



## **The Provision of Allergen Information for Non Pre-packed Foods – Voluntary Best Practice Guidance.**

**New EU law on food information to consumers.**

The new EU Regulation 1169/2011 on the provision of food information to consumers considerably changes existing legislation on food labelling; The new rules will apply from 13 December 2014. The obligation to provide nutrition information will apply from 13 December 2016.

[www.chefbytes.co.uk](http://www.chefbytes.co.uk)

1/13/2013

# The Provision of Allergen Information for Non Pre-packed Foods – Voluntary Best Practice Guidance

## New EU law on food information to consumers

The new **EU Regulation 1169/2011** on the provision of food information to consumers considerably changes existing legislation on food labelling including:

- Nutrition information on processed foods;
- Origin labelling of fresh meat from pigs, sheep, goats and poultry;
- Highlighting allergens e.g. peanuts or milk in the list of ingredients;
- Better legibility i.e. minimum size of text;
- Requirements on information on allergens also cover non pre-packed foods including those sold in restaurants and cafés.

The new rules will apply from **13 December 2014**.

The obligation to provide nutrition information will apply from **13 December 2016**.

The new law combines two directives, into one legislation:

- 2000/13/EC - labelling, presentation and advertising of foodstuffs;
- 90/496/EEC - nutrition labelling for foodstuffs.

# Table of Contents

The Provision of Allergen Information for Non Pre-packed Foods – Voluntary Best Practice Guidance.....	2
New EU law on food information to consumers.....	2
Foreword .....	4
1. Why is this guidance needed?.....	4
2. What is the purpose of this guidance? .....	4
3. Who is the guidance aimed at? .....	4
4. Summary of Key Messages .....	4
What you need to know about .....	6
5. Food Allergy and Food Intolerance .....	6
5i. Food Allergy .....	6
5ii. Food Intolerance .....	6
6. Legal Context.....	7
7. Cross-contamination with food allergens.....	7
Advice for all businesses selling food that is non pre-packed .....	8
8. Introduction .....	8
9. Effective Communication .....	8
10. Basic Training for Staff.....	9
11. Ingredient Information .....	10
APPENDIX I:.....	12
12. Legal Context and terms used in this guidance .....	12
13. What is the background to the EU and National Legislation?.....	12
14. What does ‘Pre-packed’, ‘Pre-packed for Direct Sale’ and ‘Non Pre-packed’ Mean?.....	12
15. What are the Statutory Labelling Requirements for Foods Sold Pre-packed for Direct Sale and Non Pre-packed?.....	13
16. What are the Requirements under the General Food Law .....	13
APPENDIX II: .....	14
17. Examples of issues that may arise in different types of businesses providing foods that are non pre-packed.....	14
Section 1: Sandwich Bars.....	14
Section 2: Restaurant (Carvery) .....	14
Section 3: Fast Food and Fixed Menu Restaurants.....	15
Section 4: Bakery (Bake Off) .....	15
Section 5: Deli Counter or Shop.....	15
Section 6: Self Service Salad Bar .....	16
Section 7: Function Catering .....	16
Section 8: Institutional Catering e.g. Schools.....	17
Section 9: Childcare and Child Minders.....	17
Section 10: Different Cuisine Techniques .....	18
APPENDIX III: .....	19
18. List of allergenic foods that can cause a problem.....	19

# Foreword

## 1. Why is this guidance needed?

- 1.2 There is evidence that food allergies are becoming more common. The number of foods to which people react is extensive; however, the majority of reactions are associated with a relatively small number of foods.
- 1.3 Customers with food allergy and coeliac disease (gluten intolerance) need to know which foods they can eat safely. 'Pre-packed' foods are required by law to declare specified allergenic ingredients on the label. However, these requirements do not apply to foods which are sold unwrapped (for example, in restaurants, bakeries, deli counters or salad bars) nor to foods that are sold 'pre-packed for direct sale' (foods that are generally wrapped on the same premises as they are sold, such as meat pies or sandwiches packed on site).
- 1.4 Therefore, customers with food allergy sometimes find it difficult to choose suitable foods sold in these ways. The phrase 'non pre-packed food' will be used in this guidance to cover these types of foods when they are sold in the retail sector and in catering businesses. In these situations customers with food allergy typically have to ask for ingredient information at the point of sale, or rely on any written information provided voluntarily by businesses.
- 1.5 Having an allergy to a food has a big impact on a person's life. If given the wrong information, the consequences could be serious as they could become seriously ill or even die.

## 2. What is the purpose of this guidance?

- 2.1 The purpose of this guidance is to provide best practise voluntary guidance to help businesses selling or providing none Pre-packed food, to learn how they can help customers with food allergy or intolerance. This guidance provides advice on how this might be done and also highlights potential problems.
- 2.2 The guidance outlines best practice so that businesses can, if asked, give their customers sufficient and accurate information. This will help customers with food allergy by reducing the risk of them having a reaction and will enable businesses to ensure that customers can make fully informed choices about the foods they eat.

## 3. Who is the guidance aimed at?

- 3.1 This voluntary guidance is relevant to all businesses that sell food none pre-packed (unwrapped) or pre-packed for direct sale, whether in catering establishments or through retail outlets. The guidance is also relevant to businesses providing food in institutional catering operations, such as schools, hospitals and prisons, as well as where food is provided at corporate events, or conferences. It will also be a helpful guidance tool for enforcement officers when advising businesses providing food that is none pre-packed. However, the guidance should not be used as an enforcement tool.

## 4. Summary of Key Messages

- 4.1 If a customer with food allergy asks you about the ingredients in a food:
  - Never guess.
  - If you don't know, try to find out.
  - If you are unable to provide the information, say so.
  - If the information is unavailable, can you provide an alternative food?
  - Always ensure all relevant staff is advised of any recipe changes or ingredient substitutions.
- 4.2 Communication
  - All staff should receive training on handling allergy information requests from their first day in the job.
  - There should be an agreed practice for dealing with allergy information requests and all staff should know about this.
- 4.3 Basic training of staff
  - Know the ingredients in the foods you sell.
  - Make sure ingredients information is accessible to all staff.
  - Make sure ingredients information is up-to-date.
  - If you use part prepared ingredients, make sure you know what's in them.
  - Consider the risk of allergen cross-contamination.

