

ESA POSITION STATEMENT ALLERGEN LABELLING

adopted at the Technical Commission
in Noordwijk on 19 May 2011

Spice companies ensure that all retail and catering products (“delivered as such to the ultimate consumer” or to “mass caterers”) that intentionally contain allergens and/or their derivatives are labelled in accordance with Article 6 paragraph 10 of Directive 2000/13/EC as amended by Directive 2003/89/EC.

Business to business e.g. industrial sales is not included in this legislation. However members recognize their responsibility to ensure allergen information is available to their customers to enable them to fulfill their legal obligations.

For retail and catering products:

- **Allergens must be labelled** where they are intentionally present.
- **Allergen labelling is not necessary** where allergens are not intentionally present and a risk assessment has demonstrated that adventitious contamination has been minimised. Management systems such as GAP, GMP and HACCP should be in place to minimise the risk.

This absence of labelling does not infer a guarantee that the product is free from allergens.

- **“May contain”** labeling. There is no legal requirement in the Regulations to indicate possible allergen cross-contamination. However, many manufacturers and retailers provide this information voluntarily to indicate the possible unintentional presence of allergens in pre-packed food. It should **only** be used when
 - circumstances indicate that traces of allergens are not intentionally present and
 - a risk assessment has identified that cross-contamination cannot be consistently controlled by all practicable means and
 - an individual risk assessment of the allergen suggests the "may contain" labelling.
- **“Free from”** labelling should only be used where an absolute guarantee of the absence of allergens can be given with the exception of allergens where limits are set by legislation.

The final decision on labelling is the responsibility of member companies in conjunction with their customers.