



Food Safety
AUTHORITY OF IRELAND

Allergen Information

FOR NON-PREPACKED FOOD



Allergen Information

FOR NON-PREPACKED FOOD

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Food Safety Authority of Ireland

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Introduction

From December 13th 2014, the requirement to declare food allergens on prepacked food is extended by EU law to include non-prepacked food. EU Member States are permitted to introduce national legislation to determine how this legal requirement is put into effect within their jurisdictions and the Department of Health has achieved this through S.I. No. 489 of 2014. In the absence of national legislation, EU labelling requirements for prepacked food automatically apply to foods sold loose (non-prepacked).

Food sold in loose form or packed on the premises at the request of the consumer or packed for direct sale or supply to the final consumer or mass caterer, is considered non-prepacked food. Declaring the use of food allergens in prepacked food is facilitated by labels that generally include a list of ingredients. However, it can be more complex for non-prepacked foods such as meals provided in restaurants or takeaways and foods sold in food stalls or delivered to the home. In Ireland, national legislation stipulates that food allergen information for non-prepacked food must, as a minimum, be provided in written format, but can also be provided verbally at any time. In certain circumstances, written food allergen information may need to be supplemented by verbal information, e.g. to assist people with vision impairment or other difficulties.

INGREDIENTS

Ingredients: Water, Tomato Puree (14%), **Soya** Bean Extract, **Wheat** Flour, Sugar, Modified Maize Starch, Malt Vinegar (**Barley**), Desiccated Coconut (Preservative: Sodium **Metabisulphite**), Ginger Puree, Garlic Puree, **Peanut**, Onion, **Celery**, Colour: Paprika Extract



Recital No. 15 of the Food Information for Consumers (FIC) Regulation (EU) 1169/2011 specifies that EU rules apply to ‘undertakings’, but not to ‘the occasional handling and delivery of food, the serving of meals and the selling of food by private persons, e.g. at charity events, or at local community fairs and meetings’. The term ‘undertakings’ forms part of the definition of ‘food businesses’ in Regulation (EC) No 178/2002. This exemption from EU rules means that the mandatory declaration of allergens does not apply in certain situations. A practical example is that of wedding cakes. Where the wedding cake is prepared by a food business, the declaration of allergens is mandatory, but not where the wedding cake is prepared on a private basis by a family friend or relation.

This information leaflet explains the legal requirements and suggests possible ways that food businesses can comply with the national legislation. To ensure clarity, the information in this leaflet should be read in conjunction with Statutory Instrument (S.I.) No. 489 of 2014.



This cake contains:
eggs, wheat,
almonds and milk

Overview

Food Allergens

People can be allergic or intolerant to many different foods or food ingredients. However, EU law stipulates that only the use of 14 specific food allergens in producing or preparing a food (including beverages) must be declared. The 14 food allergens are specified in the Food Information for Consumers (FIC) Regulation (EU) No 1169/2011 and are included at the end of this leaflet.

Type of Information Required

The type of food allergen information required on non-prepacked foods is the same as that required on prepacked foods. However, because a list of ingredients is not generally used for non-prepacked foods, the information provided must use the word 'contains' followed by the specific allergens, e.g. contains wheat, barley, soya and egg.

Precautionary Food Allergen Declarations

Voluntary statements such as 'may contain...' or 'prepared in a kitchen/premises that uses...' can provide a useful warning to vulnerable consumers when used judiciously. However, such precautionary statements relate to the risk of cross-contamination with food allergens rather than their deliberate use in the preparation or production of food. Therefore, a precautionary statement cannot be considered a food allergen declaration as required by S.I. No. 489 of 2014.



Ingredient or Contaminant (cooking in oil as an example)

An ingredient is used in the production or preparation of a food while a cross-contaminant is inadvertently present at low levels in a food. Cooking oil is considered an ingredient and is generally found in or on food cooked in that oil. For example, where potato chips are cooked in peanut oil, a peanut allergen declaration is mandatory. However, where fish is cooked in vegetable oil and that oil is subsequently used to cook potato chips, a fish allergen declaration is not mandatory as any fish present in the chips is due to cross-contamination.

Situations where a Food Allergen Declaration is not Required

A separate food allergen declaration is not required when the name of the food informs the consumer that it consists of or contains a food allergen, e.g. smoked cod. However, some foods, e.g. fish cakes, can contain a number of allergens not described by the product name and these allergens must be declared. In order to avoid confusion with such foods, it is advisable to declare all allergens, even those described in the name of the product, e.g. fish cakes, contains: fish, wheat, soya and mustard.