- Ingredient information



# What you need to know about

## 5. Food Allergy and Food Intolerance

### 5i. Food Allergy

- 5.1 The proportion of the population with true food allergy is estimated to be 1-2% of adults and about 5–8% of children, which equates to about 1.5 million people in the UK. Every year in the UK about 10 people are thought to die from allergic reactions to food although the true figures are likely to be higher. Many more people have to be treated in hospital.
- 5.2 The substance in a food that causes an allergic reaction in certain people is called an allergen. Allergens are normally proteins. Most allergic reactions to food are mild, but sometimes they can be very severe. It is important for all food businesses to be aware of food allergy and to take it seriously.
- 5.3 In some cases when someone eats a food they are allergic to, even the tiniest amount can potentially cause a very severe reaction, this reaction is called anaphylaxis. Severe allergic reactions are relatively rare and they are most commonly caused by only a handful of foods. The following allergenic foods have been identified as public health concerns across Europe. These are the allergenic foods that have to be declared when used as ingredients in pre-packed foods (this also includes any foods derived from the allergenic food for example;
- yoghurt or cheese made from milk)
  - Peanuts (also called groundnuts or monkey nuts)
  - Nuts (almond, hazelnut, walnut, cashew, pecan, Brazil, pistachio, macadamia and Queensland nut)
  - Fish
  - Eggs
  - Crustaceans (for example, crab, lobster, langoustine, prawn, shrimp)
  - Sesame seeds
  - Milk
  - Soybeans
  - Celery (including celeriac)
  - Mustard
  - Lupin
  - Molluscs (for example, squid, octopus, mussels, cockles, periwinkles, snail)
  - Cereals containing gluten (for example, wheat, rye, barley, oats, spelt and kamut)
  - Added sulphur dioxide and sulphites at a level above 10 mg/kg (often used as a preservative for dried fruit and found in drinks)
- 5.4 Some people may ask about other foods or substances to which they are allergic and these should be treated with equal importance and in the same manner, for example, tomato, banana, kiwi fruit or latex (natural rubber, as used in rubber gloves).

### 5ii. Food Intolerance

- 5.5 Some people need to avoid certain foods because of food intolerance rather than a true food allergy. Food intolerance is different from food allergy. It typically does not involve the immune system and is generally not life threatening. However, if a customer eats a food to which they are intolerant, this could make them feel very ill or affect their long-term health. For example, people with lactose intolerance need to avoid lactose (a sugar found in milk), because they lack the enzyme that breaks down this sugar. This causes symptoms such as diarrhoea, weight loss, bloating and anaemia.
- 5.6 Some people need to avoid certain foods because of coeliac disease, which is a lifelong auto-immune disease. About 1 in 100 people have coeliac disease and need to avoid gluten, a type of protein found in the cereals, like wheat, barley and rye; some coeliacs are also sensitive to oats. They have symptoms such as wind, diarrhoea, constipation, tiredness, reduced growth, skin problems and this condition can also affect their long term health.
- 5.7 The symptoms can vary and their severity can change from one occasion to the next. Even very small amounts of an allergen can present a serious problem to some people with food allergy.
- 5.8 The most common symptoms of an allergic reaction are:
- Dry, itchy throat and tongue
  - Itchy skin or rash
  - Nausea and feeling bloated

- Diarrhoea and/or vomiting
- Wheezing and shortness of breath
- Swelling of the lips and throat
- Coughing
- Runny or blocked nose
- Sore, red and itchy eyes
- Not all of those symptoms would necessarily occur in a single episode.

5.9 People with severe allergies can have a life threatening reaction called anaphylaxis. In its extreme form the body can go into shock (anaphylactic shock). When someone suffers anaphylaxis they can have symptoms in different parts of the body at the same time, including rashes, swelling of the lips and throat, difficulty in breathing, a rapid fall in blood pressure and loss of consciousness. Anaphylaxis can be fatal if not treated immediately, usually with an injection of adrenaline (epinephrine). People with severe allergies should take their medication with them wherever they go. For these people especially, it is very important that they are given accurate information about what is in the foods you are selling or providing if they are to avoid the risk of a severe reaction.

## 6. Legal Context

6.1 The following legislation requires the listing of certain named allergenic foods detailed in paragraph 1.2 or their derivatives to be labelled wherever these are used as ingredients in pre-packed food.

- Directive 2003/89/EC and implemented into UK law by the Food Labelling (Amendment) (No.2) Regulations 2004,
- Food Labelling (Declaration of Allergens) Regulations 2007

6.2 Currently there is no requirement to provide information on the allergen content of non pre-packed food. However, under the General Food Law Regulations 178/2002/EC there is a requirement that food must not be unsafe if placed on the market for sale. The Food Safety Act 1990 requires food to be of the nature, substance and quality demanded by the customer. When you provide ingredient information, either when talking to customers or through a notice or label, it must be accurate. If the information you provide it is not accurate, you could be breaking the law. This guidance document is intended to give you the confidence to provide the accurate information that allergic customers need. This will be helpful for them and good for your business.

6.3 This guidance is voluntary and represents a best practice approach to providing allergen information for food that is none pre-packed.

## 7. Cross-contamination with food allergens

7.1 Although this guidance is focused primarily on allergenic foods where they are used as intentional ingredients, it is important to be aware of allergen cross contamination. Even a very small amount of allergenic food can be a risk for customers with a food allergy.

7.2 When someone asks if the product you are selling is free of the food they are allergic to, you also need to consider possible cross contamination. You need to think carefully about this when considering whether you can provide a meal without the allergen present.

