

Food Information for Consumers Regulations

Suzanne Davies, director of Clifton Davies Consultancy Limited, comments on the food labelling changes affecting your business

The EU is at it again. This time food labelling is the target, specifically the Food Information for Consumers Regulations. Fortunately, no question of straightening bananas, the changes relate to the labelling of food, including how information relating to allergens in food is conveyed to consumers.

The aim is to assist those with food allergies, food intolerances or coeliac disease (a common digestive disease where a person has an adverse reaction to gluten) in making food choices when buying food. In order to make the right choices, consumers need clear and accurate information about the food they buy, which the EU clearly believes is not currently the position.

Why does this apply to your business? Currently food labelling regulations relating to allergens do not apply to foods without packaging. The new law will bring general and nutrition labelling together into a single regulation in order to simplify and consolidate labelling legislation and the changes relating to allergen information will apply in the UK from 13 December 2014. From that date, information on any of the fourteen allergens named in the Regulation will need to be provided for foods sold without packaging or wrapped on site, not merely packaged food.

The directive identifies 14 major allergens which must be specifically drawn to the attention of consumers. Examples of some of the allergens listed are cereals containing gluten, eggs, fish, peanuts, milk, crustaceans (for example, prawns), crab, lobster etc., mustard, celery, nuts such as almonds, walnuts, pecan nuts, brazil nuts etc., molluscs (for example, clams), mussels, whelks, oysters, snails and squid. The information can be conveyed to customers in writing via menus, chalk boards or provided orally by members



of staff, or any way that suits your business. However, it is recommended that from a practical point of view information should be provided in writing to avoid any potential disputes as to whether information has been provided accurately.

Although the Regulations do not come into force in the UK as far as the allergen information aspect is concerned until December 2014, some businesses are already complying with the requirements of the Regulation as a matter of good practice. Although you have almost 12 months before you must comply with the new requirements, it would be prudent to adopt the new measures sooner rather than later, as considerable work will be involved in ensuring compliance with the new requirements. You will need to liaise with your suppliers so that you are clear as to whether the food you are purchasing contains any of the identified allergens so that you can provide accurate information to your customers.

Similarly, you will need to review menus with your chef and train staff with regard to the new Regulations to make sure that they are aware of whether the food they are preparing and serving contains any of the listed items, so that they can inform customers correctly as to whether the food you are supplying contains the identified allergens.

Bear in mind that breaches of the food labelling requirements carry the potential for criminal prosecutions, as with other food safety measures, and it is therefore imperative that you are aware of the new Regulations in detail and comply with them. The new Directive regarding allergen information may not be coming into force until December 2014, but you don't want your business gift tied with unnecessary Christmas red tape! 

Questions & Answers



Q: I was recently running an event at my premises, without any problems, with the benefit of a TEN. A police officer and representative of the Local Authority visited the premises asking to observe proceedings. Given the event was operating without any issues, was I within my rights to refuse them entry?

A: No. A constable, or an officer of the local licensing authority, may enter premises operating under the authority of a TEN at any reasonable time to assess the effect of the notice on the promotion of the crime prevention objective. It is an offence to intentionally obstruct an authorised officer exercising the power.

Q: I no longer wish to hold a personal licence. Is there any procedure for relinquishing it?

A: You will need to notify the relevant licensing authority that you wish to surrender the licence and you must send your personal licence with the notice or a statement explaining why you cannot do so. The licence lapses upon receipt of the notice by the licensing authority.

Q: I have a large room attached to my pub which I would like to licence for plays so that it can be used by my local Amateur Dramatics Society. I have been advised that some of the performances might be somewhat avant garde. Can the Licensing Authority limit the type of plays which can be performed?

A: The licensing authority may attach conditions to the premises licence which it considers necessary on the grounds of public safety, but may not attach a condition as to the nature of the plays which may be performed, or the manner of performing plays.

Clifton Davies Consultancy Ltd



Clifton Davies Consultancy Limited is a consultancy business (not a law firm) which specialises in all licensing, gambling and regulatory issues affecting the pub and bar industry. David Clifton and Suzanne Davies are also consultants to Joelson Wilson LLP. The views expressed are given without any assumption of responsibility on their part. If you have any questions, do get in touch and they will be pleased to provide answers, either via this page or direct.

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