

Improving allergen information for food sold prepacked for direct sale: consultation summary

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Table of contents

Table of Contents	2
1. Overview of the Consultation on the Implementation of Improved Allergen Labelling on Prepacked for Direct Sale (PPDS) Foods.....	3
Introduction.....	3
2. Questions, Comments and Responses	4
Q1. How prepared are businesses to implement labelling of the name and full ingredient lists on PPDS foods?	4
Q2. Are the estimated costs for businesses regarding familiarisation time with the changes and introducing updated labelling reasonable and are there other elements that should be taken into account?	4
Q3. Do you agree with the benefits stated in the Business and Regulatory Impact Assessment and are there others that could be realised through this approach?	5
Q4. How likely to occur are the types of risks mentioned in the Business and Regulatory Impact Assessment and what steps to mitigate them could be taken? Are there other risks that should be considered?	5
Q5. Are the estimated costs for Local Authorities regarding the familiarisation and dissemination of the changes in the Business and Regulatory Impact Assessment reasonable?.....	6
Q6. Are there additional risks and unintended consequences from the food law enforcement interest that should be considered and how could these be mitigated?.....	7
Q7. Do you agree that as a consumer with a food allergy or intolerance, or if buying food on behalf of others with a food allergy or intolerance, you have a responsibility to inform businesses of these dietary requirements?	8
Q8. Is the attached guidance helpful and are there any other aspects, particularly in relation to PPDS that could be improved?	8
3. Helpful Links	9
4. List of Interested Parties	10

1. Overview of the consultation on the implementation of improved allergen labelling on prepacked for direct sale (PPDS) foods

Introduction

Food Standards Scotland (FSS) ran a formal consultation from the 2nd of October 2020 to the 4th of December 2020 concerning the proposed amendments to the Food Information (Scotland) Regulations 2014 which would require food sold prepacked for direct sale to be labelled with the name of the food and ingredients information. FSS also consulted on the proposed accompanying guidance and in total 29 consultation responses were received from stakeholders.

[Access the consultation.](#)

Prior to the formal consultation, in late 2019 and early 2020, FSS carried out informal engagement on implementation options and impacts with stakeholders, representing food manufacturers, retailers, caterers and enforcement authorities. The scope and definition of PPDS foods that was to be subject to the new requirements was a key feature of discussions with stakeholders. As well as these main issues, FSS also wanted to explore any unintended consequences, by consulting those with practical experience in the sector, ahead of making formal proposals on PPDS.

FSS committed to taking on board comments, endeavouring to implement any suggested changes or requests that were made, during the consultation process and which were seen to be beneficial to the Consumers, Businesses and Local Authorities who would be affected by the introduction of these new labelling requirements for prepacked for direct sale food (PPDS).

FSS remain open to receive feedback from consumers, industry and enforcers going forward.

2. Questions, comments and responses

Q1. How prepared are businesses to implement labelling of the name and full ingredient lists on PPDS foods?

What you said

Over 85% of respondents anticipated that businesses should at least be partially prepared to implement the changes when they come into force. Concerns were raised around the costs to smaller businesses, that it would be a big undertaking for all businesses, a lack of understanding of what PPDS was, as well as a lack of awareness that it would be coming into force.

What we did

FSS has updated the MenuCal tool so that it is able to produce the information needed to support compliant labels for food sold PPDS. This is a free to use system available to all businesses. FSS also worked to have the legislation in place soon after the consultation in order to give businesses certainty and as much time as possible to prepare for the changes. The legislation was laid in the Scottish Parliament in February 2021 and came into force on the 1st of October 2021. As part of the consultation and implementation of the legislation, FSS engaged with stakeholders to produce PPDS specific guidance to help provide clarity and understanding around what the term PPDS means, and which areas would be affected. In the lead up to the labelling changes coming into force, FSS ran social media and local radio campaigns to highlight to affected businesses the need to prepare for the new requirements.

Q2. Are the estimated costs for businesses regarding familiarisation time with the changes and introducing updated labelling reasonable and are there other elements that should be taken into account?

What you said

Respondents were split evenly on this question with additional unknown costs being a main issue for many. The need for training was also raised as a key issue in this question as well as the need for guidance.

What we did

FSS worked hard to provide accurate costings for businesses, including giving an indication of the prices of various levels of label printing equipment and the time it would take for a business to update their allergen systems accordingly. FSS also acknowledged that costs would vary depending on the size and structure of individual businesses. With regards to training, FSS updated the online allergy training on the FSS website to include the revised PPDS requirements. As noted above, FSS also published PPDS specific guidance to help provide clarity and understanding around the meaning of the term PPDS

and which areas would be affected. In addition, FSS also updated the allergen labelling technical guidance to include PPDS.

