

Food allergen declaration information for food businesses

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Background

Substances in a food that cause an allergic reaction are called "allergens". For some people, food allergens can trigger allergic reactions that range from mild to severe. Some individuals may be allergic to more than one food allergen. For some sensitised individuals, eating even the smallest amount of the allergen can cause a life threatening allergic reaction called anaphylaxis. Anaphylaxis is usually rapid in onset, and can sometimes be fatal.

- The prevalence of food allergies around the world is believed to be increasing, and in 2009 up to 8% of children had a food allergy now food allergy occurs in around ten percent of children and approximately two percent of adults (Osborne et al. 2011).
- Hospital admissions for severe allergic reactions (anaphylaxis) have doubled over the last decade in Australia, USA and UK. In Australia, admissions for anaphylaxis due to food allergy in children aged 0 to 4 years are even higher, having increased five-fold over the same period. (Australasian Society of Clinical Immunology and Allergy 2016)

Food businesses need to be aware of the consequences of food allergy and be vigilant in their approach to managing potential food allergens within their business. When the allergy status of a consumer is made known to the food business, the food business should be able to respond with confidence on whether or not a food contains or may have been in contact with the potential allergen. Adopting simple measures to manage allergens within the food business will allow the business to state the allergen status of the food accurately and with confidence.

Statutory requirements

Food businesses must comply with the provisions of the Food Act 2008 (WA) (Food Act). The Food Act adopts the Australia New Zealand Food Standards Code (the Code) in full, therefore all food businesses must comply with the requirements of the Code. This includes Standard 1.2.3 - Information requirements - warning statements, advisory statements and declarations of the Code. Section 22 of the Food Act specifies the offence for not complying with the Code. Section 16 of the Food Act – 'False description of food' will apply in relation to selling food with undeclared allergens, if food can cause physical harm to the food allergic individual, who has requested the food to not contain that food allergen. Section 23 of the Food Act expands on the circumstances in which food may be falsely described. Other sections may apply including section 19 of the Food Act – 'Misleading conduct relating to the sale of food' and section 20 of the Food Act - 'Sale of food not complying with purchaser's demand' depending on circumstances. Non-compliance to allergen declaration requirements poses a risk to food allergic customers, where consumption of an undeclared allergen may result in an anaphylaxis in a sensitised individual. Enforcement options for non-compliance to allergen declaration requirements include issuing an infringement notice, or legal action through the courts. The information below describes key sections of legislation relevant to the compliance and enforcement of allergen declarations in food businesses.

Standard 1.2.3 of the Code states that if any of the substances are contained in food listed in Box 1 (below) – no matter how small the amount, which may be present as an ingredient, or an ingredient of a compound ingredient; or the substance is used as a food additive, or an ingredient or component of such a substance; or a substance or food used as a processing aid or an ingredient or component of such a substance or food. Standard 1.2.4 sets out the specific requirements for the labelling and naming of ingredients. Schedule 10 also sets out specific requirements for the naming of ingredients.

Box 1. List of substances that must be declared

- Crustaceans and their products (e.g. prawns, crab, crayfish etc.)
- Peanuts and peanut products
- Soybeans other than : soybean oil or soybean derivatives that are a tocopherol or a phytosterol
- Tree nuts and tree nut products (e.g. almond, hazelnut, walnut, cashew, pecan, Brazil, pistachio, macadamia etc.)
- Sesame seeds and sesame seed products
- Fish and fish products (except for isinglass derived from swim bladders and used as a clarifying agent in beer or wine)
- Egg and egg products
- Milk other than alcohol distilled from whey and milk products
- Lupin and lupin products
- Cereals containing gluten and their products (e.g. wheat, rye, oats, barley and spelt) with exceptions. Refer to the Standard 1.2.3 of the Code for full details on exceptions)
- Added sulphites (in concentrations of 10mg/kg or more).

False description of food

Section 16 of the Food Act specifies the offence of "false description of food". When a person at the food business falsely describes the food, and they know, or ought to reasonably know that a consumer of the food who relies on the description will, or is likely to, suffer physical harm, an offence is committed under one of the sub sections (1) - (4) of section 16. Section 23 of the Food Act expands on the circumstances in which food may be falsely described.

