

# Consultation on Food Allergen Labelling and Information Requirements Technical Guidance: Summary of stakeholder responses

Stakeholder response to a consultation from 27 March to 22 May 2023 on proposed updates to our Food Allergen Labelling and Information Requirements Technical Guidance.

## Introduction

The Food Standards Agency (FSA) carried out a [consultation](#) from 27 March to 22 May 2023 on proposed updates to our Food Allergen Labelling and Information Requirements Technical Guidance.

The consultation was conducted as part of a routine review and update, and sought feedback from stakeholders in England, Wales, and Northern Ireland on two key guidance updates in terms of their scope and impact:

- standards for applying precautionary allergen labelling (PAL) and
- best practice guidance that No Gluten Containing Ingredients (NGCI) statements should not be used.

The guidance had been amended to ensure that references to food law in England, Wales and Northern Ireland are accurate, following the UK's exit from the EU, as well as non-technical updates to enhance clarity and understanding of the document.

The FSA is grateful to stakeholders who took the time to respond to the consultation. In general, respondents supported the standards for applying precautionary allergen labels to prepacked foods and NGCI statements, but there were some constructive comments (see table below) which we have taken into account for further revisions to the Guidance, including:

- where one of the 14 allergens is a group of foods – i.e., fish, cereals, nuts, crustacea, molluscs - the specific food(s) from within that group, that could be present due to cross-contact, should also be listed to maximise the food choice of people with a food hypersensitivity, e.g., fish (cod), nuts (almonds), crustacea (shrimp);
- food businesses should provide an easy means of contact (e.g., telephone, email) for consumers to receive meaningful information about any allergen labelling change;
- an additional standard on how food businesses should use vegan labels in combination with a precautionary allergen label and clarification on the difference between “free-from” and vegan labelling.

Respondents were generally supportive of our new best practice that Non-Gluten Containing Ingredients (NGCI) should not be used, because they are potentially misleading and provide a false sense of security to people with coeliac disease and that instead, either the free-from gluten status of the food (where food businesses are confident gluten levels are below 20ppm) or the risk of contamination with gluten containing ingredients be communicated in an appropriate manner on the premises.

However, certain food businesses and trade bodies in the non-prepacked sector said that NGCI statements were popular with their customers, the majority of whom do not have coeliac disease. Based on this feedback we have added a stipulation that, although the FSA advises against the use of NGCI statements, should these statements be used, food businesses should provide clarification that the dishes aren't suitable for people with coeliac disease. People with coeliac disease require meals that are free from gluten present in the ingredients **and** that could be present due to cross-contact in the kitchen or further up within food the supply chain, because their condition is chronic and affected by any accrual of gluten within the gut.

The below tables summarise the substantive comments received by different stakeholder groups, with the FSA's responses provided in the last column of the table.

**Issue: Precautionary Allergen Labelling should only be used following a thorough risk assessment**

Respondent	Comment	FSA Response
<p>Local Authorities/Trading Standards Food Business Operators Trade bodies</p>	<p>Clarity needed on what is considered a 'thorough risk assessment'</p>	<p>A precautionary allergen label should only be applied when a risk assessment has identified an unavoidable risk of allergen cross-contact that cannot be sufficiently controlled. The steps that should be followed in a risk assessment are outlined in the FSA <a href="#">Precautionary Allergen Labelling Checklist</a>.</p> <p>Further information is provided in the full guidance document: <a href="#">Precautionary Allergen Labelling Guidance</a>.</p> <p>At present, the FSA does not set allergen thresholds for precautionary allergen labelling, but we are working on harmonised international standards with Codex.</p>
<p>Food Business Operators Trade bodies</p>	<p>Guidance needs to include suitable examples of risk assessments, for all sectors</p>	<p>The precautionary allergen labelling updates only apply to prepacked foods. The FSA is considering expanding Safer Food Better Business to incorporate allergen labelling.</p>

Respondent	Comment	FSA Response
Local Authorities/Trading Standards Food Business Operators	More guidance required on how and when to pass on/transfer a PAL statement	In FSA <a href="#">precautionary allergen labelling guidance</a> , it is advised that precautionary allergen information from suppliers be passed on to the final consumer, unless the FBO risk assessment supersedes it.
Food Business Operators Trade bodies	Difficulties for meaningful risk assessments in the non-prepacked/out of home sector	The precautionary allergen labelling updates to guidance only apply to the prepacked sector.
Trade bodies	Meaningful risk assessments require agreed thresholds to be able to quantify the risk and there needs to be a defined acceptable level of risk	Thresholds are one element of a risk assessment and can only be utilised when the allergen is homogeneously distributed in a food product. FSA are working internationally to influence the development of harmonised standards for allergen thresholds.
Food Business Operators Trade bodies	Guidance needed to be more specific to different sectors; PAL statements in the non-prepacked/out of home sector needs to be considered further	The precautionary allergen labelling updates to guidance only apply to the prepacked sector.

