

June 2021 Board Meeting - Questions



Question 1

Would it be possible to share updates on the progress of novel food applications? How many applications have you rejected so far and when will you complete the list of applications for products that will be allowed to stay on the market until verified?

From **Marija Obradovic**

Head legal analyst

www.cbd-intel.com

Our response:

We have taken your question as relating primarily to CBD extracts as novel foods. Of the total 947 novel food applications that were received by the FSA between 1 January 2021 and 30 June 2021, 839 applications were for CBD products.

277 novel food applications, (252 CBD applications) are currently undergoing administration/validation checks. 13 novel food applications (4 CBD applications) have passed Validation and are at the Risk Assessment phase.

- 631 were incomplete novel food applications (of which 544 were CBD)
- 41 were withdrawn applications (all CBD)

To date 43 products that are linked to the 4 validated CBD applications have advanced onto the public list that is published [here](#). This list explains the status of these products. This number reflects the complex nature of the industry, the quality of the evidence provided and the number of suitable applications at present.

Many of the applications that have been received have been incomplete applications and do not provide enough information to assess acceptability. In a high number of cases we have had to ask for further information from companies before we can progress the validation process



Question 2

Questions from Paul Carey of the Owen's Law Campaign

1. *Could the FSA Board please confirm its support in principle, subject to the demonstration of an evidence base, of implementing "Owen's Law" which, inter alia, calls for restaurants to state the allergens in each dish they offer in writing on the face of the menu. The attached Executive Summary document, specifically the Appendix, sets this out together with three other changes the Owen's Law campaign seeks in respect of consumers who are at risk of anaphylaxis.*
2. *Could the FSA Board note that such practice, as called for by the Owen's Law campaign, is already achieved by large restaurants chains such as Wetherspoons and smaller establishments such The Seabreeze restaurant in Aberdovey on the Cardigan Bay coastline in Wales.*

Thank you.

Paul Carey, Owen's Father

STARTERS Seared King Scallops £11.00

Pea Puree, Crispy Pancetta, Black Pudding Croquette, chorizo crumb, Curry Oil (contains gluten, milk, molluscs)

Steamed Welsh Mussels £9.00

Thai green broth, coriander, chilli & crusty bread (contains molluscs, gluten, sulphites)

Gran-Reserve Serrano £8.00

Rocket Leaves, Aged Manchego, Figs, Caramelised Onions, Raspberry & Balsamic Reduction (contains milk, nuts, sulphites)

Crispy Whitebait £7.50

Lemon Aioli, Cajun Seasoning (contains fish, gluten, eggs)

Griddled Halloumi £7.00

Greek Salad, Basil Pesto (contains milk, nuts, sulphites)

Pork & Penderyn Whiskey Parfait £7.50

Ginger crumb, spiced apple relish, toasted sourdough, mixed salad (contains gluten, milk, sulphites)

Calamari £7.50

Squid breaded in panko crumb, Salsa Verdé, Lemon (contains gluten, fish, sulphites)

MAINS Welsh Ribeye Steak £25.00

Portobello Garlic Mushroom, Watercress, Onion Rings, Peppercorn Sauce, Skin-on Fries (contains milk, gluten, sulphites)

Battered Fish of the Day	£14.00
Lightly Battered Fillet of Fish, Skin-on Fries, Tartare Sauce, Mushy Peas (contains gluten, eggs)	
Red Pepper & Cauliflower Curry	£13.00
Steamed White Rice, Garlic & Coriander Naan, Parsnip Crisp (contains gluten)	
Slow Cooked Confit Belly Pork	£18.50
Fondant Potato, Parsnip Puree, Black Pudding Croquette, Garlic Kale, Caramelised Apple Puree, Cider & Mustard JUS (contains celery, gluten, milk, mustard, sulphites)	
Pan-fried Fillet of Sea Bass	£19.00
Roasted Sweet Potatoes, Broccoli, Marinated Prawns, Heirloom Beetroot, Sauce Vierge (contains fish, milk, shellfish)	
Whole Plaice Cooked Meuniere Style	£22.00
Roasted new potatoes, samphire, capers, lemon, beurre noisette (contains fish, gluten, sulphites, milk)	
Oven Roasted Fillet of Salmon	£18.50
King prawn linguine, basil pesto, cherry tomatoes, toasted almonds (contains fish, shellfish, nuts, milk)	