Some people may be allergic to other food allergens that are not listed in Standard 1.2.3 of the Code. Where a food allergic individual requests for food to not contain a food allergen, disclosure of this information to the individual should be treated seriously.

How do I make an allergen declaration for my food?

A food business is required by legislation to provide accurate information about whether foods contain allergens. Customers must be advised about the presence of the allergens listed above as per clause 4 of Standard 1.2.3 of the Code. The way to advise your customers depends on the type of food for sale (see Table 1) – refer to Standard 1.2.1 of the Code.

Food category	Type of food	How to provide the allergen declaration
Food for retail sale	Retail food required to bear a label under clause 6 of Standard 1.2.1 of the Code	Allergen declaration must be made on the label
	Retail food exempt from bearing a label (i.e. under clause 6 of Standard 1.2.1) of the Code (e.g. food is not in a package, food is packaged in the presence of the purchaser, food sold at a fund raising event etc)	 The allergen declaration must be : declared on or in connection with the display of the food; or to the purchaser upon the request
	Retail food for sale in vending machine	The allergen declaration must either accompany the food or be displayed in connection with the display of the food.
	Retail food sold in a hamper	Each item of food in a package must have the allergen declaration on the label; and
		Each item of food not in a package must be accompanied by labelling which includes the allergen declaration.
Food sold to a caterer	Food sold to a caterer required to bear a label (under clause 12 of Standard 1.2.1 of the Code)	Allergen declaration must be made on the label
	Food sold to a caterer that is exempt from bearing a label (under clause 12 of Standard 1.2.1 of the Code)	Labelling containing the allergen declaration must be provided to the caterer with the food.
Food – other sales	This applies to sales of food that are not intra-company transfer, not foods for retail sale and not foods for catering purposes (under clause 21 of Standard 1.2.1 of the Code).	A purchaser must be provided with any requested information (or any information required by a relevant authority) to enable the purchaser to comply with any compositional, labelling or declaration requirement of the Code in the sale of food or of another food using it as an ingredient.

Table 1. Allergen declaration requirements by type of food for sale

How do I know whether a certain food allergen is in one of our meals?

If you make a meal from scratch you will know what goes into it. But remember that you will need to think about each of the ingredients you use and what they contain. You also need to consider what you use:

- to cook the meal as a topping, garnish or glaze
- to thicken a sauce in a salad dressing

The ingredients must be checked for anything you buy ready-made, such as desserts, pies, bread, sausages and sauces. In addition be aware of different names given to foods e.g. filberts/hazelnuts. Do not rely on what you *think* is in these products, because foods that can cause severe allergic reactions can turn up in products where you might not expect them; for example:

- Peanuts or nuts can be used in pesto
- Unrefined nut oils can be used in salad dressings
- Cakes and desserts can contain marzipan or frangipane (both made from almonds) or praline (made from hazelnuts as well as eggs, milk and wheat containing gluten)
- Sauces can contain milk or flour containing gluten
- Cheesecake bases can contain nuts to make them crunchier
- Some Indian meals can be thickened with ground almonds or peanut flour
- Soybean flour can be in many food products, such as burgers, sausages, cakes, pastries and biscuits
- Soybean is used in some vegetarian products such as vegetarian mince
- Tofu (which is made from soybean) is often used in Chinese meals

You also need to consider and manage the likelihood of possible <u>cross contamination</u> of allergens in your kitchen. Even the smallest trace amount of allergenic foods may trigger a severe reaction. You need to reduce the risk of cross contamination during storage of ingredients, during all preparation, cooking and serving of food, including from food handlers, surfaces, utensils and equipment.

Remember that if someone asks you whether a meal contains a certain food, you should **never** guess the answer. Always listen to the customer. Always check the ingredients carefully and if you cannot find out for certain then say you do not know. The Australasian Society of Clinical Immunology and Allergy (ASCIA) have produced useful information sheets for the most common food allergens detailing the foods and ingredients that may contain a certain allergen. Refer to the following link <u>http://www.allergy.org.au/patients/food-allergy/ascia-dietary-avoidance-for-food-allergy</u>.

