

Summary of responses to consultation on:

Alternative wording to 'May contain' statements alerting consumers to possible contamination with allergens

Ref: LSA 15/692

Consultation issued: 9 December 2003

Consultation ended: 2 March 2004

Name/Organisation	Comments	FSA Comments
Dr Arjan Narbad-Institute of Food Research	<ul style="list-style-type: none"> • Would prefer to see 'Not suitable for people with peanut/nut/sesame allergy' rather than 'may contain' on food labels 	
Natalie Peacock (Dietician)	<ul style="list-style-type: none"> • Allergic to nuts and has found that the boom in 'may contain' labels has reduced the choice for allergy sufferers • Food labels should say why a food 'may contain nuts/peanuts/sesame as people have different thresholds of exposure to an allergen • Would like to see labels saying 'may contain.....' 'because this product shares a production line with' or 'is produced in a factory which handles.....but does not share a production line' • Dislikes the wording 'Not suitable for' as it is felt that it is the consumers and not the manufacturers decision • Dislikes the wording 'may contain traces' as whole nuts have been found in items with the 'may contain traces' warning • Wording including the phrase 'cross contamination may occur due to.....' could replace the 'may contain' statement 	
Toby Anderson	<ul style="list-style-type: none"> • Would seem best to have the statement: 'Not suitable for people with peanut/nut/sesame allergy' on the packaging with the reason why this is so since this makes clear the risk involved 	

Name/Organisation	Comments	FSA Comments
Emma Frazer-Kestrel Foods Ltd	<ul style="list-style-type: none"> • Currently developing new products within their factory, which is a dried fruit and nut processing site • Does one of the new statements have to be used on the packaging or should the 'may contain traces of nuts' still be used? • Feels that the new statements are more precise, however, costly due to having to set up new printing dyes to add the new statements to labels on products 	
William Taylor	<ul style="list-style-type: none"> • Supports the phrase- 'Not suitable for people with peanut/nut/sesame allergy' 	
Brendan O'Hare-WHSSB Medical Adviser	<ul style="list-style-type: none"> • The second option is much clearer 	
David Booth-Food Quality and Nutritional Psychology Research Group, University of Birmingham	<ul style="list-style-type: none"> • The second phrase is more preferable, although this could be better worded • The first phrase, using the word 'consumers' can seem condescending. It is a debased technicality from economics (supply and consumption of goods) and betrays a mass-marketing mentality in commerce • The first phrase demonstrates poor use of grammar due to the long string of nouns. This is also partly the case with the second phrase • The term 'people', although better than the word 'consumers' carries awkward resonance's, i.e. ethnic groups. It also feels more adult, whereas small children are of greatest concern • Consider- 'Not suitable for those allergic to [whatever]' • Or- 'those who are....' • Assumes that the label will say either 'peanut' or 'nut' or 'sesame'. If there is a risk of two or three, then 'or' would be much clearer than the stroke 	

Name/Organisation	Comments	FSA Comments
Dr Phil Lyon-School of Nursing and Midwifery, University of Dundee	<ul style="list-style-type: none"> • The phrase 'not suitable for people with peanut/nut/sesame allergy' would be the best form of communication • More directly understandable to use 'people' rather than 'consumer' • The cost difference between 'may contain nuts' and 'not suitable for people with peanut/nut/sesame allergy' is negligible • The slightly longer phrase should not be used to reduce print size as legibility is crucial 	
Mrs Shirley Hammond	<ul style="list-style-type: none"> • Almost lost her daughter at the age of four years old • Text should be kept simple, so that young children can understand • Phrases such as 'because the product is made in a factory, which uses nuts' could give children (particularly headstrong teenagers) a false sense of security. Recalls a 17 year old dying at an end of term celebration- a typical time when guards are down • Even though there are grey areas surrounding this subject, parents take their responsibility seriously and are capable of protection whilst the child's eating habits are under their supervision • When are the manufacturers going to accept responsibility for the lives that have been lost and the people that are still living in a mine field • Need a clear 'yes' or 'no' whether children can eat a product • Concerned that retail outlets such as Asda are labelling product as 'may contain' because they do not see the importance or can't find extra money to produce items on a production line without the fear of cross contamination • It would be simple to keep all nut products in a separate factory and have different delivery sections 	

