

Guide for EHOs and food businesses

Declaration of lupin as an allergen: Update to pages 7 and 49 of the food safety program template for class 2 retail and food service businesses, no. 1, version3

What food or ingredients cause allergic reaction or intolerances?

Allergens are foods known to cause reactions in allergic people due to an immune response. This can be life threatening. Allergens in foods must be clearly communicated to customers.

As distinct to food allergies, some people experience intolerance to certain foods or ingredients due to a chemical reaction. People's reactions to food intolerances are commonly less severe, but eating these foods can make them unwell.

The most common causes of food allergic reactions or food intolerances are:

- cereals containing gluten and their products*, that is: wheat, rye, barley, oats and spelt and their hybridised strains, other than where these substances are present in beer and spirits and in some cases glucose syrups as described in the Food Standards Australia New Zealand Food Standards Code (the Code)
- shellfish, crustaceans and their products
- eggs and egg products
- fish and fish products
- milk and milk products
- peanuts and peanut products
- soybeans and soybean products
- sesame seeds and sesame seed products
- tree nuts and tree nut products (this does not include coconut)
- added sulphites in concentrations of 10 mg/kg or more (typically in dried nuts, soft drinks and sausages).
- **lupin and lupin products (all products, including existing ones out on shelves, will need to comply with the new labelling requirements for declaring lupin by 26 May 2018).**

*NOTE: The term 'products' means foods that have this item in their ingredients.

The Code requires that the presence of any of these 11 allergens in a food must be declared when present as: an ingredient; a compound ingredient, a food additive or a processing aid.

What are the risks?

Some people have a reaction to food containing allergens. People's reactions to food allergens varies but they can be severe and even life threatening. Some people can have a severe reaction to even the smallest trace amount of certain allergenic foods.

People's reactions to food intolerances are commonly less severe but eating these foods can make them unwell.

Victorian food laws require that your business complies with the Code. You must understand and follow the requirements of the national Food Standards Code, including Standards 1.2.1 and 1.2.3.

Food labelling and information requirements

The Code includes labelling and information requirements for food. The requirements vary depending upon the nature of the activity and the type of food, such as whether it is packaged and what is required if it is packaged.

Most businesses using food safety program template for class 2 retail and food service businesses, no. 1, version 3 will be small to medium-sized businesses preparing ready-to-eat food for immediate consumption, to be consumed on site, or as take-away by the customer. The information below summarises key requirements in the Code that these businesses must follow for these activities.

Information requirements about food which is ready for immediate consumption by a customer on-site, or as take-away by the customer

Labelling

This food is NOT required to bear a label if any of the following apply:

- the food is not in a package (such as fruit or vegetables, or ready-to-eat food that is served)
- the food is made and packaged at the premises from which it is sold (such as any sandwiches, bread or hot food prepared at the food premises and sold in a package)
- the food is packaged in the presence of the purchaser (such as being placed in a bag)
- whole or cut fresh fruit or vegetables (other than sprouting seeds or similar products) are sold in mesh bags or clear plastic, or other packaging that does not obscure the nature of the food
- the food is delivered packaged, and ready for consumption, at the express order of the purchaser
- the food is displayed in a cabinet from which a person serves food as requested by the purchaser
- the food is sold to the public at a fundraising event (which raises funds solely for a community or charitable cause and not for personal financial gain).

Information requirements for food that is not required to bear a label

In the above situations, the Code still requires that you make some important information available to the purchaser, such as:

- Name of the food – this must indicate the true nature of the food. This information may either accompany or be displayed with the food or be provided to the purchaser on request.
- Allergen information – information is required on the most common allergenic foods used. This information may either accompany or be displayed with the food or be provided to the purchaser on request.
- Directions for use or storage – if food is not intended to be eaten immediately and instructions are necessary for reasons of health or safety. This information must accompany the foods for sale.

Refer to Standard 1.2.1-9 for a full list of requirements for food not required to bear a label.

The information above is based on key requirements of the Code, as at October 2017.

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Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

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