



Food Information Regulations –what have we learnt so far?

Simon Flanagan 24th February 2015



Customer Focused, Science Driven, Results Led

The Issue

MailOnline

Schoolboy, 12, died of severe allergic reaction to curry containing peanuts after takeaway staff assured his family it was nut-free

- Connor Donaldson died on October 19 last year after eating a prawn balti
- His mother Sarah received assurances from staff at the Tyldesley Tandoori takeaway in Greater Manchester, that the dish would not contain nuts
- After eating a few mouthfuls Connor started gasping for breath
- He suffered a severe asthma attack, which led to cardiac arrest
- His mother told an inquest: 'He assured me my meal wouldn't contain nuts'
- Investigations found chefs used the same ladles and spoons for all curries
- Tests also confirmed a balti paste used contained traces of nuts
- Coroner Jennifer Leeming recorded a verdict of accidental death
- She warned all people suffering nut allergies to avoid all takeaways

BBC NEWS

MANCHESTER

14 January 2015 Last updated at 20:30

Almost Famous Burgers: Woman, 18, dies after meal in Manchester restaurant

An 18-year-old woman has died after suffering a suspected allergic reaction having eaten at a burger restaurant in Manchester city centre.

The woman, named locally as Shahida Shahid, collapsed after the meal at Almost Famous Burgers in Great Northern Warehouse at about 20:30 GMT on Friday.

She died in hospital on Monday.

Review



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Food allergy, a summary of eight cases in the UK criminal and civil courts: effective last resort for vulnerable consumers?

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Key facts

5-8% children have a food allergy

1-2% adults have a food allergy

~1.92m people have food allergy in the UK

(based on population of 63.1m). This figure excludes food intolerance.

~ One fatality per month in UK

There is no cure, therefore need to observe avoidance

- **Read ingredient labels**
- Look out for hidden allergens



EU Food Information for Consumers 1169/2011

- Regulation 1169/2011 came into force 13th Dec. 2014
- Establishes a legal framework in the European Union with regard to information related to foodstuffs provided to consumers by food business operators at all stages of the food chain
 - Food intended for the final consumer
 - Foods delivered by mass caterers
 - Foods intended for supply to mass caterers
 - Also applies to catering services provided by transport leaving from the EU Member States (airline catering)
 - Distance selling (i.e. internet)
- Applicable to pre-packaged and foods sold loose
- Regulation covers 'mandatory' and 'voluntary' particulars

Mandatory declarable EU food allergens

EU Regulation No. **1169 / 2011** on the provision of food information to consumers 13th December 2014 (repeals or incorporates previous regs.)

Annex II

Cereals (gluten)* **	Milk* (including lactose)
Crustaceans*	Nuts and nut products*
Molluscs*	Sesame seeds*
Eggs*	Mustard *
Fish*	Celery*
Peanuts*	Sulphite >10ppm
Soya beans*	Lupin *

*`and products thereof'

**wheat, rye, barley, oats, spelt, kamut or their hybridised strains

Overview of changes



Requirement	2000/13/ EC	1169/2011 /EC
Clear reference to the allergen	✓	✓
Name of the allergen next to the ingredient	X	✓
Emphasize allergens in the ingredient list	X	✓
Where the name of the food refers to the allergen, no need for allergen declaration	✓	✓
Where there is no ingredients list, to declare the presence of allergens used	✓	✓
Use of allergy boxes to indicate allergens	✓	X
Minimum font size (1.2mm)	X	✓
Allergen information for foods sold non-pre-packed	X	✓

Article 12 & 13 clarity and legibility



- Mandatory information must be **emphasised**
- Mandatory information to be marked in a conspicuous place, be easily visible, clearly legible and, where appropriate, indelible. It should not be hidden, obscured, detracted from or interrupted by other written or pictorial matter
 - Think about whether the mode of emphasis is sufficiently visible or if the contrasting colour reduces the visibility
 - Consider visual impairments i.e. colour blindness
 - Is it hidden under a flap or printed across a fold or crease?

What wrong could look like

BOMBÓN CREAMOSO DE FRESA / STRAWBERRY CREAM PRALINE

BOMBÓN DE CARAMELO / TOFFEE PRALINE

BOMBONES ARTESANAOS. Ingredientes: azúcar, manteca de cacao, pasta de cacao, grasa vegetal (palmiste, palma, coco y shea), leche entera en polvo, avellanas tostadas (7,01%), mantequilla, almendras (2,07%), caramelo 1,08% (azúcar, mantequilla, grasa vegetal (palma), leche entera en polvo, leche desnatada en polvo, sal, emulgente: lecitina de soja), cacao en polvo, leche desnatada en polvo, suero lácteo en polvo, preparado de café 0,67% (azúcar, manteca de cacao, pasta de cacao, extracto de café 2%, estabilizador: goma arábica), fermento láctico, pasta de café 0,55% (café 66% y manteca de cacao), miel, emulgente: lecitina de soja, almendras caramelizadas 0,32% (azúcar y almendras), lactosa, fresa liofilizada 0,14% (jarabe de glucosa, azúcar, fresas (25%), Esesante E-401), aromas, emulgente: E-471 y albúmina de huevo. Coberturas: Chocolate (cacao mínimo 51%), Chocolate con leche (Cacao mínimo 35%), Chocolate Blanco (Cacao mínimo 26%). Puede contener trazas de otros frutos secos y gluten.

