the Code as in force without the amendments made by the instrument; or the Code as amended by the instrument.

Second, there is a specific transitional arrangement where relevant food products packaged and labelled before the end of the transition period may be sold after the transition period without having to comply with the new requirements.

The intent of these transitional arrangements is to assist in minimising the costs of complying with the variation for industry while not unduly delaying exposure of the energy content statement and the other requisite information to consumers.

Attachment C – Draft variation to the Australia New Zealand Food Standards Code (call for submissions)

FOOD STANDARDS
Australia New Zealand
Te Mana Kounga Kai – Ahitereiria me Aotearoa

Food Standards (Proposal P1059 – Energy labelling on alcoholic beverages) Variation

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The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of this variation.

Dated [*To be completed by Delegate*]

[*Name and position of Delegate*]
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC XX on XX Month 20XX. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal P1059 – Energy labelling on alcoholic beverages) Variation*.

2 Variation to Standards in the *Australia New Zealand Food Standards Code*

The Schedule varies Standards in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on the date of gazettal.

4 Effect of the variations made by this instrument

(1) Section 1.1.1—9 of Standard 1.1.1 does not apply to the variations made by this instrument.

(2) During the transition period, a food product may be sold if the product complies with one of the following:

(a) the Code as in force without the variations made by this instrument; or

(b) the Code as amended by the variations made by this instrument.

(3) A food product that was packaged and labelled before the end of the transition period may be sold after the transition period if the product complies with one of the following:

(a) the Code as in force without the variations made by this instrument; or

(b) the Code as amended by the variations made by this instrument.

(4) For the purposes of this clause, the **transition period** means the period commencing on the variation's date of commencement and ending 36 months after the date of commencement.

Schedule

Standard 1.1.2

[1] After subsection 1.1.2—9(4)

Insert:

Display of a mandatory energy statement does not constitute a nutrition content claim

(5) To avoid doubt, the display of an energy statement required by section 2.7.1—4A does not constitute a nutrition content claim.

Display of a voluntary energy statement does not constitute a nutrition content claim

(6) If this Code permits, but does not require, a layer of packaging of a *prescribed beverage to display an energy statement referred to in section 2.7.1—4A, the display of that statement on that layer of packaging does not constitute a nutrition content claim.

Standard 1.2.1

[2] Paragraph 1.2.1—8(1)(z)

Repeal the paragraph, substitute:

(z) the required information for reduced sodium salt mixtures and salt substitutes (see section 2.10.2—8);

(za) for *prescribed beverages—an energy statement (see section 2.7.1—4A).

Standard 2.7.1

[3] Note to section 2.7.1—2

Insert:

average energy content means the average energy content calculated in accordance with section S11—2.

prescribed beverage means:

(a) a *standardised alcoholic beverage; or

(b) a beverage containing no less than 0.5% alcohol by volume.

small package means a package with a surface area of less than 100 cm^2.

serving means an amount of the food which constitutes one normal serving when prepared according to manufacturer's directions or when the food requires no further preparation before consumption, and in the case of a formulated meal replacement is equivalent to one meal.

[4] After section 2.7.1—4

Insert:

2.7.1—4A Statement of energy

(1) For the labelling provisions, an energy statement is required for a *prescribed beverage.

Note The labelling provisions are set out in Standard 1.2.1.

(2) An energy statement is not required for a *prescribed beverage that:

(a) has a nutrition information panel on the label of its package; or

(b) is a food for sale in a *small package.

(3) An energy statement required by subsection (1) must comply with sections 2.7.1—4B, 2.7.1—4C and 2.7.1—4D.

2.7.1—4B What must be in an energy statement

(1) The energy statement must contain the following information:

(a) the number of servings in the package; and

(b) the *average quantity of the beverage in a serving expressed in millilitres; and

(c) the *average energy content expressed in kilojoules or both in kilojoules and in kilocalories per:

(i) serving of the beverage; and

(ii) 100 mL of the beverage.

(2) The energy statement must be set out in the following format unless this Code provides otherwise:

ENERGY INFORMATION Servings per package: (insert number of servings) Serving size: mL		
	Quantity per serving	Quantity per 100 mL
Energy	kJ (Cal)	kJ (Cal)

2.7.1—4C How to express particular matters in an energy statement

(1) The energy statement must clearly indicate that any average quantities set out in the statement are average quantities.

(2) In an energy statement, 'package' may be replaced by 'can', 'bottle' or any other word or words that accurately describe the package containing the *prescribed beverage.

(3) The *average energy content must be expressed in an energy statement to not more than 3 significant figures.

(4) If the *average energy content per serving or 100 mL of the *prescribed beverage is less than 40 kJ, that average energy content may be expressed in the energy

statement as ‘LESS THAN 40 kJ’.

2.7.1—4D Percentage daily intake information

(1) The energy statement may include information relating to the percentage daily intake of energy in the statement.

(2) If information relating to percentage daily intake of energy is included, the energy statement must include:

(a) the percentage daily intake of energy per serving, calculated using 8700 kJ as the reference value; and

(b) either of the following statements:

(i) ‘based on an average adult diet of 8700 kJ’; or

(ii) ‘Percentage daily intakes are based on an average adult diet of 8700 kJ’.

(3) For subsection (2), an example energy statement with percentage daily intake information is:

ENERGY INFORMATION Servings per package: (insert number of servings) Serving size: mL			
	Quantity per serving	% Daily intake* (per serving)	Quantity per 100 mL
Energy	kJ (Cal)	%	kJ (Cal)
*Percentage daily intakes are based on an average adult diet of 8700 kJ.			

Appendices

Appendix 1 – Relevant existing Australia New Zealand Food Standards Code requirements
Appendix 2 – International and overseas standards
Appendix 3 – Additional consumer evidence
Appendix 4 – Summary of comments from the public call for submissions and targeted consultations

Appendix 1 – Relevant existing Australia New Zealand Food Standards Code requirements

Requirements for nutrition information panels

Standard 1.2.1 of the Code requires packaged foods to 'bear a label' with specific information, including nutrition information in a nutrition information panel (NIP), unless covered by an exemption in the Code.

Standard 1.2.8 sets out nutrition information requirements in relation to foods for sale that are required to bear a label, and for foods for sale that are exempt from these requirements. This Standard also sets out when nutrition information must be provided, and the manner in which such information must be provided.

A NIP must include declarations of the average quantity of six specified nutrients and the average energy content. However, section 1.2.8—5 exempts certain foods from the general requirement to be labelled with a NIP unless a claim requiring nutrition information is made in relation to the food, including:

- standardised alcoholic beverages
- beverages containing no less than 0.5% ABV that are not standardised alcoholic beverages.

'Standardised alcoholic beverage' is defined in section 1.1.2—2 of the Code as beer, brandy, cider, fruit wine, fruit wine product, liqueur, mead, perry, spirit, vegetable wine, vegetable wine product, wine or wine product. These products are all defined in section 1.1.2—3 of the Code.

Tabular format and heading

Subsection 1.2.8—6(2) requires that, unless the Code provides otherwise, a NIP to be presented in the prescribed format set out in section S12—2, which includes a tabular format with borders and the heading 'Nutrition Information'.

Method of determining energy content

Section 1.1.2—2 defines 'average energy content' to mean *the average energy content calculated in accordance with section S11—2*. Section S11—2 sets out the equation.

Units of measure

Standard 1.2.8 requires the average energy content to be expressed in the NIP in kilojoules or both in kilojoules and in kilocalories (Cal) (subparagraph 1.2.8—6(1)(d)(i)) to not more than 3 significant figures (paragraph 1.2.8—7(3)(a)).

Basis of energy content information – quantity per 100 mL and per serving

For beverages and other liquid food, the average energy content is required to be expressed in the NIP as a quantity per 100 mL (the 'unit quantity'[23]) and as a quantity per serving (paragraph 1.2.8—6(1)(d)).

[23] ***unit quantity*** means:
(a) for a food that is a solid or semi-solid food—100 grams; or
(b) for a food that is a beverage or other liquid food—100 millilitres.

A serving is defined in subsection 1.1.2(2) as an amount of the food which constitutes one normal serving when prepared according to manufacturer's directions or when the food requires no further preparation before consumption. The Code does not prescribe the amount of food to be declared in a serving, rather the serve size is determined by manufacturers.

The NIP must clearly indicate any average quantities set out in the panel are average quantities (paragraph 1.2.8—7(1)(a)).

Serving information

The NIP must contain details of the number of servings in the package (paragraph 1.2.8—6(1)(a)) and the average quantity of the food in a serving (paragraph 1.2.8—6(1)(b)).

Subsection 1.2.8—7(2) permits 'serving' to be replaced by 'slice', 'pack' or 'package'; or metric cup or metric tablespoon or other appropriate words expressing a unit or common measure on a NIP.

Percentage daily intake

Section 1.2.8—8 of the Code provides that a NIP may include information relating to the percentage daily intake (%DI) of nutrients set out in the panel. If included, the NIP must include the %DI per serving, calculated using associated reference values,[24] and either of the following statements: 'based on an average adult diet of 8700 kJ' or 'Percentage daily intakes are based on an average adult diet of 8700 kJ'.

Legibility and location

For nutrition information in a NIP, the Code does not prescribe label design e.g. size, colour and location. However the generic legibility requirements as set out in section 1.2.1—24 of the Code apply.

Nutrition content and health claims

Nutrition content claim and *health claim* are defined in Standard 1.1.2.

Under Standard 1.2.7, beverages containing more than 1.15% ABV are prohibited from making health claims and are permitted to make nutrition content claims only about energy, carbohydrate or gluten content (section 1.2.7—4). There is no prohibition for nutrition content and health claims about beverages containing 1.15% ABV or less.

Where a nutrition content or health claim is made on alcoholic beverages, section 1.2.8—5 requires a NIP to be provided. The Code also does not prevent beverages containing more than 1.15% ABV to voluntarily provide certain information in a NIP.

Application of labelling requirements

Retail sales

The Code requirements for labelling of 'retail sales' apply to:

- retail sales of a food e.g. sale of a bottle of wine from a supermarket

[24] See paragraph 1.2.8—8(3)(a).

- food sold as suitable for retail sale without any further processing, packaging or labelling.

Section 1.2.1—6 requires food for retail sale in a package to bear a label, with some exemptions. Section 1.2.8—5 includes a requirement for foods required to bear a label (unless exempt) to be labelled with nutrition information in accordance with Standard 1.2.8. Section 1.2.8—5 requires those foods to be labelled with a NIP.

The exemptions from the general requirement for packaged foods to bear a label include food (beverages in this case) (section 1.2.1—6):

- made and packaged on the premises from which it is sold (e.g. wine made in and sold from a winery, beer made in and sold from a brewery)
- packaged in the presence of the purchaser (e.g. a drink poured in a bar or restaurant, fill your own bottle)
- delivered packaged, and ready for consumption, at the express order of the purchaser (excluding from vending machines) (e.g. orders delivered to consumers by a liquor retailer)
- sold at a fundraising event
- displayed in an assisted service display cabinet (e.g. a drink in an enclosed display cabinet such as glass fronted fridge).

Beverages sold from vending machines are not subject to the exemption for delivered packaged, and ready for consumption, at the express order of the purchaser i.e. in most situations a bottle etc. obtained from a vending machine would be required to bear a label.

The definition of 'package' in the Code specifically excludes hampers (section 1.1.2—2). Packaged food sold within a hamper, such as an alcoholic beverage, is required to bear a label (subsection 1.2.1—8(2)).

If an exemption from the general requirement to bear a label applies, the food may still be subject to some specific labelling requirements (in section 1.2.1—9), either accompanying the food, displayed in connection with the display of the food, declared or provided to the purchaser, or provided to the purchaser upon request. For a food (including a beverage) exempt from the general requirement to bear a label, a NIP must either be displayed in connection with the display of the food or provided to the purchaser upon request if a nutrition content or health claim[25] is made about that food.

For the food subject to an exemption from the requirement to be labelled with a NIP (for example, standardised alcoholic beverages), that food must be labelled with a NIP if a nutrition content or health claim is made about that food. The Code does not prevent voluntary provision of a NIP in accordance with Standard 1.2.8 on alcoholic beverages.

Sales of food to caterers

Packaged foods sold to caterers are required to bear a label with certain information (sections 1.2.1—12 and 1.2.1—15). Other information, including NIPs (unless exempt), can be provided either on the label or in documentation (section 1.2.1—16). The requirement to provide a NIP does not apply to particular foods, including alcoholic beverages, unless a nutrition content or health claim is made about that beverage.

[25] Health claims and certain nutrition content claims are not permitted on foods (including beverages) that contain more than 1.15% ABV (section 1.2.7-4).

Additionally, the caterer must be provided with any information they request, or that is required by the relevant authority to be provided, to enable the caterer to comply with any compositional, labelling or declaration requirement of the Code (paragraphs 1.2.1—17(a) and b)).

Non-retail sales, non-catering sales and transportation outers

There are labelling requirements in the Code (Standard 1.2.1, Division 4) for foods sold where the sale is not a retail sale or not food sold to a caterer, nor an intra-company transfer[26], for example, a keg of beer sold to a bar.

Packaged food for sale that is not for retail sale, or sale to a caterer or an intra-company transfer, must be labelled with the name and address of the supplier (unless in documentation accompanying the food), name of the food and lot identification. Additionally, for these types of sales, the Code sets out that the purchaser must be provided with any information requested to enable them to comply with the Code requirements. There are no labelling requirements in the Code for intra-company transfers.

A 'transportation outer' is defined in section 1.1.2—2 of the Code as a container or wrapper which:

(a) encases packaged or unpackaged foods for the purpose of transportation and distribution; and
(b) is removed before the food is used or offered for retail sale or which is not taken away by a purchaser of the food.

If the food is in a 'transportation outer' the information listed above (name of the food etc.) may be provided on a label that is clearly discernible through the transportation outer (1.2.1—20).

Application to different types of packages for retail sale

Subsections 1.2.1—6(2) and 1.2.1—6(3) set out labelling requirements for foods for retail sale that have more than one packaging layer.

If a food for retail sale has more than one layer of packaging e.g. a bottle of whisky inside an outer carton or a bladder of wine inside a carton ('cask' wine), only one label is required (subsection 1.2.1—6(2)). This would usually mean a label would need to be on the outermost layer so that it is legible in accordance with the legibility requirements in the Code (section 1.2.1—24).

If the food for retail sale is sold in packaging that includes individual packages for servings that are intended to be used separately (individual portion packs) (e.g. a 12 pack of beer) but which:

(a) are not designed for individual sale; and
(b) have a surface area of 30 cm^2 or greater;

then the only labelling required on the individual portion pack is information about warning statements and declarations (e.g. allergens) (subsection 1.2.1—6(3)).

[26] 'Intra-company transfer' is defined in section 1.2.1—18 as 'a transfer of a food between elements of a single company, between subsidiaries of a parent company or between subsidiaries of a parent company and the parent company'.

There are specific labelling requirements for foods for sale in a ‘small package’ i.e. a package with a surface area of less than 100 cm^2 (section 1.1.2—2). This includes specific requirements for nutrition information. Food for sale in small packages is exempt from the general requirement to be labelled with a NIP, however if a nutrition content or health claim is made about such a food, certain nutrition information must be provided, depending on the subject of the claim. The average energy content of the food per serving must be provided if the claim is about energy, dietary fibre, sugars or any other carbohydrate, or fat free (paragraph 1.2.8—14(1)(b) and S13—2). The format for providing that information is not prescribed.

Statement of alcohol content and standard drink labelling

Standard 2.7.1 sets out specific labelling requirements for alcoholic beverages and food containing alcohol. A statement of alcohol content is required on:

- a food, including an alcoholic beverage, that contains more than 1.15% ABV
- an alcoholic beverage that contains 1.15% or less ABV
- a beverage that contains not less than 0.5% ABV but not more than 1.15% ABV (section 2.7.1—3).

A statement of the approximate number of standard drinks contained in a food for sale that is capable of being consumed as a beverage and contains more than 0.5% ABV must also be included on the label (see Standard 1.2.1—6 and section 2.7.1—4). A ‘standard drink’ is defined in section 1.1.2—2 for a beverage containing alcohol, and means the amount that contains 10 grams of ethanol when measured at 20°C.

Appendix 2 – International and overseas standards

Codex Alimentarius

There is no Codex standard or guideline specific to the labelling of alcoholic beverages.

European Union

Regulation (EU) No 1169/2011 currently exempts alcoholic beverages containing more than 1.2% ABV from nutrition declarations in the European Union (EU). A nutrition declaration can, however, be provided voluntarily, and the declaration may be limited to the energy value only. Energy values must be expressed in kilojoules (kJ) and kilocalories (kcal) per 100 mL. Per portion information may also be provided. General presentation rules are also included in regulation (EU) No 1169/2011. A nutrition declaration must be presented in a clear format. If space permits, it must be a tabular format with the numbers aligned, otherwise a linear format may be used (Council of the European Union 2011).

A 2020 WHO Evidence Network Synthesis report on alcohol labelling practices in the European Region reported ten (19%) EU Member States, including Ireland (see below) have some legislation that requires the declaration of nutritional values, with all of these also requiring ingredients listing (Jané-Llopis et al. 2020).

The European Commission is currently considering changes to the rules on information provided to consumers for alcoholic beverages. This follows up on Europe's Beating Cancer Plan, and will include rules on labelling alcoholic beverages, stipulating a mandatory list of ingredients and a nutrition declaration (European Commission 2022a). Public consultation on initiatives for revising EU legislation on the labelling of alcoholic beverages closed in March 2022. On 9 September 2022, the European Commission's Joint Research Centre (JRC) published four reports, including a market analysis of the labelling of alcoholic beverages. The Commission intends to use the findings of this study as input for the proposal to revise the EU rules on the information provided to consumers for alcoholic beverages (European Commission 2022b). Commission adoption was planned for fourth quarter 2022 however as at November 2024, this has yet to occur (European Commission 2022a).

In December 2023, new labelling requirements for wine sold in the EU came into force. Regulation (EU) 2021/2117 requires wine and aromatised wine products to be labelled with a nutrition declaration and a list of ingredients. Producers have the option of limiting the on-label information to only the energy value, which may be indicated by the symbol 'E'. In such cases a full nutrition declaration and list of ingredients must be provided by electronic means (e.g. QR code) identified on the package (Council of the European Union 2021). Similar to packaged food in the EU, the energy value must be expressed in kilojoules and kilocalories per 100 mL. Wine producers may also provide the information per portion in terms of glasses of wine, if the volume of a glass is also indicated (Council of the European Union 2011).

Ireland

In May 2023, Ireland introduced legislation mandating health labelling of alcohol products. The law will take effect from 22 May 2026 (Government of Ireland 2023). Under the new regulations all alcohol products sold in Ireland must be labelled with the energy value expressed in kilojoules and kilocalories contained in the container (section 12 (10) of the Public Health (Alcohol) Act 2018). For online sales of alcohol, the energy value expressed of each alcohol product displayed on the website must also be prominently displayed, in both the English and Irish language, in the prescribed form (Government of Ireland 2018). Ireland is the first, and so far only, EU Member State requiring the labelling of energy on alcoholic beverages (Jané-Llopis et al. 2020).

United Kingdom

In July 2020, the UK Department of Health & Social Care released a policy paper *Tackling obesity: empowering adults and children to live healthier lives* (UK Department of Health & Social Care 2020). One of the actions of the paper was to consult on alcohol calorie labelling by the end of 2020. As at November 2024, this consultation has yet to occur.

United States (USA)

In the USA, voluntary labelling of energy content information is permitted on certain alcoholic beverages[1] if the label also contains a statement of average analysis as provided in TTB Ruling 2004–1 (Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, 2004) or a serving facts statement as provided in TTB Ruling 2013–2 (Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau 2013). Both of these statements include specified serving sizes for beverage types and require the listing of energy (using calories), carbohydrate, protein and fat content per serving or per container size.

In February 2024, the TTB held a public comment period to receive input from on the labelling of wine, distilled spirits, and malt beverages with per-serving alcohol and nutritional information, major food allergens, and/or ingredients (Department of the Treasury Alcohol and Tobacco TTB 2024). This follows the US Department of the Treasury's February 2022 report on “Competition in the Markets for Beer, Wine, and Spirits” that included recommendations for the TTB to revive or initiate rulemaking in these areas (US Treasury Department 2022).

In January 2025, the TTB published a Notice of Proposed Rulemaking that would require the disclosure of Alcohol Facts information on labels of alcohol beverages (Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau 2025). The proposed Alcohol Facts statement would be required to include:

- the serving size of the product;
- the number of servings per container;
- alcohol content as a percentage of alcohol by volume (%ABV);
- the amount of pure ethyl alcohol per serving in fluid ounces;
- the number of calories per serving; and
- the amount of carbohydrates, fat, and protein per serving.

The TTB is proposing to allow an optional statement of total sugar content to appear in the Alcohol Facts statement. The statement would be required to appear in a vertical or horizontal presentation or listed in a linear format.

The TTB is also proposing to define the term ‘serving’ or ‘serving size’ and the use of serving size reference amounts, specific to each alcohol beverage category, which in each case most closely approximates the amount a consumer customarily drinks as a single serving.

The Notice of Proposed Rulemaking is open for public comment until 17 April 2025.

Canada

In Canada, beverages with an alcohol content of more than 0.5% are exempt from nutrition labelling but a nutrition facts table, which includes calories, is allowed on a voluntary basis. A nutrition facts table becomes mandatory on an alcoholic beverage if a nutrition claim or reference to energy or certain nutrients is made, or if certain artificial sweeteners are added to unstandardised alcoholic beverages (Government of Canada 2022b). A nutrition facts

table requires the listing of nutrients including energy value (as calories) per serving. Reference amounts, established by Health Canada, serve as the basis for determining serving sizes (Government of Canada 2022a).

References

Council of the European Union (2011) *Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011*, accessed September 2022.

Council of the European Union (2021) *Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021*, accessed September 2022.

Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau (2004) *TTB Ruling Number 2004–1 - Caloric and Carbohydrate Representations in the Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages*, accessed September 2022.

Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau (2013) *TTB Ruling Number 2013–2 - Voluntary Nutrient Content Statements in the Labeling and Advertising of Wines, Distilled Spirits, and Malt Beverages*, accessed September 2022.

Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau (2024) *Labelling and Advertising of Wine, Distilled Spirits, and Malt Beverages with Alcohol Content, Nutritional Information, Major Food Allergens, and Ingredients*, accessed April 2024.

Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau (2025) *Alcohol Facts Statements in the Labeling of Wines, Distilled Spirits, and Malt Beverages: A Proposed Rule by the Alcohol and Tobacco Tax and Trade Bureau on 01/17/2025*, accessed January 2025.

European Commission (2022a) *Food labelling - revision of rules to information provided to consumers for alcoholic beverages*, accessed September 2022.

European Commission (2022b) *Proposal for a revision of the Regulation on Food Information to Consumers (FIC)*, accessed April 2024.

Government of Canada (2022a) *Information within the Nutrition Facts table*, accessed April 2024.

Government of Canada (2022b) *Labelling requirements for alcoholic beverages*, accessed September 2022.

Government of Ireland (2018) *Public Health (Alcohol) Act 2018*, accessed September 2022.

Government of Ireland (2023) *S.I. No. 249/2023 – Public Health (Alcohol) (Labelling) Regulations 2023*, accessed April 2024.

Jané-Llopis E, Kokole D, Neufeld M, Hasan OSM and Rehm J (2020) *What is the current alcohol labelling practice in the WHO European Region and what are barriers and facilitators to development and implementation of alcohol labelling policy?*, accessed September 2022.

UK Department of Health & Social Care (2020) *Policy paper. Tackling obesity: empowering adults and children to live healthier* lives, accessed September 2022.

U.S. Department of the Treasury (2022) *Treasury releases competition report for alcohol market, recommends boosting opportunity for small businesses*, accessed April 2024.

Appendix 3 – Additional consumer evidence

Overview

In response to the Call for Submissions and targeted consultations held in November 2023 and November 2024, stakeholders provided additional consumer evidence that had become available since FSANZ completed the consumer literature review and meta-analysis in 2021 (FSANZ 2021).

Six new documents, representing eight individual studies relevant to Proposal P1059, were identified, as shown in Table 1 below.

Table 1: Overview of additional consumer evidence relevant to P1059

Reference	Method	Sample
Bowden et al. (2022)	Online cross-sectional quantitative survey	801 Australian consumers of alcohol aged 18-59 years
Pettigrew et al. (2025)	Online focus groups	83 Australian adults who consume alcohol at least twice a month
Popovich and Velikova (2023)	3 x online experimental studies	Convenience samples of 121 to 240 adults recruited online (no location information provided)
Robinson et al. (2022)	Online experimental study	1,084 adult UK residents who drink alcohol at least once per month
Wellard-Cole (2023)	Online cross-sectional quantitative survey	1,513 Australian consumers who resided in NSW. 16% reported never drinking alcohol.
White (2023)	In-person focus groups	40 Australian/New Zealand adult consumers who purchased or used a large bottle of spirits and consumed beer/wine in the past month

Summary of identified studies

A brief narrative summary of each of the included studies is provided below in alphabetical order, along with a consideration of their individual contribution to the evidence base. Overarching conclusions are provided in section 3.3.4.1.1.

Bowden et al. (2022)

This study is a cross-sectional quantitative survey that collected data from 801 Australian consumers of alcohol (defined as having consumed alcohol at least monthly over the past year) aged 18-59 years. The study oversampled parents of children under 18 years of age, as it was part of a broader survey that examined levels of parental drinking in the presence of children.

Participants were asked, “When you have an alcoholic drink, how often do you…” and the two items that were measured were: “limit the number of drinks because you are concerned about the calories/kilojoules/effects on body weight?” and “Drink lower carb [carbohydrate] alcohol because you are concerned about the calories/kilojoules.” Participants’ responses were collected on a 5-point scale. The responses “Always”, “Most of the time”, and “Sometimes” were collapsed into “Yes”, while “Rarely” and “Never” were collapsed into “No”. Proportions were calculated for each item, and a combined measure called “Changing alcohol consumption behaviours because of energy-related concerns” was calculated from both items, upon which further analysis was conducted.

Table 2: Changing alcohol consumption behaviours because of energy-related concerns (Bowden et al. 2022)

Measure	Yes*	No
Changing alcohol consumption behaviours because of energy-related concerns#	62.5%	37.5%
Limiting the number of drinks consumed, because of concern about the calories/kilojoules/effects on body weight	56.4%	43.6%
Drinking lower carb alcohol, because of concern about the calories/kilojoules	46.4%	53.6%

* 'Yes' = Selecting 'Always", "Most of the time" or "Sometimes". 'No' = Selecting "Rarely" or "Never".
# Combined measure = Answering 'Yes' to 'Limiting the number of drinks..' and/or 'Drinking lower carb alcohol…'

Participants who were female (OR = 1.80, 95%CI = 1.30-2.49), aged 30-44 years (vs 18-20 or 45-59 years; OR = 1.63, 95%CI=1.16-2.28), resided in major cities (OR = 2.22, 95%CI = 1.50-3.29), who reported a household income of $80,001-120,000 (vs < $80,000 or > $120,000; OR 1.54, 95%CI=1.03-2.28), typically drank above long-term risk guidelines (i.e. more than two standard drinks on any day; OR=1.57, 95%CI = 1.13-2.20), and who consumed alcohol daily/weekly (OR = 1.59, 95%CI = 1.08-2.33) had greater odds of indicating that they had changed alcohol consumption behaviours because of energy-related concerns. People who were not in current paid employment had reduced odds of doing so (OR = 0.54, 95%CI = 0.37-0.79).

These findings suggest that a substantial subset of consumers may value and use energy labelling on alcoholic beverages to help manage their energy intake from alcohol. This is consistent with the findings of FSANZ's literature review (see section 3.3.4.1). However, this study suggests that heavier drinkers may have a greater interest in information that would help them to manage their energy intake from alcohol, which is at odds with the findings from FSANZ's literature review.

Pettigrew et al. (2025)

This study involved nine online focus groups conducted with a total of 83 Australian adults who consumed alcohol at least twice per month, with groups segmented by sex, age, location (metropolitan vs non-metropolitan), and drinking status (within the low-risk guidelines of consuming no more than two standard drinks in a day, vs exceeds the guidelines). The focus groups were conducted in three Australian states: New South Wales (4 groups), Victoria (3 groups), and Western Australia (2 groups). The sample had approximately equal proportions of men and women, and participants across three age groups (18-30 years, 31-50 years, and 51+ years), but two-thirds of the sample exceeded the low-risk guidelines.

Participants generally supported the mandatory display of energy information on alcoholic beverages, believing this information may be of use to consumers who were health conscious and/or lacked understanding of the energy contained in alcohol products. Those who were not interested in the availability of energy labelling articulated that the desire to consume alcohol outweighed other considerations. In almost all cases, these latter participants were female.

Participants were presented with two different forms of nutrition information – the full NIP and the energy statement as outlined in this report (including standard drink information) on a 700 mL bottle of spirits. The NIP was largely seen as irrelevant due to the inclusion of nutrients such as protein and fat, which are not usually present in alcohol products. However, sugar content information was considered to be useful as this was perceived as being a particularly harmful nutrient. Although participants generally preferred the energy statement, this perception regarding sugar led to the criticism that the energy statement lacked sugar content information.

Participants expressed general confusion about the concept of energy, and were generally unable to interpret the numeric information in terms of their dietary choices without the ability to contextualise it within recommended daily energy intakes. Some participants saw the energy content as less relevant than other attributes, such as sugar content or additives.

Some participants expressed confusion around serving sizes and how they related to standard drinks. Some participants considered 100 mL information to be useful in order to enable comparison between products, whereas others saw it as less helpful for alcohol products that are typically consumed in smaller quantities (such as spirits).

