

# Summary of stakeholder responses: Consultation on Best Practice Guidance – Allergen Information for Non-Prepacked Foods

In October 2024, the Food Standards Agency (FSA) published draft best practice guidance on the provision of allergen information for non-prepacked foods for consultation. The consultation aimed to explore the potential impact of the guidance on Food Business Operators (FBO) and to gather stakeholder feedback on any issues and improvements.

## Introduction

This consultation was issued on 2 October 2024 and closed on 27 November 2024.

In October 2024, the Food Standards Agency (FSA) published draft best practice guidance on the provision of allergen information for non-prepacked foods for consultation. The consultation aimed to explore the potential impact of the guidance on Food Business Operators (FBOs) and to gather stakeholder feedback on any issues and improvements.

The FSA engaged with stakeholder groups including Local Authorities, the food industry and consumer groups prior to opening the consultation and publicised it on social media as well as a news story on our website.

There were 194 responses to the consultation online, and a further 19 by email correspondence. Of those online:

- 70 were consumers
- 53 were Food Business Operators
- 39 were Local Authorities
- 32 respondents selected 'other'

'Other' included organisations that represent food businesses, trading standards, other types of food caterers, and parents whose children have a food hypersensitivity

The FSA is grateful to those stakeholders who responded and sets out the responses to the consultation below along with the FSA's considered response and a summary of changes to the original proposal.

## Summary of substantive comments and changes made

### Current practice

The draft best practice guidance recommends that FBOs should provide allergen information to consumers in writing, either upfront or on request, and that this should be supported by a conversation with the consumer about their allergen requirements. Of the FBOs who responded to the consultation all provided allergen information:

- 14/51 currently provide both written and verbal allergen information
- 31/51 provide written allergen information only
- 6/51 provide verbal allergen information only

All but one of the FBOs who do not currently provide written allergen information said they would be likely to make written allergen information available in the future.

This has been noted by the FSA and will be used to help inform future policy.

## Acceptability

When reminded of the FSA's recommendation that allergen information should be available in writing and asked 'How acceptable, or not, is this proposal to you? Why/why not?' as an open-ended question:

- 61% of online respondents (113/184) gave supportive feedback.
- 22% (41/184) didn't think the proposal was acceptable in its current form, and suggested changes that would make it more acceptable to them, such as strengthening the recommendations or providing more clarity for FBOs.
- 13% (23/184) opposed the proposal, deeming it unacceptable that allergen information should always be available to customers in writing. A key concern was the risk of providing people with inaccurate information, given the need for regular updates to written information. Comments both opposed to and in support of the guidance acknowledged that for some FBOs, regularly updating written allergen information (e.g. weekly or daily if menus or suppliers change frequently) would be a challenge.

This has been noted by the FSA. These are all potential risks that have been highlighted to and considered by the FSA before this guidance was drafted. The guidance has been written with these risks in mind and the intention of minimising such risks.

[Our evidence shows that the majority of food businesses are already providing written allergen information in some way.](#) We are carrying out further work to obtain more detail about how food businesses provide allergen information and consumer experience of receiving this information. We also plan to carry out an evaluation of this guidance in future to understand how it has worked in practice.

## Practicability

When asked 'How practical, or impractical, would it be for you to follow the best practice guidance? Why/why not?' as an open-ended question:

- Around half of the relevant stakeholders [\(footnote 1\)](#) (44/90) said the guidance was practical.
- 21/90 said the guidance was impractical. Much of this feedback came from Local Authorities concerned about compliance and risks in SMEs, plus some FBOs.
- 18/90 felt that the practicality of the guidance could be improved. A key theme in this feedback was making it easier for FBOs to understand and use.

This has been noted by the FSA. To support businesses in following this guidance we will be publishing tools to accompany it including a set of downloadable symbols that can be used by businesses to provide written allergen information and a matrix template. These will be free to use and will make it cheaper and easier for businesses to regularly update their written allergen information.

As noted above, [our evidence shows that the majority of food businesses are already providing written allergen information in some way](#), this was supported by the responses to this consultation. To help make it easier for food businesses to provide written allergen information we will be publishing some tools including an allergen matrix and allergen symbols for businesses to download and use.

We are carrying out further work to obtain more detail about how food businesses provide allergen information and also consumer experience of receiving this information and plan to carry out an evaluation of this guidance in future to understand how it has worked in practice.

## Effectiveness

When asked 'Do you think this proposal would be an effective way of providing information to customers and enabling them to order food that is safe for them to eat, and be provided with food that is safe for them to eat? Why/why not?' as an open-ended question:

- 55% of online respondents (94/170) made supportive comments about the effectiveness of the proposal in helping consumers make an informed choice.
- 22% (38/170) had concerns that it could be ineffective in its current form.
- 18% (30/170) said the proposal was ineffective and could put consumers at risk.

