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BRITISH RETAIL CONSORTIUM
for successful and responsible retailing

The background of the entire page is a close-up, high-angle photograph of a large quantity of roasted peanuts. The peanuts are golden-brown and appear to be in various stages of roasting, with some showing their characteristic ridges and others being more rounded. The lighting is bright, highlighting the texture of the shells.

BRC Guidance on Allergen Labelling and the Requirements in Regulation 1169/2011

INTRODUCTION

Regulation (EU) No. 1169/2011 on the provision of information to consumers (EU FIC) was published on 25 October 2011. It entered into force in December 2011, leaving companies until December 2014 to comply with its provisions.

In the area of allergens the Regulation introduces new requirements. It specifically requires allergens to be highlighted in the ingredients lists.

This document has been produced, by the British Retail Consortium (BRC) with support from the Food and Drink Federation (FDF), to help companies in their implementation of the provisions of the Regulation. In addition, retailers felt that the new Regulation brought an opportunity for a more consistent allergen labelling approach; the document reflects the approach that the majority of retailers have agreed to implement.

It is important to note that this document will help companies comply with the allergen provisions in EU FIC; however this is not the only way. The European Commission and Government Departments could publish guidance allowing a more pragmatic interpretation of the provisions of the Regulation.

“The Food Standards Agency very much welcomes the BRC’s efforts to achieve greater consistency in allergen labelling and interpretation of the new provisions. This consistent approach will make it much easier for the allergic consumer to find and understand the allergen information provided on prepacked foods and help them to make safer food choices.”

The Food Standards Agency



ALLERGY BOXES / ADVICE / STATEMENTS

Background

Feedback from the Commission has indicated that the ‘contains (list of allergens)’ statements that many companies have been using as part of the allergy boxes, allergen advice or allergen statements on pack; will no longer be allowed, according to the provisions in EU Regulation No. 1169/2011 (EU FIC).

Consumer research has suggested that consumers, who have been relying on these allergy boxes or statements to obtain allergen information, are likely to overlook the information provided in the ingredients list.

Voluntary advice

Therefore, we advise that companies who have been using an allergy advice or allergen statement on pack, prior to the publication of EU FIC, continue to use these. However the ‘contains ... (list of allergens)’ statement will be replaced by one of the following phrases:

Allergy Advice
For allergens, including cereals containing gluten,
see ingredients in **bold**

Allergy Advice
For allergens, see ingredients in **bold**

The reference to ‘bold’ in the phrases will be replaced with the highlighting option chosen by each company. Each company will maintain the format for the allergy box or allergy statement they were previously using for this information on their labels.

The first phrase, which makes reference to allergens including cereals containing gluten, will be used in products containing a cereal containing gluten in their composition. For products which do not contain a gluten containing cereal as an ingredient, the second phrase will be used.

This phrase should be followed by the following potential cross contamination statement. With the purpose to avoid consumer confusion, the word “also” will be used in this phrase:

Example: Also, not suitable for customers with peanut allergy
Also, may contain soya and egg
May also contains nuts

BRC Guidance on Allergen Labelling (EU FIC)

Exemption: The word 'also' will be removed when the product contains no deliberate allergens and therefore the first statement is not used.

The allergen in the cross contamination statement will not be highlighted in bold (or the company's chosen method of highlighting). See below for examples.

Information in the allergy boxes, allergen advice or statements is to be given in a font size, at least as big as the font used for the ingredients list.

Examples

INGREDIENTS
Sunflower oil, water, white wine vinegar, sugar, pasteurised free range egg yolk, Parmigiano Reggiano cheese (4%) (milk), salt, extra virgin olive oil (1%), concentrated lemon juice, dried onion, Worcester sauce, garlic purée, black pepper, onion purée, anchovy paste, stabiliser xanthan gum, citric acid <i>Worcester sauce</i> contains water, spirit vinegar, barley malt vinegar, sugar, molasses, salt, onion powder, garlic powder, tamarind extract, ginger powder, chilli powder <i>Anchovy paste</i> contains anchovy (fish), salt, olive oil, spirit vinegar
ALLERGENS
For allergens see ingredients in bold