**Issue: Precautionary Allergen Labelling should specify which of the 14 regulated allergens they refer to. For example: apply the statement “May contain peanuts and tree nuts” rather than the generic statement “May contain nuts”**

Respondent	Comment	Response
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Charities Consumers Food Business Operators Local Authorities/Trading Standards	Standardise PAL statements, to reduce confusion and give specific and accurate indication of the risk.	Standardisation of the wording of PAL statements is being considered alongside the standardisation of allergen thresholds that inform food businesses decision making on whether or not to apply a PAL.
Consumers Food Business Operators Research	Separate peanuts and nuts, make it clear they are not the same.	The update to guidance will achieve this.
Trade bodies	Adopting best practice guidance in non-prepacked/out of home sector could result in PAL statements including most/all 14 allergens, this is counterintuitive.	This guidance is only aimed at prepacked foods
Consumers Research Food Business Operators	PAL statements should list individual allergens e.g. may contain almonds, may contain wheat.	We have further updated the guidance based on feedback, so that where one of the 14 allergens is a group of foods (e.g., nuts, fish, milk) the specific food should also be listed.

**Issue: Precautionary Allergen Labelling should not be used in conjunction with a free-from statement for the same allergen. For example: “May contain milk” should not be used in combination with “dairy free”**

Respondent	Comment	Response
Charities Consumers Local Authorities/Trading Standards Research Trade bodies	Free-from is an absolute claim, cannot have PAL statement for same allergen. PAL and free-from statements are contradictory.	PAL and free-from statements for the same allergen are contradictory, which is stipulated in the revised guidance.

Respondent	Comment	Response
Charities Consumers Food Business Operators Local Authorities/Trading Standards Research Trade bodies	Guidance needs to cover PAL for 'vegan' descriptor.	We have included a new standard on the use of PAL in combination with a vegan label.

Respondent	Comment	Response
<p>Charities Research Trade bodies</p>	<p>Vegan statements are not the same as free-from statements.</p>	<p>Yes, Free-from and vegan labelling communicates different information, aimed at different consumer groups.</p> <p>Only free-from allergen claims can be used as food safety information by consumers, because it is a guarantee that the specified allergen is absent: to use it, a food business must have implemented strict controls to eliminate any risk of cross-contamination.</p> <p>Veganism is a lifestyle choice consumers make based on a range of factors, including ethical, environmental, and nutritional.</p> <p>Food labelled as vegan should not be made from or with the aid of animals or animal products, but there may be a risk that animal products could be unintentionally present in foods with a vegan claim, due to cross-contamination at some point in the food supply chain – from farm to fork.</p> <p>Where a food business labelling a product with a vegan claim has identified a risk of allergen cross-contamination with either crustacea, molluscs, fish, milk, or egg (foods that are both regulated allergens and animal products) they should communicate this risk with a precautionary allergen label i.e. ‘may contain’ alongside their vegan claim.</p> <p>The Vegan Society advise that their Vegan Trademark can be used on food products carrying a precautionary allergen label for either crustacea, molluscs, fish, milk, or egg, providing that the labelling decision is based on an assessment of the risk of cross-contamination.</p> <p>Following a review of consultation responses to our proposed update of our allergen labelling guidance for food businesses, we have clarified the difference between free-from and vegan labelling within this guidance document</p>

**Issue: FBOs should provide a straightforward means for consumers to contact them about their allergen cross-contact risk assessment that informs PAL. This is of particular importance for consumers with multiple/severe allergies who are concerned about a labelling change**

Respondent	Comment	Response
<p>Food Business Operators Local Authorities/Trading Standards Research Trade bodies</p>	<p>There is lack of clarity on how to achieve this; guidance/examples needed for FBOs to understand requirements and meet best practice advice.</p>	<p>The updated best practice guidance has been amended to clarify that information should be provided on the prepacked food label or on the website of the food manufacturer. The means of communication – e.g., email or telephone – should be easily identified by consumers so that they can receive the information they require on the allergen labelling change.</p>
<p>Food Business Operators Trade bodies</p>	<p>PAL is clear enough for the consumer, message would remain the same if a consumer enquired: the allergen may still be present.</p>	<p>This best practice standard is about building trust in the system of precautionary allergen labelling. Food businesses should provide information on the decision making that informed an allergen labelling change so consumers – in particular with severe and/or multiple allergies – trust and heed the labelling information provided by that food business.</p>
<p>Local Authorities/Trading Standards Trade bodies</p>	<p>Consumers expectations need to be managed for information provision and turnaround times.</p>	<p>FSA is not stipulating format of information or turnaround times. Food information should be provided in line with applicable UK food law.</p>
<p>Trade bodies</p>	<p>Contact details already on the label for prepacked foods.</p>	<p>A business name and address, are already <a href="#">mandatory information</a>, but we are suggesting food businesses consider providing contact information such as an email or telephone number.</p>

Respondent	Comment	Response
Research Trade bodies	Issues with how a consumer could interpret the information. There is an increased chance of misinterpretation and miscommunication.	<a href="#">FSA evidence</a> has shown that many consumers already do not trust and are confused by precautionary allergen labels. As a result, consumer knowledge, understanding, and trust in PAL is more likely to be improved by additional voluntary labelling which allows them to enquire about allergen labelling changes.