HAND CRAFTED CHOCOLATE DESSERT CUPS WITH PRALINE FILLING. Ingredients: sugar, cocoa butter, cocoa mass, vegetable fat (palm kernel oil, palm oil, coconut oil and shea butter), whole milk powder, toasted hazelnuts (7.01%), butter, almonds (2.07%), caramel 1.08% (sugar, butter, vegetable fat (palm), whole milk powder, skimmed milk powder, salt, emulsifier: soy lecithin), cocoa powder, skimmed milk powder, whey powder, coffee preparation 0.67% (sugar, cocoa butter, cocoa mass, coffee extract 2%, stabilizer: gum arabic), lactic culture, coffee paste 0.55% (coffee 66% and cocoa butter), honey, emulsifier: soy lecithin, caramelized almonds 0.32% (sugar and almonds), lactose, dehydrated strawberries 0.14% (glucose syrup, sugar, strawberries (25%), thickening agent: sodium alginate), artificial flavouring, emulsifier: mono and diglycerides of fatty acids and egg white. Coveratures: chocolate (cocoa solids 51% minimum), milk chocolate (cocoa solids: 35% minimum), white chocolate (cocoa solids 26% minimum). May contain traces of other nuts and gluten.

COUPELLES DE CHOCOLAT ARTISANALES GARNIES DE PRALINE. Ingrédients : sucre, beurre de cacao, pâte de cacao, huile végétale (palmiste, palme, noix de coco et karité), lait entier en poudre, noisettes grillées (7,01%), beurre, amandes (2,07%), caramelle 1,08% (sucre, beurre, huile végétale (palme), lait entier en poudre, lait écrémé en poudre, sel, émulsifiant: lécithine de soja), cacao en poudre, lait écrémé en poudre, serum lactique en poudre, préparation goût café 0,67% (sucre, beurre de cacao, pâte de cacao, extrait de café 2%, stabilisateur: gomme arabica), ferment lactique, pâte de café 0,55% (café 66% et beurre de cacao), miel, émulsifiant: lécithine de soja, amandes caramelisées 0,32% (sucre et amandes), lactose, fraise lyophilisée 0,14% (Sirop de Glucose, Sucre, Fraises (25%), Epaisissant E-401), aromes, émulsifiant: E-471 et albumine d'œuf. Couvertures: Chocolat (minimum 51% cacao), Chocolat au lait (minimum 35% cacao), Chocolat Blanc (minimum 26% Cacao). Peut contenir des traces d'autres fruits secs et de gluten.

VON HAND GEFERTIGTE SCHOKOLADENFORMEN MIT PRALINÉ-FÜLLUNG. Zutaten: Kakaobutter, Kakaomasse, Pflanzenfett (Palmkern-, Palm-, Kokos- und Sheafett), Vollmilchpulver, geröstete Haselnüsse (7,01%), Butter, Mandeln (2,07%), Karamell 1,08% (Zucker, Butter, Pflanzenfett (Palmfett), Vollmilchpulver, Magermilchpulver, Salz, Emulgator: Sojalecithin), Kakao, Kakaopulver, Magermilchpulver, Molkepulver, Kaffeezubereitung 0,67% (Zucker, Kakaomasse, Kaffee-Extrakt 2%, Stabilisator: Arabikumgummi), Laktose, Kaffeezubereitung 0,55% (Kaffee 66% und Kakao), Honig, Emulgator: Sojalecithin, Karamellisierte Mandeln 0,32% (Zucker und Mandeln), Laktose, Lyophilisierte Erdbeeren 0,14% (Glucosesirup, Zucker, Erdbeeren (25%), Verdickungsmittel: Natriumalginat), Aromastoffe, Emulgator: Mono- und Diglyceride von Fettsäuren und Eiweiß. Überzüge: Schokolade (mindestens 51% Kakao), Milchschokolade (mindestens 35% Kakao), Weisse Schokolade (mindestens 26% Kakao). Kann Spuren anderer Nüsse und Gluten enthalten.

