

On 13 May 2022, Food Standards Scotland (FSS) and the Food Standards Agency (FSA) published a letter to make food businesses and local authorities (LAs) aware of batches of soyabean lecithin imported to the UK from India containing undeclared peanut protein.

The letter included guidance for food businesses to enable them to manage this issue and meet their statutory responsibility of not putting unsafe food on the market.

We are now providing an update on this situation and request further cooperation from food businesses and LAs.

The FSA received root cause analysis along with the corrective action plan from the Lecithin Association of India. The information in that document highlights further actions required to manage any current and ongoing risk of soyabean lecithin containing undeclared peanut protein. At this time, there is no indication of when the issue might be resolved or for how long these actions will need to continue.

As part of the corrective action plan, the Lecithin Association of India will carry out *“enzyme-linked immunoassay (“ELISA”) tests for all incoming [to India] and outgoing [from India] materials to ensure there is no contamination of Soya Lecithin.”* They have requested that UK businesses carry out similar tests upon delivery of the products.

In view of the widespread contamination of soya lecithin at different levels over some time, the FSA and FSS are advising that food businesses which are purchasing soyabean lecithin originating from India should sample and test the product upon its arrival in the UK before it is further processed or sold on.

The results of this testing should be passed down through the supply chain to enable food businesses to assess the risks to the products they produce which use soyabean lecithin from India.

Food businesses should continue to complete traceability exercises to identify products (or ingredients used in products) containing soyabean lecithin from India.

If food businesses are satisfied that they have not been supplied with soyabean lecithin that has been contaminated with peanut protein, either in its raw state or as an ingredient in food items they have purchased (including those for further processing or finished products), they need take no further action and should continue as normal.

Where products are identified, the test results for peanut protein levels in the unprocessed soyabean lecithin should be provided by the supplier. If this is not the case, the food business should request this information from the supplier. Food businesses that have received soyabean lecithin direct from India should sample and test the product as stated above.

If food businesses determine that they have been supplied with soyabean lecithin that has been contaminated with peanut protein, product-specific risk assessments should be carried out to determine whether their products are safe to be placed on the market.

Food businesses should consider whether their existing labelling manages the risk to consumers arising from the use of the contaminated soyabean lecithin. They may choose to add voluntary precautionary allergen labelling (PAL) statements to their products if, following a product-specific risk assessment, they conclude that the risk to consumers with a peanut allergy cannot be adequately managed without such additional labelling. (To note, food businesses should continue to correctly label their food products with mandatory allergen information, such as where peanut is

present in a food product as an intentional ingredient, with allergen information being included in the ingredient list and emphasised within the list.)

Food businesses selling non-prepacked foods should carry out the same process of traceability and risk assessments to establish any risk to consumers from this issue. While non-prepacked foods do not require labelling, allergen information should be provided to the consumer (in writing or orally). If there is a need to communicate the presence of peanut protein in non-prepacked food, based on product-specific risk assessments, individual food businesses should consider the most effective way to do this for their business model.

Food businesses are responsible for establishing whether any of their food products are affected and, where this is the case, taking steps to ensure consumers are protected and the food they place on the market is safe.

Food business operators are required to inform their local authority where they identify any food which is either harmful to health, unfit for people to eat or does not meet legal requirements.

Please contact your local authority should you have any questions.