

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

Please read the draft Best Practice Guidance document before answering the questions.

Have you read the proposed best practice guidance on which this consultation is based?

This is important because it provides the details you will need to know in order to respond to the questions in this consultation. *

- Yes, I have read the proposed guidance
- No, I have not read the proposed guidance
- Don't know

Which of the following best describes who you are responding as/on behalf of? Please tick a box. You may also specify the name of your organisation/the organisation you represent in the box.

*

- A Food Business Operator (FBO) that only sells non-prepacked food
- A Food Business Operator (FBO) that sells non-prepacked food and prepacked food
- An organisation that represents food businesses
- A Local Authority

- A consumer with a food hypersensitivity (an allergy, intolerance or coeliac disease) or you are answering on behalf of someone with a food hypersensitivity
- A consumer without a food hypersensitivity
- Other
- Not sure
- Prefer not to say
- Professional Body

Where is your business/the business you represent located? [Please select all that apply.]

*

- England
- Wales
- Northern Ireland
- Scotland
- Multiple locations across the UK
- N/A - I am not a business

The FSA is proposing recommending to businesses that allergen information should be available to customers in writing. It is up to the business as to whether written information is provided to

customers upfront (i.e. without customers needing to ask for it) or on request, and what form it takes (e.g. on menu, in an allergen matrix, information booklet).

How acceptable, or not, is this proposal to you? Why/why not?

[Please leave this question blank if you prefer not to say.]

Best practice comprises written information with the opportunity of a dialogue, although this presents challenges. Meaningful information requires a model risk assessment process to ensure all relevant allergen controls are in place (hygiene, contamination controls etc). An additional management plan for individual circumstances is also needed to assure safety for consumers with specific allergen needs. Best practice should highlight that an additional allergen should not be added to an existing recipe. If this does occur, this should be clearly signposted to the consumer. Written/pictorial information must be accurate at all times and use minimum font size consistent with labelling regulations. A change management plan to ensure that any contingency replacement ingredients are signposted to maintain accuracy. Consistent written language and symbols to depict allergens should be used and any symbols need to be unambiguous, simple to understand and accompanied by written descriptor.

How practical, or impractical, would it be for you to follow the best practice guidance? Why/why not?

[Please leave this question blank if you prefer not to say, or if this question is not applicable to you.]

The guidelines as they currently stand do not give sufficient best practice examples, particularly for smaller businesses which highlight practically how to achieve the guidance .

Targeted documents to aid a risk assessment would be needed to demonstrate how to comply with regulation and best practice guidelines (e.g allergen management processes needed to ensure that information provided is correct). The guidance needs to read across clearly with existing established guidance eg FSA Risk Assessment Template, Safer Food, Better Business, CookSafe (in Scotland), the UK Industry Guide to Good Hygiene Practice <https://www.ukhospitality.org.uk/guidance/industry-guide-to-good-hygiene-practice/> and other respected sector guidance.

A hierarchy of information in the guidance should be given which describes what is mandatory to assure legal compliance, and what is best practice guidance.

These guidelines need to be accessible and practical for all types of business operators to comply

Do you think this proposal would be an effective way of providing information to customers and enabling them to order food that is safe for them to eat, and be provided with food that is safe for them to eat? Why/why not?

[Please leave this question blank if you prefer not to say.]

Not as the guidance currently stands, please see comments to previous questions.

What, if any, are unintended consequences (positive or negative) that you think may result from these changes? Please explain your answer.

[Please leave this question blank if you prefer not to say.]

These include lack of ability of smaller business operators to understand and implement an effective information process. Alternatively, overly precautionary provision of information to protect the business operator may result and consumers will not be given choice.

Customers may become overly reliant on written information rather than seeking to understand the ingredients and processes specific to their individual needs.

Last ingredient labelling whereby if the business operator is not sure of the 'may contain status' it is added to the ingredients list is a risk in these situations. This is known to have caused a fatality in the US as consumers with an allergy to the ingredient erroneously may 'learn' to consume the food when they do not have a reaction, however this situation may change according to the business operator practices. We must not have ambiguity in these situations. Guidance should include

The current guidance allows businesses to choose whether the written allergen information is provided upfront (i.e. without the customer needing to ask for it) or is available upon request.

An alternative would be for the FSA to recommend that the information is provided upfront (without the customer needing to ask for it). To what extent are you in favour of, or opposed to, the FSA recommending that written allergen information should be provided upfront?

*

- Strongly in favour
- Somewhat in favour
- No views either way
- Somewhat oppose
- Strongly oppose
- Don't know

Please explain why you are in favour of, or opposed to, written allergen information being provided upfront.

[Please leave this question blank if you prefer not to say.]

