

An Assessment of Compliance with Allergen Information Regulations (as Applied to Non-Pre-Packed Food) in the Republic of Ireland



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Our thanks also go to the staff of all of the food outlets that were not too busy to allow us to ask questions and assess how they found compliance with the regulations.

And finally, thanks to Sarah Slocombe for helping with the street work element of the assessment, proofreading and making sure we also saw some of the heritage sites in Ireland that we would otherwise have missed.

*The Food Safety Promotion Board is a cross-border organisation also covering Northern Ireland.

About the Authors

Iain Ferris is an expert on Food Safety and Food Standard. Since 2017 he has been a Lecturer in the School of Chemical Engineering at the University of Birmingham, teaching students of food regulation at MSc level. Prior to that he spent 15 years as a Food Safety Officer with South Gloucestershire Council. Before that he managed a number of food retail outlets for a major commercial food business operator.

Paul Carey is, inter alia, leading a campaign to change the law that applies to provision of information about allergens in the non-pre-packed food sector in the United Kingdom, known as Owen's Law. This follows the death of his teen age son, Owen Carey, who died from an anaphylaxis shock after ingesting food containing an undeclared allergen at a Byron Burger* restaurant in London in April 2017.

*For the avoidance of the doubt the company that held this brand name at the time has since gone into administration and the brand name is now owned by another, separate organisation.

Executive Summary

For those people living with allergies, the provision of food information about the presence of ingredients that are likely to trigger a reaction is essential. Therefore in order to protect these consumers, most countries implement legislation that requires the declaration of prescribed allergenic ingredients. The rules can differ however between countries. This is true in the case of legislation for non-prepacked foods such as those sold in restaurants and takeaways. There are some important differences in the legislation implemented in the Republic of Ireland compared with the United Kingdom for foods sold non-prepacked. In the UK, food business operators are permitted to provide information in any way they choose, including orally. However, in the ROI information must be made available in written form without the need to ask, such as on the menu or a matrix. The requirements within ROI are similar to those proposed by the 'Owen's Law' campaign. This research therefore aims to assess the level of compliance of food businesses within the ROI to examine the feasibility of the introduction of 'Owen's Law'.

Over four days in August 2023 the authors visited 64 Irish food business operators serving non-prepacked food to check compliance with food information laws. In addition to observing the provision of information, semi-structured interviews were conducted with some of the food business operators. The study only assessed whether and how allergen information was provided, and the degree and ease of compliance with the relevant Irish legislation. It did not assess whether the information provided was accurate or whether there were any consequential effects from the provision of information.

The overall results found that there was a high degree of compliance with the Irish legal requirements for the provision of allergen information, with 70% of businesses providing written details of the allergens in their meals without the customer having to ask. A further 19% of businesses had written information but it was only available when asked. The methods used varied between symbols, numbers and words, but, in the opinion of the authors, all methods were easy to understand.

Furthermore, when measuring ease of compliance with the regulations on a scale of 0 (impossible) to 10 (extremely easy), the average score awarded by businesses was 7.6 and the score most often given was 8. The majority of those who score at this level cited maintaining the same ingredients/suppliers as being key to complying.

Of those that did not comply fully, or at all, with the regulations, the reasons cited varied between not having had the time (yet), simple administrative errors, to (in one case) indifference to the legal requirements.

The findings suggest that the implementation of 'Owen's Law' in the United Kingdom is feasible, and businesses would be able to comply with the requirements. When comparing the results of this research with a previous study in 2017 it demonstrates that compliance levels increase over time. In addition, it highlights the importance of support from the competent authorities in providing guidance and training on how to apply the regulations.

Introduction

According to the latest figures released by the UK National Health Service (NHS) food-related anaphylaxis and other adverse reactions, have increased from just under 1,971 admissions in 2002-03 to over 5,013 admissions in the year 2022-23 representing a 154% increase (Medicines and Healthcare products Regulatory Agency 2023).

For those people living with allergies, information on the presence of certain ingredients is essential to ensure their safety. In order to protect this vulnerable group most countries have regulations that require food business operators (FBO) to provide this information. In the UK and EU this is Regulation 1169/2011 on the provision of Food Information to Consumers (FIC), and what is required largely depends on whether the product is prepacked or not.

Prepacked (PP) foods are single items of food that have been put into packaging before being offered for sale where the food is enclosed in such a manner that it cannot be altered without first opening the packaging¹. Prepackaged products are required to bear an ingredients list where the presence of any of the 14 specified allergens, listed in annex II of the FIC, are highlighted, for example in bold font². This applies to all PP food sold in the UK and EU.

Non-prepackaged (NPP) foods on the other hand includes foods that are not presented in packaging such as in restaurants or where they are only put into packaging after being sold such as in takeaways or butchers and bakeries. FIC advises that the *“evidence suggests that most food allergy incidents can be traced back to non-prepacked food. Therefore, information on potential allergens should always be provided to the consumer”*. Article 44 of FIC therefore requires that allergy information relating to the presence of the 14 allergens must be provided. However, these regulations permitted EU member states³ to prescribe how the information was provided. Within the UK therefore the requirements for allergen information on NPP are contained within Regulation 5 of the UK’s Food Information Regulations 2014. This Regulation requires allergy information to be provided although it permits the FBO to provide the information *“by any means the operator chooses, including ... orally”*. If however the FBO chooses to provide the information orally *“the operator must indicate that details of that substance or product can be obtained by asking a member of staff”* and this indication must be either *“on a label attached to the food, ... or on a notice, menu, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food”*.

The regulations in the Republic of Ireland (ROI) that apply to food business operators serving non-pre-packed food are entitled the *“Health (Provision of Food Allergen Information to Consumers in respect of Non-Prepacked Food) Regulations 2014”*. In contrast to the UK the ROI is more prescriptive about how allergen information must be provided and requires **written** particulars of any allergen in the food to be indicated *“at the point of presentation, the point of sale, or the point of supply”*. It also details how the information must be provided stating that it must be freely and easily accessible before the sale or supply of the food, at least in English or Irish and English language, in a conspicuous place, such that it is easily visible and available to the final consumer or mass caterer, in clear legible script, and presented in a manner such that there is no possibility of confusion as to which food the information relates.

¹ Article 2.2(e) of FIC

² Article 21 of FIC

³ The UK was an EU member states at the time of implementation of these regulations.

In simple terms, the regulations require the information on allergens in each non-pre-packed food item or meal offered for sale to be easily available and in writing at the point of sale. Guidance issued says that it is expected that the allergen information is made available without the consumer having to ask for it (Food Safety Authority of Ireland 2022).

