

## Questions and Answers on the EU Food Information for Consumers Regulation allergen provisions

These questions and answers (Q&As) have been compiled to help food businesses understand the new allergen rules and how to reach compliance.

It supplements the Food Standard Agency's technical guidance on the allergen provisions within the EU Food Information for Consumers Regulation (No.1169/2011) (EU FIC) and Food Information Regulations 2014 (FIR).

You can find the technical guidance here: [www.food.gov.uk/allergen-resources](http://www.food.gov.uk/allergen-resources)

### Background

From 13 December 2014, all food businesses will need to provide information about allergenic ingredients used in food sold or provided by them. There are 14 major allergens which need to be declared\*. These are:

- Cereals containing gluten (you need to declare the presence of wheat (such as spelt and Khorasan), rye, barley, oats and their hybridised strains)
- Crustaceans
- Eggs which includes hen, duck, goose and ostrich etc.
- Fish
- Peanuts
- Soybeans
- Milk which includes cows, goats, sheep etc.
- Nuts (you need to declare the presence of almond, hazelnut, walnut, cashew, pecan nut, Brazil nut, pistachio nut and macadamia nut (also known as Queensland nut))
- Celery (including celery leaves, seeds and celeriac)
- Mustard
- Sesame
- Sulphur dioxide or sulphites (where added and is above 10mg/kg in the finished product. Often found in dried fruit and wine)
- Lupin
- Molluscs

EU FIC outlines the new requirements for businesses which provide food prepacked and non-prepacked (loose) in a range of settings. In the UK, the FIR also gives powers to authorised food officers in enforcing these rules.

*\*Some food ingredients derived from these foods are exempt from allergen declaration. Further details can be found in this Q&A.*

## Introduction

These Q&As will be useful to any food business operator supplying food to the public, mass caterers, or intended to be sold to the public and mass caterers. This includes:

- producers, manufacturers, packers, distributors, wholesalers, retailers and caterers involved in prepacked and non-prepacked foods
- food businesses providing non-prepacked foods (including prepacked foods for direct sale) such as restaurants, cafés, fast food outlets, delicatessens, butchers, bakeries, online food delivery aggregators and institutional caterers (eg. in schools, hospitals and prisons) and other caterers (including child-minders who provide food)
- catering services provided on transport (eg. airplanes, trains and ships) leaving from any EU Member State.

They are also relevant to local authority enforcement officers who are responsible for enforcing the allergen rules.

It will cover:

- allergen provisions, national provisions and enforcement details found within EU FIC and FIR
- related areas outside the scope of the allergen provisions (e.g. cross contamination)
- general scientific detail on food allergies and intolerances (see Annex of this document)

# The new allergen requirements

## EU FIC and the allergen provisions in general

### **Does EU FIC only cover allergens?**

No. The legislation covers a number of areas in food labelling such as nutrition information, quantity labelling, country of origin labelling, and the labelling of vegetable oil, nano-materials (tiny food components with at least one measurement below 100 nano metres) and alcoholic drinks.

### **Does EU FIC apply to food only?**

No, the legal definition of food according to EU legislation includes drink which is also covered.

### **Is the FSA responsible for all areas of EU FIC in the UK?**

In England, policy responsibility for EU FIC is split across three Government departments: Defra is responsible for general labelling, Department of Health for nutrition and FSA for food allergens.

In Wales, policy responsibility for general labelling and food safety labelling such as food allergens lies with the FSA Wales.

In Scotland and Northern Ireland, policy responsibility for general labelling, nutrition and allergens lies with FSA Scotland and FSA Northern Ireland respectively.

Local authorities have responsibility in the UK for the enforcement of this legislation, including the allergen rules.

### **Are the new allergen rules different to those covered in the EU General Food Labelling Regulation and other legislation?**

Yes, it introduces a new requirement for food business operators providing or selling non-prepacked foods (including prepacked foods for direct sale) to provide information about the allergenic ingredients used in these foods. This includes restaurants, cafés, bars, school meals and foods from bakeries and delicatessen counters for example.

For prepacked foods, EU FIC retains existing allergen labelling rules, and introduces a new requirement for allergens to be emphasised within the ingredients list.