Name/Organisation	Comments	FSA Comments
Mike Edwards	<ul style="list-style-type: none"> • Shame that the wording is overused and in many cases used to protect the manufacturer • Would vote for 'Not suitable for people with peanut/nut/sesame allergy' as the alternative phrase does not convey the severity of the situation • Make sure that the wording is specific as a product that may have been contaminated by sesame seeds does not need to be avoided by a peanut allergy sufferer • The statements suggest a more absolute risk rather than the standard get out clause of 'may contain nuts' • Feels that it would be unhelpful to replace the 'may contain nuts' statement as it validates the apathy from companies towards providing clear labelling • Additional wording such as 'because the product is made in a factory which uses nuts' is very useful • Would like to see clear guidelines from the FSA on the use of the term 'vegetable oil'. It seems that it is legal for Ground Nut Oil to be labelled as vegetable oil • The level of anxiety from eating a food a possibility of contamination could be reduced by manufacturers clearly stating where the oil was from • Fast food restaurants such as McDonald's do not have to clearly label their products in the same manner as manufacturers • Macdonald's are very good at supplying booklets outlining information on ingredients and allergens. However, this information would be more effective if it was clearly on display in the restaurant • Macdonald's add additional ingredients to their ice cream products. The packets for these products have clear allergy warnings on them when bought from a shop. There is no indication in the restaurant about the risks being taken 	

Name/Organisation	Comments	FSA Comments
Sandra Blake-Somerfield Stores Ltd	<ul style="list-style-type: none"> • Two versions of the statement can be applied. • The following is used when the product does not contain any nuts or ingredients with traces of nuts but the factory handles nuts: <i>'Made in a factory that handles nut ingredients. May contain traces of nuts or nut derivatives'</i> • The following will apply when the factory is essentially nut free by not 100% guaranteed free from trace contamination: <i>'May contain traces of nuts or nut derivatives'</i> • Similarly: <i>'Made in a factory that handles sesame seeds'</i> • Example: CONTAINS Sesame, Egg, Wheat Made in a factory that handles nut ingredients. May contain traces of nuts or nut derivatives • Would expect a timescale of approx. 3 years to be given for a change to their statements to be made. This will minimise the cost of £1K per line 	
Waegn Cole-Pantri Nolwenn	<ul style="list-style-type: none"> • Consumer research shows that a clear statement such as 'Not Suitable for people with peanut/nut/sesame allergy is more helpful than phrases like 'may contain nuts' • Consumers are likely to respond favourably to an alternative phrasing 	
Mrs Jennifer Godsall	<ul style="list-style-type: none"> • Supports the phrase 'Not Suitable for people with peanut/nut/sesame allergy' 	
Dr V K Tohani-Consultant in Communicable Disease Control	<ul style="list-style-type: none"> • Would prefer the phrase 'Not suitable for people with peanut/nuts/sesame allergy. This is clearer and simpler 	
Bob Salmon-Food Adviser to the Forum of Private Business	<ul style="list-style-type: none"> • Prefers the inscription 'Not suitable for people with peanut/nut/sesame allergy' • Does not feel that this wording on products containing these components would significantly add to production costs • Concerned that any trace of component in a product achieved inadvertently could affect consumers when the producer is unaware that their product is contaminated. There would then be no cautionary indication on the label 	

Name/Organisation	Comments	FSA Comments
Lisa Hunt-Citizens Advice	<ul style="list-style-type: none"> No comment 	
Mike Kelly-Head of Food Safety and Environmental health, British Airways	<ul style="list-style-type: none"> Would not be entirely happy with either of the statements, unless backed up with further advice Would choose the second statement, if had to make a choice The food industry will need to be given strict guidance for use of such statements May be more prudent to expand the labelling to give more information and guidance to make a more informed decision e.g. <ul style="list-style-type: none"> -This product contains peanut/nut/sesame -This product does not contain peanut/nut/sesame as an ingredient but is produced in a factory where peanut/nut/sesame products are also produced Whatever the cost of labelling, the cost of compensation claims from any allergic reaction caused by eating an incorrectly labelled product could be extremely expensive 	
Derek Johnson-National Association of Care Catering	<ul style="list-style-type: none"> The most appropriate phrasing would be- 'Not suitable for people with peanut/nut/sesame allergy' This makes it clear for allergy sufferers, whereas the other statement could be missed by someone quickly scanning the label 	
Philippe Rossiter	<ul style="list-style-type: none"> The second phrase is clearer and likely to be more acceptable to consumers and businesses Within the hospitality industry any additional costs are likely to be relatively small on the basis that many establishments already provide similar warnings on their menus The proposed wording is comparable in length to many of the existing statements, so printing costs are unlikely to be a major factor If it were a requirement for the immediate introduction of the new wording this would present a high cost for the larger chains and companies 	