The full NIP examples shown to participants elicited comments about the perceived healthiness of the products, with the low or zero values for most nutrients drawing attention. Some comments suggest that this may have distracted participants from considering the alcohol in the product as a potential source of harm.

This study shows that consumers generally value energy information on alcoholic beverages, which is consistent with FSANZ's consumer literature review (see section 3.3.4.1). It also showed that consumers broadly support the use of FSANZ's proposed energy statement (although some would like the addition of sugar content information), which is consistent with FSANZ's consumer testing (see section 3.3.4.2). The study also shows that challenges remain in the communication of energy content information due to a general lack of nutrition knowledge, consistent with FSANZ's consumer literature review.

The study found that some participants (proportion not reported) expressed confusion about how a serving size relates to a standard drink when viewing an energy statement on a 700 mL bottle of spirits. However, it is important to note that participants were not presented with an alternative energy statement without standard drink per serving information, so the study was not able to determine whether confusion would be greater or lesser if this information was not included. FSANZ's (2023) study found that only slightly more than a third of consumers (34.2%) were able to report how a serving size relates to a standard drink when this information was not included in the energy statement on a 700 mL bottle of spirits. When the information was included, more than half of consumers (53.8%) were able to accurately report this information.

The study also found that participants expressed some mixed views around the utility of 'per 100 mL' and 'per serving' information, and the amount of information presented on the label. FSANZ's consumer testing (see section 3.3.4.2) found that an energy statement that includes per serving, per 100 mL, and standard drink per serving information best enables consumer understanding of the energy content information. It is also the format of label that is most preferred by consumers for enabling comparison between products.

The study found that NIPs increase perceptions of healthiness of alcohol products. This is consistent with FSANZ's consumer testing of NIPs on alcoholic beverages, which found they have a small effect on perceptions of healthiness but do not cause consumers to perceive them as overall healthy, unharmful to health or low in energy (see section 3.3.4.3). The study also found that NIPs may distract from the alcohol content of alcohol products. FSANZ's consumer testing found that NIPs (and energy statements) have no effect on the perceived alcohol content of alcoholic beverages.

Popovich and Velikova (2023)

This article reports the results of four experimental studies, each conducted with convenience samples of 121 to 240 adults recruited online (with no location details provided). Two of these studies investigated the effects of nutrition facts panels on perceptions of the healthiness of wine and purchase likelihood, while one investigated the effect of serving size

on perceptions of healthiness and purchase likelihood. The other experiment was not relevant to Proposal P1059.

Experiment 1

Experiment 1 involved 184 adults of legal drinking age (38% female, mean age = 37), who were randomly assigned to one of three conditions in a between-subjects design: (1) no nutrition facts panel shown; (2) nutrition facts panel and questions about the label; and (3) a nutrition facts panel without questions. Participants in all three conditions saw the back label of a bottle of Moscato wine. Participants in condition 2 were first asked to indicate how many calories and how many grams of sugar the wine had per serving.

All participants were asked to indicate their perceived healthiness of the wine, on a seven-point scale (1 = Extremely unhealthy/unlikely to 7 = Extremely healthy/likely). Participants who were in condition 2 (nutrition facts panel and questions) rated the wine as significantly ($p < .01$) less healthy (M = 4.12, SD = 1.65) than those in condition 1 (no nutrition facts panel; M = 4.87, SD = 1.40). However, there was no significant ($p = .27$) difference between condition 1 (no nutrition facts panel) and condition 3 (nutrition facts panel without questions; M = 4.59, SD = 1.46).

Participants were also asked to indicate their likelihood of purchasing the wine on a seven-point scale (1 = Extremely unlikely to 7 = Extremely likely). Participants who were in condition 2 (nutrition facts panel and questions) rated purchasing as significantly ($p < .05$) less likely (M = 4.45, SD = 1.72) than those in condition 1 (no nutrition facts panel; M = 5.05, SD = 1.44). However, there was no significant ($p = .67$) difference between condition 1 (no nutrition facts panel) and condition 3 (nutrition facts panel without questions; M = 5.16, SD = 1.52). A mediation analysis found that reading the nutrition label (condition 2) significantly lowered healthiness ratings of the wine ($p < .01$), which in turn lowered purchase likelihood ($p < .001$).

This study shows that reading nutrition facts panels can decrease consumers' perceptions of the healthiness of wine, which subsequently decreases their purchase intentions. However, when not prompted, participants appear not to have read the presented nutrition labelling. This study is inconsistent with FSANZ's consumer research, which found that NIPs increase consumers' perceptions of the healthiness of alcoholic beverages (see section 3.3.4.3) relative to an alcoholic beverage without nutrition labelling. This discrepancy is likely explained by three factors.

First, Popovich and Velikova (2023) prompted participants to read the nutrition facts label by asking questions about calorie and sugar content, which did not occur in FSANZ's study. This may have increased the saliency of these particular pieces of information. Sugar content information, in particular, has been shown to be of concern to consumers (see Pettigrew et al. 2025 and experiment 3 of Popovich and Velikova in this section).

Second, in FSANZ's study the values in the NIP were within the Code requirements for making a 'low sugar' claim, meaning that the sugar content value was low (all < 1 g). It is not reported what calorie and sugar content values were shown to participants in Popovich and Velikova's study, however it is possible that they were higher than in FSANZ's study.

Third, regarding the comparison between condition 3 (nutrition facts panel without questions) and condition 1 (no nutrition facts panel), the small sample size means that it is likely that Popovich and Velikova (2023) did not have adequate statistical power to detect small effects such as that identified in FSANZ's study.

Experiment 2

Experiment 2 involved 121 adult participants of legal drinking age in the United States (41% female, mean age = 39), who were randomly assigned to one of two conditions in a mixed design: (1) no nutrition facts panel shown, (2) an estimation condition. Participants in both conditions were asked to indicate the healthiness of red wine on a seven-point scale from 1 = "Extremely unhealthy" to 7 = "Extremely healthy". Participants in the estimation condition first viewed a label with no nutrition facts panel and asked to estimate the calorie and sugar content of the wine, before viewing the same label with a nutrition facts panel. They were then asked how much the calorie and sugar content surprised them, from 1 = "Extremely unsurprised" to 7 = "Extremely surprised". Participants were then asked some nutrition and wine knowledge questions, and to indicate their frequency and preferences for wine consumptions. Following this, they were once again asked to indicate the healthiness of red wine on the same seven-point scale.

Participants in the estimation condition perceived the wine to be significantly ($p < .05$) less healthy (M = 4.53, SD = 1.67) than in the no-nutrition information condition (M = 5.16, SD = 1.12). Percentage differences in ratings of healthiness dropped significantly ($p < .05$) more in the estimation condition (M = .13, SD = .37) than the no-nutrition condition (M = -.04, SD = .17) when the healthiness question was repeated.

This study shows, similar to Experiment 1, that reading the nutrition facts panel can decrease consumers' perceptions of the healthiness of wine. This is once again inconsistent with FSANZ's consumer research, which found that NIPs increase consumers' perceptions of the healthiness of alcoholic beverages relative to an alcoholic beverage without nutrition labelling. This discrepancy is likely explained by the questions asking participants to estimate the energy and sugar content, which may have drawn attention to those particular nutrients, which did not occur in FSANZ's study.

Additionally, as outlined for Experiment 1, in FSANZ's study the values in the NIP were within the Code requirements for making a 'low sugar' claim, meaning that the sugar content value was low (all < 1 g). It is not reported what calorie and sugar content values were shown to participants in Popovich and Velikova's study, however it is possible that they were higher than in FSANZ's study, which may have influenced consumers' perceptions.

Experiment 3

Experiment 3 involved 240 adults of legal drinking age (as defined in the US; 48% female, mean age = 41), who were randomly assigned to one of four conditions in a 2 (5-ounce vs 8-ounce serving size) x 2 (calories vs grams of sugar declared) between-subjects design. In the 5-ounce conditions, participants saw a written description of red wine with a serving size of 5 oz. and either 119 calories or 17 grams of sugar declared. In the 8-ounce conditions, participants saw a description of red wine with a serving size of 8 oz. and either 190 calories or 27 grams of sugar declared. Participants were asked first and last how healthy they think wine is on a seven-point scale from 1 = Extremely unhealthy to 7 = Extremely healthy, with questions around nutrition and wine knowledge, frequency and preference for wine consumption asked in between.

Serving size was found to have no effect on healthiness perceptions ($p = .21$), with no significant interaction between serving size and either calories or sugar ($p = .26$). Serving size was found to have a marginal effect on purchase intentions ($p = .05$), with no significant interaction between serving size and either calories or sugar content ($p = .29$). Calories vs sugar content information had a significant effect on both healthiness perceptions and purchase intentions, with participants perceiving wine with a declaration of sugar content as less healthy and less desirable to purchase.

This study shows that serving size has no effect on healthiness perceptions, and has only a marginal effect on purchase intentions. The former finding is consistent with the finding of FSANZ's research (see section 3.3.4.3) that an energy statement with 'per serving' information has no effect on perceptions of healthiness compared to a label with no nutrition information.

Robinson et al. (2022)

This study is an online experimental study undertaken with 1,084 adult UK residents who drink alcohol at least once per month. The sample was stratified by gender (50% male, 50% female) and by highest achieved education level (50% A-levels or equivalent, 50% lower than A-levels).

Participants were randomly allocated to one of three conditions: (1) control condition (standard alcohol label information), (2) kcal condition (standard alcohol label information plus drink kilocalorie [and kilojoule] information), or (3) kcal + PACE condition (standard alcohol label information, drink kilocalorie [and kilojoule] information, and minutes of walking required to burn off calories in drink). Only results for conditions (1) and (2) are discussed further, as the condition that included minutes of walking required to burn off calories in a drink is out of scope for this review of consumer evidence.

Participants were shown images of four drinks (pint of beer, pint of cider, medium glass of white wine, gin and tonic). Underneath each drink, the serving size (in mL) and alcohol by volume of the drink was presented. Kilocalorie and kilojoule information was presented both per serving and per 100 mL, alongside energy content as a % of recommended daily intake (of 2,000 kcals). The message 'On average women need 2,000 kcal per day and men need 2,500 kcal per day' was also presented. Each drink was presented on a separate survey page, with the order in which they were presented randomised, and the measures outlined below were also presented in a randomised order.

For each drink, participants answered four items relating to drinking intentions in response to label information. The question stem was "If I saw the information displayed about this drink, I would intend to…" and the items were "Drink less alcohol", "Have fewer alcoholic drinks", "Choose a drink with fewer calories instead" and "I would not drink this drink." Each item was rated on a 5-point Likert scale ranging from 1 = 'Strongly agree' to 5 = 'Strongly disagree'.

The study found that participants had a statistically significantly ($p < .01$) greater likelihood of agreeing that they intended to reduce their alcohol consumption when viewing calorie information on cider (Mean = 3.38 vs 3.70) and wine (Mean = 3.47 vs 3.67), compared to the control condition with no nutrition information. However, there was no statistically significant difference between conditions for beer (Mean = 3.34 vs 3.66) and gin and tonic (Mean = 3.87 vs 3.90), suggesting that calorie information made no difference for these types of alcoholic beverage. Pooled across the four drink types, the effect size is small (Cohen's $d = 0.31$, $p < .001$). There was no significant effect of education level.

Participants also answered questions on how calorie information on alcoholic drinks may affect their drinking and eating behaviours more generally (see Table 3 below). These measures were not part of the randomised controlled trial, and were not assessed by label condition. The study found that around half of participants (47%) agreed that if they saw calorie information on alcoholic drinks they would choose lower calorie alcoholic drinks, while around a third suggested they would choose smaller servings of alcoholic drinks (35%) or drink fewer alcoholic drinks (33%). A minority of consumers indicated that they would engage in positive behaviours to compensate for the energy of alcoholic beverages, such as eating more healthily (42%) or doing more exercise. However, a minority of consumers also

reported some concerning compensatory behaviours, such as limiting the number of calories on non-drinking days (29%) and eating smaller meals (24%) or skipping a meal (13%) on drinking days. A very small minority (2%) suggested they may use laxatives or vomit to control their weight in response to energy labelling on alcoholic beverages.

Table 3: Perceived behavioural responses to calorie labelling of alcoholic drinks (Robinson et al. 2022)

	Very likely or likely	Unsure	Unlikely or very unlikely
If I saw calorie information on alcoholic drinks, I would…			
Drink fewer alcoholic drinks	33%	20%	48%
Choose lower calorie alcoholic drinks	47%	16%	37%
Choose smaller serving sizes of alcoholic drinks	35%	16%	49%
Eat more healthily on drinking days	42%	18%	40%
Eat smaller meals on drinking days	24%	15%	66%
On days I was not drinking I would try and limit the number of calories I was eating	29%	17%	54%
Do more exercise on drinking days	31%	19%	52%
On days I was not drinking I would try and burn more calories by exercising more	42%	18%	40%
Skip a meal on drinking days	13%	7%	80%
Use laxatives or make myself vomit to control my weight	2%	1%	97%

Participants were shown an image of each drink (in a randomised order) without label information and were asked to estimate how many calories were in the drink. On average, participants tended to over-estimate the number of calories for all drink types. A minority of participants accurately estimated calorie content (13-25% across drink types), and both underestimation (23-31%) and overestimation (37-64%) of calorie content was common across drink types. These findings are consistent with 85% participants' agreement that they are unsure about the number of calories in alcoholic drinks (see Table 4).

Participants were also asked to complete items assessing their level of support for calorie labelling of alcoholic beverages. These measures were not part of the randomised controlled trial, and were not assessed by label condition. Only those relevant to pre-packaged alcoholic beverages are presented in Table 3 below. The study found that participants generally agreed that calorie labelling should be alcoholic drinks and that they would like to see this information on alcoholic drinks..

Table 4: Support and perception of calorie labelling (Robinson et al. 2022)

	Strongly agree or agree	Neither agree nor disagree	Disagree or strongly disagree
Alcoholic drinks should have calorie information on the labels.	78%	13%	9%
It should be a legal requirement that calorie information is provided on alcoholic drinks.	62%	23%	16%
I would like to see information about calories on the labels of alcoholic drinks.	69%	17%	14%
I am unsure about the number of calories in alcoholic drinks.	85%	8%	11%

This study indicates that consumers generally value energy labelling on alcoholic beverages, and generally have a poor understanding of the energy content of alcoholic beverages. This is consistent with the findings of FSANZ's consumer literature review and meta-analysis (see section 3.3.4.1).

The study found that participants indicated they would reduce their levels of alcohol consumption in response to energy labelling on cider and wine. This is in contrast to FSANZ's consumer literature (see section 3.3.4.1) and consumer research (see section 3.3.4.2), and the findings of Pettigrew et al. (2025; this appendix) and White (2023; this appendix), which all found that energy labelling has no effect on consumers' consumption intentions. This discrepancy may be explained by social desirability bias, arising from how the questions were worded. Participants were asked multiple questions about whether energy labelling would reduce their alcohol consumption. This may have implied to participants that this was the 'correct' response, reducing confidence in the findings in the context of the broader evidence base.

The study found around half of consumers reported that, if they saw calorie information on alcoholic beverages, they would choose lower calorie drinks. This is consistent with FSANZ's consumer literature review, which reported the results of one study in which more than 40% of women said they would choose lower calorie options if there was calorie information on alcoholic beverages. However, it is important to note that this is based on self-report, and neither study experimentally examined the effect of energy content information on the prevalence of these behaviours.

The study also found that a minority of consumers would engage in behaviours to compensate for the energy from alcoholic beverages. Some of these, such as eating healthily or engaging in exercise, are relatively positive, however others – such as limiting calorie intake or skipping meals – are more concerning. This is consistent with FSANZ's consumer literature review, which reported the findings of two studies that found that a minority of consumers (≤ 30%) reported they would reduce their food intake in response to calorie information on alcoholic beverages. However, it is inconsistent with FSANZ's consumer research (see section 3.3.4.3), which found that energy labelling on alcoholic beverages has no effect on consumers' self-reported likelihood of modifying food intake or physical activity compared to an alcoholic beverage with no nutrition labelling. It is important to note that Robinson et al. did not experimentally examine the effect of energy content information (vs no energy content information) on the self-reported prevalence of these behaviours and, similar to consumption intentions, this question may also have been affected by social desirability bias. Participants were asked multiple questions about whether energy labelling would lead to compensatory behaviours. This may have implied to participants that some level of compensatory behaviour was the 'correct' response, reducing confidence in the findings.

Wellard-Cole (2023)

This study is a cross-sectional survey undertaken by the Cancer Council NSW with 1,513 participants from NSW who answered questions about alcohol. Of this sample, 16% reported never drinking alcohol. Other relevant sample characteristics (such as age, gender, education, income, etc.) were not reported.

Participants were asked to rate their level of support for "Information about the amount of energy (kilojoules), sugar and/or carbohydrates on alcohol labels". 74% of respondents supported the provision of information about energy, sugar and/or carbohydrates on alcohol labels, while 17% neither supported nor opposed, 4% opposed, and 2% didn't know.

This study indicates that consumers value energy, sugar and/or carbohydrate information on

alcoholic beverages. Due to the question wording, it is not possible to distinguish between these different pieces of information, however the overall finding is broadly consistent with the conclusions of FSANZ's literature review (see section 3.3.4.1), which found that consumers generally value energy content information on alcoholic beverages.

White (2023)

This study involved four in-person focus groups (2 x Brisbane, Australia and 2 x Auckland, New Zealand) held with 40 adult spirits consumers. Participants had purchased or used a large bottle of spirits in the past month, and had also consumed beer or wine from a bottle/can in the past month. Respondents were otherwise broadly nationally representative. Respondents who worked in occupations related to food labelling, calorie intake, or nutrition were ineligible to participate.

Participants said that they rarely, if ever, look at the back of a spirits bottle unless the information they are looking for is not clearly displayed on the front. The two pieces of information that were of most relevance to consumers were the percentage of alcohol and the number of standard drinks contained in the package, with around half saying they used this information when making alcohol choices. Participants were all aware of the concept of standard drinks, and placed value on the standard drinks icon being included – and highly visible – on the packaging of all alcohol.

Most respondents said they are unlikely to use nutrition labelling on alcohol. This is because they have a disinterest in knowing the calories in alcohol; it would not impact drink choice or behaviour; and drinking is seen as a treat, to be enjoyed, and therefore calories are irrelevant. Those participants who do use energy information to monitor their diet and energy intake have already obtained this information from other sources, such as calorie counting apps or the internet. Almost all participants agree that the quantity of energy in an alcoholic beverage would not impact on their choice of drink, as their preferences are driven by alcohol content and taste. Those who say they would be likely to use a NIP are more likely to do so when drinking at home, rather than on licensed premises.

Participants were exposed to four mock energy labels and were asked to identify and explain the new information on each of the labels. The labels were as follows: 1) Energy statement as proposed in the CFS (including both 'per serving' and 'per 100 mL information); 2) Energy statement with both 'Quantity per serving (x mL)' and 'per 100 mL' information, but without 'Energy Information' heading, 'servings per package', or 'serving size' rows; 3) Energy statement with only 'Quantity per serving (30 mL)' information, and 4) Another energy statement with only 'Quantity per serving (30 mL)'. The latter two labels differed only in the energy content (label 3 showed 276 kJ/30 mL while label 4 showed 254 kJ/30 mL).

About half of participants suggested they were pleasantly surprised by the low number of calories in the alcohol, and indicated this might impact their alcohol consumption. This contradicts earlier statements about energy content information not affecting consumption.

Participants broadly agreed that 30 mL is the typical serving size for spirits. Participants also agreed that 'per 100 mL' information was useful to enable comparison both between different alcoholic beverages and between alcoholic beverages and non-alcoholic food and drink. However, there was evidence of some confusion about how to make comparisons using this information. When participants were shown mock energy statements for red wine and beer, in addition to the spirits labels, around one in four respondents compared the energy content per 100 mL of the beer label (159 kJ per 100 mL) to that of the spirits label (845 kJ per 100 mL). As an example, one participant concluded that, since she liked beer and spirits equally, she should drink the beer because it contained fewer calories. This calculation did not take into account the differing serving sizes.

After considering the mock energy statements for both spirits and wine/beer, most Australian participants indicated that they would use ‘per serving’ rather than ‘per 100 mL’ information to compare beverages due to the complexity of calculating this information. New Zealand participants noted they were more likely to use ‘per 100 mL’ information when comparing within a category of alcoholic beverages (e.g. spirits with spirits, wine with wine, beer with beer) rather than between categories. Regardless, most participants in both Australia and New Zealand indicated a preference for ‘per 100 mL’ information to be present on the label as well as ‘per serving’ information.

Some participants suggested that the inclusion of ‘per 100 mL’ information indicated that 100 mL was a suitable serving size of spirits.

Some participants expressed a desire to see sugar and carbohydrate information in the energy statement, and a minority would like to see nutrition information panels on alcoholic beverages because it contains this information.

Some participants expressed confusion about the difference between standard drinks and serving sizes. The inclusion of the number of servings per package, serving size, and number of standard drinks per package on the same level triggers this confusion. There was also confusion evident when the number of servings per package differed from the number of standard drinks per package. Some participants also seemed to respond negatively to the amount of information on the label, citing its complexity.

Although participants initially expressed a preference for label 1 (the energy statement proposed at CFS), following the focus group discussion participants expressed a preference for label 4 (an energy statement that only shows ‘Quantity per serving (30 mL)’) because they believed it contained the information that would be most useful to them. Some respondents said that this was because the original format was confusing and took the emphasis off the alcohol content.

This study suggests that energy labelling is unlikely to affect consumers’ consumption intentions regarding alcoholic beverages. This finding is consistent with FSANZ’s literature review (see section 3.3.4.1) and consumer research (see section 3.3.4.2).

The study also highlights the importance of standard drink information for people’s choices around alcohol, which is consistent with the finding from FSANZ’s consumer research that the energy statement that includes the approximate number of standard drinks per serving is most preferred by consumers. Participants expressed a desire for this information to be prominent.

Study participants originally expressed a preference for both ‘per serving’ and ‘per 100 mL’ information, regardless of their intent to use this information themselves, and maintained this preference after being asked to compare a spirits label with wine and beer labels. However, following focus group discussion, participants preferred an energy statement that only contained ‘per serving’ information. This is inconsistent with FSANZ’s research, which found that an energy statement that includes both ‘per serving’ and ‘per 100 mL’ information is able to be used by a majority of consumers to accurately rank different alcoholic beverages by the amount of energy in a typical drink, and is the most preferred format for enabling comparison a) between different categories of alcoholic beverages, b) within a category of alcoholic beverage, and c) between alcoholic beverages and non-alcoholic beverages and foods. Participants’ preferences may have changed over the course of the focus groups due to the discussion focusing on ‘per 100 mL’ information, including its utility in enabling comparison between spirits and other alcoholic beverages and whether it gives the impression that a 100 mL serving is appropriate, potentially making this information seem more prominent.

Additionally, some participants raised the concern that the label which included both 'per serving' and 'per 100 mL' information was confusing and took the focus off standard drinks.

The study's finding that some participants believed the inclusion of 'per 100 mL' information indicated this is a suitable serving size for spirits is inconsistent with FSANZ's research, which found that 'per 100 mL' information did not cause consumers to think that 100 mL is a recommended serving size . It is important to note that the information in the focus groups was elicited via a direct question, as outlined in the moderator's guide, which may have encouraged participants towards this conclusion. The question was: "Does this energy information give the impression that a 100 mL serving is okay from either an alcohol consumption or energy/calorie intake perspective?" More neutral ways of seeking this information were possible, such as: "Does this energy information give the impression that there is a recommended or appropriate serving size from an alcohol consumption or energy/calorie intake perspective? If so, what amount is that?". FSANZ's research employed a more neutral approach to eliciting this information, which may explain the discrepancy in findings.

The study also shows there is some confusion between standard drinks and serving sizes with labels that do not include the approximate number of standard drinks per serving. This is consistent with the findings of FSANZ's research, which found that the addition of the approximate number of standard drinks per serving in the energy statement significantly improves consumers' understanding of how a standard drink relates to a serving size.

References

Bowden J, Harrison NJ, Caruso J, Room R, Pettigrew S, Olver I, and Miller C (2022) 'Which drinkers have changed their alcohol consumption due to energy content concerns? An Australian survey', *BMC Public Health, 22*:1775, doi: https://doi.org/10.1186/s12889-022-14159-9.

Pettigrew S, Sträuli B, Yusoff A, O'Brien P, Bowden J, Jongenelis M, Brownbill A, Chikritzhs T, Petticrew M, Matheson A, Taylor F, Jones A (2025) '"There's just a lot of numbers and I just want to have a drink": The challenge of communicating the energy content of alcohol products', *Appetite, 205*:10770, doi: https://doi.org/10.1016/j.appet.2024.107700.

Popovich D and Velikova N (2023) 'The impact of nutrition labelling on consumer perceptions of wine', *Journal of Consumer Marketing, 40*(6);748-757, doi: https://doi.org/10.1108/JCM-09-2020-4101.

Robinson E, Smith J, Jones A (2022) 'The effect of calorie and physical activity equivalent labelling of alcoholic drinks on drinking intentions in participants of higher and lower socioeconomic position: An experimental study', *British journal of health psychology*; 27(1):30-49
doi: https://doi.org/10.1111/bjhp.12527.

Wellard-Cole L (2023) *NSW Community Survey on Cancer Prevention 2022.* Report prepared by the Cancer Council NSW, accessed December 2024.

White L (2023) *Spirits Energy Labelling Focus Groups*. Report prepared by Insightfully for Spirits & Cocktails Australia and Spirits New Zealand and submitted to the Proposal P1059 Call for Submissions, accessed January 2025.

Appendix 4 – Summary of comments from the public call for submissions and targeted consultations

This appendix includes the following tables:

Table 1: Summary of issues raised by submitters in response to the call for submissions and FSANZ response

Note: Issues in the first column have been grouped according to subject. The submitters who raised issues about that subject are listed in the second column. However, not all of the issues within each subject grouping are necessarily the representative view of all submitters listed for that subject group.

Issue	Raised by	FSANZ response
Mandatory energy labelling of alcoholic beverages		
The majority of submitters supported a mandatory approach for the provision of standardised energy information on alcoholic beverages. The submitters listed here specifically provided reasons for not supporting a voluntary approach. Reasons included: • recent examples of pregnancy warning labels and Health Star Rating (HSR) demonstrate that voluntary labelling initiatives implemented are unsuccessful • the alcohol industry is currently able to provide energy information voluntarily but has failed to do so. Alcohol Focus Scotland cited evidence on the voluntary experience in the UK to support their position. GLOBE and OPC consider a voluntary scheme would likely result in inconsistent uptake, and/or selective application to lower energy products. This may have the effect of providing a 'health halo' or indirectly promoting consumption of alcohol, which must be avoided.	Alcohol Focus Scotland Cancer Council Australia Cancer Society NZ NHF GLOBE OPC Te Whatu Ora	Noted. The approved draft variation requires mandatory energy declaration on alcoholic beverages to provide greater coverage and consistency in the provision of information to enable consumers to make informed choices.
While generally supporting the proposal, note energy content may become the determinant factor in alcoholic beverage choice. This may encourage consumers to substitute high energy beverages with lower energy beverages that carry more risk, e.g. switch from beer to vodka shot where alcohol can be consumed more quickly. The proposal runs the risk of perpetuating the inaccurate message that opting for one type of alcohol over another, based on energy content alone, is an informed and 'healthy' choice.	NSWFA SA Health	FSANZ considers continued education for consumers, covering a range of factors associated with safe drinking, is important to complement labelling on alcoholic beverages. Since the CFS, FSANZ has conducted consumer research to investigate energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2). FSANZ has also undertaken research that examined the

Issue	Raised by	FSANZ response
Suggest FSANZ explore the impacts of the proposed scheme on consumer understanding and purchase behaviour prior to finalisation.		effect of the approved energy statement on consumers' perceptions of the healthiness and harmfulness to health of alcoholic beverages (see section 3.3.4.3).
While supporting mandatory energy labelling on alcoholic beverages, is concerned it may also cause a 'health halo' where consumers can make decisions on energy intake to address overweight and obesity concerns, whilst not being fully aware that even small quantities of alcohol can lead to chronic diseases. Confident that many of the risks that could lead to a net negative outcome can be addressed by consultation, evidence and consumer testing.	George Institute	The research found the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences, such as increasing intended consumption or reducing consumer understanding of standard drinks. The approved format also has no effect on consumer perceptions of the healthiness or harmfulness to health of alcoholic beverages. Based on the findings of the consumer research, the energy statement proposed in the CFS has been amended to require a declaration of the approximate number of standard drinks equivalent to a serving (see section 4.2.4). FSANZ considers the available evidence indicates the approved requirements for an energy statement best assist consumers to make informed choices.
Do not agree with making energy statements on labels mandatory. Support the existing process of statements being voluntary or only required if making health statements.	Mollydooker wines	For the reasons outlined in this report (see section 4.1), FSANZ has retained the proposed approach at CFS to require the mandatory declaration of energy content information on alcoholic beverages in a prescribed format. FSANZ considers a mandatory approach provides greater coverage and consistency in the provision of information to enable consumers to make informed choices.
Request immediate suspension of proposed energy labelling requirements until a Cost Benefits Analysis of both Australian and New Zealand craft and artisanal breweries, wineries and distilleries is properly conducted. Questions where the education regarding the relationship between energy and alcohol that was recommended by FSANZ [then ANZFA] in the year 2000 is and whether there been any meaningful social health campaigns and if so, what impact have they had.	IBA-SA	FSANZ's assessment of the costs and benefits considers impacts across different types of alcohol producers and has been updated to reflect information received in consultations about craft and artisanal breweries, wineries and distilleries (see section 4.7.1.1 and Sections 5 and 6 of SD1). Education was considered as an option to address the problem in the impact analysis considered in 2021 (FSANZ 2021c). However, it was considered there may be limited impact from education if energy content information is not available on most

Issue	Raised by	FSANZ response
Why rely on the beer industry to foot the bill when a well-run, wide reaching education campaign would arguably be cheaper and more effective? Ask FSANZ to consider a concentrated effort on a public health campaign to educate consumers on the energy in all forms of alcoholic beverages before engaging on changes to labelling requirements. The current proposed energy labelling does not address the heart of the issue – it does not clearly link alcohol as the main source of energy. Other points supporting this position are captured in the costs and benefits section of this table.		alcoholic beverages. Education alone would not address the problem of a lack of consistent energy content information being available on the label of alcoholic beverages to enable informed consumer choice. The primary objective of the regulatory change is the provision of information to enable consumers to make informed choices about the energy content of alcohol beverages in support of the dietary guidelines. FSANZ considers additional labelling that identifies alcohol as the main source of energy is not necessary to address that objective.
Consumers are fully aware that alcohol has a high energy content and will contribute to weight gain when consumed in high quantities. It is highly unlikely that consumers would be looking for a nutritional panel on a can of beer to make healthy diet decisions. Consumers are already provided specific guidelines for alcohol consumption in the form of standard drinks, this is clearly displayed on current labels and is much more useful as a guide than complicated energy figures. Cited evidence that labelling of products is not shown to change the behaviours of at-risk groups.	Justice & Jorge	The primary objective of the regulatory change is the provision of information to enable consumers to make informed choices about the energy content of alcohol beverages in support of the dietary guidelines. FSANZ's literature review shows that consumers generally have a poor understanding of the energy content of alcoholic beverages and value energy labelling on alcoholic beverages (see section 3.3.4.1). In addition, FSANZ's consumer testing of energy labelling indicates the approved energy statement best enables consumer understanding of the energy content information, and does not result in any negative unintended consequences (see section 3.3.4.2). The provision of energy content on alcoholic beverages serves a different purpose to the number of standard drinks in a package.
All food products should be treated equally, i.e. labelled with a NIP and an ingredient list. Alcoholic beverages are not a special case, as per this proposal which discusses the relationship of energy intake and obesity. For alcoholic beverages, energy is derived primarily, but not only, from the alcohol content. Strongly suggest that if alcoholic beverages are to be labelled with energy levels, then the levels of	FTAA	Noted. This proposal was prepared specifically to consider the declaration of energy content on alcoholic beverages because alcohol is high in energy and is the main source of energy in most alcoholic beverages. FSANZ is therefore not proposing to require alcoholic beverages to be labelled with a NIP or a statement of ingredients.

