

By email: ps.mark.spencer@defra.gov.uk

Our Ref: MC2023/00315

15 December 2023

Dear Mark

Following our meeting earlier this week I am writing to you to set out the outcome of the December FSA Board meeting with respect to the topic of food hypersensitivity. At the FSA we are committed to making lives better for the 2 million people who have a food allergy, food intolerance or coeliac disease and have had a programme of work in place on food hypersensitivity since 2019.

The FSA Board met on 13 December and considered a paper setting out options for the next steps with a particular focus on how allergen information is communicated in the non-prepacked sector such as restaurants and cafes.

Currently, food businesses can provide allergen information by any means they choose, including verbally, provided there is some form of written signage to inform customers on how that information can be found. This requirement is set out in the Food Information to consumers (FIC) Regulation No. 1169/2011, more details can be found in the Board [paper](#). FSA research along with engagement with consumers and allergy charities has demonstrated that a greater emphasis on detailed written information readily accessible to the consumer, is both desired by consumers and should help them and businesses better manage their risks. It also indicated that this is more effective when supported by a conversation.

The paper that went before the Board therefore recommended that we should update FSA policy to reflect the need for there to be both clear written information and a conversation.

During discussions, the Board firmly agreed that we should set an expectation that food businesses provide allergen information in writing as well as having a conversation with people with food hypersensitivity. The Board also agreed that to maximise the likelihood of this happening, the provision of written information should be a legal requirement and that this should be our policy position. They were content for the detail of how this should be done and the need and nature of a conversation to remain in updated guidance.

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Both the Board and I recognise that while the change to guidance falls within the FSA remit it is for Ministers to determine whether legislative change is required to underpin it. I therefore made a commitment to the Board to write to you, Minister at Defra and Ministers in the Devolved Governments to set out the Board's view above and to seek to understand your views on this matter.

In line with the Board's decision FSA will work to develop strengthened guidance for food businesses on how to provide written allergen information alongside a useful conversation so that we can quickly start to make improvements that will be helpful for people with food hypersensitivities when they are eating out.

If you would like more detailed advice on this matter my officials can provide this in the New Year. I look forward to hearing your views.

Best wishes

A handwritten signature in cursive script, appearing to read 'Susan', enclosed in a thin black rectangular border.

Professor Susan Jebb OBE, PhD, FRCP (Hon), FMedSci

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ANNEX A

Our Food: An Annual Review of Food Standards across the UK 2022 Overview of Chapters

The nation's plate: consumers and food standards

- The cost of food increased by on average by 11% during 2022, with oil and spreads, dairy products and non-dairy alternatives, and fish, eggs, meat and other proteins experiencing some of the sharpest increases and foods that are high in fat, salt and sugar experienced smaller price rises than many other staple foods. However, our analysis of people's purchasing data suggests there has not been any significant shift in how we divide our spending between different food categories. Overall spending on food also fell slightly last year – the first year-on-year fall for more than a decade – as wider pressures on household budgets squeezed disposable incomes.

- Food prices became the top food concern for UK consumers in 2022, surpassing all other food-related concerns for the first time since FSA/FSS polling began. A smaller, but sizable number of people were worried about being able to afford food. People also reported making changes to what and where they ate throughout 2022 including changing what they bought or where they shopped, swapping premium or luxury items for cheaper alternatives, eating out less, and ordering fewer takeaways in an effort to reduce costs.

- The number of households reporting food insecurity across England, Wales and Northern Ireland rose to one in five, the highest level since tracking began in 2016, with a further 13% of households reporting marginal food security. This suggests that up to a third of all households have material concerns about having enough food to eat. One in ten households are experiencing very low food security with regularly disrupted eating patterns and reduced food intake. A similar trend has been seen in Scotland, 40% of adults were worried about affording food in December 2022, compared to 17% in Wave 10 (July 2020).

Going global: the standards of imported food and feed

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Keeping it clean: hygiene standards in food and feed establishments

- Nine in ten businesses inspected by local authorities across the UK achieved a satisfactory or better rating for food hygiene based on data collected on 31 December 2022. However, hygiene ratings can only ever reflect data taken from the last inspection carried out on each establishment. We remain heavily reliant on historic data from past inspections to assess whether hygiene standards have been maintained. Local authorities are continuing to restore hygiene controls and make up the backlog in inspections in line with their recovery plans. Overall inspection volumes for 2022 are now returning to pre-pandemic levels.

- While the available data on hygiene standards in meat, dairy and animal feed establishments is incomplete in places, the general picture based on the last available inspection suggests that the vast majority of businesses inspected are operating safely, with more than 89% compliance across these sectors.

- The immediate workforce capacity challenges created by the redeployment of staff the pandemic have largely recovered. However, the proportion of unfilled food hygiene posts held by local authorities is increasing and the overall resource allocated to managing food hygiene is 13.8 percent less than in 2010/11 in England, Wales, and Northern Ireland FSA and FSS believe this is putting unsustainable pressure on existing local authority teams and may increase the risk of important food safety issues being missed.

- The number of food standards allocated posts in England, Wales and Northern Ireland, which are largely staffed by trading standards officers, have declined by 45.1% from 2011/12 to 2021/22, while a high proportion of the workforce is also approaching retirement age. Our concern is that this reduced capacity to assess authenticity, labelling and allergens compliance may compromise food standards in the future.

- In Scotland, the number of occupied food law officers has fallen by just over a quarter compared to 2016/2017. The Society of Chief Officers of Environmental Health in Scotland (SoCOEHS) have reported that since 2016, there has been a reduction of 14% in posts within Environmental Health, a reduction of filled posts of 21% and a 315% increase in vacancies.

- Securing enough veterinary resource to manage inspections in meat establishments is being hampered by a shortage of veterinarians entering the profession, an increase leaving the profession and challenges in recruiting additional veterinary professionals from European countries. While short term contingency measures – most notably the use of temporary registration for veterinarians from overseas to work under supervision – have allowed meat hygiene inspections to be maintained during 2022, it is important that we retain our experienced OVs and develop new ways of managing demand.

Safe and sound: Food incidents, food crime and surveillance sampling

- Available data on food and feed incidents paints a relatively stable picture for 2022. There have not been any meaningful shifts in the overall volume of food and feed incidents reported, or in the number of alerts issued by FSA and FSS. While cases of STEC O157 rose to their highest levels since 2015 due to a major outbreak in summer 2022, rates of other foodborne disease have returned to pre-pandemic levels.

- The national food sampling programmes conducted last year shows that products from large food businesses are achieving very high rates of compliance across a range of authenticity and safety checks. But it is clear that more work is needed to help smaller food businesses improve their compliance levels, and further action is needed to tackle specific failures across certain product types, particularly with regards to breaches in allergen controls. Both the FSS and Defra studies also show the importance of continued surveillance of meat products to ensure authenticity and composition standards are being met. Information gathered from the 2022 surveys will help inform future sampling in 2023/24 surveillance activities.

- Our national food crime units carried out major investigations across the UK during 2022, resulting in high-profile prosecutions. They also delivered a range of targeted actions to disrupt criminal activity. However, our food system remains a target for criminals, particularly in light of the challenging economic environment and the disruption to food chains caused by global events. Although we have not found any evidence to suggest that this translated into more criminal activity during 2022, our food crime units continue to work closely with local police, trading standards and others to protect consumers and businesses and take effective action against perpetrators.