Food Information to Consumers
Regulation - Allergens

New allergen regulations introduced by the EU (Regulation (EU) No. 1169/2011) mean that from December 13 2014 all UK food providers will be obliged to accurately track, record and communicate to the public 14 of the most common foods to cause allergic reactions. This guidance is only concerned with the allergen elements coming into force on this date. In December 2016 further nutritional information will be required. FWD guidance on this element of the Food Information for Consumers Regulations will be published ahead of those requirements.

What are the major allergens which should be identified?

- Cereals containing gluten such as wheat, rye, barley, oats, spelt, or kamult
- Crustaceans, for example prawns, crabs, lobster or crayfish
- Eggs
- Fish
- Peanuts
- Soybeans
- Milk (including lactose)
- Nuts such as almonds, hazelnuts, walnuts, cashews, pecan nuts, Brazil nuts, pistachio nuts, macadamia (Queensland) nuts
- Celery (including celeriac)
- Mustard
- Sesame seeds
- Sulphur dioxide
- Lupin
- Molluscs, for example clams, mussels, whelks, oysters, snails and squid

What are the implications for wholesale?
Wholesalers are obliged to comply with all food labelling requirements issued under EU law. Even if wholesalers are not directly dealing with the public, they have an obligation to provide sufficient information to their retail and catering customers to enable them to give their customers the information required by law. All food sellers must be willing and able to answer any consumer queries about allergens in the food they serve, and they may look to their wholesaler to provide this information, particularly on non-pre-packed food.

I only sell pre-packed food sourced directly from the supplier.
From December 13, the mandatory information must be on the ingredients label of the packet of products ready to be put straight onto the shop shelves eg a packet of biscuits. If it is not, please refer to the manufacturer. Stock not containing the information can be sold through for a limited time.

Where pre-packed food is being supplied by a wholesaler to a caterer and the caterer will sell that pre-packed food straight to a final consumer without changing the packaging, eg a soft drink is
sold to a caterer and that soft drink is then sold by the caterer in that packaging to the final consumer, then, again, the mandatory information will need to be on the label of the soft drink. If it is not, please refer to the manufacturer.

Customers may ask for more information beyond what is on the label of pre-packed food. There is no legal obligation to provide this.

Customers may also ask for the information contained on the label of pre-packed food to be provided separately, for example as a spreadsheet. Again, there is no obligation to provide this.

**How does it apply to loose foods?**

Wholesalers need to pass on to their customers the mandatory information that has to be provided under FIC when that food is eventually sold to the final consumer.

If the wholesaler knows that it is intended that the food will be sold to the final consumer or caterer loose, then the wholesaler will only have to pass on to the customer any allergen information associated with that loose product, such as eggs, celery or any of the 14 ingredients listed above.

Likewise, if it is to be used by the customer as a raw ingredient, then the wholesaler needs to pass on enough information to the customer to enable them to label the product they produce with the mandatory information required.

**How do I provide my customers with this information?**

For loose food, the allergen information must be made available either in writing or verbally before the sale is concluded, and must be provided in a written format before the purchase is concluded.

The information can be provided on an invoice which either goes with the food or is to the customer sent before delivery. This can be an email.

For products ordered online, but not paid for until after delivery, the requirement to provide the mandatory information is met if that information appears on the food packaging (or other documentation accompanying the food) at the point of delivery to the customer. It does not need to be listed on wholesalers’ websites used for delivery.

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**Where can I find more information?**

Contact the Federation of Wholesale Distributors on 01323 724952 with any questions you may have.

You can also visit the Food Standards Agency website for more information: [www.food.gov.uk/science/allergy-intolerance/label](http://www.food.gov.uk/science/allergy-intolerance/label). The FSA has also produced a comprehensive guide called “Allergen Information for Loose Foods” available [here](http://www.food.gov.uk/science/allergy-intolerance/label).