This has been noted by the FSA. Concerns included ingredients changes leading to information becoming out of date and consumers not speaking to food businesses about their allergen requirements as they believe they have enough information without a conversation. These risks have been highlighted to the FSA through previous engagement and research, and it is believed that the guidance document along with the tools that will be offered will support businesses to keep allergen information up to date and encourage conversations with consumers.

As noted above, [our evidence shows that the majority of food businesses are already providing written allergen information in some way](#), this was supported by the responses to this consultation. We are carrying out further work to obtain more detail about how food businesses provide allergen information and also consumer experience of receiving this information. We also

plan to carry out an evaluation of this guidance in future to understand how it has worked in practice.

## **Unintended consequences**

When asked 'What, if any, are unintended consequences (positive or negative) that you think may result from these changes?' as an open-ended question:

- 75% of online respondents (111/148) mentioned negative unintended consequences including: the risk of consumers getting out of date or inaccurate allergen information; discouraging conversations about allergen requirements; giving consumers a false sense of security; more precautionary allergen labelling; reduced consumer choice; and additional costs for FBOs.

This has been noted by the FSA. As mentioned earlier, these are all potential risks that have been highlighted to and considered by the FSA before this guidance was drafted. The guidance has been written with these risks in mind and the intention of minimising such risks.

The purpose of the guidance is to help food businesses provide accurate and up to date information. The guidance is also intended to encourage conversations about allergens between food businesses and consumers, again it is hoped that by food businesses following this guidance, these conversations will be encouraged. The FSA will also be strengthening our message to consumers about the importance of speaking to food businesses about allergen requirements through our communications strategy.

The FSA will consider whether additional work to the evaluation can monitor any unintended consequences that may occur.

- 29% [\(footnote 2\)](#) of respondents (43/111) mentioned positive consequences such as improved accessibility and choice for consumers, more customers for FBOs, and the potential for written allergen information to improve FBO staff awareness.

These have been noted by the FSA.

## **Alternative proposals**

When asked their views on two alternative proposals that go further than the current draft practice guidance:

- Of 190 responses, 58% were in favour of the FSA recommending that written allergen information should be provided upfront. 32% were opposed, and 8% reported having no views either way.

This has been noted by the FSA. The best practice will remain providing information upfront, without the consumer having to ask. However, to mitigate the risk of inaccurate information being provided upfront, it will remain acceptable for food businesses to provide this information in writing upon request to allow them to keep control of and check one version of the information and keep costs down should frequent changes to the information be needed.

- 35/61 FBOs said it is not practical for food businesses to provide information on all ingredients in the food they serve, in addition to the 14 regulated allergens. 19/61 said it would be practical to do this. The remaining respondents didn't know.

This has been noted by the FSA. It will remain best practice to provide this information if the business has it. However, the guidance has been amended to emphasise that this is where possible and to recognise that businesses may not always be able to provide the information.

## Key themes

Across these questions, there were several themes in the feedback from stakeholders:

- Supportive feedback included FBOs who already do what the guidance recommends and those who appreciated the flexibility in the guidance for businesses to provide written allergen information in a way that works for their operating model and customer needs.

This has been noted by the FSA.

- Consumers described the challenges they currently experience trying to access allergen information, and how they hoped the best practice guidance would give them more confidence eating out and making an informed choice.

This has been noted by the FSA.

- Some consumers wanted a stronger recommendation that allergen information should always be available upfront, without having to ask. They described instances of feeling awkward or embarrassed asking for allergen information, and how upfront information would mean a more normal eating out experience.

This has been noted by the FSA. This guidance is intended to make it easier for consumers to obtain the information they need. But also recognises the potential risks of inaccurate information and it replacing vital conversations. The FSA will continue to work with food businesses and consumers to make these conversations easier and reduce feelings of awkwardness or embarrassment.

- Opposition to the best practice recommendations came from Local Authorities and some FBOs, trade associations, and local trading standards. A major concern was the difficulty that some FBOs, particularly SMEs, would face in keeping written allergen information up-to-date, and the risk of providing consumers with inaccurate/out of date written allergen information.

This has been noted by the FSA. As noted above, [our evidence shows that the majority of food businesses are already providing written allergen information in some way](#), this was supported by the responses to this consultation. The purpose of the guidance is to help food businesses provide accurate and up to date information. It is hoped that by food businesses following this guidance, the risk of information being inaccurate will be minimised.

- Relatedly, FBOs, Local Authorities and trade associations highlighted supply chain challenges such as substitutions and product changes, and varying provision of ingredient information from suppliers. Unstable supply chains are particularly a challenge for SMEs, who more likely to shop around on cost.

This has been noted by the FSA. As mentioned earlier, our research shows that the majority of food businesses are already providing written allergen information. The guidance also leave sufficient flexibility for food businesses to choose how they provide the written information to allow

for updates when needed.

