

AUDIT  
REPORT

Control and Labelling  
of Food Allergens in  
Catering Establishments

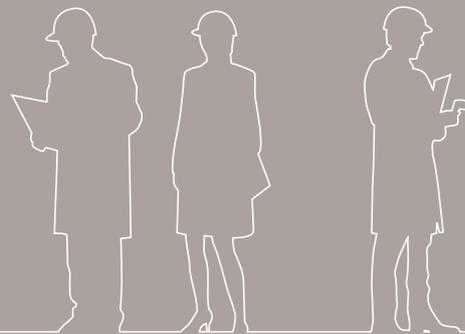
OCTOBER 2012



# AUDIT REPORT

## Control and Labelling of Food Allergens in Catering Establishments

OCTOBER 2012



Contents

**EXECUTIVE SUMMARY ..... 2**

**1. INTRODUCTION ..... 3**

    1.1 Audit Objective ..... 3

    1.2 Audit Scope..... 4

    1.3 Audit Criteria and Reference Documents ..... 4

    1.4 Audit Methodology ..... 4

    1.5 Current Legal Requirements ..... 5

**2. ALLERGEN INFORMATION PROVIDED TO CUSTOMERS ..... 6**

    2.1 Food Allergen Declarations..... 6

**3. CUSTOMER REQUESTS ..... 7**

**4. FOOD ALLERGEN CONTROLS ..... 7**

**5. AWARENESS OF NEW EU FOOD LABELLING LEGISLATION ..... 8**

**6. CONCLUSIONS ..... 8**

**7. RECOMMENDATIONS ..... 9**

**The information in this report relates solely to the food businesses visited as part of the audit and is not necessarily reflective of the situation in other food businesses.**

### EXECUTIVE SUMMARY

The Food Safety Authority of Ireland (FSAI) completed a small scale audit of catering businesses in Ireland to determine how food allergens are controlled and how information relating to food allergens is provided to customers. New EU food labelling rules agreed in 2011 make it mandatory from December 2014 to declare the use of specified food allergens, regardless of whether the food is pre-packed or un-pre-packed. The primary purpose of this audit was to determine the level of preparedness by the catering industry to implement the new labelling rules as they relate to food allergens. Each audit included a site inspection of the food business to determine which food allergen controls were in place and review the information made available to consumers regarding specific allergens. A range of catering businesses were selected based on the type of catering establishment they represented in order to provide a relatively broad view of the management and control of food allergens in the food catering industry.

The audit showed that allergen information was provided on menus or notices to customers in more than half (7/12) of the establishments visited and included positive (contains allergen), negative (free from) and precautionary (may contain) declarations. Enquiries about gluten and gluten-free dishes were cited as the most common by all caterers. Food allergen controls varied considerably between the food businesses and were non-existent in some. Adequate staff training was identified as a significant problem, with the chef being the only individual in some establishments in the possession of any information on food allergens. The establishments which had implemented multiple allergen controls were best placed to manage the risks associated with providing safe food for vulnerable consumers.

### 1. INTRODUCTION

The Food Safety Authority of Ireland (FSAI) has overall responsibility for the enforcement of food law in Ireland, predominantly through service contracts with Government departments and agencies. The FSAI carries out targeted audits of food businesses each year to determine the level of compliance with current food law and the effectiveness of its enforcement.

The consumption of certain foods or food ingredients by some people can result in hypersensitive responses that are termed food allergies or food intolerances. Current EU law requires that all prepacked foods must declare the use of specific ingredients which the EU has identified as the more common and serious causes of hypersensitive reactions. Of the many food ingredients known to cause food allergies or intolerances, EU food law requires a total of 14 to be declared on food packaging when they have intentionally been used, (Annex I). In line with the new food labelling legislation introduced by the European Union on the 13<sup>th</sup> December 2011, the requirement to highlight the use of these ingredients in the production of a foodstuff has been extended to foods sold un-prepacked such as in restaurants, takeaways, canteens and deli counters. Rules on how this information must be made available to the consumers will be decided by each individual Member State and will apply from 13<sup>th</sup> December, 2014.

The FSAI has been reviewing how food allergens are controlled and the effectiveness of food allergen labelling in protecting vulnerable consumers. As part of this review and in preparation for the imminent change in labelling requirements for un-prepacked foods, an audit of selected catering establishments was conducted. The audit, part of the programme of audits undertaken by the FSAI in 2012, involved twelve unannounced site visits to different types of catering establishments such as canteens, restaurants, fast food outlets, hotels and public houses. This summary report draws on the findings of the individual site inspections and relates solely to the food businesses visited as part of the audit.