Issue	Raised by	FSANZ response
fats, sugars/ carbohydrates and alcohol, per serve and per 100 mL should be shown in the same panel, so as to relate to the actual sources of the energy. Appreciate that protein and sodium are usually at very low levels in alcoholic beverages and would not contribute significantly to obesity or other health related issues.		See section 2.6 for the historical background on why NIPs are not required on alcoholic beverages.
Support the proposal to label alcoholic beverages with energy content at the very least. Ideally more information such as sugar, added sugar and carbohydrate should added too.	Individual	
Support carbohydrate and added sugar labelling. Few people realise the significant kilojoule content of the alcohol itself and mistakenly believe sugar and carbohydrates are the only source of calories in alcoholic beverages.	Qld Health	
Recommend no voluntary inclusion of other nutrition information in the energy information panel. Although a beverage may be low in carbohydrates and sugar, it can still be high in energy and contribute to overweight and obesity. This is not a simple message for consumers to understand on the back of a bottle, therefore confusing additions to the energy information panel must not be permitted.	PHAA	See response above. Additionally, FSANZ notes that consumer education is important to support consumers' awareness and use of the new energy labelling statement (see section 5.2).
Propose that FSANZ abandons any plans of a full NIP on labels for craft breweries in order to avoid consumer confusion and reduce consumers' intentions to buy.	IBA-SA Big Shed Brewing Blackwood Brewhouse and Distillery Bowden Brewing Little Bang Brewing Mephisto Brewery Shapeshifter Brewing Suburban Brew Swell Brewing Tiny Fish Brew Watsacowie Brewing	The approved draft variation does not mandate NIPs on labels of alcoholic beverages. FSANZ has considered the evidence around the effect of a NIP on consumers' purchase intentions (see FSANZ 2021a and Appendix 3). FSANZ's consumer research (section 3.3.4.3) also found that NIPs have no effect on consumption intentions.

Issue	Raised by	FSANZ response
Recommend taking a health-based harm minimisation approach to alcohol policy. The most effective interventions to reduce alcohol harm are SAFER as described by the WHO (WHO 2019). Relevant to this area, any actions to restrict or minimise the exposure of populations to advertising of alcohol are beneficial, and beverage labels are a form of advertising in and of themselves.	Te Whatu Ora	FSANZ notes the SAFER package is aimed at the development of policy and action plans to reduce the alcohol related harm done by alcohol. Other government strategies, outside the scope of FSANZ's statutory functions, are in place to address alcohol related harms (see section 2.5.1).
Concerned, from a global perspective, that on-label information is seen as a solution to information for behaviour-related consumer issues. This is simply not the case. Although the intention is sound, the outcome of trying to convey complex sets of overlapping information is more likely to be confusion or, worse still, unintended behaviours such as the promotion of excessive consumption. Research undertaken supports this.	Combined Spirits	The primary objective of the regulatory change is the provision of information to enable consumers to make informed choices about the energy content of alcohol beverages in support of the dietary guidelines. This information can provide a foundation for education and other health care initiatives to be developed and implemented. This combined with other measures, including broader health education, can contribute to public health efforts to reduce the prevalence of overweight and obesity in Australia and New Zealand. FSANZ has conducted consumer research to investigate energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences, such as increasing intended consumption or reducing consumer understanding of standard drinks. FSANZ is not aware of any research that suggests that energy labelling increases consumption (see section 3.3.4.1).
Noted their research found most participants support nutrition labelling for alcohol beverages, however, they would be unlikely to use it. The main reasons included: • energy information was not used generally in their dietary choices • there were more important factors – such as taste or alcohol content	Combined Spirits	Noted. FSANZ's literature review (see section 3.3.4.1) also found that consumers generally value energy labelling on alcoholic beverages, although other information on the label may be valued to a greater extent (e.g. alcohol content, ingredients, health warnings).

Issue	Raised by	FSANZ response
• alcohol beverages were seen as a treat to be enjoyed, and therefore • health-related information was not relevant. Support transparency around energy content of their products so consumers who want to, can continue to make informed decisions about their consumption and their dietary choices, despite a lack of interest in the practical application of energy labelling.		The primary objective of the regulatory change is the provision of information to enable consumers to make informed choices about the energy content of alcohol beverages in support of the dietary guidelines. This information can provide a foundation for education and other health care initiatives to be developed and implemented.
Scope of the proposal		
Very low and no-alcohol line extensions of alcoholic beverages should be included in the scope of this proposal. These products are considered 'alcohol' for advertising purposes in NZ and many meet the definition for a standardised alcoholic beverage and as such are exempt from a NIP. See benefit in aligning with FRSC's decision that for the purposes of the Health Star Rating, brewed soft drinks between 0.5% and 1.15% ABV and very low and no-alcohol line extensions of alcoholic beverages be treated in the same way as alcoholic beverages.	NZFS	As noted in section 1.2, the intended scope of the mandatory energy labelling is to capture alcoholic beverages which are currently exempt from the requirement to provide a NIP. The requirement for the energy statement therefore applies to a standardised alcoholic beverage (as defined in the Code) and a beverage containing 0.5% or more ABV (see section 4.1.2).
Risk assessment - consumption of alcoholic beverages		
For assessing alcohol consumption trends and patterns in Australia the two key data sources are the Australian Bureau of Statistics Apparent Consumption of Alcohol; and the Australian Institute of Health and Welfare National Household Survey. The paper cites a snapshot of current drinking levels. FSANZ should also consider the historical trends in consumption levels, which show that alcohol consumption in Australia has been falling for almost 50 years and there has been considerable progress in reducing risky/heavy consumption, resulting in significant reduction in the energy consumed.	Brewers Aus	FSANZ has considered these data sources and although there are historical trends, FSANZ's assessment indicates alcoholic beverages contribute a considerable amount to overall energy intake for adults who consume alcoholic beverages(see section 3.3.2).
It is a common fallacy that alcohol is a major contributor to increasing rates of obesity. Over the past four decades, while obesity levels have risen substantially, alcohol consumption in Australia and New Zealand has declined by 25%.	NZFGC	The objective of this proposal is the provision of information to enable consumers to make informed choices about the energy content of alcohol beverages in support of the dietary guidelines.

Issue	Raised by	FSANZ response
		FSANZ's assessment indicates alcoholic beverages contribute a considerable amount to overall energy intake for adults who consume alcoholic beverages(see section 3.3.2).
Risk assessment – consumer evidence		
Ask that broader, more professional research is undertaken in regard to alcohol and its connection with obesity, and labelling and its ability to change consumer behaviour. We cannot keep drawing these long bows.	IBA	The objective of this proposal is the provision of information to enable consumers to make informed choices about the energy content of alcohol beverages in support of the dietary guidelines. FSANZ has therefore not undertaken research to specifically investigate the ability of labelling alone to change consumer behaviour in the context of alcohol and obesity. FSANZ has conducted consumer research to investigate which of five different energy labelling formats best enables consumer understanding of the energy information while best mitigating any unintended consequences (see section 3.3.4.2). Energy labelling of alcoholic beverages can provide a foundation for education and other health care initiatives to be developed and implemented. This combined with other measures, including broader health education, can contribute to public health efforts to reduce the prevalence of overweight and obesity in Australia and New Zealand.
Calls for more in-depth studies to ascertain the effectiveness of energy labelling, when all studies presented have concluded that there is no significant effect on consumer buying or consuming behaviour.	Big Shed Brewing Blackwood Brewhouse and Distillery Bowden Brewing Little Bang Brewing Mephisto Brewery Shapeshifter Brewing Suburban Brew Swell Brewing Watsacowie Brewing	
There is reference to 16 studies that show energy labelling has no effect on a consumer's likelihood of drinking an alcoholic beverage. Strongly oppose a change in requirements when there is no clear evidence that the change will have a beneficial outcome. Propose FSANZ engage the craft brewing community to conduct accurate and meaningful studies on the effectiveness of energy labelling.	IBA-SA	
There is insufficient evidence for the basis (e.g. per serving, per 100 mL) of energy content information. Recommend FSANZ conduct consumer testing. Reasons included to:	Alcohol Change Aus Te Whatu Ora Cancer Society NZ NSWFA	Since the CFS, FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information,

Issue	Raised by	FSANZ response
• identify any unintended consequences when it comes to alcohol use e.g. excess consumption, confusion with standard drink labelling • understand the impact this may have on energy intake, alcohol consumption and understanding of standard drinks • determine the most appropriate format options • understand consumer interpretation • gauge effectiveness. Do not consider the evidence presented makes a strong case for the specific format proposed. It is important that requirements for energy labelling are no more trade restrictive than necessary to achieve a legitimate objective. Consumer testing would strengthen the evidence to support any requirements proposed.	Alcohol Healthwatch Cancer Council Aus NZFS NSWFA FARE PHA Qld Health WA Health NZFS	understanding of standard drinks, and consumption intentions (see section 3.3.4.2). The research shows that the format for the energy statement in the approved draft variation (which includes both 'per serving' and 'per 100 mL' information) best enables consumer understanding of the energy content information and does not result in negative unintended consequences, such as increasing intended consumption or reducing consumer understanding of standard drinks. Furthermore, based on the research findings, the draft variation proposed in the CFS has now been amended to require a declaration of the approximate number of standard drinks equivalent to a serving in the energy statement (see section 4.2.4). FSANZ considers this requirement will help to address the potential for consumer confusion about the difference between a serving and a standard drink.
Studies concerning alcohol harm reduction outcomes are yet to be conducted specifically on energy per container, per standard drink or per serve. Further consumer research is required to understand the overweight and obesity prevention outcomes and the alcohol harm reduction outcomes, to identify the most effective and healthful way to communicate energy content. There is a limited evidence base regarding the potential adverse impacts of energy labels on alcoholic beverages. Recommend independent consumer behavioural testing be conducted prior to implementation to understand how consumers interpret the information in relation to alcohol use. This research should include testing of particular wording to ensure there are no potentially adverse health impacts regarding alcohol use, including among people who may be more likely to be influenced by energy labelling (ref). Consumer testing is essential to ensure that provision of energy information for alcoholic products supports rather than undermines the important public health objective of reducing alcohol related harm.	PHAA NCETA	While FSANZ acknowledges concerns about broader alcohol related harms, P1059 was prepared to consider the provision of information to enable consumers to make informed choices about energy and alcohol consumption in support of the dietary guidelines, as outlined in section 1.2 of this approval report. As noted in the above response, FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2). The research shows that the format for the energy statement in the approved draft variation (which includes both 'per serving' and 'per 100 mL' information) best enables consumer understanding of the energy content information and does not result in negative unintended consequences, such as increasing intended consumption or reducing consumer understanding of standard drinks. FSANZ also undertook further research that examined the effect of energy statements on consumers' perceptions of the

Issue	Raised by	FSANZ response
It is of fundamental importance that the design and application of energy labelling does not in any way promote increased use, undermine consumer understanding and use of standard drinks or present alcohol as a safe or 'healthier' choice or as a part of a healthy diet. Reduced alcohol consumption should be the primary aim, from perspectives of both obesity prevention and reducing broader alcohol harm. Recommend consumer testing on proposed and alternative labels.	OPC GLOBE Vic Health	healthiness and harmfulness to health of alcoholic beverage (see section 3.3.4.3). It found that energy statements have no effect on consumers' perceptions of the healthiness, or harmfulness to health of alcoholic beverages compared to beverages with no nutrition information.
There is insufficient evidence on consumers' understanding of the relationship between servings and standard drinks to determine whether to support kilojoule labelling per 100 mL, per serving, or per standard drink. Recommends FSANZ consult with the NHMRC Alcohol Guidelines Project Team. This will enable further exploration of the impact of specific labelling policies on purchase and consumption of alcoholic beverages and ensure both dietary and alcohol guidelines are working synergistically.	Tas Health	See above responses outlining that FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2). Additionally, FSANZ has consulted with the NHMRC who has advised that the proposed approach does not appear to be inconsistent with the NHMRC Australian guidelines to reduce health risks from drinking alcohol. They noted that ensuring the number of standard drinks per package and per serving are clearly displayed will help people make informed decisions about how much alcohol they drink, if any.
Concerned that current evidence on the effect of energy labelling on alcoholic beverages on consumer behaviour is limited and remains unclear. Research by Walker et al suggests certain forms of energy labelling could increase the likelihood of purchase of alcoholic beverages, including by Māori participants, although there was no impact on likelihood of consumption (reference provided). Strongly recommend FSANZ consider this research, and the underlying inequitable distribution of alcohol harm in New Zealand.	Te Whatu Ora	See above responses outlining that FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2). FSANZ has considered the research conducted by Walker et al. (2019), which suggests that a NIP may increase purchase intentions, particularly among Māori consumers (see FSANZ 2021a). As noted, this research also found that a NIP has no effect on consumers' consumption intentions, including among Māori consumers. This finding is consistent with FSANZ's research, which found that a NIP has no effect on consumption intentions among a nationally representative sample of more than 2,500 Australian and New Zealand consumers (see section 3.3.4.3).

Issue	Raised by	FSANZ response
Given the inherent limitations in consumer behavioural research, particularly for products used in social settings, such as alcohol, further research may not provide additional guidance. Any additional supporting evidence sought to inform the label format should consider FSANZ's workplan and opportunities to coordinate with aligned proposals such as P1049.	Vic Gov	FSANZ's research has informed the format of the approved energy statement to ensure it best enables consumer use and understanding of the energy content information while best mitigating any negative unintended consequences (see sections 3.3.4.2 and 4.2). The design of this consumer research helped to inform the design of the consumer research undertaken in relation to carbohydrate and sugar claims on alcoholic beverages under Proposal P1049 (see section 3.3.4.2 of the P1049 approval report). Additionally, the research undertaken for P1049 was used to help inform P1059 (see section 3.3.4.3).
The CFS states that *consumers do not understand energy content information* and *it is unclear whether providing participants with energy labelling for a range of different alcoholic beverages and/or using other (non-numerical) formats would provide a sufficient context for consumers to be able to interpret the information, and whether this in turn would affect consumer behaviour.* How can FSANZ assume that energy labelling would affect a consumer's choice if they simply do not understand what it means?	Phoenix Beers	Since the CFS, FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences, and therefore supports informed choice.
Testing impact of energy labelling on consumers must address priority populations. There are significant inequities in distribution of alcohol related harm.	Te Whatu Ora Cancer Society NZ NSWFA NZFS	FSANZ's consumer research compared the effects of different energy labelling formats at the general population level, which included representative proportions of Māori in New Zealand and Aboriginal and Torres Straight Islanders in Australia (see section 3.3.4.2). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences, such as increasing intended consumption or reducing consumer understanding of standard drinks. Additional research conducted by Walker et al. (2019), which reported results by ethnicity, also found that energy labelling and

Issue	Raised by	FSANZ response
		NIPs have no effect on consumption intentions for Māori nor for the general population.
Testing must target individual groups representative of risk of excess alcohol consumption and overweight or obesity.	Qld Health	FSANZ's consumer research compared the effects of different energy labelling formats at the general population level, but included sensitivity analyses that controlled for level of alcohol consumption (as measured using AUDIT-C), use and understanding of nutrition information on food labels, and importance of health and weight in food and drink choices. Results were highly consistent both with and without these factors controlled for (see FSANZ 2021a). The research shows that the content and format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences, such as increasing intended consumption or reducing consumer understanding of standard drinks, including when controlling for level of alcohol consumption.
Section 3.4.4 of the CFS includes *a high quality, well-controlled experimental study based on a New Zealand sample* that found *NIP had no significant effect on participants' intentions to consume the alcoholic beverage.* NIPs contain energy information and therefore, an energy statement would equally have no significant effect on intentions to consume an alcoholic beverage. It appears that the CFS has been written for the benefit of certain stakeholders, as the evidence is ignored. The conclusion in 3.5 states *Thus, it is not possible to make a definitive conclusion regarding the effect of energy labelling of alcoholic beverages on consumer behaviour, given the limitations of the current available evidence.* How can this conclusion be reached when the CFS states that *energy labelling has no effect on consumers*?	Phoenix Beers	The objective of this proposal is the provision of information to enable consumers to make informed choices about the energy content of alcohol beverages in support of the dietary guidelines. As noted above, FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2). The research shows that the format for the energy statement in the approved draft variation (which includes both 'per serving' and 'per 100 mL' information) best enables consumer understanding of the energy content information and does not result in negative unintended consequences, such as increasing intended consumption or reducing consumer understanding of standard drinks The absence of a definitive conclusion in section 3.5 of the CFS was because the studies in question did not investigate the effect of energy labelling on other relevant consumer behaviours, such as the number of alcoholic beverages consumed over time, or

Issue	Raised by	FSANZ response
		choice between different types of beverages. It was not possible to make a definitive conclusion about the effects of energy labelling on consumer behaviour generally when not all types of behaviours were examined.
Too much emphasis has been placed on the studies mentioned in 3.4.1, *Results from 18 studies showed that consumers generally value energy labelling on alcoholic beverages (pooled proportion of consumers supporting energy labelling = 69%).* There is no mention of the quality and control of these studies. The reality is that most people would place a value on any health statements on alcohol. They would have answered the same for mental health, risk of suicide, impotence, cancers, fertility issues, brain damage, heart issues, and cirrhosis of the liver, all of which are potential risks of consuming alcohol.	Phoenix Beers	FSANZ conducted standardised quality assessments of each study included in the consumer literature review, which provided an evaluation of the methodological rigour (and therefore risk of bias) in the research. The quality assessments are available in Appendix 2 of the literature review report (FSANZ 2021b). Based on these quality assessments, FSANZ was able to have confidence in the finding that consumers value energy labelling on alcoholic beverages.
Digital labelling		
Recommend FSANZ further considers digital labelling e.g. QR Code. Reasons provided included: • QR Codes are a tried and tested common practice for consumers, and government agencies are heavy users of this form of information provision • allows consumers quick and convenient access to information online, with the potential to be catered to their own local languages and national recommendations • scanning a QR code requires little cognitive effort for the majority of consumers • a QR code linked to a website could not only give consumers the energy level of the product but also explain what it means • the best way to overcome information-overload and confusion for consumers would be to provide information in a digital format • while on-label information is limited by the size of the container, digital tools would allow for better comparison with other products and more thorough information provision	Phoenix Beers APISWA Scotch Whisky Assoc Wine Aus World Spirits Brewers Guild NZ	Digital linking to off-label energy information e.g. QR Code was considered in the options analysis carried out by FSANZ in 2021 (FSANZ 2021c). That analysis raised the following concerns: • Digital linking to off-label information does not provide consumers with readily accessible information at point of purchase and point of consumption to enable informed decisions. • Digital linking requires more cognitive effort and assumes consumers have the required technology. • The costs of digital linking may be more burdensome than on-label information for some producers, particularly those who do not already have a website. The analysis identified that on-label energy information was the best option to address the problem. This was also the preferred approach for the majority of targeted stakeholders. Therefore, the use of digital linking to off-label energy content information on alcoholic beverages was not pursued under P1059.

Issue	Raised by	FSANZ response
• it is easier for enforcement agencies to check a single link for each SKU than to check millions of bottles or other packaging • EC Law has developed significantly and in favour of the provision of information off-label. Industry welcomes the opportunity to work with FSANZ on digital labelling approaches that are already being utilised by industry. Noted concerns about impact on importers and limited space on labels. The possibility of the use of QR code instead of mandatory labelling has been completely ignored.		Further to this, a recent literature review undertaken by the European Commission (Werle et al. 2022) suggests that consumers' likelihood of accessing nutrition information using online means is low, including in the specific context of alcohol nutrition information. FSANZ is aware that manufacturers are using QR codes to provide different types of information to consumers in Australia and New Zealand, and that the EU has introduced regulations allowing some wines and wine products to provide nutrition information by electronic means. Digital labelling in respect of mandatory label information is a policy issue which is broader than labelling requirements for alcoholic beverages e.g. NIPs on food.
Technology and the ubiquity of smart phones and digital apps have changed the landscape for how people obtain nutrition-related information about their food and beverage choices and the increasing use of smart labels and QR codes means we may be seeking to use analogue solutions in a digital world.	Combined Spirits	
Maintain a preference for a modern, off-label digital solution.	SA Wine	
Is launching a digital labelling system to better inform consumers about products and responsible drinking. By 2024, an on-label QR code will link to a website containing information on: alcohol and health; moderating alcohol consumption, ingredient; and nutrition information. Recognise this model may not be of appeal to FSANZ in respect of P1059, however encourage FSANZ to examine this initiative and consider how it could assist with the provision of information to consumers in the future.	PR Wine	Noted. See response above for FSANZ's consideration of digital labelling in the context of P1059.
Prescribed format		
Support a prescribed, standardised format. Alcohol Focus Scotland, Cancer Council Aus, Cancer Society NZ, EDG, NSWFA, SA Health & WA Health specifically noted support of a tabular format. Information about the energy content of alcoholic products must be presented in a standardised way to enable recognition as non-marketing information. Presenting energy information in a standardised truncated NIP will	Cancer Council NZ Cancer Council Aus NCETA FARE PHAA Alcohol Focus Scotland	Noted. FSANZ considers a standardised tabular format, similar to the NIP will allow consumers to more readily recognise energy content information on alcoholic beverages and compare it with other alcoholic beverages, foods and non-alcoholic beverages. Consumers are familiar with the NIP format (see section 4.2.1 of the approval report). Use of a similar tabular format will likely enable consumers to more easily recognise energy content information.

Issue	Raised by	FSANZ response
provide a system that people are already familiar with and know to be a standardised and trustworthy source of nutritional information. This format will enable people to directly compare the energy content of alcoholic products. The suggested NIP template is in-line with other energy labels in Australia and New Zealand. Continuity of design is important to the public's understanding and usage.	Alcohol Change Aus VicHealth NSWFA Qld Health WA Health SA Health EDG AMA	
Maintaining consistency with the NIP approach on other foods and beverages is likely to be the most appropriate option for the purposes of enabling consumers to understand and easily compare products to make informed choices. However, this should ideally be achieved in a way that does not dissuade from the efforts to raise awareness of the standard drink information.	SA Health	See response above in regards to consistency with the NIP approach. Since the CFS, FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences, and therefore supports informed choice. Based on FSANZ's consumer research undertaken since the CFS, the energy statement proposed in the CFS has now been amended to require a declaration of the approximate number of standard drinks equivalent to a serving (see section 4.2.4.2.1 of the approval report).
The provision of energy labelling is not a NIP therefore the NIP format in its totality, with the same heading and design is not required. If an energy label completely replicates the format of a NIP there could be some confusion or a mistaken belief that other nutritional elements such as carbohydrates or sodium are not present at all. The rationale states a similar tabular format to the NIP would give familiarity to consumers. However, the provision of kilojoules and calories as a measurement is very specific and can only be compared to other kJ/cal measurements, which is seemingly quite	Brewers NZ	The energy statement in the approved draft variation does not completely replicate the format of the NIP. The rationale regarding familiarity was in the context of consumers being more easily able to locate and identify the information (see section 4.2.1). Since the CFS, FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2). The research shows that the format for the

Issue	Raised by	FSANZ response
clear to consumers if they are in fact looking comparatively at figures.		energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences, and therefore supports informed choice. Additionally, the consumer research found that the energy statement did not have an effect on consumers' perceptions of healthiness or harmfulness to health compared to an alcoholic beverage with no nutrition information (see section 3.3.4.3). This indicates that consumers do not perceive the energy statement as indicating the beverage contains no carbohydrate, sodium, or other nutrients.
A format consistent with the NIP on other foods is not necessary for energy labelling on alcohol to be effective. Consider energy labelling on alcoholic beverages should inform consumers of the energy content of the beverage itself and allow comparisons between different alcoholic beverages. This is more important than allowing comparison with non-alcohol products. It is not necessary for energy labelling on alcoholic beverages to be standardised with NIPs required on other packaged products. There are key ingredient and regulatory differences between alcohol and non-alcohol products.	NZFS Brewers Aus	
Since energy labelling of alcohol is not mandatory overseas neither therefore is the format. Mirroring the NIP format, in the absence of any other models, is a fair starting point. However other factors should be considered in relation to proposing appropriate and meaningful text for the consumer. Suggest energy content information could be provided in a format that conveys required elements rather than in a prescribed format. In this way, labelling on imported product might still meet the mandatory requirements even if the format is slightly different.	NZFGC	
The proposed label is unnecessarily too large and needs to be simplified. The three lines of information at the top of the proposed label are not useful and may confuse consumers. Producers should have the option to use a simpler version of the truncated NIP which reflects examples 3 (omit serves per package) and 4 (omit serves per package and heading) in the targeted stakeholder discussion paper in July 2022. These options present a clear statement of kJ content without any other figures which could confuse consumers.	Combined spirits Brewers Aus	See above response outlining that FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences. This was not the case for smaller labels that were tested, e.g. formats with a reduced number of columns and formats with a reduced number of rows where 'servings per package' information was removed.

Issue	Raised by	FSANZ response
Suggest serving size could be included in brackets following 'Quantity per serving' rather than being a separate line at the top e.g. 'quantity per X mL serving. Consumers would be provided with the same information but in a smaller format. Graphic example provided in submissions.	AGW NZ Wine	See above response outlining that FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats, which included a similar format to that suggested (see 'Label B' in FSANZ 2023). This format was found to increase consumer confusion about the number of servings per package versus the number of standard drinks per package compared to other formats.
Do not support the prescribed format, it takes up considerable space and dilutes the message. Understood the preferred format by industry stakeholders was for a single line (graphic provided in submission).	Brewers Guild NZ	See above response regarding FSANZ's consumer research to investigate the effect of five different energy labelling formats. Although the suggested format was not directly tested, a similar format (see 'Label B' in FSANZ 2023) was found to increase consumer confusion about the number of servings per package versus the number of standard drinks per package compared to other formats.
Concerned about the large size of the prescribed format which would be difficult to fit on already crowded labels. The CFS does not adequately justify why the prescribed tabular format is necessary and does not offer simpler options such as '500 kJ' or '500 kJ per 330 mL serve'.	Cider Aus	See above response regarding FSANZ's consumer research to investigate the effect of five different energy labelling formats. A similar format was tested in FSANZ's consumer research (see 'Label B' in FSANZ 2023). This format was found to increase consumer confusion about the number of servings per package versus the number of standard drinks per package compared to other formats.
Concerned about the prescriptive nature. There should be flexibility in how to display the information.	World Spirit Brewers Guild NZ	See above response regarding FSANZ's consumer research to investigate the effect of five different energy labelling formats. FSANZ considers a standardised tabular format, similar to the NIP will allow consumers to more readily recognise energy content information on alcoholic beverages and compare it with other alcoholic beverages, foods and non-alcoholic beverages. Consumers are familiar with the NIP format (see section 4.2.1 of the approval report). Use of a similar tabular format will likely enable consumers to more easily recognise energy content information.
Do not support a tabular format. Support the use of an energy icon similar to that used for the Health Star Rating system on the	NZFGC	See above response regarding FSANZ's consumer research to investigate the effect of five different energy labelling formats.