Since the introduction of the Food Information Regulations in 2014 there have been several serious incidents in the UK relating to the provision of NPP food. In 2017 Owen Carey (age 18) suffered a fatal reaction after a product described on the menu as grilled chicken was incorrectly advised that it did not contain milk. In the same year, Chloe Gilbert (age 15) also died after consuming kebab meat that contained yoghurt. The previous year, another allergy-related incident took the life of Natasha Ednan-Laperouse (age 15) after she purchased a sandwich that contained sesame. In each of these cases the FBO had opted to provide allergy information orally and the consumer, or the server, did not expect the allergen to be present in the product as described. Had the information been provided in written format in the manner described in the laws of the ROI, it is possible that these deaths may have been prevented.

Owen's Law (see Appendix I) is a campaign to amend the UK's current legislation around allergens to require, *inter alia*, information to be provided in writing at the point of sale, similar to the current law in ROI.

Enforcement of the regulations is carried out in Ireland by the Health and Safety Executive. This is a national organisation. In contrast, in the UK the responsibility for enforcement of food information is enforced by either Trading Standards or Environmental Health Departments within local authorities. As is expected, the role of the enforcement officers is as much about education as it is about issuing enforcement notices or making prosecutions.

One of the arguments against the introduction of 'Owen's Law' is that potentially businesses will not be able to comply with additional rules. This study therefore was carried out to assess how well the regulations are complied with in the ROI and the ease with which FBOs find it to comply.

Methodology

The objective of this research was to establish the extent to which FBOs within the ROI complied with the laws relating to the provision of allergen information. To achieve this, visits to a range of food businesses in the capital city and smaller, provincial and rural locations were conducted. The areas chosen were Dublin, Tipperary and Limerick, the latter two being considered typical of smaller towns and cities outside the major cosmopolitan metropolis that is Dublin. In addition, stops were made en route at Kildare and Killaloe, both being small rural towns. Specific FBOs in each city/town were not determined in advance. The selection of both the locations and premises were selected based on convenience to give a broad picture of compliance. At each location, FBOs were selected having regard to their apparent size and location, to gather information from a broad cross-section of FBO types and sizes.

Initially, the food business was assessed for compliance with Irish food information laws by observing whether allergen information was freely available (without having to ask) and in writing. Where the information was not freely available, it was asked for.

Where appropriate photographs were taken of:

- the FBO's exterior
- the menu that a prospective customer is most likely to see upon approaching the FBO
- the menu that is available for ordering
- any disclaimer or allergen notice

Where possible an interview with the food business operator was conducted. A semi-structured questionnaire was used to achieve the objective of gaining the view across all FBOs (see Appendix 2), but additional questions were also asked where appropriate. In some cases, information was freely volunteered by the interviewee.

The first few interviews were carried out by both researchers so that a common approach to questioning the staff of the FBO could be determined.

The responses to each of the questions was noted in writing at the time to avoid the risk of confusion between different FBOs. Food was not ordered in advance of asking questions.

In addition to the above, photographs were taken of menus offered by other non-interviewed FBOs where they were clearly on display, typically mounted in the front window of the premises. In some cases, the FBO was closed at the time of the visit. These photographs were taken simply to illustrate how the allergens in each item were presented (if at all).

The study did not attempt to check the accuracy of the information or test any food product to assess its full ingredients, or to determine if it contained any undeclared allergen, or trace levels.

Results

Businesses visited

The study aimed to visit a variety of different premises that were selling non-prepacked foods. The following section details the results from the visits and interviews conducted.

A total of sixty-four businesses were visited during the course of the survey. Figures 1-4 below detail the diverse range of businesses that were featured in the study according to type, food sold, ownership and location. The classification of food sold was based on the authors' assessment rather than any standard classification that may be applicable.

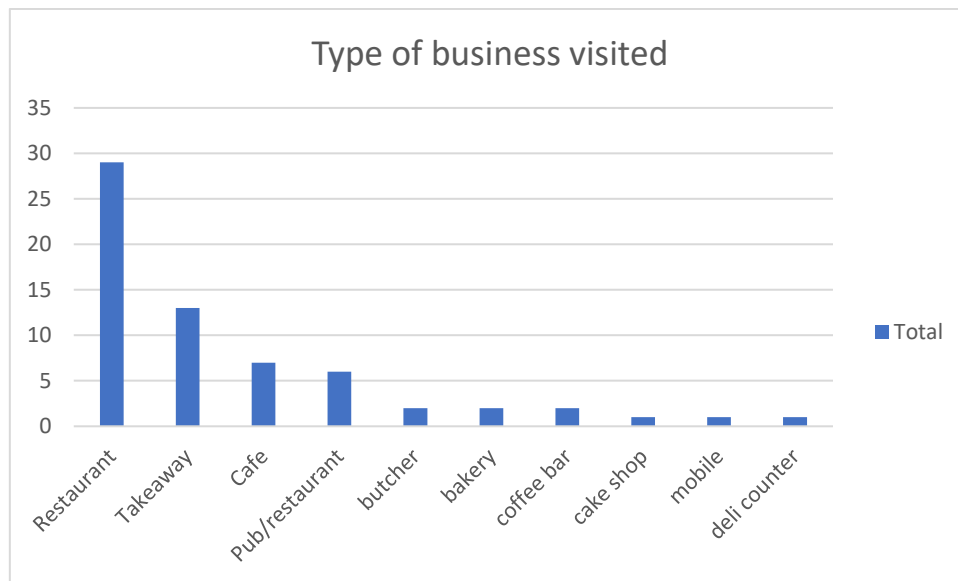


Figure 1- Type of business visited

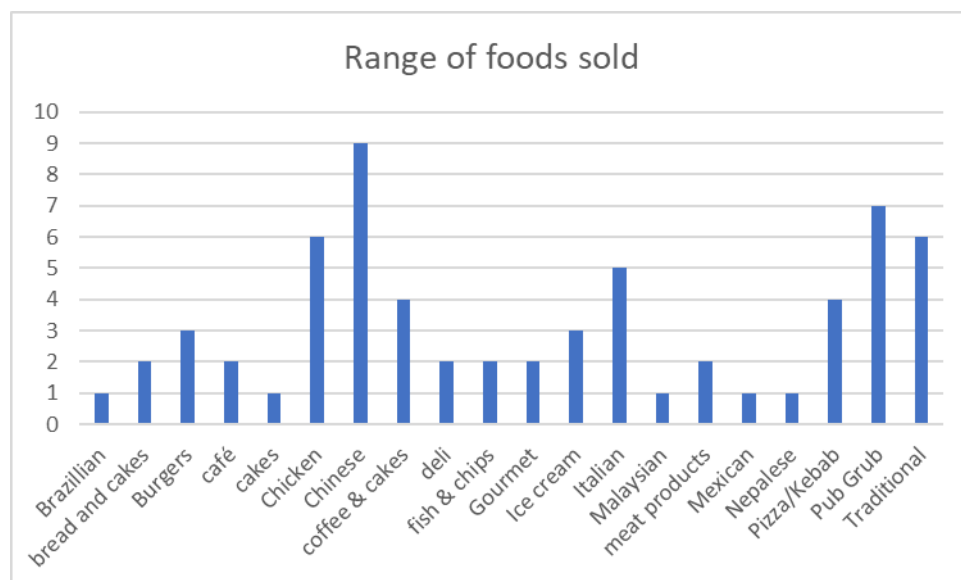


Figure 2- Type of Foods Sold

Almost three quarters of the sixty-four premises in the study were independently owned.

