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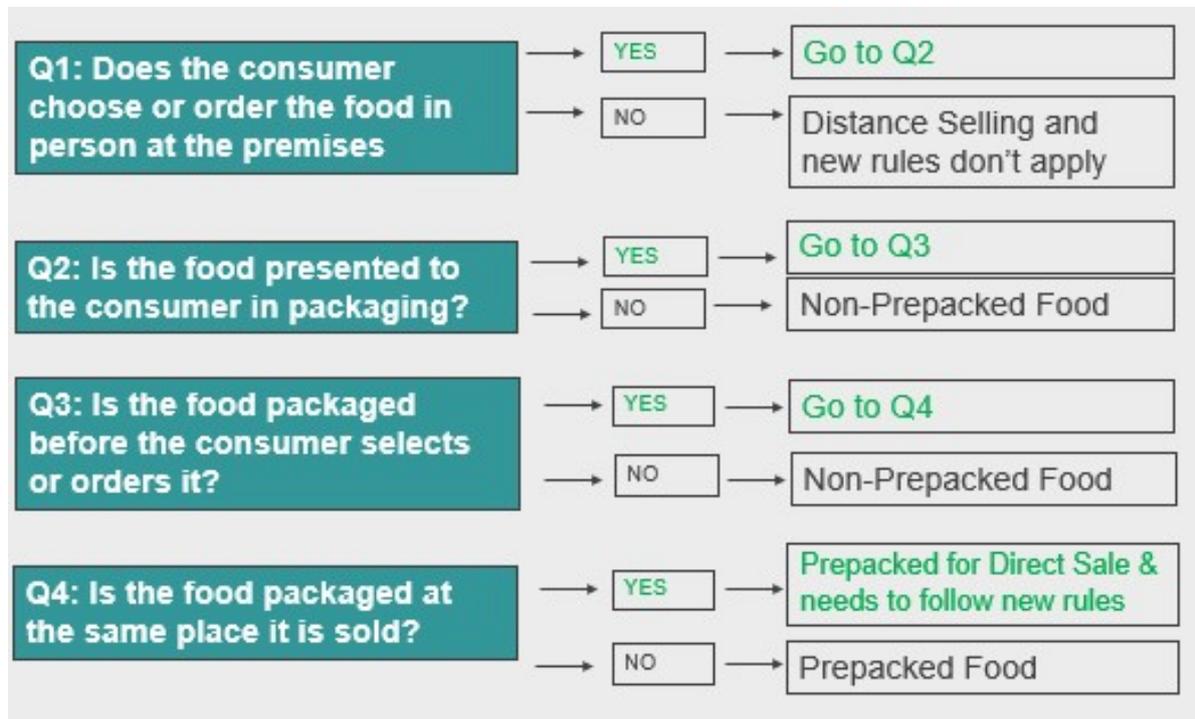
Food Allergens for your business and the new requirements for pre-packed for direct sale products (PPDS) under ‘Natasha’s Law’ Frequently Asked Questions

The frequently asked questions below, provide some answers to some of the questions that have come up from lots of different businesses about the new and existing requirements for providing allergen information on food and drinks. If you are unsure about how to label or cater for those with allergies, please contact your local environmental health or trading standards teams:

trading_standards@salford.gov.uk	businessadvice@manchester.gov.uk
environmental.health@bolton.gov.uk	regulation@trafford.gov.uk
standards@stockport.gov.uk	comm@wigan.gov.uk
regulation@bury.gov.uk	trading_standards@rochdale.gov.uk
publicprotection-es@tameside.gov.uk	regulation@oldham.gov.uk

How can I tell if the food I provide to customers falls under pre-packed for direct sale (PPDS), prepacked or non-prepacked?

This flow-chart should help you decipher which requirements you need to follow. If you answer yes to all the questions, you will need to follow the new requirements as your food will be classed as pre-packed for direct sale:



Regardless of which category your product falls under, you should remember that it is your responsibility to provide as much and as full information as you can to your customers so that they

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can make informed choices about the food they are eating and what is contained within it. The spirit of the legislation is there to protect the consumer and therefore whether your food is prepacked, prepacked for direct sale or non-prepacked, you need to provide allergen information in some form to your customers.