Allergen matrix tool

Consider the use of an allergen matrix tool to work out what allergens are present in a meal/food. An allergen matrix is a table that has a list of food allergens, and added sulphites, at the top of the table. An example of an allergen matrix for **spaghetti and meat balls** menu item follows:

Allergen matrix example

Start by selecting a menu item. In this example spaghetti and meat balls has been chosen as the example meal. List all of the ingredients you put into this meal and then carefully check each of the ingredient lists one by one and highlight the allergens that are present. Please note that it is for <u>illustration purposes only</u>, and the allergens identified in this made up meal are <u>only an example</u>.

Recipe:	Spaghetti	Meat balls	Parmesan cheese	Garlic	Tomato pasta
Ingredient list:	durum wheat semolina, eggs	beef, <u>eggs</u> , onion, carrot, garlic	<u>milk</u> , salt, cultures, enzyme	garlic	tomato, salt, water

Place a tick in the relevant box for each allergen identified in this menu item. It is important to complete a new allergen matrix for a meal when you make any changes to the ingredients or recipe.

Complete	Completed by (name / position):					Date of allergen matrix:					
Review : e	Review : <u>every</u> time an ingredient or recipe changes										
Meal	Peanuts and their products	Tree nuts and their products	Egg and egg products	Milk and milk products	Soybeans and their products	Sesame and their products	Fish and fish products	Crustacean and their products	Added Sulphites	cereals containing gluten	Lupin and lupin products
Spaghetti and meat balls			4	4						~	

This example meal has the following allergens identified: egg, milk, and wheat.

Training

Training is required to make sure staff are aware of the responsibilities of the food business regarding allergen declarations. It is advisable to provide training for all staff on what a member of staff should do when a customer asks for a meal that does not contain a particular food. Training sheets that set out what a member of staff should do are also useful. Make sure staff understand that it is important to listen to customers. Where staff are unsure whether a meal contains particular food allergen, make sure they know that it is safer to tell a customer that they do not know if the meal contains that food allergen. Never guess. If low literacy skills are an issue for your staff, ensure that adequate verbal training and supervision is provided so that staff understand their responsibilities

Suggested risk reduction options

The following table has been designed to assist food businesses in identifying the risks, and provide some practical assistance for food businesses to reduce this risk. The suggested risk reduction strategies detailed below are not legislatively required, but may assist food businesses to demonstrate compliance/manage risks. Please note that they are <u>examples only</u>, and <u>are not an exhaustive list of the risk management strategies that may be considered</u>. In addition, the <u>strategies chosen must be appropriate to the food business</u>.

Risk reduction strategies

Process	Risk	Suggested risk reduction options
Purchase and delivery	 Unreputable suppliers Ingredients information is missing, inaccurate, hard to read or misunderstood 	 Use reputable suppliers Keep a copy of the ingredient information on labels of any ready- made foods you use, such as desserts and sauces Keep ingredient information for bulk foods, and for anything that is taken out of its packaging and stored in another container
	 Staff don't realise that the food that has been delivered is different to what they normally use. 	 Check deliveries to make sure what is delivered is what you ordered Look to see if your supplier has given information about any changes in the ingredients of the foods delivered
	 Staff do not realise that the ingredients of a food product have changed 	 Check that the food delivered is the same brand you normally use. Different brands might have different ingredients. Look out for changes in recipe/ingredients sometimes flagged on packaging as same brands sometimes change ingredients
Storage	 Small amounts of a food that can cause allergic reactions get into other foods – for example, if containers are not sealed, containers with allergens kept on high shelves or when foods are being moved from storage into the kitchen. 	 Always store foods separately in closed containers, such as peanuts, nuts, seeds, milk powder and flour Keep ingredients in the original containers, where possible, or keep a copy of the labelling information Use airtight containers to store food allergens and colour code them to make them stand out Keep containers containing food allergens on lower shelves where possible in case of spillage Always thoroughly wash containers used to store ingredients