Specific food allergen declarations are not required for foods sold by means of automatic vending machine or automated sales premises. However, the allergen information must be available at the moment of delivery. This could be achieved by a sign on or close to an automated vending machine indicating the allergens in particular products. Note: an automated vending machine accepts payment for a food item while an automated dispensing machine simply dispenses the food or beverage, e.g. coffee, for which payment must be made separately.



Overview (continued)

Food Businesses Affected

From December 13th 2014, all food businesses using or handling food allergens are required to declare the use of food allergens in food products (including beverages) whether prepacked or non-prepacked. This will be a new legal requirement for some food businesses including restaurants, pubs, takeaways, contract caterers, food stalls (mobile and stationary) as well as businesses offering delivery services. Retail outlets such as shops and supermarkets selling prepacked food will have to extend their allergen declarations to their non-prepacked products.

A variety of other businesses and institutions providing non-prepacked food includes childcare and healthcare facilities, detention centres as well as meals provided or delivered free of charge by charitable institutions or organisations.



Food Allergen Management

Food businesses must be aware of the food allergens they handle and ensure that they can track their use in various products destined for caterers or the final consumer. Food allergens should be an integral part of the food safety management system, particularly the purchasing, handling and storage of ingredients. Businesses producing and preparing food should adopt practices to minimise cross-contamination and ensure that food allergen declarations are accurate. Routine staff education and training should include a module on the identity and handling of the 14 food allergens and how to address consumer concerns.



How to Comply with National Measures

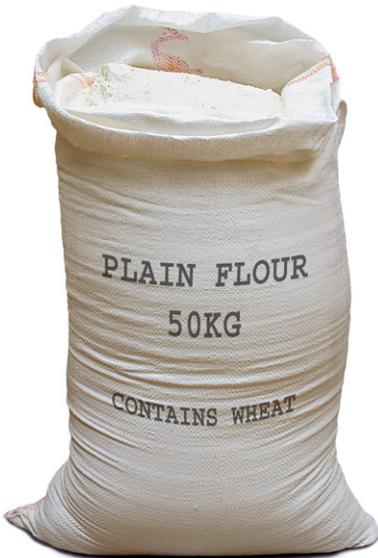
The way in which food businesses can declare food allergens will vary depending on the non-prepacked food and the type of food business in question. It is envisaged that there will be a number of ways in which a food business can comply with this requirement and so each business must examine the options available and determine which is most suitable to their situation.

Food allergen information can be communicated verbally at any time. However, the minimum requirement set out in the national measures is that written food allergen information is provided to the consumer or mass caterer. The written information must be presented in at least the English language and be easily located and accessible. It must clearly identify the allergens contained in a food or beverage in legible hand written or printed format.

All the examples provided in this leaflet are for illustrative purposes only.

Food or food ingredients destined for mass caterers

Food allergen information as it relates to food or food ingredients destined for mass caterers can be placed on labels directly or in documents associated with the product. Caterers should ensure that they are in possession of such information for each food or food ingredient they purchase.





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Caterers should ensure they have allergen information about a product before using it in their business.



Restaurants/Takeaways

Restaurants and takeaways are facilities where the consumer makes a purchase of prepared food on-site and consumes the food on- or off-site. These can be stand-alone businesses or form part of other food businesses such as pubs, hotels and B&Bs.

Written food allergen information can be placed alongside each written menu item or alternatively can be provided centrally in one or a number of conspicuous locations on the premises in hard copy or electronic format. Where the location of allergen information is not conspicuous, it must be clearly signposted, e.g. on menus or other written material available on the premises, so that consumers can locate and access it easily. The precise manner in which the written allergen information is presented can vary, but it must be legible and easily understood by the consumer. **It is important that food businesses include food allergen information on minor components such as sauces and condiments** as well as beverages such as wine (by the glass), draught beer or cider and juices or smoothies where appropriate. Where menu items such as 'specials' are advertised separate to the main menu items, e.g. on chalkboards or similar material, the food allergen information must be updated each time a food item changes.