SIDES £3.50

Onion Rings - Skin-on Fries - Sweet Potato Fries - Rocket & Manchego Salad

Please discuss with staff if you suffer from any allergies or intolerances. We have highlighted the 14 major allergens on our menu however most dishes can be easily adapted, we are happy to help.



DESSERTS Sticky Toffee Pudding £7.00

Toffee Sauce, Vanilla Ice Cream (contains milk, gluten, eggs)

Eton Mess	£7.00
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Chantilly Cream, Macerated Strawberries (contains milk, eggs, sulphites)

Creme Brulee	£7.00
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Lemon shortbread (contains milk, eggs, gluten)

Dark Chocolate Torte	£8.50
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Cherry Compote, Chocolate Sauce, Honeycomb, Blackcurrant Sorbet (contains milk, gluten, eggs, sulphites)

Perl Las Stilton	£9.50
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Spiced Plum Chutney, Bara Brith, Sherry (contains milk, gluten, celery, sulphites)

PORT Taylor's 2013 Late Bottled Vintage 35ml £4.50 Tawny Port 35ml £4.50

COFFEES & TEAS

Espresso	£2.00
Cappuccino	£2.50
Caffe Latte	£2.50
Americano	£2.50
Hot Chocolate	£2.50
Mochaccino	£2.50
Latte Macchiato	£2.50
Tea	£2.00

Enjoyed your experience here at Seabreeze?

If yes, you could help us achieve entry to 'The Waitrose Good Food Guide 2021'

Just go to www.thegoodfoodguide.co.uk/feedback and fill in the online form – it's quick and easy, and you may even win a meal for two!

Free WIFI network: SeabreezefreeWiFi Password: Seabreeze

BREAKFAST | SERVED UNTIL 11.30AM

Large breakfast (E M G) (barley, wheat) 1412 kcal Two fried eggs, bacon, two sausages, baked beans, three hash browns, mushroom, two slices of toast, Lurpak spreadable.	5.10
Traditional breakfast (E M G) (barley, wheat) 812 kcal Fried egg, bacon, sausage, baked beans, two hash browns, slice of toast, Lurpak spreadable.	3.59
Small breakfast (E M G) (wheat) 460 kcal. Fried egg, bacon, sausage, baked beans, hash brown.	3.29
Large vegetarian breakfast (V E M G) (barley, wheat) 1357 kcal Two fried eggs, three Quorn vegan sausages, baked beans, three hash browns, mushroom, tomato, two slices of toast, Lurpak spreadable.	5.10
Vegetarian breakfast (V E M G) (barley, wheat) 932 kcal Two fried eggs, two Quorn vegan sausages, baked beans, two hash browns, mushroom, tomato, slice of toast, Lurpak spreadable.	3.59
Small vegetarian breakfast (V E M G) (wheat) 374 kcal Fried egg, Quorn vegan sausage, baked beans, hash brown, tomato.	3.29
Vegan breakfast (E G) (barley, wheat) 879 kcal Two Quorn vegan sausages, baked beans, two hash browns, mushroom, tomato, slice of toast, vegan spread.	3.35
Freedom breakfast (E M G) 447 kcal. Two fried eggs, bacon, baked beans, mushroom, tomato.	3.29

BREAKFAST MUFFINS

NEW Egg & cheese muffin (V E M G) (rye, wheat) 279 kcal Fried egg, American-style cheese, in an English muffin.	2.10
NEW Egg & bacon muffin (E M G) (rye, wheat) 331 kcal Fried egg, bacon, American-style cheese, in an English muffin.	2.49
NEW Egg & sausage muffin (E M G) (rye, wheat) 448 kcal Fried egg, sausage, American-style cheese, in an English muffin.	2.49
NEW Egg & Quorn™ vegan sausage muffin (V E M G) (wheat) 374 kcal Fried egg, Quorn vegan sausage, American-style cheese, in an English muffin.	2.49
NEW Breakfast muffin (E M G) (rye, wheat) 499 kcal Fried egg, sausage, bacon, American-style cheese, in an English muffin.	2.69