The Food Standards Agency (FSA) has created its own tool to help you decide which category your food falls under: <https://www.food.gov.uk/allergen-ingredients-food-labelling-decision-tool>.

Event catering

What are the requirements for event catering under the new legislation?

The new prepacked for direct sale requirements cover food items presented to individual consumers in packaging, so if a caterer is supplying a large tray of sandwiches for example, which is covered in clingfilm or a plastic cover for transport purposes, intended for multiple people at an event then this is not PPDS. This will be classed as non-prepacked food so a full ingredients list is not needed but information on the presence of allergens needs to be provided. The allergens information should also be provided for each item separately, not for the buffet as a whole

What if we are providing catering food consisting of packaged items for individual consumers?

For example a selection of individually packaged sandwiches laid out an event for attendees:

PPDS where packaged by the caterer on the same site as the event or if the caterer has set up a mobile outlet at the event and not made to order, i.e. a range of individual sandwiches laid out for attendees to choose from- the name of the food, a full ingredients list/allergens and a QUID indication for meat products is needed.

However, where these sandwiches are **made up and packaged following individual orders** then these would be **non-prepacked**. A full ingredients list would not be needed but the presence of allergens needs to be clearly indicated to customers.

BUT REMEMBER, where orders are placed over the phone or internet it will be classed as distance selling, in which case the new PPDS requirements don't apply but the allergens information must be provided to the person ordering before the purchase is complete and when the food is delivered.

More guidance at: <https://www.food.gov.uk/business-guidance/prepacked-for-direct-sale-ppds-allergen-labelling-changes-for-event-caterers>

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Breakfast buffets

How are breakfast buffets impacted by the new requirements?

(Hotel breakfast buffets where food is covered by clingfilm or a lid).

If this is food like trays of sausages or scrambled egg which the customer can help themselves to, this would be classed as non-prepacked food as it is not items for individual consumers and it's also likely that this clingfilm or the lids may be removed at the point the breakfast starts.

However, if you were wrapping individual items or putting a dome on plates of food before any orders by customers then this would be PPDS if it is presented to the consumer in this form. There may be some cases where individual items are unwrapped or the dome taken off before being handed to the consumer, in which case this would be non-prepacked.

Drinks and Beverages

Are beverages included under the new requirements?

Beverages are the same as any other food item in that allergen information needs to be provided but if it is a scenario such as hot beverages being poured into cups or mugs on order then this will be non-prepacked. If however, portions of soup are being packaged in advance of orders by a café or a catering van, for example, this would meet the definition of prepacked for direct sale. Things like smoothies packaged up in advance by cafes or catering vans will also be classed as PPDS.

What are the implications for alcohol retailers, for example those selling direct to customers in vineyard of distillery shops?

Normal canned/bottled stock being sold on site to takeaway (or for supply to other retailers) should meet the full labelling requirements for prepacked food and beverages but remember that alcoholic drinks with more than 1.2% by volume of alcohol don't need an ingredients list and allergens can be labelled using a contains statement, e.g. '*Contains: sulphites, milk and egg*' (if the finished product contains sulphites at more than 10 mg/litre and if milk or egg residues are detectable in the wine).

However, there may be a scenario where a distillery is making up samples in advance of an event and putting these in containers with a lid on. These would be classed as PPDS.

Alternatively, where a business is pouring out drinks or samples to order or if samples are poured out in advance in open glasses then these would be non-prepacked and allergens information should be provided to consumers in a written notice or orally (with a clear notice that allergens information is available this way).

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Schools/nurseries/businesses providing food to children

Where snacks are provided at after school clubs and are not pre-ordered, do they have to be labelled individually?

If individual snacks are packaged in advance by the school kitchen and then presented to the child in that form, they would be prepacked for direct sale as they're packaged before an order has been made on the same site. However, if food items are given to the children without packaging, i.e. on a plate then this would be non-prepacked food:

<https://www.food.gov.uk/business-guidance/prepacked-for-direct-sale-ppds-allergen-labelling-changes-for-schools-colleges-and-nurseries>

Do sandwiches that are pre-ordered for school trips have to be labelled?

