

FSA 22-06-07 Annex D – Food Allergy Safety Scheme (FASS) research?

Annex D Food Allergy Safety Scheme (FASS) research paper.

Workstream objective?

People with FHS have access to reliable allergen information enabling them to make an informed choices when buying non-prepacked food and have confidence that the food they choose will be safe.

Approach to the workstream?

- We have been exploring if an information-based regulation scheme for allergens, referred to here as a potential 'Food Allergy Safety Scheme' (FASS), would be the best way to achieve our non-prepacked food sector workstream objective.?
- In our assessment we have considered the policy model that underpins information-based regulation and examined different options for delivering a FASS scheme, including combining with the existing Food Hygiene Rating Scheme (FHRS).

Key research findings

1. Policy model underpinning a Food Allergy Safety Scheme (FASS) - Information-based Regulation?

Information-based regulation refers to schemes where information is used to drive behaviour change to achieve social, environmental or public policy objectives. Some schemes are voluntary, others have a legislative basis³.??

Whilst this model has been successfully applied to food hygiene there are challenges to applying the same model effectively to allergen management and the provision of allergen information:??

Risk Level - People with FHS have individual and often complex requirements and allergens present different levels of risk for each individual ranging from low to very high. This is a challenge for food businesses who cannot apply a universal approach in the same way as they would for hygiene requirements or dietary preferences.?

Consumer Interest - Generating the high levels of consumer interest necessary for effectiveness may be challenging, given the scheme will be specifically of interest to people with FHS and their friends and family, rather than the general population. This is reflected in the fluidity of similar commercial and third sector schemes within the market that have struggled to get strong buy-in from businesses and consumers.???

Food Business Commitment - Universal commitment and involvement from food businesses will be difficult to achieve:?

- commercial and third sector schemes have struggled to achieve sustainable levels of business interest in similar schemes.?
- people with FHS represent a small percentage of the market. Unlike other sub-populations, such as vegetarian or vegan, there is an increased risk associated with catering for people with FHS. For food businesses, the economic benefit of an increased market may not offset the risk and additional costs of providing for this market. Being legally compliant is different from actively targeting people with FHS.?

Complexity of Information - The information requirements of people with FHS are complex and individualised. They need information about the allergens that are present in the food and to understand if the food business can manage cross-contact to an acceptable level based on their own personal FHS risk.?

2. Options for developing a Food Allergy Safety Scheme (FASS)?

Incorporate Allergens into the existing Food Hygiene Rating Scheme (FHRS)?

This could seem like an obvious and logical way to proceed but practically it would create significant challenges. For example:??

- Enforcement of allergen legislation rests with both environmental health and trading standards teams. The delivery of allergen interventions depends on local government arrangements which vary across England. For example, in a two-tier district and county council setting, allergens are dealt with separately by each council's food team. A comprehensive allergen assessment under FHRS would require significant restructuring of local authority resources and place additional burdens on them.???
- Assessing food businesses on allergen management is a different process to assessing them for food hygiene. Food hygiene practices, once embedded, tend to remain consistent whereas allergen management can fluctuate more rapidly when ingredients are substituted or recipes change. Local authority officers have expressed concern about offering consumers assurances based on a single "moment in time" assessment for allergens. During a series of workshops held with local authorities across England, Wales and Northern Ireland in autumn 2021 local authorities indicated that improvements in consumer confidence, choice and experience would be achieved more effectively and quickly through tailored training and support for food businesses.
- Levels of allergen risk within a food business can also be very different from the hygiene risk. For example, some food businesses that are low risk for hygiene, such as bakeries, might be high risk for allergens because of the risk of cross-contact (for example, because of allergens in flour).??
- A '0 to 5' scale for allergen management would not provide clarity for consumers on what different scores mean for their safety.??
- The premise of FHRS is compliance with the law, and food businesses are not expected to do anything beyond basic compliance with the law to achieve a '5' rating. Many of the expectations that people with FHS have for an allergy scheme extend beyond current basic legal requirements (for example, our research shows that people with FHS check menu choices online and customer reviews to reassure themselves about how a business handles allergens). As such, the inclusion of an allergen rating in FHRS may not provide them with the assurances and information they seek.??
- There are concerns that introducing allergens into FHRS may impact negatively on work to achieve mandation of the scheme in England. FHRS is mandated in Wales and Northern Ireland and careful consideration would need to be given to how any changes were

introduced to avoid undermining the existing scheme.??

FHRS offers an advantage over other options as the scheme is embedded with food businesses and has sufficient reach to be effective.???

However, this option would need a significant amount of time and resource to implement. This would be disproportionate to the outcome of drawing out information (and one rating) on how a business adheres to their legal requirements on allergen information and allergen management and would not meet the needs of consumers identified in our research to date.

FSA setting standards for third parties to administer schemes?

- allowing third parties to administer a range of commercial schemes would not be feasible, due to the lack of a commercial drive for FHS-focussed schemes and the confusion multiple individual schemes might create. At present, there is no single scheme that covers all food hypersensitivities and has achieved national reach. Endorsing one commercial or charity scheme would provide that scheme with an unfair competitive advantage.?
- as a comparison, the FSA successfully operates the Earned Recognition scheme for regulating primary food producers via FSA third party assurance schemes. This approach is reliant on a strong commercial drive generated by food retailers who have sufficient purchasing power to stipulate assurance scheme membership as a condition of purchase.?
- people with FHS do not have the same level of purchasing power in the non-prepacked market, and represent a small and disparate effect, due of the range of different food hypersensitivities that exist and the variance in terms of severity. For example, a food business may choose to focus on catering for those with coeliac disease but make less provision (for example, number of menu options) for those with nut allergies.?
- at a population level the numbers of people with FHS are relatively low and when subdivided into specific food hypersensitivities their purchasing power is further reduced.?
- in the absence of commercial drive, the number of food businesses signing up to the scheme will be low. A scheme being useful to consumers for informing choice about where to eat out is reliant on a critical mass of food businesses in each area joining the scheme. A further problem is likely to be consumer awareness of a scheme – using FHRS as a parallel [our research shows consumer awareness](#) of the scheme was 20% a year after launch and took 9 years to rise to 54%.????

Conclusion?

Creating a food allergy safety scheme has two fundamental challenges:??

1. the information-based regulation model on which these schemes are premised is unlikely to be effective for FHS. This has been demonstrated in the failure of other schemes to fully launch or expand, and the fluidity of the market.??
2. a scheme will not convey the complexity of information that people with FHS require to make safe and informed choices non-prepacked food.?

Investment of time, resource and capital may make incorporating allergens into FHRS possible. Mandation would ensure that food businesses participated in some form of a food allergy safety scheme. However, the fundamental challenge that a scheme is unlikely to achieve policy aims would remain.??

These challenges suggest that the scheme itself risks becoming the focus of attention rather than achieving the ultimate goal of helping people with FHS to manage risk.?

Recommendation?

The Food Allergy Safety Scheme (FASS) option is not progressed and the alternative option of a series of linked projects focusing on education and guidance for food businesses is developed and implemented.?