

# FSA 22-06-07 Annex E – Provision of information in the non-prepacked sector research

The findings from our research and evidence gathering highlight the need to improve the consistency of allergen information at key consumer touchpoints.

## Workstream objective?

Understanding the information needs and preferences of people with FHS when purchasing non-prepacked food? and the information needs of food businesses providing non-prepacked food to people with FHS.

## Approach to the workstream?

This annex synthesises our evidence gathering including:??

- Our latest research to improve our understanding of the provision of allergen information from consumer and food business perspectives<sup>4</sup>.??
- Other FSA research including the latest [FSA Small and Micro Business tracker](#), the Food Sensitive Study<sup>5</sup>, [‘The preferences of those with food allergies or intolerances when eating out’](#) report, Allergen Management in Large Chains research (see summary at Annex F) and [‘The Food Industry’s Provision of Allergen Information to Consumers’](#) report.??
- Research from other government departments and information on international models.??

## Key research findings and analysis of information needs ?

For people with FHS, safety when purchasing non-prepacked food involves two elements:

- The food does not contain the ingredient that the person is allergic to.??
- When the food is being prepared, it does not come into contact with the ingredient the person is allergic to.??

As such, to ensure that a person with FHS is provided with safe food requires information and action by the food business operator (FBO) and the person with FHS at multiple points in the non-prepacked food purchase journey (see Figure 1 below).?

The complexity of this journey for ‘non-prepacked’ food, comparative to purchasing ‘prepacked’ or ‘prepacked for direct sale’ (PPDS) food, combined with the diverse range of food business within the sector requires a ‘whole system’ approach rather than a focus on one or two elements in the journey.

This annex explores each point in that journey and considers the current evidence on how businesses can improve safety, including consideration of different approaches to providing

allergen information.?

[Office for National Statistics \(ONS\) data](#) shows there are in excess of 100,000 businesses within the sector, of which 77% are micro businesses with less than 9 employees, compared to large businesses with over 250 employees which represent less than 1% of the sector (to note this data looks at the number of food businesses and not the total number of food selling outlets, and one large business will operate multiple outlets).????

1. FBO needs information about the allergen requirements of a person with FHS.
2. Person with FHS needs information to know which foods they can eat (for example, absence of allergen).
3. FBO needs to accurately record allergen requirements when the food is ordered.
4. FBO food preparation staff need information about allergen requirements conveyed to them.
5. FBO Food preparation staff need to action effective allergen cross-contact management procedures.
6. Person with FHS needs information to know what steps 4 and 5 have occurred to be confident the food provided is allergen free.

## **1. FBO needs information about the allergen requirements of a person with FHS?**

The food business needs information about the allergen requirements of a person with FHS – without this information they are unable to provide appropriate information to people with FHS (Step 1) or manage allergen cross-contact risks whilst food is prepared (Step 5).??

Even if the food business is providing written allergen information there could be real time ingredient substitutions or recipe changes that need to be conveyed to the person with FHS.?

The ideal for people with FHS is that the food business will ask each customer about their allergen requirements (FHS Out of Home Allergen Information, 2022). In practice, our research indicates that this might be difficult to achieve across the sector. For example:??

- not all food businesses regularly encounter people with FHS and therefore the practice might be difficult to embed consistently (FHS Out of Home Allergen Information, 2022).?
- food businesses that offer a counter, rather than table service find the practice difficult to implement given the number of questions that they ask consumers (see Annex F).?
- food businesses are increasingly using digital ordering systems within their outlets that remove the interaction between the food business and the consumer at the point of food order (FHS Out of Home Allergen Information 2022). Businesses would need to ensure they have some way of following up with a customer to initiate a discussion that could cover cross-contact risks.

Whilst people with FHS do not necessarily want to ask about allergens and would prefer staff to ask them; our latest Food Sensitive study shows that most people with FHS (66% adults, 74% parents of children with FHS) feel comfortable asking staff for information. This supports earlier findings in our [‘Preferences of those with food allergies or intolerances when eating out’](#) research which indicate that 70% of those with FHS feel confident asking staff for allergen information, although this does mean a significant minority do not feel comfortable asking.

Obligating restaurants to initiate a discussion with each customer about allergens on all occasions would be very difficult for local authorities to enforce as proof is reliant on the word of one individual against another.???

Food businesses need training and best practice guidance for eliciting allergen information from consumers in a variety of contexts, particularly digitally, so that this essential information about allergen requirements is conveyed to food preparation staff (Step 4) and allergens can be managed in the kitchen (Step 5).

It is important to encourage people with FHS to make the food business aware of their allergen requirements when placing food orders and outline that they should not rely exclusively on any written information.

