

ACS Submission: Consultation on Best Practice Guidance - Allergen Information for Non-Prepacked Foods

ACS (the Association of Convenience Stores) welcomes the opportunity to respond to the Food Standards Agency's (FSA) consultation on updates to its best practice guidance on allergen information for non-prepacked food. ACS is a trade association, representing over 50,000 convenience retailers across the UK.

ACS supports efforts to improve the businesses provision of allergen information for customers and we recognise the importance of food safety for customer trust. There is a rising demand for food to go services by customers and we have seen this in current trends, with food to go having the largest increase in mission share year-on-year.¹ To help retailers navigate this regulatory landscape, ACS provides its members with Assured Advice on food safety and hygiene which includes best practice and statutory information on how to comply with the law.²

While ACS acknowledges the FSA's goal to ensure customers have ready access to written allergen information to prevent incidents, we would prefer an equal weighted approach that covers *all the different options* for a businesses to deliver allergen information for their customers, including the use of oral communication. Our key concerns relate to the singular recommendation put forward in the guidance that written allergen information should be available to customers in writing and without request:

- **Flexibility is important:** Convenience stores are highly diverse in size and operation, and flexibility is essential for the effective implementation of this guidance. We encourage the FSA to retain the emphasis in the current technical guidance which provides equal weighting to all the options businesses can use to communicate allergy information to customers (oral and written).
- **Practicality needs to be considered:** Written allergen information is helpful to customers who need quick and clear data on allergens present in food items. However, many convenience stores operate with limited staff and space, which can pose challenges in maintaining and updating written allergen information. For smaller stores especially, adapting to these requirements may require significant operational changes, such as the need to create, maintain, and regularly update written materials for items that vary frequently, like fresh foods and locally sourced products.
- **Equitable guidance is key:** Independently-owned stores, especially those without digital infrastructure or corporate support, may face disproportionate operational challenges associated with following this recommendation, compared to providing the information orally which some businesses may prefer. Guidance should be equitable across all business types to ensure businesses understand the full range of options available to them suit their individual needs.

¹ Convenience Market Report 2024, Lumina Intelligence.

² [ACS Assured Advice Guide Food Safety and Hygiene Guide](#)

ACS' full response to the consultation is available below.

- 1) The FSA is proposing recommending to businesses that allergen information should be available to customers in writing. It is up to the business as to whether written information is provided to customers upfront (i.e. without customers needing to ask for it) or on request, and what form it takes (e.g. on menu, in an allergen matrix, information booklet).**

How acceptable, or not, is this proposal to you? Why/why not?

We would prefer a balanced approach to be taken, like in the existing technical guidance, which provides equal emphasis on the two different options a business could take to deliver this information to customers. That is, by either providing the information orally or having it written down for their customers.

Written allergen information is helpful to customers who need quick and clear information on allergens present in food items. Some convenience stores will have this information available for their customers but for others which operate with limited staff, space, and displaying requirements, they may prefer to provide this information orally. This is because of the challenges associated in maintaining, displaying and updating written allergen information on a consistent basis on all non-prepacked products in their store which could be an unrealistic ask.

While ACS notes that this is only best practice guidance, there is a risk that the emphasis of this recommendation is taken as the sole option a business can take for providing allergen information which would be confusing for businesses. There is also a risk that this develops from becoming best practice in the guidance to becoming a statutory obligation. Flexibility is key and context should be taken into account, particularly for convenience store businesses that may not have the resources and capacity to consistently update their businesses with new written information.

- 2) How practical, or impractical, would it be for you to follow the best practice guidance? Why/why not?**

Please see response to question above.

- 3) Do you think this proposal would be an effective way of providing information to customers and enabling them to order food that is safe for them to eat, and be provided with food that is safe for them to eat? Why/why not?**

We acknowledge the objective of the recommendation which is to ensure customers can have direct access to written information and for some convenience stores and other wider businesses, this will already be the case. It's important however to recognise that the practice of this recommendation is not applicable for all businesses so we would prefer an equal weighting approach that emphasises this information can be provided orally and written. It is important businesses clearly understand that there are different options available to them according to their needs.

- 4) What, if any, are unintended consequences (positive or negative) that you think may result from these changes? Please explain your answer.**

Risk of information outdated quickly (negative) - convenience stores often carry seasonal or rapidly changing stock, particularly in fresh or prepared foods. If allergen information is not updated in real-time, there's a risk that written documents could become outdated. This could create confusion or liability problems if customers rely on outdated allergen information.

Potential impact on consumer experience (negative) - Introducing written allergen information might change the typical convenience store experience. For stores with limited space, displaying allergen information or managing printed materials might be visually cluttering or inconvenient for customers, potentially impacting the quick-service nature that customers expect from our sector.

Disproportionate impact on smaller stores (negative): this could have a disproportionate operational challenge on smaller stores that might not have the resources or administrative capability to consistently update information, compared to their larger business competitors that have compliance teams and administrative system to streamline this information.

Increased customer trust (positive)- Some stores already provide written allergen information which enhance can enhance transparency and helps create trust between the customer and business. Stores however should be able to follow the guidance to suit their own needs.

- 5) The current guidance allows businesses to choose whether the written allergen information is provided upfront (i.e. without the customer needing to ask for it) or is available upon request. An alternative would be for the FSA to recommend that the information is provided upfront (without the customer needing to ask for it). To what extent are you in favour of, or opposed to, the FSA recommending that written allergen information should be provided upfront?**

As per our response above, the same principal issues we have identified remain, should the best practice focus on a single recommended approach to this issue. We prefer the approach of the existing guidance because it provides flexibility for businesses considering how to deliver information to their customers according to the individual needs of the business.

- 6) Do you think it is practical for food businesses to provide information on all ingredients, not just the 14 regulated allergens?**

Yes

No

Don't know

- 7) How would it affect your business/the business(es) you represent if there was an expectation to provide all ingredient information?**

While full ingredient disclosure could enhance transparency, it would be more practical to focus on effectively communicating the 14 regulated allergens, which cover the most common and severe allergens in the UK.

Providing full ingredient information for non-prepacked foods would require extensive documentation and tracking from across the supply chain. This would especially impact independent convenience stores that do not have the compliance and administrative processes in place to provide this information.

Consideration should also be given to the fact that documenting full ingredient information would require additional resources, from labour staffing for frequent updates to potential printing or digital solutions to display the information. For convenience stores, the cost and time implications to deliver this service could be disproportionate to the amount of people who require this information in the UK.