Issue	Raised by	FSANZ response
basis that it is simple, recognisable and as useful to the consumer as a line of data. It would also sit comfortably with the other icons on alcohol e.g. pregnancy warning label, standard drinks etc. A single line is preferred if an icon is not pursued however, it should not be boxed. This is proposed on the basis of flexibility, space and simplicity of reproduction or over-sticking imported products. Additionally standard drinks and ABV are considered more important and they are not boxed. Boxing energy gives it a primacy that is not in the consumer's best interests in relation to responsible drinking.		Additionally, at targeted consultations there was minimal support for an icon. Participants generally agreed there are too many icons used on food labels already and an energy icon may cause confusion. Some government and public health stakeholders highlighted that following the Health Star Rating (HSR) five year review, the energy icon was removed from the HSR. This was because the energy icon is not well understood and does not provide interpretive information to support choice.
Requests FSANZ authorise graphical presentation to communicate the number of portions included in a bottle. Graphical presentation is an efficient way to communicate to consumers and, if combined with the use of the symbol 'E' allows for language free communication. Language free communication is a fundamental asset to facilitate international trade.	CEEV	See above responses regarding FSANZ's consumer research to investigate the effect of five different energy labelling formats and the lack of support for an icon or graphic. FSANZ notes the use of the symbol 'E' as a standard symbol is used in the European Union and that this is allowed to avoid language confusions within the various member states. This is not considered to be a relevant issue in the Australian and New Zealand context. Furthermore FSANZ is unaware of specific consumer evidence regarding the use of the symbol 'E'.
Do not support the tabular format, with borders, heading and number of servings per package. There is no evidence to suggest it will make the energy information easier for consumers to recognise and compare. Would likely make little or no difference to how consumers use or understand it compared to a more compact but legible format. Suggest/prefer a simplified one line, tabular format like example 5 from the July 2022 targeted consultation paper. It seems unlikely consumers in licensed premises would be comparing with other foods and would more likely be comparing between alcoholic beverages. This is one of the take-outs from FSANZ's own literature review. If all alcoholic beverages use the same format, comparability is no longer an issue.	Lion	As per responses above, since the CFS, FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2 of the approval report). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences. This was not the case for smaller labels that were tested, e.g. formats with a reduced number of columns and formats with a reduced number of rows where 'servings per package' information was removed. FSANZ considers that a standardised tabular format, similar to the NIP will allow consumers to more readily recognise energy

Issue	Raised by	FSANZ response
Expect that comprehensive and reliable evidence has been obtained to support the suggestion of a tabular format.		content information on alcoholic beverages and compare it with other alcoholic beverages, foods and non-alcoholic beverages. Consumers are familiar with the NIP format (see section 4.2.1 of the approval report). Use of a similar tabular format will likely enable consumers to more easily recognise energy content information. FSANZ's literature review (see section 3.3.4.1) made no conclusions about whether consumers are more likely to compare the energy content of alcoholic beverages with other alcoholic beverages versus other foods. However, FSANZ notes there is the potential for comparisons of energy content to be made outside of licensed premises (e.g. at home).
The format detracts from pregnancy warnings, number of standard drinks and allergen information.	Brewers Guild NZ	The pregnancy warning label integrates design elements over and above the prescribed energy statement (for example, the colour red) that evidence shows will increase the attention a warning will receive. Following the CFS, FSANZ has amended the draft variation that was proposed in the CFS to require the approximate number of standard drinks equivalent to one serving of the alcoholic beverage in the energy statement (see section 4.2.4.2.1). Regarding allergen information, food businesses are required to meet specific requirements including formatting, that are designed to make allergen information clearer and easier to find on food labels (see Standard 1.2.3 of the Code).
Most overseas markets either do not allow energy labelling or permit it only in a specific format. In these cases, wine businesses will be required to remove the energy information from their label. The less space the energy information takes up on the label, the less reconfiguration will be required for different markets.	AGW NZ Wine	Since the CFS, FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2 of the approval report). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences. This was not the case for smaller labels that were tested, e.g. formats with a reduced number of columns and

Issue	Raised by	FSANZ response
		formats with a reduced number of rows where 'servings per package' information was removed. FSANZ does not consider that the size of the energy statement would notably add to reconfiguration costs for most SKUs, given other elements of the label may also need to be reconfigured for certain markets, such as the pregnancy warning label. FSANZ has assumed in final cost modelling that 10-30% of SKUs require re-sizing of labels to incorporate the energy statement. Other solutions may also help reduce label change costs, such as over-stickers and enlarging existing stickers.
Heading		
Support the heading 'Energy Information'.	George Institute GLOBE OPC Tas Health WA Health	Noted. FSANZ considers the use of the heading 'Energy information' will allow consumers to more readily recognise energy content information on alcoholic beverages and compare it with other alcoholic beverages, foods and non-alcoholic beverages (see section 4.2.1 of the approval report).
Supports a heading, however consider more consumer testing is required regarding whether 'energy information' or 'nutrition information' is more appropriate and clearly understood.	Alcohol Healthwatch FARE	The heading 'Energy information' has been retained. FSANZ considers that heading is more appropriate for energy labelling than 'Nutrition information', which would indicate additional information about nutrition/nutrients is present (see section 4.2.1 of the approval report).
Do not support a heading. Reasons included because: • it is unnecessarily repetitive • energy content as a singular consumer information element on packaged alcohol is self-evident without the need for a heading • it is superfluous to consumer needs • it creates additional costs which are not justifiable.	NZFGC Brewers NZ Lion NZ Wine	As noted in responses above, since the CFS FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats (see section 3.3.4.2 of the approval report). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences. Whether the heading would generate additional costs would depend on the particular label of a SKU i.e. the available space and arrangement. Using a break-even-analysis, FSANZ estimates that a 0.14% to 0.18% reduction in health-related costs of overweight and obesity
Supports the heading but acknowledges it may pose some challenges for producers as there are space limitations on labels.	EDG	
Suggest the heading could be omitted and 'information' added to the word 'energy' in the first column of the energy statement.	AGW New Zealand Wine	

Issue	Raised by	FSANZ response
Graphic example provided in submissions.		over ten years is needed to offset the main costs of changing labels to incorporate the energy statement. That includes assuming in final cost modelling that 10-30% of SKUs require re-sizing of labels. It does not seem unreasonable to assume the new energy statement could contribute to a reduction of health-related overweight and obesity costs of this size, given energy content information is foundational for wider health and education initiatives aimed at reducing overweight and obesity. Overall, the benefits to consumers are considered to outweigh any consequential costs to industry (see section 4.7.1.1 and SD1).
Basis of energy content information – general comments		
Request the option to use the well-known abbreviation 'Qty' for Quantity and '/' for per, as this will reduce the amount of space required for the table.	IBA	Consistent with the approach for the NIP and for clarity for consumers, FSANZ has not included specific permission to use abbreviations of these elements in the approved energy statement. See responses above regarding space.
Basis of energy content information – per 100 mL		
These submitters stated their support for the requirement to display energy content per 100 mL. Reasons included: • consistent with provision of energy content on other products • it will enable comparisons with other alcoholic beverages and foods • may highlight that alcoholic beverages can be high in energy • consumers are familiar with this measure • may be best understood • will provide meaning information.	Alcohol Change Aus Alcohol Focus Scotland Alcohol Healthwatch Brewers NZ Brewers Guild NZ Cancer Council Aus Cancer Society NZ DB Breweries DA EDG Foodstuffs NZ George Institute	Noted. Since the CFS, FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences, and therefore supports informed choice. The approved energy statement includes display of energy content per 100mL.

Issue	Raised by	FSANZ response
	GLOBE Lion NHF NSWFA OPC PHAA Te Whatu Ora Vic Gov Wine Aus VicHealth	
Do not support provision of energy content information per 100 mL for spirits. Reasons given included: • 100 mL does not reflect standard serving size of an alcoholic spirit • 100 mL may be 3-4 or more standard drinks • spirits have a mandated higher ABV than other alcoholic beverages • it may cause confusion for consumers including around responsible drinking and standard drinks • it could mislead consumers into believing spirits should be consumed in 100 mL portions • it does not support effective comparison between other alcoholic beverages, where a standard serve is greater than 100 mL. Some submitters suggested a lesser amount than 100 mL is used for spirits, e.g. 30 mL.	Combined Spirits APISWA NZFGC Scotch Whisky Assoc. World Spirits PR Wine Mexican Tequila	Since the CFS, FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences, such as increasing intended consumption or reducing consumer understanding of standard drinks, and therefore supports informed choice. The research also shows that provision of energy content per 100 mL does not cause consumers to perceive 100 mL as a recommended amount to consume, nor does it affect the number of alcoholic beverages (including spirits) that consumers intend to consume. Rather, energy per 100 mL information is important for enabling consumers to compare the energy content across different products. Based on this research, the approved energy statement includes the requirement for energy labelling per 100 mL for alcoholic beverages including spirits, in addition to per serving. FSANZ has also included an additional requirement for the approximate number of standard drinks equivalent to a serving to be included in the energy statement (see section 4.2 of the approval report).

Issue	Raised by	FSANZ response
Listing energy per 100 mL may be confusing for consumers when you consider the many packaged volumes for beer (i.e. 330 mL, 335 mL, 440 mL, 500 mL, 568 mL), international standard packaging (fl oz) and different standard glass sizes across the country.	IBA - SA	See above response. FSANZ notes that some of the stated volumes are likely to be equal to a serving, noting energy per serving will also need to be included in the energy statement.
Recommend removing the requirement for per 100 mL given: • for spirits it may exceed more than four standard drinks (the maximum recommended daily intake to reduce the risk of harm from alcohol-related disease or injury pursuant to NHMRC guidelines) • for wine, the 100 mL measurement is likely to duplicate the serving size identified by wine producers, meaning there will be two identical columns • it would minimise the label space required for the energy labelling and reduce costs. Cited consumer research undertaken by Spirits and Cocktails Australia and Spirits NZ demonstrating that only providing calories per serve was much more useful in informing consumption decisions and that around one in four consumers misinterpreted the comparison of different alcoholic beverage categories per 100 mL.	PR Wine	See responses above regarding FSANZ's consumer research that found the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences. The study by Spirits and Cocktails Australia and Spirits NZ was considered by FSANZ in the assessment of the consumer evidence (see White 2023 in Appendix 3). The study found mixed evidence around consumers' preferences regarding 'per 100 mL' information being present on the label. Although consumers preferred to use 'per serving' information to compare between different types of alcoholic beverages, consumers also discussed using 'per 100 mL' information to compare within categories of alcoholic beverages (i.e. comparing spirits to spirits, wine to wine, etc.) or to compare alcoholic beverages with non-alcoholic foods and beverages. Consistent with the cited study, FSANZ's consumer research found that a majority of consumers were able to correctly rank the energy content of 'a typical drink' across different types of alcoholic beverages using energy statements that include both 'per serving' and 'per 100 mL' information (FSANZ 2023). The cited study found that some participants believed that 'per 100 mL' information indicated that this was a suitable serving size for spirits. However, this finding is at odds with FSANZ's consumer research, which found that participants did not perceive 100 mL as a recommended serving size of spirits regardless of the presence or absence of 'per 100 mL' information. This discrepancy in findings may be a result of the question wording (see Appendix 3 for a full discussion).

Issue	Raised by	FSANZ response
Basis of energy content information – per serving		
Stated support for the energy declaration to be on a per serving basis.	EDG Foodstuffs NZ Lion Brewers Guild NZ	Support noted. Since the CFS, FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences, and therefore supports informed choice. Based on this research the approved energy statement includes the requirement for energy labelling per serving, in addition to per 100 mL.
Do not support the provision of energy content information 'per serve' on alcoholic beverages. Reasons included because it may: • imply this volume is a recommended amount for consumption • create a perception that there is a 'safe', 'normal' or 'healthy' serving of alcohol • normalise larger serving sizes • lead people to consume larger quantities of alcohol and a higher energy intake • increase harms and health risks associated with alcohol consumption • cause confusion with standard drink information.	Alcohol Healthwatch FARE George Institute PHAA GLOBE OPC SA Wine Qld Health	As noted above, based on consumer research the energy statement in the approved draft variation includes the requirement to declare energy content on both a per serving and per 100 mL basis. It also includes an additional requirement for the approximate number of standard drinks equivalent to a serving (see section 4.2). This approach is intended to avoid confusion between servings and standard drinks, to allow consumers to easily compare the energy content of alcoholic beverages with other foods and beverages on a per 100 mL basis and to inform consumers about the energy content of a typical serving. The research shows that the provision of 'energy per serving' information does not imply a recommended amount for consumption; does not have an effect on the number of alcoholic beverages that consumers intend to consume; and does not increase consumer confusion about what a standard drink is, or how it relates to a serving size (when provided alongside standards drink information). Rather, the research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences, such as increasing

Issue	Raised by	FSANZ response
		intended consumption or reducing consumer understanding of standard drinks (see section 3.3.4.2).
Confusion might arise by introducing a 'serving size' that will be different in volume to the already familiar concept of a 'standard drink' that is an important element in fostering responsible service and consumption of wine.	SA Wine Vic Health	See response above. In particular, the energy statement proposed in the CFS has been amended to require a declaration of the approximate number of standard drinks equivalent to a serving to help avoid confusion with standard drinks. The existing requirement for a declaration of the number of standard drinks in the food for sale will still apply. FSANZ has also amended the draft variation that was proposed in the CFS to prohibit this declaration from appearing in the energy statement (or NIP if provided).
Do not oppose 'per serve' in conjunction with 'per 100 mL', but it should be voluntary. Acknowledge there is potential for confusion with the standard drink measure.	Brewers Association NZ	
Concerned about the inclusion of servings per package and serving size and how this aligns (or doesn't) with standard drink sizes.	Tas Health	
Provided two examples of energy information panels showing how standard drinks can be integrated into per serving information.	NSWFA	
Standard drink information should remain prominent on the label of an alcoholic beverage and ensure any risk of confusion with provision of serving sizes is minimised.	Te Whatu Ora	
Suggest co-locating energy labelling with the number of standard drinks and serving information per package. Reasons included: • allows consumers to identify the information quickly and easily in one place on the label • assist consumer understanding and the difference in standard drinks and serving sizes.	Qld Health SA Health	
Evidence cited suggests that consumers find serving sizes difficult to understand and apply. Do not support use of the terms 'serve' and 'serving' anywhere on the package of alcohol products. These can be interpreted as endorsing alcohol consumption when there is no safe intake level. Consumers are accustomed to 'serves' being recommended intake levels, which does not apply in the context of alcohol.	George Institute	See above responses regarding FSANZ's consumer research. In particular, FSANZ's research found that the provision of 'energy per serving' information does not imply a recommended amount for consumption and does not have an effect on the number of alcoholic beverages that consumers intend to consume. No study in the review cited tested consumer perceptions of 'energy per serving' information on alcoholic beverages.
Recommend removing the requirement for 'servings per package'	Combined Spirits	See above responses regarding FSANZ's consumer research.

Issue	Raised by	FSANZ response
information. Reasons included: • inconsistency between the number of servings per package and the number of standard drinks, causing confusion • logistical burden and unjustifiable cost on producers • research by Spirits and Cocktails Australia and Spirits New Zealand found confusion over the difference between standard serves and standard drinks and led to a reluctance to engage with the information provided.	Lion Mollydooker Wines NZ Wine PR Wines APISWA Scotch Whisky Assoc. World Spirits	In particular, based on the consumer evidence, FSANZ has amended the draft variation that was proposed in the CFS to require the approximate number of standard drinks equivalent to one serving of the alcoholic beverage in the energy statement (see section 4.2.4 of the approval report). FSANZ has considered the cited study (see White 2023 in Appendix 3). It shows that consumers are confused when the number of standard drinks per package and number of servings per package differ. However, it does not show whether removing servings per package information would alleviate this confusion. FSANZ's consumer research directly tested the effects of including versus excluding servings per package information in the energy statement. The research found that servings per package information is necessary to enable consumers to distinguish between the number of servings versus the number of standard drinks per package (see section 3.3.4.2 of the approval report).
Do not support the term 'per serve' being applied when millions of dollars have been spent on educating consumers about 'standard drinks'. Since the number of standard drinks is a mandatory requirement on packaged alcohol in Australia and New Zealand, the energy information should not be 'per serve' but rather 'per standard drink'. The term 'standard drink' has broad global acceptance and broad recognition by consumers. It is seen as important information for the consumer to assist decisions on their approach to drinking. The proposal to use 'per serve' is an unnecessary, slavish adherence to the terminology of the NIP when logic suggests a more sensible alternative.	NZFGC	See above responses regarding FSANZ's consumer research. In particular, based on the consumer evidence, FSANZ has amended the draft variation that was proposed in the CFS to require the approximate number of standard drinks equivalent to one serving of the alcoholic beverage in the energy statement (see section 4.2.4 of the approval report). FSANZ notes that for beverages where alcohol is the main source of energy, the energy content based on a standard drink would be very similar for each of those beverages. A standard drink often does not reflect typical amounts consumed as a 'serving' e.g. a 330 mL bottle full strength beer is typically 1.2-1.4 standard drinks but is likely to be consumed as a single serving. This could be misleading to consumers and less meaningful than a 'per serving' basis.
Recommend packages for consumption by many and/or over many occasions, the serving size be the measure of a standard drink as defined in the Australian Drinking Guidelines e.g. spirits = 30 mL for spirits, wine = 100 mL for wine etc.	NSWFA	
Recommend that energy information should only be provided in terms of a single standard serve as per the alcoholic product.	APISWA	

Issue	Raised by	FSANZ response
Support FSANZ in that providing 'the number of servings per package is important contextual information for consumers to consider serving size' and encourage providing serving sizes as standard drinks where possible (in addition to the required standard drinks labelling) to provide contextual standard drinks education for consumers.	WA Health	Noted. See above responses regarding FSANZ's consumer research. In particular, based on the consumer evidence, FSANZ has amended the draft variation that was proposed in the CFS to require the approximate number of standard drinks equivalent to one serving of the alcoholic beverage in the energy statement (see section 4.2.4 of the approval report).
Propose that in vessels typically consumed on one occasion/sitting (e.g. 330ml bottle) only one serving per package is provided, that being the container size. For alcoholic beverages not typically consumed in a single sitting (or contain more than the recommended four standard drinks per day) recommend: serving size = standard drink. Note that the %ABV will affect the actual standard drink size. Example provided that demonstrates this misalignment where 10 g alcohol is provided in 115 mL of prosecco and the total vessel contains 6.5 standard drinks but using the NHMRC standard drink of 100 mL results in 7.5 serves. Recommend FSANZ consult with NHMRC Alcohol Guidelines Project Team for guidance on standard drink serve sizes and the discrepancies outlined in their submission between current recognised standard drink volumes and actual volumes that will need to be taken into consideration. Submission provides a table outlining the potential advantages and disadvantages of different serve size scenarios (e.g. manufacturer determined, container size, standard drink).	WA Health	See above responses regarding FSANZ's consumer research. In particular, based on the consumer evidence, FSANZ has amended the draft variation that was proposed in the CFS to require the approximate number of standard drinks equivalent to one serving of the alcoholic beverage in the energy statement (see section 4.2.4 of the approval report). FSANZ notes that for beverages where alcohol is the main source of energy, the energy content based on a standard drink would be very similar for each of those beverages. A standard drink often does not reflect typical amounts consumed as a 'serving' e.g. a 330 mL bottle full strength beer is typically 1.2-1.4 standard drinks but is likely to be consumed as a single serving. This could be misleading to consumers and less meaningful than a 'per serving' basis. FSANZ notes the example and advantages and disadvantages provided demonstrate some of the challenges associated with prescribing serving sizes for alcoholic beverages. FSANZ has consulted with the NHMRC who has advised that the proposed approach does not appear to be inconsistent with the NHMRC Australian guidelines to reduce health risks from drinking alcohol. They noted that ensuring the number of standard drinks per package and per serving are clearly displayed will help people make informed decisions about how much alcohol they drink, if any.
In the EU, energy values need to be expressed per 100 mL only. Given the application of the EC Law and in circumstances where globally, consumers are at risk of being confused by serving sizes pertaining to alcoholic beverages, consideration ought to be given	Wine Aus	As noted above, based on consumer research the energy statement in the approved draft variation includes the requirement to declare energy content on both a per serving and per 100 mL basis. The research shows that the format for the energy statement in the approved draft variation best enables

Issue	Raised by	FSANZ response
to limiting displaying energy per 100 mL.		consumer understanding of the energy content information and does not result in negative unintended consequences, such as increasing intended consumption or reducing consumer understanding of standard drinks (see section 3.3.4.2). FSANZ notes that in the EU, the energy value on alcoholic beverages may be expressed per portion and/or per consumption unit in addition to the required per 100 mL amount (European Union 2018).
Alcohol serving size has a causal effect on how much people drink, i.e. the larger the serving size, the more people drink. Evidence cited by Cancer Council Australia.	Cancer Council Aus Cancer Society NZ	The cited research investigates the effect of alcohol being presented in different glass/bottle sizes on consumers' level of alcohol consumption in a bar-type setting. This is not relevant to serving size as listed on the label of pre-packaged alcoholic beverages. FSANZ's consumer research investigated the effects of including energy per serving information on the label of alcoholic beverages and found that provision of this information does not increase consumers' consumption intentions (see section 3.3.4.2 of the approval report).
Per serve and per 100 mL should be used for alcohol beverages generally (including premixed spirits). For spirits-based beverages greater than 20% ABV, a prescribed serving size of 30 mL only, should be used. Cited research commissioned by Spirits and Cocktails Australia and Spirits NZ suggesting energy per serve is more useful in informing consumption decisions.	Combined Spirits Scotch Whisky Assoc. PR Wine	As noted above, based on consumer research the energy statement in the approved draft variation includes the requirement to declare energy content on both a per serving and per 100 mL basis. The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences, such as increasing intended consumption or reducing consumer understanding of standard drinks (see section 3.3.4.2).
Do not support serving sizes being prescribed. Reason provided by Lion was because of the range of serving sizes that would be appropriate depending on ABV and alcoholic beverage style, and to avoid unintentionally stifling innovation.	Lion Brewers Guild NZ	Noted. FSANZ has not prescribed serving sizes for the reasons described in section 4.2.4.2.2 in the approval report.
Oppose serving sizes being determined by producers. Reasons provided included: • risk the serving size will be manipulated to display a more desirable energy content	Alcohol Healthwatch Alcohol Change Australia	The approach whereby the serving size is determined by the producer has been retained for the reasons described in section 4.2.4.2.2 in the approval report. FSANZ notes inconsistency in reasoning provided across

Issue	Raised by	FSANZ response
• may be used by industry to minimise concerns of the contribution to overweight, obesity and alcohol harm • may result in inflated serving sizes • differing serving sizes between products in the same category limits the comparability and may cause confusion for consumers • containers typically consumed in one sitting may have industry-defined serving sizes of more than one serve - inconsistent with what would actually be consumed and may result in an appearance of lower energy content and higher consumption of energy • unlikely to result in the best outcome for public health, instead, companies are likely to choose the option that best serves their interests of increasing profit • appropriateness of the use 'normal' when applied to alcohol within the Code should be reassessed • diminishes the trustworthiness of the label and decreases its utility • unlikely to help educate consumers on established standard drink serving sizes • has been an acknowledged failure in the food domain and in alcohol domain is added complication of consumers becoming confused between a standard drink and a serving.	Cancer Council Aus Cancer Society NZ GLOBE NHF NZPHA OPC Vic Health George Institute PHAA	submitters for not supporting this approach and considers that no single approach will address all concerns raised by different submitters. For example, concern about inflated serving sizes which would result in higher energy content per serving compared with concern about making serving sizes smaller to achieve a more desirable energy content and minimise perceptions of harm. The requirement for the serving size to constitute a 'normal' serving is intended to ensure the energy content per serving more accurately reflects the typical amount a consumer would consume. This requirement is consistent with the existing requirements in the Code for other types of food. The approach allows for flexibility for serving sizes to be determined by suppliers based on variables such as container size and ABV, to reflect 'normal' amounts typically consumed in one serving. That amount may often not be the same as the size of a standard drink, particularly noting the ABV impacts on the size of standard drink, e.g. the volume of a standard drink of wine with an ABV of 14% will be less than the volume of a standard drink of wine with an ABV of 10%, however consumers may choose to consume the same sized serving (see section 4.2.4.2.1 of the approval report).
Note the Code allows serving size to be determined by manufacturers. As with all foods and beverages, there may be a risk the serving size is manipulated to display a more desirable energy content. Post-implementation, monitoring may be required to ensure there is appropriate use of serving size in line with the Code definition.	Vic Gov	The primary responsibility for monitoring the appropriateness of industry determined serving sizes lies with the jurisdictional governments that have adopted the Code. Since the CFS, FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2 of the approval report). The research shows that the provision of 'energy per serving' information does not imply a recommended amount for consumption; does not have an effect on the number of alcoholic beverages that consumers intend to consume; and does not increase consumer confusion about what a standard drink is, or how it relates to a serving size
Recommend FSANZ prescribe serve sizes. Prescribing serving sizes is particularly important for multi-serve containers e.g. wine and spirits.	Foodstuffs NZ	
Recommend FSANZ prescribe reference amounts for determining serving sizes. Self-served alcoholic beverages are to align with government messaging on serving sizes of standard drinks. For	NHF	

Issue	Raised by	FSANZ response
individual bottles or cans, which are intended to be consumed as a single serve, serving size is based on the entire contents. This would help educate consumers on established standard drink serving sizes.		when provided alongside standard drink information. Based on the findings of the consumer research, the energy statement proposed in the CFS has been amended to require a declaration of the approximate number of standard drinks equivalent to a serving (see section 4.2 of the approval report). This amendment will assist consumers' understanding of how a serving relates to a standard drink.
Serving sizes defined by manufacturers means there is another quantity for consumers to consider. Suggest FSANZ prescribe serving sizes. Alternatively, a serving size could be omitted, and information provided per 100 mL only.	Qld Health	
Concerned about industry setting own serving sizes. Prefer including the information per standard drink, set at approximately 30 mL [for spirits]. Concerned the proposal to require energy information per 100 mL and per serving size (determined by producers) may be impractical for the tequila industry.	Mexican Tequila	
Open to a prescribed serving size dependent on alcoholic beverage type. For example, 30 mL for spirits, 100 mL for wine, and the relevant package volume for beer and RTDs (e.g. 330 mL, 375 mL).	PR Wine	
FSANZ could develop guidance on what an expected/normal serving size is for single serve and multi serve containers.	NZFS SA Health	FSANZ is not intending to provide guidance on serving sizes for the same reasons outlined for not prescribing serving sizes (see section 4.2.4.2.2 of the approval report). Also, guidance on how to comply with the Code is a matter for the jurisdictions.
100 mL is a common serving size for wine. Suggest where a producer selects a 100 mL serving size, it should only be mandatory to display the energy per 100 mL to avoid unnecessary repetition. AGW and NZ Wine provided a graphic example where energy content is provided 'per serving / per 100 mL' in a single column.	AGW NZ Wine CEEV Lion EDG	FSANZ has retained the approach to require energy content information per 100 mL and per serving, irrespective of the serving size of the alcoholic beverage concerned. This retains consistency in the format of the energy label for recognition and understanding by consumers and prevents inappropriate serving sizes of 100 mL being recommended in order to reduce the size of the label.
Consider 'servings per package' and 'serving size' information is not useful because the 'servings per package' of beer will almost always be one. In addition, the serving size in mL is already	Brewers Aus	Consumers may not be aware that the servings per package of beer will almost always be one. FSANZ is not aware of any other requirements to declare the serving size in mL of a package

Issue	Raised by	FSANZ response
required to be displayed elsewhere on the packaging.		elsewhere on the label and is not aware of this occurring, noting it is not the same as declaring the entire volume of a package. FSANZ's consumer research tested the effect of removing 'servings per package' and 'serving size' information from the energy label (see Label B in FSANZ 2023). This format was found to increase consumer confusion about the number of servings per package versus the number of standard drinks per package.
Basis of energy content information – other measure		
In the absence of consumer testing, the best option in addition to per 100 mL labelling is per bottle/can/container. It is important this is not labelled as a serve. The 'per container' measure would allow a consumer to consider the energy content of an alcoholic product in the way they may be intending to consume it, without conveying a particular recommended or standard serving size. Even if not consumed in one sitting it would be useful to allow comparison and enable consumers to easily calculate the energy content of ⅓ or ½ of a bottle for example. It would also reduce confusion associated with 'per serve' information. This is particularly important in regard to bottles or cans of beer, cider or RTDs in containers that would typically be consumed in one sitting when opened.	GLOBE OPC VicHealth	Since the CFS, FSANZ has conducted consumer research (see section 3.3.4.2). Based on this evidence the energy statement in the approved draft variation includes the requirement to declare energy content on both a per serving and per 100 mL basis. It also includes an additional requirement for the approximate number of standard drinks equivalent to a serving (see section 4.2). This approach is intended to avoid confusion between servings and standard drinks, to allow consumers to easily compare the energy content of alcoholic beverages with other foods and beverages on a per 100 mL basis and to inform consumers about the energy content of a typical serving. The draft variation also provides an option to replace the word 'package' in *Servings per package: x*, with another appropriate word such as bottle or can, for example *Servings per bottle: x* (see section 4.2.3). FSANZ considers that providing the energy content per container for containers that contain more than one serve, e.g. a 750 mL bottle of wine or 700 mL bottle of spirits, is not as useful for consumers as per serving information and to have a different approach for different sized containers could be confusing. FSANZ's consumer research shows that the provision of 'energy per serving' information does not imply a recommended amount for consumption; does not have an effect on the number of alcoholic beverages that consumers intend to consume; and does not increase consumer confusion about what a standard
Recommend energy is displayed per container for single serve products, in addition to per 100 mL. NZPHA considers this is likely to be a more useful measure for consumers and would be consistent with alcohol content information which is also shown on a per container basis.	NZPHA NSWFA WA Health	

Issue	Raised by	FSANZ response
		drink is, or how it relates to a serving size (when provided alongside standards drink information). It should also be noted that FSANZ's consumer research examined beverages where there was a single serve per package and where there was more than one serve per package. Results regarding the effects of 'energy per serving' information were consistent across both beverage types.
Basis should be per 100 mL on every alcoholic beverage and per container on every beverage likely to be consumed by a single consumer in a single setting, with FSANZ reviewing the dietary and alcohol outcomes after three years of full implementation.	PHAA	See response above. FSANZ does not intend to review the dietary and alcohol outcomes after three years of full implementation of the mandatory energy statement as these outcomes are broader than the key objective of this proposal, i.e. the provision of information to enable consumers to make informed choices in support of the dietary guidelines.
Do not support energy labelling 'per standard drink'. GLOBE and OPC note that while it does not risk undermining consumer understanding and use of standard drinks, it will be of limited use as the energy content per standard drink is likely to be similar across many different products; and a standard drink is also not reflective of the volume of an alcohol product that is likely to be consumed on one occasion. NZPHA recommend a review of standard drinks labelling to help consumers more clearly understand how many usual serving sizes will put them close to drink driving limits.	GLOBE OPC NZPHA	Noted. FSANZ is not mandating energy content information on a per standard drink basis. Instead, based on FSANZ's consumer research, the approved draft variation will require an energy statement to contain information about (among other things) the approximate number of standard drinks equivalent to one serving of the beverage (see section 4.2.4). A review of standard drinks labelling was not part of the scope of P1059 (see section 1.4)
Do not support the addition of standard drinks on the energy table. This information must be standalone to enhance salience.	George Institute PHAA	The current requirement in the Code for the number of standard drinks in the food for sale to be declared on the label will remain and has not been incorporated into the energy statement. That is, this information will continue to be required outside of the energy statement (see section 4.2.4 of the approval report).
Percentage daily intake (%DI)		

Issue	Raised by	FSANZ response
Support the proposal that %DI information may be included voluntarily.	DB Breweries Brewers NZ Lion EDG	Noted. FSANZ has decided to retain the approach proposed in the CFS and permit %DI information about energy in the energy statement (see section 4.4.2).
Do not support %DI information on alcoholic beverages. Reasons included that %DI information: • is not appropriate as alcohol is a harmful product • risks normalising alcohol products • is inconsistent with national alcohol guidelines and public health efforts to reduce alcohol use • has the potential to communicate a 'health halo' to consumers • would imply that alcoholic beverages have nutritional value and can safely be part of consumers' 'daily intake' • may encourage increased consumption • risks consumers buying on energy content alone rather than basing a purchase decision on energy content and alcohol content • would likely only be used on lower energy products and those with small serve sizes and could mislead consumers • could be misinterpreted as an energy requirement from alcohol • could result in an inconsistent approach • is poorly understood by the public.	Cancer Council Aus Cancer Society NZ DA George Institute GLOBE NSWFA NZFS NZPHA OPC Qld Health WA Health	Following further consideration of this issue (including views from targeted consultation) and for the reasons set out in the report (see section 4.4.2) FSANZ has decided that consistent with the approach for other foods to permit the voluntary provision of %DI information about energy in the energy statement. In relation to concerns raised about %DI information on foods more broadly, FSANZ expects to assess the available evidence around consumer use and understanding of %DI information in the NIP as part of the work underway on the review of the NIP (see section 2.2.2).
Evidence cited suggests that %DI labelling is ineffective in facilitating healthier food choices.	Cancer Council Aus	As noted above FSANZ has decided to maintain consistency with the approach for other foods by not prohibiting the provision of information about %DI about energy in the energy statement (see section 4.4.2). FSANZ notes the cited study relates to %DI on foods more generally and evidence regarding %DI specifically on alcoholic beverages is limited. FSANZ expects the provision of %DI information on foods more broadly will be considered as part of FSANZ's Review of the Nutrition Information Panel (see section 2.2.2).