Ingredients
Oatmeal Bread (51%) (Wheat Flour, Water, Oatmeal , Wheat Bran, Yeast, Salt, Spirit Vinegar, Wheat Protein, Emulsifiers (Mono- and diglycerides of fatty acids - Vegetable, Mono- and diacetyl tartaric acid esters of mono- and diglycerides of fatty acids - Vegetable), Vegetable Oil (Rapeseed, Palm), Malted Barley Flour, Flour Treatment Agent (Ascorbic acid), Soft Cheese* (25%) (Milk) (contains salt), Scottish Farmed Smoked Salmon (Fish) (contains Sea Salt, Demerara Sugar), Single Cream (Milk), Lemon Juice, Black Pepper.
Allergy Advice
For allergens, including cereals containing gluten, see ingredients in bold May also contain egg, soya

INGREDIENTS: **Wheat** flour, dried onions, palm oil, dried parsley, skimmed **milk** powder

Allergy Advice!

For allergens, including cereals containing gluten, see ingredients in **bold**
Also, not suitable for customers with peanut allergy

INGREDIENT LIST

Background

The EU FIC requires substances and products causing allergies or intolerances to be indicated in the list of ingredients, with a clear reference to the name of the substance or product causing the allergy or intolerance. These substances are listed in Annex II of the EU FIC.

The substances or products causing allergies should be emphasised through a typeset that clearly distinguishes it from the rest of the list of ingredients, for example by means of the font style or background colour.

1. Highlighting method

The preferred option is bold. However companies may use other ways of highlighting the allergens in the ingredients list, as this is not specified in the legislation.

2. Nuts

The named nuts in Annex II of the Regulation will be listed by their specific name in the ingredients list. No reference to the word 'nuts' will be included between brackets after the named nuts.

Exemption: pecans and macadamias will be declared as pecan nuts and macadamia nuts. For these nuts, both words 'pecan' and 'nuts' should be in bold, for consistency with nuts such as hazelnuts.

Exemption: The word 'nuts' can be used in the cross contamination statement, instead of referring to each one of the nuts potentially present.

Examples: Also may contain nuts, or
Also may contain almonds, brazil nuts and hazelnuts.



3. Fish

'Fish' will be declared in brackets straight after every fish, even common species such as salmon, cod or mackerel.

*Exemption: Fish species like swordfish can be declared as **swordfish** or swordfish (**fish**)*

Companies may want to use the statement 'contains **fish**' in fish sold as such, especially if the product name does not contain the word fish.

Example: Tilapia (fish), Basa (fish) or Basa (contains fish)



4. Crustaceans and molluscs

The words '**crustacean**' or '**mollusc**' will be declared in brackets straight after every crustacean and mollusc.

Example: prawn (**crustacean**), oyster (**mollusc**)

For a certain period of time, and with the aim of helping consumer understanding, some companies may choose to highlight the actual crustacean and mollusc in addition to the words crustacean and mollusc.

Example: **prawn** (**crustacean**)

Companies may want to use the statement 'contains **crustaceans**' or 'contains **molluscs**' in products sold as such.

Example: In a pack of mussels, the following statement could be used 'contains **molluscs**'



5. Milk

For all ingredients containing or derived from milk, 'milk' will be declared in brackets straight after the ingredient.

Example: Lactose (**milk**)

However, where the ingredient name contains the word 'milk', it will be highlighted in the name of that ingredient and not repeated in brackets.

Example: Dried skimmed **milk**

'**Milk**' will be declared after ingredients such as cream, yogurt, cheese and butter, despite consumers' understanding that these products contain milk.

Example: Curry Sauce



INGREDIENTS: Water, Low Fat Greek Style Natural Yoghurt (**Milk**), Mayonnaise (Water, Rapeseed Oil, Spirit Vinegar, Sugar, Potato Starch, Corn Starch, Pasteurised **Egg** Yolk, Salt, Lemon Juice), Mango Chutney (Sugar, Mango, Salt, Vinegar, Cloves, Cinnamon, Water, Acetic Acid, Spices), Curry Paste (Water, Vegetable Oil, Garlic, Concentrated Tomato Puree, Coriander, Ginger, Onion Powder, Turmeric, Sugar, Paprika, Cumin, Corn Starch, Chilli Powder, Acetic Acid, Lemon Juice, Fennel, Chilli, Fenugreek, Pepper, Lactic Acid, Mixed Spices), Coriander, Salt

Companies may want to use the statement 'Contains **milk**' in cream, yogurt, cheese and butter sold as such (these products will not have an ingredients list).

6. Cereals containing Gluten

Cereals containing gluten will be declared in the ingredients list using the specific name of the cereal, i.e. wheat, rye, barley, oats, spelt or kamut.