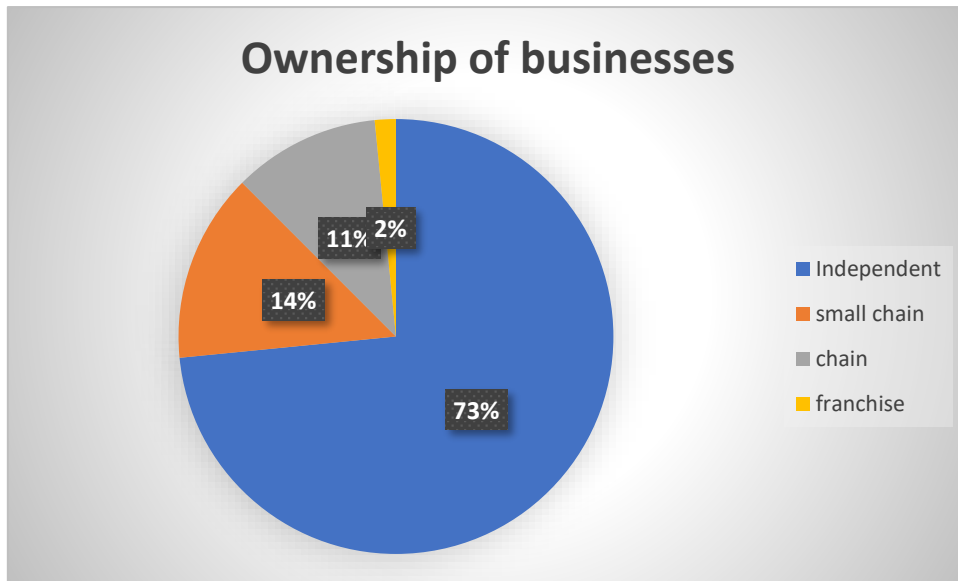


Figure 3- Ownership of businesses

The premises visited were in a number of locations although the majority were in Dublin and Limerick.

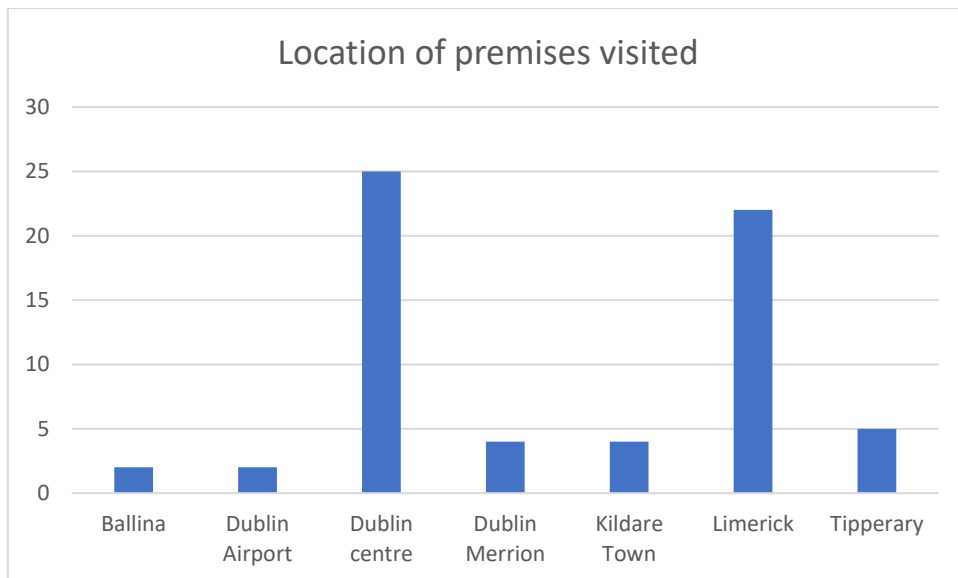


Figure 4- Location of Premises Visited

Availability of Allergen Information

In the Republic of Ireland, information about allergens in a food must be freely and easily accessible before the sale or supply of the food. Of the sixty-four premises in this study, forty-five of them provided written allergen information that was readily available without having to ask, whilst a further eleven provided written information when requested. One premises claimed to have written information but refused to show it and seven premises had no written allergen information.

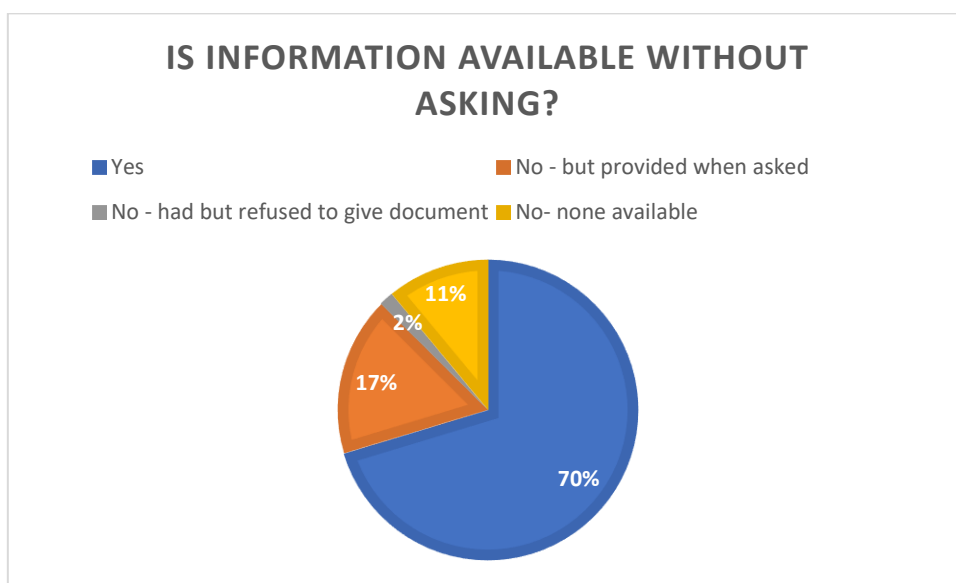


Figure 5- Information available without asking

Where information was provided, this was done in a variety of ways. In many cases the allergens were represented by a number or letter and then a key was provided at the bottom or top of the menu. In some cases, more specific details were provided regarding some of the allergens such as the type of nut or cereal. Often the menu was displayed on the external window or entrance to the FBO’s premises. Figure 6 below shows a small selection of menus observed⁴.

