

# CORONAVIRUS

## INFO-SERVICE FÜR BETRIEBE



## Gastronomie

# EU-Food Information to Consumers Regulation

## Information obligation for "allergenic" ingredients in the hospitality industry

### 1. Initial position

With the enactment of the new [EU-Food Information to Consumers Regulation No. 1169/2011](#) on 13 December 2014, the information obligation regarding the presence of the 14 main allergens in packaged foods was expanded to also include so-called "bulk goods".

All hospitality establishments in Europe are now required to declare ingredients contained in their foods that may induce allergies or food intolerances.

According to the opinion of the European Commission, this information must be communicated to end-consumers (guests) in written form. The commission allows member states to use other means of information within the context of the national implementation. The Austrian Ministry of Health is responsible for the national implementation in Austria.

The Austrian Professional Restaurant Association (Fachverband Gastronomie) has already approached the Ministry of Health in July 2011 and demanded that the regulation for conveying allergen information should be handled as flexibly as possible within the context of the EU information obligation; especially verbal communication requested by guests should also be deemed sufficient.

After tough negotiations, it was conceded that the national implementation may utilise this manoeuvring room to the greatest possible extent for the benefit of hospitality establishments.

The implementation is performed via a regulation of the Ministry of Health complemented by recommendations of the Code Commission.

1. [Personnel Training Guideline](#) for allergen information (regulates the competence of persons authorised to communicate information verbally)
2. [Allergen Information Guideline](#) for non-prepackaged foods ("bulk goods") in retail businesses within the meaning of the Allergen Information to Consumers Regulation (contains notices about required company-internal measures)
3. [Recommendations for written information](#) (usage of abbreviations and letter codes)

The framework for the national adaptation of the EU information obligation as stipulated by the EU Food Information to Consumers Regulation is thereby utilised to the greatest possible extent.

## Achtung!

Nutritional values must not be stated on the menu. A letter from the ministry is provided [here](#).

### 2. Basics about the information obligation

The information obligation applies to foodstuffs (including beverages) that are

- intended for the end-consumer
- supplied by communal food-service providers
- intended for delivery to communal food-service providers
- served by transportation companies, provided that the place of departure is located within the sovereign territory of EU member states.

The information obligation applies if **ingredients** from one of the **14 main categories** are used in the preparation process (including products made with these ingredients).

More detailed information is available [here](#).

#### How are ingredients defined?

An ingredient is defined as any substance (including additives and enzymes) **used** during food production or preparation that is **also present in the final product** – even if in altered form (Article 6 Section 4a, EU Directive 2000/13).

This means: Every substance used in production as an ingredient or as part of a compound ingredient is regarded as essential. Inadvertent allergens that are not used as ingredients and have been introduced to the product through cross-contact are regarded as insignificant.

#### “Traces” are not considered ingredients:

The information obligation does not apply if the manufacturer’s label, in addition to the allergen designation, contains the following supplement: “May contain traces of...” Traces are not regarded as an “ingredient” within the meaning of the information regulation.

Labelling is not required for traces according to the EU regulation (see also the article by graduate engineer Andreas Schmörlzer [“Keine Haftung bei Spuren”](#) [No Liability for Traces]).

**All food-service companies (from production to sales) are obligated to provide information about the ingredients used in their products.**

#### 2.1. How can information about allergens contained in precursor products be obtained?

Since 2005, manufacturers of prepackaged foodstuffs have been subject to a labelling requirement for the 14 most common allergens, which are to be identified on the ingredient list. From 13 December 2014, all manufacturers of precursor food products (e.g. convenience, spices, etc...) must provide labelling for all main allergens, which also applies to agricultural food producers and direct farm-product sales (for example sausages)!

##### *Where is the manufacturer’s information given?*

###### *Packaged foodstuffs:*

- Manufacturers are obligated to **clearly emphasise** ingredients (**e.g. bold or underlined**) that are included in the 14 categories of [Annex II](#) on the ingredient list of the label or packaging.

An explicit notice (“contains...”) must be provided for the respective ingredient if an ingredient list is not provided.

###### *Unpackaged foodstuffs:*

- Product-information sheets for further processing

###### *Distribution via remote communication means (for example webshop):*

- Link to all obligatory allergen information for the respective ingredients on the ingredient list

### 3. Options for conveying information

There are 2 options for conveying information. It is imperative that the information is available to the customer or guest **when placing the order**.

#### 3.1. Written form

**Where can written information be displayed?**

- Food or beverage menu
- Price list
- Posting
- Sign on or in the vicinity of the food
- In electronic form (e.g. PDA)

Communicating information in written form is especially recommended if there is only a limited supply and/or a high degree of standardisation for the product.

E.g.:

- Sausage stand
- Buffet
- Fast food restaurant
- Espresso
- Ice cream parlour
- Restaurant with self-service

**A separate information notice (label) is not required if the food designation clearly indicates the relevant ingredient or the food presentation implies the presence of this ingredient.**

Examples:

- "Shrimp Cocktail" – does not require a separate notice for the allergen shellfish (crustacean)
- "Milkshake" – does not require a separate notice for the allergen milk
- "Celery Salad" – does not require a separate indication for the allergen celery
- Peanuts in open bowls – do not require a separate notice for the peanut allergen since the presentation clearly indicates its presence

##### 3.1.1 How should products be labelled?

Abbreviations or symbols may also be used for labelling if these are explained in the immediate vicinity.

