

# Consultation on updates to the Food Standards Agency's Technical Guidance on food allergen labelling and information requirements

A consultation on two key guidance updates - standards for applying precautionary allergen labelling (PAL) and best practice guidance that No Gluten Containing Ingredients (NGCI) statements should not be used

This consultation will be of most interest to:

- Food Businesses that provide prepacked for direct sale (PPDS) food
- Food Businesses that provide food that requires a Precautionary Allergen Labelling (PAL) Statement
- Local authority food safety teams
- Food industry representative bodies
- Any other organisation or person with an interest in food hypersensitivity policy

## Summary

This consultation is being conducted as part of a routine review and update of the Allergen Labelling Technical Guidance.

The FSA is seeking feedback from stakeholders on two key guidance updates - standards for applying precautionary allergen labelling (PAL) and best practice guidance that No Gluten Containing Ingredients (NGCI) statements should not be used - both in terms of their scope and impact.

The Guidance has also been amended to ensure that references to food law in England, Wales & 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.

More detail regarding the specific sections that have been updated can be found on the second page of the Technical Guidance.

The FSA invites comments and feedback on how existing policies are expressed as part of our proposed updates to technical guidance. This could include any potential impacts they may have.

At the end of the consultation period in June 2023, the FSA will collate and consider any responses received, prior to amending and publishing the revised Technical Guidance in Summer 2023.

## Details of consultation

The subject of this consultation is the proposed updates to the Food Standards Agency's (FSA) Technical Guidance on "Food allergen labelling and information requirements" under Retained Regulation (EU) No. 1169/2011 (for England and Wales) and Regulation (EU) No. 1169/2011 (for Northern Ireland). These regulations will be referred to as the FIC throughout this document.

These updates will:

- amend the legal references of the PPDS legislation that came into effect on 1 October 2021, which changed labelling requirements for Prepacked food for Direct Sale (PPDS),
- propose best practices on PAL and NGCI Statements,
- propose drafting updates to simplify guidance.

### **Precautionary Allergen Labelling Statements**

Whilst the use of PAL Statements is voluntary, they must be accurate and not misleading, in line with Article 36 of the FIC. [Evidence has shown](#) that small and medium sized (SME) food businesses selling prepacked foods can be unsure of how and when to apply PAL.

As such, the proposed best practice guidance part of this consultation aims to support food business operators (FBOs) to provide accurate information on the risk of allergen cross-contamination, whilst ensuring their customers are safe and are able to make informed food purchasing decisions.

The proposed Best Practices are as follows:

- **PAL statements should only be used following a thorough risk assessment**
- **PAL statements 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".
- **PAL 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".
- **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.

### **No Gluten Containing Ingredients (NGCI) Statements**

NGCI statements have been used in menus to signal foods that are made from no gluten containing ingredients, for example: "this menu has been designed for a no gluten diet". Only the terms "gluten free" or "low gluten" can be used to describe the absence or the reduced presence of gluten. [Evidence has shown](#) NGCI statements can mislead consumers, hence, they should be avoided.

### **Pre-Packed Food for Direct Sale**

From 1 October 2021, legislation to amend the Food Information Regulations 2014 (FIR) and corresponding regulations in Wales and Northern Ireland, came into force to improve the provision of information to consumers purchasing PPDS foods.

- The FIR and equivalent legislation in Wales and Northern Ireland have been amended by The Food Information (Amendment) (England) Regulations 2022, The Food Information (Wales) (Amendment) (No. 2) Regulations 2020 and The Food Information (Amendment No. 2) Regulations (Northern Ireland) 2020.

These changes place a duty on food businesses to label PPDS food with the name of the food and a full list of ingredients, that emphasises any allergens. These changes bring the provision of allergen information in line with labelling for prepacked food, aimed at reducing consumer confusion and offering protecting those who have allergies or intolerances.

Within this guidance update, all references to PPDS legislation have been reviewed and references to out-of-date legislation have been removed.

### **Legislative references**

Following the UK's exit from the EU, any references to no longer applicable EU terms have been reviewed and amended to ensure that references to EU legislation are reflective of the current GB/NI legislative landscape.

References to EU legislation have therefore been updated to reflect Retained EU Law (REUL) for GB. In Northern Ireland, EU law continues to apply in respect of food and feed hygiene and safety law, as listed in the Protocol on Ireland/Northern Ireland, and retained EU law does not apply in these circumstances.

## **Purpose of the consultation**

This consultation seeks views and comments from stakeholders in England, Wales and Northern Ireland on proposed updates to the Technical Guidance.

## **Impacts**

These guidance updates are routine and relate to best practice and compliance with existing regulations. The expected impacts are considered to be minor familiarisation costs incurred by relevant Food Business Operators (FBOs) and Local Authorities.

The proposed best practices on PAL and NGCI statements, are expected to positively impact consumers and relevant FBOs. In fact, a more accurate and targeted application of PAL may increase consumer confidence.

Moreover, some sections of the guidance have been simplified to ease understanding with minor changes to the content. PPDS updates are intended to correct outdated legal references. Hence, the related impacts are not considered to be significant.

## **Responses**

If you wish to provide feedback on the proposed changes, any potential impacts that they may have, or on any other aspects of the technical guidance:

Please email a written response to [tech.guidance.consultation@food.gov.uk](mailto:tech.guidance.consultation@food.gov.uk)

Responses are required by close 22 May 2023. Please state, in your response, whether you are responding as a private individual, a local authority, a food business or on behalf of some other organisation/company (including details of any stakeholders your organisation represents).

For information on how the FSA handles your personal data, please refer to the [Consultation privacy notice](#).

## **Further information**

If you require a more accessible format of this document please send details to the named contact for responses to this consultation and your request will be considered.

This consultation has been prepared in accordance with [HM Government consultation principles](#).

Thank you on behalf of the Food Standards Agency for participating in this public consultation.