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Management Guide



Food Allergen labelling regulations 'Natasha's Law'



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Introduction

On 17th July 2016, Natasha Ednan-Laperouse purchased an olive, artichoke and tapenade baguette from a Pret a Manger outlet at Heathrow Airport. Natasha had an allergy to sesame seeds and was fully aware of her condition but had no indication that the baguette she was purchasing, actually contained sesame seeds. Sesame seeds did not appear on the surface of the baguette but were actually baked into the dough. No food allergens were listed on the food packaging which incorrectly lead Natasha to be reassured that the food was safe to eat.

Unfortunately Natasha suffered from an extreme allergic reaction to this baguette and died. However, at that time, no actual law had been broken. This was because the baguettes were actually produced in the retail outlet – and this meant that the food business could legitimately avoid using any form of allergen labelling on the packaged baguette.

The law required that information should be available but this was satisfied by signs near the displays that encouraged customers to raise any allergen queries with staff.

As a result of long campaign by Natasha's family, a change in the law has been made to prevent this happening again.

The legislation is called the UK Food Information Amendment but is colloquially known as 'Natasha's Law'. From the 1st October 2021, the requirements for food prepacked for direct sale (PPDS) food labelling changed in England, Scotland, Northern Ireland and Wales.

This amendment to the Food Information Regulations is designed to ensure that any form of fully wrapped food is labelled with details of all of the ingredients.

It is worth a reminder at this stage about the previous legislation around food allergens – the Food Information Regulations 2014.

This legislation requires information to be declared to consumers about the 14 main food allergens – celery, cereals (containing gluten), crustaceans, eggs, fish, lupin, milk, molluscs, mustard, peanuts, sesame, soya, sulphur dioxide/sulphides and tree nuts.

Food businesses need to have available, accessible and accurate information for customers on the allergen content of the food that they are offering. Purchased packaged food already had to be fully labelled but the 2014 legislation applied to non-packaged food, such as the food served in restaurants and at service counters; these are often known as 'loose foods'.

The law does not require that food allergen content is listed on menus, display shelves or screens, but that correct food allergen information is available in some format.

There is no change to the law regarding this service method but 'Natasha's Law' complements the law and strengthens it in terms of food that is packaged on the premises. This is worthy because with 1-2% of adults and 5-8% of children suffering from food allergies, there needed to be some strengthening of legislation so that these customers are more confident in their food choices.

With the introduction of Natasha's Law on 1st October 2021, this now means that any food business selling PPDS food will have to include full ingredients on an attached product label. The definition of what is considered PPDS is key and there are also specific details around what should appear on the label.



What is PPDS?

The first step is to be clear on the definition of PPDS; this means foods that are pre-packed for direct sale. The term PPDS covers foods that are prepared on the same premises, as they are being sold. Food businesses will need to label products prepared and packaged on site with a full ingredients list and allergen information.

There are three routes through which hospitality serves food: Non-Prepacked, Prepacked and Prepacked for Direct Sale. Non-Prepacked foods are also known as loose foods and could be snacks sold at a bakery or delicatessen counter, as well as meals served in a restaurant, from a service counter or from a takeaway. These cover any foods that are not packaged when they are ordered. Businesses still need to provide relevant information on food allergens but not in the form of an attached label.

Prepacked foods go to the other extreme and have to be fully labelled (not just about food allergens but nutrition, storage instructions, expiry dates, etc.). Prepacked products are defined as any food put into packaging before being placed on sale. This relates to foods delivered from a production kitchen or an external supplier, such as sandwiches, prepared salad pots and confectionery.

The third category of Prepacked for Direct Sale sits in the middle of the previous two groups and comes under 'Natasha's Law'. PPDS is food which is packaged at the same place it is offered or sold to customers and is in this packaging before it is chosen or ordered. This includes food that consumers order from a counter or select themselves from a chilled display case. Examples of foods that can fall into this category include baguettes, pasties and cakes that are made and sold from the premises in which they are made.

These foods required full labelling from 1st October 2021. The actual term 'prepacked' needs to be clarified to ensure that hospitality businesses understand how to comply.

Prepacked is defined as a single item (the food and its packaging) presented to the consumer. The food is completely or partially enclosed and cannot be altered without opening or changing the packaging. Food is considered as prepacked once it is put into packaging before being offered for sale and cannot be altered without opening or changing the packaging and is also ready for sale to the customer. Any food that is packed on the premises by a caterer in anticipation of an order, before being offered for sale, would be considered to be PPDS food.

So to clarify the scope of PPDS, it is worth outlining what sort of foods are not defined as PPDS? Firstly, this would be any food that is either not in packaging, or is packaged after being ordered by the customer. So if a customer orders a burger and it is then wrapped, there is no need for a label because the burger was wrapped after the order was taken. These are non-prepacked/loose foods and do not require a label.