### **How is the Food Information Regulations 2014 different to EU FIC?**

The Food Information Regulations 2014 (FIR), in England, Wales, Scotland and Northern Ireland, is UK legislation which enables enforcement officers to take action against businesses who fail to comply with the allergen rules. It includes details on national provisions, how local authorities enforce the rules and what steps they can take to help business comply when they fail to follow these rules.

## Explaining the changes

### Why are the allergen rules changing?

The rules are changing to provide greater consumer protection. Food allergies and intolerance affect many people across Europe. In the UK alone:

- around 10 people die from allergic reactions to food every year due to undeclared allergenic ingredients
- an estimated 1-2% of adults and 5-8% of children have a food allergy (around 2 million people within the population)
- in addition to those with allergies, there are many people with food intolerances (eg. 1 in 100 people who suffer from coeliac disease)

There is also no cure for food allergies which means that the only way to manage the condition is to avoid the foods that make you ill. EU FIC's allergen provisions require food businesses to provide accessible, clear and accurate information about allergenic ingredients in prepacked and non-prepacked foods to enable consumers to make safe and informed food choices.

### How will the rules make a positive difference to consumers?

The introduction of the wider new rules will enable safer food choices being made for a greater variety of foods, which consumers buy or eat, across the UK and Europe. It will raise the importance of food allergies and intolerances with food businesses.

### Have costs to food manufacturers resulting from the change been considered?

We appreciate that there will be some additional costs to food manufacturers. These include familiarisation and transition outlays associated with the way allergen information should be displayed on food labels. The three-year transition period allowed food businesses to make changes during the natural cycle of updating and modifying packaging to help keep costs down.

### What about the cost to food businesses (especially small and medium ones) which are providing non-prepacked foods?

There will undoubtedly be an initial investment of time to collect and record the allergen information, for food business. Once that is done, we expect that maintenance of this information to ensure its accuracy would be straightforward and less time intensive. We have created a bank of resources to help food businesses comply. These include an allergen menu matrix, recipe cards, signage, Think Allergy posters in various languages among other products. You can find these at: [www.food.gov.uk/allergen-resources](http://www.food.gov.uk/allergen-resources)

In order to familiarise themselves with the new requirements, we suggest food businesses read our technical guidance on the new allergy provisions. As part of our public consultation on the guidance, there was general consensus that it would take food business operators about two hours to read and familiarise with the requirements as covered by the guidance.

The FSA's technical guidance on the allergens provision is available at:

[www.food.gov.uk/sites/default/files/food-allergen-labelling-technical-guidance.pdf](http://www.food.gov.uk/sites/default/files/food-allergen-labelling-technical-guidance.pdf)

The FSA have also produced an advisory leaflet for small and medium businesses on the non-prepacked (loose) food allergen rules, available at:

[www.food.gov.uk/sites/default/files/multimedia/pdfs/publication/loosefoodsleaflet.pdf](http://www.food.gov.uk/sites/default/files/multimedia/pdfs/publication/loosefoodsleaflet.pdf)

In addition, the FSA offers free online training to help food businesses learn about the allergen rules, available at:

<http://allergytraining.food.gov.uk/english/>

## Scope of EU FIC

### **Are there any food businesses, providing non-prepacked food, exempt from the rules?**

No. The rules cover all businesses providing non-prepacked foods (including foods prepacked for direct sale). This also includes contract caterers, schools, hospitals and child-minders who provide food.

### **What are 'foods prepacked for direct sale' that the regulation refers to?**

These are foods packed on the same premises from which they are being sold. For such products, one or both of the following can apply:

- the food is made on site (eg. meat pies and sandwiches) and are sold from the premises where they are made
- the customer is able to speak with the person who packed the product to ask about allergenic ingredients

This does not include food products made at a central site for sale at retail outlets in other geographical locations for example.

### **Do the rules apply to private individuals selling or offering food at local community/ charity events?**

No, they don't. Private individuals who occasionally provide food at community/ charity events are exempt from the allergen information requirements. However, if the individual is providing food as a food business operator at such events, the necessary allergen information should be provided.