## Issue: No Gluten Containing Ingredients (NGCI) statements should not be used

Respondent	Comment	Response
Food Business Operators Local Authorities/Trading Standards Research	If NGCI menus/gluten alternative menus are not allowed to be used, this will restrict choice for consumers.	The use of gluten-free statements and statements around the risk of cross-contamination with gluten containing grains instead of using NGCI statements does not restrict food choice but provides food information in a more accurate and potentially less misleading manner.
Charities Food Business Operators Local Authorities/Trading Standards Research Trade bodies	NGCI statements are/can be misleading and provide false sense of security. The guidance would benefit from emphasising that NGCI is misleading more clearly.	FSA advise against the use of NGCI statements because they can be misleading to people with coeliac disease.
Food Business Operators Local Authorities/Trading Standards	The FSA guidance is unlikely to change business practices as this is best practice rather than mandatory.	Many practices that food businesses adopt are best practice in addition to following regulatory requirements.



Respondent	Comment	Response
Charities Food Business Operators Local Authorities/Trading Standards Research	There is a need for public engagement and resources to inform consumers, food businesses and others when NGCI statements may and may not be used and when to use 'gluten free' statements.	FSA advise against NGCI statements. Instead, where strict controls are employed to ensure meals contain less than 20mg/kg of gluten, a gluten-free statement should be used. Where there is an unavoidable risk of gluten contaminating meals, i.e., a PAL statement, should be provided. Coeliac UK provide detailed guidance in 'Catering Gluten Free'.
Local Authorities/Trading Standards Trade bodies	There is high demand for NGCI menus, consumers find them useful, they are not just for coeliacs.	Based on this feedback we have updated guidance stating whilst FSA does not advise NGCI statements be used, should food businesses continue to employ them the food business needs to make clear that the meals are not suitable for people with coeliac disease unless they can be prepared to meet the gluten free standard (less than 20mg/kg)
Local Authorities/Trading Standards	FSA guidance is confusing, unclear and inconsistent with other messaging and legislation, the message needs to be clarified.	FSA is clarifying guidance with the update. Emphasising it is advisable for food businesses not to use NGCI statements but to provide information on gluten-free and risk of gluten cross-contamination in line with <a href="#">Coeliac UK catering gluten free guidance</a> .
Food Business Operators Local Authorities/Trading Standards Trade bodies	NGCI menus should have warnings to say that the products may not be gluten free and convey risks of cross contact.	FSA advise NGCI menus are not used. If they are employed the food business need to make clear that the meals are not suitable for people with coeliac disease unless they can be prepared to meet the gluten free standard (less than 20mg/kg)

## Actions to be implemented

Changes made to the Technical Guidance as highlighted above.

## List of respondents

1. East Riding of Yorkshire Council
2. North Northamptonshire Council Trading Standards
3. Chartered Trading Standards Institute's (CTSI)
4. Gloucestershire County Council Trading Standards
5. Nottinghamshire Trading Standards
6. Cornwall Council Trading Standards
7. Manchester City Council Environmental Health
8. Fermanagh & Omagh District Council
9. Derbyshire County Council
10. East of England Trading Standards Association
11. Reading Scientific Services Ltd (RSSL)
12. Thurrock Council
13. Derry City and Strabane District Council
14. Rhondda Cynon Tâf Trading Standards Wales
15. Newry, Mourne and Down District Council
16. Mid Ulster District Council
17. TSNW Food Standards Focus Group
18. Armagh City, Banbridge and Craigavon Borough Council
19. Royal Greenwich Council
20. Wiltshire Council
21. Norfolk County Council Trading Standards
22. West Yorkshire Joint Services
23. Coeliac UK
24. Food Alert
25. IFST
26. ALS Global
27. Allergy UK
28. RSPH
29. University of Bath
30. Imperial College London
31. Dominos
32. BRC
33. CRN UK
34. British Soft Drinks Association
35. Association of Convenience Stores
36. SNACMA, UK Potato Processors' Association Ltd
37. Food and Drink Federation
38. Marstons
39. Allergen Bureau
40. Chilled Food Association
41. Bidfood
42. Wine and Spirit Trade Association
43. McDonald's UK
44. UK Hospitality
45. Provision Trade Federation
46. Individual Food business within Sodexo
47. Independent food safety consultant
48. Health Food Manufacturers' Association
49. Individual food businesses within Sodexo
50. Dairy UK
51. Erudus
52. Niche Free From Kitchen
53. Nestlé UK
54. Clearwater Seafoods Limited Partnership, Canada
55. Fosters Bakery

56. JP Restaurants
57. Food Law Consultancy
58. 26 members of the public