IFST comprises members from a broad range of FBOs. We are in favour of information being made up 1

For businesses who only sell non-prepacked food by phone and do not have a website or online presence, the FSA proposes that they should provide written allergen information on delivery. Do you have any concerns about this proposal? *

- Yes
- No
- Don't know

Please explain why you are concerned.

[Please leave this question blank if you prefer not to say.]

In addition to general concerns, highlighted above, about whether the information is correct and adequately updated, currently the guidance does not provide sufficient clarity as to how this should be provided. The literacy, English language skills etc. of operators needs to be taken into account in terms of how this information would be effectively maintained and provided.

If you are an FBO and you do not currently provide written information, how likely or unlikely are you/the business(es) you are responding on behalf of, to make written allergen information available to customers? This could be either upfront or available on request.

*

- Very likely
- Fairly likely
- Not very likely
- Not at all likely
- Don't know
- N/A - I already provide written allergen information
- N/A - I am not an FBO

You said you don't know whether you would make written allergen information available to customers - what would affect your decision?

[Please leave this question blank if you prefer not to say.]

IFST do not directly represent business operators. IFST Provide guidance to a broad section of industry, professionals and the wider public via our fact sheets, information statements and knowledge hubs. As part of our communications we signpost trusted materials of relevance.

Which of the following changes, if any, will your business/business(es) you are responding on behalf of, have to make if you were to provide allergen information in writing to customers? [Please only select actions that you don't do already.] *

- Update all re-useable paper menus with allergen information
- Update all disposable paper menus with allergen information

- Print separate menus designed for those with allergies
- Print an allergen matrix
- Print an allergen information pack
- Design/redesign menus
- Design/redesign an allergen matrix
- Design/redesign an allergen information pack
- Design/redesign labels
- Update digital menu boards
- Update large menu boards (printed)
- Update large menu boards (chalkboard or whiteboard)
- Update online menu with allergen information
- Update menu on third-party delivery service websites (e.g. Deliveroo/Just Eat)
- Update labels placed next to, or on, food
- Update takeaway packaging to include allergen information
- Update takeaway menus to include allergen information
- None of the above
- Don't know

- IFST food business operator members provide information to consumers and the wider public through a variety of methods.

What other changes, if any, will your business/business(es) you're responding on behalf of, have to make if you were to provide written allergen information? [Please select all that apply.] *

- Purchase new labelling equipment (laptop, printer, labelling software, labels)
- Retrain all staff on the provision of allergen information
- Retrain some staff on the provision of allergen information (e.g. managers)
- Start to record recipe or ingredient changes in writing
- Remove items from the menu when an ingredient is unavailable, rather than substituting ingredients
- Reduce the frequency of menu changes
- Reduce the number of dishes offered (e.g. stop offering daily 'specials')
- Distribute new guidance or documentation to each outlet (for businesses with multiple premises)
- Increase use of Precautionary Allergen Labelling (PAL) statements (e.g. 'may contain')
- Stop serving consumers with food allergies/intolerances/coeliac disease beyond those mandatorily defined by FIC
- None of the above
- Don't know

- IFST food business operator members provide information to consumers and the wider public through a variety of methods.

Do you think it is practical for food businesses to provide information on all ingredients, not just the 14 regulated allergens? *

- Yes
- No
- Don't know

How would it affect your business/the business(es) you represent if there was an expectation to provide all ingredient information?

[Please leave this question blank if you prefer not to say.]

Providing information about allergenic ingredients (#14 allergens and others) is a major component of allergen management for the protection of consumers with food hypersensitivities, as required by particular regulations. However, it does not stand alone, and compliance with requirements to provide information needs to be established in line with allergen risk assessment, management and communication.

Furthermore making all the ingredient information available to consumers would not be achievable by any FBO as the level of information is not available or required by law. For example compound ingredients such as spice mixes are not required to have a list of sub-ingredients

The FSA intends to update its guidance on the provision of allergen information in its Technical Guidance documents which refers to prepacked, prepacked for direct sale and non-prepacked food. Do you have any concerns about this?

*

- Yes
- No
- Don't know

Do you have any additional comments you would like to be considered?

[Please leave this question blank if you have no additional comments.]

Guidance would need to be future proofed to cover all existing and new types of business operators.

If an incident occurs in the future – the level to which any guidance is followed will be assessed – this should be made clear to business operators and the importance of effective allergen management and provision of information clearly emphasised.

Food business operators rely on their local enforcement officers for support and therefore these officers would need to be trained to understand and be able to support the implementation of this best practice guidance.

Have FSA benchmarked how mandatory written info has worked in the Republic of Ireland? If so it would be useful to review how well this has been implemented and how any unintended



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