PPDS food does not cover food which has no packaging, or it is packaged in such a way that the food can be altered without opening or changing the packaging; such as a pizza slice served on a cardboard plate). Another example is complimentary biscuits or chocolates placed in a hotel room but not wrapped; these are not subject to PPDS – if they are fully wrapped, they must be fully labelled. Allergen information must still be provided but this can be done through other means, including orally. Secondly, any food packed by one business and supplied to another business is not considered as PPDS. This is prepacked food and was previously subject to full labelling legislation anyway. One of the specifications of PPDS food, is that it is expected that the customer is able to speak with the person who made or packed the product to ask about ingredients. PPDS is an awkward acronym but it is basically defined as any food that is packaged at the same place it is offered or sold to consumers. The other key point to note is this covers food that is in this packaging before it is ordered or selected.



Labelling

Any business that produces PPDS food will be required to tag it with the name of the food and a full ingredients list, with allergenic ingredients highlighted within the list. This information can be printed directly on the packaging or on a label. The name needs to include an accurate description of the product. The list of ingredients must be headed or preceded by a suitable heading which consists of, or includes, the word 'ingredients'. The ingredients used must be also be listed in descending order of weight at the time the product was made. Compound ingredients also needs to be generally included. A compound ingredient is an ingredient that is itself the product of more than one ingredient. For example, this could include mayonnaise in a sandwich, where the mayonnaise itself is made of various ingredients. But there are exemptions to listing compound ingredients. For example, this could be in a mixture of spices (without additives) that make up less than 2% of the overall product. However, food additives used in food must be listed in the ingredients list using the name of their functional class, such as antioxidant or preservative.

More detail on labelling is contained within Regulation Number 1169/2011. It is recommended that information on the unintended presence of allergens for PPDS foods is communicated on the packaging or label. This is to ensure that customers with a food allergy or intolerance are aware of the risk and that food is safe.

This precautionary allergen information should only be provided if a real risk of allergen cross-contact has been identified following a thorough risk assessment. This should only be provided in scenarios where this risk cannot be removed through risk management actions, such as segregation and cleaning. The use of precautionary allergen labelling when there is not a real risk, could be considered to be misleading food information and unnecessarily limit customers choice.



Moving forward

There are three routes to ensuring compliance with Natasha's Law. Firstly, avoid serving any food that has to be packaged on the premises and buy in from suppliers. The disadvantage is that although the unit cost will be identified, it could be disproportionately expensive and the supplier will need to be regularly audited to ensure they are complying with HACCP and other food safety requirements. But the advantage of purchasing ready made sandwiches, wraps, etc., from specialist suppliers means that they will be properly labelled and it does mean that the food business has a clear unit cost of that food product, which is not always clear when produced on the premises.

A second option is to continue to package food on the premises but to use a labelling system. The disadvantage is that identifying the composition of the food product can be challenging and the accuracy of the label will only be as good as the content being used. This can be done in-house but care must be taken to ensure this is done correctly; out-sourcing label production is highly recommended. The advantage is that this is cheaper than buying in the whole product and allows PPDS food to be sold without excess costs.

The third alternative is to avoid packaging any food that is produced on the premises. The reason that a hospitality business generally packages food, is so that the food can either be self-selected from a display area or passed from a counter to a customer. This saves time but also importantly means that food is protected; food safety has driven the current high use of food packaging.

The disadvantage to not packaging, is that food safety could possibly be compromised or that there are higher labour costs, because customers need to be served, rather than helping themselves to a packaged product. To avoid PPDS, a food business would need to serve any unwrapped food directly to the customer. This is allowed because there is an opportunity for communication between the customer and the outlet, about what the food contains.

The customer may want to receive their chosen food product in a wrapper but once they have ordered it, it can then be placed in packaging and passed to the customer. It is fundamentally about the food only being packaged, after it has been ordered.



Support resources

There are plenty of information forums available to support hospitality businesses but use of the Food Standards Agency (FSA) website is highly recommended. The FSA website is authoritative and offers plenty of support resources (www.food.gov.uk/allergen-labelling-changes-for-prepacked-for-direct-sale-pfds-food) on a dedicated PPDS hub with full technical guidance, a decision making flow chart to help decide if a food is deemed as PPDS, specific guidance for labelling to cover PPDS, a helpful webinar and some e-learning training modules.

The core objective of 'Natasha's Law' is to reduce unnecessary loss of life for those suffering from food allergies. If this legislation, saves just one life, the work behind the scenes to implement this law will be worth it. But compliance with 'Natasha's Law' might also result in reduced use of disposable of food wrappings.

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