

Annex B

Summary of Responses to the Consultation on: Draft Food Labelling (Declaration of Allergens) (England) Regulations 2009.

Consultation Issued: 6 July 2009
Consultation ended: 31 July 2009

Questions asked in the Consultation:

1. To seek your views of the draft Food Labelling (Declaration of Allergens) (England) Regulations 2009.
2. To seek views on the accompanying guidance notes.

Name/Organisation	Comments made	FSA Comments/Action to take
BRITISH RETAIL CONSORTIUM	<p>No comments on the proposed Regulations.</p> <p>Comments relate to the accompanying guidance document. The first comment relates to the text on allergen declaration in wine. We believe that the guidance provided on this subject, under Annex 2, page 27 of the document are too brief and do not properly explain whether the exemption applicable to wines can be carried through to products using wine as an ingredient.</p> <p>Our second comment relates to the best practice advice covered under page 14 suggesting that although strictly speaking they are not nuts, chestnuts, pine nuts and coconut should be managed and labelled as if they</p>	<p>Comments noted.</p> <p>The Regulation does not exclude the exemption being carried through to products containing wine.</p> <p>The Agency advice has not changed here. Many consumers assume that, as suggested in the name, chestnuts, pine nuts and coconut are nuts and therefore expect them to be labelled in the same way. Those allergic to</p>

	were allergens. The BRC would like the Agency to reconsider this advice as it is not in line with BRC line.	these foods are therefore at risk. However, the document has been changed in the light of this comment.
CULLINANE ASSOCIATES LTD	<p>In 2 (2) (a) (i) of the draft SI it says that “in the case of wine in which lysozym or albumin produced from egg or milk (casein) products has been used as a fining agent, the food concerned was sold before 31st December 2010 or marked or labelled before that date; or”</p> <p>Should this say:</p> <ul style="list-style-type: none"> o Lysozym used in wine o Albumin used as a fining agent in wine o Casein used as a fining agent in wine <p>It would be extremely unlikely for casein and albumen to be used in the same wine, but it might happen in some very odd circumstances. Therefore, lysozym and albumin could be used in the same wine and lysozym and casein could be used in the same wine.</p> <p>Several comments on the accompanying guidance document were also submitted but these were not related to this SI.</p>	<p>The SI has been changed to reflect this comment.</p> <p>Changes have been made to the guidance document</p>
FOOD & DRINK FEDERATION	Would welcome clarity on the full scope of the requirements of the 2009 Regulations with regards to the temporary exemption from labelling for egg and milk based wine fining agents. In particular, we believe that a more detailed explanation is required in Annex 2,	The Regulation does not exclude the exemption being carried through to products containing wine.

	<p>page 27 of the guidance document, to address whether the exemption is also applicable to products using wine as an ingredient.</p> <p>Regarding best practice advice given on page 14 for “Other types of nuts, and other foods which... strictly speaking are not nuts (ie pine nuts and coconut)”. Although we understand that FSA’s advice to include these in allergen handling and labelling procedures has not altered from the previous version of the document, we would like to highlight the approach that our members intend to take.</p> <p>Our members will only declare the 14 allergenic foods specified in EU legislation and will apply allergen risk assessment and control to these ingredients throughout the production process. Ingredients not included on the EU list, such as coconut, will therefore not be declared in the allergy box; however when present in the food they should be declared in the ingredients list in a manner that allows the consumer to clearly identify their presence in the product.</p>	<p>The Agency advice has not changed here. Many consumers assume that, as suggested in the name, chestnuts, pine nuts and coconut are nuts and therefore expect them to be labelled in the same way. Those allergic to these foods are therefore at risk. However, the document has been changed in the light of this comment.</p>
LACORS	<p>Support the key proposal to extend the exemption from labelling for certain wine fining agents and has no comments on the draft SI impact and welcome the revision of the guidance notes.</p> <p>The change in enforcement powers will not have any financial implications.</p>	<p>Comments noted with thanks.</p>

<p>ULSTER HOSPITAL (Commenting on behalf of the Department of Nutrition and Diet Therapy, South Eastern Trust)</p>	<p>There should not be a delay in this enforcement so as all food labelling remains consistent in the identification of allergens.</p> <p>Although we cannot determine risk or level of reaction/incidents we would also promote that allergens are not exempt from alcohol distillates (page 29 Guidance on allergen and Miscellaneous Provisions), e.g. include nuts?</p> <p>We would support and promote the best practice that Pine nut, coconut and chestnuts should be indicated on packaging. The revised "Guidance on Allergen and Miscellaneous Labelling Provision" is very useful and ideally should be used by all manufacturers/ products. Ideally all European allergens should be indicated on all prepacked foods and beverages so as there is a consistent message maintained to the public.</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Please see the response to FDF and BRC comments above.</p>
--	---	---