#### 1.1. Audit Objective

The objective of this audit was to assess the implementation of food allergen controls in catering outlets and relevant information provided to customers. The audit focused on the businesses' food safety management system, operational controls as they relate to food allergens and customer information provided on menus or elsewhere on the premises.

### 1.2. Audit Scope

The scope of the audit was the implementation of controls for food allergens in catering outlets and related information provided to customers.

### 1.3. Audit Criteria and Reference Documents

At the time of the audit there was no specific legal requirement for catering outlets to provide information on food allergens to consumers. However, in line with the new food labelling legislation introduced by the European Union on the 13<sup>th</sup> December 2011, the requirement to highlight the use of these ingredients in the production of a foodstuff has been extended to foods sold un-prepacked such as in restaurants, takeaways, canteens and deli counters. Rules on how this information must be made available to the consumers will be decided by each individual Member State and will apply from 13<sup>th</sup> December, 2014.

The principal audit criteria referenced during the audit were:

- Regulation 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, as amended
- Regulation 852/2004 on the hygiene of foodstuffs, as amended
- FSAI Allergen Leaflet
- FSAI Guidance Note No. 24 (Legislation on 'Gluten-free' Foods and Avoidance of Cross-contamination during manufacture of 'Gluten-free' or 'Very Low Gluten' Products)

### 1.4. Audit Methodology

This audit was undertaken using documented procedures which are included in the FSAI Quality Management System, namely the FSAI Audit Procedure and Charter. These procedures implement the FSAI audit obligations and are in accordance with the requirements of Regulation 882/2004 (including Article 6.1 of Commission Decision 677/2006) and Section 48 (9) of the FSAI Act.

Twelve catering businesses were selected for site visits based on the type of catering services provided and any food allergen information provided on the menus, websites, advertisements or other customer information. The 12 catering businesses were selected in order to provide a relatively broad picture of allergen controls in the catering industry on a nationwide basis. The rationale of the audit was explained to the food business operator as part of an opening meeting in each establishment. The audit considered the food safety management system, food allergen controls in the kitchen and information provided to customers.

**Table 1: Establishments Audited**

3 Canteens
2 Hotels
3 Fast food outlets
3 Restaurants/Cafes
1 Bar/Restaurant

## 1.5. Current Legal Requirements

Food business operators are required to place only safe food on the market and to ensure that consumer information is accurate and not misleading.

Neither EU nor Irish food law provides for any specific controls that should be in place to control the storage, handling or use of allergenic foods in a food business where food is sold un-prepacked. Nevertheless, Article 5 of Regulation (EC) 853/2004 on the Hygiene of Foodstuffs requires food business operators to implement and maintain a permanent procedure, or procedures, based on the HACCP principles, which would include the handling or storage of food allergens.

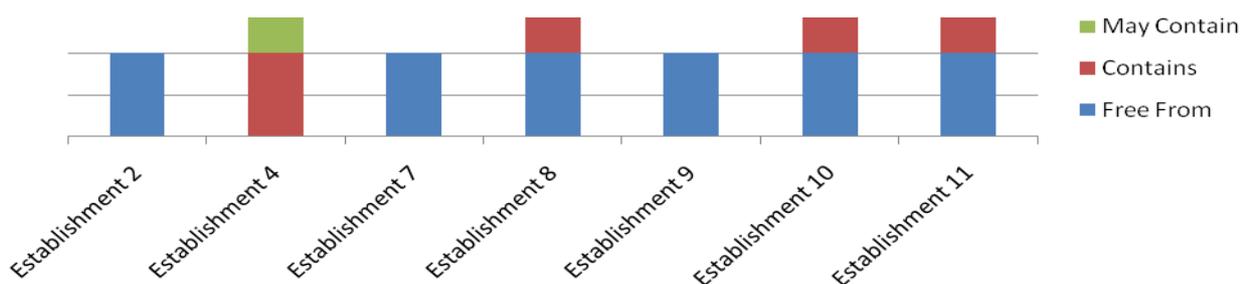
## 2. ALLERGEN INFORMATION PROVIDED TO CUSTOMERS

Seven of the 12 establishments (58%) audited provided customers with written information regarding food allergens; either on the menu or on a notice near the service counter. In one establishment, a separate 'gluten-free' menu was available. Three different allergen declarations were provided to customers:

1. "Free from" declaration, e.g. dairy free, gluten free
2. "Contains allergen", e.g. contains nuts
3. Precautionary allergen labelling ("may contain nuts" or "cannot guarantee nut free")

Seven of the 12 establishments provided some allergen information to customers (Figure 1). Six businesses applied 'free from' declarations, four provided 'contains' allergen statements and two applied precautionary allergen labelling.

