

FSA Consultation on Best Practice Guidance Allergen Information for Non-Prepacked Foods

Response from Dr Hazel Gowland - Allergy Action

Living with
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Patient
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Expert
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Not a food
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Not
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FSA Consultation objectives

1. To consider the impacts of FBOs adopting this best practice guidance for written allergen information in the non-prepacked sector
2. To understand any wider issues relating to the guidance
3. To assess how effective this best practice guidance is in supporting FBOs to implement the provision of written allergen information in their food business
4. To seek feedback on improvements that can be made to support FBOs

Best practice guidance

- Needs to be relevant to a wide range of food business operators (including those who barely consider themselves food handlers eg childminders, occasional events, holiday and sports clubs)
- Needs to provide practical examples of ways to comply with the law for different types of operation
- Needs to be cross-referenced with specific regulations (in this case providing information about #14allergen ingredients in non-prepacked foods), and all related regulations about declaring, assessing, managing and controlling food allergens

Food Safety
Act 1990 S14
and S15

Selling safe
food
178/2002

Other
sections of
1169/2011

Obligation to
assess risks
(Article 5
852/2004

Health and
Safety (HSAW
Etc 1974)

Risk of fatality
(Gross
Negligence
Manslaughter)

Local authority food EHOs and TSOs meet resistance from FBOs as guidance is 'only voluntary' so they don't need to comply

Best practice guidance - continued

Existing industry guidance - examples

SAFER FOOD BETTER BUSINESS FOR CATERERS

SAFE METHOD:
FOOD HYPERSENSITIVITY

‘Food hypersensitivity’ is a term used to describe food allergy, intolerance and Coeliac disease. It is important to know what to do if you serve a customer who has a food hypersensitivity, because there are risks to the catering. By now, you must tell your customers if certain food allergens are in the food you prepare (see the section on the next page). This also needs to be done completely for Managing Food Allergen Information (see the management section of the SAC). All of the FSA’s information, guidance and templates are available on the [FSA website](#).

SAFETY POINT	WHY?	HOW DO YOU DO THIS?
Delivery and Collection Make sure, at the point of delivery, you label the food and check you have all the ingredient information you need from the supplier.	This helps to prevent small amounts of the food that a person is allergic to getting into the dish accidentally, which could prove fatal.	How do you prepare foods for allergic consumers?
Preparation Make sure you do not contaminate foods for an allergic consumer while you are preparing food for them. Check the labelling information to make sure that any ingredients used to prepare the dish do not contain the food they are allergic to, including oils, dressings, glazes, sauces and garnishes. If the labels of any of the ingredients you are using to prepare that dish say they may contain certain food allergens or are not suitable for certain food allergens or are not suitable for the customer know and ask them if they still wish to order. When you have been asked to prepare a dish that does not contain a certain food, make sure work surfaces and equipment have been thoroughly cleaned first. Make sure staff wash their hands thoroughly before preparing the dish. You should also have separate preparation boards and equipment dedicated to allergy-free meals. If you make a mistake when preparing a dish for a customer with a food allergy, do not just remove the ingredient containing the allergen from the dish and tell them the food is safe from scratch with fresh ingredients. Remember: unless stated, allergens are always present in the food and cannot be removed or destroyed by cooking.		
Storage It is important to make sure all foods are labelled clearly listing the allergens in the food. Only covers, resealable or plastic into sealed containers if needed and any food spillages in storage areas are cleaned up quickly. Make sure you clearly label containers with the ingredients. Take Away Orders Cross contamination of a food allergy: customers can take place during transport from your business to the customer’s home and during service. You should take steps to prevent contamination such as keeping the food to the customer with an allergy separate, labelled and covered well. During service, it is also important to ensure that the right meal is served to the correct person.	Allergens can easily be transferred from one food to another meaning allergen-free foods can become contaminated and no longer allergen-free. This poses a risk to a customer with a food allergy being served food and suffering an allergic reaction. If a food allergy customer’s order is contaminated with allergens, they could suffer an allergic reaction.	How do you store foods once opened? How do you prevent contamination from allergens in take away orders?

Food Standards Agency | [food.gov.uk/info](#)

THINK TWICE!

