

Executive Summary - PPDS evaluation

Results available: Results available

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Introduction

The Food Standards Agency (FSA) and Food Standards Scotland (FSS) play an important role in ensuring members of the public with food hypersensitivities are protected from potentially life-threatening reactions. They work with the food industry to ensure that food labelling allows consumers with food hypersensitivities to make informed, safe choices.

In December 2014, food labelling and allergen information requirements were updated. Food Business Operators (FBOs) were then required to provide allergen information for non-prepacked foods, including those prepacked for direct sale (PPDS). PPDS foods are those that are packed before being offered for sale by the same food business on the same premises or location (or from moveable or temporary premises). The law at this time allowed for allergen information for these foods to be communicated in writing or verbally.

In 2016, Natasha Ednan-Laperouse died from an allergic reaction to a baguette which was PPDS. Following this, there was a campaign for the expansion of legislation to bring the labelling requirements of PPDS foods more in line with prepacked foods. Under this legislation, often known as 'Natasha's Law', it has been a legal requirement since 1 October 2021 for PPDS food labels to clearly display the name of the food and a full ingredients list with the 14 regulated allergens emphasised within the list.

One year after it became a legal requirement across the United Kingdom (UK), the FSA and FSS wanted to evaluate its implementation and the effect it has had on three key groups: Food Business Operators (FBOs), Local Authorities (LAs) and consumers with food hypersensitivities (FHS).

This evaluation aimed to understand:

- Awareness of the new requirements across FHS consumers, FBOs and LAs
- Uptake and compliance with the new requirements
- The effect of PPDS legislation
- LA experience of supporting compliance
- Success factors and lessons learned from the implementation of PPDS legislation and how this could be applied in future.

IFF Research were commissioned to conduct this evaluation on behalf of the FSA and FSS, taking a mixed-method approach. A quantitative survey was conducted with each of the key audiences followed by qualitative interviews between November 2022 and February 2023: [\(footnote 1\)](#)

- Consumer research: A total of 1,809 consumers who either had a food hypersensitivity themselves (n=1,610) or had a child with a food hypersensitivity (n=199), most of whom (92%) had an allergy to at least one of the 14 regulated allergens, took part in an online survey. This included consumers residing in England (n=1,539), Northern Ireland (n=102) and Wales (n=168), consumers in Scotland were not included in the research as FSS are conducting their own research which will be published separately. A total of 31 consumers also participated in a follow-up qualitative interview.
- FBO research: 900 FBOs across the UK took part in a telephone survey, this included FBOs in England (n=612), Northern Ireland (n=52), Scotland (n=161) and Wales (n=75). A total of 19 completed a follow-up qualitative interview, 5 of whom were market traders.
- LA research: All 398 LAs across the UK were contacted to take part in an online survey, with 126 completes across 124 different LAs, [\(footnote 2\)](#) in England (n=85), Northern Ireland (n=11), Scotland (n=20) and Wales (n=10). A total of 21 LAs also took part in a follow-up qualitative interview.

Awareness and understanding of PPDS labelling requirements

Awareness of the term PPDS was fairly low among consumers with a food hypersensitivity (26%). Once defined to consumers as: 'Pre-packed for direct sale (PPDS) foods are packed on the same premises as they are being sold to consumers and where the food is packed before being offered for sale to customers', around half of consumers (52%) reported it would be difficult for them to identify whether food was PPDS or not.

Awareness among consumers of the new PPDS labelling requirements was higher than the term PPDS itself, with the vast majority (87%) stating they had heard of it, though only a smaller proportion had detailed knowledge of it (18% stated that they knew quite a lot about it, 40% said they knew a bit about it and 24% did not know much about it). Awareness being much higher for the labelling requirements, compared to the definition of PPDS foods, could be due to the media coverage of Natasha Ednan-Laperouse's death, this was cited by most consumers in the qualitative interviews.