⁴ Further images are available on request to the authors.

RICE		
Duck Rice	2,4,5,7	€18.00
Char Siu Pork Rice	2,4,5,7	€18.00
Half & Half		€19.00
Sautéed Beef	2,4,5	€17.00
Braised Pork	2,4,5	€17.00
Chicken Curry	1a,2,6,7	€17.00

SIDES		
Rice	3	€3.50
Deep Fried Potato	1a	€3.50
Kimchi	7,12	€3.00
Pickles	12	€3.00
House Chilli Oil	2	€2.00
House Chilli Sauce	2	€2.00
Gochujang	1a,1b,4	€2.00

Allergens
 1a Wheat 1b Barley 1c Rye 1d Oat
 2 Sesame Seeds 3 Molluscs 4 Soybeans 5 Eggs 6 Milk 7 Fish
 8 Peanuts 9 Celery 10 Mustard 11 Crustaceans 12 Sulphur Dioxide & Sulphites 13 Lupin

Please inform your server if you are allergic to food allergens listed below.

A: Celery	B: Gluten Containing Cereals
C: Crustaceans (shellfish)	D: Eggs
E: Fish	F: Lupin
H: Molluscs	I: Mustard
K: Peanuts	L: Sesame Seeds
N: Sulphur Dioxide	O: Coconut
M: Milk	J: Nuts
	N: Soy

Madam Mok Special Fried Rice & Noodles

8 Yong Chow Fried Rice (CDE)	€10.80
9 Singapore Fried Rice (CDE)	€10.80
10 Nasi Goreng (BMOCHN)	€10.80
11 Tom Yum Thai Fried Rice (ABLDE)	€10.80
12 Singapore Chow Mein (CDILEM)	€10.80

Pick Mix Dishes
 Pick your favourite and meat from the following sections, create your own dish

Step 1:
Meat Choice:

Roast Duck	€12.50
House Special (King Prawn, Beef, Chicken, Roast Pork)	€11.50
King Prawn, Chicken	€11.00
Beef	€9.50
Crispy Shredded Chicken	€9.80
Crispy Shredded Beef	€9.80
Mixed Vegetables	€9.00

Step 2:
Sauce Choice:

- Chop Suey (BCHM)
- Green Pepper in Black Bean Sauce (BHM)
- Mushroom Black Bean Sauce (BHM)
- Cashew Nuts (BHM)
- Cantonese Sauce *Duck Only
- Sweet & Sour Sauce (BN)

Spicy Sauce

- Curry Sauce (ABI)
- Satay Sauce (ABIK)
- Black Pepper Sauce (BHM)
- Kung Po Sauce (BJM)
- Szechuan Sauce (BLMN)
- Crispy Chilli Sauce (BD) (Crispy Shredded Chicken / Beef)
- Chilli Basil Sauce (BCE)

Thai Sauce (Spicy)

- Green Curry Sauce (CEG)
- Red Curry Sauce (CEG)
- Thai Sweet Chilli Sauce (BEH)

Step 3:
100% Choice

- Boiled Rice
- Chips

Appetizers	
Mushroom Velouté €8.50 (Contains Nuts)	Fresh soup complemented by a delicate hazelnut and a crispy parmesan garnish. Served with side of crusty sourdough bread. (2, 7, 12)
Tomato Bruschetta €10 (Contains Nuts)	The classic Italian flavours of our marinated vine tomatoes, mozzarella, pesto and toasted sourdough. (2, 7, 12)
Crispy Wings €10	Ultimate crunch with our golden fried wings. (7, 12, 13) Served with choice of dip: arlic mayo (13) / chipotle mayo (13) / BBQ (3, 7)
Goats Cheese Salad €10 (Contains Nuts)	phony of flavours and textures to delight your senses. It's goat's cheese croquettes, beetroots, candied walnuts, pickled onions, orange segments, beetroots sauce, citrus dressing. (2, 7, 12)
Crispy Fried Calamari €10	Enjoy a zesty dip of chipotle mayo with our deliciously tender & juicy calamari. (7, 9, 12, 13)
Vegan Cauliflower Wings €10 (Contains Nuts)	avour a sticky ginger & sesame sauce, served with a wedge of lime & vegan garlic aioli. (2, 3, 4, 7)
Traditional Arancini €10	is into the perfect combination of risotto rice and mozzarella, coated with breadcrumb, accompanied by pomodoro sauce, rocket, basil & parmesan. (7, 12, 13)
Chicken Skewers €11 (Contains Peanuts)	avour the succulent goodness of our marinated chicken on a skewer, served with a nutty satay sauce. (1)
Honey BBQ Ribs €11	xperience a fusion of flavours with our pork ribs marinated with hoisin sauce, roasted in honey & coated with BBQ sauce. (3, 7)
Beef Croquettes €12	Experience the tenderness of slow cooked short rib of beef with st. Italo goats cheese, coated in breadcrumb & served on a tomato sauce. (7, 13)

Seafood Entrée	
Gambas Pili Pili €12.50	Indulge in the bold flavours of tiger prawns cooked in olive oil, garlic & chilli, served with a of warm sourdough. (7, 10, 12)
Mussels Bianco €13.50	Tender mussels cooked in white wine, shallots, garlic, red pepper flakes and parsley. (5, 7, 11, 12) Served with sourdough bread.
Asian Spicy Mussels €13.50	Delight in the exotic combination of lemongrass, chilli, ginger, basil and fishnet sauce. (1, 7, 10) Served with sourdough bread.