Add a
hash brown
(108 kcal)
30p

TEA, COFFEE AND HOT CHOCOLATE | FREE REFILLS*

— FOR A FREE REFILL, PLEASE SWAP YOUR USED CUP FOR A CLEAN ONE

**FREE
REFILLS**
HOT CHOCOLATE,
— TEA AND —
COFFEE
ALL DAY EVERY DAY

LAVAZZA
TORINO, ITALIA 1895



Flat white (V M) 92 kcal

Latte (V M) 113 kcal

Espresso 6 kcal

White coffee (V M) 24 kcal
(Soya product available) (S) 5 kcal

Tea with semi-skimmed milk (V M) 14 kcal
(Soya product available) (S) 5 kcal

Cappuccino (V M) 102 kcal

Mocha (V M) 147 kcal

Black coffee 6 kcal

Hot chocolate (V M) 169 kcal

99p
each

DECAFFEINATED COFFEE AND TEA AVAILABLE

Children's menu available. Please supervise children at all times.

Table service

Please help to keep everyone safe by ordering using the app.

Use the Wetherspoon app and we'll bring your food and drink to your table.



Download
Available to download from the App Store and Google Play

ALLERGEN AND NUTRITIONAL INFORMATION

This can be found on our menus, customer information screen, website and Wetherspoon app. Use the customer information screen to filter menus by specific dietary requirements, such as:

- Exclude those dishes containing certain allergens.
- See full lists of ingredients.
- Set Calorie and carbohydrate limits.
- List only vegan or vegetarian dishes.

While we have procedures for segregating preparation within meals and drinks, kitchen and bar service may involve shared preparation/cooking areas. If you have any specific food/drinks allergen needs, please inform us when ordering; we will take reasonable steps to prepare your meal safely, although cannot guarantee completely allergen-free environments or products. Our staff cannot offer specific advice or recommendations beyond our published allergen communications.

ALLERGENS AND DIETARY KEY

Allergen symbols: (C) Crustaceans (E) Egg (F) Fish

(P) Peanuts (S) Soybeans (M) Milk (inc. lactose)
(N) Nuts (type of nut) (C) Celery (M) Mustard
(S) Sesame seed (S) Sulphur dioxide and sulphites (L) Lupin
(M) Molluscs (G) Gluten (type of gluten)

Dietary symbols: (V) Vegetarian (G) Vegan

(F) 5% fat or less (S) Dish under 500 Calories

||||| = Extremely hot ||||| = Very hot

||| = Medium hot || = Mild | = Very mild



Seafood with this mark comes from an MSC-certified sustainable fishery. MSC-C-56647 www.msc.org

INCLUDES A DRINK *CHOOSE ANY DRINK FROM THE FOLLOWING DRINKS MENU CATEGORIES

CRAFT, REAL ALE, LAGER, BEER AND CIDER

Draught available in half pint and pint measure • Bottle • Can

LOW AND ALCOHOL FREE

TEA, COFFEE AND HOT CHOCOLATE FREE REFILLS*

SOFT DRINKS

Draught 398ml glass • Bottle • Can

COLDWATER CREEK WINE^{††}

Wine available in 125ml and 175ml measure

GIN, VODKA, RUM, WHISKY AND BRANDY^{†††} MIXER INCLUDED[†]

For drinks' allergen information, please see the drinks menu.

Excludes Prosecco, sparkling wine, wine by the bottle, cocktails, liqueurs, bombs, shots and any drink not listed on the drinks menu.



Owen's family want to see a change in the law that, inter alia, compels restaurants to state the allergens in their dishes on the face of the main menu. This document explains why and how this can be achieved.