With regards to knowledge of specifics of PPDS labelling requirements; around eight in ten (78%) consumers believed that FBOs were legally required to provide a full written ingredients list on PPDS foods. Consumers shared whether, in their view, PPDS foods only needed to be labelled with information about whether they contain any of the 14 specified allergens, rather than with a full ingredients list; only a fifth (21%) agreed with two thirds (67%) disagreeing, indicating a preference for a full ingredients list.

Around two-thirds (66%) of FBOs were aware of the term 'prepacked for direct sale' (PPDS) before participating in the research, though once shown the definition most (over 80%) were clear on the various aspects of the PPDS definition. These aspects included:

- What the definition of packaging is (94% clear)
- When food is placed into packaging (92% clear)
- Whether how accessible an item of food is to consumers matters (91% clear)
- Which foods meet the definition of PPDS (91% clear)
- Where packaging needs to take place for an item to count as PPDS (90% clear)
- Which premises constitute part of the same food business (82% clear)

In addition, the vast majority of FBOs (91%) were aware of the PPDS labelling requirements, specifically that on 1 October 2021 it became a legal requirement to label PPDS foods with the name of the food and a full ingredients list, with allergenic ingredients emphasised within the list. High levels of awareness were also demonstrated throughout the qualitative interviews, though some FBOs did explain that they faced a steep learning curve initially, due to having previously not used the term PPDS. From a LA perspective, they also tended to believe that FBOs had good awareness and understanding of requirements.

LAs were also asked, like FBOs, if they were clear on each of the aspects of the PPDS definition mentioned above, with 57% clear on all aspects, and over 80% clear on each individual aspect. Qualitative interviews showed that LAs who took part in the research had a high level of understanding of the labelling requirements, though there were pockets of confusion and uncertainty around specific foods and packaging. A key example of this confusion included specific foods at takeaway premises that are made in bulk then prepacked ahead of an order and bundled later with an order of non-prepacked food, such as prawn crackers and condiments.

Experience of PPDS labelling requirements

Consumer purchasing behaviour, experience, and confidence in PPDS labelling

It was uncommon for FHS consumers to purchase PPDS foods often (7%). Instead, most consumers reported buying PPDS foods sometimes (36%) or rarely (40%). The nature of consumer's food hypersensitivities tended to contribute to their likelihood to purchase PPDS foods. Those with allergies and intolerances other than Coeliac disease were more likely to do so than those with Coeliac disease (92% vs 89%) and those with a mild (97%) or moderate (96%) allergy or intolerance were more likely to purchase PPDS foods than those with a severe allergy or intolerance (87%). For a number of consumers in the qualitative interviews, concerns over allergen cross-contamination meant they were unlikely to purchase PPDS foods or to only do so as a last resort.

More than nine in ten consumers surveyed purchased PPDS foods (91%). Of these, four fifths (81%) reported checking labels on such products every time a purchase was made and a further 10% reported doing so most of the time. Ease of identifying PPDS foods may contribute to this figure, given half of consumers find it difficult to identify PPDS foods. Consumers who found it difficult were more likely to check the labels more often (95% always or most of the time vs 88% of those who find it easy).

Amongst those that checked the labels of PPDS foods, only one in twenty (5%) reported that they were always able to access the information they needed to be able to identify whether it contains an ingredient that would cause an unpleasant reaction. Of the remainder, a third (34%) said that the information they required was available most of the time, a fifth (21%) said it was available about half of the time, and a quarter (25%) felt it was occasionally available. A further 4% said the information was never available. Again there was an association with ease of identifying PPDS foods, those who found it easy to identify PPDS foods were more likely to find the information they need all or most of the time (59% vs 33% of those who found it difficult).

Linked to the above, since the new labelling requirements were introduced, almost two thirds (63%) of consumers who purchase PPDS had experienced issues accessing information on PPDS labels. The most common issue reported was allergen information not being easy to read (53%). This was caused by a variety of factors, including the font size on labels being too small (78% of those who reported allergen information not being easy to read) and labels being blurred or smudged (41% of those who reported allergen information not being easy to read). Other frequently encountered issues included allergens not emphasised on PPDS foods (32%) and PPDS products missing ingredients or allergen information altogether (29%).