INFORMACIÓN NUTRICIONAL PARA NO U.E./ NUTRITIONAL INFORMATION FOR NON E.U. COUNTRIES

INFORMAÇÃO NUTRICIONAL PARA NAO UE/ INFORMATION NUTRITIONNELLE POUR PAYS HORS UE

Nutrition Facts

Serving Size 4 Pieces (40 g)
Serving per Container About 4

Right but not quite there?

proper raspberry porridge

Our creamy blend of porridge oats and barley with freeze dried raspberries and pumpkin seeds.

good to know

- ✓ High in fibre
- ✓ Contains wholegrains
- ✓ No added preservatives
- ✓ No added sugar
- ✓ Contains naturally occurring sugars
- ✓ Vegetarian Society approved

nutritional information

typical values		per 100g	per 50g*
Energy	kJ	1,503	1,146
	kcal	359	274
Fat		5.5g	6.2g
	- of which saturates	1.0g	2.6g

ingredients

Cut porridge oats (26%), jumbo porridge oats (22%), barley flakes (22%), tiny date pieces, raspberry flavoured porridge oats (porridge oats, natural flavouring), pumpkin seeds (2.5%), freeze dried raspberries (2%).

⚠ allergy advice

Please see ingredients for allergens. May contain nuts, wheat, sesame seeds and milk.

storage instructions

Store in a cool, dry place. For best before end date, see base of pack.

simple to cook

The easiest way to cook porridge is in the microwave. Or if you're a stickler for tradition, it's just as delicious made on the hob. Cooking porridge is a very personal thing. After all, it's an art not a science. Here's how we do it:

traditionally (on the hob)

BRC Guidance

Mandatory

Ingredients

Oatmeal Bread (51%) (**Wheat** Flour, Water, **Oatmeal**, **Wheat** Bran, Yeast, Salt, Spirit Vinegar, **Wheat** Protein, Emulsifiers (Mono- and diglycerides of fatty acids - Vegetable, Mono- and diacetyl tartaric acid esters of mono- and diglycerides of fatty acids - Vegetable), Vegetable Oil (Rapeseed, Palm), Malted **Barley** Flour, Flour Treatment Agent (Ascorbic acid), Soft Cheese* (25%) (**Milk**) (contains salt), Scottish Farmed Smoked Salmon (**Fish**) (contains Sea Salt, Demerara Sugar), Single Cream (**Milk**), Lemon Juice, Black Pepper.

Allergy Advice

For allergens, including cereals containing gluten, see ingredients in **bold**
May also contain egg, soya

Mandatory

INGREDIENTS: **Wheat** flour, dried onions, palm oil, dried parsley, skimmed **milk** powder

Allergy Advice!
For allergens, including cereals containing gluten, see ingredients in **bold**
Also, not suitable for customers with peanut allergy

'Contains' or 'Allergy Advice' boxes not permitted

Article 21- Labelling allergens

- Cheese, yoghurt, cream, butter – do not need to follow with “milk” or “from milk”
- Need to declare fish, crustaceans, molluscs for example salmon (fish), crayfish (crustacean), mussels (mollusc)
- Sulphites do not need to be declared within an ingredients list where levels are $\leq 10\text{mg/kg}$ in the finished product
- Cereals containing gluten in a free from gluten labelled product ($\leq 20\text{ppm}$ in finished product) must be declared unless an exemption has been sought
- Inclusion of “gluten” within the ingredients list ok as long as it is not emphasised

Article 21- Labelling allergens



- The voluntary use allergen advisory boxes ("*Contains: x,y,z*") to declare the presence of allergenic ingredients not permitted
- Detracts from mandatory information
- Allergen information found in a single and consistent place – within the ingredients list
- Allergen signposting to explain mode of emphasis permitted e.g. "for allergens including cereals containing gluten, see ingredients in **bold**" – aids consumer understanding

Use of logos



- What does this mean? Doesn't contain crabs, cows, peanuts, eggs or not suitable because it does contain crustaceans, milk, peanut or egg - ambiguous
- Allergenic foods to be indicated with words and numbers - logos or symbols may be used in **addition** but not instead of to enable clear and full understanding



Article 14 – Distance selling



- Allergen information must be made available before purchase is concluded and upon delivery
This could be
 - Information provided over the telephone
 - Information on the packaging
 - Information on a receipt
 - Information online (such as food aggregators)
- Oral allergen information permitted



Article 44 –non-pre-packed foods (loose foods)



- The allergenic ingredient must be declared
- Can use a contains statement, charts, tables etc.
 - i.e. chicken tikka masala – Contains: milk, almonds (nuts)
 - where the allergen information is not provided upfront, signposting is permitted.