Which ingredients can cause a problem?
You must provide information about allergens to your customers if they are used as ingredients in the food and drink that you provide. You can find further information on the [FSA website](#).
These are some of the foods people may be allergic to and where they may be found:

Nuts (Namely almonds, hazelnuts, walnuts, pecan nuts, Brazil nuts, pistachio, cashew, Macadamia or Queensland nut)	In sauces, desserts, crackers, bread, ice cream, marzipan, ground almonds, nut oils.
Peanuts	In sauces, cakes, desserts. Don't forget groundnut oil and peanut flour.
Eggs	In cakes, mousses, soups, pasta, quiche, some meat products. Don't forget foods containing mayonnaise or drizzled with egg.
Milk	In yoghurt, cream, cheese, butter, milk powders. Also check for foods glazed with milk.
Fish	In some salad dressings, pizzas, relishes, fish sauce. You might also find fish in some soy and Worcestershire sauces.
Crustaceans	Such as prawns, lobster, shrimp, crab, shrimp paste.
Molluscs	These include mussels, whelks, squid, tentacles, oyster sauce.
Cereals containing gluten (namely wheat (such as spelt and Khorsan wheat), barley, rye and oats)	Also check foods containing flour, such as bread, pasta, cakes, pastry, meat products, soups, soups, batter, stock cubes, breadcrumbs, foods dusted with flour.
Celery	This includes celery stalks, leaves and seeds and celeriac. Also look out for celery in salads, soups, celery salt, some meat products.
Lupin	Lupin seeds and flour in some types of bread and pastries.
Mustard	Including liquid mustard, mustard cream, mustard powder and mustard seeds, in salad dressings, marinades, soups, sauces, curries, meat products.
Sesame seeds	In bread, breadsticks, tahini, houmous, sesame oil.
Soya	As tofu or beanrour, edamame, tempeh, soya flour and textured soya protein. In some ice cream, sauces, desserts, meat products, vegetarian products.
Sulphur dioxide (when added and above 10mg/kg in the finished food and drink)	In meat products, fruit juice drinks, dried fruit and vegetables, wine, beer.

WHAT TO DO IF THINGS GO WRONG

If you think a customer is having a severe allergic reaction:

- do not move them
- ring 999 and ask for an ambulance with a paramedic straight away
- explain that your customer could have anaphylaxis (pronounced ‘an-ah-fay-lax’)
- send someone outside to wait for the ambulance
- if the customer has an adrenaline or Epi pen, help them to get it.

HOW TO STOP THIS HAPPENING AGAIN

- Make sure all your staff understand how important it is to check all the contents of a dish if asked by someone who has a food allergy.
- Make sure you keep accurate and updated ingredient information for all ready-made products and staff know to check it.
- Review the way that staff prepare a dish for someone with a food allergy – are they cleaning effectively first and using clean equipment?
- Improve the descriptions on your menu.
- Train staff again on this safe method.
- Improve supervision.

Write down what went wrong and what you did about it in your diary.

Food Standards Agency | [food.gov.uk/info](#)

UKH
UK HOSPITALITY

FA
FOOD ALLERGY

Industry Guide to Good Hygiene Practice Catering Guide

Retained Regulation (EC) 852/2004 on the Hygiene of Foodstuffs

Recognised by
Food Standards Agency
Food Standards Scotland

FA Industry Guide to Good Hygiene Practice (UK) Catering Guide

CONTENTS

Allergens & HACCP

Food allergens are a significant hazard to those sensitive to them, whether present in food as an intended ingredient, or through cross contact in the manufacturing, preparation or food service environment.

How to comply with the law

- The need to recognise that customers may be allergic or have an intolerance to a wide range of foods other than the 14 key allergens which are not covered by the law.
- The need to describe food accurately and not mislead.
- The need to sell safe food, recognising that food with incorrect information may be unsafe.
- The need to ensure that the food remains safe when the food business has been made aware of a specific allergen requirement.
- All staff must be trained (as appropriate to their role) in the way that allergens are managed in your business.
- The need to consider the potential for allergen cross contact and how this can be eliminated, or the customer informed of the risk, when a customer makes a specific allergen request. If you the FBO are unable to provide safe food

The law

Regulation (EC) No 852/2004 Article 5

- Food business operators shall put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles (See section 4.3.2 Application of food safety management procedures based on the principles of HACCP).
- Regulation (EC) No 178/2002 Article 14 Food Safety Requirements
 - Food shall not be placed on the market if it is unsafe.
 - Food shall be deemed to be unsafe if it is considered to be:
 - injurious to health;
 - unfit for human consumption;
 - in determining whether any food is unsafe, regard shall be had:
 - to the information provided to the consumer, ... concerning the avoidance of specific adverse health effects from a particular food or category of foods;
 - in determining whether any food is injurious to health, regard shall be had:
 - to the particular health vulnerabilities of a specific category of consumers where the food is intended for the category of consumers;

Distance Selling

Distance selling means any supply that happens without the physical presence of the consumer and business at the same premises at the time of completing the contract (see also e.g. agreed to the sale).