To-Share	
Perfect Starter Platter for Two €25	Experience the crispy indulgence of traditional arancini, the rich delight of beef croquettes, and the succulent satisfaction of our scampi. Elevated by this trio of delights, tangy pomodoro, aromatic pesto and homemade tartar. (7, 10, 12, 13)
Mains Course	
Half Roast Chicken €17	Dig into a traditional roast chicken with sage onion stuffing, served with a side of roast chicken jus & your choice of side. (7)
Lemon Chicken €17	Succulent chicken breast, paired with crispy sweet potato and a zesty lemon cream sauce and a medley of carrots and broccoli, served with a side of your choice. (7, 12)
Fish Taco's & Chips €17	Enjoy the flavour of Mexico with our corn tortilla wraps, filled with battered flake, lettuce, guacamole, chipotle mayo & pickled onion. (7, 9, 12)
Lightly Breaded Scampi €25 (€10 supplement)	Succulent scampi, coated with crispy panko breadcrumb, sprinkle of fragrant parsley, homemade tartar sauce, served with your choice of side. (7, 10, 13)
Yang Pang Chicken €17 (Contains Peanuts)	Indulge in the spiciness of our spiced chicken fillet coated in breadcrumb, honey roasted butternut squash, pickled onions & a nutty satay sauce. (1, 7, 13)
Chicken Caesar Salad €15 (Contains Nuts)	Bite into a generous portion of grilled fillet of chicken, baby gem lettuce, aged parmesan, panchetta, licorice croutons & Caesar dressing. (2, 9, 7, 9, 12, 13)
Fish & Chips €18	Sink your teeth into our crispy battered hake, served with tartar sauce & mushy peas. (7, 9, 12)
Singapore Noodle €17.50 (Contains Peanuts)	Savour the original flavour of thin noodles stir fried with chicken, prawn, bean sprouts, onions & pepper, served with chicken skewer & satay sauce. (1, 3, 4, 7, 10, 13)
Fajitas (Beef / Chicken / Veg) €17	Get a taste of Tex-Mex with our spicy hot platter. Fajita with sour cream, salsa, guacamole & flour tortilla. (7, 12)
Chinese Curry (Beef / Chicken / Veg) €16.50	Experience the medium heat of our classic Chinese Curry, served with your choice of side. (7, 11)
Thai Red Curry (Beef / Chicken / Veg) €17	Indulge in the exotic flavour of our coconut based medium hot curry. Served with your choice of side. (9)
Stir Fry (Beef / Chicken / Veg) €16.50	Enjoy the delicious combination of your choice of protein, fried with garlic, chilli, oyster sauce & vegetables. Served with your choice of side. (3, 4, 11)

ALLERGEN INFORMATION	
1: PEANUTS	2: NUTS
3: SOYA	4: SESAME
5: SULPHITES	6: MUSTARD
7: GLUTEN	8: LUPIN
9: FISH	10: CRUSTACEANS
11: MOLLUSCS	12: MILK
13: EGGS	14: CELERY

Figure 6 - Images of allergens declared on Menus

In some premises the information was provided on a matrix located on a wall within the premises such as in the images in figure 7.

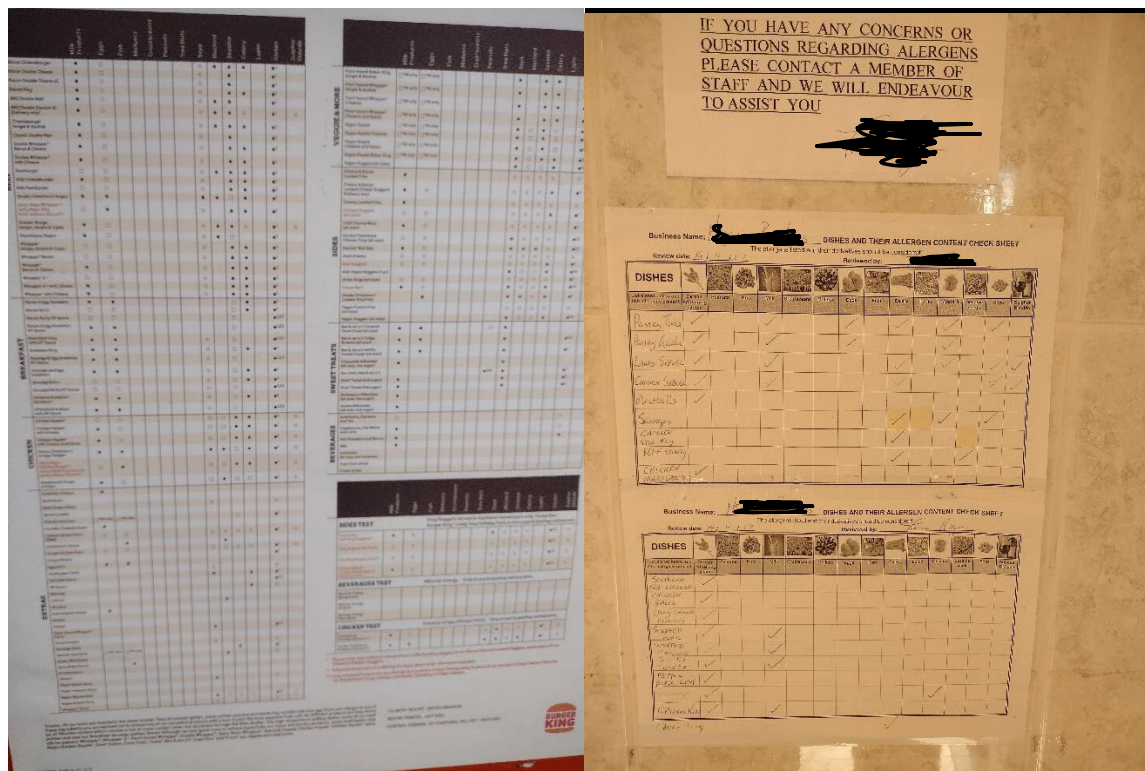


Figure 7- Images of matrix-style information

Another option used by some businesses was the provision of a folder that contained the allergen information and typically, this was left on the counter.