Figure 1: Allergen Information in Catering Establishments



### 2.1. Food Allergen Declarations

"Free from" declarations were the most common, with six establishments (restaurants, canteens, fast food outlets and hotels) providing 'gluten free' information on their menus and one declaring 'wheat free' and 'dairy free'. Three canteens and one restaurant declared the presence of nuts as an allergen. Two canteens applied 'may contain' precautionary statements on information notices near self service counters.

### 3. CUSTOMER REQUESTS

Customer requests for allergen free dishes are usually facilitated by removing the offending food allergen from the dish, where feasible. All of the food business operators interviewed received queries regarding food allergens in dishes at least one to five times per week, and one establishment specialising in gluten-free dishes received between 40 and 50 requests per week. The majority of requests were for gluten free dishes; but requests regarding nuts, dairy and shellfish were also received. In one establishment, a list of the ingredients and the food allergens in each dish was provided in written form to customers when they queried the ingredients in a dish.

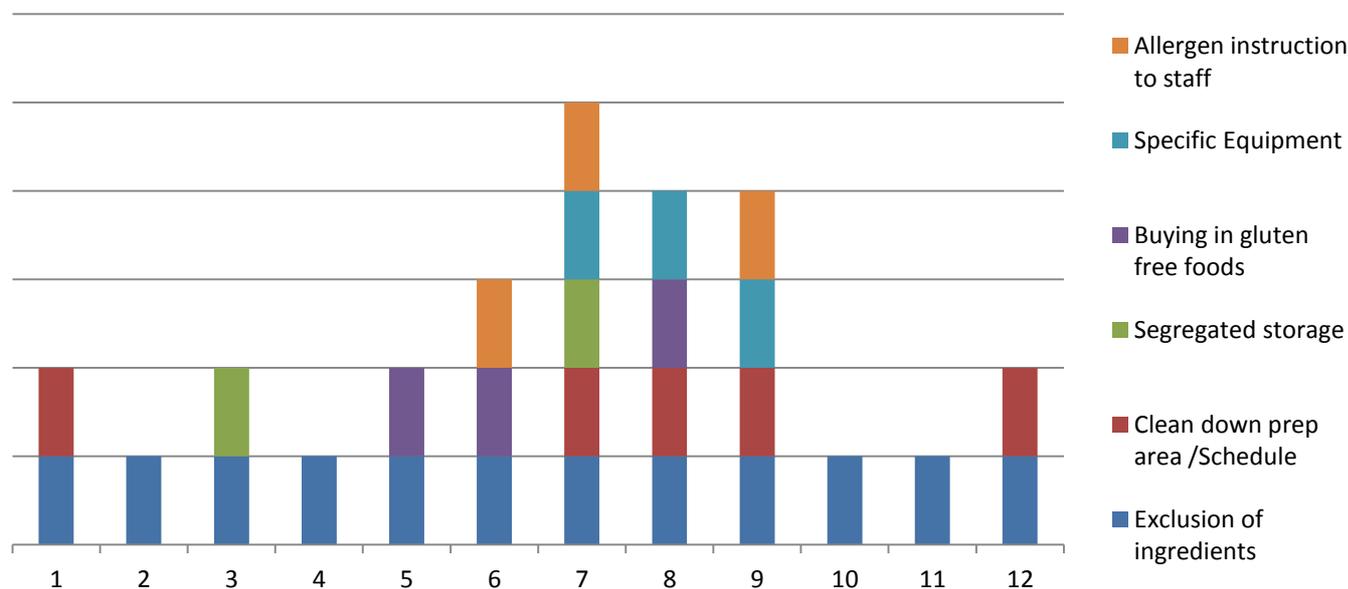
### 4. FOOD ALLERGEN CONTROLS

None of the 12 food business operators interviewed as part of this audit were familiar with all of the 14 allergens that require labelling under EU legislation. Therefore, only the food allergens with which they were familiar were controlled in those establishments. The following types of kitchen control measures were identified in the various establishments (Figure 2):

1. Exclusion of allergenic ingredients from requested dishes
2. Clean down of work area before preparing allergen free dish
3. Adjust baking schedule to minimise the risk of cross contamination
4. Purchase of gluten-free ingredients such as gluten-free bread or gravy mix
5. Separate storage area for allergenic ingredients
6. Specific equipment for allergen free foods, e.g. separate preparation equipment - knives, chopping boards, etc
7. Allergen instructions for staff when they receive an allergen request or handle food allergens

Removal of an allergenic ingredient from a dish was the primary control in all establishments, and the only option for four of them. Five establishments clean a separate work surface and prepare the non-allergenic food separate from allergenic foods. One establishment scheduled the baking of 'gluten-free 'bread to minimise the risk of cross contamination with gluten, while three bought in gluten free sauces or breads. Three establishments provided written instructions for staff on how to deal with customer requests regarding allergen-free dishes. Three establishments had dedicated equipment including specific dishes and or clothing for use in the event of allergen-free requests. The establishments which had implemented multiple allergen controls were best placed to manage the risks associated with providing safe food for vulnerable consumers.

