BRC GUIDANCE TO NEW ALLERGEN LABELLING REQUIREMENTS

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What is the BRC?

The BRC is the authoritative voice for retail recognised for its powerful campaigning and influence with governments and as a provider of excellent retail information.

The BRC represents:

- Over 80% of the retail sector
- 30,000 small and medium sized retailers
- Over 70 major retail members
- A wide range of large to small, out-of-town to high street, food and non-food, stores and online/direct
- Located in London, Brussels, Edinburgh, Belfast and Cardiff
Regulation 1169/2011 on Food Information to Consumers was published in October 2011.

Compliance is required by December 2014 (stocks can be sold through after this date).

It introduces new specific requirements for allergen labelling.

It introduces new requirements for allergens in foods sold loose or pre-packed for direct sale.

Some overarching rules in the Regulation have undesired consequences on the information that can be provided.
1(b). The name of the substance or product as listed in Annex II shall be emphasised through a typeset that clearly distinguishes it from the rest of the list of ingredients, for example by means of the font, style or background colour.
The Regulation

Non pre-packed foods

Article 44

1(a). The provisions of the particulars specified in point (c) of Article 9(1) is mandatory;

Article 9(1) point (c) refers to allergens

Commission Q&A

2.5.1 Can a food business operator provide information on substances or products causing allergies or intolerances used in the manufacture or preparation of a non-prepacked food, only and simply upon request by the consumer?

No. The provision of allergen/intolerance information, where substances in Annex II are used in the manufacture of a non-prepacked food, is mandatory. It must be available and easily accessible, so the consumer is informed that the non-prepacked food raises issues relating to allergens and intolerances. Therefore, it is not possible to provide allergen/intolerance information only and simply upon request by the consumer.
Article 36

1. Where food information referred to in Article 9 and 10 is provided on a voluntary basis, such information shall comply with the requirements laid down in Sections 2 and 3 of Chapter IV.

This means that some of the allergen information that businesses have been providing voluntarily to date can no longer be given, e.g.

- contains statements on allergy boxes
- references to gluten
BRC Guidance on Allergen Labelling and the Requirements in Regulation 1169/2011

Allergy Advice
For allergens, including cereals containing gluten, see ingredients in **bold**

Allergy Advice
For allergens, see ingredients in **bold**
2. Nuts

The named nuts in Annex II of the Regulation will be listed by their specific name in the ingredients list. No reference to the word ‘nuts’ will be included between brackets after the named nuts.

Exemption: pecans and macadamias will be declared as pecan nuts and macadamia nuts. For these nuts, both words ‘pecan’ and ‘nuts’ should be in bold, for consistency with nuts such as hazelnuts.

Exemption: The word ‘nuts’ can be used in the cross contamination statement, instead of referring to each one of the nuts potentially present.

Examples: Also may contain nuts, or
Also may contain almonds, brazil nuts and hazelnuts.
3. Fish

‘Fish’ will be declared in brackets straight after every fish, even common species such as salmon, cod or mackerel.

Exemption: Fish species like swordfish can be declared as swordfish or swordfish (fish)

Companies may want to use the statement ‘contains fish’ in fish sold as such, especially if the product name does not contain the word fish.

Example: Tilapia (fish), Basa (fish) or Basa (contains fish)
4. Crustaceans and molluscs

The words ‘crustacean’ or ‘mollusc’ will be declared in brackets straight after every crustacean and mollusc.

Example: prawn (crustacean), oyster (mollusc)

For a certain period of time, and with the aim of helping consumer understanding, some companies may choose to highlight the actual crustacean and mollusc in addition to the words crustacean and mollusc.

Example: prawn (crustacean)

Companies may want to use the statement ‘contains crustaceans’ or ‘contains molluscs’ in products sold as such.

Example: In a pack of mussels, the following statement could be used ‘contains molluscs’
5. Milk

For all ingredients containing or derived from milk, ‘milk’ will be declared in brackets straight after the ingredient.

Example: Lactose (milk)

However, where the ingredient name contains the word ‘milk’, it will be highlighted in the name of that ingredient and not repeated in brackets.

Example: Dried skimmed milk

‘Milk’ will be declared after ingredients such as cream, yogurt, cheese and butter, despite consumers’ understanding that these products contain milk.

