

To: Lead Food Officers

Cc: SFELC, REHIS, CoSLA

12 May 2015

FSS/ENF/15/03

Dear Colleague,

### **Food Allergy Incident – Recipe based claims on baked products**

I am writing to let you know of a recent food allergy incident which has been linked to oat based baked biscuits. The product packaging carried the claim 'Wheat free recipe' and based on this information, a parent bought the biscuits understanding they would be suitable for their wheat allergic child. After consuming some of the product, the child suffered a severe allergic reaction and subsequently required hospital treatment. Thankfully the child has now recovered.

While the company concerned, in this case, is in discussion with the Local Authority about ways to improve the labelling of their products, we are aware that other businesses make similar claims about their products e.g. 'free from milk and nut free recipe'. For those businesses with dedicated production lines it may be possible that products made to 'Wheat free recipes', for example, do not actually contain any wheat. However, it is likely that many businesses will find it difficult to eliminate the accidental presence of wheat during production, therefore, making an allergen claim, based on a recipe, potentially misleading.

I would be grateful if you could review your manufacturers and, depending on the types of products produced, prioritise targeted inspections to look at the allergen labelling/claims for those manufactured products. For all other manufacturers, please consider allergen labelling during your next programmed inspection, with these issues in mind.

Businesses using a “wheat free recipe” claim, for example, should be able to verify that the product is wheat free, and the necessary controls should be included within the HACCP plan. Depending on their level of control over the production premises and the ingredients used, it may be necessary for businesses to remove, or at least obscure, such claims to ensure that consumers do not unwittingly buy or eat unsuitable products. Please note that although this particular incident relates to wheat, there may be similar claims being made about other allergens used in recipes.

To assist, I have included links to further information about the food allergen rules and gluten free claims below.

- Guidance on the labelling of food with intentionally added allergenic ingredients  
<http://www.food.gov.uk/science/allergy-intolerance>
- Guidance on the use of cross contamination (may contain) labelling – There are worked examples at the end of this guidance which take the reader through the risk assessment process needed before using ‘may contain’ statements.

<http://www.food.gov.uk/sites/default/files/multimedia/pdfs/maycontainguide.pdf>

- Guidance on the labelling of Gluten Free foods  
<http://www.food.gov.uk/business-industry/allergy-guide/gluten>

I hope this is helpful and please let me know if you have any questions.

Yours sincerely

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Food Standards Scotland