



Food Information Regulations 2014 Legislation and Enforcement

Topics to be covered

- ◆ *Awareness*
- ◆ *Enforcement*
- ◆ *Regulation*
- ◆ *Allergens*

Awareness

- ◆ *20 –30% of UK population think they may have a food allergy*
- ◆ *Research indicates 1-2% adults have food allergies*
- ◆ *Research indicates 5-8% children have food allergies*
- ◆ *More than 170 foods have been reported to cause food allergy*

Awareness

- ◆ *Food Allergy is not Food intolerance*
- ◆ *Exact reason why certain people suffer is unknown*
- ◆ *Possibly inherited from parents who suffer*
- ◆ *Tends to develop in young children (more common in boys)*
- ◆ *Theory linked to our modern 'sterile' environment*

Food labelling is changing

- ◆ Moving to EU Food Information for Consumers Regulation EU FIC (1169/2011/EC)
- ◆ From 13 December 2014 new rules on allergen labelling will apply
- ◆ Existing requirements for pre-packed foods are retained – but new requirement to **emphasize** allergenic foods in the ingredients list
- ◆ New requirement to **provide** allergy information for unpackaged foods
- ◆ The new regulation makes it clear when there is a breach in the provisions

New Highlighted Label

MILK CHOCOLATE WITH POPPING CANDY (6%)

Ingredients: **Milk****, Sugar, Cocoa butter, Cocoa mass, Vegetable oil (Palm, Shea), Lactose (from **milk**), Emulsifiers (E442, E476), Glucose syrup, Flavourings. **May contain nuts, wheat.**

****The equivalent of 426ml of fresh liquid milk in every 227g of milk chocolate.**

BEST BEFORE/STORE IN A COOL DRY PLACE

14 Specified Food Allergens

- ◆ *Cereals containing Gluten: Wheat, rye, barley, oats, spelt, kamut*
- ◆ *Crustaceans*
- ◆ *Eggs*
- ◆ *Fish*
- ◆ *Peanuts*
- ◆ *Soybeans*
- ◆ *Milk*
- ◆ *Nuts, almond, hazelnut, walnut, cashew, pecan, brazil, pistachio*
- ◆ *Celery*
- ◆ *Mustard*
- ◆ *Sesame seeds*
- ◆ *Sulphur dioxide and sulphites at >10mg/kg or litre*
- ◆ *Molluscs*
- ◆ *Lupin*

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 <10mg/kg in the finished product
- ◆ Cereals containing gluten in a free from gluten labelled product (<20ppm 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

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

Voluntary Information

- ◆ The application of precautionary allergen warnings ("may contain") can still be used, the basis for falls within General Food Law Regulation No. 178/2002
- ◆ •Precautionary labelling **can be applied on prepacked and non-prepacked** foods to communicate risk to the consumer
- ◆ •There is a provision within this Article to include allergen thresholds and specific wording for precautionary labelling
- ◆ •Gluten labelling provisions will be moving from gluten Regulation 41/2009 to EU FIC

Gluten Free claims

- ◆ **'very low gluten'** = only for foodstuffs consisting of, or containing one or more ingredients made from wheat, rye, barley, oats or their crossbred varieties that have been especially processed to reduce gluten e.g. Codex wheat starch, that contain **<100mg/kg** gluten in the food as sold to the final consumer
- ◆ **'gluten free'** = for foods that contain either gluten-reduced ingredients or substitute ingredients and contain **<20mg/kg** gluten in the food as sold to the final consumer
- ◆ No other terms are permitted in the labelling, advertising or presentation of these products

Article 44 –non-prepacked foods

- ◆ The allergenic ingredient must be declared
- ◆ Can use a contains statement, charts, tables etc.
 - i.e. chicken tikka masala – Contains: milk, almonds (nuts)
- ◆ Consider Article 12 and 13 on accessibility of mandatory information. Signposting when information is not provided written and upfront. It should be where consumer would expect to find allergen information i.e in a folder, on menu board, at till or on the menu card

Food Allergies & Intolerances

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

Enforcement

- ◆ Enforcement via Environmental Health Officers
- ◆ Food Information Regs will introduce
- ◆ Improvement notices
- ◆ First tier tribunals – businesses to challenge / appeal IN's
- ◆ Criminal sanctions for breaches in food allergen provisions – food safety

Article 8 – Responsibilities

- ◆ 8(2) FBO shall ensure the presence and accuracy of food information in accordance with the applicable food information law and requirements of relevant national provisions.
- ◆ 8(5) FBO shall ensure compliance with the requirements of food information law and relevant national provisions which are relevant to their activities and shall verify that such requirements are met.
- ◆ Both these provisions may be the subject of Improvement Notices under the Food Information Regulations 2014

FIR – Food Information Regulations 2014

- ◆ Regulation 5 Allergen Information requirement
- ◆ Regulation 10 Offence
- ◆ Regulation 12 Improvement Notice:
- ◆ Food Safety Act 1990 s10 amended by FIR2014
- ◆ s10(2) offence not to comply
- ◆ s37 Appeal to First Tier Tribunal
- ◆ s38 Effect of IN Appeal

How does it work in practice?

- ◆ The offences are all strict liability, with “Reasonable Precautions & Due Diligence” defence available.
- ◆ Failures arise where there is a mismatch between ;
- ◆ What the consumer believed they asked for (oral requests in particular), and
- ◆ What was delivered to the consumer together with accompanying food information.
- ◆ Multiple possible causes in the catering/food service sector

Overview of changes

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



Any Questions ?