



Subject:	Food Standards Agency consultation on allergen information requirements for food prepacked for direct sale.
Date:	5 March 2019
Reporting Officer:	Nigel Grimshaw, Strategic Director of City & Neighbourhood Services
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	It is estimated that around 2 million people living in the UK have a food allergy. Recent cases of severe allergic reactions, including the death of Natasha Ednan-Laperouse after eating a Pret a Manger sandwich, have highlighted issues with food that is prepacked for direct sale (PPDS) i.e. food that has been packed on the same premises from which it is being sold. Currently PPDS foods are not required to carry labels on the packaging. The allergen information must be readily available, including through indications to ask a member of staff and information on allergens can be given in person by the food business operator when asked.

1.2	<p>The Food Standards Agency (FSA) wants to make the rules clearer so consumers are more aware of any allergenic ingredients in the PPDS food they purchase and are consulting on 4 possible options:</p>
1.3	<p>Option 1 – Promote best practice</p> <p>This would not require a legislative change. Instead, it would require additional activity to promote best practice around communicating allergen information.</p>
1.4	<p>Option 2 – Mandate ‘Ask the Staff’ labels on packaging of PPDS foods, with supporting information for consumers in writing</p> <p>This would require ‘Ask the Staff’ about allergens labels on all PPDS products. When asked about allergenic ingredients, staff would have to provide supporting information in writing upon request, before the food is purchased.</p>
1.5	<p>Option 3 – Mandate name of the food and allergen labelling on packaging of PPDS foods</p> <p>This would require PPDS foods to have a label on the packaging to tell the consumer the name of the food and which of the 14 allergenic ingredients specified in law the product intentionally contains.</p>
1.6	<p>Option 4 – Mandate name of the food and full ingredient list labelling, with allergens emphasised, on packaging of PPDS foods</p> <p>This mandates PPDS foods to have a label naming the food and listing the full ingredients with allergens emphasised on the packaging.</p>
2.0	Recommendations
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> • consider and agree the consultation response as attached to Appendix 1 and recommend option 3 as the preferred option as stated in paragraph 3, point 3.4. • note the request that if option 3 is considered to be the appropriate regional option, that the Food Standards Agency is asked to consider identifying additional resources to support business to implement this and in particular for those that are small, medium enterprises.

3.0	Main report
3.1	<p data-bbox="272 226 421 255"><u>Key Issues</u></p> <p data-bbox="272 327 1469 456">The Food Standards Agency is consulting on amending allergen information provisions contained within domestic food information legislation for food prepacked for direct sale. The full consultation package is available at:</p> <p data-bbox="272 528 1453 607">https://consult.defra.gov.uk/agri-food-chain-directorate/consultation-on-amending-allergen-information/</p>
3.2	<p data-bbox="272 678 1469 909">The Food Information Regulations (NI) 2014 introduced legal requirements to ensure consumers are made aware of the 14 most significant allergenic ingredients in foods. The council is the enforcement authority for these regulations and the Food Safety Unit provides guidance and support to all our local food businesses, including those within Council amenities, to build compliance with these requirements. To date that support has included:</p> <ul data-bbox="323 981 1469 1977" style="list-style-type: none"> <li data-bbox="323 981 1469 1211">• Providing businesses with an Allergen Compliance Toolkit including guidance materials on how to manage allergens as well as information on what to do in the event of a consumer having an allergic reaction. An allergen checklist and ingredient matrix have been provided to help businesses keep track of potential food allergen risks; <li data-bbox="323 1234 1469 1312">• The delivery of training and seminars for businesses on allergen management and the provision of allergen information to consumers; <li data-bbox="323 1335 1469 1771">• Since the introduction of our Allergen Strategy in June 2017, we have monitored compliance with the allergen requirements during 1283 routine inspections and 1027 targeted interventions. We also investigate consumer complaints relating to allergic reactions to food and routinely sample and analyse foods to detect undeclared allergens. Where necessary officers may use enforcement powers to secure compliance. To date one food business has accepted a formal caution after a customer suffered an allergic reaction whilst eating a meal and we have one pending prosecution for a business that supplied multiple products with incorrect allergen labelling. <li data-bbox="323 1794 1469 1977">• Where Food Safety officers detect food that is unsafe, including food labelled with incorrect allergen information, they work collaboratively with the business and the Food Standards Agency to ensure the food is removed from the supply chain and to alert consumers.

- The Food Safety section of Council's website provides individuals and businesses with information on food labelling. It includes links to the FSA's website where individuals can register to receive allergen alerts and obtain information on current and previous allergen alerts; and where businesses can access allergen related resources including 'Think Allergy' posters / allergen signage and tips on planning an allergen free meal.

3.3

Officers have reviewed the 4 policy options contained within the consultation document and considered the pros and cons of each.

	PROS	CONS
Option 1 Best practice	<ul style="list-style-type: none"> - Minimal cost to business - Can be implemented in shortest timescale - Retains maximum flexibility for businesses in making allergen information available 	<ul style="list-style-type: none"> - Requires consumers to ask for allergen information - No increased protection for consumers
Option 2 Ask the staff	<ul style="list-style-type: none"> - No risk of mislabelling - Minimal cost to business - Prompts customers to ask 	<ul style="list-style-type: none"> - Label does not provide product-specific information - Risk if food is purchased for someone else - Consumer unlikely to ask every time they purchase the same item (could miss ingredient changes)
Option 3 Name of food and allergens	<ul style="list-style-type: none"> - Clear product specific information (at point of sale and for 3rd party) - Less risk of mislabelling than option 4 - Highlights risk of cross contamination - Less costly than option 4 - Allows for ingredient substitution that does not involve allergens 	<ul style="list-style-type: none"> - Only provides information on the 14 allergens identified in the legislation - Risk of mislabelling - More costly than options 1 & 2
Option 4 Full labelling	<ul style="list-style-type: none"> - Full information for consumers beyond the 14 allergens identified in the legislation - Does not rely on staff knowing the allergens 	<ul style="list-style-type: none"> - Most costly and time consuming, especially for small businesses - Risk of mislabelling - Business may decide not to sell PPDS so less choice for the consumer - Costs could stifle innovation

3.4

This is not a straightforward issue and it is our opinion that both Options 2 and 3 would offer additional protection whilst balancing the cost to business. However, taking everything into account officers believe **option 3 is the best way forward**.

3.5	The committee is also asked to note the request that if option 3 is considered to be the appropriate regional option to afford the best level of protection to customers, that the Food Standards Agency is asked to consider identifying additional resources to support business to implement this option and in particular for those that are small, medium enterprises.
3.6	This may also have an impact on the resources needed within BCC to support business and therefore Council ask that the FSA also consider how they will support Councils to achieve this.
3.7	Appendix 1 contains our full response to this consultation.
3.8	<p><u>Financial & Resource Implications</u></p> <p>Any additional legal requirements would require officer time to support, monitor and ensure compliance. It is anticipated that these additional demands could be delivered within our existing budget but this would require re-prioritisation.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.9	There are no equality or good relations implications. There is no requirement for a rural needs assessment.
4.0	Appendices – Documents Attached
	Appendix 1 – Draft response. Closing date 29 th March 2019.