Figure 2. Allergen Controls in Establishments Visited



## 5. AWARENESS OF NEW EU FOOD LABELLING LEGISLATION

Only four of the food business operators interviewed were aware of the new EU food labelling legislation as it relates to food allergen information provided to consumers. Two of these establishments were part of larger multi-site catering operations that had been informed about the requirements by head office, while the other two had been informed during an inspection by the environmental health officer.

## 6. CONCLUSIONS

There are many thousands of catering establishments in Ireland represented by canteens in hospitals, schools, universities and businesses, as well as commercial outlets in hotels, restaurants, cafes, pubs and takeaways. Because the requirement to declare the use of allergenic food ingredients applies only to prepacked food for now, many people with food allergies or intolerance, or their carers, either avoid dining out or do so with some trepidation. Consumers are generally becoming more aware of their rights and all caterers interviewed in this audit reported an increasing customer demand for information regarding allergens, most noticeably gluten.

The provision of information on 14 food allergens to consumers of un-prepacked food is stipulated in Article 44 of Regulation (EU) No 1169/2011 which must be implemented from December, 2014. However, it is the responsibility of individual Member States to establish the type of information to be provided and by what means.

In order to effectively prepare for the implementation of the extended food allergen labelling requirements, it is important to determine the type and extent of food allergen information and controls currently in use. Though this audit included visits to only 12 catering businesses out of the many currently trading in Ireland, the results suggest that while some caterers are conscious of, and proactive to the needs of people with food allergies or intolerances, much needs to be done if the catering industry as a whole is to be in a position to comply with the extended labelling requirements by the end of 2014. Labelling requirements can be applied in accordance with legislation, but systems, including staff training, should also be put in place that would help manage the control of food allergens in catering establishments.

### 7. RECOMMENDATIONS

The implementation of specific rules governing the allergen labelling of un-prepacked foods is being left up to individual Member States. These national rules should be effective in protecting vulnerable consumers while also being practicable and enforceable. For optimum effectiveness, they should be designed with input from stakeholders while being cognisant of the methods employed by other Member States.

To assist the catering industry to fully meet its obligations in regard to food allergens, the FSAI along with other stakeholders, should develop guidance on best practice for the management and control of food allergens in the catering environment. Catering businesses should educate their staff on food allergens and the new legal requirements while considering how best to comply with new allergen labelling requirements.

### ANNEX I. FOOD ALLERGENS THAT MUST BE DECLARED IN THE EU

The following ingredients must be declared if they are used to produce a food product:

1. Cereals containing gluten (i.e. wheat, rye, barley, oats, spelt, kamut or their hybridised strains) and products thereof, except:
  - Wheat-based glucose syrups including dextrose\*
  - Wheat-based maltodextrins\*;
  - Glucose syrups based on barley;
  - Cereals used for making distillates or ethyl alcohol of agricultural origin for spirit drinks and other alcoholic beverages.
2. Crustaceans and products thereof.
3. Eggs and products thereof.
4. Fish and products thereof, except:
  - Fish gelatine used as carrier for vitamin or carotenoid preparations;
  - Fish gelatine or Isinglass used as fining agent in beer and wine
5. Peanuts and products thereof.
6. Soybeans and products thereof, except:
  - Fully refined soybean oil and fat;
  - Natural mixed tocopherols (E306), natural D-alpha tocopherol, natural D-alpha tocopherol acetate, natural D-alpha tocopherol succinate from soybean sources;
  - Vegetable oils derived phytosterols and phytosterol esters from soybean sources;
  - Plant stanol ester produced from vegetable oil sterols from soybean sources
7. Milk and products thereof (including lactose), except:
  - Whey used for making distillates or ethyl alcohol of agricultural origin for spirit drinks and other alcoholic beverages;
  - Lactitol
8. Nuts, i.e. 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 nuts and Queensland nuts (*Macadamia ternifolia*), and products thereof, except:
  - Nuts used for making distillates or ethyl alcohol of agricultural origin for spirit drinks and other alcoholic beverages
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 expressed as SO<sub>2</sub>.
13. Lupin and products thereof.
14. Molluscs and products thereof.





Abbey Court,  
Lower Abbey Street,  
Dublin 1.

Advice Line: 1890 336677  
Telephone: +353 1 817 1300  
Facsimile: +353 1 817 1301  
Email: [info@fsai.ie](mailto:info@fsai.ie)  
Website: [www.fsai.ie](http://www.fsai.ie)