7.3 There are a number of things you can do to reduce the risk of cross-contamination:

- Thoroughly clean work areas, surfaces, serving areas and hands, to remove traces of food allergens.
- Ensure any utensils, equipment, chopping boards, and the like, that have been in contact with the food that the person is allergic to have been thoroughly cleaned with hot water and detergent.
- Use airtight containers to store food allergens and colour code them to make them stand out.
- Take steps to ensure that the area where the customer will eat the food is clean, for example, the table, crockery and cutlery.
- Avoid cross-contamination for example, with flour or crumbs that are easily carried from one dish to another.

7.4 It may not be possible to separate all the foods to which people are allergic. But, as best practice, you should be aware of where foods that can cause serious allergic reactions are coming into contact with non-allergenic ingredients.

7.5 It is important that if it is not possible to provide food without the allergen present, that you say so.

7.6 The Agency has produced best practice guidance on allergen management aimed primarily at dealing with cross-contamination of pre-packed foods. The principles set out in that guidance could also be used when preparing non pre-packed foods.

# Advice for all businesses selling food that is non pre-packed

## 8. Introduction

- 8.1 There are three key messages relating to food allergy and your business:
- Effective Communication (with the customer, with suppliers and between staff)
  - Basic Training for Staff
  - Accurate Ingredient Information

## 9. Effective Communication

- 9.1 Effective communication among your staff, with the customer and with your suppliers, is of paramount importance in ensuring that customers with food allergy have accurate information. The customer also has a responsibility to ask for information and relay their dietary needs to the person providing the food. Customers should make the final decision on whether or not to buy and eat a food, based on the information you provide.
- 9.2 In the absence of labels on non pre-packed food, the allergic customer who requires ingredient information is reliant on verbal communication with staff at the point of sale, or written information provided voluntarily (for example, on menus, display tickets or information boards). Effective communication is therefore vital and could help to ensure that a customer does not eat something that could risk their life.
- 9.3 Businesses need to think carefully about how to handle requests for information from a food allergic customer and how to make sure their staff has access to the requested information. It is essential that if a member of staff is asked about the ingredients of a food, they ensure that any information they provide is full and accurate. If the information is not available, they should say so. If in doubt, staff should be advised to ask another (more senior) member of staff before responding to the customer. Some businesses may be able to appoint 'allergy advisers' among their staff so that someone is available at all times to answer requests for allergen information. It would be necessary to ensure contingency plans are in place for when these members of staff are not available.
- 9.4 If staff cannot obtain reliable information about the content of a food, they should never guess. Instead, they should tell the customer they are unable to provide the information requested and cannot be sure that the food in question is free of the ingredient concerned.
- 9.5 In some situations, it may be possible for a special meal not containing that allergen to be prepared, particularly if the customer gives the business prior warning. For example, it may be relatively easy for a restaurant to provide a salad without nut oil dressing (for someone who is allergic to nuts), or a meat dish without a sauce containing flour for someone who has coeliac disease. The business will need to consider any possibility of cross-contamination as well as the ingredients used when preparing an alternative dish.
- 9.6 Self-service finger buffets are particularly problematic due to the risk of cross contamination. If a business knows in advance that an allergic customer will be present (this is often the case for this type of event) a suitable selection from the buffet should be selected beforehand and held separately for the customer.
- 9.7 Some customers may find it difficult to tell staff that they have a food allergy, and may feel awkward, not wanting to make a fuss. Businesses should look at ways to make customers feel more comfortable about asking for information. This could be in the form of a poster, or a statement put on the menu, letting customers know that the establishment is happy to help with food allergy requests. For example: *"If you require further information on the allergen content of our foods please ask a member of staff and they will be happy to help you."*
- 9.8 The following practical steps should be considered by a business when responding to customers with food allergies.
- There needs to be an agreed procedure for dealing with food allergy requests so that front-line staff know how to handle these and don't give wrong or incomplete information to the customer.
  - If the customer gives notice of their food allergy before visiting the establishment, steps should be in place to ensure that front office staff relay this information to both restaurant and kitchen/food preparation staff.
    - Ensure the chef/person preparing the food has been told, which allergens the customer needs to avoid.
    - The member of staff who will be serving the customer should be made aware that a specially prepared meal is to be served.
  - If a customer asks about the ingredients of a food, the member of staff dealing with the query will need to decide who the best person is to deal with it.



- Does the business have a designated person to deal with allergy related requests?
- If the member of staff approached is unsure how to answer the query, they should consult another (more senior) member of staff who may be trained in this area.
- Staff should never guess about the ingredient content of foods. They need to know where to get the most accurate information.
- If they are unable to give the information to the customer, they should say so.
- If unable to provide the information, is there an alternative choice, or could a product or dish that does not contain the allergenic food be specially prepared or supplied?
- The person dealing with the query/request will need to find out:
  - Whether the food in question contains the ingredient the customer asked about? Can they ask the person who prepared the food or the allergy representative in the business?
  - Is full ingredient information for each product the business provides recorded and retained somewhere? Can the customer have access to this information to make their own decision about whether it is safe for them?
  - Are there any 'may contain' statements on the labels of products bought from suppliers? If so, the customer should be informed.
  - Is there a possibility of cross-contamination? If this cannot be prevented, tell the customer so they can make their own decisions.
- Communication with the customer who asks for ingredients information

## 10. Basic Training for Staff

10.1 Businesses need to ensure that staff understands the seriousness of food allergy and the importance of giving accurate information about the allergen content of food ingredients.

10.2 All businesses will have different strategies for training their staff. Businesses should ensure as a minimum that their staff is aware of the procedures and policies of the business for handling allergy-related requests for information. Businesses may also

- If a customer asks you about the ingredients in a food:-
  - Never guess.
  - If you don't know, try to find out.
  - If you are unable to provide the information, say so.
  - Can you provide an alternative food?
- Always ensure all relevant staff is advised of any recipe changes or ingredient substitutions.