Q3. Do you agree with the benefits stated in the Business and Regulatory Impact Assessment and are there others that could be realised through this approach?

What you said

Of the responses received to this question, 45% of respondents agreed whilst another 45% were unsure. Respondents from across the stakeholder groups expressed that it would be good to know what exactly is in the foods. It was also raised that these changes may result in some businesses no longer offering PPDS food and instead selling food loose or packed at the consumer's request. By doing so, businesses would have the option to provide allergen advice verbally rather than in a written format, which some businesses may prefer or find more practical.

What we did

The purpose of the PPDS changes was to increase the overall level of information available to consumers by providing the name of the food, the ingredients information as well as emphasising the allergen information contained within the ingredients list. Prior to these changes coming into effect, the only information available to consumers was that of the 14 allergens required by [the Food Information to Consumers Regulation \(FIC\)](#). One particular benefit with the addition of ingredient information, is that people who suffer from allergies or intolerances to foods not on the list of 14 required by FIC can now see if the product contains that ingredient, which may not have been possible before. FSS acknowledges that in some instances businesses may choose to stop selling PPDS foods and instead offer them loose or packed at the consumers request. However, FSS has been consistent in its guidance and advice that if a business does choose to offer food in this way, they must still provide accurate and up to date allergen information to consumers when it is requested.

Q4. How likely to occur are the types of risks mentioned in the Business and Regulatory Impact Assessment and what steps to mitigate them could be taken? Are there other risks that should be considered?

What you said

When asked, 60% of respondents said the types of risks mentioned were either likely or very likely to occur. Some of the additional risks respondents mentioned included, businesses opting to no longer sell PPDS products, leading to a potential increase in cross contamination when preparing products to order. Other concerns raised included the risk of errors in product labelling due to lack of understanding/training and that smaller businesses with fewer resources available would find it harder to comply with the

changes. The introduction of labelling may also discourage consumers from making the business aware of their allergy or intolerance. Steps suggested by stakeholders to help mitigate these risks were, easy to understand guidance, perhaps made in collaboration with industry and access to training on providing allergen information.

What we did

As well as the FSS PPDS specific guidance and updated technical guidance, FSS also worked in collaboration with the Scottish Grocers Federation (SGF) to produce industry specific guidance to help businesses better understand the upcoming changes. FSS staff also gave presentations for several industry bodies, including the Scottish Craft Butchers, Scottish Wholesale Association, the SGF and their members to explain the changes and answer any questions or concerns that they had. As noted above, FSS has been consistent in its messaging regarding the provision of allergen information. Irrespective of how a business chooses to sell its products, it must ensure that it meets the required hygiene and allergen information standards. As well as updated online allergen training FSS has also provided practical examples of product labels in the PPDS guidance in order to further help guide businesses. In addition, the update of the free web based MenuCal tool was made to help ensure businesses had consistent labelling information available. When providing messaging to consumers regarding PPDS changes, FSS has always strongly advised that if a consumer is unsure about a product and its contents, they should have a conversation with the business. PPDS labelling was not intended to replace this, but to be able to provide the necessary information to those who do not have time or the ability to have such a conversation.

Q5. Are the estimated costs for local authorities regarding the familiarisation and dissemination of the changes in the Business and Regulatory Impact Assessment reasonable?

What you said

In total, 27% of respondents thought the estimates were reasonable with 7% disagreeing and 60% were unsure. Despite this, respondents mentioned that the estimate may be low, especially around unknowns such as time taken to provide advice and guidance from businesses.

What we did

In order to reflect the comments from the consultation, FSS amended the estimates from the draft to the final Business and Regulatory Impact Assessment to increase the time and associated costs it considered it would take for familiarisation and dissemination of the new legislation. In order to help Local Authorities (LAs) provide advice and guidance to businesses FSS produced PPDS specific guidance which could be given to businesses, in addition to updating the allergen labelling technical guidance. Alongside these documents FSS also worked with LAs to create a frequently asked questions document which contains FSS answers to questions LAs have been asked by businesses as well as questions they anticipated. FSS also conducted a number of PPDS webinars for LAs in

September 2021, covering the regulatory changes, supporting resources and some worked examples, as well as a 20-minute Q&A.

Q6. Are there additional risks and unintended consequences from the food law enforcement interest that should be considered and how could these be mitigated?

