

DSA Submission on Energy labelling of alcoholic beverages. Targeted consultation - September 2021 (via email)

4 October 2021

From: Alex Craven <Alex.Craven@foodstandards.gov.au>
Date: 5 October 2021 at 10:30:29 GMT+13
To: sue@distilledspiritsaotearoa.org.nz
Cc: Robert Brewer <robert@avenues.co.nz>
Subject: RE: DSA - Stage 2: Energy labelling of alcoholic beverages. Targeted consultation - September 2021

Hi Sue,

Many thanks for your participation last week and following up with the detailed outline of your current position regarding energy labelling. You have highlighted many interesting points below and each of these will be used to further inform our assessment.

Cheers
Alex

From: sue@distilledspiritsaotearoa.org.nz <sue@distilledspiritsaotearoa.org.nz>
Sent: Monday, 4 October 2021 11:16 AM
To: Alex Craven <Alex.Craven@foodstandards.gov.au>
Cc: 'Robert Brewer' <robert@avenues.co.nz>
Subject: DSA - Stage 2: Energy labelling of alcoholic beverages. Targeted consultation - September 2021

Hi Alex

Many thanks for the invitation to participate in the consultation last week on Energy labelling, with the extension to P1049 - Carbohydrate and sugar claims in future. DSA applauds the quality of the consultation being taken over this matter, especially with regards to the learnings from the Pregnancy Warning Label (PWL) process. We appreciate the leadership in attempting to synchronise all the upcoming regulatory label changes.

Distilled Spirits Aotearoa currently represents 84 New Zealand distilleries, plus 12 pre-commercial distilleries expecting to start business in 2022. We estimate there are approximately 30 other commercial distilleries in New Zealand (non DSA members).

Current position of Distilled Spirits Aotearoa:

Options to address the problem statement

DSA supports either Digital linking to off label energy information or On label energy content information

- Both options together should not be required as this will consume even more valuable space on the label.

- For our members with a website, it is likely that a QR code linking to a website page that includes all Energy labelling information would be the lowest cost and would be by far the easiest option, to allow updating and adding information, without having to change physical labels.
- For small, newly-commercial distillers without a website, QR code management would be problematic. Overall, the increased complexity of energy labelling adds a cost burden to a small volume start-up, whatever format (label or digital) is required (see below **Exemptions and considerations**)
- DSA feels the cost of consumer education should not be a new burden on producers, but be managed by Government and covered under existing taxes, such as the HPA levy.

Implementation and formatting

DSA supports mandated energy labelling

- Based on the likelihood it will happen anyway, we prefer long-term regulatory certainly, with no option that the label design will be changed if it moves from voluntary to mandated in future.
- Imports should also be mandated to comply - the "desired outcome" is less likely to be met if imports can opt out, even with Aus/NZ highly compliant
- DSA members would find it difficult to pay long term extra costs for on-going compliance monitoring under a volunteer model.
- DSA would value the creation of an official FSANZ-developed toolkit (as per PWL) with downloadable design information, Q&A including how to test batches, interpretation of test information for labelling.

Formatting considerations

DSA supports a Truncated NIP

- Extra lines in the NIP will likely be required for some of our distillers eg for fat in creamy liqueurs.
- We agree there should be no mandated colour, only contrast for readability
- We feel that unless there is extensive education around interpretation of an Energy icon (and adoption across all food/beverage packaging), this would be just another confusing graphic to fill up the label.
- It feels that there will not be enough time after the final decision (expected ?2023) to align the Energy and P1049 labelling changes with the transition period for PWL. Three years from decision to transition would be preferable. Labels already in trade at the deadline should be exempted.
- The timeline for the Container Return Scheme / Country of Origin / etc label changes should also be taken into account at the point the transition deadline date is decided.
- Testing:
 - Ideally we would like to have the ability to declare energy information without having to test, based on standard kJ/g of formulated nutrients. Negligible amounts of sugar, fat or protein would be expected to be present in a spirit distillate, therefore the only nutrients of consequence would be alcohol (which is already measured), and any formulated ingredients added post distillation. NIP data should be able to be calculated from recipes rather than requiring batch testing.
 - If testing is required, there needs to be more clarity on size of a batch, how many tests are required for an Average.
 - We believe more discussion needs to be held in the areas of serving size and KJ/Calorie, especially to make it relevant for spirits (30ml shot size).

Exemptions and considerations

- If an on-label NIP is required, then there should be an exemption for small runs and batch products such as single cask releases of whisky, batch sizes of (say) less than 500 bottles. The cost of testing and label changes will very likely be over-impactful for the small volumes/ small batch sizes produced by our members.
- A digital linking option would alleviate this burden significantly, however this would only work if it is used in conjunction with a formulaic calculation of energy. If individual batch testing was required, this would be exorbitant cost burden for small producers producing small batch volumes.
- Consideration needs to be made for small bottles with limited space small labels (eg. sample size bottles, gift bottles, <50ml Bitters), as has been done with the adapted logo for PWL.

Any questions, please let me know

Kind regards

Sue



Dr Sue James – Chairperson

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