Consumer confidence in the accuracy of PPDS labelling was mixed, with 58% confident and 30% not confident. In the qualitative interviews it was clear that a number of factors influenced consumer confidence, such as the type of FBO, how familiar consumers were with the site and staff, the design of labels (e.g. whether easy to read) and levels of concern regarding allergen cross-contamination.

Compliance with PPDS labelling requirements

Self-reported compliance among FBOs was reasonably high, with around three quarters (76%) of those that sold PPDS foods reporting full compliance with all aspects of the legislation. In other words, they displayed the name of the product, listed all ingredients and emphasised allergens on ingredients lists. Levels of compliance across these three aspects, was highest regarding emphasising allergens (89%), with 85% displaying the name of the product and 83% listing all ingredients. When FBOs did not comply with all three aspects, this was typically attributed to low awareness and understanding of the PPDS labelling requirements.

Retailers were more likely than caterers to self-report compliance (87% vs 66%), with particularly high levels amongst butchers (92%), general retail (86%) and bakers (85%). With regards to size, the likelihood to self-report compliance increased with employee headcount; two thirds (69%) of those with between 1 and 5 employees said they were compliant compared to 80% of those with between 6 and 10 employees and 87% of those with 11 or more employees.

LA perceptions of compliance with the labelling requirements were slightly different to levels of self-reported compliance amongst FBOs, with 62% describing compliance amongst the FBOs where compliance checks had been conducted as 'good' or 'very good'. This figure is lower than the three-quarters (76%) of FBOs who self-reported compliance. This discrepancy may be due to LAs reporting on a larger sample of FBOs, compared to FBOs who are just reporting on themselves.

Amongst those that labelled all ingredients or emphasised allergens on the packaging of PPDS food (84%, n=781), the most common way this information was presented was through labels printed in-house (64%). During qualitative interviews, many of these FBOs said they had invested in labelling software and hardware to assist with compliance. A quarter (25%) of FBOs used labels printed by a third party, while 8% used handwritten labels and 6% used labels supplied by their head office.

Across all size bands and sectors of FBOs, the printing of labels in-house was the most common method of presenting ingredients information on PPDS foods. However, there were some types of FBOs that were more likely than average to use alternative methods. With regards to size, FBOs with between 1 and 5 employees were more likely than average to use labels printed by third parties (28%), and those with 11 employees or more were more likely than average use labels supplied by their head office (10%). In terms of sector, caterers were more likely than average to use handwritten labels (14%), particularly restaurants and cafes (15%).

Almost three quarters (72%) of FBOs reported using Precautionary Allergen Labelling (PAL) on their PPDS foods. The most common reason for using PAL was to flag the risk of cross-contamination during preparation (44%), however it was also used to 'pass on' PAL used on ingredients sourced from suppliers and wholesalers (28%).

Experience of compliance

FBOs generally reported that they found compliance with PPDS labelling requirements easy (81%). FBOs in England were more likely than those in Scotland and Wales to have found it easy (82% vs 71% in Scotland and 71% in Wales). So too were retailers compared to caterers (88% vs 76%) and those with 11 employees or more compared to those with fewer (87% vs 78%). In the qualitative interviews, some FBOs who reported that compliance was easy mentioned that they

had experienced some challenges initially but had managed to overcome these.

For the one in ten (11%) FBOs who indicated in the survey that they continued to find compliance difficult, the two most frequently cited reasons were the time taken to introduce and update labelling (46%) and the cost of doing so (38%). Other factors included PPDS labelling not being top of mind for the FBO (16%) and lack of staff training and awareness (14%).