Example: **wheat** flour, **oats**, malted **barley** flour, ...

Any reference to gluten will be removed from the ingredients list, except when gluten is used as an ingredient in its own right. In such cases, it will be listed as 'gluten (**wheat**)' or '**wheat** gluten' or '**wheat** protein'. The following phrase will be used in the allergy box/advice to highlight the deliberate presence of a cereal containing gluten:



Allergy Advice
For allergens, including cereals containing gluten, see
ingredients in **bold**

The following statements, or similar, will be used in products where there has been a risk of cross contamination by a cereal containing gluten:

May also contain gluten
May also contain a gluten containing cereal
Also may not be suitable for Coeliacs or gluten allergy sufferers
May also contain other gluten sources (name gluten sources)

7. Sulphites and sulphur dioxide

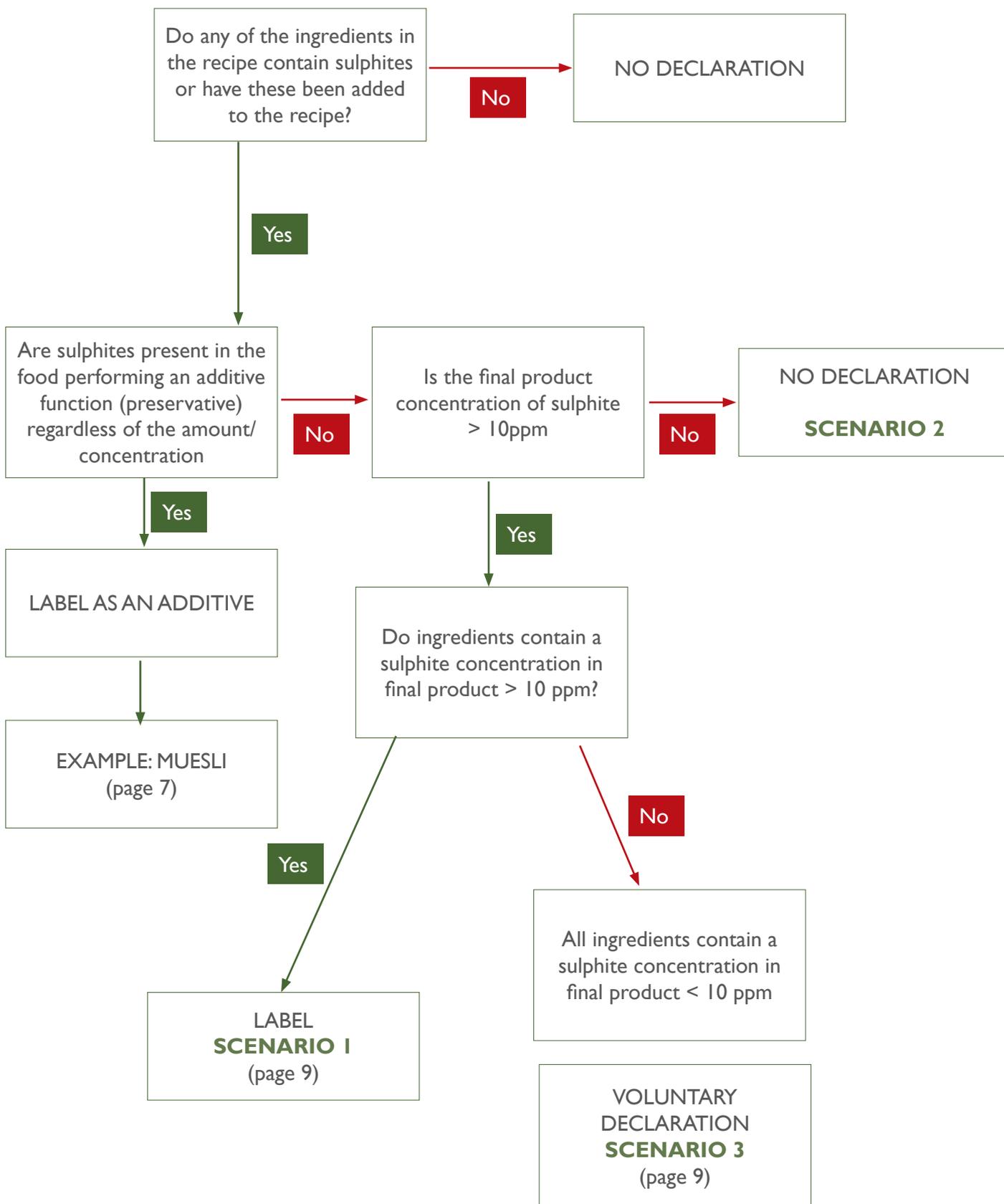
The Regulation requires ingredients containing sulphur dioxide and sulphites at concentrations of more than 10mg/kg or 10mg/litre in terms of the total SO₂ in the final product, to be declared as allergens.