## **2. Person with FHS needs information so that they know which foods they can eat?**

People with FHS need information about allergens in food so that they can make informed choices about what to eat. They have a strong preference for written information (FHS Out of Home Allergy Information 2022). Our FHS Out of Home Allergy Information research shows that people with FHS perceive written information as reliable and do not consider the process behind keeping written information up to date or the impact of ingredient substitution on accuracy.

### **Keeping information accurate and up to date**

Food businesses with frequently changing menus have expressed concerns about the feasibility of keeping written information up to date (Annex F and FHS Out of Home Allergy Information 2022). This finding is echoed in [‘The Food Industry’s Provision of Allergen Information to Consumers’](#) research with 30% of food businesses, rising to 51% amongst takeaways, facing challenges keeping written information up to date. This is potentially because changes to non-prepacked food can happen more frequently than with prepacked for direct sale (PPDS) foods as there is likely to be more fluidity around the preparation of non-prepacked food particularly for smaller businesses (for example, using up leftovers and ingredient substitutions).?

Additionally, the non-prepacked food business model is a continuous service model whereas PPDS food production occurs in advance in a more controlled production environment. For example, if an ingredient is changed, it is more possible to amend the label in real time as it is added to the product or to pause production until the correct ingredient is available. (It is also important to note that if ingredient substitution occurs at the last minute for product that is usually PPDS, and the label cannot be immediately amended, then the business still is able to sell the item as a non-prepacked product and provide the correct allergen information verbally.)

In the non-prepacked food sector, making allergen labelling on menus and all ingredients listed within an [allergen matrix](#) a legal requirement could lead to unintended consequences, for example, incorrect allergen information being provided on a menu or matrix (as businesses find it difficult to manually update the information if there are regular ingredient changes and last minute substitutions), or a complex full ingredients matrix being misread.

Most European countries adopt a similar approach to the UK for provision of allergen information in the non-prepacked food sector. Ireland is a notable exception where details of the 14 regulated allergens must be provided in writing, although not necessarily on menus. This requirement was introduced in 2014 with compliance audited in 2017. The [Targeted Audit of Allergen Information on Non-Prepacked Food](#) indicated low levels of compliance by food businesses in terms of providing proper written allergen information to consumers. 88% of those businesses audited were not compliant with the requirement. Of the 68% of businesses that did provide written allergen information, 76% of those provided inaccurate information.

### **Preferences of people with FHS**

The FHS Out of Home Allergy Information research indicates that people with FHS strive for a “normal” eating out experience and favour information that gives them complete autonomy over their food choices with minimal intervention from food business staff.

This indicates that people with FHS do not always consider that the absence of an ingredient in a dish does not necessarily remove the risk of cross-contact with allergens during the preparation and cooking process. As such, they do not always realise the importance to their safety of the food business being aware of their allergen requirements. Introducing full allergen labelling on menus, or a full ingredients list in an allergen matrix, in this cultural context risks reducing essential safety information about allergen requirements being conveyed to the food business.??

Whilst existing legislation is clear that food businesses must provide accurate information on the 14 regulated allergens, people with FHS and food businesses have expressed a desire for greater standardisation of written information and “best in class” models to provide clarity on what good looks like. ? ?

The FHS Out of Home Allergy Information research indicates that the information preferences of people with FHS are for menus that are:?

- clear, easy to read and not overcrowded with too much detail.??
- use letters to denote the most common allergens as letters are easier to understand than symbols, for example, GF (gluten free), DF (dairy free) and NF (nut free).??
- focus on what the person with FHS can eat, not what they cannot eat, for example, “DF (dairy free)” rather than “contains milk”. This makes it easy to quickly scan a printed or digital menu and find suitable dishes.??
- allow food businesses flexibility of design so that information is presented in a way that is in keeping with the style of the food business.??

This research also suggests that where information is not provided on a menu the preference is for alternative information, which is clearly presented and quick to navigate, and is provided before the decision-making process commences. This avoids causing delays to their party due to having to sift through complicated allergen information. The ideal situation is a digital menu that can be filtered by allergen.

## **Different methods used to present information**

[‘The Food Industry’s Provision of Allergen Information to Consumers’](#) research indicates that food businesses typically use a variety of different methods to provide allergen information to consumers (for example, verbally, “ask staff notices” and a separate allergen booklet or leaflet); with 95% using both written and verbal methods. This finding is echoed in the recent FHS Out of Home Allergy Information<sup>6</sup> research and those food businesses that do not provide written allergen information indicate that this is feasible with appropriate support and guidance from the FSA for small businesses.?

