

To: Lead Food Officers,
CC: SFELC, REHIS

24 – 07 - 2018

FSS/ ENF / 18 / 018

Dear Colleague,

Advice to local authorities on the allergen labelling requirements of wheat varieties.

Food Standards Scotland (FSS) has become aware that a number of food products have been found to have incorrect allergen labelling of wheat varieties. The allergen labelling issues are with products containing wheat species such as Spelt, Emmer, Khorasan, Kamut, Einkorn or Durum without a clear reference to wheat.

Food allergens used as ingredients must be declared on the packaging in accordance with the EU Food Information for Consumers Regulation No 1169/2011 (EU FIC) and Commission Delegated Regulation (EU) No 78/2014. The domestic legislation is the [Food Information Regulations](#) (FIR) which came into effect in December 2014.

Commission Delegated Regulation (EU) No 78/2014 amending Annex II to Regulation No 1169/2011 (EU FIC) states that products such as spelt must refer to wheat.

The correct format for declaration within an ingredients list could be: **wheat (spelt)**, or **wheat (spelt)** or **spelt (wheat)** or spelt (**wheat**), to enable clear understanding for those with wheat allergy that such products are not suitable for them.

To date, the FSS has not received reports of allergic reactions following the consumption of inadequately labelled spelt products. However, food business operators (FBOs) are required to provide consumers with information relating to allergens.

In April of this year, the FSS issued an [Allergy Alert](#) for a spelt product where wheat was not declared. Since then the FSS has become aware that other products available on the market have the same issue; therefore the FSS has taken a decision to provide advice on how this could be managed going forward.

The labelling of spelt related products without a clear reference to wheat appears to be an EU wide issue with various approaches used to manage the risk. Other Member States (MSs) have offered FBOs the opportunity to make the changes necessary to comply with the legislation within a specified time frame. FSS, together with the Food Standards Agency, has made the decision to follow a similar approach in order to take a consistent approach with other MSs, and taking into account the low/small number of reported cases of allergenic reactions.

LA Actions

- *Local authorities are asked to check FBOs within their area producing products or using ingredients containing spelt to ensure that labelling contains a clear reference to wheat.*
- *Any FBO identified as selling spelt products without a clear reference to wheat should withdraw the affected products from the market.*
- *Local authorities are also asked to check for other wheat species such as Emmer, Khorasan, Kamut, Einkorn or Durum without a clear reference to wheat*
- *No Incidents Notification Form related to this issue needs to be submitted to the FSS.*
- *Products can be placed back on sale once over stickered with correct allergen labelling. For future production, labels must be updated to reflect the allergen labelling rules.*
- *Local authorities can adopt this approach until the 31 December 2018 where appropriate.*

If you should have any queries please do not hesitate to contact us at enforcement@fss.scot.

Yours faithfully,

Grainne Gilson-Smith,
Enforcement Delivery,
Food Standards Scotland.