### **What about situations where private individuals bring food to share in places like schools and hospitals?**

Institutions such as schools and hospitals, which provide meals, fall within the scope of the regulation. However, the rules do not apply where food is brought in by friends and family.

### **Where many businesses are involved in a supply food chain, who has overall responsibility for the allergen information?**

The food business operator (FBO), whose name the food is marketed under, is responsible for ensuring that the allergen information is compliant with EU FIC. However, Article 1 of EU FIC also explains that food businesses which are not directly supplying products to the final consumer / user need to ensure that their customers have sufficient information to enable them to comply with the rules.

Where business to business transactions are involved, all food businesses in the chain have a responsibility to communicate the presence and accuracy of allergen information on the food they provide. If products are sourced from suppliers, the food business should ensure they are aware of any allergens that are present in these products.

For prepacked food, the allergen information should already be provided on the labelling. For non-prepacked food, food suppliers should provide the necessary information to enable the mandatory allergen information being supplied to the final consumer. This requires all FBOs in the food chain to work closely together to achieve this.

**Are precautionary allergen warning statements (eg. ‘May Contain Nuts’) covered by the rules?**

No. Precautionary allergen statements or ‘May Contain’ type statements, which food manufacturers voluntarily use to communicate allergen cross-contamination risks, do not fall within the scope of EU FIC.

Precautionary allergen labelling is voluntary and used to communicate the real risk of any allergens present due to cross contamination. ‘May Contain’ type statements are still permitted and its use and basis for application has not been affected.

**Why does EU FIC not cover precautionary allergen labelling and allergen cross-contamination?**

EU FIC covers the intentional or deliberate presence of any one of the 14 allergens when added in foods. Nevertheless, Article 36 provides scope for introducing specific rules to inform the application of precautionary allergen labelling in future.

## Declaration of the 14 allergens

### Why are there 14 allergens?

The 14 allergens are recognised as the most common and potent causes of food allergies and intolerances across Europe. This follows detailed EU level discussions and scientific evidence presented by the European Food Safety Authority (EFSA). For more information about EFSA's work in this area please see:

[www.efsa.europa.eu/en/panels/nda.htm?wtrl=01](http://www.efsa.europa.eu/en/panels/nda.htm?wtrl=01)

### What are the 14 allergens which should be declared?

The allergens, as listed in EU FIC's Annex II, are:

- **Cereals containing gluten:** namely wheat (including specific varieties like spelt and Khorasan), rye, barley, oats and their hybridised strains) and products thereof
- **Crustaceans** and products thereof (for example prawns, lobster, crabs and crayfish)
- **Egg** and products thereof
- **Fish** and products thereof
- **Peanut** and products thereof
- **Soybeans** and products thereof
- **Milk** and products thereof (including lactose)
- **Nuts:** namely almond, hazelnut, walnut, cashew, pecan nut, Brazil nut, pistachio nut and Macadamia nut (Queensland nut) and products thereof
- **Celery** and products thereof
- **Mustard** and products thereof
- **Sesame seeds** and products thereof
- **Sulphur dioxide and sulphites** (at concentrations of more than 10mg/kg or 10mg/L in terms of the total SO<sub>2</sub> which are to be calculated for products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers)
- **Lupin** and products thereof
- **Molluscs** and products thereof (for example clams, oysters, scallops, snails and squid)

### When should the 14 allergens be declared?

If there is a food product which contains or uses an ingredient or processing aid (such as enzymes added to make cheese or wheat flour used to roll out dough made from rye flour) derived from one of the substances or products listed in the Annex II, it will need to be declared by the food business.

This means that if a food business provides:

- prepacked and/ or non-prepacked food, and
- the food contains ingredient(s) or processing aid(s), containing any one of the allergens as listed in Annex II, and has been used in the manufacture or preparation of the food and is still present in the finished product,

then the allergen(s) must be declared.