Example: Curry Sauce

**INGREDIENTS:** Water, Low Fat Greek Style Natural Yoghurt *(Milk)*, Mayonnaise (Water, Rapeseed Oil, Spirit Vinegar, Sugar, Potato Starch, Corn Starch, Pasteurised Egg Yolk, Salt, Lemon Juice), Mango Chutney (Sugar, Mango, Salt, Vinegar, Cloves, Cinnamon, Water, Acetic Acid, Spices), Curry Paste (Water, Vegetable Oil, Garlic, Concentrated Tomato Puree, Coriander, Ginger, Onion Powder, Turmeric, Sugar, Paprika, Cumin, Corn Starch, Chilli Powder, Acetic Acid, Lemon Juice, Fennel, Chilli, Fenugreek, Pepper, Lactic Acid, Mixed Spices), Coriander, Salt

Companies may want to use the statement ‘Contains milk’ in cream, yogurt, cheese and butter sold as such (these products will not have an ingredients list).
Allergy Advice
For allergens, including cereals containing gluten, see ingredients in **bold**

The following statements, or similar, will be used in products where there has been a risk of cross contamination by a cereal containing gluten:

**May also contain gluten**
**May also contain a gluten containing cereal**
**Also may not be suitable for Coeliacs or gluten allergy sufferers**
**May also contain other gluten sources (name gluten sources)**
DECISION TREE - SULPHITES

Do any of the ingredients in the recipe contain sulphites or have these been added to the recipe?

No

No DECLARATION

Yes

Are sulphites present in the food performing an additive function (preservative) regardless of the amount/concentration?

No

Is the final product concentration of sulphite > 16 ppm?

No

No DECLARATION

Yes

SCENARIO 2

Do ingredients contain a sulphite concentration in final product ≥ 10 ppm?

No

LABEL AS AN ADDITIVE

EXAMPLE MUESLI (page 7)

Yes

LABEL SCENARIO 1 (page 9)

All ingredients contain a sulphite concentration in final product ≤ 10 ppm

VOLUNTARY DECLARATION SCENARIO 3 (page 9)
ALLERGENS PRESENT IN THE PRODUCT

BRC and FDF Advice - February 2010

European legislation has identified the most common food allergens in Europe and requires that only they and their derivatives, unless specifically excluded, are declared on labels.

The allergens are:

- Cereals containing gluten — wheat, rye, barley, oats, spelt, kamut or their hybrid strains
- Crustaceans
- Egg
- Fish
- Lupin
- Milk
- Molluscs
- Nuts — almond, hazelnut, walnut, cashew, pecan nut, Brazil nut, pistachio nut, Macadamia nut and Queensland nut
- Peanut
- Soya
- Sesame
- Celery and celeriac
- Mustard
- Sulphur dioxide and sulphites

Manufacturers and retailers will only declare the allergens on the EU list and will apply allergen risk assessment and controls to these ingredients throughout the production process.

A number of other foods can cause allergic reactions but are not considered to be common allergens in Europe and have therefore not been included on the EU list. Examples include:

- Garlic and onion
- Yeast
- Chestnut, pine nuts and coconut

Manufacturers and retailers will not emphasise ingredients such as garlic, yeast or chestnuts, pine nuts and coconut in the ingredients list. They will educate consumers to understand that these are not common allergens (some consumers wrongly believe that chestnuts, pine nuts and coconuts are nuts), by developing level playing field labelling and disseminating this practice and information through the allergic consumer organisations in the UK.

These ingredients will continue to be listed in the ingredients list but not be highlighted as allergens.
Other issues covered in the document

- Allergens contained within a word – e.g. oatmeal
- Allergens in foods without and ingredients list
- Exemptions
COMMUNICATING ALLERGEN LABELLING CHANGES TO CONSUMERS

Companies are encouraged to use the following messages to communicate the allergen labeling changes on product labels. These are a result of the provisions of Regulation (EC) No. 1169/2011 on food information to consumers.

Companies should adapt the style, language and length of the message to the company’s style and type of communication.

KEY MESSAGES

1. Due to a new piece of legislation, there would be some changes to the manner in which the allergen information appears on labels.

2. The summarised information on allergens contained within the ingredients in the product, cannot longer be given. This information used to be given through ‘contains …’ statements, usually located in the allergy advice or allergy box section on the label.

3. Always read the ingredients list to find out the allergens contained in the product.

4. Allergens are now highlighted (each company to use their form of highlight, e.g. in bold) in the ingredients list to help you identify them.

5. The references to gluten within the voluntary allergen box can no longer be made. Look for the cereals containing gluten, e.g. wheat, rye, barley highlighted within the ingredients list.

6. Information on the potential risk of cross contamination with other allergens has not changed; it will appear on labels in the same manner.

7. Until all the labels have changed, you see old and new labels in products in-store for a period of time. To make sure that you always have the correct information always read the ingredients list.
Thank you