

# Food allergen labelling and information requirements technical guidance: Part 2: Guidance for businesses providing non-prepacked food

Guidance for any businesses that provide non-prepacked food

74. The information below provides guidance and best practice examples on the provision of allergen ingredients information for non-prepacked (such as loose fruit or vegetables or meals served in a restaurant or café) and also food packed at the consumer's request which is covered by the same rules. Information on the use of allergens in food must be provided in a manner that is easily accessible for the consumer. The requirements are based on the following articles of FIC :

- Article 8 on responsibilities
- Article 9 on the list of mandatory particulars (see previous page for list of 14 allergens)
- Articles 12 and 13 on availability and presentation of mandatory particulars
- Article 21 on labelling of certain substances or products causing allergies or intolerances
- Article 44 on national measures for non-prepacked food
- Article 14 on distance selling

## Responsibilities (Article 8)

75. Every FBO in the food supply chain is responsible for ensuring that the allergen information they provide is accurate. They must not supply food which they know or presume to be non-compliant with food information requirements.

Best practice

Businesses should review ingredient information for foods provided by them and ensure that their suppliers provide them with the necessary information to meet their obligations.

76. Food businesses supplying food to other food businesses that is not intended for the final consumer and / or not intended for mass caterers must ensure that business to business sales of food are accompanied with sufficient information to enable subsequent food businesses to meet their responsibilities. FBOs whose activities do not affect food information must not supply food which they know or presume to be non-compliant with food information requirements. FBOs are responsible for ensuring compliance with the provisions relevant to their activities and verifying that those requirements are met. This applies to all operators including manufacturers, suppliers, and caterers.

## Presentation of mandatory allergen information and National Measures

77. Allergen information for non-prepacked food can be communicated through a variety of means to suit the business format of the FBO.

78. The requirement is to provide information about the use of allergenic ingredients in a food. The provision does not require a food business to provide a full ingredients list, with the exception of prepacked for direct sale food (see Part 3 on PPDS requirements).

79. Members of staff should receive allergen training, know where to find allergen information, and know how to communicate this to customers.

80. FBOs have flexibility to provide allergen information for non-prepacked food by any means, including orally by a member of staff. No matter how information regarding allergenic ingredients is provided, it must be easily accessible and accurate.

81. Where a food business chooses to provide this information orally, the food business (including those offering drive-through sales) must use clear signposting to direct the customer to where this information can be found (e.g., by asking members of staff). In such situations there must be a statement that can be found on a notice, menu, ticket or label that is readily discernible (see Regulation 5(4) of the FIR).

82. To ensure that oral information is accurate, allergen information can be contained on a chart, in a recipe book or on ingredient information sheets, which staff can easily refer to.

83. All mandatory allergen information must be easily accessible and visible, and clearly legible to the final consumer regardless of whether they have a food hypersensitivity or not.

### **Example**

Signposting to where allergen information will be found [could be presented](#) as a statement such as:

‘Food Allergies, Intolerances, or Coeliac Disease: Please speak to our staff about the ingredients in your meal, when making your order.’

84. Allergen information must be made available for the entire dish as served; however, it can be provided in a variety of ways.

85. Where food is provided through a buffet format, the allergen information should be provided for each food item separately.

### **Example**

Allergen information could be provided as a ‘Contains’ statement, for example ‘Chicken Tikka Masala (Contains: milk, nuts (almond))’. Another method could be the use of a chart such as the example below:

Best practice

### **Allergen matrix example**

**Figure 2: Allergen matrix example 1**

| Dishes / Allergens contained          | Cereals containing Gluten | Crustaceans | Eggs | Fish | Peanuts | Soyabeans | Milk |
|---------------------------------------|---------------------------|-------------|------|------|---------|-----------|------|
| Chicken Korma                         |                           |             |      |      |         |           | Yes  |
| Seafood Risotto                       |                           | Yes         |      | Yes  |         |           | Yes  |
| Lincolnshire Sausage and mustard mash | Yes<br>Wheat              |             |      |      |         |           | Yes  |
| Special fried rice                    | Yes<br>Wheat              |             | Yes  |      |         | Yes       |      |
| Lemon cheesecake                      | Yes<br>Oats               |             | Yes  |      |         |           | Yes  |

### Best practice

To give a better service and choice for the consumer, a food business could choose to provide a breakdown of allergenic components within a dish, rather than just providing the information on the allergens present in the entire dish.

For example, BBQ Chicken Burger and coleslaw (Chicken: **wheat, fish, celery**; BBQ sauce: **celery, fish**; Bap: **wheat, eggs**, and **sesame**; Coleslaw; **egg, celery, mustard**)

If a customer had an allergy to mustard for example, the dish could be served without the coleslaw.

## Distance selling (Article 14)

86. FBOs selling non prepacked food through distance selling ([footnote 1](#)) (such as food businesses which offer purchase through telephone/ internet) must ensure that mandatory allergen information is available to the consumer (for free):

- before the purchase is concluded; and
- at the moment of delivery.

#### Best practice

Allergen information is held in written form by the business and available in written form at some point between a consumer placing the order and taking delivery of it.

87. Whatever the chosen method of presentation, the FBO must always ensure that the allergen information is current and accurate.

88. The allergen information must be provided without any supplementary costs being charged to the customer by the FBO (e.g., premium line numbers).

#### Example

Ways of providing allergen information at the time of order include:

- the customer is signposted to where the accurate information can be obtained in writing (e.g., an online menu); or
- staff provide the allergen information orally by telephone.

To ensure that current and accurate allergen information is provided, the food business could ask the customer if allergen information is required before the order is taken on the telephone or online.

Ways of providing written allergen information at the time of delivery include:

- placing stickers on food containers to clearly identify food and allergenic ingredients used in that food (e.g., Chicken satay: 'Contains: wheat, soy, fish, peanut'); or
- a menu is provided with the order which allows the customer to clearly identify allergenic ingredients in the food, along with clear names, or other appropriate cross references on food containers.
- written allergen information is presented to the customer, by the member of staff from the business delivering the food together with a means to clearly link the written information to each food item.

## Non-Gluten Containing Ingredients

89. Non-Gluten Containing Ingredients (NGCI) statements can be misleading to consumers. 'NGCI' statements have been used in menus when listing a group of food items to indicate they do not have gluten-containing ingredients, when the food businesses cannot guarantee the foods are gluten-free. To help food businesses, Coeliac UK has provided guidance on [Catering Gluten Free](#)

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#### Best practice

Avoid Non-Gluten Containing Ingredients statements, for example, "this menu has been designed for a non-gluten diet. It's a selection of dishes that do not contain gluten in their ingredients". Instead, a "gluten-free" statement should be provided where strict controls ensure that food provided contain no more than 20mg/kg of gluten.

If food businesses choose to continue to use NGCI statements, they should emphasise that the foods the statement refers to are not suitable for people with coeliac disease.

1. Electronic order screens in store and drive through order screens are not 'means of distance communication' because of the simultaneous physical presence of the supplier and the consumer.