### **Is it still acceptable to make claims such as 'gluten free' or 'egg free'?**

At present 'free from' claims do not fall within EU FIC. There is separate legislation on making gluten claims such as 'gluten free' and 'very low gluten' (EU Regulation No. 41/2009). Under Article 36 of the EU FIC there is scope for the rules relating to the absence or reduced presence of gluten in food to be transferred over to EU FIC, this is currently under review. More details on Regulation 41/ 2009 can be found in the following fact sheet:

[www.food.gov.uk/news-updates/news/2011/4681/glutenfree](http://www.food.gov.uk/news-updates/news/2011/4681/glutenfree)

As for other types of 'Free From' claims, such as 'egg free' and 'soya free', these do not have a regulatory limit. Therefore food businesses must be able to validate and verify such claims when used, and ensure the claim is clear and not misleading to the consumer. In such cases food businesses must be able to demonstrate that no egg or soya is present in the finished product by using the appropriate testing method to validate ingredients and processes used to produce the food.

## EU FIC and prepacked foods

### **Is there a standard method for food manufacturers to emphasis allergens in ingredients lists?**

There is no specific method to use in emphasising allergens within the ingredients list. Allergenic ingredients must be declared through a mode of emphasis which clearly distinguishes it from the rest of the ingredients by means of font, style or background colour.

The British Retail Consortium (BRC) and Food and Drink Federation (FDF) have produced relevant guidance on allergen labelling for industry, available at the following link:

[http://www.brc.org.uk/brc\\_news\\_detail.asp?id=2404](http://www.brc.org.uk/brc_news_detail.asp?id=2404)

### **Does the ingredient need to be emphasised as well as the allergen (eg. tahini which contains sesame)?**

No, only the allergen – and not the whole ingredient – needs to be emphasised (eg. tahini (**sesame**) or teriyaki sauce (**soya**)).

### **What about products which do not have ingredients lists and their title refers to the allergen concerned (eg. eggs, a bag of peanuts)?**

For such products there is no need for a separate allergen declaration to be made, as the name of the product clearly refers to the allergen concerned.

### **What about alcoholic drink products which do not have ingredients lists (eg. a bottle of wine)?**

In such cases, the allergenic ingredients can be indicated by the word ‘contains’ followed by the name of the Annex II allergen (eg. for a bottle of wine – contains: sulphites).

### **I have a product with several ingredients which clearly refer to the allergens within its titles (for example fish pie). Does the allergen in the title of the product require separate declaration in the ingredients list?**

If the name of the product (as it appears on the packaging) refers to the actual word used in Annex II such as ‘fish pie’ and ‘egg mayonnaise’ then a separate declaration of those allergens is still required in the ingredients list, as well as other allergens contained in the product.

### **Does the presence of allergens need to be emphasised and declared for each ingredient, even if there are several from the same allergenic food?**

Yes. For consistency and clarity purposes, where several ingredients or processing aids come from the same allergenic ingredient, the declaration and emphasis should be made for each ingredient. For example, ‘skimmed **milk** concentrate, sunflower oil, whey powder (**milk**)’

### **What about existing stocks of food labels printed before 13 December 2014?**

Products with the ‘old style’ allergen labelling can be sold through until stocks are exhausted. This is provided that the product is placed on the market or had labels affixed to it before 13 December 2014. Food labels printed after 13 December 2014, for food products placed on the market after that date, must be EU FIC compliant.

## **Do all milk-based ingredients need to clearly reference milk?**

Common milk-based foods such as cheese, cream, butter and yoghurt are considered to refer clearly to milk because legally these products can only be made from mammalian milk (under EU Regulation 1308/2013). This means that it is not necessary to qualify that those ingredients are from milk. However, you can declare the presence of milk if you choose to.

Where less familiar milk-based products are used as ingredients (such as fromage frais, Mascapone, Cantal, Quark) and components derived from milk (such as lactose, casein and whey), a clear reference to milk should be made. For example 'whey (**milk**)'.

## **Where there are food groups or species (eg. fish, crustaceans, molluscs and nuts), does the particular component need to be emphasised?**

Unless the particular allergen is specified in Annex II, it does not need to be specified. Therefore, it is acceptable to declare fish, crustaceans and molluscs by only emphasising those words (eg. 'cod (**fish**)'). Where nuts and cereals containing gluten are concerned, the specific types which are listed in Annex II should be declared and emphasised (eg. '**almonds**' or '**barley**').

## **How should species of wheat such as spelt and Khorasan be declared in the ingredients list?**

It is important for the word 'wheat' to be declared. However, it is up to the food businesses whether they wish to include reference to the species of wheat as a prefix, such as 'spelt (**wheat**)' and 'khorasan **wheat**'.

## **How should the allergen be declared if it is contained within a term (eg. soya bean, dried milk powder, sesame seed)?**

It is not necessary to mention the whole title of the allergenic ingredient if it comprises of several words. The main rule is to declare and emphasise the allergen as listed in Annex II. For example:

- '**sesame**' or '**sesame** seed' for 'sesame seed'
- '**soya**' or '**soya** lecithin' or 'lecithin (**soya**)' for soya lecithin
- '**milk**' or 'dried **milk** powder' for dried milk powder
- '**egg**' or '**egg** protein' for egg protein

## **What about single words which include the Annex II allergen (eg. wheatflour)?**

The name of the ingredient corresponding to the Annex II food can be emphasised as, for example, '**wheatflour**' or the entire name '**wheatflour**'.

## **How should allergens be declared for individual products contained within a multi-pack?**

Where products are sold in multi-packs, it is acceptable for the allergens to be declared on the outer packaging only. If food manufacturers choose to voluntarily provide allergen information on the packaging of individual products, contained within the multi-packs, then it would be necessary for it to appear in the mandatory format and to be consistent with the outer packaging.

## **Can logos/ symbols be used to indicate the presence of allergens in prepacked foods?**

No logos, icons and symbols should be used to repeat mandatory allergen information expressed within the ingredients list.

## **Are food manufacturers required to present allergen information in other languages on food labels?**

Article 15 of EU FIC explains that the language on the labelling should be easily understood by the people of the country where the food is marketed. For food products sold or provided in the UK it is essential the information be in English. In addition to English, other languages can be provided on a voluntary basis.

## **Are allergy boxes (such as ‘Contains allergens x and y’) on food labels no longer permitted?**

That is correct. The presence of allergens in ingredients should only be declared and emphasised in the ingredients list and nowhere else on the label. Advisory statements to help the customer find the information, such as ‘Allergens: See ingredients in **bold**’, can be used.

## **Isn’t it better to have statements such as ‘Contains allergens x and y’ on food labels instead of allergens declaration in the ingredients list?**

There are certain problems which ‘contains statements’ can create. Businesses used these on a voluntary basis in the past, meaning that they could choose to add them or not. This was confusing for consumers as they could wrongly assume that the absence of such statements implied that no allergens were present in the product. In addition, allergen information in ‘contains statements’ has on occasion been found to be inconsistent with the ingredients list resulting in products being withdrawn from sale. Safe allergen management advice for the consumer is to always check the ingredients list. The new requirement to emphasise allergens within the ingredients list means that allergen information can be found in a single and consistent place across Europe.

## Non-prepacked foods

### **What are the various formats in which allergen information can be provided for non-prepacked foods?**

The allergen information can be provided upfront, for example in writing on a menu or chalkboard or orally. Where allergen information it is not upfront, a clear notice (eg. a notice such as 'Please speak to our staff about the ingredients in your meal when making your order. Thank you') signposting the customer to where it can be obtained in writing or orally from staff is necessary

Methods of presentation can include grids or tables which include details of the dish and allergenic ingredients contained within it. Any format can be used to collect, record, report allergen information can be used, as long as the allergen information is:

- easily accessible to all consumers
- accurate, consistent and verifiable
- can be updated easily when required

### **If the allergen information is provided in writing (eg. menu or a meal ticket) does the allergen need to be emphasised?**

No, if the information appears on a menu or ticket then the allergen(s) would not have to be emphasised.