Issue	Raised by	FSANZ response
Recommend FSANZ conduct research on consumer understanding of %DI per serving and %DI to provide much needed insight on the provision of this information.	WA Health	Noted. FSANZ expects the provision of %DI information on foods more broadly will be considered as part of FSANZ's Review of the Nutrition Information Panel (see section 2.2.2).
Application to different types of sales		
Do not support exclusions for alcoholic products made and packaged on the premises from which it is sold (e.g. wineries, breweries, distilleries) or that are delivered packaged and ready for consumption (e.g. orders delivered to consumers by a liquor retailer). Reasons included: • consumers will not be able to access energy information when making purchasing decisions • customers deserve to be well informed about all purchasing and consumption decisions • there is no sound basis to exclude certain types of sales • these types of sales are likely to grow into the future • risks significantly undermining the policy • would not achieve consistent and comparable information for consumers. CCA and FARE cited research by Wine Australia that found over a third of Australian wine drinkers surveyed purchased wine from a cellar door/winery at least once in 2020. Exempting sales through these venues will mean a significant number of consumers will not be able to access energy information when making purchasing decisions.	ADF Alcohol Change Aus Alcohol Focus Scotland Alcohol Healthwatch Cancer Council Aus Cancer Society NZ DA FARE George Institute GLOBE OPC PHAA VicHealth	As outlined in section 4.3.1.2 of the approval report, FSANZ has retained the proposed exemptions from energy labelling for alcoholic beverages that are exempt from the requirement to bear a label. This approach is consistent with the exemptions from labelling with a NIP as well as with standard drink information and %ABV and FSANZ considers it is commensurate with the risk this labelling is intended to address. FSANZ further notes that a number of alcoholic beverages that are exempt from the requirement to bear a label are labelled for retail sale despite existing exemptions. Additionally, not requiring energy labelling on alcoholic beverages currently exempt from the requirement to bear a label would provide a balance between cost to industry and benefit to consumers.
Do not support the current proposal that some packages are exempt from the proposed energy labelling requirement. Propose energy labelling on all beverage types where possible or that this information is displayed at the place of purchase. Recognise that some beverages cannot be labelled (e.g. a beer keg) and encourage NIP labelling on the outer packaging in these circumstances only. There is a lack of clarity as to why some beverages outlined in Table 1 of the CFS will remain unlabelled. This would be partially addressed by clearer definitions of all exemptions outlined in the	WA Health	See response above. As the exemptions are consistent with the current approach in the Code and rely on existing terminology in the Code, FSANZ is not proposing to define these exemptions as part of this proposal.

Issue	Raised by	FSANZ response
table.		
Mandatory labelling should be required for all alcoholic products sold online for home delivery. Reasons included: • this is a common route through which people purchase alcoholic products • online sales and delivery of alcoholic products has seen rapid growth over the last 5 years, and continues to grow steadily • this will ensure that purchasers have access to this information at their point of purchase • labels are not always displayed or visible online in a way that can be read. Alcohol Healthwatch, FARE and PHAA cited FARE's 2020 Annual Alcohol Poll that found over one-third of Australians who drank alcohol in the past year ordered alcohol from online bottle shops, over one-third ordered online from wine distributors and over one quarter ordered online from producers directly. CCA cited industry reports that show online sales of alcohol are continuing to increase. DA cited evidence suggesting the online delivery service sector of the alcohol market accounts for approximately 5% of all sales and is increasing by at least 10% annually. FARE cited research indicating that online alcohol retailer revenue has more than doubled since 2016-17 from $863 million to an expected $2.0 billion in 2021-22. Further research cited showing analysis of website traffic data found that the nine largest online alcohol retailer websites had an estimated 148 million visits in 2020, representing a 34% increase compared to 2019. NHF cited Australian data showing alcohol sales averaging at 14% annual growth over the last five years. They suggested that to ensure a responsive, robust and agile food regulatory system,	Alcohol Focus Scotland Alcohol Healthwatch Cancer Council Aus Cancer Society NZ DA FARE GLOBE NHF OPC PHAA NSWFA	FSANZ has not specifically addressed the provision of information for online sales in relation to energy labelling on alcoholic beverages. The issue of online sales is beyond the scope of P1059. It is also one that may require review of regulations other than the Code, noting the application by Australian and New Zealand food laws of Code requirements, including labelling requirements, to the online sale of food is a matter for jurisdictions.

Issue	Raised by	FSANZ response
when amendments are being made to the Code, changes should be anticipatory and reflect trends.		
Recommend it is made clear in any drafting whether alcohol sold online by the likes of breweries and wineries would be required to bear a label and therefore the proposed energy labelling.	NZFS	
Application to different types of packaging		
Support proposed approach. The proposed approach makes sense, with a requirement that the information is clearly visible to the consumer at the point of point of sale/purchase. Restricting the mandatory information to one layer of packaging will reduce compliance costs.	IBA Lion Foodstuffs NZ	Support noted. FSANZ has retained the approach proposed at CFS to require labelling on one layer of packaging only, available and legible at the point of retail sale (see section 4.3.2).
Considers there would be benefit to consumers in requiring energy information to be on both the outer and the 'individual unit/s' where alcoholic beverages are sold with multiple layers of packaging. However, acknowledge that requiring energy labelling on one layer of packaging in a way that meets the legibility requirements of Standard 1.2.1 is consistent with other mandatory nutrition requirements in the Code. Supports that the voluntary provision of the required energy information on multiple layers of packaging would not be considered a claim and therefore would not trigger the requirement for a full NIP.	NZFS	Noted.
Do not support the proposed approach to require energy labelling only on one layer of packaging. Comments included: • information must be available at point of purchase and consumption • this approach limits consumers' access to the information	Alcohol Focus Scotland Alcohol Healthwatch Cancer Council Aus	FSANZ has retained the proposed approach to require labelling on one layer of packaging only, available and legible at the point of retail sale (see section 4.3.2). FSANZ notes that approach is consistent with the current general requirements for labelling in subsections 1.2.1—6(2) and (3), for example, for standard drink and %ABV labelling. That is, if there is more than one layer of

Issue	Raised by	FSANZ response
and ability to make informed choices • alcohol producers may intend for a multi-pack to be displayed and sold as a multi-pack, but it is not uncommon for retailers to sell products individually • individual products are likely to be removed from multi-packs at home and consumed over time • individual products may not be consumed by the initial purchaser.	Cancer Society NZ DA George Institute GLOBE NHF NSWFA NZPHA OPC PHAA Qld Health Te Whatu Ora VicHealth WA Health	packaging, only one label is required and only warning statements and declarations required by Standard 1.2.3 are required on food for sale that includes individual packages for servings that are intended to be used separately (individual portion packs). Not requiring energy labelling on all layers of packaging would provide a balance between cost to industry and benefit to consumers
Labelling should be required to be consistent with the approach for pregnancy warning labels (on both inner and outer packaging).	PHAA Qld Health	See response above. FSANZ considers the approach to require labelling on one layer of packaging only, available and legible at the point of retail sale, is commensurate with the risk this labelling is intended to address.
Energy labelling to be included on individual consumable items and on the outer packaging of items such as beer and RTD's where consumers purchase in multiples of 6 or 12 or larger cases. Recommend energy labelling be included on primary packaging: • individual wine bottles • individual RTDs along with 4 or 6 packs and cases of RTDs • individual spirit bottles • cartons and packaged 4 or 6 packs of beer and individual cans/bottles of beer. Energy labelling not recommended to be on any secondary and tertiary packaging: • transport outers • cases of wine and spirits.	EDG	See responses above. The energy statement will not be required on transportation outers as defined in Standard 1.1.2 for the reasons outlined in section 4.3.2 of the approval report. The energy statement will not be required on cases of wines and spirits that meet that definition.
Suggest outer packaging labelling only be required where that outer packaging is intended for retail sale by the producer. This is particularly important for a product such as wine where it is	AGW NZ Wine	FSANZ considers that the approach suggested by these submitters is the intended approach, i.e. that producers must label packaging with the required information to be legible at the point of retail sale (see section 4.3.2 of the approval report). It is

Issue	Raised by	FSANZ response
ordinarily displayed in a bottle, rather than in a box. AGW note many wine producers use a carton simply as a transport vessel, however, they have recently seen instances in which retailers have required all outer packaging to be labelled to reduce their liability of enforcement action. NZW note producers may not control how product is displayed in retail so may feel obliged to label every outer in order to avoid risk of enforcement action. Are concerned this may end up being a de facto requirement on all outers.		also the responsibility of the retailer to ensure all labelling requirements are met at the point of retail sale and to engage with their suppliers on this issue.
The proposed approach may require labelling of outer cartons depending on the circumstances in which they are used, e.g. as a retail and display pack versus a shipping carton. Such complexity creates potential for confusion. Encourage FSANZ to further consider the practical impacts on wine producers, especially at the smaller scale.	SA Wine	See response above. The proposed approach is consistent with the current requirement for standard drink and %ABV labelling requirements and therefore is not expected to create complexity. FSANZ encourages suppliers and retailers to work together to clarify expectations and deal with any confusion.
Do not support the proposed exclusion for small packages.	GLOBE OPC VicHealth	As outlined in section 4.3.2.2 of the report, FSANZ has retained the exemption from energy labelling for small packages, consistent with the current approach in the Code for the provision of nutrition information on small packages. Small packages are exempt from the requirement to be labelled with a NIP unless a nutrition content or health claim is made. So, if a nutrition content or health claim is made about energy or certain nutrients in relation to food in a small package, the Code already requires that the average energy content of that food be declared.
Exemptions		
Request exemption for special/limited editions or products used for marketing/product development, citing cost burden for craft brewers to yet again, redesign packaging.	IBA	These exemptions have not been provided. FSANZ acknowledges in section 6 of the DRIS (see SD1) that costs per label for limited edition/one-off batch brews are likely to be higher than per label for a high volume SKU. It is noted however, that craft brewers are likely to redesign packaging to market each special/limited edition product, taking into account existing labelling requirements in the Code, including ABV; and associated exemptions from bearing a label, for example for
Request exemptions for limited edition or one-off brews and one batch brews (under 2000 L). To not offer exemption would destroy businesses completely and detrimentally undermine the fundamental nature of craft brewing in New Zealand.	Brewers Guild NZ	

Issue	Raised by	FSANZ response
		products made and packaged on the premises from which they are sold. FSANZ has consulted with the IBA and understands that they are concerned there would be delays in releasing a product as the energy content could not be determined until sometime after the product has been produced. FSANZ considers there is enough flexibility in how the energy content is determined (see section 4.4.1.1) so that these delays may not be necessary.
Mandating energy labelling could potentially limit the availability of imported products. An exemption for imported small volume products (<600 mL) imported in relatively small volumes (<3000 bottles per year) would save small importers while ensuring a continued supply to consumers and avoiding any potential trade agreement violations. It would not diminish the effectiveness of energy labelling.	Phoenix beers	FSANZ has not provided such an exemption for reasons including that such exemptions would limit the application and consistency of energy labelling across all alcoholic beverages. It may also be difficult from an enforcement perspective to verify whether imports from one importer are below a certain volume.
Agree the requirement should apply to imported products, however over-stickering to reduce the cost of compliance should be permitted.	Foodstuffs NZ	There is no prohibition on applying the energy label by a sticker. The Code allows for imported products to be labelled for retail sale in compliance with the Code following importation (see section 1.1.1—12 of the Code).
Nutrition information panels		
Support retention of voluntary permission for NIP on alcoholic beverages. Reasons provided were in relation to cost to producers that currently label alcoholic beverages with a NIP voluntarily.	EDG Lion DB NZ Wine Brewers NZ Mollydooker Wines DB Breweries	Support noted.
Support proposal to exempt alcohol beverages that are labelled with a NIP from the proposed energy label.	NSWFA Lion DB Breweries Brewers NZ	Support noted.

Issue	Raised by	FSANZ response
Do not support the provision of a NIP on alcoholic beverages. Reasons include: • many values likely to be zero • has potential to communicate a 'health halo', which is not appropriate in the alcohol context • would normalise alcohol • may be perceived as promoting alcoholic beverages • may mislead consumers to consider alcohol as a healthy choice or having a nutritional benefit/value • industry may choose to provide NIPs on alcoholic beverages because it generally looks appealing in comparison with other foods or beverages • it is not easy for consumers to understand that while a beverage may be low in carbohydrates and sugar, it can still be high in energy and contribute to overweight and obesity.	Cancer Council Aus Cancer Society NZ George Institute GLOBE NZFS OPC PHAA Qld Health Te Whatu Ora NZPHA	As outlined in section 4.4.3.2.1 of the report, FSANZ has decided to retain the current approach whereby the Code does not prevent the voluntary provision of a NIP in relation to alcoholic beverages. Since the CFS, FSANZ has conducted consumer research to investigate consumer perceptions and behaviours in response to NIPs on alcoholic beverages (see section 3.3.4.3). The research found that, although NIPs have a small effect on consumer perceptions, they do not cause consumers to perceive alcoholic beverages as overall healthy, low in energy or unharmful to health, have no effect on perceptions of alcohol content, and do not affect the number of alcoholic beverages consumers intend to consume. The research also found that consistency in format of energy content information (i.e. all energy statements vs a mix of energy statements and NIPs) has no effect on consumers' ability to use the information. FSANZ therefore considers the available evidence does not support removing the existing permission for voluntary NIPs on the labels of alcoholic beverages.
While recognising it is out of scope of P1059, where a comparative claim/zero sugar claim is made, NSWFA supports the display of a full NIP on both the product making the claim and the product it is compared to. This enables consumers to compare differences between the two products.	NSWFA	FSANZ notes that when a comparative claim is made, the identity of the food the claimed food is being compared with and the difference in the amount of the claimed property between that food and the food with the claim must be declared (section 1.2.8—16 of the Code), e.g. 25% less carbohydrate than X. Conditions for comparative claims are out of scope of this proposal.
If mandating the energy statement on prescribed beverages, suggest a similar truncated NIP with additional line/s for the subject/s of the claim be required rather than a full NIP when a nutrition content or health claim is made.	NZFS	FSANZ considered this option however, for the reasons set out in section 4.4.3.2.4 of the approval report, FSANZ has decided to retain the existing framework for when a nutrition content or health claim is made i.e. that a full NIP is provided.
Propose that instead of a full NIP being required when a nutrition content claim about energy is made on an alcoholic beverage, a truncated NIP (as proposed by P1059) is required.	PR Wine Combined Spirits World Spirits	

Issue	Raised by	FSANZ response
Nutrition content claims		
Do not support nutrition content claims about energy on alcoholic beverages. Comments include: • alcohol is a harmful product, regardless of energy content • claims can be misinterpreted as suggesting alcohol products contribute to positive health outcomes. This is highly problematic for products that cause significant harms to the community. • claims are used by alcohol companies to create 'health halos' and may mislead consumers to believe that some alcoholic products are healthy or 'better for you', undermining consumers' understanding of the health impacts of alcohol consumption • any claims that may encourage or promote alcohol consumption cannot be described as enabling consumers to identify foods that do and do not contribute to healthy dietary patterns recommended in the Dietary Guidelines. Evidence cited in submissions suggest consumers perceive products with claims as 'healthier'. The majority of these submitters suggested FSANZ include energy content claims under the scope of P1049. Do not support the ability to report calories on front of packaging and kilojoules in the energy information panel.	Alcohol Focus Scotland Cancer Council Aus Cancer Society NZ FARE George Institute GLOBE NHF OPC PHAA	As outlined in section 4.4.3.2.4 of the report, FSANZ is not changing existing provisions in the Code related to making nutrition content claims about energy for alcoholic beverages. FSANZ notes consideration of the current permission for nutrition content claims about energy was not part of P1059. Rather, FSANZ's assessment focused on the requirement to provide a NIP when an energy claim is made. The permission for these claims was also not within the scope of Proposal P1049 – Carbohydrate and sugar claims on alcoholic beverages.
It is positive that the presence of a nutrition content claim about energy on the label of an alcoholic beverage would trigger the requirement for that beverage to also be labelled with an NIP, going some way to countering this messaging.	Alcohol Focus Scotland	Noted.
Calculation of energy content		
Support applying the current provisions in the Code for determining average energy content.	Cider Aus GLOBE Mollydooker Wines	Noted. As outlined in section 4.4.1 of the report, FSANZ has retained the approach of applying the current provisions in the Code for determining average energy content, including a

Issue	Raised by	FSANZ response
	NZ Wines OPC	prescribed equation, to the requirement for energy labelling on alcoholic beverages
Pleased to note FSANZ's acceptance to allow wine producers to refer to a standard table of typical energy values for wine. This is sensible and practical allowing wine producers to provide the information required without testing each wine. Strong preference for the use of an average or standard energy value, rather than individual batch testing at considerable expense to producers. NZ Wine has been working with AWRI to compare their existing Australian data on average values against a New Zealand data set. Work is ongoing.	AGW NZ Wine SA Wine	Under current Code requirements for determining energy content, the calculation in section S11—2 must be used. This does not allow for referring to a table of typical energy values for wines. However FSANZ considers there is flexibility in how the average quantity of components (carbohydrate etc.) to be used in the calculation are determined and that this could include calculation from generally accepted data (see section 4.4.1 of the approval report).
The CFS does not detail how the average for a product can be calculated e.g. can all red wines from a vineyard be used to calculate the average, or only the average of a specific group of varietals (e.g. Shiraz). It is not clear how much a specific batch can vary beyond the average before the Energy Information needs to be updated. For example, if one year, a specific batch of Shiraz is >1 Standard deviation above the mean, does a new Energy Information panel need to be created?	NRA	There are no tolerance levels for which the average energy content may vary from the precise energy content of a particular product. However, the use of average quantities (as defined in the Code) for the components used in the equation and the ABV for the product, for which tolerance levels do apply, allow for deviation from the precise energy content for a particular product (see section 4.4.1.2).
Support flexibility in how energy is determined - either by analysis or calculation.	Brewers NZ	FSANZ has decided to apply the current provisions in the Code for determining average energy content for energy labelling on alcoholic beverages. This requires the use of an equation for determining average energy content. The calculation relies on 'average' quantities of certain components, which may be sourced from generally accepted data relevant to the food, or from laboratory analysis, or from calculation from ingoing ingredients providing flexibility for industry. See section 4.4.1.
Strongly suggest the calculation for energy content include the presence of all sugars/carbohydrates and fats.	FTAA	The calculation for determining energy content in section S11—2 does take into account components such as carbohydrate (including sugars) and fat (see section 4.4.1).

Issue	Raised by	FSANZ response
Request that a standardised energy calculator be provided and maintained by FSANZ or the relevant health departments to reduce the cost to small businesses.	IBA	FSANZ is developing an online tool to assist the alcohol beverage industry, particularly small producers and importers, to calculate the energy content of their products (see section 4.4.1.2).
Suggest FSANZ consider whether the contribution of average concentrations of components in wine such as polyols and organic acids ought to be standardised.	Wine Aus	FSANZ does not intend to standardise the quantities of components for use in calculating the energy content, however considers that generally accepted data can be used to determine the average quantity of these components (see section 4.4.1.2 of the approval report).
Most breweries in New Zealand do not have the capability to lab test their products therefore a key part of this proposal must be to provide or advise of approved, generalised tables where producers can access average energy data to use on their products. This would have minimum financial impact on breweries who are unable to or cannot afford to access individual analytical testing. Happy to work with FSANZ to provide information to inform and populate generalised tables and to ensure it is kept current.	Brewers Guild NZ	
Their beers are handmade and that makes for significant variation per batch. Batch to batch variations in energy content would make it impossible to comply with mandatory energy labelling.	Blackwood Brewhouse and Distillery	The ABV would need to be known (within tolerance factors) for each batch, for compliance with the Code. This could be used to determine the energy content along with the average quantity of any other relevant components (sugar for example). As the calculation for determining energy content of a food in Schedule 11 relies on the 'average quantities' of various components, the average amount of those components in a particular food from a producer or manufacturer can be used in the calculation. This allows variances across batches of a particular beverage to be taken into account (see section 4.4.1.2 of the approval report).
Support having a tolerance variance for energy content. This would support smaller craft breweries who often have variances between batches, which is an integral part of the craft nature of brewing.	Brewers Guild NZ	FSANZ has not included a tolerance specifically for the energy content because the calculation for determining energy content of a food in Schedule 11 relies on the 'average quantities' of various components, as outlined above.

Issue	Raised by	FSANZ response
Transitional arrangements		
Support the proposed three-year transition period from the date of gazettal of the draft variation if approved, and a stock-in-trade exemption for beverages packaged and labelled before the end of the transition period.	APISWA AGW Brewers Aus Brewers NZ Cider Aus Foodstuffs NZ IBA Lion NZ Wine SA Wine Scotch Whisky Assoc. Vic Gov	Noted. As outlined in section 5.1, FSANZ has retained the proposed approach of a three year transition period and a stock-in-trade exemption for beverages packaged and labelled before the end of the transition period for implementation of the mandatory energy statement.
Recommend a transition period of 1-2 or 2 years. Only a small proportion of the market would need 3 years, most of the market has a faster turnover.	PHAA GLOBE OPC	For reasons stated in the approval report (section 5.1) and SD1, FSANZ has retained the proposed approach of a three year transition period for implementation of the mandatory energy statement. Research in 2021 by Marsden-Jacob Associates found that label change costs significantly vary between a two year and greater than three year transition period. That is because a sizeable percentage of producers would take more than two years to change labels in the normal course of their business. See SD1 and Figure 13 on page 29, of the Label Change Cost Survey Report for Alcoholic Beverages (Marsden Jacob Associates 2021).
Request an exemption for cellar-reserve and museum stocks that may be labelled, but not yet for sale.	AGW SA Wine	As outlined in section 5.1 of the report, the transitional arrangements will allow for this, i.e. there is an exemption for food products that are packaged and labelled before the end of the transition period.
Pleased to note the stock-in-trade exemption intended to remove the need for re-labelling particular beverages. This is particularly important for wine that is intended for ageing/cellaring before sale but has already been labelled.	NZ Wine	Noted.

Issue	Raised by	FSANZ response
Supports or requests a longer transition period than 3 years, to reduce impact on small craft breweries.	Brewers Guild NZ IBA-SA	For reasons stated in the approval report (section 5.1) and SD1, FSANZ has retained the proposed approach of a three year transition period for implementation of the mandatory energy statement. FSANZ considers that the three year transition period and an indefinite stock-in-trade strikes a balance between practicalities for industry and implementation of the energy statement without undue delay.
The health of Australians needs to be prioritised and therefore a maximum time of 1-2 years (plus stock in trade provisions) should be provided. Should manufacturers change any part of their labels within the transition period, it should be mandatory to update their labels in accordance with the Code.	Qld Health	Noted. In assessing this Proposal, FSANZ was required by the FSANZ Act to have regard to the likely costs and benefits to the community, government and industry of proposed options to address the identified problem. This assessment was undertaken in accordance with the FSANZ Act and the Regulatory Impact Analysis Guide for Ministers' Meetings and National Standard Setting Bodies (OIA 2023). Based on the evidence obtained, including submitters' comments, FSANZ considers the transitional arrangements in the approved draft variation balances the cost to industry of adopting the new requirements, with not excessively delaying the implementation of energy labelling to enable consumers to make informed choices about energy and alcohol consumption in support of the dietary guidelines (see section 4.7.1.1 of the approval report; and SD1).
Would like more clarity on how implementation will align with P1049 and P1050 (transition period ends 31 July 2023). There is no need to progress P1059 before P1049. Recommend they are progressed concurrently and that a package of alcohol labelling changes, supported by robust evidence, is presented to Ministers at one time. Note that P1044 – Plain English Allergen Labelling (transition period ends 25 February 2024) impacts labelling of alcoholic beverages. Alignment of transition periods will help reduce costs for industry.	NZFS	P1059 was progressed in parallel with P1049 and it is intended that they will be considered as a package by the FMM. Under P1049, FSANZ has clarified permissions for carbohydrate and sugar claims. There are no significant changes in labelling requirements arising from this proposal and as such an extended transition period (three years) is not required. FSANZ was unable to align the transition period for this proposal with those for P1050 and P1044 as they ended before assessment of P1059 was completed.

Issue	Raised by	FSANZ response
Request the timeline for implementation aligns with other proposals (P1049, P1058)/labelling changes. This would minimise costs. Spirits and Cocktails Aus, NZ Spirits and Aus Distillers note however, that no matter how much labelling initiatives are aligned changes will come at significant cost to business and, in particular, smaller operators.	AGW Brewers Aus DB Breweries Lion NZFGC NZFS NZ Wine Qld Health Combined Spirits	As noted above, under P1049, FSANZ has clarified permissions for carbohydrate and sugar claims meaning there are no significant changes in labelling requirements arising from this proposal that require aligning implementation. Work on P1058 has been paused (see section 2.2) so there is no requirement to align transitional arrangements.
Recommends a transition period of at least three years is applied once amendments from P1049 are gazetted.	EDG	As noted above, under P1049, FSANZ has clarified permissions for carbohydrate and sugar claims. There are no significant changes in labelling requirements arising from this proposal and as such an extended transition period (three years) is not required.
Most high-value product is aged in-house for multiple years, and even a three-year grace period may be insufficient time to sell premium vintage stock without causing loss in value and potential wastage. Request clarification if an adhesive label is permitted to be affixed to the packaging to mitigate this. If so, it is unclear if the cost is included in Table 2 (attachment E CFS).	NRA	As noted above, the transitional arrangements allow for this, i.e. there is an exemption from the requirement for energy labelling for alcoholic beverages that are packaged and labelled before the end of the transition period (three years after commencement of the approved draft variation). There is no prohibition on applying the energy label by a sticker. FSANZ assessment of the costs did not capture costs of over stickering as referred to by this submitter.
Multiple labelling changes		
Individual Australian states and territories are also considering label changes with respect to container deposit schemes. Inclusion of full strength spirits bottles is currently being considered and if included, would require label changes. Ideally, the timing of these label changes would align.	Combined Spirits	FSANZ acknowledges that there may be additional changes to labels required under legislation outside of the Code. The provision of a three year transition period following commencement of the approved draft variation will allow for other changes to be implemented that arise within that time period. It is difficult for transition periods to be aligned across different pieces of legislation and under different agencies, noting also some uncertainty in timing of the implementation of different requirements during their development.