### Key Messages from this Section

- Before responding to a customer request, serving staff must always ask the staff preparing the food whether a dish contains a particular ingredient – even if they have asked the same question on a previous occasion. This is because ingredients may have changed because of a new or altered recipe, changed suppliers, substituted products etc.
- Menu descriptions should be accurate, descriptive and kept up to date.
  - Where possible, allergens should be mentioned in the menu description, for example, coffee gateau with hazelnuts or risotto with cheese and breadcrumb topping.
- Any information given to the customer should be accurate. If there are any doubts, the customer should be informed.
- Staff should never guess and never say that a product does not contain a particular ingredient unless they are sure it does not.
- If a customer has indicated they have a food allergy, any food they eat should not have been displayed in contact with foods that contain ingredients to which they are allergic, as this may lead to the possibility of cross-contamination.
  - Consider opening a new packet of a product e.g. a dessert to ensure cross contamination has not occurred whilst on display.
  - Also, utensils and preparation surfaces should be cleaned to ensure the allergen is not present. Choose to highlight the issues with allergies through training courses and the free training materials that are available from local councils or other providers. This should apply both to permanent, full and part time staff, and contracted or temporary staff.

10.3 No matter what size the business is, or what training support mechanisms have been adopted, it is important to ensure that, from their first day in the job, all staff, including temporary staff, receives sufficient instruction about food allergy so that they know how to handle queries from food-allergic customers.

10.4 All staff, whatever their work responsibilities, should be made aware that food allergy issues must be taken seriously and that they will, at the very least, need to know what they should do if they are approached for information by an allergic customer. Points to remember are:

- Serving staff will be most likely to have direct contact with customers with food allergy and they will need adequate training and up-to-date information.

- Other staff, such as those clearing tables, may also come into contact with customers and should know how to handle requests from customers with food allergy.
  - It is important that staff preparing foods (such as Chefs) also understand the importance of knowing what ingredients have been used in each food, so they can make this information available to serving staff if required.
  - What to do if you think someone is having an allergic reaction
- 10.5 All staff should know what to do if they think a customer may be having an allergic reaction. Whether they are having an allergic reaction is not always clear because other serious conditions can have similar symptoms. But, even if you're not sure what the problem is, if a customer is finding it hard to breathe, if their lips or mouth are swollen, or if they collapse, you should:
- Contact the first aider in your organisation, if you have one;
  - Call 999 immediately and describe what is happening;
  - Explain that you think the customer may be having a serious allergic reaction;
  - Do not move the customer, because this could make them worse;
  - Send someone outside to wait for the ambulance and stay with your customer until help arrives.
- 10.6 There are three key food allergy messages that should be conveyed to all staff from the first day of work.

## 11. Ingredient Information

- 11.1 Businesses need to ensure that they know exactly what ingredients have gone into which foods so this information can be relayed to a customer who asks. To do this, information about the ingredients of the foods you are selling should be available.
- 11.2 Non pre-packed foods are exempt from meeting most of the general food labelling requirements. However, most foods being supplied to businesses will be accompanied by ingredients information. This could be on the packaging itself, provided electronically or on the documentation delivered alongside the goods. Retaining this information where provided is important and you may consider making it available to customers on request.
- All staff should receive training on handling allergy requests from their first day in the job and receive refresher training.
  - There should be an agreed system for dealing with food allergy information requests and all staff should know about this.

### Key Messages from this Section

- Food allergy must be taken seriously.
    - The consequences of giving the wrong information to the customer could make them ill or even kill them.
  - Everyone will need to know the agreed practice for dealing with allergy information requests.
    - Some businesses may have a designated staff member trained in allergy and this is encouraged, where possible.
  - Members of staff must give clear information to the customer if they ask about the ingredients in foods.
    - If you cannot give the required information, say so.
    - Never guess about the ingredient content of foods.
  - Allergy messages to be conveyed to all staff
- 11.3 It is advisable to develop good working relationships with your suppliers. This should allow you to gain further information on the ingredients used in products that have been bought in. It is also important to keep information on the ingredients present in foods that you are preparing from a recipe.
- 11.4 The following list of questions should be considered for each of the foods you sell. This initial step will help to start the process of identifying ways of managing allergen ingredient information.
- 11.5 You should not assume you know the ingredients of the products bought in always check because foods that can cause severe allergic reactions can be found in products where you might not expect them.
- Do you buy in the product already packed and sell it in the original wrapping, for example packets of crisps?
  - Do you buy the product and remove the packaging and possibly process (for instance, cut into portions, re-heat or cook) before offering for sale to the customer, for example, readymade desserts, quiches or meat pies?
  - Do you make it from your own recipe for example, deserts, quiches, or meat pies?
- 11.6 Allergen information is required by law on the packaging – Point the customer to this information. Allergen information will be on the packaging, stored electronically or on the documentation delivered with the food - Ensure this information, where available, is accessible to staff. You should ensure that you have ingredients information for each component of the food. Ensure this information is accessible to staff.
- 11.7 It is also important to take note of any ‘may contain’ warnings and include this in the information you give to the customer, if they ask about the allergen content of the food.

11.8 You will need to consider how your staff can find ingredient information. Here are a few examples of how this could be done:

- Electronic specification.
- Head Office may hold information centrally.
- On the packaging of ingredients used.
- Documentation delivered with the goods.

11.9 Businesses will need to store ingredient information in the most effective way, so it is immediately accessible to staff when needed. The following list of key points may help with this process:

- Keep ingredient information for all foods that you prepare from a recipe.
- Keep a copy of the ingredient information on labels of pre-packed foods for example, sauces, desserts etc.
- Keep ingredients in the original containers where possible, or keep a copy of the labelling information in a central place (paper or electronic).
  - Remember to ensure that the staff that needs to know is aware of where this information is stored and how it is kept.
  - Ensure that the information is kept up to date (for example, if recipes are changed or products substituted).
  - Large businesses may hold this information centrally for instance, in a Head Office. In this instance, staff will need to know who they should contact if ingredients information is required.
  - Suppliers can be contacted via their help-lines for ingredient information.
- Always check deliveries to make sure what is delivered is what was ordered and ensure that the relevant labelling information is with the delivery ordered.
  - If it isn't, ask the supplier to provide this information.
- Check that the food delivered is the same brand that is normally used, as different brands might have different ingredients.
- Ensure that any records are updated accordingly.
- Look to see if the supplier has given information about any changes in ingredients of the foods delivered.
- If food is delivered in bulk and then decanted into other containers, does the labelling information go with it?
  - Ensure these containers are clearly labelled.
- Is the packaging intact?
  - Is the ingredients information missing, inaccurate or hard to read?
- Staff will need to be aware if the ingredients of a food product have changed for example, if the usual brand has changed or the recipe has changed. Does the new recipe contain different allergenic ingredients?
- Small amounts of a food that can cause severe allergic reactions can get into other foods for example, if containers are not securely closed or when foods are being moved from storage into the kitchen.
- Is there an allergy advisory statement 'may contain' on the label?