Whether these will be classed as PPDS will depend on whether orders are made in advance:

- If they are and sandwiches and cakes for example are packaged to order then these will **not** be classed as PPDS. Instead the rules for non-prepacked food should be applied and children and parents given the required information, including allergens at the time the order is requested, i.e. a menu or letter given to parents asking for their child's choice.
- If however, a batch of sandwiches are packaged in advance of a trip and the child chooses from a selection during the trip or before they set off then these items would be classed as PPDS and would need a full ingredients list with the allergens emphasised.

Are lunch boxes in children's play centres/garden centres captured under the new regs?

As with the school packed lunch scenario it will depend on whether packed lunches are being made up following individual orders or whether a range of different items are being packaged in advance and then the child chooses from this selection.

So if they're made to order these would be non-prepacked but if they're packaged in advance and placed out for kids to choose from these would be PPDS and need to meet the new requirements. (**BUT** remember they would only be PPDS if the way in which they're packaged means that the contents can't be altered without opening or changing the packaging in some way)

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Charities and others providing free food and drink

What are the implications of the new legislation on charities or others providing free food and drink to people, i.e. sandwiches/other food/refreshments?

This will depend on whether the charity needs to be registered as a food business- if they're supplying food on an occasional and small-scale basis, it is unlikely they will need to register.

Whether food is supplied for free or not does not affect whether it is a food business or not. It depends on how often an activity is carried out and what the activity involves. If you are unsure if you are a food business – please contact your Local Authority Environmental Health team for clarification.

If the activity doesn't need to be registered as a food business, you don't have to provide information for consumers about allergens present in the food as ingredients. **However, we recommend that you do so as best practice**

Please follow this link for more information: <https://www.food.gov.uk/safety-hygiene/providing-food-at-community-and-charity-events>

Miscellaneous Questions

How should we handle changes to suppliers if there are issues with shortages of food/ingredients? Do the labels have to be printed?

Labels do not have to be printed but they must be clear, accurate and legible and they must have the full ingredients list and allergens in bold or any other typeset that sets the allergens apart. If there are any changes to suppliers or ingredients, for example if you have to substitute an ingredient for another or use a different supplier for a particular ingredient, you must ensure you check for any allergen in that ingredient including 'may contains', even if you think it is the same type, e.g. tomato sauce. Any matrices/ charts must also be updated and your HACCP should include a section regarding changes to suppliers and consider:

- Having agreements in place if possible with suppliers to notify you if there is a substituted product in food orders. Consider having a "no substitution" rule unless agreed beforehand; require that substituted products do not contain any different allergens including "may contain" statements. All substituted products should be checked, and labels/matrices updated with allergen information.
- Bear in mind that if you source a new supplier of a particular product - you may have more than one brand of the same product on your premises at the same time as you use up the original one, for example mayonnaise. You must ensure that your allergen information and labels are correct for the brand of mayonnaise in your food and include details of what to do in your HACCP. You may choose to let a product completely run out before using the different brand - if there is any overlap and different allergens are involved there could be issues.
- Consider how labels are produced/stored to ensure the correct labels are used. For example, if a chicken sandwich now contains a different mayonnaise with different allergens and there is a stock of chicken sandwich labels but a new one has now been produced – you need to

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ensure that staff use the correct label. You may intend going back to the original brand of mayonnaise so don't want to dispose of labels, but you need to ensure that the correct labels are used.

- Consider what you need to do if an ingredient recipe is reformulated and subsequently there are different allergens present. Some manufacturers will highlight if there has been a reformulation. A manufacturer may have changed their own suppliers/changed where they manufacture and there should subsequently be a change to precautionary allergen labelling. As part of your HACCP, it is good practice to have a process of random checks of ingredients to check if your allergen information is up to date.
- All staff to be trained, briefed and supervised on procedures to ensure that any changes result in allergen information being updated.

Are the requirements the same if serving food, i.e. sandwiches to employees in a staff canteen?