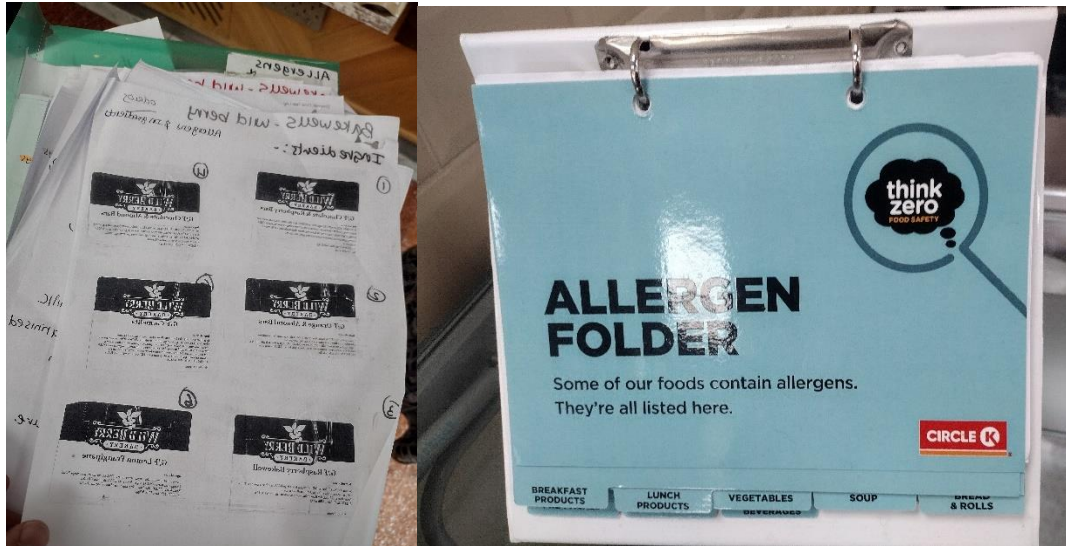


Figure 8- Images of information provided in folders

There were some businesses that displayed non-prepackaged foods, such as cakes. It was common for these products to have a label in front of them detailing the allergens.



Figure 9- Images of information provided next to the food

Non-Compliant businesses – not freely accessible

There were eight businesses that had information although it was only made available when asked for. One of the factors observed that affected whether the information was available was the lack of space for the folder. In the case of a large multinational chain, a standard green coloured folder contained the allergen information but this was not placed where it was evident to the consumer prior to ordering, ie it was not “easily accessible”. In some cases, the top of the folder was visible (with the FBO’s logo clearly seen) but the words “Allergen Information” was obscured by the counter wall. It was explained that there was insufficient room to locate the folder in a clearly visible location on the counter. One business refused to give the folder containing the written information to allow the contents to be observed.

In two cases the information was retrieved upon asking but was in a form that could have easily been fixed to the display counter without affecting the presentation of the food on offer (ice-creams).

Non-Compliant businesses – no written information available

From the forty-six premises visited, seven did not provide any written allergen information. In one case there was a notice that the foods could potentially contain any of the fourteen allergens and their menu identified the fourteen allergens but did not highlight which dishes they were in. Thus they were not complying with the requirement to provide the information.





Figure 10 - Images of the menu where allergens were declared but not which foods they were in

Profile of non-compliant businesses

Of the seven businesses that provided no information, four of them were located in Limerick compared with two in Dublin and one in Ballina. This represents six per cent of premises visited in Dublin compared with eighteen per cent in Limerick. Six of the businesses that were non-compliant were independently owned businesses, whilst one was part of a small chain of restaurants.

All of the eight premises that were part of a national chain or a franchise provided written allergy information, although in two of them, the information had to be requested.

Other advice and disclaimer statements

Of the fifty-seven businesses that provided written allergy information, twenty-four had additional advisory statements relating to allergens. Half of the allergy statements advised that anybody with

an allergy should speak with a member of staff prior to ordering foods. Half of the statements included a disclaimer such as not being able to guarantee that the product was free of traces of allergens due to the environment in which the food was produced.

How easy did food business operators find it to comply?

Thirty businesses that were interviewed were asked how easy it was to comply with the legal requirements to provide allergy information. The businesses were asked to rank the difficulty where zero was considered impossible and ten was extremely easy.

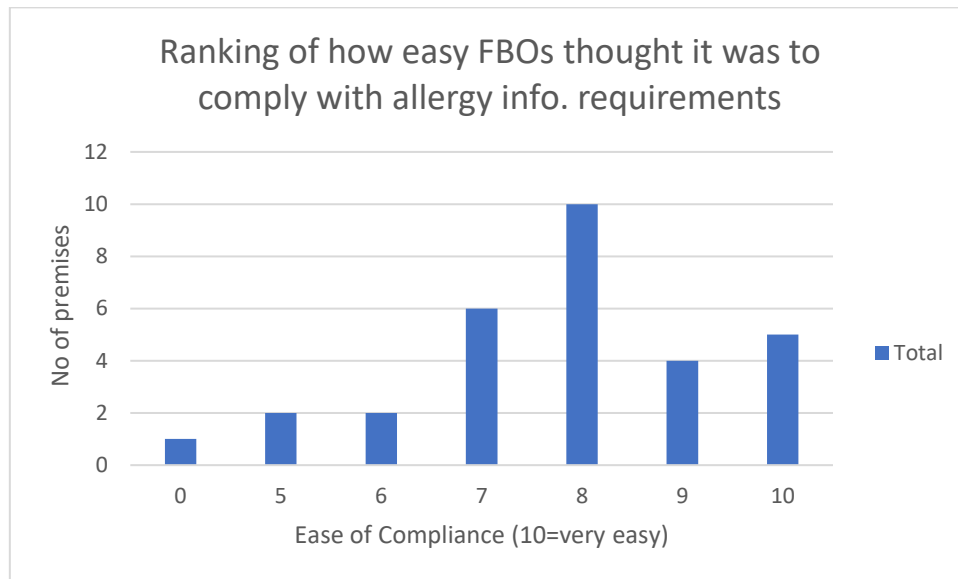


Figure 11- Ranking of how easy FBOs thought it was to comply with allergy info. requirements

Challenges for the food business

The use of different ingredients in a catering business poses a potential problem for ensuring information is up-to-date and accurate. During the interviews carried out, businesses were asked whether they used the same ingredients and brands for their dishes. Of the twenty-four respondents that answered this question, twenty-three said that they did.

The research conducted did not attempt to verify the accuracy of the information provided.

During the interviews, some FBOs expressed that documenting the allergens was initially time-consuming but once it was completed it was not a problem provided they did not change anything.

Twenty-two out of twenty-three businesses interviewed stated that they provided some form of training in allergens. This varied between in-house training, external courses and training provided by the Irish Health and Safety Executive.

Discussion

Level of compliance

The level of compliance with the Irish Regulations amongst the food businesses examined was reassuringly high, with seventy per cent of businesses providing written information that was easily accessible. In addition, a further seventeen per cent made the information available when asked. When compared against the Food Hygiene Rating Scheme (FHRS) implemented in England, Wales and Northern Ireland it can be seen that the levels of compliance are broadly similar to the levels of compliance with food safety legal requirements generally. The FHRS shows that seventy-six per cent of food businesses received the highest rating of 5⁵. A previous study carried out by the Food Standards Agency of Ireland in 2017 found that only thirty-four of the fifty premises audited provided written allergy information but thirteen of these did not make the information readily available (FSAI 2017) . When compared to the findings of this study it would appear that there has been some improvement in compliance.