Used symbols are subject to a minimum-size requirement in order to ensure legibility. The **Code Commission** has provided a recommendation for better handling.

**The allergen group can be identified in abbreviated form**, which greatly alleviates the fulfilment of the written labelling requirement. The abbreviation must only be stated once even for multiple ingredients within this group. (The allergen information for "milk or lactose" is sufficient if a food contains milk and whipping cream.)

A footnote must clarify that the allergen information has been provided according to the code recommendation in case of abbreviated usage.

**Letter codes** are also permissible to economise space and further alleviate the labelling process. The following allocation must be observed for letter codes in order to avoid misunderstandings:

Abbreviation	Letter code
Gluten-containing grains	A
Crustaceans	B
Egg	C
Fish	D

Peanut	E
Soy	F
Milk or lactose	G
Edible nuts	H
Celery	L
Mustard	M
Sesame	N
Sulphites	O
Lupines	P
Molluscs	R

A clearly legible **key** with the heading "Allergen Information According to the Code Recommendation" must be provided at a clearly visible location. The key can be displayed as a posting, counter or table card or informational sheet or stated directly in the menu – depending on the type of offer. It must be ensured that the key and letter codes are displayed in close vicinity to each other so that the information can be viewed concurrently.

An example of such a key can be downloaded [here](#).

#### Additionally recommended notices for written labelling on the menu:

We recommend providing the following additional explanations or notices on the food or beverage menu for clarification and protection purposes in case of potentially asserted liability claims:

- *Designations are provided if the designated substances or products created from these substances are contained in the end product as an ingredient.*
- *The 14 main allergens are labelled according to legal stipulations (EU – Food Information to Consumers Regulation 1169/2011). In addition to these, there are also other substances that can induce food allergies or intolerances.*
- *Despite the fact that our food is prepared with great care, traces of other substances, used during the production process in the kitchen, may be contained in our foods in addition to the designated ingredients.*

#### 3.2. Verbally communicated information:

##### Conditions

1. A written **notice** at a **clearly visible location** in the establishment, e.g. on the menu or as a posting, stating that information is available upon request; the sentence should read as follows:

*"Dear Guest! Information about allergy or intolerance-inducing ingredients in our foods is available from our service personnel upon request."*

2. **Appointment** of one or several properly trained **person(s)** who handle requests pertaining to allergen information.
3. At least one appointed person, who is capable of providing such **information**, if requested, must be available at **all times during opening hours**.
4. The appointed person(s) must receive training at least once **every three years**.

##### Who is authorised to perform training?

Generally, every hospitality proprietor can perform employee training, provided that this person has the necessary professional expertise and is able to convey the training content in accordance with Item 2 of the Personnel Training Guideline. The hospitality proprietor must obtain the respective information independently as needed.

Starting in autumn of 2014, specific information events for proprietors (multipliers) are offered e.g. by the [AGES Academy](#) or professional state groups.

##### Training content (within the meaning of the Personnel Training Guideline)

- Conveying the importance of allergen information (what is an allergy or intolerance and what are its effects), see [here](#) for more details.

- Sensitisation in regard to inducing allergic reactions or intolerances
- Knowledge of the list of allergenic substances according to [Annex II](#) of the EU regulation 1169/2011 (Food Information to Consumers Regulation FICR). See [here](#) for more details.
- Knowledge about communicating allergen information within the establishment and methods of conveyance to end-consumers
- Which documents or verifications are required for the verbal communication of information?
- **Training verification**, documentation corresponding to the Personnel Training Guideline must be stored for 3 years.
- **Documentation** that illustrates the respective allergen ingredient for every food or beverage

Sample documentation is available [here](#). An Excel tool has been provided [here](#) (by Bekom–[www.bekom.at](http://www.bekom.at)).

The Food Inspection Authority is responsible for examining the training verification and documentation for the verbal communication of allergen information.

#### Temporary regulation for training verification:

It has further been conceded that the Food Inspection Authority will only examine training verifications at the earliest one year after the enactment of the regulation (presumably in December of 2015) in order to give establishments sufficient time to train employees.

Administrative penalties may be imposed for improper maintenance or storage of training verifications or documentation in relation to the used ingredients.

#### 4. Liabilities:

Missing or erroneous information may result in liability claims according to civil law for the proprietor (protection-law violation). In the most severe case, this may also lead to compensation claims **according to the hospitality contract** or **Product Liability Act**, **provided** that the aggrieved party can establish a causal relationship between the illegal erroneous or missing information and the occurrence of damage.

#### Achtung!

Caution must be exercised when a guest inquires whether a certain food is “free” of allergens!

The guest regards such an assurance as a trustworthy guarantee. When in doubt, it is better to clarify that only used ingredients can be identified, but a guarantee cannot be given.

#### 5. Information about sweeteners

The notice “Does not contain a source of phenylalanine” must be provided for unpackaged foods that contain **aspartame/aspartame-acesulfame salt**.

The notice “May have a laxative effect if consumed excessively” must be provided for unpackaged foods with more than 10% added polyhydric alcohols.

Notices must be clearly legible and permanently posted on a clearly visible sign or on the price list on or in the vicinity of the food or – for communal food-service establishments – on food and beverage menus or as a posting visible to the end-consumer in other cases.

**Attention: This information must always be given in writing even when allergen information is otherwise communicated verbally.**

#### Achtung!

[All information, leaflets and documentation are available as a download here.](#)

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