

The Food Information (Scotland) Amendment Regulations 2016

SUMMARY REPORT OF RESPONSES TO CONSULTATION FROM STAKEHOLDERS

The consultation on the draft Food Information (Scotland) Amendment Regulations 2016 was issued 23 March 2016 and closed on 16 May 2016.

- 1 Food Standards Scotland (FSS) is grateful to those stakeholders who responded and sets out in the table below responses in order of the group responding.
- 2 The key proposals on which the consultation sought views were:
 - The introduction of Scottish enforcement legislation for Regulation (EU) No 828/2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food.
 - The loss of the phrase 'no gluten containing ingredients' for normal foods.
- 3 The FSS considered responses to stakeholders' comments are given in the last column of the table.
- 4 A list of stakeholders who responded can be found at the end of the document.

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – INSERT CONSULTATION TITLE

ISSUE / GROUP

| Respondent | Method of Response | Comment | Response |
|------------------------|---------------------------|---|-----------------|
| Pulsetta Foods Limited | e-mail | We fully support your recommendation: "To provide enforcement provisions for Commission Implementing Regulation (EU) No 828/2014" | Response noted. |

ISSUE / GROUP

| Respondent | Method of Response | Comment | Response |
|-------------------|---------------------------|---|---|
| FSANI | e-mail | The consultation paragraph (required by Regulation (EC) No 178/2002) that is normally included in the preamble in the regulations is missing. | FSS will instruct SGLD to insert the required text to the final version of the SSI. |

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – INSERT CONSULTATION TITLE

ISSUE / GROUP

| Respondent | Method of Response | Comment | Response |
|--|--------------------|--|--|
| Glasgow City Council Environmental Health | e-mail | Preferred option is option 2. The partial business and regulatory impact assessment seems reasonable in relation to the cost of updating food inspectors although some additional time will be spent dealing with a small number of businesses that have been advised to use the term “no gluten-containing ingredients” which can no longer be used. Concerned that this statement is no longer permitted. We required it when we felt businesses couldn’t verify gluten free claims or we had concerns regarding the preparation process. I would ask that the 2012 FSA guidance document relating to the labelling of food for people intolerant to gluten be revised to reflect this change. | Regulation (EU) No 828/2014 is more specific about the statements which can be used to support the gluten claims and legal advisors have stated that ‘no gluten-containing ingredients’ cannot be used. The guidance will be updated in due course. |

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – INSERT CONSULTATION TITLE

| |
|---------------|
| ISSUE / GROUP |
|---------------|

| Respondent | Method of Response | Comment | Response |
|--------------------|---------------------------|--|--|
| Baxters Food Group | e-mail | <p>Understand that products can still claim gluten free <20 ppm gluten which is what they currently declare on labels and will now able to use statements such as 'Suitable for Coeliacs'.</p> <p>For clarity, although this is Scottish legislation it will be applicable in the EU?</p> | Telephoned to clarify that the legislation is EU wide. |

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – INSERT CONSULTATION TITLE

| |
|---------------|
| ISSUE / GROUP |
|---------------|

| Respondent | Method of Response | Comment | Response |
|----------------------|---------------------------|---|--|
| Nairn's Oatcakes Ltd | Telephone/e-mail | <p>Nairn's Gluten Free products use the cross grain logo with "gluten free – suitable for coeliacs" on packaging, the other statements are of no concern.</p> <p>Currently with our Gluten Free Products we declare our oats in the Ingredients List as "Gluten Free Wholegrain Oats", we do not bold the oats as we believe this is too confusing to the consumers. We constantly have phone calls/e-mails for consumers that don't realise that oats don't actually contain gluten, that it's down to cross contamination – personally I think Annex II should be changed to remove oats.</p> <p>Our concern regarding any amendments is if it forces us to change the way we declare the gluten free wholegrain oats in the ingredients list, as this would mean that we would need to change all our packaging and that would potentially confuse our current customers, let alone any new customers!</p> | <p>Satisfies the requirements of the EU gluten claims Regulations.</p> <p>This issue does not arise from the change to gluten free claims as per the consultation. It is a matter of interpretation of the allergen labelling requirements of FIC introduced in December 2014. Both FSS and FSA advise that the word 'oats' should be emphasised in the ingredient list.</p> |

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – INSERT CONSULTATION TITLE

| |
|---------------|
| ISSUE / GROUP |
|---------------|

| Respondent | Method of Response | Comment | Response |
|-------------------|---------------------------|---|-----------------|
| Coeliac UK | e-mail | <p>It is essential for the continued confidence in the safety of gluten free food and the protection of consumers with coeliac disease that the rules set out in Regulation (EU) No 828/2014 are adequately enforced in Scotland.</p> <p>The Food Information (Scotland) Regulations 2014 (FIR) provide a framework for allergen labelling and nutrition information for manufacturers and caterers. While the provision of information on gluten is voluntary, the rules sit well within FIR and provide an enforcement framework in line with other allergens.</p> <p>It is important that the enforcement approach is proportionate but ensures continued consumer confidence in gluten free labelling. It is important that enforcement agencies have the option to raise issues and provide education and advice to allow businesses to rectify any problems but with the possibility of resorting to criminal offences where necessary. When advice is provided it should be followed up to ensure changes have been implemented.</p> <p>The clarification of phrases used to signpost foods in relation to their gluten content is welcomed. The phrase ‘no gluten-containing ingredients’ has not been widely used but the businesses who do use it may need guidance</p> | |

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – INSERT CONSULTATION TITLE

| Respondent | Method of Response | Comment | Response |
|------------|--------------------|---|----------|
| | | <p>and a transition period to amend packaging, menus and marketing materials. Guidance should be available for industry on alternative options for signposting information. Businesses should be made aware of best practice for gluten free labelling and the control of cross contamination to ensure that consumers with coeliac disease can continue to be able to access clearly signposted, safe food options in and out of home.</p> <p>Coeliac UK has information for food businesses on gluten free production and signposting of gluten free foods at: www.coeliac.org.uk/food</p> | |

SUMMARY OF CHANGES MADE:

| Comment | Response |
|---------|----------|
| | |

List of Respondents:

| | | |
|---------------------------|-----|-----|
| 1. Pulsetta Foods Limited | 33. | 65. |
| 2. FSA Northern Ireland | 34. | 66. |
| 3. Ashers Bakery Ltd | 35. | 67. |
| 4. Glasgow City Council | 36. | 68. |
| 5. Baxters Food Group | 37. | 69. |
| 6. Nairn's Oatcakes Ltd | 38. | 70. |
| 7. Coeliac UK | 39. | 71. |
| 8. | 40. | 72. |
| 9. | 41. | 73. |
| 10. | 42. | 74. |
| 11. | 43. | 75. |
| 12. | 44. | 76. |
| 13. | 45. | 77. |
| 14. | 46. | 78. |
| 15. | 47. | 79. |
| 16. | 48. | 80. |
| 17. | 49. | 81. |
| 18. | 50. | 82. |
| 19. | 51. | 83. |
| 20. | 52. | 84. |
| 21. | 53. | 85. |
| 22. | 54. | 86. |
| 23. | 55. | 87. |
| 24. | 56. | 88. |
| 25. | 57. | 89. |
| 26. | 58. | 90. |
| 27. | 59. | 91. |
| 28. | 60. | 92. |
| 29. | 61. | 93. |
| 30. | 62. | 94. |
| 31. | 63. | 95. |
| 32. | 64. | 96. |

List of Respondents: