

EXPLANATORY MEMORANDUM TO

THE FOOD LABELLING (DECLARATION OF ALLERGENS) REGULATIONS (NORTHERN IRELAND) 2009

2009 No. 362

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Food Standards Agency Northern Ireland to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Articles 15(1)(e), 16(1), 25(1)(a) and 47(2) of the Food Safety (Northern Ireland) Order 1991 and is subject to the negative resolution procedure.

2. Purpose of the Rule

- 2.1 These Regulations amend the Food Labelling Regulations (Northern Ireland) 1996 to extend a temporary exemption from certain labelling requirements for wine. This exemption applies to the declaration on label of lysozym₁ and of albumin (produced from egg) or milk products (in the form of casein) used as fining agents in wine. These are all ingredients which may cause an allergic reaction in some people.

3. Legislative Background

- 3.1 This Rule implements Commission Regulation (EC) No 415/2009 of 20 May 2009 amending Directive 2007/68/EC amending Annex IIIa to Directive 2000/13/EC of the European Parliament and of the Council as regards certain food ingredients.

4. Parity or Replicatory Measure

- 4.1 This Rule applies to Northern Ireland only. Parallel legislation is being made in England, Scotland and Wales.

5. European Convention on Human Rights

- 5.1 As this Rule is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Policy background

- What is being done and why

- 6.1 The Food Labelling Regulations (Northern Ireland) 1996 (as amended) aim to ensure that consumers are properly informed about the nature and substance of the foods they buy and are protected from false or misleading descriptions. These Regulations include a list of 14

¹ Lysozym can be used to treat the must prior to fermentation to inhibit naturally present bacteria that might interfere with the alcoholic fermentation carried out by the yeast and thus produce an unpleasant wine. It may also be used after fermentation to inhibit the bacteria that cause a malolactic fermentation in wine. This is usually a desirable reaction in cool, northern wine making regions but is normally undesirable in warmer or hot regions.

allergens that have to be indicated on the label whenever they, or their derivatives, are used as deliberate ingredients in pre-packed food, including alcoholic drinks.

- 6.2 The 1996 Regulations have since been further amended a number of times to implement more changes to EC legislation as regards allergenic ingredients. In some cases certain foods or their derivatives have been added to the list of ingredients that must be declared on label, and in other cases ingredients have been removed, notably where it has been established that due to processing the ingredient no longer contains the allergenic component. In an amendment introduced last year, among others measures the ingredients mentioned in paragraph 2.1 above were required to be declared on wine labels, with a phase in period for compliance that expired on the 31st May 2009.
- 6.3 However, due to technical difficulties encountered by the wine industry in meeting this deadline for compliance, the European Commission has since made a further amendment to this legislation. This amendment extends the deadline to December 2010.

7. Consultation

- 7.1 A 4 week public consultation was undertaken in Northern Ireland between the 8th July to 4th August 2009. 1 response was received.

8. Guidance

- 8.1 The Agency has produced guidance on the allergen labelling rules. This has been amended to reflect this change in the legislation and will be available from the Food Standards Agency's website.
- 8.2 No publicity events are planned to promote this change as the change in effect is to maintain the status quo.

9. Equality Impact

- 9.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

10. Impact

- 10.1 As wine producers and manufacturers are now not required to change the labels on wine until the end of 2010 there is no incremental impact from this legislation and therefore an Impact Assessment (IA) has not been prepared for this Statutory Rule.
- 10.2 The Local Authorities Coordinators of Regulatory Services (LACORS) were consulted and they agreed that there were no additional costs from enforcing this Statutory Rule.

11. Regulating small business

- 11.1 The reason for delaying the implementation of the previous SR was to reduce the burden on businesses from introducing two labelling changes for this sector in quick succession. This would have been particularly onerous on small businesses. By harmonising the two label changes this will reduce the financial burden on industry.

12. Monitoring and review

12.1 Measuring the success of this SR will be difficult because it does not introduce any change. The change will take effect at the end of 2010 when wine producers will be required to label:

- Lysozym used in wine
- Albumin used as a fining agent in wine
- Casein used as a fining agent in wine

However, wine producers will be able to phase the introduction of the necessary changes to their labels and minimise the cost implications.

12.2 If the manufacturers are able to demonstrate that these ingredients are no longer present in the final product and therefore there is no allergenic potential from wine using these ingredients, the situation will be reviewed.

13. Contact

Mervyn Briggs at the Food Standards Agency NI, Tel: 028 9041 7742,

Email: mervyn.briggs@foodstandards.gsi.gov.uk or

Esther Chartres, Tel: 028 9041 7737

Email: esther.chartres@foodstandards.gsi.gov.uk