SANDWICH & DELI BAR

Egg Mayonnaise €2.29

Free-range eggs hard boiled to perfection and served in a light mayonnaise dressing. Topped with cress and crushed black pepper

Contains: Wheat, Milk, Mustard, Egg

Farmhouse Cheddar & Pickle €2.49

Thick sliced Farmhouse Cheddar cheese with a generous helping of our homemade spiced pickle

Contains: Wheat, Mustard, Milk, Celery

Wexford Ham & Wholegrain Mustard €2.49

Honey roast Wexford Ham spread with mild wholegrain mustard

Contains: Wheat, Mustard

Prawn Mayonnaise €2.99

Atlantic prawns in our trademark Marie-Rose sauce, served with a squeeze of lemon

Contains: Wheat, Milk, Egg, Crustacean

Crayfish & Rocket €3.49

Shelled crayfish on a bed of peppered rocket with a sprinkling of paprika

Contains: Wheat, Milk, Crustacean

SANDWICH & DELI BAR

Egg Mayonnaise €2.29

Free-range eggs hard boiled to perfection and served in a light mayonnaise dressing. Topped with cress and crushed black pepper

Contains: *1, 2, 3, 5

Farmhouse Cheddar & Pickle €2.49

Thick sliced Farmhouse Cheddar cheese with a generous helping of our homemade spiced pickle

Contains: *1, 2, 3, 4

Wexford Ham & Wholegrain Mustard €2.49

Honey roast Wexford Ham spread with mild wholegrain mustard

Contains: *1, 3

Prawn Mayonnaise €2.99

Atlantic prawns in our trademark Marie-Rose sauce, served with a squeeze of lemon

Contains: *1, 2, 5, 6

Crayfish & Rocket €3.49

Shelled crayfish on a bed of peppered rocket with a sprinkling of paprika

Contains: *1, 2, 6

*ALLERGEN INFORMATION

1 = WHEAT 2 = MILK 3 = MUSTARD
4 = CELERY 5 = EGG 6 = CRUSTACEAN

“

Hotels or other similar businesses offering room service can provide the written allergen information on individual menus available in the room (including drinks) or highlight on those menus or other documents where allergen information is centrally located in the establishment.

Contract catering

Contract caterers may operate within fixed locations where they can declare food allergens in a manner similar to restaurants. For functions occurring off-site, such as at a business premises or in a private home, caterers can provide the written allergen declarations at the location.

The requirement for a written allergen declaration also applies when small scale food services are provided, like sandwiches, scones or biscuits for meetings or other gatherings, e.g. a stand-alone sign adjacent to the platter of mixed sandwiches would suffice to detail the individual allergens in the various sandwich types. The same scheme could apply for individual platters of scones, pastries and croissants. However, where a mixed plate of smaller snack foods such as biscuits is provided, the written allergen declaration can relate to the food as a whole on the plate rather than to individual biscuit types.

A caterer that delivers prepared food to a customer but has no other involvement, such as further preparation or serving the food, must provide the written allergen information to the purchaser. If the purchaser is a private individual and not a registered food business, it is up to them to then pass that information on to people consuming the food if they wish. However, if the caterer is providing a service for a gathering or function and is preparing and serving the food at a function or meeting, it is the caterer's obligation to ensure written allergen information is provided for the people consuming the food.



Ham Sandwiches

Contain: Wheat, Milk, Mustard

Salad Sandwiches

Contain: Wheat, Milk, Egg, Celery

Cheese Sandwiches

Contain: Wheat, Milk



“ The requirement for a written allergen declaration also applies when small scale food services are provided, like sandwiches, scones or biscuits for meetings or other gatherings. ”

Retail outlets

Shops (generalised or specialised) and supermarkets sell a variety of non-prepacked foods such as bread, salads and hot food items. Written food allergen information can be provided for individual foods in close proximity to the individual food item containing the allergen or at a centralised location, similar to that for restaurants and takeaways.

If not placed beside relevant food items, the written food allergen information must be easily located and accessible to the consumer and clearly identify the food allergen associated with individual food items. For supermarkets with a large floor space, it is preferable that written food allergen information is provided in close proximity to the non-prepacked food items containing allergens. However, if provided centrally, it should be available at one or a number of locations easily identified by consumers through conspicuous signage on the premises.



**NOODLE
STIR-FRY**

Contains:
Pecan Nuts

**TUNA
MAYONNAISE**

Contains:
Fish, Milk, Egg

**CORONATION
CHICKEN**

Contains:
Wheat, Milk, Celery

PAELLA
Contains:
Crustacean

“

Written food allergen information must be easily located and accessible to the consumer and clearly identify the food allergen associated with individual food items.

Other food outlets, e.g. food stalls, markets

Permanent or temporary stalls or markets, whether stationary or mobile, must provide written food allergen information as a minimum requirement.