Yes the labelling and allergens rules are exactly the same in this environment and the canteen staff will need to consider what type of food they're serving. Any food items packaged in advance of lunchtime would be PPDS but hot food or sandwiches plated or packaged after a member of staff places an order would be non-prepacked and the allergens information will need to be on a menu or notice clearly visible explaining that allergen information can be obtained by asking staff.

We sell food that is unpackaged in our zero-waste retail shop, i.e. they fill their own containers. How can we ensure that we're keeping our customers safe and we are compliant?

As this food is not provided by the shop in the form of individual pre-packed items it would be classed as non-prepacked food and therefore the non-prepacked labelling requirements apply. This means that allergens information needs to be made available in the form of a written notice or label next to the food or verbally by staff, with a clear notice saying that's how allergens information can be obtained. We would advise that in a busy retail environment it would be more practical to ensure that the information for each type of food is given in writing on a notice or label clearly visible to the consumer at the time they're filling their containers.

You will need to consider the food hygiene element of customers serving themselves including potential allergen cross contact, especially if spatulas or equivalent are provided. Your HACCP should deal with any food hygiene/cross contact/COVID risks and outline procedures.

Have you got any advice on managing allergens in a small prep area?

You need to look at your food preparation areas, food storage areas and undertake a risk assessment looking at all the steps involved in producing your foods, from supplier information to handling, storage, preparation and display. If you can't manage to do it safely then you should consider if you are able to do it at all.

Important to note that even in a small space, a food business should do all it can to minimise allergen cross contact risks. Measures may include:

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- Separate production of different products by time and thoroughly cleaning surfaces in between.
- Produce products with no allergens first, i.e. at the start of the day.
- Ensure allergenic ingredients are appropriately stored.
- If possible, have staff assigned to certain areas/products to avoid staff causing allergen cross contact
- Consider having an allergen box of equipment/utensils to use when you know you are producing a product for someone with an allergy. Such equipment/utensils to be cleaned thoroughly between use.
- Carry out a risk assessment of allergen cross contact risks on your premises and pass any precautionary allergen labelling information on to customers on the PPDS label.

In reality, in most small kitchens there will be a risk of allergen cross contact - this information must be passed on to customers.

If someone suffers an allergic reaction on my premises, what should I do?

If a person suffers an allergic reaction on your premises, prompt and immediate action is vital. Ensure they use their epi pen or auto injector if they have one, or help them use it in accordance with the instructions on the device. Send someone to call 999 or call 999 yourself and tell them it is “**Anaphylaxis**”. You should still call 999 even if the person starts to feel better after administering their epi-pen. Remove any trigger away from the person, i.e. the food and ensure their privacy. You may ask other customers if they are a doctor or medically trained that can assist. Following the incident you should record the incident in your system and debrief with your staff. Be mindful of GDPR when recording information.

What are the implications of these new requirements on home bakers?

You will need to provide allergen information to your customers depending on the way in which the food is ordered. Most bakers make cakes to order so PPDS is unlikely to affect you if this is the case, but the allergen information must be available to the customer before ordering. However, if you make products then take these to a market stall or a moveable unit to sell to customers and they are fully packaged and not pre ordered then PPDS will apply.

How should I label products that I make at my home or shop that are provided to another business to sell?

If the products are sold unpackaged by the manufacturer to another business, such as a bakery/sandwich shop selling them as non-prepacked or prepacked for direct sale, they do not require labelling. However, the name of the food and details of any allergenic ingredients should be provided, along with any precautionary allergen information (e.g. potential cross contamination during the preparation of the food). Where the business requests full ingredients information, this should also be provided, for example if they are selling the food as prepacked for direct sale.

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Products supplied to other businesses to sell as prepacked, e.g. sandwiches supplied to a convenience store, will need to meet the full labelling requirements for prepacked food. See <https://www.food.gov.uk/business-guidance/packaging-and-labelling#labelling-of-prepacked-food> for more information.

If a bakery or sandwich receives unwrapped pies from a supplier and then wraps/packages them on site, will they be classes as PPDS?