Issue	Raised by	FSANZ response
Given the proposed labelling changes, on top of the recent change to include a revised format for the pregnancy-related messaging and logo, has imposed significant cost and disruption for business, there should be a moratorium on further label changes for a period of at least 10 years. This and other recent label changes are increasingly 'cluttering' wine labels with mandatory information that is not part of the label's main intended purpose. These changes cause significant disruption to label design and production costs. Encourage FSANZ to avoid considering further changes in the near future that might increase the 'clutter' of information on wine labels.	Combined Spirits SAWIA	Noted, however FSANZ cannot guarantee there will be no label changes for any period of time. FSANZ's analysis of costs and benefits has accounted for costs of each incremental change (see section 5 of the DRIS at SD1).
Trade / overseas regulations		
The proposed format is inconsistent with overseas legislation. A simple energy statement as suggested by EU and USA meets the aims and scope of what FSANZ is wanting to achieve without creating confusion for consumers or producers, or additional costs for smaller producers who use the same label for multiple sales markets. FSANZ should reconsider a standard statement should energy labelling become mandatory. United States has confirmed it will issue a notice of proposed rulemaking regarding nutrition content labelling in respect of alcoholic beverages. As the United States is New Zealand's largest export market for wine, any developments in this market ought to be carefully considered. Recommend aligning requirements with the EU. Reasons included: • to reduce cost • smooth trade between the respective markets • the global nature of alcoholic beverages produced in Australia and New Zealand the many imports from Europe and the UK. There is merit in waiting for resolution of EU and CODEX energy labelling consultations to ensure the approach in Australia is consistent.	Mollydooker wines AGW NZ Wine DB Breweries Cider Aus	As outlined in section 2.8 and Appendix 2 of the report, while there are some relevant overseas standards (e.g. EU for wine and aromatised wine), or work underway on standards (e.g. USA), for declarations of energy content information on the label of alcoholic beverages there is a lack of harmonisation between overseas regulations for energy and nutrition labelling on alcoholic beverages. FSANZ notes alcohol labelling is not currently on the Codex Committee on Food Labelling's (CCFL) work program. The prescribed format in the approved draft variation is based on consumer evidence undertaken in the Australian and New Zealand population which found it is the format that best enables consumer understanding of the energy content information and best mitigates any negative unintended consequences. FSANZ has considered comments in response to a WTO notification on the proposed amendments made under Australia's and New Zealand's obligations to the WTO TBT Agreement (see section 3.1.2 and Table 2 of Appendix 4).

Issue	Raised by	FSANZ response
Compliance with differing wine labelling laws in export markets presents significant market access challenges for Australian wine exporters. FSANZ should consider opportunities to harmonise arrangements with those already existing, or expected to be implemented, in key export markets such as the EU and US. FSANZ should also consider engaging with international bodies including the International Organisation of Vine and Wine (OIV) and Codex Alimentarius to harmonise arrangements pertaining to wine labelling.	Wine Aus	See response above. Further, FSANZ notes the OIV recently adopted an update to the OIV International Standard for Wine Labelling. This includes a new article stating that OIV Member States may require the compulsory display of a full nutrition declaration according to the national regulations. Furthermore, member states may limit the nutrition declaration on the label to the energy value and the full nutrition declaration may be displayed using e-values. FSANZ understands this standard is consistent with the new EU regulations for wine and aromatised wine.
Committed to providing on-label calorie information on products in European markets in 2019. It was considered impractical to take the same approach for products sold in Australia and New Zealand as it would trigger the requirement for a full NIP.	PR Wine	Noted.
Recommend energy value may be expressed using the international symbol 'E' for energy. This symbol has already been accepted in the EU and is under positive consideration by the International Organisation of Vine and Wine (OIV).	CEEV	For reasons set out in this report, FSANZ has decided that the symbol 'E' cannot be used to represent energy on food labels in Australia and New Zealand under the prescribed format. The format for the energy statement is based on evidence and a number of factors relevant to the Australia and New Zealand environment, as outlined in section 4.2 of the approval report. The symbol 'E' is not a standard symbol used to identify energy value in Australia and New Zealand and is also not consistent with the energy labelling requirements for other packaged foods in Australia and New Zealand. FSANZ notes the use of the symbol 'E' as a standard symbol is used in the European Union and that this is allowed to avoid language confusions within the various member states. This is not considered to be a relevant issue in the Australian and New Zealand context. Furthermore FSANZ is unaware of specific consumer evidence regarding the use of the symbol 'E'. FSANZ also notes the use of the symbol 'E' for energy value is not included in the Codex Guidelines on nutrition labelling (Codex Alimentarius 2021).

Issue	Raised by	FSANZ response
Education		
FSANZ should consider the development of holistic educational resources on alcohol consumption to ensure that energy labelling is not provided with a narrow focus. Suggest the following educational materials are developed: appropriate consumption of alcohol advice; standard drink information; interpreting energy/kilojoule information of alcohol; difference between energy/kilojoule information and standard drinks. Further work is required in the development of educational materials to support sustained benefit from energy labelling on alcoholic beverages.	NSWFA	As outlined in section 5.2 of the report, consumer education is important to support consumers' awareness and use of the new energy labelling. The provision of consistent, on-label information about the energy content of alcoholic beverages fits within broader government public health policy initiatives designed to address overweight and obesity. FSANZ will communicate with health professionals and governments about the new requirements for energy labelling in support of their health education and promotion activities. Health professionals and government agencies may decide to conduct consumer testing to assist in designing their education campaigns.
Unless accompanied by a broader consumer campaign highlighting the key issues to be addressed, the impact of on-label information will be negligible.	Combined Spirits	
Any education campaign should align with messages in dietary guidelines.	NZFS VIC Gov QMHC	
Education may be part of a broader campaign about the nutritional information of all foods and beverages. Targeted information about the unique format and information on alcoholic beverage labels, such as the distinction between energy content, serving size and standard drinks, is also beneficial. This could be in a similar format to infographic materials currently available.	VIC Gov	
Encourage FSANZ to develop a public education campaign to support the labelling changes to raise awareness.	AMA	
A comprehensive, well-funded education package is required. Must consider needs of those that are not as familiar with technology or have less access to the internet.	Qld Health	
Strongly support consumer education to ensure consumers can use the information, along with currently required information on	NZFS	

Issue	Raised by	FSANZ response
standard drink labelling, to make informed decisions regarding alcohol consumption. Consumer testing would help determine areas where education is needed to support the implementation of energy labelling.		
Support FSANZ in the provision of a comprehensive consumer health education campaign to support the introduction of energy labelling, however its development should not hold up implementation of the proposal.	WA Health	As outlined in section 5.2, during the transitional period FSANZ will focus on informing consumers, health professionals, and the alcohol beverage sector, particularly smaller businesses, of the new labelling requirements. FSANZ will also work with peak industry organisations and jurisdictional authorities on communication strategies to ensure there is broad awareness across industry of the new mandatory energy labelling requirements for alcoholic beverages to assist timely implementation.
Request consumer education campaign is started before labelling change is proposed.	Big Shed Brewing Brewers NZ Blackwood Brewhouse and Distillery Bowden Brewing DB Breweries Lion Little Bang Brewing Mephisto Brewery Shapeshifter Brewing Suburban Brew Swell Brewing Tiny Fish Brew Watsacowie Brewing	As outlined in section 5.2 of the report, consumer education is important to support consumers' awareness and use of the new energy labelling. The provision of consistent, on-label information about the energy content of alcoholic beverages fits within broader government public health policy initiatives designed to address overweight and obesity. FSANZ will communicate with health professionals and governments about the new requirements for energy labelling in support of their health education and promotion activities.
Consumer testing should be conducted to assist with the design of any educational campaign. FSANZ should consider consultation with harm reduction teams to incorporate alcohol related harm messages into educational campaigns.	SA Health	As noted above, FSANZ will communicate with health professionals and government representatives about the new requirements for energy labelling and its ability to support their health education and promotion activities including in relation to alcohol related harm messages (see section 5.2 of the approval

Issue	Raised by	FSANZ response
		report). Health professionals and government agencies may decide to conduct consumer testing to assist in designing their education campaigns.
The education provided by a Queensland 'Keep an eye on your drinking' campaign is aligned with Proposal P1059 and therefore recommend collaborating with Queensland Health.	QMHC	Noted. FSANZ will communicate with health professionals and governments (including Queensland Health) about the new requirements for energy labelling in support of their health education and promotion activities.
Supports the proposal to develop a targeted, government-led education and communication campaign to support consumer awareness and understanding of energy labelling on alcoholic beverages.	Brewers NZ DB Breweries IBA Lion	Noted.
Support that industry is engaged in the design and delivery of an education campaign along with health professionals and state, territory, Australian and New Zealand governments.	Brewers Aus	Noted.
Monitoring and evaluation		
Monitoring, review and evaluation must accompany any labelling change to identify impacts on consumer behaviours. Research should be commissioned to monitor changes in patterns of alcohol consumption, particularly amongst people aged 18-24 years.	SA Health	The primary objective of this regulatory change is the provision of information to enable consumers to make informed choices in support of the dietary guidelines. As noted in section 5.3 of the report, monitoring and evaluation of the impact on consumers of mandatory energy labelling on alcoholic beverages may form part of the evaluation of relevant broader government public health policy initiatives.
Note importance of ongoing monitoring to ensure energy information is accurate across and within product categories.	GLOBE OPC	Noted. Enforcement agencies in Australia and New Zealand would be responsible for monitoring compliance with the requirements in the Code for mandatory energy labelling of alcoholic beverages.
How will it be determined that this proposal has led to benefits when it comes to addressing increased rates of overweight and obesity in Australia and New Zealand? There is no proposed indicator. The 'Australian Government Guide to Policy Impact Analysis' includes seven impact analysis questions. The last of these	Combined Spirits	The primary responsibility for monitoring and evaluating food standards lies with the jurisdictional governments that have adopted the Code. The Office of Impact Analysis that assesses RISs is aware of this. Jurisdictions develop the policy principles for food standards, for instance, the Policy Guideline on Food Labelling to Support Consumers Make Informed Healthy Choices. Therefore it is

Issue	Raised by	FSANZ response
questions was 'How will you evaluate your chosen option against the success metrics?'		appropriate that they have responsibility for reviewing the outcomes of the standards against their policy principles. The section 9 of the DRIS (SD1) outlines indicators that could be used as success metrics. The primary objective of this regulatory change is to provide energy content information to consumers to make informed choices. Given such energy content information is foundational for education strategies aimed at reducing obesity and overweight through informing consumers, it does not seem unreasonable to assume the energy statement could contribute to a change in rates of overweight and obesity (see sections 5, 8 and 9 and Appendix A of the DRIS at SD1).
Should include research that benchmarks the current state and measures the success of labelling and education.	IBA	See responses above. The primary objective of this regulatory change is the provision of information to enable consumers to make informed choices in support of the dietary guidelines. As noted in section 5.3 of the report, monitoring and evaluation of the impact on consumers of mandatory energy labelling on alcoholic beverages is more appropriate as part of the evaluation of relevant broader government public health policy initiatives.
Consultation		
Strongly welcome close cooperation with industry and concerned stakeholders. This is a big change, would like to be a part of the consultation process.	APISWA Big Shed Brewing Blackwood Brewhouse and Distillery Mephisto Brewing Shapeshifter Brewing Swell Brewing Watsacowie Brewing Tiny Fish Brew Bowden Brewing Little Bang Brewing Suburban Brew	As outlined in section 3.2 of the report, FSANZ undertook public consultation, which was open to all, including small producers and importers. FSANZ also undertook targeted consultation on amendments proposed following the CFS in November 2023, with all submitters invited to attend. FSANZ undertook further targeted consultation in November 2024 about specific aspects of the proposed draft variation.

Issue	Raised by	FSANZ response
Recommends a real, meaningful and effective consultation with members of the craft brewing industry can be untaken to discuss issues such as consumer education, and how implementation could be achieved in a way that is not detrimental to the industry.	IBA-SA	See response above. In addition, in response to concerns raised in submissions, FSANZ met separately with representatives of the Australian craft brewing industry to better understand their concerns associated with the proposed labelling changes.
Any changes to add energy labelling need to be considered in conjunction with promotion of the NHMRC alcohol guidelines. Therefore support the proposed option but recommend further targeted consultation with public health harm reduction advocates and consumers. FSANZ should consider a second round of consultation or organise a targeted meeting/workshop with public health stakeholders.	SA Health	See response above. FSANZ has undertaken further rounds of targeted consultations including public health groups as outlined in section 3.2 of the report. Additionally, FSANZ has consulted with the NHMRC who has advised that the proposed approach does not appear to be inconsistent with the NHMRC Australian guidelines to reduce health risks from drinking alcohol.
Strongly suggest FSANZ undertakes further consultation on an updated draft variation prior to this being presented to Ministers.	NZFS	See responses above. An updated draft variation was not included in the targeted consultation in November 2023 as FSANZ was seeking preliminary views on the proposed amendments before preparing revised drafting. Targeted stakeholders were, however, consulted on an updated proposed draft variation at the November 2024 consultation.
Warning and advisory statements		
Consider additional health warnings e.g. cancer risk should be provided on alcoholic beverages.	Alcohol Focus Scotland Cancer Society NZ SA Health Te Whatu Ora	FSANZ notes these comments, however consideration of additional labelling requirements for alcoholic beverages was out of scope of this proposal.
Recommend warnings for excess alcohol consumption are included in the same area as the nutrition information.	Individual	See response above regarding additional labelling requirements.
Propose collaboration with Australian and New Zealand jurisdictions to explore further opportunities for more prominent labelling of health information on containers related to alcohol harms. This approach is in line with the WHO's position who have proposed that measures could be taken to introduce a series of warning or information labels on all alcoholic beverage containers providing information on ingredients and the risks associated with alcohol consumption.	SA Health	See response above regarding additional labelling requirements.

Issue	Raised by	FSANZ response
Cost benefit analysis – break even analysis		
The break-even analysis lacks necessary scientific rigour. No attempt has been made to calculate the actual benefit in terms of a reduction in overweight and obesity attributable to energy labelling on alcoholic beverages. There does not appear to be any evidence of such a benefit as the conclusion from FSANZ's literature review is that 'results from 16 studies showed that energy labelling (in kilojoule/calorie numerical format) has no effect on consumers' likelihood of drinking an alcoholic beverage'. Yet the break-even analysis assumes a benefit of at least a $260 million reduction in the cost of overweight and obesity attributable to energy labelling on alcoholic beverages. Industry claims about cost are rigorously scrutinised, and the same should apply to claims about the purported benefits. Disagree with the use of break-even analysis in this situation. It is difficult to understand how the analysis can be justified when the consumer research refutes its findings i.e. that a change of '0.19% of the cost of overweight and obesity' can be achieved if 16 studies show energy labelling has no effect. Do not believe the use of break-even analysis is appropriate. Any costs would be for alcoholic beverage manufacturers and any benefits would be reduction in costs of health treatment for overweight and obesity. There may also be a reduction in the purchase of alcoholic beverages (as is happening now with zero alcohol beer and wine) – again affecting the manufacturer with lower sales.	Lion Phoenix Beers FTAA	While label changes are one off, it is best practice to consider costs and benefits over a ten-year period. A break-even-analysis has been used because of the potential complexities of determining the diversity of potential behaviours over a ten year timeframe among different consumers from readily accessible energy content information. The break-even analysis is provided because of the difficulties with asserting a clear quantifiable causation. It provides guidance to the decision maker on the amount of harm that would need to be avoided to offset the cost. In many policy contexts, establishing the strength of causal relationships is problematic given the complexity and situational nature of human decision making. This especially applies to energy labelling on alcoholic beverages given it will provide a foundation for education and other initiatives that can contribute to public health efforts to reduce the prevalence of overweight and obesity in Australia and New Zealand. Therefore it does not seem unreasonable to assume the reduction in the costs of overweight and obesity as outlined in the DRIS at SD1. Available consumer evidence has not disproven any reduction of costs of overweight/obesity over ten years. Although the available consumer evidence found no effect of energy labelling on how likely consumers were to consume one alcoholic beverage, no study has robustly measured the effect of energy labelling on other relevant behaviours, such as the number of alcoholic beverages consumed over time, or choice between different types of beverages. Therefore it is not possible to make a definitive conclusion about the effects of energy labelling on consumer behaviour more broadly, when not all types of behaviours have been sufficiently examined. Impacts on sales will depend on economic factors in individual markets, like market competition and consumer demand curves. FSANZ notes there may be reduced sales in some markets,

Issue	Raised by	FSANZ response
		although it is not possible to predict or model the extent of any reduced sales or variation between markets due to one label change
The economic modelling that indicates a break-even or societal benefit is predicated on the potential savings in healthcare expenditure to be achieved by the reduction in overweight/obesity, yet the proposed mandatory labelling change has not been proven to have that affect. Therefore, the benefits (expressed as cost savings to the government/health system from less overweight/obesity) outlined in the model are called into question as a mitigating factor to the costs to producers. Because the benefits cannot be guaranteed as a result of the proposed changes in labelling, they cannot be said to mitigate the costs that will be incurred by the proposal.	NRA	See response above. For more explanation about the use of a break-even analysis, refer to section 6: Consultation in the DRIS at SD1.
Given the matter of obesity is complex and often pertains to many other issues than alcohol consumption e.g. poor diet, exercise, mental health, genetics etc., how can this analysis be adopted as fair when comparing the cost to industry of having to implement it. Request a more sophisticated methodology be used for future analyses.	IBA	The break-even analysis is provided because of the difficulties with asserting a clear quantifiable causation. It provides guidance to the decision maker on the amount of harm that would need to be avoided to offset the cost. For more explanation about the use of a break-even analysis, refer to section 6: Consultation in the DRIS at SD1.
Some questions about the causal links between a lack of energy labelling on alcoholic beverages and the detrimental effects of obesity.	QMHC	As outlined in section 3.3.2 of the report, the available evidence is that alcoholic beverages continue to contribute a considerable amount to overall energy intake for consumers in Australia and New Zealand. That said, it is not possible to make a definitive conclusion about the magnitude of effects of energy labelling on consumer behaviour more broadly.
The link between alcohol consumption and obesity/weight gain is unconvincing, especially given the overall reduction in alcohol consumption that has occurred over the time this recommendation has been in consultation. Further clarification on the problem that is to be rectified and the desired outcomes would be important to measure the success and cost/benefit analysis.	Brewers Guild NZ	While noting a downward historical trend in alcohol consumption, the available evidence is that alcoholic beverages continue to contribute a considerable amount to overall energy intake for consumers in Australia and New Zealand (see section 3.3.2 of the approval report) The policy problem to be addressed is detailed in section 2 of the DRIS with costs and benefits detailed in DRIS section 5.

Issue	Raised by	FSANZ response
Given the WHO's advice regarding safe drinking levels, it seems inappropriate from a public health perspective to assess the net benefit according to the number of units of alcohol that need to be sold to 'break-even' with the cost of labelling change.	Qld Health	The costs in the break-even analysis assume a certain number of SKUs requiring label changes based on current industry data, rather than specific volumes or container units of alcohol needing to be sold. Benefits are not based on SKUs nor alcohol volumes. If there were fewer SKUs than assumed, that would reduce label change costs and mean a lower benefit is needed to offset costs under a break-even calculation.
Noted they relied on the estimate of SKUs and associated labelling change costs in Table 2 of the CFS, however there is no explanation or reference to methodology of how this estimate was provided (71,269 SKUs). The associated one-off cost of $260 million therefore comes into question. Should the estimate of SKUs be supported by referencing, agree with the use of break-even analysis in this situation.	QMHC	The DRIS (see SD1) outlines how Marsden-Jacob derived estimated numbers of SKUs in the Australian and New Zealand markets and estimated label change costs. FSANZ has revised the estimated costs since the CFS to account for the possibility of major label changes being required in some instances to accommodate the energy statement.
Agree with the use of a break-even analysis. Industry use of health claims, both for alcoholic beverages and food, indicates they believe health information on labelling does influence sales for certain demographics. Likewise, it could be expected that energy labelling on alcohol may have an impact on the buying behaviour of a proportion of consumers. It is well-established that the causal pathway of overweight and obesity is complex with multiple interdependent drivers. As a result, it is difficult to attribute strong links between isolated interventions such as labelling and intended outcomes. For this reason, the use of a break-even analysis for this proposal is supported.	SA Health Vic Gov	Noted.
The Marsden Jacob Associates full report and summary give a comprehensive overview of the indicated costs. The only exception would be a potential increase in costs due to the time elapsed since the survey. There may also be a gap in the represented products of wine sold in cans if this market has grown since the report was completed.	WA Health	The label change costs derived from the survey are updated every three months for producer price inflation and the updated costs were taken into account in the DRIS (see appendix A in the DRIS at SD1). Wine packaged in cans still form a small minority of retail wine packages. That said, the DRIS specifies label change costs for cans, as well as bottles and casks.

Issue	Raised by	FSANZ response
In considering possible effects of this measure on overweight and obesity, it is important to take into account the differences between alcohol and other carbohydrates. While alcohol is a dense form of energy, it is not processed by the body in the same way as fat, carbohydrate or sugar in other foods. The relationship between overweight/obesity and alcohol consumption is neither straightforward nor well understood. It is therefore not accurate to treat energy from alcohol as if it were directly equivalent to energy from fat, carbohydrate, or sugar in other foods.	Lion	FSANZ acknowledges that the relationship between overweight/obesity and alcohol consumption is not straightforward. FSANZ's analysis of potential benefits of energy labelling on alcoholic beverages makes no assumptions that energy from alcohol is directly equivalent to energy from fat or carbohydrate. Rather, the available evidence is that alcoholic beverages continue to contribute a considerable amount to overall energy intake for consumers in Australia and New Zealand (see section 3.3.2).
Acknowledging the data has been adjusted for more contemporary estimates, attempts to model the ongoing increase in overweight and obesity must be progressed to their full extent. The PWC report references Australian National Health Survey data from 2011-12. Note eight references with more recent estimates of the increasing rates of overweight and obesity which can only indicate the cost to the health system, industry (via productivity losses) and the community is ever increasing.	Qld Health	The latest ABS and NZ Ministry of Health data indicate that rates of overweight and obesity are currently stabilising, with the proportion of adults overweight and/or obese having slightly decreased since 2017-18. The conservative assumptions FSANZ has taken that annual costs of obesity and overweight remain constant still indicate that only a 0.14% to 0.18% reduction in the costs of overweight and obesity over ten years is needed to offset the main costs of P1059. See the DRIS at SD1 for more details. FSANZ also notes that causal links between labelling, informed consumer choice, consumer decisions, and weight management (among other things) are not straight-forward.
Suggest *The Heavy Burden of Obesity* report by the Organisation for the Economic Co-operation and Development (OECD), which estimates additional associated costs e.g. reduced gross domestic product, could also be considered in the costs of overweight and obesity.	Vic Gov	The OECD report and other publications have been considered for updating FSANZ estimates of the costs of overweight and obesity, including economic costs from lower employment probability, increased absenteeism and presenteeism, and increased likelihood of early retirement. Note, the cost estimates detailed in the DRIS (see section 2 and Appendix A of SD1) now include overweight as well as obesity.
The cost-benefit analysis is problematic because it establishes costs as neutral, whilst all costs are borne by producers and benefits for public health spending. Further, the expected cost to producers will necessarily be passed on to retailers and ultimately consumers through higher unit	NRA	Equal weighting is given to costs across all parts of society, including industry, consumers and governments. Quantified cost estimates are costs of overweight and obesity and label change costs. No costs are regarded as neutral.

Issue	Raised by	FSANZ response
prices, and so will ultimately affect a larger portion of the population. This may make Australian producers less competitive compared to imported alternatives.		In the DRIS (SD1), the costs are presented as costs to producers. FSANZ notes however, that some of these costs may be passed onto retailers and consumers. Whether and how much of these costs are passed on depends on economic factors like market competition and consumer demand curves. The requirement to be labelled with an energy statement applies to alcoholic beverages for sale in Australia and New Zealand, including imported products. Therefore, it is unlikely this will make imported alternatives more competitive.
It is important to note there could be a price increase that is passed onto the consumer if producers cannot absorb this cost. If producers are in a position that they cannot pass on the cost due to contractual arrangements with retailers this could have a negative impact on their business and cashflow and cause the business to no longer be viable.	Brewers Guild NZ	As noted above, in the DRIS (SD1) the costs are presented as costs to producers. However, it is noted that some of these costs may be passed onto wholesalers, retailers and / or consumers. Whether and how much of these costs are passed on depends on economic factors like market competition, consumer demand curves and contractual arrangements. FSANZ acknowledges that in some circumstances cash-flow may be impacted. Consequently there may be reduced sales in some markets. However, such data is not available to FSANZ, therefore the extent of any cost pass on has not been estimated.
The use of paper labels is on the wane, with many alcohol producers now using digital labelling. The costs of making changes to alcohol labels have therefore decreased substantially. In terms of benefits, consumers have a fundamental right to information about the foods and beverages they consume. This right exists at the intersection of the United Nations' human rights of health (Article 25) and education (Article 26). These rights are immeasurable and invaluable.	George Institute	Costs of changing labels vary greatly by circumstances of each individual SKU (see section 5 of the DRIS at SD1). The objectives of this proposal as outlined in the DRIS (see section 3 of the DRIS) include the provision of adequate information relating to food to enable consumers to make informed choices. That includes enabling greater consistency with requirements for most other packaged foods and beverages in that energy content information must be included on label.
Strongly support a broad approach to assessing the benefits of energy labelling on alcoholic products. This must include broader harms of alcohol consumption, as well as the impact on overweight and obesity associated with reduced energy intake from alcohol. If the broader alcohol harms are not considered the economic analysis will not give a complete picture of the economic impact of these proposed changes.	OPC GLOBE Qld Health Cancer Society NZ DA NCETA	The primary objective of the regulatory change is the provision of information to enable consumers to make informed choices about the energy content of alcohol beverages in support of the dietary guidelines. Other government strategies are in place to address broader alcohol-related harms (see section 2.5). Effects on overall alcohol consumption from energy content information are very uncertain and would vary greatly by

Issue	Raised by	FSANZ response
All harms caused by excess alcohol consumption, including social harms, should be considered in any cost-benefit analysis. While this proposal is driven by cost and benefits associated with obesity, recommend alcohol harm reduction be considered along with any evidence of impact on these behaviours. Strongly support the proposed benefits of energy labelling on alcoholic beverages for weight gain, overweight and obesity prevention. However, the proposal could be strengthened by considering the benefits of reducing other alcohol-related harms. Over 200 health conditions are linked to harmful alcohol use. Energy labelling on alcoholic beverages may lead to a decrease in alcohol consumption or preference for lower alcohol products. This would be beneficial for preventing overweight and obesity and reducing alcohol-related harms. The potential for reducing alcohol related harm should be considered in energy labelling measures. However, it is essential that people understand that the alcohol within alcoholic products is inherently harmful, regardless of the energy content.		consumer. There may be indirect benefits of lower alcohol-related health risks for some (unquantified) consumers if they are influenced by energy labelling to reduce overall alcohol intake. It is, however, not possible to speculate on the types of alcohol-related health risks or the extent of such risk reductions. FSANZ considers that continued education for consumers, covering a range of factors associated with safe drinking of alcoholic beverages, is important to complement energy labelling on alcoholic beverages.
Note there are potentially wider reaching benefits in reducing alcohol-related societal harms where consumers choose to lower their alcohol intake. Energy labelling may also facilitate new products to be developed or reformulation of products with reduced energy (and/or alcohol) content. Including health costs associated with all health risks would provide a more complete estimate of costs and benefits.	Vic Gov	See response above in relation to overall alcohol consumption and broader alcohol-related harms.
The break-even analysis underestimates the benefits by not considering the impact of reduced alcohol consumption, alcohol attributed health outcomes, and alcohol-related harms. Only a small proportion of costs related to overweight and obesity need to be offset to justify label changes on industry. Should this be extended to include costs related from alcohol-related harm, there is a greater net benefit.	NHF	See response above in relation to overall alcohol consumption and broader alcohol-related harms. As noted in section 4.2.1 of the approval report, consumers are familiar with the NIP format, as evidenced in research commissioned by FSANZ (Heartward Strategic 2024). FSANZ's consumer research found that the energy label proposed in the CFS, with the addition of standard drink information, best enables consumer understanding of the energy content information and best mitigates any negative unintended

Issue	Raised by	FSANZ response
The cost benefits from reduced alcohol consumption may warrant stricter labelling approaches and more deviations from the Code, away from existing standards which were primarily developed for food and non-alcoholic beverages.		consequences. This was not the case for smaller labels that were tested, e.g. formats with a reduced number of columns and formats with a reduced number of rows where 'servings per package' information was removed.
Health outcomes associated with energy labels on alcoholic products must be considered holistically. Any impact of energy labelling on health behaviours must consider both the potential impact on overweight and obesity and alcohol use.	Alcohol Change Aus ADF	See response above in relation to overall alcohol consumption and broader alcohol-related harms. The DRIS break-even analysis considered potential cost savings associated with energy labelling, energy consumption, and a reduction in the prevalence of both overweight and obesity.
A large proportion of the burden of alcohol-related disease, accidents, violence and injuries are external to overweight and obesity. An experimental study found that the presence of energy labelling on alcohol led to intentions to drink less. Therefore, there is likely a much greater benefit to implementing energy labelling on alcohol products than what has been calculated in the report.	Cancer Council Aus	FSANZ's consumer research found no effect of energy labelling on consumption intentions, which was consistent with FSANZ's review of the existing evidence (see section 3.3.4). FSANZ is familiar with the cited study (see Robinson et al. 2022 in Appendix 3). The findings of the study are inconsistent with other available evidence around consumers' intended behaviour in response to energy labelling on alcohol (see sections 3.3.4.1 and 3.3.4.2). This discrepancy may be explained by how the questions in the cited study were worded. Participants were asked multiple questions about whether energy labelling would reduce their alcohol consumption. This may have implied to participants that this was the 'correct' response, reducing FSANZ's confidence in the findings in the context of the broader evidence base.
Note the Australian Government Department of health website lists the harmful effects of drinking alcohol. All of those effects have a very high cost for the community, some considerably more than obesity. The proposal has not addressed why obesity and the need for energy labelling are any more important than other effects. It is highly likely that some or all of these issues will need to be addressed, and proposals drawn up for health warning labels. Taking this proposal in isolation, without considering other health issues associated with alcohol consumption that are equally important as obesity, seems like a narrow-minded approach.	Phoenix Beers	Noted. The request from food ministers for FSANZ to consider energy labelling on alcoholic beverages arose from previous government related reviews and consideration (see section 2.6 of the approval report). FSANZ notes that other government strategies are in place to address broader alcohol related harms (see section 2.5).