### **Is it sufficient for food businesses who sell or provide non-prepacked to only provide the allergen information orally?**

Businesses can provide oral allergen information as long as:

- there is clear written signposting to where this information can be obtained (eg. a notice such as 'Please speak to our staff about the ingredients in your meal when making your order. Thank you')
- the information provided orally is consistent, accurate and verifiable upon challenge

### **Can allergen information only be verified by written information?**

The business will need to be able to demonstrate due diligence and prove that the allergen information provided is consistent, accurate and verifiable upon challenge. The default method for verifying such details is in writing. Examples include recipes sheets, scrapbooks of labels or specification sheets and allergen matrices which can be downloaded from the FSA website: [www.food.gov.uk/allergen-resources](http://www.food.gov.uk/allergen-resources)

### **How should institutional caterers in schools, hospitals and care homes follow the rules?**

In situations where the consumer may not be able to make their own food choice, such as when food is provided by institutions, it is important to consider due diligence and responsibilities surrounding the safeguarding of individuals under their care. This requires the institution being aware of pre-existing food allergies or intolerances, so it can meet its duty of care.

Where the individual of concern is considered unable to make safe food choices, such as a young child or a person with a mental health issue, the institution should have a process in

place which helps identify individuals with dietary needs to ensure suitable (and safe) food is provided. In addition, staff handling food must also be aware of the allergen rules and the institution's policy on food allergen management to protect the children/ residents/ patients in their care.

- In care homes there will be a care record outlining the resident's needs (i.e. mobility or dietary needs); however there needs to be a process in place to ensure dietary needs on the care record are communicated to those serving the food
- In schools, practices to identify children with dietary needs could be as simple as coloured wrist bands or a photograph of the child and details of their allergy in the kitchen/serving area. This is so kitchen staff can identify those with specific dietary requirements.

### **What about food that is provided on airlines, ships and trains?**

Food provided on modes of transport travelling between and from EU Member States to third countries, fall within the scope of EU FIC's allergen rules. If you provide catering on transport then specific points to consider include:

- The allergen rules cover food which is provided free of charge or complimentary snacks or meals
- If you provide single units of prepacked food then this should have the correct allergen information in an appropriate format on the label
- If you provide food products in a sealed box as a meal and regardless of the items being prepacked and having the correct allergen labelling, you will need to consider making the allergen information visible and available before the seal is broken
- Allergen information could be provided by a sticker on the sealed box which declares which allergens are present in the items. If you do not wish to provide the allergen information on the box, a general statement on the box signposting the passenger to allergen information placed on each individual item (eg. 'The individual items in the box are labelled with dietary and other information. Please read carefully to ensure the product meets your dietary requirements') could be used.

### **How can allergen information be provided for food served in buffets?**

The allergen information can be provided in writing and upfront or signposted, by writing, as to where it can be obtained. However, the information should be clear for each separate item rather than the buffet as a whole.

If you provide food through buffets, you may also wish to consider allergen cross-contamination as part of your wider allergen management system. More information about allergen cross-contamination, which is not actually covered by the new EU FIC rules, can be found in the 'Allergen Cross-Contamination' section of this Q&A.

### **Is it essential for staff to attend allergen training?**

The food business can decide how it trains staff; however staff should be able to know how to deal with requests for allergen information, such as knowing how to pass customer queries to someone in the business who can help and provide the information.

### **Is it acceptable to use blanket statements such as ‘all our foods contain allergens’ or ‘this product contains allergens’?**

No. Under the new EU FIC rules, businesses must provide specific allergen information for the food supplied.

### **Can logos/ symbols be used to indicate the presence of allergens in non-prepacked foods?**

Logos/ symbols can be used provided that they are accompanied by words and numbers to enable consistent understanding amongst consumers.

### **How can businesses supplying food to catering establishments follow the rules?**

The allergen information could appear on the packaging of the items, a label attached to the packaging, or on the specification sheet or delivery note. The specification sheet/delivery note must, however, accompany the food, or be made available (eg. online) separately before or at the same time as delivery of the food.

### **What about caterers who frequently change recipes and food businesses with a high turnover of staff?**

The FSA recognises that the provision of written information upfront to the consumer may not be practical for all catering situations. However, the EU FIC rules give businesses flexibility over how allergen information can be provided.