- Some FBOs and Local Authorities thought that the guidance should place more emphasis on conversations about consumers' allergen needs. There were concerns that the focus on written allergen information discourages disclosure and conversations about kitchen practices, cross contamination, and allergen risks, particularly if written allergen information is provided upfront.

This has been noted by the FSA. There is a section specifically on encouraging conversations between consumers and food businesses and what to include in these conversations. The FSA will consider further work to look at conveying risks of cross contamination to consumers for future updates to the guidance.

- Conversely, some FBOs prefer to use written allergen information only. These FBOs opposed the inclusion of allergen conversations in the guidance, in particular the recommendation that FBOs proactively ask their customers about allergens. Key concerns included servers providing incorrect advice, and FBOs being unable to accommodate requests beyond allergen-free items on the menu.

This has been noted. [Our research shows that supporting written allergen information with a conversation maximises the effectiveness of the information](#). This will remain best practice, as will ensuring staff are adequately trained in allergen information provision.

- Some consumer, FBO and Local Authority respondents were concerned that the guidance places insufficient emphasis on how FBOs should communicate cross-contamination risks alongside information about intentional ingredients.

This has been noted by the FSA. As mentioned above, the FSA will consider further work to look at conveying risks of cross contamination to consumers for future updates to the guidance.

- Some consumers, FBOs and Local Authorities said that staff training is essential for implementing best practice effectively. They felt that this could also be emphasised more in the best practice guidance.

This has been noted and a link to the free FSA allergen training has been included in the guidance. The message about staff receiving allergen training has also been emphasised.

## **Improving the clarity of the guidance**

An overarching key theme in the consultation was stakeholders wanting more clarity from the best practice guidance, and misinterpreting the recommendations:

- FBO, Local Authority and trade association stakeholders felt that the draft guidance is not sufficiently clear about which provision of information practices are legal requirements, and which are best practice.

This has been noted by the FSA. Use of the words 'should' and 'must' have been checked for clarity throughout the guidance as has the section setting out the legal requirements at the start of the guidance.

- There were differing interpretations and queries from FBOs about whether digital methods can/should be used to provide written allergen information. Some respondents had the impression that a written hard copy is the FSA's preference.

This has been noted by the FSA and these sections have been re-worded to make it clear that digital methods are acceptable, however accessibility to information this way should be assessed

by the food business.

- When asked about the FSA's proposal that businesses who only sell non-prepacked food by telephone should provide written allergen information on delivery, 41% of respondents were concerned about this. The main reported concern was that on delivery is too late, i.e. stakeholders hadn't understood the recommendation that FBOs should confirm allergens verbally when customers order AND provide written confirmation on delivery.

This has been noted by the FSA and the section reworded for clarity.

- Feedback highlighted the difficulty in striking a balance between flexibility for FBOs and consistency for consumers, with some respondents wanting to see a more standardised approach (or legislation) to establish clear expectations.

This has been noted by the FSA. As a non-ministerial department, we do not have the power to decide whether legislation should be introduced, this would be a decision for Ministers. The FSA Board expressed a preference for mandation at their meeting in December 2023, and we are currently assessing the impact of different legislative options.

- Relatedly, some stakeholders wanted to understand whether all businesses would be expected to use allergen symbols being developed by the FSA.

This has been noted by the FSA. The symbols developed by the FSA will be published at the same time as this guidance. We will ensure it is sufficiently clear that there is no expectation for all businesses to use these symbols, they are a tool to be used if required. Businesses who already have, or would like to use, their own system of symbols can continue to do so.

- Several respondents wanted to see best practice examples for different types and size of business, e.g. coffee shops, larger chains, online distance sellers.

This has been noted by the FSA. Examples have been updated and further work looking at sector specific guidance will be considered.

- Some FBOs suggested that the guidance should be more specific about the scope of allergen conversations and the role of serving staff.

This has been noted by the FSA. After consideration it will be left flexible so that businesses can decide who is best placed, based on their business model, to have conversations with consumers about allergens.

- For the 16% of stakeholders who had concerns about the FSA's plans to update its Technical Guidance, key concerns included: it being difficult for FBOs to use and interpret; current definitions of prepacked, PPDS and non-prepacked foods; and whether this update would affect any changes to food safety legislation.

This has been noted by the FSA. The only changes that will be made to the Technical Guidance is to ensure our best practice advice for providing allergen information for non-prepacked foods is consistent across the FSA. No other changes will be made to the Technical Guidance document.

## **Conclusion**

All responses have been acknowledged and carefully considered. The feedback received has been used to make improvements to the guidance which has now been published.

We would once again like to thank all those who took the time to consider our proposal and

provide feedback.

1. Consumer responses were excluded from the analysis of this question.
2. Some respondents discussed both positive and negative unintended consequences, so percentages are greater than 100.