What you said

Just under half of respondents said there were additional risks and unintended consequences relating to the new legislation. Some of the additional consequences of the new legislation were, the potential for businesses to offer fewer PPDS products and more products either loose or packed at the consumer's request. The availability of guidance and the need to update the online training currently available was also highlighted as an issue that needed to be looked at. The potential for increased use of precautionary allergen labelling (PAL) statements was raised as a likely consequence as well. Alongside this, the need for compliance notices to support enforcement activity was also raised as a means of mitigating potential risk and unintended consequences.

What we did

FSS understands that there are many factors which may lead a business to stop selling PPDS foods and instead offer food loose or packed at the consumer's request. Whilst some may have done so in the short term in order to give themselves time to prepare for PPDS others may simply have decided to cease providing products in that way. However, this is a commercial decision for individual businesses to make and FSS has been consistent in its guidance and advice, that if a business does choose to offer food loose or packed at the consumer's request, they must still provide accurate and up to date allergen information to consumers when it is requested. FSS has worked to produce PPDS specific guidance internally as well as working with the Scottish Grocers' Federation (SGF) to provide industry specific guidance, alongside this the allergen labelling technical guidance and the online allergy training has been updated to reflect PPDS changes too. Regarding PAL statements, in its guidance and advice FSS has been consistent in that it is acceptable to use such statements provided a thorough risk assessment has been carried out, to ensure the risk of cross contamination cannot be mitigated beforehand. Alongside this, if a business is using an ingredient in their product, such as mayonnaise, which already has PAL then they should reflect this in their own labelling. FSS recently introduced compliance notices to help support the enforcement of a range of food standards and information matters, of which PPDS labelling is one.

Q7. Do you agree that as a consumer with a food allergy or intolerance, or if buying food on behalf of others with a food allergy or intolerance, you have a responsibility to inform businesses of these dietary requirements?

What you said

Around two thirds of respondents agreed with this statement. However, comments provided in response to this question included;

- the consumer should expect to receive accurate information from the business.
- Businesses should make allergen information easily available.
- Some people may be allergic to an ingredient which is not one of the 14 required to be emphasised by law.
- Some consumers can be reluctant to talk to the business about their allergy.

What we did

Regardless of how a food item is presented to a consumer, be it prepacked, prepacked for direct sale, loose or packed at the consumer's request, the food business has a legal responsibility to provide accurate allergen information to the consumer. While the way in which the information is presented to the consumer may vary, the requirement to do so does not. FSS acknowledges that individuals can suffer reactions to foods and products that are not amongst the list of 14 required to be emphasised, we also understand that some individuals may not feel comfortable discussing their allergy with the business. It is hoped that the introduction of PPDS labelling will provide easily accessible additional information to those consumers on the products they are considering for consumption. However, if the consumer is unsure about a food product, FSS would always recommend having a discussion with the food business about the ingredients of the product. FSS also ran a campaign, in February 2020, supported by Allergy UK and Young Scot, which focussed on young people with allergies, encouraging them to discuss their food allergies with friends and when eating out and about.

Q8. Is the attached guidance helpful and are there any other aspects, particularly in relation to PPDS that could be improved?

What you said

Just over 50% of respondents said the guidance was helpful and only 13% said it was not. Some additional comments on the guidance were that more specific examples of PPDS items should be added, there should be examples of different product labels, that the key areas should be emphasised more and also that in places it was confusing or over complicated.

What we did

FSS took note of the comments from the consultation and committed to reflecting them in the final version of the published guidance. FSS expanded the section in the guidance which focused on PPDS examples and spoke to businesses to get industry specific

examples that would be more relevant to those reading the guidance. FSS also looked to expand the number of product label examples and we endeavoured to use products commonly expected to be presented as PPDS in various food businesses. We also reviewed the structure of the guidance to ensure the relevant information was set out as clearly and concisely as possible, whilst still providing the reader with all the necessary information.

3. Helpful Links

[PPDS labelling home page](#)

[Prepacked for Direct Sale Guidance](#)

[Allergen Labelling Technical Guidance](#)

[PPDS Q&A](#)

[Online Allergy Training](#)

[MenuCal](#)

[Food allergies are nothing to cringe about](#)

4. List of interested parties

Afton Glen Meats
AG Barr
Aikenhead
Aldi
ALISHIA FOODS
Anaphylaxis UK
Barrs
Beer and Pub Association
Bell Food Group Limited
Black Of Dunnon
Border Biscuits
BORDER MEATS
BPF
BRAEHEAD FOODS LTD
Brands 2 Life
British Dietetic Association
British Hospitality Association
British Institute of Innkeeping
British Meat Processors Association (BMPA)
British Medical Association
British Nutrition Foundation
British Retail Consortium (BRC)
British Soft Drink Association (BSDA)
British Specialist Nutrition Association (BSNA)
Cafe Ceramico
Caledonian Cheese Company Ltd
Carmichael Estate Farm Meats
Castle MacLellan Foods
Centre for Public Health Nutrition Research
Charity Retail Association
Chartered Trading Standards Institute
Citizens Advice Scotland
Coeliac UK
Co-operative Group (CWS) Ltd
Council for Responsible Nutrition
Craigadam Country Larder
Creamogalloway
Crombies of Edinburgh T/A The Real Sausage Company
Crown Holding Inc
Crypt Cafe
Davidson Brothers (Shotts) Ltd
Deans of Huntly
Diabetes Scotland

