

**Food Standards (Application A1256 – Colour of pregnancy warning labels for corrugated cardboard packaging) 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 28 April 2023



Dr Nick Fletcher  
Delegate of the Board of Food Standards Australia New Zealand

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 159 on 4 May 2023. 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 (Application A1256 – Colour of pregnancy warning labels for corrugated cardboard packaging) Variation*.

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

The Schedule varies a Standard 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) This clause applies to a food product that is an alcoholic beverage:
  - (a) that is required by subsection 2.7.1—10(1) of the Code to display a pregnancy warning mark on its outer package; and
  - (b) to which subsection 2.7.1—13(2) of the Code applies.
- (3) During the transition period, the food product may be sold if the product complies with one of the following:
  - (a) the Code as in force without the pregnancy warning label amendments; or
  - (b) the Code as amended by the pregnancy warning label amendments.
- (4) The food product may be sold after the transition period if:
  - (a) the product complies with the Code as amended by the pregnancy warning label amendments; or
  - (b) both the following apply:
    - (i) the product was packaged and labelled before 2 February 2024; and
    - (ii) the labelling on the product's outer package complies with the Code as in force without the pregnancy warning label amendments.
- (5) This clause does not limit clause 4 of the *Food Standards (Proposal P1050 – Pregnancy warning labels on alcoholic beverages) Variation*.
- (6) For the purposes of this clause:
  - (a) the **pregnancy warning label amendments** means the variations made by both of the following:
    - (i) this instrument; and
    - (ii) the *Food Standards (Proposal P1050 – Pregnancy warning labels on alcoholic beverages) Variation*;
  - (b) the **transition period** means the period commencing on this instrument's date of commencement and ending on 1 February 2024.

## Schedule

### *Standard 2.7.1*

#### [1] After subsection 2.7.1—10(2)

Insert

- (2A) Subsection (2) does not apply to a \*pregnancy warning mark to which section 2.7.1—13 applies.

#### [2] Subsection 2.7.1—12(1)

Omit "A", substitute "Subject to subsection (10), a".

#### [3] After subsection 2.7.1—12(9)

Insert

- (10) This section does not apply to a \*pregnancy warning mark to which section 2.7.1—13 applies.

**[4] After section 2.7.1—12**

Insert:

**2.7.1—13 Optional pregnancy warning mark for corrugated cardboard outer packaging**

- (1) This section applies to a \*pregnancy warning mark that:
- (a) is required by subsection 2.7.1—10(1) to be displayed on the outer package of a \*prescribed alcoholic beverage; and
  - (b) is displayed on a \*prescribed alcoholic beverage to which subsection (2) applies; and
  - (c) has been printed on the outer package of the \*prescribed alcoholic beverage using a post-print (flexographic) printing process; and
  - (d) complies with this section.
- (2) This subsection applies to a \*prescribed alcoholic beverage that has:
- (a) packaging that includes more than one \*individual unit; and
  - (b) an outer package that:
    - (i) is made of corrugated cardboard; and
    - (ii) has an outside liner made of kraft, recycled or white paper.
- (3) The \*pregnancy warning pictogram must be at least 14mm in diameter.
- (4) The \*size of type of the signal words of the \*pregnancy warning mark must be at least 4.4 mm.
- (5) The \*size of type of the statement of the \*pregnancy warning mark must be at least 3.4 mm.
- (6) The background of the \*pregnancy warning mark must be in the same colour as the outside liner.
- Note** Subparagraph 2.7.1—13(2)(b)(ii) requires the outside liner to be made of kraft, recycled or white paper, the colours of which are brown, grey or white.
- (7) The circle and strikethrough of the \*pregnancy warning pictogram must be in the colour black.
- (8) The silhouette of a pregnant woman on the \*pregnancy warning pictogram must be in the colour black.
- (9) The strikethrough of the \*pregnancy warning pictogram must be displayed with a clear space on either side of the strikethrough so both the strikethrough and silhouette of a pregnant woman on the \*pregnancy warning pictogram are clearly legible.
- (10) The signal words of the \*pregnancy warning mark must be:
- (a) in the colour black; and
  - (b) in bold font; and
  - (c) in a sans-serif typeface; and
  - (d) in capital letters; and
  - (e) in English.
- (11) The statement of the \*pregnancy warning mark must be:
- (a) in the colour black; and
  - (b) in a sans-serif typeface; and
  - (c) in sentence case; and
  - (d) in English.

- (12) The border of the \*pregnancy warning mark must be in the colour black.
- (13) The \*pregnancy warning mark must be displayed on the package with a clear space that:
  - (a) surrounds the outside of the border of the pregnancy warning mark; and
  - (b) is at least 3mm in width.
- (14) The \*pregnancy warning mark must be displayed as a whole and without modification.
- (15) In this section, a **post-print (flexographic) printing process** means the pregnancy warning mark is printed directly on to the outside liner of corrugated cardboard packaging using flexible raised image printing plates.