

NEW REGULATION 1169/2011 EC AND THE IMPACT ON ALLERGIC CONSUMER PURCHASING HABITS

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Abstract – New EU regulation 1169/2011 was implemented 13th December 2014 to benefit allergic consumers with more easily identifiable allergens and coherent labelling. The aim of this study was to investigate the effectiveness of 1169/2011 EC and how it has impacted on allergic consumer behaviour and product labelling. This updated legislation builds on existing guidance for prepacked foods and introduces a new requirement for non pre-packaged foods. Food allergies affect approximately 2% of the total UK population, with a higher prevalence amongst children under 3 years of age. In one questionnaire 88 respondents (who all suffered at least one food allergy) were asked a variety of questions specific to the new regulation. Research was also undertaken into the ‘Big Four’ retailers; Tesco, Asda, Morrisons and Sainsburys to identify whether each was legally compliant with allergen labelling/guidance. Consumer trust was severely dented in light of the horsemeat scandal, with trust for labelling at a low. Food fraud is an area of increasing friction across the industry and consumers are often unsure of exactly what is present in the food they purchase. This research found 78% of respondents trusted retailers for allergen labelling and 77% found labelling to be average or better in effectiveness. It can be suggested that the new regulation has strengthened trust in the industry.

Key Words – Allergens, Labelling, Trust

I. INTRODUCTION

Defined by Koppelman and Hefle (2006) as a specific and restricted group whereby the reactions to foods are mediated by the immune system, food allergies are known to affect 1 to 2 people in every 100 in the UK (NHS, 2014). Hospital admissions for severe responses have increased by 500% since 1990 (Gupta, 2007), with the majority caused by incorrect information given to consumers when eating out. The Food Standards Agency published new regulation 1169/2011 EC in October 2011,

giving businesses a three year transition period to adopt more coherent and consistent approaches to labelling, thus helping allergic consumers to better understand allergen information and hence make more informed purchasing decisions. Many consumers were reported to have had reactions to food products that were incorrectly labelled, an issue that 1169/2011 aims to address. Of particular importance is the recent addition of restaurants & takeaway businesses to the regulation, which are now required by law to alert customers if the food they serve contains any one of the 14 major food allergens. These allergens are; milk, egg, peanut, tree nuts, wheat, soy, crustaceans, fish, molluscs, sesame seeds, mustard, celery, lupins & sulphites, with incidences involving peanuts tripling in just four years (RCP, 2003). Epidemiological studies have shown that geographical location and age play a role in the prevalence of allergy to individual foods and as such the regulatory allergen lists differ worldwide for each country or group of nations (Madsen et al. 2014).

Several European Food Safety Authority (EFSA) approved products (e.g. barley based glucose syrup) manufactured from allergenic foods that would normally induce an immediate hypersensitivity reaction involving the release of immunoglobulin E (IgE) histamine and containing trace levels of protein are exempt from new allergen labelling.

Mandatory information for non-prepackaged products now has to be provided too, with a sign highlighting the presence of allergens as well as information directing consumers to a member of staff who can provide further allergen guidance.

Joint research by the FSA and Allergy UK found 70% of people with allergies to express a lack of trust for information given, one of the main drivers behind a need for change in regulation across the industry.

The first phase of the new regulation is known as the Food Information Regulation (FIR), with compliance required by 13th December 2014.

Phase 2 adds a nutrition-labelling scheme known as Front – Of – Pack (FOP) with compliance required by December 2016.

In mid – November 2014 the percentage of products in the British marketplace that were known to be Phase 1 FIR compliant stood at approximately 30%, which with only one month to inception date was a relatively low figure. This is one of the main reasons supporting research into the new regulation, to ascertain whether there are any stakeholders in the industry who still weren't legally compliant, despite the 13th December 2014 date passing.

II. MATERIALS AND METHODS

Quantitative data was collected from a questionnaire, followed by statistical analysis and personal research into the 'Big Four' retailers. A total of 88 respondents from across the UK were invited to participate in a short questionnaire via social media to gain their opinions of allergen labelling in general and the new regulation as a whole. Questions relating to Age, Gender, Highest Education and Allergies were vital for producing pivot tables and statistical analysis. These were then compared against other variables from the questionnaire, including Allergen Type, Allergen Identification, Trust Level for Existing Labelling and Awareness/Effectiveness of New Labelling. Investigating the effectiveness & awareness of new labelling, whether advisory labelling influences purchasing decisions and where respondent trust lies for food retailers were of paramount importance to understanding food allergic respondents early perceptions of the new regulation. Questionnaire results were graphically represented initially to clearly show respondent answers for each question as applicable, followed by obtaining P-Values through the use of statistical analysis methods (Pearson Chi-Square). This was used to evaluate how likely any observed differences between two data sets were due to chance.

Research into the 'Big Four' retailers involved photographing existing labelling for three own brand food products; milk chocolate, beef lasagne and almond croissant, judging each by comparing labelling to new regulation guidance. All retailers were investigated 6th January 2015, which is

important as all should be legally compliant prior to this date in line with legislation guidelines.

Qualitative data was collected through a question & answer session as well as an assisted shop.