Handling and preparation	 Small amounts of foods that can cause allergic reactions get into other meals, because worktops and equipment haven't been cleaned properly. In addition cross contamination by food handlers can occur. 	 When you have been asked to prepare a meal that does not contain a certain allergen: Make sure worktops and all the equipment staff use, is thoroughly cleaned with hot water and detergent before they use them. This includes chopping boards, knives, food mixers, bowls, pans, and utensils used for stirring and serving. This is to prevent small amounts of the food that the person is allergic to from getting into their meal Ensure staff wash their hands thoroughly with soap and warm water before they prepare the meal, and avoid touching other foods until they have finished preparing the meal. Aprons/protective clothing need to be clean Where possible, prepare the allergen-free meal first to minimise the risk of cross-contamination Ensure cleaning cloths used to clean up spillages of allergenic foods are not reused to contaminate surfaces and equipment. (consider the use of disposable paper towels). Avoid cross-contamination for example, with flour or crumbs that are easily carried from one meal to another
	Unauthorised recipe changes by kitchen staff	Ensure staff are trained not to alter recipes unless authorised and ensure service staff are aware of the changes
Cooking	• Foods that can cause allergic reactions are put next to other foods, for example, pastries with nuts or seeds on top are put on the same baking tray as those without nuts or seeds	• When you have been asked to prepare a meal that does not contain a certain food, make sure that you keep it completely separate from other foods. Also consider the cooking method and do not cook the food in oil that has already been used to cook other foods. Ensure pots, pans and other utensils are thoroughly cleaned before preparing the 'allergen free' meal. Adequate staff training will ensure that staff are aware of the dangers of substituting ingredients. Ensure effective communication between staff through training

	• Staff run out of one ingredient and use something else instead (for example, peanuts to replace another type of nut) and do not tell the serving staff	 Educate food preparation staff to inform serving staff of any changes to meals
	 Cross contamination risks from cooking equipment and personnel 	 Thorough washing of surfaces and equipment e.g. spoons, probe etc., and hand washing and clean aprons/protective clothing
	 Batch cooking – incorrect identification of allergen free product 	 Ensure easily identifiable by using prominent labelling of foods or meals
	 Substituting one type of oil for another in cooking or dressings (e.g. sesame oils, peanut oil, other nut oil) 	 Where possible do not substitute oils. Ensure that if oils for cooking or dressings are substituted that all staff are made aware of the change.
Display and service	• Food that can cause allergic reactions can be transferred from one meal to another in self-service areas, for example if customers use the same spoon for dishing up a number of different meals or carried their food across another meal not containing the allergen	 Consider allergen cross-contamination. Keep the foods separate and easily identifiable and ensure separate utensils are available
	Undeclared allergens	• Either a sign must be displayed in self-service areas detailing the food allergens or alternatively food allergens must be declared to the purchaser upon request

Serving customers	 Staff do not understand what the customer is asking for. Serving staff do not check with the kitchen staff every time they are asked whether a meal contains a particular ingredient. The ingredients might have changed 	 Encourage customers to ask about whether the food they are allergic to is used in the meals they want to order Make sure staff understand it is important to listen to the customer. Make sure that staff understand that they should never guess whether an ingredient is in a meal or not. They should check with the kitchen staff every time someone asks for a meal that does not contain a certain food Make sure that if staff are not sure whether a meal contains a particular food allergen, and they cannot check, they tell the customer they do not know
	 Kitchen staff do not tell serving staff about last- minute recipe changes e.g. changed cooking oils from sesame to peanut oil 	 Make sure that kitchen staff always tell serving staff about any recipe changes, particularly if foods that can cause allergic reactions are now being used in a meal
	• Desserts containing foods that can cause allergic reactions, such as nuts or cream, are placed on a sweet trolley and small amounts of the food can be transferred to other desserts	 Consider cross-contamination. Don't just remove the food that someone is allergic to from a meal that has already been prepared, for example do not remove the nut decoration from a cake and then give it to a customer who has declared their nut allergy. There could still be small amounts of the food in the meal, and this can be enough to trigger a life threatening allergic reaction
	Customer orders get mixed up – for example, a customer asking for a salad made without walnuts and is given another customers salad that contains walnuts	Ensure effective communication between staff

	Cross contamination during service using same utensils or ineffective cleaning of table/crockery or cutlery	 Use separate serving utensil Take steps to ensure that the area where the customer will eat the food is clean, for example, the table, crockery and cutlery
Menu	 Menus that do not contain full and up to date information about ingredients could be confusing for example: if the menu states that only one meal contains nuts, but leaves this information out in other meals in the menu that do contain nuts 	 Remember to update the menu when recipes change. It is a good idea to put a message on your menu, or on the wall, to let customers with food allergies know to disclose their allergy and ask staff for advice about what meals contain It is not recommended to use logos on your menu to show whether meals contain certain foods, because ingredients can change