On 22nd April 2017 Owen Carey lost his life due to an anaphylactic reaction to something he ate whilst dining out with his family. He died in the shadow of the London Eye within hours of eating some chicken which was stated on the menu as being plain grilled. Instead, it had been marinated in buttermilk. At the inquest in September 2019 the coroner concluded Owen's death was as a result of severe food induced anaphylaxis

after eating at the Byron hamburger restaurant at the O2 Arena in Greenwich, London. Due to the timing of the inquest and the subsequent concentration by Government on Brexit and Covid, the family's campaign had been delayed until 22nd April 2020¹, this being four years since Owen died.

Owen's family want to see a change in the law that, inter alia, compels restaurants to state the allergens in their dishes, specifically on the face of the main menu. This simple change would eliminate the risk that exists at the point of order when a waiter does not fully understand, or is not trained enough to process, or simply ignores the customer's concerns about allergens in each dish. More details about this and other aspects of the law and regulations, and anaphylaxis research in general are contained in the attached appendix.

It is hoped that the Government can be persuaded to change the law. To do this Owen's family want to build on Natasha's Law, which dealt with the ingredients and allergy listings on pre-packaged takeaway food. Natasha's Law showed that the UK's allergen laws were flawed and outdated, and needed reform, but it left an uneven situation where people taking away pre-packaged food have more protection than those eating in restaurants. Owen's family want to persuade the industry, the Foods Standards Agency (FSA) and the Government that to make such changes is of no cost but immeasurable benefit to those whose lives are blighted by allergies and anaphylaxis. The family already have the support of the Anaphylaxis Campaign and Dr Adam Fox, President of the British Society for Allergy & Clinical Immunology. They have written to DEFRA and initiated a dialogue with the FSA. They are also establishing contact with as many relevant interested parties as possible.

Owen's family also seek the support of a prominent member of the restaurant industry, together with a Peer or a Member of Parliament who will jointly assist in the promotion of Owen's law. They do not seek funding from such supporters, but just guidance, publicity and moral and support, to raise the profile of the campaign and to achieve the change in law in the quickest possible time. Owen's family look to use funds collected in Owen's memory, and held in trust with The Anaphylaxis Campaign, or from their own and other resources to pay for those things that cannot be donated in other ways.

Can you help Owen's family and make a truly important change in the way restaurants deal with allergens on their menus? The current system did not work for Owen and has also failed or risked the lives of others, but Owen's family truly believe such deaths can, and should be avoided.

If you are interested in helping Owen's family, please contact his Father, Paul Carey:

info@owens-law.co.uk , Tel: 07904 269 495

Please sign our petition to change the law: <https://petition.parliament.uk/petitions/585304>

Website: <https://owens-law.co.uk/>

Facebook: <https://www.facebook.com/Owens-Law-104999778259630> **Appendix - Owen's Law – four simple asks**

Changes in the Law

- 1. Restaurants to put more appropriate and accurate information about the allergens in their food on the face of the main menu and in a detailed allergy matrix, so that customers have full visibility on what they are ordering.** This should be in the form of standardised symbols, numbers or words representing the fourteen major allergens to be printed by each dish on the face of the menu, and

breakdown of each dish with the full ingredient list of each component to be listed in the allergy matrix, with it being an offence if they fail to do so

Changes in the Regulations

- 2. Restaurants to be obliged to initiate a discussion with customers about allergies on all occasions, so that customers do not have to ask**
3. All servers to positively ask each customer if they suffer from any allergies
4. All servers have to read out the food order and any dietary requirements with the customer before submitting it to the kitchen
5. Duty Managers to be obliged to directly supervise this process where allergies are present, with it being an offence if they fail to do so