#### **Things to be Aware of**

- Know the ingredients in the foods you sell.
- Make sure ingredients information is accessible to all staff.
- Make sure the ingredients information is up to date.
- If you use part prepared ingredients, make sure you know what's in them.

## APPENDIX I:

### 12. Legal Context and terms used in this guidance

12.1 This guidance provides up to date information available at the time of publication. The legislation can be amended over time.

### 13. What is the background to the EU and National Legislation?

13.1 The labelling of most food in the UK is governed by the provisions of the Food Safety Act 1990 (as amended) and the Food Labelling Regulations 1996 (as amended). These implement Directive 2000/13/EC of the European Parliament and of the Council on the labelling, presentation and advertising of foodstuffs.

13.2 From 26 November 2004, the Food Labelling (Amendment) (England) (No.2) Regulations 2004, amended the Food Labelling Regulations 1996 to implement the Directive 2003/89/EC of the European Parliament and the Council of 10 November 2003. Parallel legislation implemented the EC rules in Scotland, Northern Ireland and Wales. All pre-packed foods had to comply with these new rules from 25 November 2005. From 23 December 2007 the Food Labelling (Declaration of Allergens) (England) Regulations 2007, and comparable legislation in Scotland, Wales and Northern Ireland came into force. This legislation implements Directive 2006/142/EC.

13.3 These new Regulations introduced a specified list of allergens. Pre-packed foods (including alcoholic drinks) made using these allergens, or their derivatives, must indicate the use of these ingredients, making a clear reference to the source allergen. The list of allergens comprises cereals; containing gluten (wheat, rye, barley, oats, spelt, kamut and their hybridised strains), crustaceans, molluscs, eggs, fish, peanuts, lupin. Soya beans, milk, nuts (almond, hazelnut, walnut, cashew, pecan, Brazil, pistachio, macadamia and Queensland nut), celery, mustard, sesame seeds and sulphur dioxide and sulphites at more than 10mg/kg or 10mg/litre.

13.4 However, there are some ingredients derived from the list of allergenic foods, which are exempt from this labelling. These have been identified by the European Food Safety Authority (EFSA), as derived ingredients which on the basis of the scientific evidence submitted are unlikely to cause an allergic reaction.

13.5 The Directive 2000/13/EC gave Member States the option not to apply EC labelling rules in the case of foods that are 'non pre-packed' or 'pre-packed for direct sale', as long as the customer receives sufficient information. This option was taken up by the UK.

### 14. What does 'Pre-packed', 'Pre-packed for Direct Sale' and 'Non Pre-packed' Mean?

14.1 The terms 'pre-packed' and 'pre-packed for direct sale' are defined in Regulation 2 of the Food Labelling Regulations 1996 (as amended). Below we have provided an interpretation of the definitions based on this legislation.

14.2 'Pre-packed' foods are foods, which have been put into packaging before sale, normally at a site separate from that where the product is sold to the customer, where there is no opportunity for direct communication between producer and customer. For example, most pre-packed foods sold in supermarkets will fall under this definition, such as tinned food, readymade meals or frozen food products. Foods sold in this way are covered by legislative requirements on allergen labelling and are outside the scope of this guidance.

14.3 Foods sold 'pre-packed for direct sale' generally mean those foods that have been packed on the same premises as they are being sold. In these situations, it is thought that the customer would be able to speak to the person who made/packed the foods to ask about ingredients and so these foods do not generally have to be labelled with ingredients by law. Foods which could fall under this category are meat pies made on site, and sandwiches made and sold pre-packed or not pre-packed from the premises in which they were made.

14.4 Although non pre-packed foods are not defined in legislation, a useful working definition is foods which are sold loose, for instance, non-wrapped. In a retail environment this would apply to any foods which are sold loose from a delicatessen counter (for example, cold meats, cheeses, quiches, pies and dips), fresh pizza, fish, salad bars, bread sold in bakery shops etc. In a catering environment this would apply to foods which are sold not pre-packed for example, from a canteen or meals served in a restaurant or from a takeaway.

## 15. What are the Statutory Labelling Requirements for Foods Sold Pre-packed for Direct Sale and Non Pre-packed?

- 15.1 Regulation 23 of the Food Labelling Regulations 1996 (as amended) deals with foods sold pre-packed for direct sale or not pre-packed. Foods sold in this way are exempt from some of the general labelling requirements, including the indication of allergenic ingredients.
- 15.2 Regulation 27 of the Food Labelling Regulations 1996 (as amended) deals with foods sold pre-packed for direct sale or not pre-packed at a catering establishment (see below paragraph for definition of a ‘catering establishment’ under the regulations). Foods sold in this way are exempt from some of the general labelling requirements, including the indication of allergenic ingredients.
- 15.3 For further information, please see the Agency’s guidance on the Food Labelling Regulations 1996 (as amended):

## 16. What are the Requirements under the General Food Law

- 16.1 The General Food Regulations 2004 (as amended) make it an offence to contravene or fail to comply with certain requirements under EC Regulation 178/2002, in particular that:
- Food placed on the market should not be unsafe, (being either injurious to health or unfit for human consumption). In determining whether a food is injurious to health, regard shall be had, amongst other things, to the particular health sensitivities of a specific category of consumers where that food is intended for that category of consumers.
  - Labelling, advertising and presentation of food, including its shape, appearance and packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium, shall not mislead customers.
- 16.2 The statement about the considerations when deciding if the food is injurious to health is talking about when a product is aimed at customers with a specific health conditions such as an allergy e.g. free from foods. However, it would also apply where someone has requested a meal without a specific food ingredient, *for example nuts, and the business has agreed to provide this. Food Safety Act 1990 (as amended)*
- 16.3 The Food Safety Act 1990 (as amended) makes it an offence for anyone to:
- sell, or possess for sale, food which is falsely described, advertised or presented;
  - sell, or possess for sale, food which is not of the nature, substance or quality demanded;
  - sell to the purchaser’s prejudice any food which is not of the nature, substance or quality demanded by the purchaser.

