

The EU Food Information for Consumers Regulation will apply in the UK from 13 December 2014. The Regulation will mean a number of significant changes for the labelling of pre-packed food.

However, in addition, the Regulation will require allergy information to be provided on non-pre-packed foods including those sold in licensed businesses such as pubs, hotels, restaurants, take-aways and cafés. It will also apply to non-pre-packed foods supplied by caterers, for example in staff canteens, at functions or wedding buffets. Under the rules, the 14 food allergens listed in the Regulation, including peanuts, milk, eggs and cereals containing gluten, will need to be specifically highlighted to customers.

Operators will be able to provide allergy information in the ways that best suit their individual business. This could include the provision of information on a menu, a chalkboard or as part of a conversation with staff. However, in reality it is likely to be difficult to demonstrate effective compliance if a business relies only on verbal communication by staff.

Therefore, if they haven't done so already, hospitality and leisure operators selling non pre-packed food should review their menus, train staff, engage with suppliers as to ingredients and review food preparation (in terms of cross-contamination) over the coming months, to ensure that they will be in a position to comply with the Regulation from 13 December 2014 onwards.



WHEAT FREE



DAIRY FREE



NUT FREE



GLUTEN FREE



SHELLFISH FREE



LACTOSE FREE



SUGAR FREE



EGG FREE

The new allergen requirements will also apply to labels on pre-packed foods. Pre-packed foods containing any of the 14 allergenic ingredients must be labelled so that the allergenic ingredients are clearly referred to. Allergens must be emphasised in the ingredients list of a product using a different typeset (for example bold). The 'allergy information boxes' that customers in the UK are familiar with will not be permitted if they repeat the allergens in the ingredients list, but can be used to refer customers to the ingredients list. Alcohol, including wine, will no longer be exempt from allergen requirements and producers will need to provide allergen information where ingredients are derived from one or more of the 14 allergens specified in the regulations.

Other changes for pre-packed foods will include font size requirements for general mandatory particulars; use by dates to be given on each individual pre-packed portion; and the introduction of compulsory country of origin labelling for certain products. Compulsory nutrition labelling will be in force from 13 December 2016. Any voluntary nutrition labelling provided before 13 December 2016 but after 13 December 2014, will be required to be given in the new format.

Responsibility for the information on labels will rest with the operator under whose name the food is marketed or the importer into the EU (so for 'own brand' products, the responsibility will rest with the brand). However, even operators (including retailers) who do not affect the information at all, must not supply food which they know or presume has non-compliant labelling.

In England and Wales, with the implementation of the new labelling regime, the primary mechanism for enforcement will be improvement notices rather than prosecutions. However, for food safety requirements and allergen labelling requirements, these may still be dealt with from the outset as criminal prosecutions.

If you require advice on the legal obligations for your food business, due diligence, or labelling requirements, please contact Rob Elvin or Nicola Smith for assistance.

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