Examples of selling include:

- Online websites;
- Via apps;
- Via delivery e.g. Deliveroo, Just Eat;
- Text messaging;
- Phone calls;
- Spots;
- Interactive TV;
- Mail order.

You must make allergen information available for non-prepacked food available to the customer (for mail before they purchase the product and at the moment of delivery which may be:

- In writing e.g. labels, stickers on food or an enclosed manufacturer;
- Orally e.g. by phone; information is provided orally; it must be accurate, consistent and verifiable;
- Online information, e.g. by a URL, code or QR code, but there must be a way to easily reach the online information to the food purchaser. There should be a backup for those occasions when online access is not available and for those customers with no access to the internet.

Whatever the chosen method of presentation, you must always ensure that the allergen information is current and accurate.

Allergen management regulations and guidance are embedded in existing general and sector specific policies and practices, The proposed guidance must align consistently with what is already available and being implemented.

Guidance should clearly set out the relevant law and how to comply with the law. If lessons learned from recent cases indicate that existing guidance is not working, we need to understand why and change it.

Providing allergen information for non-prepacked foods

To whom? By whom?

- Food business operators up and down the supply chain
- Consumers
- Consumer parents, carers, wider family, friends, colleagues
- Nursery, school, college, hospital, care, prison, workplace catering and non catering personnel
- Occasional food suppliers – voluntary events, sports clubs, holiday clubs
- ‘Non professional’ food suppliers – childminders, hairdressers, event organisers
- Other?



Providing allergen information – what do people need?

#14 Allergens as ingredients

Other ingredients including non #14 Allergens

May Contain for #14 Allergens

Other?

In the guidance

Not in the guidance

Non Annexe 2 allergens eg #peas, #beans, and any other ingredient of concern
Should be available from the FBO supplier label / product data

Not in the guidance

Could be available from the FBO supplier label / product data

In catering, more likely through additional dialogue with competent staff eg chef, manager

Current challenges

Written information for #14 allergens required by law incomplete?

Written information inadequate for consumer need?

Written information supplied to FBO not retained?

Written information not signposted / accessible to staff / customers

Written information inconsistent between sources? Eg web data not matching printed data

Written information out of date eg contingency purchasing, frequent menu changes

Written information not sense checked or audited

**Does the draft guidance deal adequately with these challenges?
What evidence is needed to demonstrate this?**

Barriers to the correct provision of allergen information for non-prepacked foods

Food Business behaviour

- No or poor allergen management
- Inadequate allergen risk assessment
- Language, literacy, cultural barriers to information accessibility – label reading
- Lack of understanding of allergen risks and controls
- Cost – time for training, time for product data checking
- Cost pressure leading to changes in ingredients eg special offers, BOGOFs, last minute substitution without updating colleagues or written product data
- Cost and practicality of producing written information eg new menu with updated allergen information
- Poor version control of product data
- Confused management of data for dish / product adaptations

Consumer behaviour

- Social eg embarrassment barriers to making needs known
- Fear of not being served / excluded from meal / event
- Fear of being excluded from general ordering eg having to order in person rather than on App
- Not sure what to say
- Belief in own tolerance eg to small amounts
- Not knowing legal rights to information or what best practice looks like
- Unfamiliar cuisine, culture, catering methods
- Confusing allergen symbols / customer signage
- Confusion about ‘may contain’
- Language, literacy, cultural barriers to information accessibility – label reading, dialogue
- Distraction

How to communicate the presence of #14Allergen ingredients in non-prepacked food and drink - Symbols

													
Celery	Cereals containing gluten**	Crustaceans	Eggs	Fish	Lupin	Milk	Molluscs	Mustard	Nuts*	Peanuts	Sesame seeds	Soya	Sulphur dioxide