Changes in Guidance and Industry Practice

- 6. Better training for waiting staff, especially in fast food and high staff turnover environments**
7. Thorough and certified allergy and first aid training (by a registered charity?) at least for the Duty Manager to whom all other more junior staff can refer
8. A simple computer food database that large chains could provide in addition to the allergy matrix; this would speed up customers with allergies finding out what meals they could eat
9. Development of a smart phone app that assists with the database
10. Development of an industry standard "Allergen ID Card"/bracelet/necklace, with a QR code, that identifies the holders' allergies so servers can know without doubt their allergy situation

Research into Allergies

- 11. Proper recording of, and a national register for, anaphylaxis deaths***
12. Further general research into the causes of allergies and possible cures

*As proposed by Professor Adam Fox, President of the British Society for Allergy & Clinical Immunology

Our response:

The FSA Board has not yet come to a view on whether to recommend to Ministers the implementation of a law which requires allergens to be stated on the face of the menu. The FSA is grateful to you and to the Owen's Law Campaign for bringing this matter to light. Following a recent meeting with you to discuss the proposals for 'Owen's Law', the FSA has indicated that it is open to considering how we might work with the Campaign to improve the delivery of information to the hypersensitive consumer and to review the evidence to see if a case should be made to change the law.

The FSA notes, as you do, that some businesses already provide allergy information in writing on the face of menus, as an additional way of providing customers with the information that is required under legislation. From recent research the FSA published in March 2021 ('The food industry's provision of allergen information to consumers' at <https://www.food.gov.uk/research/food-allergy-and-intolerance-research/the-food-industrys->

[provision-of-allergen-information-to-consumers](#)) we know that 59% of the businesses surveyed reported that they already provide allergen information on menus. The report also provides some useful insights into stakeholder views on written versus verbal information. The FSA will gather more evidence to build on these findings.

There are a diverse range of food businesses, so as well as the provision of labelling and signage, the FSA's view is that it is also important that we continue to encourage real time, two-way communication between the hypersensitive consumer and the food business when orders are made. The allergy management culture within a business – which will cover the accuracy of any menu declarations and the ingredient information provided to the customer by staff and the kitchens – is a critical factor in ensuring hypersensitive consumers are adequately safeguarded when making their food choices.

Question received after the deadline

Question 3

"In relation to horizon scanning, I have two questions: (1) what steps is the FSA taking to ensure that the novel food technologies, in particular plant-based alternative proteins that are much closer to market, are being reviewed independently of EU/EFSA so as not to slow down the application and approval process (since consumers and industry expected Brexit would enable this to happen much more quickly and flexibly). And (2), although virtually all plant based products mirror an existing animal based product and therefore have similar if not identical food safety and functionality challenges, the current framework requires that each regulated additive be re-evaluated to these uses. In most cases, the plant based product replaces (rather than adds to) the animal based product. Can FSA streamline additive reviews for the plant based version where approval has been given for animal based?"

Best

Brian Kelly

Covington & Burling LLP

Our response:

1. The FSA and Food Standards Scotland have now taken on the functions for assessment and making recommendations to Ministers on the approval of novel foods under retained EU Regulation No. EC 2015/2283, although any EU decisions on novel foods made before the end of the Transition Period are reflected in GB law. Applications now have to be made to the FSA for independent assessment although we may consider views of the European Food Safety Authority. The speed of applications through the process will depend on the quality of information provided but all applications are processed as efficiently and effectively as possible, without affecting the quality of the assessment, to ensure consumer safety. The FSA is

focusing on streamlining processes where possible to improve the experiences of applicants and enabling safe innovations to come to the market in a timely manner. The FSA is open to pre-application discussions with operators to assist understanding of legal requirements.

2. Whilst we understand the point you make, the use of food additives is risk assessed on a case-by-case basis to ensure i) the product is safe for human health, ii) they are technologically justified in the type of food to which it is intended to be added, and iii) the use of an additive(s) would not mislead the consumer. Key elements of the scientific risk assessment include how the substance interacts with the food to which it is added, and what the fate (i.e. how it may react with other food components) of the substance is during cooking and consumption. If the additive under consideration is already authorised for use in other categories of food, then a full risk assessment may not always be necessary, however decisions on this are made on a case-by-case basis in consultation with our scientific experts.