As these facilities are generally small in scale, placing the written food allergen information in close proximity to the relevant food items or on a menu style format may be most convenient and effective. However, more centralised locations may be used but the information must be easily located and accessible and provide clear and legible information associating particular food allergens with specific food items.



Greenacre Farmers' Market

FRESHLY BAKED
APPLE TARTS
Contain: Wheat, Milk

LEMON MERINGUE PIE
Contains: Eggs, Wheat, Milk

SEAFOOD MEDLEY
Contains: Fish, Crustaceans,
Celery, Macadamia Nuts,
Sesame Seeds

VEGETARIAN ROULADE
Contains: Eggs, Milk, Celery

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Placing the written food allergen information in close proximity to the relevant food items or on a menu style format may be most convenient and effective.

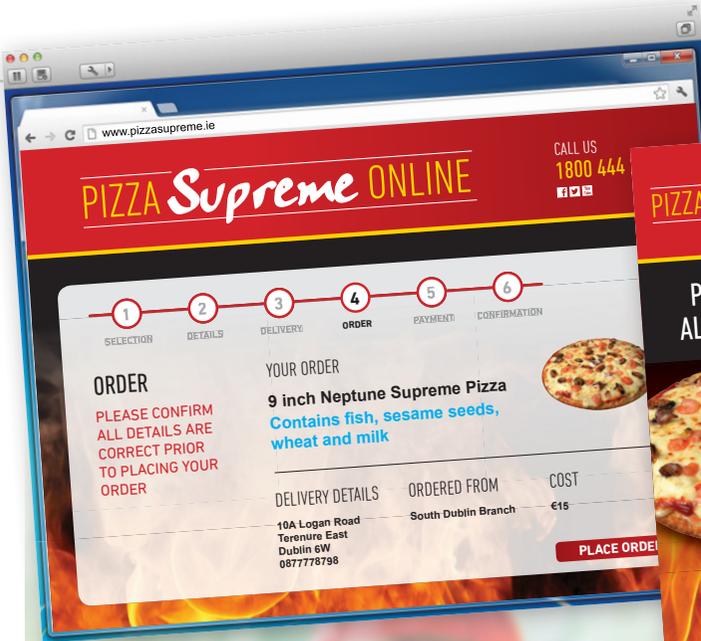
Food ordered remotely (electronically/by phone) and delivered to the consumer

Written food allergen information must be provided by food businesses engaged in 'distance selling'. These include food businesses that receive food orders by phone or electronically and deliver those foods to the final consumer.

Written allergen information can be provided before the food is ordered, e.g. supporting material such as leaflets/catalogues or online information used to order the food. Alternatively, or in addition, it can be provided at the moment of delivery of the food product, e.g. leaflets/catalogues or other printed material. Written food allergen information provided at the point of delivery could be specific to the purchased product or it could be general supporting material.

Where the written allergen information is provided prior to delivery, allergen information must still be provided at the point of delivery. Such information can be provided verbally or in a written format.





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Allergen information must be available before the purchase is concluded which could include supporting material that enables consumers to order a product.

Licensed premises

The written food allergen information already provided for prepacked beverages (bottled, canned etc.) must also be provided for the non-prepacked form which includes draught beer and cider, wine provided by the glass, cocktails, smoothies and juices.

Allergen declarations for non-prepacked beverages could be provided in a number of ways, e.g. wine lists could include sulphite information on certain wines, while allergen information for other beverages, e.g. cocktails, could be provided adjacent to or as an addition to the price list at a conspicuous location(s) on the premises. The precise allergen information required must be in the form of “Contains...”.

Some cocktails or other mixed drinks may only be prepared in direct response to an individual request and may not be included in the regular drinks list. In such cases, it may not be feasible to provide written allergen information. However, the inclusion of any allergens should be communicated directly to the consumer before the sale is concluded.



COCKTAILS

Cosmopolitan

Vodka, Triple Sec, Lime and Cranberry Juice

Chocolate Mint ¹

Cream Liqueur, Kahlua, Creme de Menthe, Chocolate Syrup and Milk

Mojito ²

Light Rum, Fresh Lime Juice, Sugar, Mint Leaves and Soda Water

Ocean Breeze

Vodka, Coconut Rum, Pineapple and Cranberry Juice

ALLERGY ADVICE

1: Contains Milk 2: Contains Celery



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Wine lists could include allergen information, while for other beverages, the allergen information could be provided adjacent to or as an addition to the price list.