## APPENDIX II:

### 17. Examples of issues that may arise in different types of businesses providing foods that are non pre-packed

17.1	Table of contents for the examples
1	Sandwich Bars
2	Restaurants (Carvery)
3	Fast Food and Fixed Menu Restaurants
4	Bakeries (Bake Off)
5	Deli Counter or Shop
6	Self Service Salad Bar
7	Function Catering
8	Institutional catering e.g. Schools
9	Childcare and Child Minders
10	Different Cuisine Techniques

#### Section 1: Sandwich Bars

By looking after your customers well you are enhancing your reputation. To help customers with food allergies, you may want to consider the following points:

- Know the ingredients of the foods you are serving
  - Have any of the major allergenic foods been used?
- Instruct your staff how to reply to questions
  - Devise a system for passing on accurate information about ingredients to the allergic customer.
  - For each shift, make sure all staff knows who holds up-to-date ingredient information.
- Set up a system for accessing ingredient information
  - For example, a computer file or paper records in a folder.
  - Don't forget the foods you buy in, as well as foods you prepare from a recipe.
- When you write the menus or tickets, consider including any major allergen in the name of each dish
  - For example, "Coronation chicken sandwich with almonds".
- When preparing food for an allergic customer, consider the risk of allergen cross-contamination
  - Make sure the work preparation surface is clean.
  - Use utensils and equipment that are free of the allergen and have been cleaned with hot water and detergent.
  - Keep major allergens apart where possible.
  - If cross-contamination is impossible to eliminate, it is important to make the customer aware of this.
- Inform your staff about the issues of allergen cross-contamination
  - For example, when preparing a gluten free sandwich with gluten free bread have breadcrumbs (gluten or wheat) or seeds transferred from other foods?

#### Section 2: Restaurant (Carvery)

By looking after your customers well you are enhancing your reputation. To help customers with food allergies, you may want to consider these points:

- Know the ingredients of the foods you are serving
  - Have any of the major allergenic foods been used?
- Instruct your staff how to reply to questions
  - Devise a system for passing on accurate information about ingredients to the allergic customer.
  - For each shift, make sure all staff knows who holds up-to-date ingredient information.
- Set up a system for accessing ingredient information
  - For example, a computer file or paper records in a folder.
  - Don't forget the foods you buy in, as well as foods you prepare from a recipe.
- When you write the menu, consider including any major allergen in the name of each dish
  - For example, "Roast turkey with a nut stuffing and buttered vegetables".
- When preparing food for an allergic customer, consider the risk of allergen cross-contamination
  - Make sure the work preparation surface is clean.
  - Use utensils and equipment that are free of the allergen and have been cleaned with hot water and detergent.
  - If you are cooking in oil, consider what food was previously cooked in the same oil (for example, nut cutlets, scampi or battered/breaded fish).

- Keep major allergens apart where possible.
- If cross-contamination is impossible to eliminate, it is important to make the customer aware of this, possibly by putting a notice by the food.
- Inform your staff about the issues of allergen cross-contamination
  - For example, when staff are serving nut stuffing with the meat, ensure they use separate implements. Or consider serving customers with an allergy with food straight from the kitchen that has not been in contact with the food they are allergic to.
  - Note that if customers can serve themselves to parts of the meal (e.g. vegetables) then there is a risk of cross-contamination.

### Section 3: Fast Food and Fixed Menu Restaurants

By looking after your customers well you are enhancing your reputation. To help customers with food allergies, you may want to consider the following points:

- Know the ingredients of the foods you are serving
  - Have any of the major allergenic foods been used?
- Instruct your staff how to reply to questions
  - Devise a system for passing on accurate information about ingredients to the allergic customer.
  - For each shift, make sure all staff knows who holds up-to-date ingredient information.
- Set up a system for holding ingredient information
  - For example, a computer file or paper records in a folder.
  - Don't forget the foods you buy in, as well as foods you prepare from a recipe.
- When you write the menu, consider including any major allergen in the name of each dish
  - For example, "Beef burger in a sesame bun".
- When preparing food for an allergic customer, consider the risk of allergen cross-contamination
  - Make sure the work preparation surface is clean.
  - Use utensils and equipment that are free of the allergen and have been cleaned with hot water and detergent.
  - If you are cooking in oil, consider what food was previously cooked in the same oil (for example, nut cutlets, scampi or battered/breaded fish).
  - Keep major allergens apart where possible.
  - If cross-contamination is impossible to eliminate, it is important to make the customer aware of this.
- Inform your staff about the issues of allergen cross-contamination
  - For example, ensuring the fries are not cooked in oil used for breaded fish.

### Section 4: Bakery (Bake Off)

By looking after your customers well you are enhancing your reputation. To help customers with food allergies, you may want to consider the following points:

- Know the ingredients of the foods you are serving
  - Have any of the major allergenic foods been used?
- Instruct your staff how to reply to questions
  - Devise a system for passing on accurate information about ingredients to the allergic customer.
  - For each shift, make sure all staff knows who holds up-to-date ingredient information.
- Set up a system for accessing ingredient information
  - For example, a computer file or paper records in a folder.
- When you write the tickets for the shelf, consider including any major allergen in the name of each item.
  - For example, "Chocolate croissant with hazelnuts".
- When preparing food for an allergic customer, consider the risk of allergen cross-contamination
  - Make sure the work preparation surface is clean.
  - Use utensils and equipment that are free of the allergen and have been cleaned with hot water and detergent.
  - Keep major allergens apart where possible.
  - If cross-contamination is impossible to eliminate, it is important to make the customer aware of this.
- Inform your staff about the issues of allergen cross-contamination
  - For example, show them the importance of using dedicated trays for example, keeping almond croissants away from plain croissants.