In contrast to FBOs self-reported experiences of compliance, close to nine in ten LAs (87%) felt that FBOs had found compliance with PPDS labelling requirements to be difficult. [\(footnote 3\)](#) Reasons given for this difficulty mirrored those given by FBOs, with the time taken to introduce and update labelling (84%) and the cost of doing so (83%) the two most frequently cited. However, LAs also mentioned causes of difficulty that were not mentioned by FBOs, notably technical limitations at the premises (83%), staff turnover (59%) and information not being available in languages others than English (48%).

Amongst the LAs that said FBOs had difficulty with compliance (87%, n=109), when prompted, around half (47%) identified smaller FBOs as those that have the most difficulty. A quarter (26%) highlighted takeaways as having particular difficulty with PPDS labelling requirements.

Support with compliance

There are various sources of support and guidance available to FBOs to learn about the PPDS labelling requirements and how to comply with them, and nearly all FBOs that sold PPDS and were aware of the new requirements (92%, n=838) had used at least one (97%).

The sources most frequently mentioned by FBOs included the FSA and FSS (67%), followed by LAs (47%) and Trading Standards or Environmental Health Officers (45%). FBOs were generally very positive about the guidance accessed from the FSA, FSS and LAs, with FBOs often mentioning they had used online resources such as written guidance and videos. When FBOs received support from their LA, this often occurred at the point of a visit or inspection. In the qualitative interviews, some FBOs did not access support from the FSA, FSS and their LA, most commonly because they did not feel they needed it or sought it elsewhere, such as their head office.

In terms of appetite for support to help make compliance easier, two thirds (68%) of FBOs did not feel they needed any, due to sufficient support already available. A quarter (25%) of FBOs felt they would benefit from additional information. This was more likely amongst delicatessens (52%) and catering businesses (39%) than average, and amongst FBOs with fewer than 10 employees when compared to those with 11 or more (28% vs 19%).

Despite a low appetite for additional support amongst FBOs, nearly all LAs felt that further action could be taken to make it easier for FBOs to comply with new labelling requirements (95%).

These actions often related to additional support and guidance, with three quarters (75%) suggesting general training on how to comply with the requirements, and two thirds identifying a need for more guidance from the FSA and FSS on compliant packaging (67%) and best practice in terms of labelling (65%).

In addition, some LAs suggested that the PPDS labelling requirements should be altered. Two thirds (67%) said that suppliers and wholesalers should be mandated to notify businesses about recipe changes, and more than half (55%) said that the requirement to label PPDS foods with full ingredients lists should be removed, with the emphasis of the legislation being placed on allergens instead.

Compliance checks

LAs support FBOs with legislative requirements and generally have responsibility for the enforcement of food information legislation. (footnote 4) Almost all LAs that participated in this research had checked FBO compliance regarding PPDS labelling requirements since they were introduced in October 2021 (98%). The small minority (2%) of LAs that had not conducted compliance checks explained that this was because their team was not responsible for checking food business compliance.

Compliance checks were often conducted as part of routine food safety inspections (95%). 71% of LAs had also conducted reactive PPDS inspections (e.g. in response to complaints from consumers) and half (51%) conducted visits specifically focused on PPDS foods.

LAs reported checking various aspects of the PPDS labelling requirements during visits to FBOs. Nearly all LAs checked that allergens are emphasised in ingredients lists (98%), that the name of the food is displayed on packaging (97%), that there is a system for labelling in place (97%) and checked where food is packed (96%). In addition, 89% checked that all ingredients are accurately listed with the ingredients lists of PPDS packaging.

In the first year since the introduction of these legal requirements, nearly all LAs had encountered at least some cases of non-compliance (95%). Close to nine in ten LAs had observed there being no labels on the packaging of PPDS foods (89%), and more than four fifths had observed no ingredients lists (84%) and incomplete ingredients lists (82%).

Some LAs reported escalating incidents of non-compliance and taking enforcement action; written warnings had been issued by 40% of LAs, improvement notices had been issued by 8% and cautions had been issued by 2%. However it was more common for LAs to respond by signposting FBOs to guidance or support (91%) or by providing written (86%) or verbal (84%) advice. Many LAs explained that their focus for the first year of the PPDS labelling requirements had been to educate FBOs and support them with compliance rather than pursue enforcement.