If the bakery or sandwich are packaging the pies ahead of consumer orders, e.g. for selection from a chilled cabinet, they will be classed as prepacked for direct sale and will require a full ingredients list including the allergens emphasised (see the full labelling requirements at <https://www.food.gov.uk/business-guidance/labelling-guidance-for-prepacked-for-direct-sale-ppds-food-products>). They should request full ingredients and allergens information from their supplier (including any precautionary allergen information).

Sector specific guidance on the new PPDS requirements (e.g. for bakers and butchers) is available at <https://www.food.gov.uk/allergen-labelling-changes-for-prepacked-for-direct-sale-ppds-food>

How will the new PPDS requirements affect takeaways?

It really depends on how the takeaway is ordered. If the order is being made over the phone or internet, then PPDS does not apply, but the food information regulations will still apply, so allergen information should be provided over the phone or on the website.

If the customer is ordering in the premises and the food has not been prepacked, this would be classed as non-prepacked food so it wouldn't need a label with full ingredients but you would need to provide allergens information on a menu or notice or make the information available verbally. If you're doing the latter you would need a notice directing customers to speak to staff.

There might be a scenario where you are pre-packing food to be kept under a hot plate for when the customer order, for example burgers or pizzas. This would be classed as PPDS and full ingredients would be required on the packaging.

The FSA have some more information on the requirements for takeaways: <https://www.food.gov.uk/business-guidance/prepacked-for-direct-sale-ppds-allergen-labelling-changes-for-fast-food-and-takeaway-restaurants-ppds>

Does the ingredient list have to be in a certain order?

The ingredients should be listed in descending weight order.

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Are digital solutions to or a QR code to present allergen information acceptable?

For PPDS products you **can't** have your allergen information and ingredient list displayed using a QR code on the label. The information must be displayed on the label.

For open food - allergen information can be presented via a digital solution but you must consider customers who are digitally excluded and potentially have another way of presenting allergen information. You must signpost to customers how allergen information can be obtained. It is important to remember that digital solutions are only as good as the information you input so you must have a robust way of ensuring that allergen information is up to date. You must have a contingency in your HACCP plan should a digital platform crash. Don't over complicate your allergen information. If you are providing allergen information digitally and also via e.g. a matrix - both must always be up to date. Staff can be assigned responsibilities and staff should be trained and supervised. It is advised that businesses include allergen information for PPDS products in their allergen information/matrices, there could be a specific section for PPDS. This will help should labels run out or the product is to be sold as open food.

Useful Links

<https://www.food.gov.uk/business-guidance/allergen-labelling-for-food-manufacturers>

<https://www.food.gov.uk/business-guidance/introduction-to-allergen-labelling-changes-ppds>

<https://www.food.gov.uk/business-guidance/allergen-guidance-for-food-businesses>

<https://www.businesscompanion.info/en/quick-guides/food-and-drink>

<https://www.food.gov.uk/business-guidance/prepacked-for-direct-sale-ppds-allergen-labelling-changes-for-event-caterers>

<https://www.food.gov.uk/business-guidance/packaging-and-labelling>

<https://www.food.gov.uk/business-guidance/online-food-safety-training>

<https://www.food.gov.uk/sites/default/files/media/document/food-information-regulations-2014-summary-guidance-for-food-business-operators-and-enforcement-officers-in-wales-northern-ireland-and-scotland-updated-2020.pdf>

<https://www.gov.uk/guidance/food-standards-labelling-durability-and-composition>

<https://www.food.gov.uk/allergen-labelling-changes-for-prepacked-for-direct-sale-ppds-food>

<https://www.food.gov.uk/business-guidance/labelling-guidance-for-prepacked-for-direct-sale-ppds-food-products>

<https://www.food.gov.uk/allergen-ingredients-food-labelling-decision-tool>

[Allergen labelling for food manufacturers | Food Standards Agency](#)

https://www.food.gov.uk/sites/default/files/media/document/fsa-food-allergen-labelling-and-information-requirements-technical-guidance_0.pdf

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<https://www.food.gov.uk/business-guidance/prepacked-for-direct-sale-ppds-allergen-labelling-changes-for-event-caterers>