### Section 5: Deli Counter or Shop

By looking after your customers well you are enhancing your reputation. To help customers with food allergies, you may want to consider the following points:

- Know the ingredients of the foods you are serving
  - Have any of the major allergenic foods been used?
- Instruct your staff how to reply to questions
  - Devise a system for passing on accurate information about ingredients to the allergic customer.
  - For each shift, make sure all staff knows who holds up-to-date ingredient information.
- Set up a system for accessing ingredient information
  - For example, a computer file or paper records in a folder.
  - Don't forget the foods you buy in, as well as foods you prepare from a recipe.
- When you write the ticket, consider including any major allergen in the name of each dish
  - For example, "Chicken satay stick with peanut and sesame sauce".
- When serving food for an allergic customer, consider the risk of allergen cross-contamination
  - Make sure the work preparation surface is clean.
  - Use utensils and equipment that are free of the allergen and have been cleaned with hot water and detergent.
  - Keep major allergens apart where possible.
  - If cross-contamination is impossible to eliminate, it is important to make the customer aware of this.
- Inform your staff about the issues of allergen cross-contamination
  - For example, when serving staff are packaging the items to be purchased
- Use a separate spoon for foods containing an allergen to prevent cross-contamination.

### Section 6: Self Service Salad Bar

By looking after your customers well you are enhancing your reputation. To help customers with food allergies, you may want to consider the following points:

- Know the ingredients of the foods you are serving
  - Have any of the major allergenic foods been used?
- Instruct your staff how to reply to questions
  - Devise a system for passing on accurate information about ingredients to the allergic customer.
  - For each shift, make sure all staff knows who holds up-to-date ingredient information.
- Set up a system for holding ingredient information
  - For example, a computer file or paper records in a folder.
  - Don't forget the foods you buy in, as well as foods you prepare from a recipe.
- When you write the ticket, consider including any major allergen in the name of each dish
  - For example, "Waldorf salad with apple, celery and containing walnuts in a mayonnaise dressing".
- When preparing food for an allergic customer, consider the risk of allergen cross-contamination
  - Make sure the work preparation surface is clean.
  - Use utensils and equipment that are free of the allergen and have been cleaned with hot water and detergent for each salad.
  - Keep major allergens apart where possible.
  - If cross-contamination is impossible to eliminate, it is important to make the customer aware of this, possibly by putting a notice by the food.
- Inform your staff about the issues of allergen cross-contamination
  - For example, suggest that they keep salads containing nuts together at one end of the salad bar.

### Section 7: Function Catering

By looking after your customers well you are enhancing your reputation. To help customers with food allergies, you may want to consider the following points:

- Know the ingredients of the foods you are serving
  - Have any of the major allergenic foods been used?
  - If you are serving a buffet, many of the major allergens are likely to be present.
- Instruct your staff how to reply to questions
  - Devise a system for passing on accurate information about ingredients to the allergic customer.
  - Make sure all staff knows who in the team holds up-to-date ingredient information.
- Set up a system for accessing ingredient information
  - For example, a computer file or paper records in a folder.
  - Don't forget the foods you buy in, as well as foods you prepare from a recipe.
- When you write the menu for an event, consider including any major allergen in the name of each dish
  - For example, "Chocolate gâteau with hazelnut".
- Consider having tickets providing information on the allergen content of foods on the buffet table (e.g. "CONTAINS NUTS").



- Try to find out which guests have food allergy ahead of the event
  - For example you could encourage the event organiser to seek this information when sending out invitations? Consider preparing a special meal for the allergic person.
- When preparing food for an allergic customer, consider the risk of allergen cross-contamination
  - Make sure the work preparation surface is clean.
  - Use utensils and equipment that are free of the allergen and have been cleaned with hot water and detergent for each dish.
  - If you are cooking in oil, consider what food was previously cooked in the same oil (for example, nut cutlets, scampi or battered/breaded fish).
  - Keep major allergens apart where possible.
  - If cross-contamination is impossible to eliminate, it is important to make the customer aware of this.
- Inform your staff about the issues of allergen cross-contamination
  - For example, instruct staff to use separate plates of selected foods, prepared in advance for people with a particular allergy. You should ensure that these are clearly labelled and covered to prevent cross-contamination.
  - When waiting staff are serving the food make sure they use a system to ensure the right food goes to the guest who is allergic and that special care is taken if more than one guest present has an allergy.

### Section 8: Institutional Catering e.g. Schools

By looking after your charges well you are enhancing your reputation. To help pupils with food allergies, you may want to consider the following points:

- Know the ingredients of the foods you are serving
  - Have any of the major allergenic foods been used?
  - Milk, egg and peanut allergy are particularly common among children.
- Have a system for finding out which children have food allergies
  - Consider the best way to identify the children with allergies for school catering staff.
  - Check with parents of allergic children regularly to ensure your record of their child's allergies is up-to-date.
- Set up a system for accessing ingredient information
  - For example, a computer file or paper records in a folder.
  - Don't forget the foods you buy in as well as foods you prepare from a recipe.
  - Ensure this is kept up-to-date.
- When you write the menu, consider including any major allergen in the name of each dish
  - For example, "Lasagne with a cheese sauce (milk)".
- When preparing food for an allergic child, consider the risk of allergen cross-contamination
  - Make sure the work preparation surface is clean.
  - Use utensils and equipment that are free of the allergen and have been cleaned with detergent.
  - Keep major allergens apart where possible.
  - If you are cooking in oil, consider what food was previously cooked in the same oil (for example fish fingers or vegetarian sausages).
  - Consider any additional information provided on pre-packed items such as 'may contain' labels.
- Inform your staff about the issues of allergen cross-contamination
  - For example, when serving food make sure the meals for children with an allergy are kept separate from meals containing the allergenic foods they are avoiding.

