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## **WHEN EVEN A TRACE IS TOO MUCH: HOW TO MITIGATE ALLERGENS AND OTHER FOOD SAFETY RISKS**

Consumers have high expectations when it comes to food safety. They want to be confident that the food that they eat is safe and expect there to be a robust regulatory regime in place to ensure that any potential safety issues are addressed quickly and effectively.

In July 2021, the Food Standards Agency (FSA) published the results of their biannual “Food and You” survey which provides information on behaviours, attitudes and knowledge relating to food safety in England, Wales and Northern Ireland. The survey reported that 93% of respondents were confident that the food that they buy is safe and 89% of respondents indicated that they were confident that the information on food labels is accurate.

These results demonstrate that consumer expectations of manufacturers and regulators are largely being met. But that does not mean food safety risks are nonexistent.

### **Undeclared allergens in the supply chain**

The growing prevalence of food allergies, intolerance and other hypersensitivities – and the serious consequences that can ensue if products contain undeclared allergens – has impacted heavily on the food industry. Shortcomings in food labelling have triggered both a change in the law and an increasing number of recalls. The second quarter

of 2021 saw a number of recalls due to food products containing inter alia undeclared nuts, soya, milk and crustaceans. We can expect this recall trend to continue.

Every food business needs to ensure their suppliers do not lead them to fall foul of producing food products with undeclared allergens. Food supply chains can often be very long, and tracing products can prove challenging.

Consider a 2017 recall in the United States and Canada involving cumin found to be contaminated with peanuts and almonds. The contaminant of this single ingredient forced recalls of countless products across several product categories. The cumin was traced to two suppliers in Turkey, but the specific origin of the nut contamination remained unclear – the supply chain from the farm where the cumin was grown was lengthy. This example is illustrative of the global impact of such issues and the difficulties in tracing their origin through the supply chain.

However, keep in mind that allergen risks are not unique to foodstuffs on most grocery store shelves.

### **Allergens and the food service industry**

The picture presented in the FSA’s Food and You survey suggests that allergens remain a significant concern, particularly in the food service industry. Although confidence is high in relation to information provided by restaurants (82%), cafes, coffee and sandwich shops (79%) and pubs (75%), ordering from takeaways and ordering through online delivery services commanded much less confidence (63% and 50% respectively).

Looking forward, 1 October 2021 will see the coming into force of “Natasha’s Law” which introduces new requirements in England, Wales and Northern Ireland for the labelling of food prepacked for direct sale (PPDS). The changes arise as a result of the death of a teenager who suffered an allergic reaction to an undeclared ingredient in prepacked food. Following the death, the UK government confirmed that it would introduce more robust laws to give those with food allergies greater confidence in the food that they buy.

Food businesses that produce PPDS food will be required to label items with the name of the food and a full ingredients list. Any of 14 specific allergenic ingredients must be emphasised on this list – for example, in bold, italics or in a different colour. Businesses need to make sure that they are prepared for these changes and that labelling complies with the new requirements. Regulatory action may ensue for those who do not label their products in accordance with the new requirements and civil claims could, of course, follow in respect of those who suffer adverse health effects as a result of non-compliance.

### **Contamination risks**

Although recalls concerning undeclared allergens continue to dominate, there still remain a considerable number of recalls relating to listeria, salmonella and foreign bodies being detected in food products. These recalls demonstrate that manufacturers have robust procedures for identifying such contamination and ensuring that affected products are recalled quickly. However, when such issues arise, processes and procedures will need to be reevaluated to determine how shortcomings arose and how they can be more efficiently detected and prevented in future.

### **Packaging safety**

Product packaging issues – such as exploding glass bottles, defective cans and choking hazards – have featured in recent 2021 recall statistics. Of course, food producers must also ensure that their packaging complies with the requirements of the regulations concerning materials and articles that come into contact with food. This is an area that has attracted the attention of regulators in the past: in 2018 the EU saw the introduction of a specific migration limit for Bisphenol A in varnishes or coatings applied to materials and articles specifically intended to come into contact with infant formula, follow-on formula, processed cereal-based food, baby food, food for special medical purposes, milk-based drinks and similar products specifically intended for young children (Commission Regulation (EU) 2018/213). As scientific research continues into the safety of substances that come into contact with food, we may well see an increase in the scope of such regulations and potential for recalls.

As more is learned about food safety risks, ranging from allergens and foodborne illness to packaging-related hazards, expect regulators to increase and expand oversight to ensure consumers are not only protected, but do not lose trust in the safety of their food supply.