A quarter (25%) of LAs found compliance checks difficult. The main reasons for this were: not having enough internal resource to visit and inspect all businesses to check for PPDS compliance (n=21/31), uncertainty around the definition of some or all PPDS foods (n=20/31) and difficulty checking the accuracy of PPDS ingredients lists (n=14/31). These sources of difficulty were also highlighted as challenges amongst those that reported finding compliance checks to be easy overall.

Amongst the LAs that had conducted compliance checks and found the process less than 'very easy' (87%; n=109), the top three things that they felt would make compliance checks easier were: more resources for LAs (e.g. funding and staff) (29%), greater clarity on what food products are covered by PPDS labelling requirements (22%) and materials for LAs to share with FBOs (e.g. guidance handouts) and issue to FBOs (e.g. improvement notices) (21%).

Nearly all LAs (99%) stated that they had conducted activities to support and increase compliance with PPDS labelling requirements since they were introduced. The most common activity was signposting to FSA and FSS guidance and resources (85%). Other actions included PPDS advice visits (52%), physical letters or newsletters (44%) and emails or digital newsletters (44%). LAs indicated in the qualitative interviews that they had typically undertaken a blanket approach to these activities. However, some took a targeted approach and focused their activities on FBOs where PPDS labelling was thought to be most relevant, such as bakers and butchers. Where LAs had not conducted activities, or conducted them to a lesser extent, this was generally due to a lack of resources.

Effect of PPDS labelling requirements

Effects on consumers

Findings from this research suggest that some consumers have seen positive impacts from the implementation of PPDS labelling requirements, but there is still a way to go. Where there have been positive effects of PPDS labelling requirements, these were more pronounced amongst younger consumers.

Just over two fifths (42%) of consumers felt that the availability of information needed to identify a food that may cause an unpleasant reaction had improved since October 2021. Younger consumers and more frequent purchasers of PPDS foods were more likely than average to report an improvement in the availability of information. Over half of those aged between 18 and 34 (52% vs 40% of those 35-64 and 65 and over) and those that purchased PPDS foods at least sometimes (51% vs 36% who purchase PPDS rarely or never) reported an improvement.

In addition, two-fifths (40%) of consumers agreed that their confidence in buying PPDS foods had increased since the PPDS labelling requirements were introduced. Consumers aged between 18 and 34 were more likely than older to have increased confidence (51% vs 40% of 35-64 years old and 36% of over 65 year olds). Furthermore, those who considered there to have been an improvement in the availability of information were more likely than average to purchase more PPDS foods since October 2021 (31%).

Two-fifths (40%) of consumers reported an improvement in their quality of life since the introduction of the PPDS labelling requirements. Consumers aged between 18 and 34 (43%) and those who purchased PPDS foods sometimes or often (48%) were more likely than average to report an improvement in their quality of life, alongside consumers with a child or children with a food hypersensitivity (50%) and those with an allergy or intolerance other than Coeliac disease (43%).

However, despite some changes in the perceived availability of ingredients information and confidence in buying PPDS foods which increased for around two-fifths of consumers, this did not often translate to behaviour change. Only a minority (17%) of consumers reported purchasing PPDS foods more often since the introduction of PPDS labelling requirements. Further exploration in the qualitative interviews showed that this was often due to concerns about the risk of cross-contamination.

Perceived changes in the availability of ingredients information on PPDS foods appears to be associated with the purchasing frequency of consumers, with those who felt there had been an improvement in this availability more likely than those who felt availability had stayed the same or got worse to purchase more PPDS foods (31% v 8% and 6% respectively).

The nature and severity of food hypersensitivities was also associated with the likelihood to buy PPDS foods more often since the introduction of labelling requirements. Specifically, consumers with severe allergies or intolerances (19%), consumers whose child had a food hypersensitivity (24%) and those with an allergy or intolerance other than Coeliac disease (20%) were more likely than average to purchase PPDS foods more often than before October 2021.