Tips for being allergy aware

- Keep your meals standard by always using the same ingredients each time a meal is prepared
- Use prominent labels identifying products that contain allergens
- Train staff about food allergens and the potential consequences of providing inaccurate information
- Always allow the customer to decide for themselves whether to eat a particular food product

Effective communication (with the customer and between staff)

If a customer with a food allergy asks you about the ingredients in a food/meal:

- Never guess
- If you do not know, try to find out
- If you are unable to provide the information, say so
- If the information is unavailable, can you provide an alternative food containing simple ingredients.

Always make sure all relevant staff are advised of any recipe changes or ingredient substitutions.

Training of staff

- As part of all routine training, food businesses need to ensure that staff understand the seriousness of food allergy and the importance of giving accurate information about the allergen content of food ingredients and menu items
- All staff should receive ongoing training on handling allergy information requests from their first day in the job
- There should be an agreed practice/protocol for dealing with allergy information requests that all staff should know about
- Make sure casual/replacement chefs/staff are aware of food allergy and what your protocol is if someone discloses an allergy
- Make sure staff understand it is important to listen to the customer

Accurate ingredient information

- Know the ingredients in the foods you sell
- Make sure ingredients information (not just allergen information) is accessible to all staff
- Make sure ingredients information is up-to-date
- If you use part prepared ingredients, make sure you know what they contain
- Consider the risk of allergen cross-contamination

References:

Australasian Society of Clinical Immunology and Allergy. Food allergy [Internet accessed 12 March 2019]

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Allergen management checklist

Guide for food businesses to assess their allergen control measures.

The checklist template is not exhaustive and is intended to be a guide only. The checklist includes <u>some suggested best practice</u> and provides an example of how a food business may manage risks and demonstrate compliance to statutory requirements under the Food Act 2008 (WA) (Food Act).

Name:	Position:
Signature:	Date:
Review frequency:	

Section 1. Understanding statutory requirements

	Comments
Does the food business understand it is an offence to not comply with the provisions of the Food Act including the sections that are applicable to the declaration of food allergens Refer to Government of Western Australia Department of Premier and Cabinet website for a copy of the Food Act <u>http://www.slp.wa.gov.au/legislation/statutes.nsf/main</u> <u>mrtitle_3595_homepage.html</u>	
Does the food business understand that the Food Act makes it an offence to not comply with the Code including Standard 1.2.3 - 'Information requirements – warning statements, advisory statements and declarations'? Refer to FSANZ website for a copy of Standard 1.2.3 <u>http://www.foodstandards.gov.au/code/Pages/default.as</u> <u>px</u>	
Does the food business declare mandatory allergen information to a customer? This includes: -retail foods that are required to carry a label -retail foods exempt from carrying a label -foods sold from vending machines -foods for catering purposes -foods not for retail sale	
Does the food business declare the presence of the specific ingredients? This includes:	

• Crustaceans and their products (e.g. prawns, crab, crayfish etc.)	
Peanuts and their products	
Soybeans and their products	
• Tree nuts and their products (e.g. almond, hazelnut, walnut, cashew, pecan, Brazil, pistachio, macadamia etc.)	
 Sesame seeds and their products 	
• Fish and fish products (except for isinglass derived from swim bladders and used as a clarifying agent in beer and wine)	
 Egg and egg products 	
Milk and milk products	
 Lupin and lupin products 	
• Cereals containing gluten (e.g. wheat, rye, oats, barley and spelt)	
 Added sulphites (in concentrations of 10mg/kg or more). 	

Section 2. Suggested best practice options

Pre	liminary assessment	Comments
	Is there a system in place to manage allergens?	
	Does the food business have products that do not contain specific allergens available for sale?	
	Are products that do not contain specific allergens available upon request?	
	Do you use an <u>allergen matrix tool</u> to identify allergens in the foods you produce?	
Pur	chase and delivery	Comments
	Are reputable suppliers used that are likely to be meeting legislative requirements?	
	Are deliveries checked to ensure packaging is intact and contamination has not occurred?	