Issue	Raised by	FSANZ response
Cost benefit analysis – costs		
Table 2: Labelling change costs for alcoholic beverages is unclear. Suggest metric units and $ are provided for clarity.	Qld Health	Average costs tables in the DRIS (see SD1) now state Australian dollars for clarity and consistency.
The PWC analysis used for the cost benefit analysis excluded costs associated with the overweight BMI category (25.0 – 29.99kg/m2), quality of life impacts for individuals or their families and carers, and forgone earnings. Therefore it does not account for the costs of overweight in Australia.	SA Health	Noted. FSANZ has updated the estimated costs of overweight and obesity in the DRIS.
Labels are regularly changed by manufacturers for marketing or change of livery purposes, and given this, changes in response to new legislation should be incorporated at such a time, rather than be a separate expense.	Qld Health	FSANZ acknowledges some producers may be able to incorporate the energy statement during a routine label update/refresh, or when labels are changed for other purposes (e.g. marketing, other labelling requirements such as container deposit scheme). This has been explicitly taken into account in the cost modelling, reducing the marginal cost of change for a proportion of the labels that need to be changed. However, there would still be additional label change costs for many SKUs beyond business as usual. This is particularly because incorporating an additional element into a label may require an overall design change. Additionally, labels for a subset of SKUs are not changed periodically. This is particularly the case for some SKUs with low annual turnover, or that retain the same label over long periods for reasons such as consumer familiarity with a brand/beverage.
The cost benefit analysis for P1059 might also consider the costs (or cost savings) associated with implementing any regulatory requirements arising through P1049. Where possible, these proposals should be progressed as closely together as possible.	Vic Gov	There are no significant changes in labelling requirements or associated costs arising from P1049 however the timing of these proposals has now been aligned.
Concerned the financial impacts on smaller, artisan beer, wine and spirits producers were not properly considered in the CBA. The cost of making these changes were clearly articulated during the PWL process but once again, there is a need to highlight this as an issue for many small businesses.	IBA	FSANZ did have regard to the impacts on smaller, artisan beer, wine and spirits producers before making the decision to approve the amended draft variations (see section 5 and Attachment A of the DRIS). In response to concerns raised in submissions, FSANZ met separately with representatives of the Australian craft brewing

Issue	Raised by	FSANZ response
		industry to better understand the costs associated with the proposed labelling changes. FSANZ has revised the estimated costs and the analysis based on feedback received from stakeholders (see sections 5 and 6 of the DRIS). To help mitigate costs for alcoholic beverage producers, including smaller producers, to comply with the new requirements, there will be: • a three-year transition period following commencement of the approved draft variation, including a stock-in-trade provision of products packaged and labelled before the end of the transition period (see section 5.1 of the approval report) • flexibility of size and colour of required energy statement and solutions permitted that may help reduce label change costs, including over-stickers or using printing techniques that are more suitable for low numbers of containers • an online tool to assist the alcohol beverage industry to calculate the energy content of their products (see section 4.4.1).
Would like to see more work with industry on potential costs to businesses to implement the proposed changes.	Brewers Guild NZ	See above response, in particular that in response to concerns raised in submissions, FSANZ met separately with representatives of the Australian craft brewing industry to better understand the costs associated with the proposed labelling changes. FSANZ has also revised the estimated costs and the analysis based on feedback received from stakeholders (see sections 5 and 6 of the DRIS).
Note the financial challenges facing the brewing industry including the impact of covid; inflation and increased operating costs (rates, ingredients, packaging etc); state and federal regulations (PWL, licencing, permits, taxes etc.). Any labelling change unproportionally affects smaller brewers. Australian alcohol producers and any unforeseen costs, like a	IBA IBA-SA Big Shed Brewing Blackwood Brewhouse and Distillery	FSANZ recognises that industry is also facing other cost pressures besides the new P1059 labelling requirements. As noted above, FSANZ did have regard to the impacts on smaller, artisan beer, wine and spirits producers before making

Issue	Raised by	FSANZ response
packaging change will be detrimental to the industry. Some of these submitters note unlike larger, multinational breweries with fewer SKUs, small producers cannot easily accommodate these costs. With smaller volumes runs, any changes to packaging take a long time to recoup. Submitters noted different consequences if this labelling change were to come in: • perfectly saleable raw materials may need to be destroyed. This has a material cost as well as environmental impact as they are destroyed and recycled without any first time use • packing costs would increase by 25% and create a huge disadvantage compared to larger players in the market • it would interfere new product development • it would be untenable • it would require another label redesign [after PWL], more graphic design fees and ongoing time and costs in replacing the old info panel with the new one for every single SKU going forward • ability to continue building business and growing brands would be hamstrung • completely reformatting each label • ongoing costs to maintain the standard of what is put on labels • seasonal SKU's would require testing every time at another cost in time and money. Submitters all provided information about the number of SKU's their businesses carry and the expected costs associated with the proposed labelling change.	Mephisto Brewing Shapeshifter Brewing Swell Brewing Watsacowie Brewing Tiny Fish Brew Bowden Brewing Little Bang Brewing Suburban Brew	the decision to approve the amended draft variations (see section 5 and Attachment A of the DRIS). FSANZ's analysis has accounted for the possibility of unused stocks, i.e. disposing of non-compliant labels, financial risks for some businesses, and reformatting/redesign of some labels (see section 5 of the DRIS). FSANZ thanks submitters for providing numbers of SKUs and expected costs associated with the label change and has noted this in the DRIS.
Import a wide variety of beers. With the implementation of the PWL, had to consider ceasing importing most of them until an economical solution to labelling found. Previously over-stickered which could be applied quickly at minimal cost. PWL cost approximately $0.30 per bottle. Applying another sticker for energy would add a further $0.30, $14.40 a case which	Phoenix Beers	FSANZ's analysis notes that implications of changing labels will vary by individual SKU and business. FSANZ has considered imported SKUs (see sections 5 and 6 of the DRIS). FSANZ does not regard costs and practicalities of over-stickering to be prohibitive since over-stickering or other relabelling already occurs for imports to the Australian and New Zealand markets to

Issue	Raised by	FSANZ response
effectively makes these products too expensive to sell and puts their company in a serious position. Unlike many food products, alcohol labels are very restricted in size. There is already a large number of government prescribed labels required on alcohol and it is becoming increasingly difficult for small producers to add any further labelling. While large producers have the resources to advertise their products without needing valuable label space, small producers and importers need labels to communicate to consumers. The addition of pregnancy labels on alcoholic products has put significant pressure on small producers, especially when trying to comply with export label requirements. Some products had no room, leading to consideration of cessation of their importation. This proposal will effectively stop the importations and sale of thousands of beers and other alcoholic products. Has the cost to the community been considered? Have the costs of many small importing companies going out of business been taken into account? The impact on small importers is underrated, and the impact on community enjoyment and recreation from products that will no longer be available due to the additional costs of this labelling is ignored.		incorporate pregnancy warning labels and other required label elements. Based on experience from the pregnancy warning label changes and from information gathered through consultation with industry stakeholders, marked impacts on the overall number, prices or variety of available alcoholic beverages, industry structure and competition are not expected. That said, data to make such assessment is currently limited.
The costs listed in Tables 1 and 2 (attachment E CFS) fail to capture all expected costs as it suggests that the cost to provide the energy labelling on all alcoholic beverages is a one-off. Mandatory labelling would have initial and ongoing costs for businesses, including: • Research and development costs to prepare initial and updated labelling, which may include engaging dietitians, nutritionists, and/or food scientists. • Costs of periodically reviewing labelling.	NRA	Cost modelling to-date identifies that research and development costs and reviewing labels for a regulated label change impose extra costs at the beginning to incorporate the new requirements. FSANZ's surveys and interviews about costs suggest that research, development and reviewing labels for subsequent label changes do not add to business as-usual-costs, so are not ongoing costs. FSANZ has also taken a conservative estimate of assuming relatively high label change costs and has had regard to the impacts on smaller, artisan beer, wine and spirits producers

Issue	Raised by	FSANZ response
This will disproportionally affect small producers, who will bear greater cost per unit to comply.		before making the decision to approve the amended draft variations (see section 5 of the DRIS).
The financial impacts on smaller, artisan beer, wine and spirits producers has not been properly considered. It is easy to dismiss costs worn by industry for the perceived benefit of the wider community, but when you consider that small, craft brewers employ more people proportionally (due to natural inefficiencies in machinery and production) and contribute more to the economy per litre than larger multinational brewing companies (high price point product, destination for tourism, regional town support etc), any impact to these smaller breweries would be dire. Any unexpected costs, like a packaging change, will have major effects on cash flow for many craft brewers. Large, multinational brewers are easily able to access and design new packaging and take advantage of the benefits of scale to offset costs to change their labelling. In craft breweries, where minimum runs of printed cans can be up in the 100,000 cans/order range, and printed labels carry minimums of 25,000, the associated cost of labelling changes is a heavy burden to bear. Brewers may take six months to a year to work through minimum order quantities for a label type. Too many changes to labelling requirements in close succession will have dire and extreme detrimental effects on an industry already stretched to breaking point.	IBA-SA	As noted above, FSANZ did have regard to the impacts on smaller, artisan beer, wine and spirits producers before making the decision to approve the amended draft variations (see section 5 and Attachment A of the DRIS). FSANZ also notes that some of the smaller businesses may not have the scale of operations to absorb extra marginal costs as easily as larger businesses. That would depend on the types of printing technologies available and the unique circumstances of each business. The transition period will allow all producers, including smaller, artisan beer, wine and spirits producers, up to three years to comply with the new requirements. The stock-in-trade exemption will also extend beyond those three years, whereby an alcoholic beverage packaged and labelled before the end of the three year transition period may be sold after the transition period without an energy statement or the standard drink information in a NIP for multi-serve packages. That is providing the label complies with other requirements in the Code. The transition period and stock-in-trade exemption will accommodate the stated six to twelve months for brewers to work through minimum order quantities for a label type and potentially co-ordinate label changes with label changes that would occur in the normal course of business to reduce their marginal cost.
Do not support the proposal to substantially increase the regulatory burden on small craft breweries. Alcohol is already subject to GST, excise tax and the HPA levy, which is designed to reduce consumption of alcohol and combat social harm caused by excessive consumption. In reality increasing the cost of alcohol forces small producers and industry innovation into decline, while large producers can absorb the costs and either pass these costs on to their suppliers or produce cheaper alcohol and reduce choice to consumers.	Justice & Jorge	As noted above, FSANZ has had regard to the impact on smaller, artisan beer, wine and spirits producers in making its decision (see section 5 of the DRIS). The FSANZ Act required FSANZ to make an independent evidence based assessment that has regard to prescribed assessment criteria, which include the impact on industry, including in this case smaller, artisan beer, wine and spirits producers. For the reasons set out in this report, FSANZ considers the approved draft variation strikes the appropriate balance, having regard to the evidence.

Issue	Raised by	FSANZ response
The New Zealand Government collects the taxes and uses them for education programmes. There is no reason for manufacturers to also take on this responsibility since it is paid for through the excise tax scheme.		Energy labelling on alcoholic beverages can provide a crucial reference point for consumers to compare the energy content among different packaged alcoholic beverages and with other foods and beverages. Education alone cannot achieve that.
The costs will fall disproportionately on the wine sector. Wine accounts for more than 80% of the alcoholic beverages SKUs in Australia and New Zealand, yet only 12% of the actual containers. Therefore the wine industry will bear approximately 80% of the cost for only 12% of the impact of labelling changes (in terms of numbers of containers visible to consumers).	NZ Wine	As noted above, FSANZ has had regard to the impact on smaller, artisan beer, wine and spirits producers in making its decision (see section 5 of the DRIS, particularly costs and benefits to industry on pages 20 and 21 of the DRIS). The FSANZ Act required FSANZ to make an independent evidence based assessment that has regard to prescribed assessment criteria, which include the impact on industry, including in this case smaller, artisan beer, wine and spirits producers. For the reasons set out in this report, FSANZ considers the approved draft variation strikes the appropriate balance, having regard to the evidence. The transition period will allow producers up to three years to comply with the new requirements. The stock-in-trade exemption will also extend beyond those three years, whereby an alcoholic beverage packaged and labelled before the end of the three year transition period may be sold after the transition period without an energy statement or the standard drink information in a NIP for multi-serve packages. That is providing the label complies with other requirements in the Code. The transition period and stock-in-trade exemption will potentially help to co-ordinate label changes with label changes that would occur in the normal course of business to reduce their marginal cost.
The proposed format would likely amount to *substantive additional content which does require changes to both the label layout and label shape / size*. Removal of unnecessary text from the proposed prescribed format (top three lines) and enabling a truncated label where the serving size is also 100mLwould likely amount to *new text or adding or subtracting logos which does require changes in the labels*	AGW NZ Wine	FSANZ has revised the estimated costs and the analysis now assumes that for some SKUs, changes to both the label layout and shape/size may be required (see section 5 and Attachment A of the DRIS, particularly costs and benefits to industry on pages 20 and 21 of the DRIS). Since the CFS, FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on

Issue	Raised by	FSANZ response
internal layout, but not the label's shape or size. This would provide the same perceived benefits to consumers and impose less cost on industry.		consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2 of the approval report). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences. This was not the case for smaller labels that were tested, e.g. formats with a reduced number of columns and formats with a reduced number of rows where 'servings per package' information was removed.
Using the Marsden Jacob Cost of Labelling Model (COLM), the proposed 5 line, tabular format would be *Substantive additional content which does require changes to both label layout and label shape/size*, unlike a single line format which would be *New text or adding or subtracting logos which does require changes in the label's internal layout, but not the label's shape or size*. There is a difference of over $200m between the two. The evidence to support the rationale for the proposed format is not sufficient to justify $200m more than necessary.	Brewers NZ Lion	As noted in the response above in regard to FSANZ's consumer research showing that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences. FSANZ has accounted for the cost differences between a Medium label change and Major label change, when assuming a ≤3 year transition period. See section 5 and Attachment A of the DRIS, particularly costs and benefits to industry on pages 20 and 21 in SD1. Assuming ≤3 years takes a conservative approach to estimating label change costs to reduce possibilities of under-estimating costs.
It is important to factor in the technical and consequential cost impacts of labelling on outer packaging. The costs model applied to PWL did not do this. It is also important to cost sequential changes to labelling instead of combining a number of changes. It would be helpful to coordinate with non-food changes rolling though, especially recycling changes.	NZFGC	The energy statement will only be required on one layer of packaging (see section 4.3.2). FSANZ notes that coordinating and combining label changes can reduce costs for industry. The provision of a three year transition period following commencement of the approved draft variation will allow for other changes to be implemented that arise within that time period. It is difficult for transition periods to be aligned across different pieces of legislation and under different agencies, noting also some uncertainty in timing of the implementation of different requirements during their development.

Issue	Raised by	FSANZ response
Alcohol labels already use the standard drink guidelines for recommended intake. The proposed label changes will not achieve the stated outcomes and will add another bureaucratic cost to an industry already heavily regulated by Government oversight. This will lead to a decrease in innovation and competition in New Zealand.	Justice & Jorge	The primary objective of the regulatory change is the provision of information to enable consumers to make informed choices about the energy content of alcohol beverages in support of the dietary guidelines. Readily accessible energy content information on the label of alcoholic beverages can enable consumers to make informed purchasing and consumption decisions and help them manage their energy intake and body weight (see section 4.1.2). Based on experience from the pregnancy warning label changes and from information gathered through consultation with industry stakeholders, marked impacts on the overall number, prices or variety of available alcoholic beverages, industry structure and competition are not expected. That said, data to make such assessment is currently limited.
The number of SKUs in this report is grossly underestimated. Our company alone imports over 650 SKUs that are affected by this change. We are just one of many similar companies around the country.	Phoenix Beers	The total number of SKUs in the Australian and New Zealand markets at 71,269 was independently estimated by Marsden-Jacob consultants. This included imported SKUs. There was not sufficient data on total numbers of SKUs across all alcoholic beverages from submissions to make any alternative estimates to the 71,269 SKUs. The estimated 71,269 SKUs is based on best available evidence. The estimate that 2% of SKUs of alcoholic beverages available are voluntarily labelled with a NIP was estimated through in-store sampling by FSANZ across a broad range of alcoholic beverages. It therefore does not reflect the prevalence of NIPs provided on alcoholic beverages for one individual company.

References

Codex Alimentarius (2021) *Guidelines* on Nutrition Labelling CXG 2-1985, accessed January 2025.

European Union (2018) *Consolidated text: Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers*, accessed January 2025.

FSANZ (2020) *Pregnancy warning labels on packaged alcohol: A review of recent literature*, accessed May 2024.

FSANZ (2021a) *Consumer literature review and meta-analysis for W1135: Consumer value/motivation, understanding and behaviour in relation to energy content information on alcoholic beverages*, accessed May 2024.

FSANZ (2021b) *Energy labelling of alcoholic beverages; Evidence Assessment*, accessed May 2024.

FSANZ (2021c) *Energy labelling of alcoholic beverages; Options analysis*, accessed January 2025.

FSANZ (2023) *P1059 Consumer Research Report. Energy labelling on alcoholic beverages: The effects of various labelling formats on consumer perceptions and behavioural intentions*, accessed July 2024.

Heartward Strategic (2024) *Added Sugar Focus Groups*, accessed September 2024.

Marsden Jacob Associates (2021) *Cost of labelling model - alcohol - report for FSANZ*, accessed January 2025.

OIA (Office of Impact Analysis) (2023) *Regulatory Impact Analysis Guide for Ministers' Meetings and National Standard Setting Bodies*, accessed July 2023.

Robinson E, Smith J, Jones A (2022) 'The effect of calorie and physical activity equivalent labelling of alcoholic drinks on drinking intentions in participants of higher and lower socioeconomic position: An experimental study', *British journal of health psychology*; 27(1):30-49 doi: https://doi.org/10.1111/bjhp.12527.

Walker N, McCormack J, Verbiest M, Jiang, Y, Lang B, Ni Mhurchu C (2019) *'Energy labelling for alcoholic beverages in New Zealand: Impact on consumer purchase and consumption. Phase 2 report: Randomised trial'*, *Health Promotion Agency*, accessed January 2024.

Werle COC, Nohlen HU, and Pantazi M (2022) *Literature review on means of food information provision other than packaging labels*, *European Commission,* accessed January 2025.

White L (2023) *Spirits Energy Labelling Focus Groups*. Report prepared by Insightfully for Spirits & Cocktails Australia and Spirits New Zealand and submitted to the Proposal P1059 Call for Submissions, accessed January 2025.

WHO (World Health Organisation) (2019) *The SAFER Technical Package*, accessed January 2025.

Table 2: FSANZ response to comments received via the WTO notification
Note: Some FSANZ responses have been updated to those provided to submissions received via the WTO notification in 2023.

Issue	Raised by	FSANZ response
Exemptions		
Alcoholic beverages ≥0.5 % ABV and sugar content < 0.5%, as these products have extremely low nutrient content, indicating the nutrient content in energy labels has minor significance. Suggests an exemption from the requirement to provide energy information on such products.	Ministry of Commerce, China	FSANZ notes that, whilst most alcoholic beverages ≥ 0.5% ABV have low nutritional significance, the energy content of such beverages is relevant to public health efforts to reduce obesity. The Australian and New Zealand dietary guidelines recommend avoiding excessive alcohol intake to support achieving energy balance. Alcoholic beverages contribute approximately 16% of total energy intake for Australian and New Zealand adults on days when alcohol is consumed. The provision of energy information on alcoholic beverages can contribute to broader public health efforts to reduce the prevalence of overweight and obesity in the Australian and New Zealand populations.
Basis of energy information		
Supports the approach to provide energy labelling per 100 mL as this is consistent with Codex and EU Regulation 1169/2011. Request alcoholic beverages > 0.5% ABV labelled with energy information per 100 mL only, in compliance with the above regulations, continue to be permitted for sale in Australia and New Zealand. Submission noted Article 2.2 of the TBT Agreement Members shall ensure that technical regulations are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade. For this purpose, technical regulations shall not be more trade restrictive than necessary to fulfil a legitimate	The Brewers of Europe	The objective of this proposal is the provision of information to enable consumers to make informed choices about energy content of alcohol beverages in support of the dietary guidelines. Similar to energy labelling requirements for other packaged foods in Australia and New Zealand, the proposal is to provide energy content information on both a per serve and per 100 mL basis. This is based on available evidence which indicates consumers are unaware of the energy content of alcoholic beverages and generally prefer energy content information that helps them to understand the implications of drinking a serving of an alcoholic beverage e.g. glass of wine, bottle of beer. Also providing energy content information per 100 mL allows consumers to compare between products.

Issue	Raised by	FSANZ response
objective, taking account of the risks non-fulfilment would create.		Since the WTO notification, FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and consumption intentions (see section 3.3.4.2 of the approval report). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences. Based on this research the approved energy statement includes the requirement for energy labelling per 100 mL, in addition to per serving. On this basis FSANZ is of the view that the requirement to include information based on serving size, in addition to per 100 mL, is not more trade restrictive than necessary to achieve the legitimate public health objective.
The proposed energy labelling is not in line with the Codex guidelines on nutrition labelling which provides that Information on energy value should be expressed in kJ and kcal per 100 g or per 100 ml or per package if the package contains only a single portion. In addition, this information may be given per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated. Regulation (EU) No 1169/2011, is consistent with Codex. Request FSANZ require the energy value to be expressed per 100 mL and permit energy value to be expressed per serving voluntarily.	EU	The objective of this proposal is the provision of information to enable consumers to make informed choices about energy content of alcoholic beverages in support of the dietary guidelines. Similar to energy labelling requirements for other packaged foods in Australia and New Zealand, the proposal is to provide energy content information on both a per serve and per 100 mL basis. This is based on available evidence which indicates consumers are unaware of the energy content of alcoholic beverages and generally prefer energy content information that helps them to understand the implications of drinking a serving of an alcoholic beverage e.g. glass of wine, bottle of beer. Also providing energy content information per 100 mL allows consumers to compare between products. Since the WTO notification, FSANZ has conducted consumer research to investigate the effect of five different energy labelling formats on consumers' understanding of energy content information, understanding of standard drinks, and

Issue	Raised by	FSANZ response
		consumption intentions (see section 3.3.4.2 of the approval report). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences. Based on this research the approved energy statement includes the requirement for energy labelling per 100 mL, in addition to per serving.
Per serving information		
Concern that provision of information per serving in addition to standard drink labelling may mislead consumers, particularly as the two may not be consistent. Information per serving and per 100mL does not provide consumers with the basic information about the alcohol content. Request FSANZ adopt a similar approach as the US and define serving size for alcoholic beverages as a standard drink, noting US standard drink is 14 g alcohol.	DISCUS	The objective of this proposal is the provision of information to enable consumers to make informed choices about energy content of alcoholic beverages in support of the dietary guidelines. Since the WTO notification, FSANZ has conducted consumer research (see section 3.3.4.2). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences. Based on this evidence the energy statement in the approved draft variation includes the requirement to declare energy content on both a per serving and per 100 mL basis. It also includes an additional requirement for the approximate number of standard drinks equivalent to a serving (see section 4.2 of the approval report). This approach is intended to avoid confusion between servings and standard drinks, to allow consumers to easily compare the energy content of alcoholic beverages with other foods and beverages on a per 100 mL basis and to inform consumers about the energy content of a typical serving. FSANZ notes that if a serving was required to be equal to a standard drink (or energy was required to be provided on a per standard drink basis) this would result in a similar energy content on a serving basis for similar alcoholic beverages and would not necessarily reflect an amount normally consumed

Issue	Raised by	FSANZ response
		as a serving. In these instances the energy content information could be misleading to consumers and less meaningful than on a per serving basis. FSANZ considers the requirement to include the approximate number of standard drinks equivalent to a serving as part of the energy statement will assist with consumer understanding of serving sizes on alcoholic beverages.
Format		
Recommend FSANZ permit the energy value to be expressed using the symbol "E" for wine and aromatised wine.	EU	The objective of this proposal is the provision of information to enable consumers to make informed choices about energy content of alcoholic beverages in support of the dietary guidelines. Since the WTO notification, FSANZ has conducted consumer research (see section 3.3.4.2 of the approval report). The research shows that the format for the energy statement in the approved draft variation best enables consumer understanding of the energy content information and does not result in negative unintended consequences. FSANZ notes the EU has introduced new labelling requirements for wine products that allow for energy content information to be expressed using the symbol 'E' and that the use of the symbol 'E' as a standard symbol is allowed to avoid language confusions within the various member states. This is not considered to be a relevant issue in the Australian and New Zealand context. Additionally, the symbol 'E' is not a standard symbol used to identify energy value in Australia and New Zealand and is also not consistent with the energy labelling requirements for other packaged foods in Australia and New Zealand. Furthermore FSANZ is unaware of specific consumer evidence regarding the use of the symbol 'E'. FSANZ also notes the use of the symbol 'E' for energy value is not included in the Codex Guidelines on nutrition labelling (Codex Alimentarius 2021).

Issue	Raised by	FSANZ response
Digital labelling		
Regulation (EU) No 1308/2013 has been amended to require mandatory nutrition declaration on wine and aromatised wine. The nutrition declaration may be limited on label to energy only, in such cases the full nutrition declaration and list of ingredients must be provided by electronic means.	EU	The objective of this proposal is the provision of information to enable consumers to make informed choices about energy content of alcoholic beverages in support of the dietary guidelines. FSANZ appreciates the additional information provided regarding the use of electronic means to convey nutrition information in the EU. Digital linking to off-label energy information was considered in the options analysis carried out by FSANZ in 2021 (FSANZ 2021). That analysis identified that on-label energy information was the best option to address the objective. It was considered digital linking to off-label information would not provide consumers with easily accessible information at point of sale/consumption to enable them to make informed choices.
Request permission for the energy information to be provided on the company website supported by an on-label QR code or website reference.	DISCUS	See response above
Imported products		
Seeks confirmation whether U.S. exporters would need to redesign labels to be suitable for the Australian and New Zealand markets and whether energy labelling can be provided on temporary stickers.	US Government	Any food for sale in Australia or New Zealand needs to comply with the Australia New Zealand Food Standards Code. This may mean that US exporters would need to change labels to meet those requirements. However, labelling can be provided by fixing a sticker to a package of food.
Seeks clarification whether the exemption for energy labelling where a NIP is provided apply to imported products too?	US Government	The exemption from the requirement for an energy statement for an alcoholic beverage that has a NIP on the label of its package applies to prescribed beverages for sale in Australia and New Zealand, including imported products.
Calculation		

Issue	Raised by	FSANZ response
Seeks clarification whether U.S. based producers can use similar databases that U.S. trade organizations publish on U.S. products to calculate energy values for their products.	US Government	Under current Code requirements for determining energy content, the calculation in section S11—2 must be used. However FSANZ considers there is flexibility in how the average quantity of components (carbohydrate etc.) to be used in the calculation are determined and that this could include calculation from generally accepted data. See section 4.4.1.2 of the approval report.

Table 3: Companies, organisations and government agencies represented in the targeted consultations in November 2023

Public Health & Consumers	
Alcohol Change Australia	Dietitians New Zealand
Alcohol and Drug Foundation	Food for Health Alliance
Alcohol Healthwatch New Zealand	Foundation for Alcohol Research and Education
Australian Medical Association	Professor Lisa Te Morenga, Professor of Māori Health and Nutrition, Massey University, New Zealand
Cancer Council Australia	National Centre for Education and Training on Addiction
Cancer Council Victoria	National Heart Foundation
Cancer Society of New Zealand	Public Health Association of Australia
Global Centre for Preventive Health and Nutrition	The George Institute
Dietitians Australia	Victorian Health Promotion Foundation
Industry	
Australian Brewers Association	Independent Brewers Association
Australian Distillers Association	Independent Brewers Association – South Australia
Australian Grape and Wine	Lion New Zealand
Beam Suntory	Mollydooker Wines
Brewers Association of New Zealand	National Retailers Association
Brewers Guild of New Zealand	New Zealand Winegrowers

Brightstar Brewing	New Zealand Alcohol Beverages Council
Cider Australia	New Zealand Food & Grocery Council
Coles	Pernod Ricard Winemakers
Comité Européen des Enterprises Vins	South Australian Wine Industry Association Incorporated
DB Breweries	Spirits and Cocktails Australia
Endeavour Drinks Group	Spirits New Zealand Distilled Spirits Aotearoa Inc
Food Technology Association of Australia	World Spirit Alliance
Foodstuffs New Zealand	
Government	
Commonwealth Department of Health	NSW Ministry of Health
Department of Agriculture, Fisheries and Forestry (DAFF)	Queensland Health
New Zealand Ministry of Primary Industries (MPI)	South Australia Health
ACT Health Directorate	Tasmanian Department of Health
Northern Territory Health	Department of Health Victoria
NSW Department of Primary Industries	Western Australia Health

Table 4: Targeted stakeholder consultation meetings November 2023 – participants' views

The views have been summarised by stakeholder group, and therefore the comments below are not necessarily the representative view of all participants in a stakeholder group. Stakeholder issues raised during targeted consultation are discussed and responded to in relevant sections of the approval report. Where issues raised were also raised in submissions to the CFS, responses to these issues are included in Table 1 of Appendix 4.