A Question & Answer session was conducted with individuals from a well recognised food chain and the managing director of Cocoa Loco, a small chocolate product manufacturer to ascertain the impacts that the 1169/2011 EC has had on both operations, in particular any financial implications. The assisted shop involved following an allergic individual on her weekly shop to better understand how purchasing decisions are made and whether the individual takes heed of advisory allergen labelling guidance. A short semi-structured interview also followed the shop to gain a further insight.

III. RESULTS AND DISCUSSION

The introduction of new regulation 1169/2011 EC has been observed to be effective at adequately providing consumers with labelling that is effective at conveying allergens. Of all respondents, 53% judged new labelling to be Good to Excellent for providing consumer with adequate information, whilst 77% were in the Average to Excellent range. One question was used to identify whether the age of respondents had any relation to the number of food allergies that those individuals had.

Younger respondents, particularly those Under 18, in the 18-24 and 25-34 age bracket had several allergies, which statistical analysis provided a P-Value of less than 0.05. This proves that there is a relationship between the age of respondents and the number of allergens each respondent has and is statistically significant.

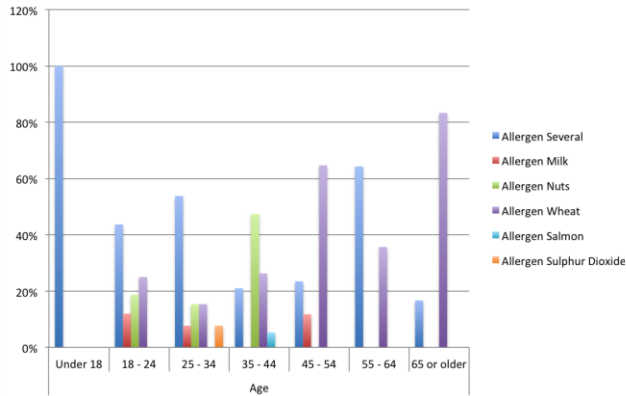


Figure 1: A graph to show the breakdown of respondents and the food allergies that each age bracket is affected by

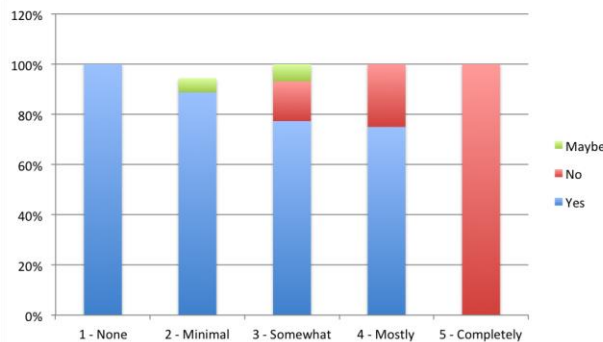


Figure 2: A breakdown of the levels of trust that questionnaire respondents had for allergen labelling and the percentage of each who would heed 'May Contain' statements

Cochrane et al. (2013) reported that previous labelling regulations and in particular the application of advisory labelling, e.g. 'May Contain' had a limited effectiveness to mitigate and communicate risk. Similarly, research by Barnett et al (2011) found consumers to brand 'May Contain' labelling for the previous regulation to be neither credible nor desirable. In comparison, 78% of all respondents in this research heeded advisory labelling, emphasizing its renewed effectiveness. However this study found there to be no relationship between the use of 'May Contain' statements and trust for a particular food product, as statistical analysis provided a P-Value higher than 0.05.

Of all 'Big Four' retailers, three were found to be legally compliant, with one lacking allergen guidance for non pre-packaged food products. Further inspection revealed the cause of a lack of compliance owing to the use of old labels dating from June 2014. No further research has been conducted into the offending retailer, although it is hoped that the issue has been rectified as it not only leaves allergic consumers open to potential allergic reactions, but the retailer could have financial penalties to pay.

The final question posed to respondents provided useful insights into the current 1169/2011 regulation and provided useful information to further develop legislation. Understandably 'May Contain' statements were found to be the largest issue of contention, with individuals wanting a strong legal stance to be taken with regards to their use so that no blatant blanket statements are used. On pack information should be provided for bakery goods, as well as front of pack information for allergens to allow for quick identification. The inclusion of pictures or symbols was widely requested too, to aid younger allergy sufferers who may not always be accompanied by a parent/guardian. Overall the suggestions stated a greater need for simple, transparent and honest labelling. This is due to consumers demanding more information than ever before, with the trend showing no sign of slowing (Don, 2014).

IV. CONCLUSION

Early research suggests that the new regulation 1169/2011 EC is effective at positively influencing consumer behaviour and product labelling, as to the presence of any one of the 14 food allergens as identified by the FSA, as well as helping to make more informed/risk free choices when considering 'May Contain' statements on labels. A total of 73% of the total number of allergic respondents who took part in the questionnaire were aware of the new allergen labelling, which somewhat proves its success. Furthermore, the highest respondent count of 27% of the total respondents correctly counted the correct number of allergens when asked to identify the number in the ingredients list of a food product. However, further research

would be required with a larger respondent group to increase the accuracy of the findings to date.

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