Effects on FBOs

For FBOs, the implementation of PPDS labelling requirements led to some changes and increased costs, though for others impacts were more minimal. There was evidence that the implementation of PPDS labelling requirements had affected the types of food some FBOs sold and their approach to serving FHS consumers. In addition, half of FBOs reported increased operating costs and administrative burden following the implementation of PPDS labelling requirements.

Half of FBOs (50%) stated that the new labelling requirements had increased their costs, mostly due to investment in equipment or materials and time spent preparing and applying labels. During qualitative interviews, most FBOs that had experienced an increase in costs explained that the

most significant cost was the initial outlay on hardware and software. Many continued to face higher costs (e.g. the cost of materials and staff time to prepare and check labels of packaging) following this initial investment, but these were less significant than the set-up costs and did not pose an issue to the survival of the business.

A larger impact on FBOs related to their business practices, with eight in ten (81%) FBOs that sold PPDS foods reporting that they had made some changes to their business practices since the introduction of the labelling requirements. Most commonly, this was applying Precautionary Allergen Labelling (PAL) to their PPDS foods (59%) and starting to ask customers if they had food allergies or intolerances at the point of sale (41%). These changes had also been widely observed by LAs, with 61% reporting FBOs starting to apply PAL to their PPDS foods and 57% starting to ask customers if they had food allergies or intolerances at the point of sale.

Over a quarter (26%) of businesses changed the foods they sell, with 17% selling food that was previously PPDS as non-prepacked food, and 16% starting to sell more food packaged by other businesses. LAs were much more likely to have observed FBOs starting to sell food that was previously PPDS as non-prepacked food (79%) and FBOs starting to sell more food packaged by other businesses instead of PPDS foods (51%).

FBOs that had started to sell more prepacked and non-prepacked foods since the introduction of PPDS labelling requirements explained that the reason for this was to remove certain products from falling within the PPDS labelling requirements. The justification behind this was that the business would be unable to take on the additional administration and costs of packaging and labelling all PPDS products.

Most consumers (60%) had not noticed any changes in FBO behaviour since the PPDS labelling requirements were introduced. Where changes had been observed, the most common were an increase in the availability of food made to order (20%) and a reduction in the availability of PPDS foods (18%). Some consumers had observed food that was previously sold as PPDS being packaged differently, 16% noting an increase in prepacked food and 14% noting an increase in non-prepacked food.

A small proportion (9%) of FBOs that participated in the research did not sell PPDS foods at the time of the survey but had done in the past 12 months. A fifth (20%) attributed this to the introduction of PPDS labelling requirements, though change in customer preference (32%) and resource pressures (25%) were more common reasons.

Impact of new labelling requirements on LAs

Most LAs (92%) reported an increase in at least one aspect of their work following the introduction of the new PPDS labelling requirements. This was most often in time spent providing advice and supporting businesses (86%), time taken to conduct inspections when including PPDS (82%), time spent conducting administrative work associated with inspections (73%) and more time on resolving non-compliance and taking enforcement action (67%).

Amongst those that reported an increase in time spent conducting inspections, conducting administrative work associated with inspections and conducting enforcement/follow up action. This was typically estimated to take a maximum of 30 minutes longer per inspection.

1. Full sample breakdowns are included in Chapter 3: Methodology and sample profile, and further explored in the separate technical report.

2. In two LAs, two staff members took part in the survey. The methodology involved the survey being sent out to LAs as an open link, meaning it could be accessed by multiple staff at the local authority, leading to these multiple completions.
3. It should be noted that LA views on the extent to which FBOs have found compliance to be easy or difficult are not directly comparable to the self-reported experience of FBOs. The perceptions of LAs were based on observations made across multiple PPDS inspections, and there is a potential for them to be skewed by instances of non-compliance. Conversely, there is a possibility that the accounts of FBOs are influenced by a self-report bias.
4. The only exception to this are District Councils in England, who do not have food standards enforcement powers.