- Our latest FHS Out of Home Allergy Information research indicated that food businesses provide allergen information in a variety of ways including: 39% allergen notices on menus, 25% separate allergen menus, 24% allergen matrixes, 19% an “ask staff sign or sticker, 17% labelling on printed menus (numbers, words, symbols), 17% labelling on menu boards, 24% ask consumers about dietary requirements.

This suggests that training and guidance for food businesses is appropriate to ensure that they are equipped and confident to provide accurate allergen information that meets the needs and preferences of people with FHS. This includes best practice recommendations and setting standards for written information in printed and digital formats, including guidelines about updating written information.

### **3. FBO needs to accurately record allergen requirements when the food is ordered**

There needs to be a process in place to accurately record allergen requirements when the food is ordered so that this information can be conveyed to food preparation staff (Step 4).

Suggestions in our most recent FHS Out of Home Allergy Information research include tick boxes for allergens on the order pads used by staff. Consideration also needs to be given to capturing allergen information for food businesses that use digital ordering, for example QR codes at tables, online food ordering applications, websites or digital menu boards.

### **4. FBO food preparation staff need information about allergen requirements conveyed to them?**

The captured allergen requirements need to be conveyed to food preparation staff in the business either via a physical written order or digitally.

The information needs to be presented in an obvious way that cannot be accidentally missed. The digital system needs a 'failsafe', for example, food preparation staff cannot view the entire order until they have reviewed the allergen information and the information is then highlighted again next to the order of the person with FHS.

### **5. FBO food preparation staff need to action effective allergen cross-contact management procedures?**

When allergen information is received by food preparation staff they need to understand and action effective cross-contact management procedures.??

Recent workshops (carried out in October 2021) with local authorities across England, Wales and Northern Ireland indicate that food businesses understand how to manage bacteria but are far less confident, and need further guidance, to manage allergen cross-contact risks. Problems observed by local authorities include:

- cooking sesame prawn toast in a chip fryer rather than a separate fryer risking sesame and crustacean cross-contact with other foods
- picking nuts off the top of a dish, instead of preparing a nut-free dish from scratch
- overlooking how food is stored and not considering the risk of cross-contact.

### **6.? Person with FHS needs information to know that steps 4 and 5 have occurred to be confident that the food provided is allergen free?**

For a person with FHS the journey to receiving food that meets their allergen requirements has multiple stages which are outside the individual's control and mistakes could occur through human error or technological failure.??

Our latest FHS Out of Home Allergy research indicates that people with FHS would like confirmation when the food is presented that their allergen requirements have been actioned.

Our earlier ['Preferences of those with food allergies or intolerances when eating out'](#) research highlights that some people with FHS use a potentially dangerous practice of taste testing a small amount of food to check for allergens.

Within the latest research there are various suggestions as to how this might be achieved that could work across a range of different types of non-prepacked business, for example, light-touch verbal confirmation when food is presented or visual confirmation such as flags in food and stickers on takeaway packaging.?

Confirmation that allergen requirements had been actioned would provide reassurance for the person with FHS. The absence of this confirmation would act as a safety prompt for further communication with the food business to check if allergen requirements had been understood and actioned.??

## Conclusions?

The findings from our research and evidence gathering highlight the need to improve the consistency of allergen information at key consumer touchpoints (throughout the food ordering and preparation process) and embed communication approaches that work effectively across different business models in the non-prepacked sector, including digital ordering processes. The importance of ensuring that information is conveyed to food preparation staff so that the risks of cross-contact with allergens can be managed is also paramount to the safety of people with FHS. ??

Providing written information and getting food businesses to ask about allergen requirements on its own is not enough to keep consumers safe when purchasing non-prepacked food.

## Recommendations?

The suggested approaches presented in this annex are incorporated into our recommended training and guidance projects for the non-prepacked sector, with guidance provided for each step in the food purchase journey. This work will enable and equip food businesses to do the right thing across the non-prepacked sector and address emerging challenges that the shift towards digital ordering presents to the safety of people with FHS.?

Evidence from our [‘Food Industry’s Provision of Allergen Information to Consumers’](#) research indicates that only 49% of businesses have training on allergens. The FSA recognises it will need to work with FBOs, in particular SMEs, where the business model makes implementing such changes more challenging.

Throughout the implementation of these recommended projects, we will carry out evaluation work to assess efficacy and determine if other approaches are required which can then be effectively targeted at points in the non-prepacked food purchase journey where food businesses have failed to embed change.??

We also recommend exploring strengthening enforcement capability for allergens through fixed penalty notices. This would provide a strong financial incentive for food businesses to comply with existing legislation and any future legislative changes.???