

26 November 2024

Food Standards Australia and New Zealand Board

By email: [REDACTED]

Cc: CEO Sandra Cuthbert [REDACTED]

Dear FSANZ Board,

We are writing to you to raise our concerns about the current work in progress on proposal P1049, through which we understand that FSANZ is proposing to newly and explicitly permit the use of sugar claims on alcoholic products and associated marketing material. We acknowledge the work that has gone into this proposal by the FSANZ team. We believe the current proposal by FSANZ fails to recognise the significant harms caused by alcoholic products and does not sufficiently prioritise public health. It is also inconsistent with the initial referral from Food Ministers and with the available scientific evidence that shows these claims are misleading people to view alcoholic products with claims as healthier and less harmful to health. To meet the FSANZ Act objectives to protect public health and safety, and prevent misleading conduct, we strongly recommend that the FSANZ Board prohibit carbohydrate and sugar claims on alcoholic products and in associated marketing.

Alcohol is an inherently harmful product and contributes significant harm to Australians and New Zealanders. One Australian dies every 90 minutes, and another is hospitalised every three and a half minutes, because of alcohol.<sup>1</sup> In New Zealand, an estimated 900 deaths and nearly 30,000 hospitalisations are attributable to alcohol each year.<sup>2</sup> Alcohol use is causally linked to over 200 disease and injury conditions, and alcohol is a Class 1 carcinogen, with strong evidence that alcohol use increases cancer risk in humans.<sup>3,4</sup> The annual cost of alcohol harms borne by society in Australia and New Zealand is estimated to be \$75 billion and \$9.1 billion, respectively.<sup>5,6</sup> Government public health advice in Australia and New Zealand is to limit alcohol intake, and labelling and marketing standards set out by FSANZ must align with these recommendations to protect public health.

Consumers have a right to be provided with information to make informed choices and to not be misled by labels on alcoholic products. Alcohol companies are currently drawing people's attention away from the risk of harm associated with alcohol use by using marketing claims such as 'low sugar' and 'low carb'. Research, including the consumer research by FSANZ, consistently shows that these carbohydrate and sugar claims can mislead people to view alcoholic products with claims as 'healthier' and less harmful to health. This can undermine efforts to communicate the health harms of alcohol use. It is essential that consumers understand it is the alcohol content of alcoholic products that is harmful, regardless of the sugar or carbohydrate content of a product.

There is also evidence from food labelling showing that the presence of nutrition and health claims increases intentions to purchase or consume certain foods.<sup>7,8</sup> We believe that FSANZ is taking a narrow view in assessing the potential impacts of these claims and are concerned that the focus primarily on the behavioural impact of the claims on product labels ignores the impact that these claims on labels have on misleading consumers and the impact more broadly of these claims in alcohol product marketing. FSANZ must ensure that consumers have access to labels that are accurate and do not mislead.

We are concerned the current proposal by FSANZ to allow carbohydrate claims to remain, and to change the Code to permit sugar claims on alcoholic products, will again position alcohol industry profits ahead of the health and wellbeing of Australians and New Zealanders. A general prohibition on nutrient content and health claims on alcoholic beverages was initially developed to support public health messages to limit alcohol and align with the health and nutrition claims policy guideline. Initially, FSANZ proposed an exception to this prohibition to permit claims about alcohol and energy content. However, after feedback from alcohol industry stakeholders during consultation, this exception was extended to include claims about carbohydrate content. The primary rationale for this was that carbohydrate claims were already in the marketplace at the time.<sup>9</sup>

In 2017 Food Ministers raised concerns that sugar content claims were misleading consumers and being used to promote alcohol as a healthier choice. The subsequent technical assessment performed by FSANZ confirmed that the policy intent was that claims specifically about sugar content were not permitted by Standard 1.2.7. The June 2018 Food Ministers' Meeting communique states "FSANZ has agreed to raise a proposal to clarify Standard 1.2.7 of the Australia New Zealand Food Standards Code in line with the original policy intent that prohibits claims on alcoholic beverages in relation to sugar and carbohydrate."<sup>7</sup> The FSANZ consumer research, as well as an extensive body of quality evidence, has confirmed the original concerns of the Food Ministers that these claims mislead consumers to assess alcoholic products bearing them as healthier and less harmful to health.

Public health and consumer groups have engaged throughout the proposal process, consistently raising our concerns in a range of forums. We call on the FSANZ Board to take up this opportunity to protect public health and prevent consumers from being misled about the healthiness of alcoholic products by prohibiting the use of sugar and carbohydrate claims on alcoholic products.



A DEAKIN IDEA



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- <sup>2</sup> Chambers T, Mizdrak A, Jones AC, Davies A, Sherk A. Estimated alcohol-attributable health burden in Aotearoa New Zealand. Wellington, New Zealand; 2024. Available from: <https://www.hpa.org.nz/sites/default/files/Alcohol%20Attributable%20Fractions%20report%20-%20finalF.pdf>
- <sup>3</sup> Rehm J, Gmel GE, Gmel G, Hasan OSM, Imtiaz S, Popova S, et al. The relationship between different dimensions of alcohol use and the burden of disease—An update. *Addiction*. 2017;112(6):968-1001.
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- <sup>5</sup> Gadsen T, Craig M, Jan S, Henderson A, Edwards B. The George Institute for Global Health. Updated social and economic costs of alcohol, tobacco and other drug use in Australia, 2022/23. Nov 2023. Available from: <https://www.georgeinstitute.org.au/our-impact/policy-and-recommendations/updated-social-and-economic-costs-of-alcohol-tobacco-and-drugs>
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- <sup>7</sup> Kelly B, Ng SH, Carrad A, Pettigrew S. The Potential Effectiveness of Nutrient Declarations and Nutrition and Health Claims for Improving Population Diets. *Annu Rev Nutr*. 2024 Aug;44(1):441-470
- <sup>8</sup> Ikonen I, Sotgiu F, Aydinli A, Verlegh PWJ. Consumer effects of front-of-package nutrition labeling: an interdisciplinary meta-analysis. *Journal of the Academy of Marketing Science*. 2020;48(3):360-8
- <sup>9</sup> Food Standards Australia New Zealand. Call for submissions - Proposal 1049 Carbohydrate and sugar claims on alcoholic beverages. FSANZ: Canberra; 2023. Available from: <https://www.foodstandards.gov.au/food-standards-code/proposals/P1049>