The main point to consider is that there is a process in place which allows the business to adjust the information provided. It could be as simple as a dated slip sheet with the name of the dish and a checklist of the 14 allergens or a recipe sheet with allergen information on it for example. Front of house staff will need to be made aware of how allergen requests are dealt with and where accurate allergen information can be obtained. You can find such templates in our resources section: [www.food.gov.uk/allergen-resources](http://www.food.gov.uk/allergen-resources)

### **How do the allergen rules apply to non-prepacked foods (including foods prepacked for direct sale) sold through vending machines?**

In these cases, the food business operator should provide the mandatory allergen information. Possible methods include:

- clear written notices signposting to where the information can be obtained (eg. a nominated member of staff or a telephone number to call)
- in writing on the vending machine itself
- in writing (contains allergens ‘x’ and ‘y’) on the packaging of foods if prepacked for direct sale.

This information should be easily visible and accessible.

## Distance selling

### **What if the food is sold long distance (eg. internet sales, mail order catalogues and telephone orders)?**

Article 14 of EU FIC explains that mandatory food information (including allergens) should be provided for prepacked foods, non-prepacked foods, and foods which are prepacked for direct sale.

### **At what point should the information be provided?**

Article 14 of EU FIC on distance selling includes rules on the provision of mandatory allergen information. Businesses are advised to make the information:

- available before the purchase is concluded. This includes appearing on material supporting the distance selling such as a catalogue, takeaway menu or website
- available upon delivery. This can be in writing such as stickers on takeaway containers, which could say 'contains allergens x and y', food tickets and receipts or provided on takeaway menus or websites.

In both cases, the information must be available to the customer with no additional cost. It should be 'marked in a conspicuous place' and be 'easily visible, clearly legible and where appropriate indelible'.

### **Do the distance selling rules cover prepacked foods sold from vending machines?**

No. It is the responsibility of the food companies who manufacture prepacked foods to provide mandatory information such as allergen information. Prepacked foods sold via vending machines do not need to make available the allergen information before the purchase is made.

### **Do drive-thru takeaway food businesses fall within the scope of distance selling?**

No, food purchased through the drive-thru format is not considered as distance selling but would still need to adhere to the same allergen rules, as relevant to non-prepacked foods. Allergen information can be provided upfront, on the menu, or signposted to where it can be obtained by the customer.



## Business support

### **What is the FSA doing to increase awareness of the allergen rules?**

The FSA has disseminated key information about the rules through local authorities, consumer groups, trade bodies and via the FSA website, media and digital channels. In partnership with enforcement bodies, training has also been delivered to authorised food officers across the UK to advise food businesses of the new rules.

### **Does the FSA anticipate a high level of awareness of the allergen rules by 13 December 2014?**

We appreciate there is still a considerable level of work required. Recent data shows there are about 608,000 food businesses registered with local authorities in the UK. We are also aware that many food businesses and caterers work long and unsociable hours which allows very limited time to read through and digest new guidance. The FSA will therefore continue to work closely with local authorities and food businesses in making sure the changes are communicated effectively and resources are made available where appropriate to aid compliance.

### **Will the FSA continue to raise awareness of EU FIC after December 2014?**

Yes. The FSA recognises the need to continue to raise and maintain awareness, especially within the food service sector where there is a high turnover of staff. We will continue to do this using all available channels to communicate to food businesses, consumers and healthcare professionals.

### **Does the FSA offer any training on the allergen rules?**

The FSA offers:

- free online training: <http://allergytraining.food.gov.uk/english/>
- short advisory publications for food manufacturers and food businesses selling and providing non-prepacked foods: [www.food.gov.uk/allergen-resources](http://www.food.gov.uk/allergen-resources)
- technical guidance on the new provisions: <http://www.food.gov.uk/multimedia/pdfs/guidance/allergen-labelling-technical-guidance.pdf>
- templates and example signage to facilitate relevant business processes, including a PowerPoint training pack on the new allergen rules that can be edited: [www.food.gov.uk/allergen-resources](http://www.food.gov.uk/allergen-resources)

### **Will the FSA be updating its Safer Food Better Business (SFBB) Pack, Cook Safe (in Scotland) and Safe Catering (in Northern Ireland) to reflect the allergen changes?**

FSA will consider amending the allergens pages to reflect the new allergen rules in the next reviews of SFBB (in Spring 2015) and Cook Safe. Safe Catering was recently updated in Northern Ireland.