### Section 9: Childcare and Child Minders

By looking after your charges well you are enhancing your reputation. To help charges with food allergies, you may want to consider the following points:

- Know the ingredients of the foods you are serving
  - Have any of the major allergenic foods been used?
  - Milk, egg and peanut allergy are particularly common among children.
- Have a system for finding out which children have food allergies
  - Consider the best way to identify the children with allergies for catering staff.
  - Check with parents of allergic children regularly to ensure your record of their child's allergies is up-to-date.
- Set up a system for accessing ingredient information
  - For example, a computer file or paper records in a folder.
  - Remember to check the foods you buy in, as well foods you prepare from a recipe for allergenic food ingredients.
  - Ensure this is kept up-to-date.
- When you prepare menus, consider including any major allergen in the name of each dish
  - For example "Fish fingers (milk, egg and gluten) and boiled potatoes and peas".
- When preparing food for an allergic child, consider the risk of allergen cross-contamination

- Make sure the work preparation surface is clean.
- Use utensils and equipment that are free of the allergen and have been cleaned with hot water and detergent.
- If you are cooking in oil, consider what food was previously cooked in the same oil (for example fish fingers or vegetarian sausages).
- Keep major allergens apart where possible.
- Consider any additional information provided on pre-packed items such as 'may contain' labels.
- Think about the issues of allergen cross-contamination
  - For example, when staff are serving make sure the meals for children with an allergy are kept separate from meals containing the allergen they are avoiding.
- Does the standard recipe contain any ingredients which the child needs to avoid? If it does then there are the following options:
  - Do not include the allergenic food in the dish for everyone (may not be practical).
  - Use a substitute for everyone for example, use soya milk instead of cow's milk (so long as none of the children are also allergic to soya).
  - Keep the allergic child's meal totally separate and leave out the allergen they need to avoid.
- How do you ensure the child with an allergy gets the meal you have
  - This may involve using coloured coded bowls prepared specially for them possibly covered with cling film or a lid.
- Ensure the special meal is clearly labelled i.e. milk free breakfast cereal.
- What should you do if you run out of a key ingredient?
  - Consider keeping a list of equivalent products from the local supermarket and information on whether this contains the allergens.
- If using an alternative product you need to make sure the all staff knows it is an alternative product and whether it contains an allergen a child is avoiding.

## Section 10: Different Cuisine Techniques

It is recognised that there are many different cuisine techniques used when cooking foods. It is therefore important that in addition to looking at the composition of foods, you carefully look at the techniques you use to produce them. By looking after your customers you are enhancing your reputation. To help customers with food allergies, you may want to consider the following points:

- Know the ingredients of the foods you are serving
  - Have any of the major allergenic foods been used?
- Instruct your staff how to reply to questions
  - Devise a system for passing on accurate information about ingredients to the allergic customer.
  - Make sure all staff knows who holds up-to-date ingredient information.
- Set up a system for accessing ingredient information
  - For example, a computer file or paper records in a folder.
  - Don't forget the foods you buy in, as well as foods you prepare from a recipe.
- When you write the menu, consider including any major allergen in the name of each dish
  - For example, "Chicken stir fry with cashew nuts, peppers and onions".
- When preparing food for an allergic customer, consider the risk of allergen cross-contamination
  - Make sure the work preparation surface is clean.
  - Use utensils and equipment that are free of the allergen and have been cleaned with hot water and detergent.
  - If you are cooking in oil, consider what food was previously cooked in the same oil (for example onion bhaji which are coated with flour).
  - Be aware that wiping or rinsing woks is unlikely to remove the presence of an allergen and separate cooking pots may be required.
  - In self service areas ensure that when serving foods, different utensils are used for the allergenic foods and the non-allergenic foods.
  - Keep allergenic ingredients in sealed containers.
  - Don't store allergenic ingredients over open packs of other ingredients.
  - If cross-contamination is impossible to eliminate, it is important to make the customer aware of this.
- Inform your staff about the issues of allergen cross-contamination
  - For example, when kitchen staff are reheating foods ensuring that the pan has been thoroughly cleaned after using nut oils.

## APPENDIX III:

### 18. List of allergenic foods that can cause a problem

18.1 Some of the foods people may be allergic to and some of the products in which they may be found are listed below.

- **Peanuts;** In sauces, cakes, desserts, groundnut oil, peanut flour.
- **Nuts;** In sauces, desserts, crackers, bread, ice cream, marzipan, ground almonds, nut oils.
- **Milk;** In yoghurt, cream, cheese, butter, milk powders, foods glazed with milk.
- **Soya;** As tofu or beancurd, soya flour, textured soya protein, ice cream, sauces, desserts, meat products, vegetarian products.
- **Mustard;** in salad dressings, marinades, soups, sauces, curries, meat products.
- **Lupin;** lupin seeds and flour in some types of bread and pastries.
- **Eggs;** in cakes, mousses, sauces, pasta, quiche, some meat products, mayonnaise, foods brushed with egg.
- **Fish;** in some salad dressings, pizzas, relishes, fish sauce and some soy and Worcestershire sauces
- **Shellfish;** such as prawns, mussels, scampi, crab, oyster sauce, shrimp paste
- **Gluten;** in cereals such as wheat, rye and barley and foods containing flour, such as bread, pasta, cakes, pastry, meat products, sauces, soups, batter, stock cubes, breadcrumbs, foods dusted with flour.
- **Sesame;** in bread, breadsticks, tahini, houmous, sesame oil seeds
- **Celery;** including celery stalks, leaves and seeds and celeriac, in salads, soups, celery salt, some meat products
- **Sulphur;** in meat products, fruit juice drinks, dried fruit and dioxide vegetables, wine, beer.