Note: The additives legislation (Regulation 1333/2008) requires sulphur dioxide and sulphites performing an additive function in the product to be declared by their chemical name (i.e. sodium metabisulphite, potassium metabisulphite, sodium hydrogen sulphite, potassium hydrogen sulphite, sulphur dioxide). Sulphur dioxide and sulphites present in foodstuffs as processing aids or due to carry over, which are not performing a function in that foodstuff, can be declared as sulphites.

Example: Muesli

INGREDIENTS: **Wheat** Flakes (22.2%), Jumbo **Oats** (18.5%), **Barley** Flakes (14.8%), Sultanas (13.0%) (Sultanas, Vegetable Oil, Preservative (**Sulphur Dioxide**)), Apricots (7.4%) (Apricots, Preservative (**Sulphur Dioxide**)), **Oats** (7.4%), **Peanuts** (5.9%), Malted **Wheat** Flakes (5.6%), Sunflower Seeds (3.0%), Roasted **Hazelnuts** (2.2%)

DECISION TREE - SULPHITES



Scenario 1

Final product total concentration SO₂ > 10ppm
Some ingredients - concentration of SO₂ in final product > 10ppm

For all ingredients containing SO₂ in a concentration above >10ppm in final product, sulphites* will be declared in brackets straight after the ingredient.

Example: Baked cereal bar

INGREDIENTS: Oats (22%), Raisins (20%) (sulphites), Figs (10%) (sulphites), Apricots (5%) (sulphites), Hazelnuts (6%), Glucose Syrup, Wholegrain Oat Flour, Raw Cane Sugar, Honey, Vegetable Oil (Rapeseed Oil, Palm Oil), Rice Flour

Scenario 2

Final product total concentration SO₂ < 10ppm
All ingredients – concentration of SO₂ in final product < 10ppm

Reference to sulphites, as allergens, in the ingredients list is not required.

Scenario 3

Final product total concentration SO₂ > 10ppm
All ingredients – concentration of SO₂ in final product < 10ppm

Voluntary Declaration: For all ingredients contributing towards an overall product final concentration of SO₂ > 10ppm in final product, sulphites* will be declared in brackets straight after the ingredient.

Example: Fruit cake

Ingredients containing < 10ppm SO₂ in final product:

- Dried Apricots – 2000ppm, contributing 6ppm SO₂ in final product
- Glacé Cherries – 50ppm, contributing 3ppm SO₂ in final product
- Candied Mixed Peel – 60 ppm, contributing 4ppm SO₂ in final product
- Invert Sugar Syrup – 10ppm, contributing 2ppm SO₂ in final product
- Icing Sugar – 10 ppm, contributing 2ppm SO₂ in final product

INGREDIENTS: Mixed Fruit With Brandy (Currants, Raisins, Sultanas, Glacé Cherries, Dried Apricots, Candied Mixed Peel, Brandy, Vegetable Oil, Preservative (sulphites)), Icing Sugar, Dark Brown Sugar, Wheat Flour, Almond Marzipan, Chopped Blanched Almonds, Apricot Jam, Black Treacle, Mixed Spice.

Dried Apricots contain: Apricots (sulphites), Rice Flour

Icing Sugar contains: Icing sugar (sulphites), Anticaking Agent (Tricalcium Phosphate)

Almond marzipan contains: Sugar, Almonds, Glucose Syrup, Invert Sugar Syrup (sulphites), Preservative (Potassium Sorbate)

Glacé Cherries contain; Cherries (sulphites), glucose-Fructose Syrup, Sugar, Colour (Anthocyanins)

Candied mixed Peel contains: Citrus Peel (Orange Peel, Lemon Peel, sulphites), Glucose Syrup, Glucose-Fructose Syrup, Sugar)

Apricot Jam contains: Glucose-Fructose Syrup, Apricots (sulphites), Sugar, Gelling Agent (Pectin), Citric Acid, Acidity Regulator (Sodium Citrate)

8. Allergens within a word

The Commission's questions and answers document, providing guidance on the EU FIC, states that if the name of an ingredient partly includes the name of a substance/product causing allergies or intolerances in a single word, the part of the name of the ingredient that corresponds to the substances/products listed in Annex II should be highlighted, e.g. **oat**meal.