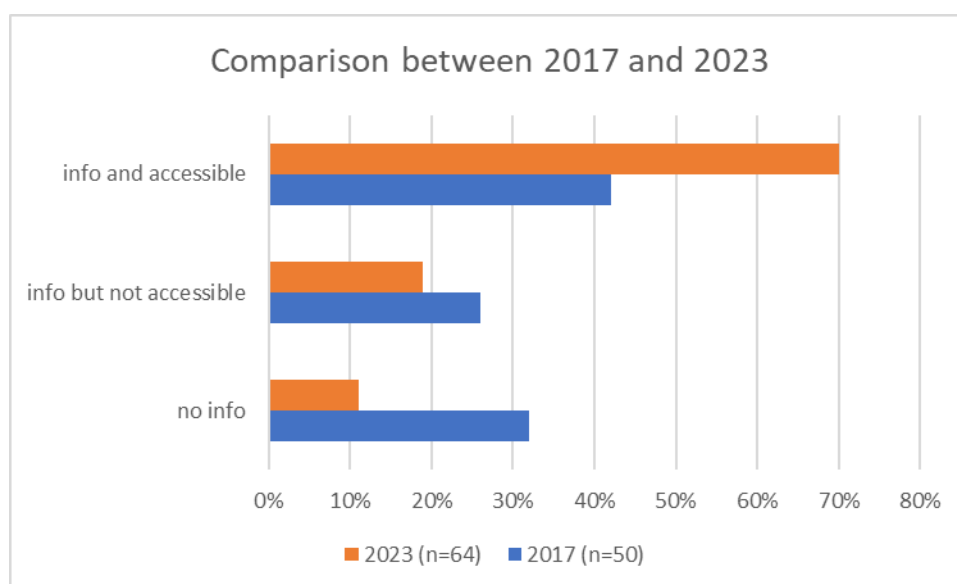


Figure 12 - Comparison of compliance between 2017 and 2023

Information Provided

The information was provided in several different formats.

Some businesses provided written allergy information on the menu. Copies of the menu were often displayed in the window as well as inside the premises. freely available on the tables inside. This was a common choice for many restaurants and takeaways. A common method of providing the necessary information was to represent the allergens with numbers and provide a key at the bottom of the menu.

For some allergens such as cereals and nuts, some businesses provided more specific details about which type of cereals or nuts such as below:

⁵ Correct on 11th November 2023 with 361,217 out of 472,619 food businesses scoring five. Data available at <https://ratings.food.gov.uk/>

- 1 Cereals containing gluten (1a wheat, 1b rye, 1c barley, 1d oats)
- 2 Crustaceans
- 3 Egg
- 4 Fish
- 5 Peanuts
- 6 soya
- 7 Milk
- 8 Nuts (8a almonds, 8b hazelnuts, 8c walnuts, 8d cashews, 8e pecans, 8f brazil nuts, 8g pistachio, 8h macadamia)
- 9 Celery
- 10 Mustard
- 11 Sesame
- 12 Sulphites
- 13 Mustard
- 14 Mollusc

These 14 allergens are those prescribed in Annex II of Regulation 1169/2011 and in the order listed in the legislation although the order of presentation did vary between food businesses. Occasionally not all fourteen were listed (or used in the descriptors) and this would be acceptable if the premises did not produce any foods containing the omitted allergen. In one case an additional item (coconut) was included in the list.

In some cases symbols were used following a system recommended by the FSAI. This is as shown below:

Figure 13 - FSAI allergen checklist

The provision of information in a written form has the advantage that the consumer can identify what foods on the menu contain specific allergens. Where the allergens are written on the menu, it

was relatively easy to identify which dishes are suitable for the person with allergies without having to ask about each dish. In addition to making ordering more efficient, it can highlight any unexpected allergens that may be present in the dish.

Where it was provided in a matrix format there is the additional benefit of being able to see all dishes and the allergens that they contain. Thus it would allow both the consumer and the FBO to identify whether the allergens are handled on the premises in any of the dishes. Not only does this provide information about the ingredients in the product, but it can also aid in the assessment of the risk of cross-contamination of allergens within products since it makes clear what allergens are handled in all of the products on the premises.

Information was sometimes provided in a folder. When this method was used it was found that the information was not always readily available due to a lack of space to display the information. During discussions with the FBOs, occasionally they also raised concerns about the information 'going missing' and hence why it was kept behind the counter. Whilst most of the folders observed contained the allergen information in a form that was easy to understand some of the folders observed were disorganised and contained many labels from various products that they sold. There was one folder that contained excess information about dishes they were not selling. Although these matters were not breaches of the law, they would mean that the consumer would probably need the help of the FBO to find the information.

In premises where foods were ready prepared and displayed loose, it was common to find the allergy information on a label placed in front of the product alongside information such as the name of the food and the price.

In many of the premises that were visited the manager of the food business was not present and it was difficult to conduct an interview. However, as the information was already available in a written form in most premises it helped the server in the identification of the allergens in the different dishes. Additionally, it places the responsibility for the information with the food business operator even in their absence.

Having a written list of allergens contained within the foods provided an easier method of responding to consumer queries. In addition, it may help in the training of staff who serve the allergic consumer as the process of identifying the allergenic ingredients in the food is already provided.

Accuracy of Information

The research was not able to assess the accuracy of the information on the menus. However, under article 7.2 of FIC, food businesses must ensure that any information they provide is accurate, clear and easy to understand. In discussions with the businesses, some expressed supply chain issues where they had found it difficult to obtain some ingredients so had to use replacements or occasionally would change suppliers or ingredients. This may mean that allergy information is incorrect. Where a business has printed menus with allergy information, this would incur the expense of reprinting the menu, however where this is likely to occur the business could instead provide a matrix for the allergens, meaning that only one document needs alteration. Most of the businesses interviewed however claimed that they did not change brands or suppliers and where this was raised as a concern, a matrix was chosen as the method of providing information.

