

FSA 22-06-07 Annex G: Owen's Law campaign and the FSA response

The FSA's response to Owen's law campaign.

Background

Owen Carey died in 2017 after eating chicken marinated in buttermilk whilst having lunch at a branch of Byron Burger during a celebration of his eighteenth birthday. Owen had multiple allergies, including to dairy (e.g., buttermilk), and relayed this information to the server. At the subsequent inquest, the coroner found that there 'must have been human error' by a member of Byron serving staff at the point of ordering and that Owen was not provided with the correct information about the ingredients used in the meal he ordered.

Following Owen's death, the Carey family have campaigned for better allergen information in restaurants, and for a number of other changes that would improve information provided to people with a food hypersensitivity, and the way in which deaths from food-related anaphylaxis are recorded. Specifically, they have called for the allergens in a restaurant's meals to be stated on the face of the menu, be that in paper or electronic form.

The FSA supports the objectives of the Owen's Law campaign to improve the provision of information about allergies when eating out, and we are grateful to the Carey family for their work to raise awareness of the risks and promote best practice so that future avoidable deaths can be prevented.

The FSA's role

The primary responsibility for investigating potential breaches of food law that may have caused or contributed to a death lies with local authorities. The FSA is responsible for setting the overall framework in which local authorities operate. When there is an inquest into a death from food-related anaphylaxis, the FSA, alongside local authorities, may be called on to provide evidence about the law and how it is implemented and enforced, and/or to respond to recommendations from the Coroner about how future deaths can be prevented.

The FSA is responsible for food safety labelling, which includes labelling about the presence of allergens in food.

The FSA's goal is to prevent avoidable deaths from foodborne disease and food-related anaphylaxis. We strive to learn the lessons from deaths that sadly do occur and to hear from those affected about the circumstances so that we can take this into account in policy making. FSA officials may meet with bereaved families directly, and/or we may receive information through the various charities that support people with food hypersensitivity.

The FSA Chief Executive and senior officials have met the Carey family on a number of occasions to discuss the circumstances of Owen's death and how future deaths can be prevented.

The FSA's response to Owen's death

Following the inquest into Owen's death, the Coroner's report made recommendations that fell under the respective remits of the FSA, Defra and DHSC. A [joint response](#) was published in January 2020.

Since the inquest, and meeting the commitments we gave in our response, the FSA has:

- Updated our allergen management guidance and training for business;
- Launched two new campaigns targeted at young people to encourage them to ask about allergens when eating out;
- Trialled a reporting tool for people with FHS to report 'near miss' reactions directly to the FSA;
- Conducted further research into the information needs of people with FHS when eating out, and the most appropriate and effective methods for consumers and businesses to exchange information so that risks can be effectively identified and managed;
- Held three annual Food Hypersensitivity Symposia bringing together people with FHS, food businesses, academics, health service professionals, representative organisations and policy makers to exchange best practice, discuss solutions and hear about the latest research and evidence.

A planned FSA campaign targeted at food businesses to raise awareness about business responsibilities for providing accurate allergen information did not go ahead due to the Covid pandemic. Food businesses will be a key focus for the next phase of the FHS programme.

The Owen's Law campaign

Following the death of Owen Carey in 2017, the Carey family have been campaigning for changes to legislation. The campaign proposals within the FSA's policy remit are:

- Restaurants required by law to label the fourteen regulated allergens on their menus with standardised symbols, numbers or words;
- Restaurants required by law to provide a full breakdown of ingredients for each dish in an allergen matrix.
- Restaurants required by law to ask each customer about allergen requirements on all occasions. The duty manager to be obligated to directly supervise this process where allergens are present, with it being an offence if they fail to do so.

The FSA agrees that greater standardisation of written information provided in restaurants and non-prepacked environments would be helpful for businesses and consumers. The FSA also agrees that verbal communication between customers and restaurant staff is vital for the exchange of information that helps customers and businesses understand and manage the risk. We support the campaign's call for better training for restaurant staff so they understand their responsibilities in relation to allergen management.

Our conclusions about how these policy goals can be taken forward are discussed in the paper.