Food Allergies & Intolerances

Before you order your food and drinks
please speak to our staff
if you have a food allergy or intolerance

- Oral information must be accurate, consistent & verifiable on challenge

1169/2011 Voluntary particulars

- **Article 36.3(a): Additional voluntary allergen labelling (“may contain” – information on the possible and unintentional presence of substances or products causing allergies or intolerances).**
- Covers the requirements for voluntary food information and the implementing measures that the European Commission needs to take on the application of the requirements.
- Article 36.2 covers the general requirements that voluntary food information **must meet:**
 - (a) it shall not mislead the consumer, as referred to in Article 7;
 - (b) it shall not be ambiguous or confusing for the consumer; and
 - (c) it shall, where appropriate, be based on relevant scientific data.
- Contains / allergy advice box currently used on a voluntary basis by manufacturers & retailers will not be permitted after Dec. 2014

UK FSA Snapshot Survey 2012/13



Research to understand if different advisory statements present different levels of risk & if risks differ between products which do and don't carry advisory warnings

- 500 pre-packed foods sampled in duplicate from a range of retail outlets from small to large across the UK
- Samples chosen across a broad range of 12 product categories
- Allergens chosen – milk, gluten, peanut and hazelnut
- Analysis conducted for allergens not present as intentional ingredients
- Comparable products chosen that do and do not have a precautionary label for these allergens

Which are the riskiest products?

1. May-contain peanut
2. May contain traces of peanut
3. Made on equipment that also process peanut
4. Made in a factory that handles peanut
5. Not suitable for peanut allergic consumers
6. Recipe: No peanuts – Ingredients: Cannot guarantee peanut free – Product: made in a peanut free area but peanuts used elsewhere
7. I've been known to hang around near nuts, peanuts and sesame seeds and I may contain them as well
8. Don't munch if you are allergic to peanuts & sesame seeds.
9. No precautionary statement for peanut

1 to 8 essentially equate to the same level of risk

9 potentially either highest or lowest risk

Advisory Labelling

“Advisory labelling should only be used when, following a thorough risk assessment, there is a demonstrable and significant risk of allergen cross-contamination”



Advisory Labelling



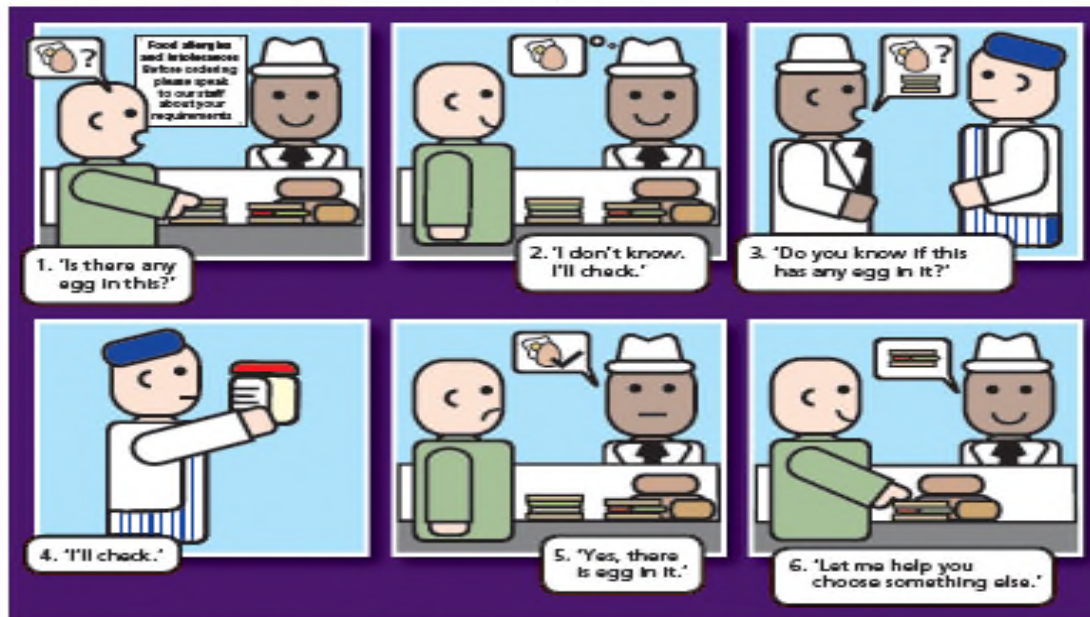
Closing thoughts.....

- The rules have changed - is your business ready?
- Key difference between non-declared deliberate allergen and allergen cross-contamination
- Highest risk to allergic consumers are undeclared allergens present at ingredient level
- Allergen control is integral to food safety management systems
- Keep it simple and proportionate to the size of your business
- Enforcement is starting with guidance to achieve compliance
- Allergic consumers are fiercely loyal if you can do it right!

Resources

Think Allergy

When someone asks you if a food contains a particular ingredient – always check. From 13 December 2014, food businesses will need to provide information about allergenic ingredients in the food they serve.



For more information and advice about allergy, visit: food.gov.uk/allergy
A booklet Allergen Information for loose foods is also available to download.

Which ingredients can cause a problem?



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

**Thank you for your time and
attention**



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