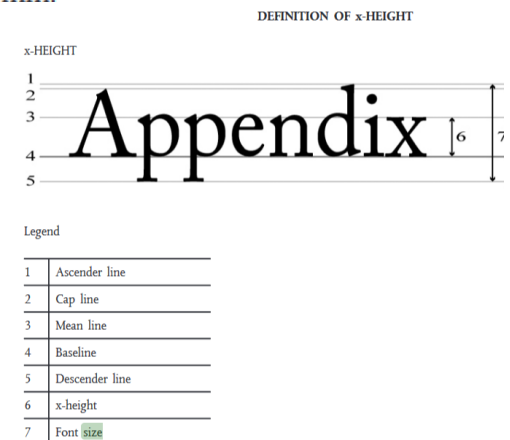
The current FSA / FSS symbols for the #14Allergens are unambiguous and well recognised. (I have drawn in a bag of dried fruit with Sulphur Dioxide as this use is often forgotten)

Since they were designed (c 2006), efforts to redesign them have never improved clarity or understanding

They must always be adjacent to the legal name they represent

The text size on any printed matter must be clear and legible. I suggest compliance with the minimal text height for labelling in 1169/2011.

2. Without prejudice to specific Union provisions applicable to particular foods, when appearing on the package or on the label attached thereto, the mandatory particulars listed in Article 9(1) shall be printed on the package or on the label in such a way as to ensure clear legibility, in characters using a font size where the x-height, as defined in Annex IV, is equal to or greater than 1.2 mm.



Shortcuts to communicate the presence of #14 Allergen ingredients in non-prepacked food and drink – Key Codes

These examples of written information from Ireland show different letter / number codes for #14 Allergens which are very confusing



Seafood Entrée

Gambas Pil Pil €12.50

Indulge in the bold flavours of tiger prawns cooked in olive oil, garlic & chilli, served with a of warm sourdough. (7, 10, 12)

Mussels Bianco €13.50

Tender mussels cooked in white wine, shallots, garlic, red pepper flakes and parsley. (5, 7, 11, 12)
 Served with sourdough bread.

Asian Spicy Mussels €13.50

Delight in the exotic combination of lemongrass, chilli, ginger, basil and coconut sauce. (1, 7, 10)
 Served with sourdough bread.

Madam Mok Special Fried Rice & Noodles

8 Yong Chow Fried Rice (CDE)	€10.80
9 Singapore Fried Rice (CDE)	€10.80
10 Nasi Goreng (BMCDHN)	€10.80
11 Tom Yum Thai Fried Rice (ABLDE)	€10.80
12 Singapore Chow Mein (CDILEM)	€10.80

ALLERGEN INFORMATION

1: PEANUTS 2: NUTS 3: SOYA 4: SESAME
 5: SULPHITES 6: MUSTARD 7: GLUTEN 8: LUPIN
 9: FISH 10: CRUSTACEANS 11: MOLLUSCS 12: MILK 13: EGGS 14: CELERY

Please inform your staff of any allergies to food allergens list below:

A: Celery	B: Gluten Containing Cereals	D: Eggs
C: Crustaceans (shellfish)	F: Lupin	G: Milk
E: Fish	I: Mustard	J: Nuts
H: Molluscs	L: Sesame Seeds	M: Soya
K: Peanuts	O: Coconut	
N: Sulphur Dioxide		

How useful will this draft Guidance be in practice?

As a resource for FBOs and their auditors and advisers?

- Needs to align with existing allergen risk assessment, management and communication
- Needs to support existing regulations and best practice
- Needs to ensure consistency and effectiveness across all operations and the length of the supply chain
- Needs to be supported by training appropriate to role embedded under supervision in the workplace
- Needs to support reviews and updates in line with any changes in activity – food management, service, delivery
- Needs practical examples for a wide range of FBO types and activity
- Needs to highlight pitfalls of over-complex information systems and poor data checking

As a resource for local authority guidance and inspection?

- Needs to be clear about what is required by law
- Needs to align with existing best practice guidance
- Needs to help LA to support allergen risk assessment eg via SFBB
- Needs to help LA to provide guidance and training for a wide range of FBO types and activity
- Needs to signpost up to date single resource for all FBO allergen management and regulatory compliance
- Needs to emphasise risks to consumers and FBOs of poor information management provision
- Needs to overcome Primary Authority challenges if risks or non compliances identified
- Needs to recognise LA and FBO limited resources and cost factors, and prioritise high risk activities and controls