However, in the spirit of a pragmatic approach, highlighting the entire name of the ingredient concerned, e.g. **oatmeal**, would also be considered as complying with the legal requirements.

When the name of an ingredient consists of several separate words, only the substance/product causing allergies or intolerances should be emphasised, e.g. **barley** malt extract.

9. Contains

Allergens present in products which do not have an ingredients list will need to be declared as part of the phrase "contain ...". The allergens declared in that phrase will be highlighted using the same style chosen by the company to highlight allergens in the ingredients list for other products. For example, the statement 'contains **sulphites**' in a bottle of wine.

Companies may want to choose to present the 'contains ...' phrase within the same allergy advice/box/ statement format used for foods with an ingredients list.

Example: **Allergy advice!** Contains **sulphites** or Contains **sulphites**

10. Exemptions

Substances derived from an allergenic ingredient, which have been specifically exempted from declaration under Annex II of the Regulation, do not need to be highlighted in the ingredients list.

Example: Wheat glucose syrup



ALLERGENS PRESENT IN THE PRODUCT

BRC and FDF Advice - February 2010

European legislation has identified the most common food allergens in Europe and requires that only they and their derivatives, unless specifically excluded, are declared on labels.

The allergens are:

- Cereals containing gluten – wheat, rye, barley, oats, spelt, kamut or their hybrid strains
- Crustaceans
- Egg
- Fish
- Lupin
- Milk
- Molluscs
- Nuts – almond, hazelnut, walnut, cashew, pecan nut, Brazil nut, pistachio nut, Macadamia nut and Queensland nut
- Peanut
- Soya
- Sesame
- Celery and celeriac
- Mustard
- Sulphur dioxide and sulphites

Manufacturers and retailers will only declare the allergens on the EU list and will apply allergen risk assessment and controls to these ingredients throughout the production process.

A number of other foods can cause allergic reactions but are not considered to be common allergens in Europe and have therefore not been included on the EU list. Examples include:

- Garlic and onion
- Yeast
- Chestnut, pine nuts and coconut

Manufacturers and retailers will not emphasise ingredients such as garlic, yeast or chestnuts, pine nuts and coconut in the ingredients list. They will educate consumers to understand that these are not common allergens (some consumers wrongly believe that chestnuts, pine nuts and coconuts are nuts), by developing level playing field labelling and disseminating this practice and information through the allergic consumer organisations in the UK.

These ingredients will continue to be listed in the ingredients list but not be highlighted as allergens.

BRC Guidance on Allergen Labelling (EU FIC)

Chestnut, pine nuts and coconut can be heavily cross-contaminated with allergic ingredients, e.g. pine nuts often contain traces of peanuts. From now on instead of declaring the presence of these ingredients, manufacturers and retailers will be communicating, with messages such as 'may contain' or 'not suitable for', the potential presence of an allergenic ingredient due to cross-contamination, if deemed necessary, after undertaking a thorough risk assessment.

The list of allergens will be revised in accordance with amendments to the European legislation. Furthermore based on sound available scientific evidence, BRC and FDF, following discussions with their members may consider revising this advice to take into account additional allergenic ingredients.

BRITISH RETAIL CONSORTIUM

The British Retail Consortium (BRC) is the lead trade association for the UK retail sector and the authoritative voice of the industry to policy makers and the media.

We represent the whole range of retailers, from the large multiples and department stores through to independents, selling a wide selection of products through centre of town, out of town, rural and virtual stores.

Retail is one of the UK's success stories, but currently faces a challenging trading and regulatory environment. Our aim is to bring about policy and regulatory changes that will ensure retailers thrive and maintain their outstanding record in creating jobs, product innovation and consumer choice.

Our vision

To work with our members to sustain a successful and responsible retail sector.

Our mission

To make life easier for our members by:

- Campaigning to promote and defend retailers' interests
- Advising retailers of threats and opportunities to their business
- Improving the perceptions of retailing in the UK
- Offering members a range of services and products which add value to their business

<http://www.brc.org.uk>

FOR FURTHER INFORMATION

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