Name/Organisation	Comments	FSA Comments
Eileen Steinbock-Dietitian for Brakes	<ul style="list-style-type: none"> • The wording of the statements are far clearer than those previously used • It is essential that the warning is only used in circumstances that are equivalent throughout manufacturing • Guidance needs to be given to consumers and caterers for when the wording is appropriate • Both caterers and consumers find it confusing to see statements saying not suitable when the allergen in question does not appear in the ingredient list • Essential that the level of the risk is explained and is consistent across all products • Brakes have previously had a policy of avoiding 'may contain' statements unless the risk of contamination was considered unavoidable • Expect suppliers to avoid contamination in all batch processes. This would be part of the HACCP process • Food sold to catering outlets by Brakes carry prominent warnings for products containing nuts or peanuts. This avoids cross contamination • In catering areas such as schools, a more widespread use of warnings could lead to reduced choice 	
Mr and Mrs Manning	<ul style="list-style-type: none"> • Favour the phrase- 'Not suitable for people with peanut/nut/sesame allergy' • It would be helpful for the manufacturer to quantify the reason for the warning message • Is a consumer with a child that is severely allergic to tree nuts and peanuts • There should be a recognisable industry wide symbol such as those used for Vegetarian, Gluten Free, Halal etc • Young children would be more likely to understand a symbol • The message should be displayed prominently before the ingredients list • All products that definitely contain nuts should state 'Contains Nuts' • Products that do not have nuts, peanuts or sesame in the ingredients appear to have a warning message • It is difficult to check product packaging when stood in a supermarket • Ingredients listing is often quite long and in miniature writing which means that ingredients and warning messages can be missed • There should be a Braille version of the warning • Not enough is being done by the food industry regarding the subject of people with serious allergies. People have died almost immediately after inadvertently eating peanuts, nuts or 	

	<p>sesame</p> <ul style="list-style-type: none"> • It is simply not good enough to add a 'may contain' statement. People are not convinced that this is a service to protect consumers, but the result of company lawyers advice to protect producers • Many food packages display 'may contain' messages that allergy sufferers are being forced into trying to decide which are the justifiable messages 	
Claire Barry	<ul style="list-style-type: none"> • Would prefer 'Not suitable for people with peanut/nut/sesame allergy' as it is easier to understand • Clarity is needed for a lot of 'free from' products such as milk because when they do not contain nuts or milk it can be confusing for customers not to find that ingredient amongst the listing • It would be helpful to know whether a product is MADE with an ingredient as opposed to PRODUCED in an environment where nuts or milk were present • Are there any plans to introduce clearer wording for other types of 'free from' products apart from nuts? 	
Mrs Margaret Longmuir- Manager, Operational and Technical Affairs Department, The Scotch Whisky Association	<ul style="list-style-type: none"> • In regards to general food law- The current 'may contain' statements are not concise and, presumably, will place the burden of risk assessment onto manufacturers. • This may encourage manufacturers to try to eliminate the risk of cross-contamination, either by better working practices or by the establishment of dedicated, allergen-free factories/production lines 	
Rona MacDonald- Scottish Enterprise Network	<ul style="list-style-type: none"> • 'May contain' seems a catch-all statement used by companies to prevent legal action being taken out by severe allergy sufferers • The wording 'unsuitable for' would be a more definite statement • Many hotels and restaurants/food outlets selling food that is not pre-packaged are still not complying with the requirements to identify dishes containing nuts • Is there a practical way of enforcing the need to identify these foods? 	

Name/Organisation	Comments	FSA Comments
Emily Smith-Nutritionist, Gluten Free Foods Ltd	<ul style="list-style-type: none"> • Produces gluten and wheat free foods for those with Coeliac condition and allergies • At present uses the phrase 'may contain traces of nuts' on applicable products • Prefers the phrase 'Not suitable for people with peanut/nut/sesame allergy' 	
Simon Fuller-Noble House Pub Co Ltd & Noble House Leisure Ltd	<ul style="list-style-type: none"> • As a company with several Thai and Oriental restaurants, encounter customers with peanut allergies on a regular basis • Prefers the wording 'Not suitable for people with peanut/nut/sesame allergy' • Uses the following wording at present 'Due to the nature of south east Asian cooking our food is not suitable for people with nut allergies • Adopted the policy of dissuading people booking at the restaurants when informed that a person has a food allergy 	
Ian Nendick	<ul style="list-style-type: none"> • Allergic to certain types of nut (not peanuts) • Finds the warning 'may contain traces of nuts' extremely unhelpful as it can be often found on products that must contain nuts in order to fulfil their description. • Implies that the company uses the phrase at their own convenience rather than a guide to consumers • The proposed phrases are more helpful but lack information • The critical thing is detail about the nut involved and how the contamination arises. For example, a good warning would be: <i>'This product is produced on the same production line as another product containing hazelnuts. Although a rigorous cleaning regime is maintained it is possible that the product may contain traces of hazelnuts'</i> 	

