

Allergens & Natasha's Law

Natasha's Law

Natasha's Law, more formally known as 'prepacked for direct sale (PPDS) requirements', is due to be implemented as of Friday, 1st October 2021.

The technical guidance for prepacked for direct sale (PPDS) foods was issued in the latest update of the Food Standards Agency's (FSA) food allergen labelling and information requirements - technical guidance in June 2020.

These changes will require food businesses to label PPDS food with a full list of ingredients containing emphasised allergens within, bringing the provision of allergen information in line with labelling for prepacked food.

Following the tragic passing of Natasha Ednan-Laperouse, who suffered a fatal allergic reaction to a sesame in a baguette in 2016, Natasha's family have been campaigning for greater transparency surrounding labelling requirements. From October 2021, the outcome of their campaigning will come into force under Natasha's Law, a new food labelling legislation. The impending law will mean that businesses must label all foods pre-packed for direct sale with a full list of ingredients, including emphasised allergens, to consumers.

An outline of the policy:

A food is classed PPDS depending on where and when it is packed, in relation to the point at which it is offered for sale.

PPDS food is defined as food that is packed before being offered for sale by the same food business to the final consumer:

(i) on the same premises; or

(ii) on the same site*; or

(iii) or on other premises if the food is offered for sale from a moveable and/or temporary premises (such as marquees, market stalls, mobile sales vehicles) and the food is offered for sale by the same food business who packed it.

PPDS food does not include food packed at a consumer's request, food not in packaging or food in packaging that can be altered without opening or changing the packaging.

**In this instance 'site' refers to a building complex such as a shopping centre or airport terminal in which the same food business operates from more than one unit within the building complex.*



What are food allergens?

A food allergen is any normally harmless substance in a food that can cause an allergic reaction in a susceptible person. Allergens are normally proteins and for allergic people, the immune system generates a response to what it perceives to be foreign or dangerous.

Consumers may be allergic or have an intolerance to other ingredients, but only 14 specific foods are required to be declared as allergens by food law due to being the most potent and prevalent food allergens in Europe.

These 14 key allergens are:

- Celery
- Cereals containing gluten (such as barley, wheat, rye and oats)
- Crustaceans (such as prawns, crabs and lobsters)
- Eggs
- Fish
- Lupin
- Milk
- Molluscs (such as mussels and oysters)
- Mustard
- Peanuts
- Sesame
- Soybeans

Sulphur dioxide and sulphites (if they are at a concentration of more than ten parts per million)

Tree nuts (such as almonds, hazelnuts, walnuts, brazil nuts, cashews, pecans, pistachios and macadamia nuts).

This also applies to additives, processing aids and any other substances which are present in the final product.

Understanding allergen labelling

The world of allergen labelling can be daunting, with lots of terms and legislation to understand. To make it easier for you, we've pulled together a list of key terms and definitions, to describe the allergen status of products:

Food allergy:

A food allergy is a rapid and potentially serious response to a food by your immune system. It can trigger classic allergy symptoms such as a rash, wheezing and itching or in more serious cases, anaphylaxis, which can be life threatening.

Food Intolerance:

Food intolerances are more common than food allergies. The symptoms of food intolerance tend to appear more slowly, often many hours after eating the problem food. Typical symptoms include bloating and stomach cramps.

Contains:

The product contains the stated allergen as a deliberate ingredient in the recipe or as a processing aid. This excludes sulphur dioxide and / or sulphites which only have to be declared at concentrations of more than 10mg/kg in the final product, when added in the preparation of the food or added as a deliberate ingredient.

May contain:

The product does not contain the stated allergen as an intentionally added ingredient. However, following a risk assessment it has been deemed that there is a demonstrable risk of cross-contamination with the allergen. This risk is detailed on the product packaging.

"May contain" statements include "made in a factory that also handles x allergen", "not suitable for x allergen sufferers" and other similar phrases.

Does not contain:

The product does not contain the specific allergen as an intentionally added ingredient. Following a risk assessment it has been determined, that the risk of cross contamination is remote and has been appropriately controlled. This is not a 'free from' claim.

Free From:

Foods made without certain common allergenic foods, such as milk, egg or cereals containing gluten, manufactured in a controlled environment where levels have been scientifically demonstrated to be below the analytical limit of detection of a testing method (an exception applies to "gluten free" products where levels of gluten must not exceed 20ppm). A "free from" allergen claim should only be used following a rigorous assessment of the ingredients, process and environment.

This is an absolute claim unless a regulatory threshold has been set, e.g. gluten free, and is not the same as "does not contain". For free from products, consumers expect complete absence of these allergenic material as they are marketed at the most vulnerable group.

What's in scope?

The following are examples of foods that are PPDS:

- Sandwiches packaged by the food business and sold or offered from the same premises.
- Fast food which is wrapped or packaged on site before a customer selects or orders it.
- Bakery products which are packaged before a customer selects them from the same premises.
- Supermarket products which are produced and packaged in store, such as pizzas, rotisserie chicken, pre-weighed and packed cheese and meats, and baked products.

What's out of scope?

The following are examples of foods that are not PPDS:

- Food not in packaging (loose).
- Pre-packed food (packaged at a different premises). Food packaged at the customer's request.
- Distance sales (e.g. foods ordered online).

Distance Selling

The new labelling requirements do not apply to PPDS food sold by means of distance selling, such as food which is purchased by telephone, or on the internet.

Businesses selling PPDS food this way will need to ensure that mandatory allergen information is available to the consumer before they purchase the product and also at the moment of delivery.

Who & what do the changes affect?