Stakeholder Group	Comments
Do you have any comments about the findings of the consumer research?	
Public Health & Consumer	Concern the research did not assess whether 'per serving' information influences consumers' perceptions about whether there is a 'safe' amount of alcohol use, or influences consumers to perceive an alcohol product as healthier/less harmful. Some also noted that a subset of participants in the research still perceived the serving size as an amount they should consume. Some concern the research did not assess whether 'per serving' information made consumers more likely to select that serving size as the amount they would consume and only assessed the influence of the labels on total amounts of the beverages consumed. Some suggested FSANZ do further research into consumers' perceptions of 'per serving' information as part of the consumer research for Proposal P1049. Some considered that as there is no standardised serving size for alcohol, results of the consumer testing based on serving size cannot be relied on. Per 100 mL basis enables comparisons. Consumer testing did not test ability to rank products based on per 100 mL. Recommend FSANZ undertake further testing of the ability of the different labels to assist consumers to compare energy content between alcohol products. One participant was disappointed the research did not test 'energy per container' information, as they considered this option would most likely give consumers useful information while limiting adverse consequences. Some were surprised the research concluded that Label E (a busy label) performed 'best' as Label C (a simpler label) would be expected to perform best based on previous research and consumer behavior theory; it was noted Label C performed best when consumers were asked to report the energy content per 100 mL.
Industry	Concern the test labels did not include all mandatory and voluntary information usually included on alcohol labels and therefore does not reflect the true consumer experience which could have impacted the results. Suggested the 'attention questions' to ensure that consumers had read and understood the information also deviated from real-world scenarios where consumers may only glance briefly at the label for relevant information. One participant queried why attention was not measured in the research, as this seemed inconsistent with the approach for the pregnancy warning label proposal.

Stakeholder Group	Comments
	Concern that repetitive information on the label (e.g. standard drinks and servings per package information for single serve beverages) may confuse consumers, and that too much information might dilute the importance of other information on the label. Concern the research did not test other label formats e.g. no heading, a single line of text or a single column where serving size = 100 mL. Some considered these simpler formats may be better for consumer attention and understanding. One participant noted the research did not examine off-label options i.e. digital labelling. Some concern the test labels were not presented on beverages when consumers were asked to select which label they thought would best enable them to compare different products. Some queried why consumers selected Label E when comparing alcoholic beverages with other foods where standard drinks information does not apply; noted that the consumer research extended the scope of the proposal beyond its intent by examining consumer understanding of standard drinks. Some noted no label had an effect on consumer behaviour, and therefore would not achieve the broader goal of reducing alcohol consumption. One participant noted the concept of a serving size is not used on alcoholic beverages and it could confuse consumers, noting that serving sizes often vary across licensed venues and could also vary across different producers. One participant was concerned that 150 mL was the serving size for wine in the research. Wine consumed at home is rarely measured to precisely 150 mL. Results would have been different if 100 mL was used.
Government	General satisfaction/appreciation the research was undertaken. One participant noted consumers understanding of the energy content and the source of energy in alcoholic beverages was not investigated. Suggested it should be included in future research to establish a baseline to evaluate the impact of the proposed label.
Do you have any comments on the proposed revised format for energy labelling on alcoholic beverages?	
Public Health & Consumer	Some support for the new format including the inclusion of standard drink information in the energy statement. The following concerns were however, expressed by some. Concern about inclusion of standard drinks information in the energy statement. Some supported its inclusion but recommended that standard drink information in the energy statement does not satisfy the requirement to display standard drinks information elsewhere on the label. Lack of prominence mentioned. Concern about serving information and per serving basis in the energy statement: • may be seen as a recommendation to consume a certain amount of alcohol • larger serving sizes may result in more alcohol consumed

Stakeholder Group	Comments
	• smaller serving sizes (e.g. on RTD can) give impression a serving contains fewer kilojoules and could be inconsistent with what is actually consumed • creates a perception there is a 'safe' or 'healthy' serving or imply a serve in excess of a standard drink. Suggested if per serving approach is retained, serving sizes should not be determined by industry. Recommend FSANZ provide guidance on serving sizes or mandate serving sizes to avoid confusing consumers in particular in relation to standard drinks, or to consider a per container amount instead. Concern about permission to display energy content as calories.
Industry	Majority did not support the proposed revised format or the format proposed in the CFS. Reasons for not supporting the inclusion of standard drinks in the energy statement included: • confusion for consumers • the information is already provided on labels, duplication • adds unnecessary complexity • outside the scope of P1059 • it is important information, should not be included with energy information, would dilute its importance • clarity already exists under present labelling including use of pictograms. Comments and concerns about the format proposed in the CFS included: • overly prescriptive • complex, contains 5 pieces of information, 2 of which are already on labels • prefer flexibility in format e.g. single line, iconography or QR Code - could still meet objectives and at lower cost • too big • number of servings per package is unnecessary and may create confusion with standard drink information • 100 mL is not a standard or responsible serving size for spirits (research supports this) – FSANZ should consider energy information per 30 mL instead • prefer energy per 100 mL, or alternatively energy per standard drink, noting this was not in the FSANZ research • suggest energy information is provided per serving only • helpful if approach for serving size is the same across multi-serve packs • producers should be able to determine serving sizes as appropriate size varies across products • one size fits all approach not appropriate • significant labelling burden and cost to industry. Some concern that standard serve/average restaurant serving and servings per package are irrelevant for wine and may mislead or confuse consumers. Measures of per 100 mL and standard serve (which for wine is 100 mL) would be the same making multiple listings redundant.

Stakeholder Group	Comments
	Some suggested making some of the information mandatory (energy per serving and per 100 mL) and the rest voluntary (servings per package, serving size, number of standard drinks and % daily intake); and for wine, making energy per 100 mL the only mandatory requirement. Some support for standardised serving sizes (prescribed or guidance) as this would increase consistency and consumer understanding. Noted industry already have an agreed standard 'per serve' size (30 mL) for full strength spirits, however standardised serving sizes would be redundant for beer as the serving size is typically the container size. One participant noted the issue of serving size extends across the non-alcoholic food and beverage sector and the ACCC is responsible for monitoring this aspect of labelling as it is outside the Code. One participant commented that concerns about alcohol producers determining serving sizes is irrelevant, noting examples of foods with questionable serving sizes and that mandating a serving equals a standard drink does not replicate what is actually consumed.
Government	General support for new format including standard drink information in the energy statement. General support to retain the current requirements for a statement of the number of standard drinks. Some concern about serving sizes being determined by producers. It was suggested that post-implementation monitoring may be required to ensure appropriate use of serving size. Suggested education required to support proposed labelling.
Do you have any information or views about the costs and benefits associated with the revised format for the energy statement? Please provide as much evidence or reasoning as you can to support your views.	
Public Health & Consumer	Recommendations to include costs of alcohol-related harms/health outcomes in the cost benefit analysis.
Industry	Noted there would be initial and ongoing costs to industry, with the following points made: • greatest impact would be on small producers and retailers • wine industry disproportionately bears the cost. Three year grace period may be insufficient, noting already labelled aged/vintage wines • magnitude for small brewing industry – without an exemption for small production and sufficient timeframe to address calculator tool and mobilise industry, some small breweries may need to close • some beer lines may need to be deleted if energy statement does not fit, given label space is already tight • extremely concerned about costs of implementation • proposed format puts exporters at risk • increased pressure on labelling real estate from mandatory labelling changes • ongoing changes present a risk in both cost to industry and potential to detract from other critical health and safety information, undermine winemakers' ability to tell story of their product and may erode value of brand IP.

Stakeholder Group	Comments
	Some considered there is no evidence of benefit - benefits are speculative and not quantified. One participant noted a range of alternative options, which could deliver the same understanding of energy content but impose less cost on industry, were not tested as part of the consumer study. One participant considered it unlikely Label E would add costs compared to label A and the benefits of Label E to consumer understanding have been clearly articulated in the consumer research report. Information on costs provided: • adds unnecessary cost, estimates $200 m to industry for a single-line format • one participant may have to remove nutrition information panels (NIPs) from all products, estimates $700,000 total cost • one participant, with over 800 locally produced wine stock keeping units (SKUs), noted there would be initial costs of label changes, additional costs to adjust labels between vintages and write-offs every year, as well as employee time.
Government	Some suggested that broader health concerns, beyond overweight and obesity, including alcohol related harm should be included in the cost benefit analysis. One participant noted the likely increase in understanding of how much energy is contributed by alcoholic beverages and how a serving size relates to a standard drink will be of benefit to the public health of Australians who consume alcohol. Suggested it would be beneficial if FSANZ had capacity to measure these benefits at a societal level.
Do you have any comments on the proposed approach to remove the requirement for a nutrition information panel (NIP) when a nutrition content claim about energy is made?	
Public Health & Consumer	Overall support for this approach with reasons including NIPs would normalise alcohol; imply it has nutritional value; confuse, distract or mislead consumers; and create a health halo. Some noted they do not support energy claims and calories or do not support nutrition content claims on alcohol labels.
Industry	Some support for this approach. One participant commented the proposal to remove ability to provide a full NIP when voluntary nutrition claims are made is unjustified, lacks clear scientific basis and biases the input of some stakeholders over others. One suggestion that if a nutrition content claim is made, a NIP is sufficient and an energy statement should not be required.
Government	General support for the proposed approach, though one participant noted their preference was for a prohibition on all nutrition content claims on alcoholic beverages. One participant raised concerns about energy content claims expressed as calories as it is a lower value than kilojoules and may be misleading consumers. Some suggested a similar approach when carbohydrate or sugar claims are made on alcoholic beverages (subject to P1049) i.e. additional lines for carbohydrate and sugar in the energy statement, rather than a NIP.

Stakeholder Group	Comments
Can you offer any information or data about the number of SKU's of alcoholic beverages currently making an energy content claim?	
Industry	One participant provided information on number of products with energy content statements.
Do you have any comments on the proposed approach to not permit percentage daily intake (%DI) information in an energy statement?	
Public Health & Consumer	Overall support to prohibit %DI information.
Industry	Most did not support the proposed approach with the following points made: • %DI is useful information as consumers currently do not understand that alcoholic beverages are a significant source of energy • the rationale provided by public health and government submitters that do not support %DI is not backed by evidence. Why is it detrimental? • unlikely to be used by industry anyway due to space requirements, but question logic in removing ability to provide the information • inconsistent with approach for other foods • gives weight to some stakeholder feedback over others without due consideration or scientific basis • Australian Dietary Guidelines recommend alcohol intake contribute less than 5% of dietary energy so no valid reason for proposed approach • if concerns relate to confusion in understanding that alcohol is part of a regular daily energy intake, the same logic should be applied to other discretionary foods high in salt, sugar or fats • counterintuitive to intent of P1059 to provide energy information.
Government	Overall support to prohibit %DI information with the following points made: • %DI information is poorly understood by consumers • %DI is inappropriate in the context of alcohol • there is no recommended daily intake for alcohol • may infer an endorsement to consume alcohol as a percent of daily energy intake which is inconsistent with national alcohol guidelines • could mislead consumers • voluntary inclusion of %DI information would result in inconsistent labelling across products • voluntary permissions would likely only be used on lower energy products and those with small serve sizes. One participant queried if this approach had any implications for beverages containing 0.5 - 1.15% alcohol by volume (ABV), noting Standard 1.2.8 currently permits %DI outside the NIP on these products.

Stakeholder Group	Comments
Can you offer any information or data about the number of SKU's of alcoholic beverages currently labelled with %DI information?	
Industry	One participant noted just one of their products has %DI information.
Do you have any comments on the proposed approach to remove the permission for the voluntary provision of a NIP on alcoholic beverages?	
Public Health & Consumer	Overall support for the proposed approach with the following points made: • it will support consumer decision making and minimise potential for unintended adverse consequences • NIPs can be confusing, misleading, normalise alcohol, imply it has nutritional value, create a health halo and undermine broader health messaging.
Industry	No support for the proposed approach with the following points made: • NIPs could improve decision making and not mislead • provision of NIPs supports the Policy Guideline on Food Labelling to Support Consumers to Make Informed Healthy Choices • NIP contains the energy information as desired by the energy labelling proposal and allows consumers to compare with food and non-alcoholic beverages • not core focus of P1059 which was to increase consumer awareness of energy content • no justification or evidence provided, including evidence that a NIP would create a health halo effect, mislead consumers, or lead to increased consumption • inconsistency – how is it that energy information on alcohol does not create a health halo but other nutrition information e.g. carbohydrate does? • no mention of how it would impact on beverages with nutrition content claims • if intention of energy labelling is to provide information rather than reduce alcohol consumption, this approach is counterintuitive to intention • impact on imported products labelled with fuller NIPs • NIPs contain relevant information for some alcoholic beverages, including sugars • consumers not likely to notice difference between heading of 'nutrition information' and 'energy information' • needed for comparisons for comparative claims • FSANZ consumer research found that consumers did not perceive any label as implying a recommended consumption amount or affect the intended amount consumed • World Health Organization (WHO) supports the provision of nutrition information on labels • research shows consumers want to see nutrition information on food and beverages.
Government	General support for the proposed approach with the following points made: • increases consistency for consumers • reduces confusion

Stakeholder Group	Comments
	• enables consumers to be informed about the energy content of alcoholic beverages and make informed decisions in line with dietary guidelines - consistent with the Policy Guideline on Food Labelling to Support Consumers to Make Informed Healthy Choices • NIP may create a health halo effect and mislead consumers about the nutritional benefit of alcoholic beverages • provision of some nutrition information (e.g. protein, vitamins, minerals) in addition to energy content may be perceived as promoting alcoholic beverages as having some nutritional benefit • industry may choose to provide full NIPs on alcoholic beverages because it generally looks appealing in comparison with other foods or beverages. One participant suggested the consumer research for P1049 should also investigate the effect of NIPs on alcoholic beverages. One suggestion that a recommendation about voluntary NIPs should not be finalised until the P1049 consumer research (and any further consultation) is completed to ensure consistent labelling recommendations across the two proposals.
Do you agree with FSANZ's estimation of SKU's of alcoholic beverages available that are currently voluntarily labelled with a NIP? Please provide as much evidence or reasoning as you can to support your views.	
Industry	Some disagreed with FSANZ's estimate that 2% of SKUs of alcoholic beverages available are currently voluntarily labelled with a NIP. Data from some individual companies on number of their SKU's labelled with a NIP provided to support that view.
Do you have any additional comments on the proposal for requiring energy labelling of alcoholic beverages?	
Transitional arrangements	
Public Health & Consumer	One participant suggested the proposal should take effect as soon as possible, with a two year implementation deadline, with a stock-in-trade exemption for stock made prior to that deadline.
Industry	One participant expressed support for the proposed three year transition period with the stock-in-trade exemption. Several requests for an extended transition period (four years, five years) noting three years not long enough for industry to adopt new labels and minimise costs. Requests for: • unlimited stock-in-trade period. This would avoid need for over stickering by businesses without the required label information as the stock has changed hands • aligning transition periods for various consultations underway.
Layers of packaging	
Public Health & Consumer	Requests for energy labelling to be on all layers of packaging.

Stakeholder Group	Comments
Industry	Concern about outer packaging requirements, need clarity that outer, transport and secondary packaging are excluded from the labelling requirements. Noting recent requirement for pregnancy warning label and costs to, and impacts on, industry, there were some requests for a moratorium on further label changes for a period of at least 10 years.
Interrelated projects	
Public Health & Consumer	Comments relating to P1049 consumer research on carbohydrate and sugar claims: • offer to assist with planning this research and recommend engaging relevant public health researchers and experts • the research should rigorously explore potential for these claims to mislead • the research should include energy and gluten claims • Alcohol Change Australia polling in August 2023 should be considered by FSANZ • recommend collecting additional data for the energy label options. Some noted opposition to permission for carbohydrate and sugar claims.
Industry	Requests that P1049, P1059 and P1058 (Nutrition labelling about added sugars) progress in parallel. Some noted Australian states and territories are considering changes to container deposit schemes which may require label changes. One request for FSANZ to consider Codex Committee on Food Labelling (CCFL) work on added sugars before implementing changes.
Government	General support for P1049 and P1059 to progress together. Consistency with decisions made on P1049 is required. Some support for the mandatory inclusion of carbohydrate and sugar content in the proposed energy statement [rather than a NIP] if nutrition content claims about carbohydrates or sugar are permitted under P1049. One participant expressed two concerns in relation to the reference food for comparative claims: 1. Definition for reference food needs tightening, noting some beers are using wine as the reference food. 2. The reference food is not required to have a NIP therefore information required to make comparisons is not available.
On-line sales	
Public Health & Consumer	Recommendation for FSANZ to consider labeling in e-commerce/online sales.
Digital labelling	
Industry	Some support for FSANZ to consider off-label/digital labelling with the following points made:

Stakeholder Group	Comments
	• digital tools would allow for better comparison and provision of more thorough, detailed and targeted information • digital labelling would reduce label fatigue and overuse, information overload and confusion • some consumers are already seeking energy information from dieting apps or websites • suggest research be undertaken on the relative merits of QR codes • use of QR codes, technology and consumer acceptance of off-label solutions has grown rapidly • EU regulations in relation to QR codes passed in December 2021 - not taken into account in FSANZ assessment • not considering a more modern approach risks the regulation and Australia being left behind • some producers already using e-label to provide energy information - consideration of on-label energy information should be paused until e-label properly considered • provides opportunity if information provision (rather than attention) is the driver • if ongoing monitoring and enforcement is the perceived issue, the government could provide one portal • use of QR codes would reduce costs to industry.
Analytical testing/calculation	
Industry	Concern about lack of capability for full analytical testing. Need option of analysis or calculation from generally accepted data. Need to be able to calculate energy from a table or adapt FSANZ calculator which will require considerable work.
Exemptions	
Industry	No mention of exemption for limited edition or one-off brews. Request for different considerations to apply to small batch beer by small producers.
Consultation/FSANZ process	
Industry	Noted appreciation for the continued and comprehensive engagement. Concerns about process including rapid progress without due consideration and scientific justification and that some of their key points have not been responded to; requested further direct engagement.
International regulations	
Industry	Request for energy labelling to align with the EU position (minimum of non-tabular energy content per 100 mL statement) to allow for the free trade of products without expensive over-stickering. Urged FSANZ to consider options which allow flexibility to harmonise labelling with international requirements. Noted UK and US, biggest export markets for wine, are currently reviewing their regulations.

Table 5: Companies, organisations and government agencies represented in the targeted consultations in November 2024

Public Health & Consumers	
Alcohol Change Australia	Consumers' Federation of Australia
Australian Chronic Disease Prevention Alliance	Food for Health Alliance
Alcohol and Drug Foundation	The George Institute for Global Health
Cancer Council Australia	National Heart Foundation
Cancer Council Victoria	Public Health Association of Australia
Industry	
Alcohol Beverages Australia	Independent Brewers Association
Asia Pacific International Spirits and Wines Alliance	Independent Brewers Association – South Australia
Beam Suntory	Lion
Brewers Association of Australia	National Retailers Association
Brewers Guild of New Zealand	New Zealand Winegrowers
Cider Australia	South Australian Wine Industry Association Incorporated
Coles	Spirits and Cocktails Australia
DB Breweries	Spirits New Zealand
Endeavour Drinks Group	Wine Australia
Foodstuffs New Zealand	

Government	
Queensland Health	Department of Health Victoria
New South Wales Department of Primary Industries	Australian Department of Health and Aged Care
Health and Wellbeing Queensland	Australian Department of Agriculture, Fisheries and Forestry
New Zealand Ministry for Primary Industries	Western Australia Health
South Australia Health	New Zealand Ministry of Health
New South Wales Ministry of Health	

Table 6: Targeted stakeholder consultation meetings November 2024 – participants' views

The views have been summarised by stakeholder group, and therefore the comments below are not necessarily the representative view of all participants in a stakeholder group. Stakeholder issues raised during targeted consultation are discussed and responded to in relevant sections of the approval report. Where issues raised were also raised in submissions to the CFS, responses to these issues are included in Table 1 of Appendix 4.

Stakeholder Group	Comments
Prescribed format for the energy content information	
Public Health & Consumer	Do not want standard drink information in the energy statement to replace standard drink information elsewhere on the label or for standard drink information to lose prominence. One participant was concerned standard drinks in multiple locations would lose consistency – more information dilutes the alcohol information which is most important. Some considered current standard drink labelling provides consistency and prominence. One participant considered standard drink iconography is well recognised by consumers and more visible/obvious on labels than standard drink information in the energy statement. Suggested if it is required in the energy statement, this should not be permitted to meet the requirements in section 1.2.7—4. Concern about consumer confusion. One participant referred to (independent) research on the proposed energy statement that found some participants were confused by the difference between serving size and standard drinks equivalent to one serving. One participant suggested the focus should be on other health risks associated with alcohol rather than on energy content, however overall participants confirmed energy labelling is important.
Industry	Some concern the label format proposed is not consistent with formats being developed overseas, including by failing to accept e-labels (see further comments about digital labelling below). Majority did not support the inclusion of standard drink information in the energy statement. Reasons included: • consumers seeking information about alcohol content or standard drinks are already served by existing mandatory labelling requirements – unnecessary duplication • information in two different formats (i.e. per container (section 2.7.1—4) and per serving (in energy statement)) could cause consumer confusion • inconsistent interpretations of standard drink equivalencies relative to serving size could reduce consumer trust in the information provided

Stakeholder Group	Comments
	• diverts focus from the energy content information (the primary purpose of this proposal) and may dilute clarity of energy labelling • increases costs and complexity for producers • cost is disproportionate to any perceived consumer benefit • FSANZ consumer testing found there was no difference in consumers ability to correctly report energy content between an energy statement with standard drink information and one without. Therefore the format without standard drink information sufficiently meets the objective of the proposal • Consumer comprehension of standard drinks relative to serving size is beyond the scope of P1059. One participant suggested requiring standard drink information in the energy statement only to assist with label space. Support for generic legibility requirements to apply to the energy statement.
Government	One participant considered the inclusion of standard drink information in the energy statement for multi-serve products could be confusing as there would be two different numbers representing standard drinks on one package. Considered it particularly concerning in relation to drink driving given the importance of counting standard drinks consumed. Supported the approach for single serve products.
Nutrition information panels (NIPs)	
Voluntary NIP on alcoholic beverages	
Public Health & Consumer	Strongly oppose NIPs on alcoholic beverages. Considered there is sufficient evidence to suggest NIPs mislead consumers about the healthiness of alcoholic beverages. One participant noted new (independent) research on voluntary NIPs showed consumers consider lots of zeros in the NIP indicate there is nothing to worry about. Considered NIPs may increase alcohol consumption among certain groups of people. Considered incongruent with message that most energy comes from the alcohol. Concerned that NIPs crowd-out and divert consumers' attention from more important information, such as alcohol content. Concerned proposed approach relies on apparent lack of impact of claims on behaviour – a precautionary approach should be applied, noting FSANZ research shows they are misleading. One participant noted NIPs on alcoholic beverages would not be needed for enforcement if claims were not permitted. They suggested FSANZ consider as a package. One participant considered less alcohol is the only thing that makes an alcoholic beverage better. Suggesting one product is better than another due to a nutrient, such as carbohydrate is irrelevant for alcohol.

Stakeholder Group	Comments
Industry	One participant considered labelling should be permissive in nature and if food safety and labelling accuracy requirements are met, producers should have the ability to voluntarily add any information to a label they feel their customers would value, including voluntary NIPs.
Format and content of voluntary NIPs for foods containing more than 1.15% ABV	
Industry	It must be made clear there are no proposed changes to the use of voluntary NIPs just the content and display (format).
Standard drinks equivalent to the serving size in a NIP ** Note some comments regarding standard drink information in energy statements (above) also apply to standard drink information in NIPs. Responses have not been duplicated.*	
Public Health & Consumer	Do not want standard drink information in the NIP to replace standard drink information elsewhere on the label or for standard drink information to lose prominence. One participant noted new (independent) research on voluntary NIPs found 72% of consumers wanted more prominent standard drink labelling.
Industry	Do not support the inclusion of standard drink information in NIPs. Considered inclusion of standard drink information in existing NIPs substantially increases costs for some businesses. Some participants provided detailed cost estimates. Most single serve beverages currently displaying a NIP would require a label change when standard drinks information is provided on the label already. Some suggested the NIP review should be completed before the including standard drinks in NIPs (see further comments below).
Requirement for a NIP when an energy content claim is made	
Public Health & Consumer	Generally do not support energy content claims on alcoholic beverages. One participant concerned that prominent energy claims are displayed in calories (often incorrectly as cal), despite Australia using kJ as the main unit for energy. Suggested FSANZ should address this as part of this proposal.
Percentage daily intake (%DI)	
Public Health & Consumer	Do not support %DI information in the energy statement. Reiterated concerns with %DI more broadly - do not support %DI labelling on food or alcohol. One participant noted many people do not need a 'standard' 8700 kJ diet and people don't know how many kJ they need at different ages, stages and levels of physical activity, etc.

Stakeholder Group	Comments
	Considered %DI and other labelling information dilutes the message that alcohol causes harm. Concern %DI information would contribute to the impression there are better choices when all alcohol causes harm. Considered %DI information indicates alcohol has a role in the supply of nutrients, but it only has negatives. Concerned %DI information is interpreted as a recommendation.
Government	One participant queried if %DI information can be provided on front of pack or elsewhere on the label (outside the energy statement/NIP) without it being a claim. Suggested industry may want to put with a sugar claim if %DI is low.
Other	
No and low alcohol products	
Industry	Considered it is unclear if products represented as zero alcohol or less than 0.5% ABV are within scope. Request FSANZ clarify. Requested FSANZ clarify the status of zero alcohol products on the market without a NIP. Suggested clarification will ensure consistency across the industry and prevent confusion for both producers and consumers.
Serving sizes	
Public Health & Consumer	Some concern about industry determining serving sizes. One participant suggested post implementation monitoring is required and it should not be left to public health organisations.
Digital labelling	
Industry	Some considered digital labelling options should be considered further noting the increased use e-labels and QR codes to provide information to consumers both domestically and internationally since the proposal commenced. Some considered digital labelling would avoid additional costs associated with the proposed mandatory on-label format. Some support to align with new EU regulations for the labelling on wine. Do not want domestic requirements to vary significantly from international requirements, this could limit export opportunities. Request work on digital labelling be prioritised. Some concern businesses will make costly label changes when a digital option may be made available in the future.
Application to different types of packaging	

Stakeholder Group	Comments
Industry	Many considered it unclear how energy labelling requirements apply to secondary packaging. One participant noted that for their business the 'retail facing' layer could be the primary, secondary or tertiary layer depending on the setting and therefore in most cases all layers would need to be labelled. Participants noted challenges related to outer packaging labelling including: • mixed packs/cartons containing products with different energy values • regular use of generic cartons for many different products • printing limitations • little control over how cartons are used in retail settings • outer packaging often purchased in bulk due to significant cost and to manage economies of scale. Requested clarification and specific guidance for labelling of external packaging. Suggestions included: • sufficient flexibility in presentation to ensure labelling requirements can be implemented in cost effective way • exemption for labelling outer packaging • outer package labelling required only where it is intended for retail sale by the producer • exemption for transport outers of wine and spirits, noting wine and spirits are rarely sold in transport outers to customers (less than 1% of sales for spirits & less than 5% for wine) • exemption for multi-packs. One participant suggested a Q&A document confirming FSANZ's intent around outer packaging would also be useful, similar to the one developed for pregnancy warning label changes.
Government	Request clarity around requirements for outer cartons.
Calculation of energy content information	
Industry	Request a tolerance in the Code for the accuracy of the energy content or clarity around what is considered compliant. Suggested aligning with existing international standards. One participant noted inconsistent enforcement across jurisdictions may arise without standardised guidelines. Many producers lack in-house expertise to calculate energy values. Request support, particularly for small producers to ensure compliance with new labelling requirements. General support for the development of an energy calculator.

Stakeholder Group	Comments
	Some concern around ambiguity of timelines for the development of a calculator and suggested the calculator would need to be developed, tested and ready for use before the end of the transition period to allow sufficient time for businesses to prepare.
NIP review	
Industry	Some considered it premature to make changes to the NIP when the NIP review will likely require further changes. Considered factors beyond the scope of energy labelling should be included in the NIP review to provide the best outcome for consumers, and prevent unnecessary multiplication of costs and multiple labelling changes over time for producers.
Government	One participant queried how changes from P1059 will interact with NIP review and whether consumer testing would be repeated if the NIP changed through the review.
Education	
Government	One participant noted most consumers do not understand most of the energy in alcoholic beverages comes from alcohol not carbohydrate. Queried the Australian Department of Health and Aged Care if there is any discussion at the Australian Government level around education for consumers and suggested industry will ask where this education is.
Transitional arrangements	
Industry	Some consider the proposed three-year transition period insufficient given the extent of changes required, particularly given proposed changes now extend to NIPs on alcoholic beverages. Some support for a five-year transition period to avoid significant additional costs. Some support for the proposed three-year transition period with stock in trade exemption. Support for industry guidance of the new requirements.
Government	One participant supported progressing Proposal P1059 and not waiting for NIP review.