Name/Organisation	Comments	FSA Comments
Mike Webber-Biscuit Cake Chocolate and Confectionery Association	<ul style="list-style-type: none"> • The paper does not address the issue of when such labelling should be used • Believe that 'may contain labelling should only be used following a properly conducted HACCP study which demonstrates that there is a real risk of the product containing the allergen in question • Where allergenic ingredients are deliberately present, as part of the recipe, it would be important to have labelling at least as conspicuous as the "not suitable for" labelling as otherwise consumers with allergies might think that those products were safe. • Do not think it is the food industry's role to decide what is suitable for a consumer. Industry's role is to say what a product contains and it is then up to the consumer to decide on its suitability • The phrase 'not suitable for' would give rise to difficulties on small and multi-lingual packs • The wording 'not suitable for' would be less helpful to people with intolerance to particular ingredients who can safely consume small amounts of an ingredient as a result of cross-contamination. The phrase 'may contain traces.....' would be more helpful in this case • Believe that both the 'not suitable for' options in the FSA paper should be rejected • The FSA should consider guidance proposing 'may contain nut traces' as a separate declaration which would follow the ingredient list and be clearly visible 	
David Pickering-Trading Standards Institute	<ul style="list-style-type: none"> • Prefer the option 'Not suitable for people with peanut/nut/sesame allergy' 	

Name/Organisation	Comments	FSA Comments
Brigid McKeivith-British Nutrition Foundation	<ul style="list-style-type: none"> • The BNF believes that a consistent approach to allergen wording would be useful • The view was also expressed by the BNF as part of the FSA project on preparatory work on improving information in catering outlets and for foods sold loose • The BNF believes that any statement alerting consumers to the possibility of contamination should be as specific as possible • It would be most useful, for example, for people with nut allergies if the type of nut is specified • Additional information such as ‘because the product is made in a factory which uses peanuts’ would allow people to make informed choices about the foods they eat • The BNF hopes that the FSA will issue guidance notes as to when the statement should be used 	
Wendy Wrigley-The Co-operative Group	<ul style="list-style-type: none"> • The phrase ‘may contain’ is not used on the labelling of Co-op brand products • Where there is a possibility of nut contamination the product is labelled: <ul style="list-style-type: none"> - <i>Allergy Advice: Produced in a factory handling peanuts/nuts/sesame seeds</i> • The Agency should be investigating, in conjunction with scientists, industry and allergic consumers, whether labelling should be applied • Without guidance, the industry will continue to err on the side of caution and use ‘may contain’ style labelling to protect allergic consumers 	
Peter Berry Ottaway-Institute of Food Science and Technology Trust Fund	<ul style="list-style-type: none"> • In 1997 the IFST was a pioneer in advocating and recommending effective labelling advice on the presence of allergens in food products • The IFST first coined the widely-adopted term ‘major serious allergens’ (MSAs) to encompass what was considered to be the so-called ‘big eight’ allergens (milk, eggs, soy, wheat, peanuts, shellfish, fruits and tree nuts) • Recommend that it should also include the so-called ‘second eight’ (sesame seeds, sunflower seeds, cottonseed (meal, not oil), poppy seed, molluscs, beans other than green beans, peas, lentils) • Tartrazine, sulphites and latex should also be treated as MSAs for labelling warning purposes • An EU Directive recently in force specifies the food allergens to be identified on the label. It 	

	<p>would not, however preclude manufacturers from warning of the presence of any other food allergens</p> <ul style="list-style-type: none"> • Surprised that the consultation appears to limit the proposed wording to peanuts, nuts and sesame • There are consumers who suffer severe reactions to small amounts of other MSAs • Feel that the FSA guidelines resulting from this consultation should make clear that the three named MSAs are merely examples and that the chosen wording should be equally applicable to other MSAs • Both of the proposed new wordings would provide consistency and remove consumer uncertainty but would do nothing to minimise the restriction of consumer choice • 'Not suitable for people with peanut/nut/sesame allergy' is simpler and easier for purchasers to understand • Would support the freedom to add the reason why the product is unsuitable 	
Bruce A Boxall	<ul style="list-style-type: none"> • Son suffers from a nut allergy • A consultant has advised that products with warnings such as these are 'statistically safe' provided an epi-pen is to hand • 'May contain' is a legal defence • Suggests a regime where there is a standard for cleanliness procedures in factories • Could be labelled either as '<i>Product is made in a factory which uses nuts</i>' or '<i>product is made in a factory which uses nuts and meets EN14xx standards of production cleanliness</i>' • All labels should be prominent and before the first line of ingredients 	
Stella Walsh- Chairman, National Consumer Federation Food Policy Group	<ul style="list-style-type: none"> • 'Not suitable for people with peanut/nut/sesame allergy' would be more appropriate 	
Angela Hoffman- Nutrition Policy Manager, Tesco	<ul style="list-style-type: none"> • Tesco are currently revising their own labelling in relation to nuts • Prefer the statement 'Not suitable for people with peanut/nut/sesame allergy' 	