This will affect any business that produces PPDS food and drink. Operators will have to identify if any foods within their range are classified as PPDS by the 1st October 2021. From then on these PPDS foods will have to have a full ingredients list, including emphasised allergens, labelled on their packaging.

This will mean that the operator will have to aggregate the ingredient and allergen information for a product made on their site and display it in the required format on a label. The operator, as a result, will need to plan the implementation of this process.

This could include procuring a software solution that can aggregate the information provided to them by their supplier, as well as label printers. Alternatively a business may decide to manually aggregate the information. Either way, the operator will be responsible for ensuring the information is correctly formatted for the label, which will include ordering the right ingredients, using the correct font size, and emphasising the allergens for the label.

The allergen information from the supplier needs to be up-to-date and accurate to be used by the business. As part of the operator's due diligence, they should check the back of pack information against the data provided, as part of their responsibility to check they have the most up-to-date information.

The Food Standards Agency has developed the below tool to help businesses identify what products would be classed as PPDS, prepacked or non-prepacked food. For a food to be PPDS, it must meet all of the following three criteria:

- Is the food presented to the consumer in packaging?

Yes the food is packed No this is non-prepacked food

- Is it packaged before the consumer selects or orders it?

Yes the food is pre-packed No this is non-prepacked food

- Is it packaged at the same place** it is sold?

Yes the food is pre-packed for direct sale No this is pre-packed food

If the answers to all the three questions above is 'Yes' then the food is PPDS.

Notes:

* A single item (the food and its packaging) presented to the customer. The food is completely or partially enclosed and cannot be altered without opening or changing the packaging. Food in such packaging sold to other businesses are 'prepacked food' and already require allergen labelling. (See Article 2(2)(e) of the FIC).

** Food (a) packaged by the same food business on the same site from which it is sold or (b) sold from temporary or moveable premises (such as a food truck or market stall) by the same food business that packaged it.

What should a label look like?

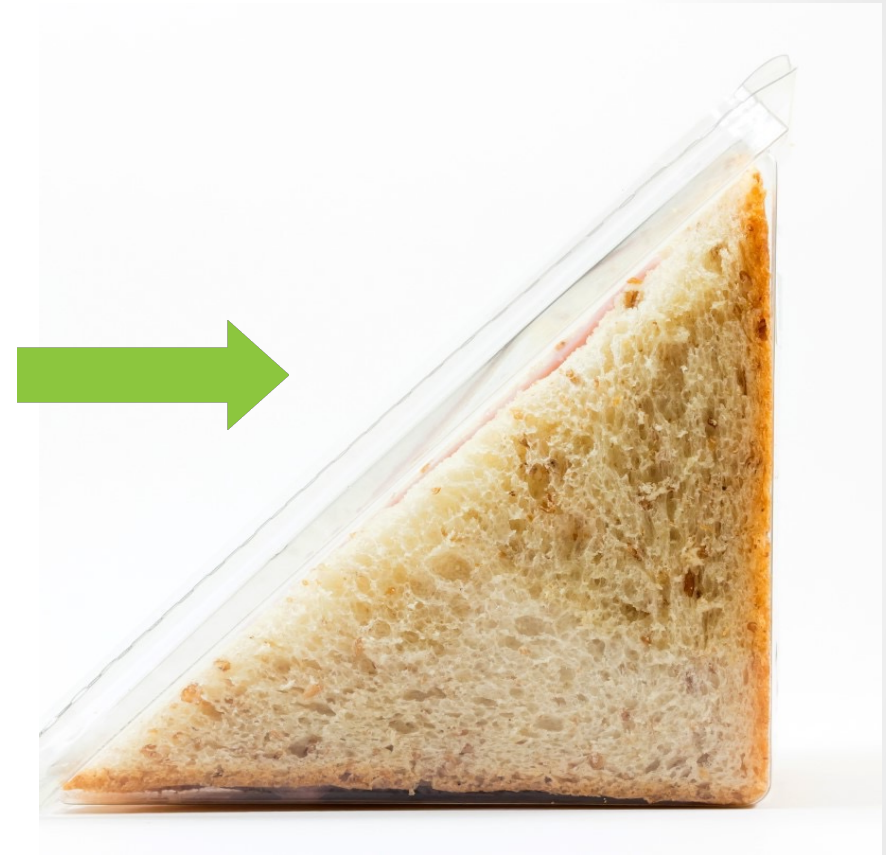
Allergens should be highlighted in bold or capitals

Cheese and Pickle Sandwich

Mature Cheddar cheese, pickle and butter in sliced malted bread

INGREDIENTS:

Malted Bread [**w**heat flour [**w**heat Flour, calcium carbonate, iron, niacin, thiamin] water, malted **w**heat flakes, **w**heat bran, **w**heat protein, yeast, malted **b**arley flour, salt, emulsifiers (mono- and diglycerides of fatty acids, mono- and diacetyl tartaric acid esters of mono- and



Allergen support:

How to access allergen information from us:

- Product specifications list the ingredients as well as any 'may contain' statements.
- Food packaging – Allergen information is found on the ingredients list as well as in 'may contain' statements on packaging.
- Online ordering website – Information is held on each product for easy access
- Alternatively, your account manager is on hand to assist with any queries you may have.

Industry support:

The Food Standards Agency has been working on supporting guidance for businesses preparing to implement PPDS labelling.

Visit their website, for their full PPDS toolkit, sector specific guidance, online allergen training courses and many other resources.

Click here to access... <https://www.food.gov.uk/allergen-labelling-changes-for-prepacked-for-direct-sale-ppds-food>

