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Food Standards

Amendment No. 218

The following instruments are separate instruments in the Federal Register of Legislation and are known collectively in the Food Standards Gazette as Amendment No. 218

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Food Standards (Application A1256 – Colour of pregnancy warning labels for corrugated cardboard packaging) Variation

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 158 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.