Name/Organisation	Comments	FSA Comments
Michael Hunt-Food and Drink Federation	<ul style="list-style-type: none"> • The FDF have long held the view that ‘may contain’ and similar labelling should only be used where there is a demonstrable risk of presence of an allergen • Guidance should be introduced for the use of the wording • FDF, BRC and IGD have previously produced guidance on the handling of allergens • The FDF has difficulties with the proposed ‘not suitable for’ wording since it is making a judgement in respect of consumer health rather than stating the facts • Would such wording be applied across the whole range of major allergens? • Industry would not want to be in the position to have to state non suitability for sufferers from the less potent allergens which would restrict consumer choice • Industry would not wish to have to imply different levels of significance of statement by combining ‘not suitable’ statements on nuts and sesame with ‘may contain traces etc’ statements on other allergens • ‘May contain’ raises the question of whether these should be applied to products which contain nuts and sesame as added ingredients • Unless such a statement was applied to both products there would be a risk of an allergenic consumer consuming a product which contained an allergenic ingredient • The FSA should include a statement to say that there is no medical implication in the use of such wording a ‘not suitable for’ • Factors of label space and translation should be considered 	

Name/Organisation	Comments	FSA Comments
Alex Boxall	<ul style="list-style-type: none"> • The central issue is not just the wording of the disclaimer, rather how the disclaimer is used • It is the policy of some retailers to use a disclaimer as a means of managing legal liability rather than informing consumers as to the real risk of a product containing allergens • Allergy sufferers are often left to second-guess the likelihood of the product containing nuts • There would be little practical benefit to consumers if products state 'Not suitable for nut allergic consumers' rather than 'May contain nuts' • Some disclaimers are better than others such as 'This product has been made in a factory that also processes nuts.' The consumer can then form their own opinion • The best solution would be if companies were required to conduct a risk-assessment before applying the disclaimer • Symbols should be introduced • At present there is a risk that allergy sufferers can miss warnings as they are often hidden on the packaging • Waitrose has a model system in relation to their own brand products 	
Sally Griffiths	<ul style="list-style-type: none"> • Nutricia manufacture foods specifically for allergy sufferers • Appreciate that consumers need factual statements rather than vague assurances • Consumers want to be able to make their own risk assessments according to their individual needs • Factual statements should be applied which allow consumers to make their own judgement • Following consultation with the Anaphylaxis Campaign, Nutricia currently use statements that allow the consumer to make their own decision. This has proved practical and popular • The statements are backed by the HACCP reviews • They are referred to as 'quantifiable may contain' statements. E.g. where possible, the nut concerned is identified in the statement • Specify if nuts are used on site and, even if there are no nuts in the ingredients • Consumers should be provided with enough information to be able to make their own informed choice • Nutricia do not support the use of 'not suitable' as it is not for a company to make a medical decision on behalf of a consumer • Do not support the use of 'not suitable' which refers to only peanut/nut/sesame as this is 	

	<p>unfair to consumers allergic to other allergens</p> <ul style="list-style-type: none"> • Support the use of 'quantifiable may contain' statements to allow consumers to make their own judgements 	
Les Bailey-LACORS	<ul style="list-style-type: none"> • Support the use of the wording due to the simplicity and message it conveys • Guidance on how this alternative wording should be used is important • 'May contain' labelling is currently used as a blanket insurance policy • Manufacturers should continue to strive to avoid cross contamination • There should be an avoidance of 'overcrowding' on labels • LACORS would favour the use of the statement 'not suitable for people with peanut/nut/sesame allergy' • If the statement 'because the product is made in a factory which uses nuts' is to be used in association with 'may contain nuts' it may be appropriate to explain these circumstances. However, this could lead to 'crowded' labels 	
Kamilla Nielsen-British Meat Processors Association	<ul style="list-style-type: none"> • The following statement is the clearest of the two: 'Not suitable for people with peanut/nut/sesame allergy' • The cost implication is difficult to specify as it would depend on the number of products affected • Introducing new labels would involve new design and artwork for the labels 	