## Enforcement

### **Who is responsible for taking enforcement action against food businesses who fail to comply with the allergen rules?**

Depending on local arrangements, local authority Environmental Health Officers and/or Trading Standards Officers check and monitor to see if food businesses are providing the correct information (i.e. allergen information being given orally and/ or in writing) to consumers.

### **What corrective actions can local authorities take against businesses that are in breach of the allergen rules to ensure compliance?**

The local authority and food business should work together in ensuring compliance. In most instances this may involve a step by step approach. In some cases, where the business fails to act upon previous advice given by the local authority, a penalty notice (known as an Improvement Notice) may be issued. These notices formally outline the corrective steps the business should take within a set period of time.

### **Can businesses appeal against Improvement Notices?**

Yes, a business can appeal against Improvement Notices. The recipient has 28 days from the date on which the Notice was sent to the business in which to send an appeal to the correct tribunal office. An appeal must be received by the Tribunal within 28 days of the date on which the Notice was sent to the appellant.

# Allergen management issues (outside the scope of EU FIC)

## Allergen cross-contamination

### **What is the basis of precautionary allergen labelling (eg. 'May Contain')?**

Precautionary allergen labelling can be applied voluntarily to indicate the unintentional presence of allergens in a food. EU General Food Law states:

*'Food shall be deemed to be unsafe if it is considered to be injurious to health'* - Article 14 (2)(a)

*'In determining whether any food is unsafe, regard shall be had to the information provided to the consumer, including information on the label, or other information generally available to the consumer concerning the avoidance of specific adverse health effects from a particular food or category of foods'*- Article 14 (3)(b)

We therefore advise food businesses to use such precautionary allergen warnings following a thorough risk assessment and where there is a real risk to the consumer. The use of precautionary allergen labelling, when there is not a risk, could be considered to be misleading.

### **When will there be specific rules on precautionary allergen labelling?**

While Article 36 provides scope for introducing specific rules surrounding the application and phrases used for precautionary allergen labelling. Allergen reference doses are levels at which the presence of allergens is not considered to be a public health risk; however these need to be agreed at an international level before being widely used by food companies and enforcement bodies.

The FSA is continuing to work with its key stakeholders to establish levels for precautionary allergen labelling. This requires careful analysis of clinical threshold data and consumption data to see if there is a level which can be used to inform allergen reference doses.

## **ANNEX: Food allergies and intolerances**

### **What is a food allergy?**

A food allergy is a rapid and potentially serious response to a food by your immune system. Symptoms of an allergic reaction can range from mild symptoms – such as itching around the mouth and rashes; and can progress to more severe symptoms such as vomiting, diarrhoea, wheezing and, on rare occasions, anaphylaxis (shock).

### **How much food must be consumed before a food allergic person suffers from an allergic reaction?**

An allergic reaction can be produced by a tiny amount of a food ingredient that a person is sensitive to (for example a teaspoon of milk powder, a fragment of peanut or just one or two sesame seeds). The amounts individuals react to vary between people, not everyone reacts to the same amount.

### **What is food intolerance?**

Most food intolerances do not involve the immune system and are generally not life-threatening. However, they can make someone feel very ill or affect their long-term health. Examples of food intolerances include lactose and gluten intolerance.

### **Why are food allergies and intolerances increasing?**

We are not sure why food allergies or intolerance are increasing. The FSA have a programme of research investigating the various factors (such as exposure to skin, maternal diet, weaning practices and timing of new foods being introduced into the diet) which may influence the development of food allergies and intolerance. Details of the FSA's food allergy research can be found on: [www.food.gov.uk/science/research/allergy-research/](http://www.food.gov.uk/science/research/allergy-research/)

### **Can people develop allergies or stronger allergic reaction in later life?**

Most food allergies start in childhood but can develop at any time in a person's life. Children can outgrow their food allergy, this often occurs for milk and egg allergies. Some adults develop an allergy to a food they could previously eat without a problem. It is not clear why such conditions occur.

### **Are some allergies more common than others?**

The most common food allergies among adults are to fish, shellfish (crustaceans and molluscs) and nuts, including peanuts, walnuts, hazelnuts and Brazil nuts. Children often have allergies to milk and eggs as well as to peanuts, other nuts and fish.