Specialised businesses, institutions and organisations

There are exceptional situations where the effective provision of written food allergen information for non-prepacked foods may require special arrangements.

1. Childcare facilities frequently prepare meals for the children in their care and so are required to provide written food allergen information. However, young children are not in a position to understand or appreciate written food allergen information and therefore, it is necessary that this information is provided to the parent or guardian, particularly when new or altered menu items are made available.
 2. Healthcare facilities must be in a position to provide written food allergen information to patients who consume their meals outside of the regular dining areas, such as in their room or ward. This is most effectively achieved by providing the information on menus, though other written formats are also acceptable. For patients who are not in a position to understand or appreciate written food allergen information, their carers or guardians should be provided with the written information in the interests of those patients.
 3. Individuals in detention centres that are not able to access general dining area(s) must be provided with written food allergen information, particularly when new or altered menu items are made available.
 4. The requirement to provide food allergen information for non-prepacked food applies to food for sale or made available free of charge. Therefore, charitable institutions or other organisations that provide food at no cost, either at central locations or delivered to homes or individuals, must provide written food allergen information. The provision of written allergen information at central locations will be similar to that for restaurants. However, written information may need to be supplemented by verbal communication relating to relevant food allergens in certain circumstances.
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CRÈCHE MENU



Monday

Sausage and Mash*

*Contains wheat and milk



Tuesday

Chicken Stew*

* Contains celery



Wednesday

Vegetable Lasagne*

*Contains wheat and milk



Thursday

Fish Fingers and Waffles*

* Contains fish and wheat

Friday

Vegetarian Pizza*

*Contains wheat and milk

“

Written information may need to be supplemented by verbal communication relating to relevant food allergens in certain circumstances.

Substances or products causing allergies or intolerances as listed in Annex II of Regulation (EU) No 1169/2011

The information provided in this leaflet has no legal standing and is meant as a general guide to food businesses on how to comply with the national measures in effect in Ireland on the provision of food allergen information on non-prepacked foods. This leaflet should be read in conjunction with S.I. No. 489 of 2014.

Substances or products causing allergies or intolerances as listed in Annex II of Regulation (EU) No 1169/2011

1. Cereals containing gluten, namely: wheat (such as spelt and khorasan wheat), rye, barley, oats or their hybridised strains, and products thereof, except:
 - (a) wheat based glucose syrups including dextrose ⁽¹⁾;
 - (b) wheat based maltodextrins ⁽¹⁾;
 - (c) glucose syrups based on barley;
 - (d) cereals used for making alcoholic distillates including ethyl alcohol of agricultural origin;
2. Crustaceans and products thereof;
3. Eggs and products thereof;
4. Fish and products thereof, except:
 - (a) fish gelatine used as carrier for vitamin or carotenoid preparations;
 - (b) fish gelatine or Isinglass used as fining agent in beer and wine;
5. Peanuts and products thereof;

6. Soybeans and products thereof, except:
 - (a) fully refined soybean oil and fat ⁽¹⁾;
 - (b) natural mixed tocopherols (E306), natural D-alpha tocopherol, natural D- alpha tocopherol acetate, and natural D-alpha tocopherol succinate from soybean sources;
 - (c) vegetable oils derived phytosterols and phytosterol esters from soybean sources;
 - (d) plant stanol ester produced from vegetable oil sterols from soybean sources;
7. Milk and products thereof (including lactose), except:
 - (a) whey used for making alcoholic distillates including ethyl alcohol of agricultural origin;
 - (b) lactitol;
8. Nuts, namely: almonds (*Amygdalus communis L.*), hazelnuts (*Corylus avellana*), walnuts (*Juglans regia*), cashews (*Anacardium occidentale*), pecan nuts (*Carya illinoensis* (Wangenh.) K. Koch), Brazil nuts (*Bertholletia excelsa*), pistachio nuts (*Pistacia vera*), macadamia or Queensland nuts (*Macadamia ternifolia*), and products thereof, except for nuts used for making alcoholic distillates including ethyl alcohol of agricultural origin;
9. Celery and products thereof;
10. Mustard and products thereof;
11. Sesame seeds and products thereof;
12. Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre in terms of the total SO₂ which are to be calculated for products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers;
13. Lupin and products thereof;
14. Molluscs and products thereof.

(1) And the products thereof, in so far as the process that they have undergone is not likely to increase the level of allergenicity assessed by the European Food Safety Authority for the relevant product from which they originated.



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