	Are checks made to ensure deliveries meet the same specification as those products ordered?	
	Are the foods that are delivered the same brand that are normally used? If different brands are used, are checks carried out to ensure that they do not have different ingredients to the usual brand used?	
	Are checks made to see if the supplier has given information about any changes in the ingredients of the foods delivered? This may be printed on delivery dockets or computer generated invoices	
	If products have an indication that a new formula has been used, such as 'new recipe' on the packaging, are the ingredients of the product checked to determine if allergens are present?	
	If new allergens are found to be present in ingredients, are staff informed of this change and allergen advice amended accordingly?	
Sto	rage	Comments
Sto		Comments
	rage Is allergen labelling information retained with each	Comments
	rage Is allergen labelling information retained with each product? If foods in storage are decanted into smaller containers, are they in closed containers, and have copies of the ingredient information from pack labels been kept with	Comments
	rage Is allergen labelling information retained with each product? If foods in storage are decanted into smaller containers, are they in closed containers, and have copies of the ingredient information from pack labels been kept with the food? Are the foods suitably enclosed to prevent cross-	Comments
	rage Is allergen labelling information retained with each product? If foods in storage are decanted into smaller containers, are they in closed containers, and have copies of the ingredient information from pack labels been kept with the food? Are the foods suitably enclosed to prevent cross- contamination with other foods when in storage?	

	without informing front of house staff?	
	Do food handlers consider cross-contamination in the preparation area, especially when asked to prepare a special meal, free of a particular allergen?	
	Is time separation practiced as a means of risk minimisation/allergen control? For example, sesame seeds have a high contamination risk because they can get into other foods easily and it is better to use them in a preparation area when no other foods are present.	
	Do food handlers manage the risk of cross- contamination from poor personal hygiene or dirty protective clothing and cloths? For example, food handlers thoroughly wash their hands, and ensure their apron and clothing is clean before preparing an allergen free meal	
Cooking		Comments
	Is cross-contamination during cooking considered?	
	Is cross-contamination during cooking considered? Are different spoons and probe thermometers always used or are they washed thoroughly before use?	
	Are different spoons and probe thermometers always	
	Are different spoons and probe thermometers always used or are they washed thoroughly before use? Are food handlers aware that certain cooking and drizzling oils pose an allergen hazard, including when	

Fur	ther handling (slicing /portioning/addition of toppings)	Comments
	Do food handlers consider cross-contamination during the handling of food after it's been cooked? For example, is the cooked meat slicer used to slice all types of cooked meat produce before a thorough clean at the end of the day?	
	Do food handlers manage the risks of cross- contamination through food residues on surfaces, for example with allergens like wheat flour and sesame seeds?	
	Do food handlers manage the risk of cross- contamination from poor personal hygiene or dirty protective clothing and cloths? For example, food handlers thoroughly wash their hands, and ensure their apron and clothing is clean before preparing an allergen free meal	
Dis	play and service	Comments
	Is care taken to avoid cross-contamination in hot/cold holding and service areas? Ensure foods are not too close together or touching.	
	Are the foods put in separate holding dishes, easily identifiable and served by food handlers using separate equipment/utensils?	
	Are dishes on hot display labelled with their allergenic content?	
	Is there a sign about allergens in self-service areas, such as salad bars or serve-yourself ice cream counters?	
Ser	ving customers	Comments
	Are there signs or notices to encourage customers to enquire about any allergens they may wish to avoid?	

	Are front of house staff aware of the protocol for dealing with customer requests?	
	Are front of house staff aware of cross-contamination risks?	
	Does the manager ensure that food handlers always tell front of house staff about recipe changes, particularly if they substitute foods containing allergens?	
Wa	shing up and general cleaning	Comments
	Is the control of allergens included in the cleaning schedule?	
	Are fresh cleaning cloths used to wipe surfaces before preparing meals for customers with food allergy?	
Sta	ff training	Comments
	Identify the total number of food handlers and check whether basic food allergen training was given on their first day of employment and before food handling duties commenced.	
	Has in-house training been recorded?	
	Is there a system for ongoing/refresher allergen training?	
	Is there a nominated, responsible person who will handle all food allergen queries from customers, and is there a deputy in their absence?	
	Is there a written procedure on how to deal with a request for allergen information?	



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