Managing Change

Under hygiene legislation, food businesses are required to put in place a food safety management system based on the principles of Hazard Analysis and Critical Control Points. This system requires that a food business review its procedures when there are any significant changes such as new ingredients. Changing recipes and ingredients can pose a risk to the allergic consumer and therefore it is recommended that businesses pre-empt this hazard by considering the impact of substitute ingredients. In some cases, it is possible that whilst brands or suppliers are changed it has little or no effect on the allergen content of the food. This however needs to be established by the FBO. Where allergenic ingredients have changed however, in addition to changing the information it is good practice to inform all staff of the change and to warn consumers of the change if necessary. In addition to the analysis of hazards, a food business should have in place prerequisite programmes (PRPs). These are programmes that provide the general environmental conditions necessary to produce food safely and are often referred to as Good Hygiene Practice (GHP) or Good Manufacturing Practice (GMP). These include PRPs such as training, pest control and premises design, food businesses should have a programme for managing suppliers and ingredients. Within this programme a food business should detail where their foods are bought from but also should consider the impact of any products that may be substituted. Changing ingredients could have a significant impact on packaged products as it is liable to render the information incorrect. This risk posed by changing ingredients should be considered within the programmes and steps taken to address the problem. A food safety management system based on HACCP principles is intended to be a proactive approach to food safety and a business should consider the possibility of changing ingredients and the possible impact it may have. Most of the businesses spoken to during the research, stated that they didn't change suppliers or ingredients. Sourcing alternatives may have little effect if the new ingredients do not introduce a change in the allergen content. For example, swapping brands of white bread may not introduce new allergens into the product. Similarly using a different brand of butter may not introduce another allergen, although changing from a vegetable fat spread to a butter will.

Ease of Compliance

Some of the FBOs interviewed expressed that creating the list of allergens did take time initially, but once it was completed, provided ingredients remained the same, there was no additional burden. Most of the businesses did not think it was difficult to comply with the food information laws in Ireland. When rating how easy it was to comply with the laws, the lowest score given by businesses that provided information was five. One business that was not compliant expressed that it was extremely difficult to comply with however, explaining that they were a start-up business and had not had time to complete this work. Interviewees who were not compliant were mostly not willing to be interviewed although those who had completed the written information tended to find it easy to comply with and were aware of their obligation to do so. It is worth noting that Ireland has implemented these laws since 2014 and therefore businesses have had a significant time to comply. During discussions with the food businesses, many of them referred to help and assistance that they had received from environmental health officers and the information provided by FSAI. Thus it highlights the importance of the role played by the competent authority in supporting businesses to comply. Small and medium-sized enterprises tend to rely on the competent authority for guidance on how to comply with legislation in a practical way that would apply to their business rather than taking a proactive approach to compliance (Yapp & Fairman 2006).

Other Allergy-related Statements and Disclaimers.

Of the fifty-seven businesses that provided written allergy information, twenty-four also made additional allergy-related statements. Half of these statements encouraged consumers to tell the food business of their allergies before ordering, whilst the others were a general disclaimer that the business could not guarantee that their food was free from any allergens. Currently food information law does not extend to information relating to the presence of unintended allergens, however there is a significant risk that foods may become contaminated during the production of food in catering outlets. In restaurants there are many challenges in preventing cross contamination with residues of allergens that may be sufficient to elicit an allergic response. So, if a restaurant knows that they are catering for somebody with an allergy, it allows them to take extra measures to minimise the risk. Therefore encouraging the consumer to tell the food business of their allergy is good practice, either in written form or asking when taking an order. The use of blanket disclaimers on the other hand are less useful to allergic consumers, especially where they state that they cannot guarantee the food is free from any allergen. One business for example had provided details of all allergens in their foods, none of which contained peanuts, but yet still carried a disclaimer that their foods may contain nuts.

As suggested earlier, one of the advantages of having written details of all the allergens in the products sold in the premises allows the FBO to make a more informed assessment of the risk of contamination. There is no reason to warn consumers about an allergen where the allergen is not contained in any of the foods on the premises. Knowing which allergens are in the different dishes being prepared using the same equipment can also help identify the allergens likely to cause contamination.

Conclusions

The results of this study show that in the Republic of Ireland there is a high degree of compliance with the requirements to provide written information. Most businesses interviewed stated that the requirements were not particularly onerous. This was particularly true when the FBOs did not change suppliers or ingredients. They did however express that compliance did require some initial effort to assemble the necessary information and set it out in an appropriate form.

The results when compared with a study carried out in 2017 show an increase in the level of compliance with the provision of information and suggests that achieving a high-level of compliance with any new laws is likely to take time. It also highlights the important role that the competent authority plays in supporting food businesses with guidance as to how the legislation applies to them in a practical way.

Overall, however, the results demonstrate that the introduction of legislation in the United Kingdom, similar to that in the Republic of Ireland such as 'Owen's Law' can achieve a high degree of compliance.

Appendix 1

Owen's Law Requirements

Changes in the Law

1. Restaurants to put more appropriate and accurate information about the allergens in their food on the face of the main menu and in a detailed allergy matrix, so that customers have full visibility on what they are ordering. This should be in the form of standardised symbols representing the fourteen major allergens to be printed by each dish on the face of the menu, and breakdown of each dish with the full ingredient list of each component to be listed in the allergy matrix, with it being an offence if they fail to do so

Changes in the Regulations

2. Restaurants to be obliged to initiate a discussion with customers about allergies on all occasions, so that customers do not have to ask

3. All servers to positively ask each customer if they suffer from any allergies

4. All servers have to read out the food order and any dietary requirements with the customer before submitting it to the kitchen

5. Duty Managers to be obliged to directly supervise this process where allergies are present, with it being an offence if they fail to do so

Changes in Guidance and Industry Practice

6. Better training for waiting staff, especially in fast food and high staff turnover environments

7. Thorough and certified allergy and first aid training (by a registered charity?) at least for the Duty Manager to whom all other more junior staff can refer

8. A simple computer food database that large chains could provide in addition to the allergy matrix; this would speed up customers with allergies finding out what meals they could eat

9. Development of a smart phone app that assists with the database

10. Development of an industry standard "Allergen ID Card"/bracelet/necklace, with a QR code, that identifies the holders' allergies so servers can know without doubt their allergy situation

Research into Allergies

11. Proper recording of, and a national register for, anaphylaxis deaths*

12. Further general research into the causes of allergies and possible cures

Appendix 2

Semi structured interview questions

1.Business Name

2.Address

3.Type of premises

4.Type of food

5.Ownership

Part of a national chain

part of a small chain

Independent

6.Is information on allergens available in writing without asking?

Yes/No

7.Was the information clear?

Yes/No/Mostly

8.Did it appear to cover the full menu?

Yes/No

9.What appears to be missing?

10.Did the business use a disclaimer statement?

Yes/No

11.What does it say?

12.How easy does the food business operator think it is to comply with allergen information requirements? (10 being very easy and 0 being impossible to comply with).

13.What practical challenges do the allergen laws cause the business

15.Does the business always use the same brands/ingredients

Yes/No

16.Is specific allergen training provided to staff?

Yes/No

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