Duncans of Deeside
Dundee University
Eastwood Beekeepers Association
Edinburgh Community Food Initiative
Federation of Bakers
Federation of Small Businesses
Fenton Barns
Findlaters Fine Foods
Finsbury Foods
Food
Food Additives and Ingredients Association
Food and Drink Federation
Food and Drink Federation Scotland
Glasgow Caledonian University
Glasgow Metropolitan College
Glasgow University
Gourmets Choice
Greggs Scotland
Grey Craig
H.J Heinz
Hallmark Scotland
Hall's of Scotland Limited
Harbro Farm Sales Limited
Health Food Manufacturers Association
Health Protection Scotland
Health Scotland (NHS)
Health Services Research Unit
Heather Hills Farm Honey
Heriot-Watt University
Highland Game
Hopetoun Farms Ltd
Hugh Black & Sons LTD
Hume Hall
HUSH
Institute of Food Science and Technology
Institute of Hospitality
International Dairy Foods Association
Inverawe Smokehouse
Island Cheese Co Ltd.
J G Ross (Bakers) Ltd
James Chapman (Butchers) LTD
Jamesfield Farm Shop
John M Munro LTD
John Scott Meat (Paisley) LTD
Jr Fine Foods Ltd
JSR Services Blairgowrie Ltd

King Food Butchery
Kingdom Bakers Ltd
Kismet Halal Meat & Doner
Leatherhead Food International
Lochmaddy Slaughterhouse
Lomond Dairies
Lothian Catering Butchers
M D Longhorn & Co
M&D Catering
Mackays
Mackies of Scotland
Macphie of Glenbervie
MacRoberts LLP
Macsweens
Microgram
Middleton foods
Millers of Speyside Ltd
Nairns OatCakles
National Beef Association
National Farmers Union Scotland (NFUS)
National Federation of Fish Friers
National Health Service
Nationwide Caterers' Association
NFU Scotland
Nor-sea Foods Ltd
Oatmeal Ofalford
Obesity Action Scotland
Orkney Food and Drink
P. A. Arbuckle & Sons
Palace
Pasta Foods Ltd
Paterson Arran Limited
Perth College
Perthshire preserves
Quality Meat Scotland
Quality Pork Processors Limited
Queen Margaret University
Regulatory Solutions
Rehmat Poultry Ltd
Reiver Country Farm Foods
Resipole Farm Holiday Park
Robert Gordon University
Rowett Research Institute
Scot Beef
Scotch Whisky Association
Scotch Whisky Research Institute

Scotland Food and Drink
Scottish Association of Meat Wholesalers
Scottish Bakers
Scottish Beef Association
Scottish Beekeepers Association
Scottish Consumer Council
Scottish Craft Butchers
Scottish Federation of Meat Traders Association
Scottish Food and Drink
Scottish Food and drink federation
Scottish Food Guide
Scottish Grocers Federation
Scottish Land and Estates
Scottish Midland Co-op Society
Scottish Organic Producers Association
Scottish Qualifications Authority (SQA)
Scottish Retail Consortium
Scottish Seafood Association
Seachill
Seafish
Seaforth Hotel (stornoway) Limited
Shortbread House of Edinburgh Ltd
Simon Howie Foods
Smoked Produce
SNACMA (The Snack, Nut and Crisp Manufacturers Association)
Specialist Cheesemakers Association
Speyside Specialities
SPINDRA
St Andrews University
Stockans Oatcakes Ltd
Strathmore Foods
Strathmore Mineral Water
SUSTAIN - National Food Alliance
Tayside Scientific Services
The Double Doner Kebab Company
The James Hutton Institute
The Really Garlicky Company
The Regulatory Review group
UK Hospitality
University of Aberdeen
University of Dundee
University of Edinburgh
University of Glasgow
University Of Paisley
University of St Andrews
University of Stirling

University of Strathclyde, Glasgow
University of the West of Scotland
Walkers Shortbread
Which?
WM Young
WRAP
WTS Forsyth & Son
Yorkes Of Dundee



**For safe food and
healthy eating**

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