**ECB Guidance Note: “Food businesses” and allergen information**

The ECB has recently received a number of queries from Clubs concerning recent regulatory developments in regard to the provision of allergen information about food and drink/cricket teas provided by Clubs to members and guests.

This Guidance Note is intended to supplement the ECB’s ‘Food and Beverage Management in Cricket Clubs’ document, available at <http://static.ecb.co.uk/files/food-and-beverage-brochure-13015.pdf>.

1. ***Is your Club a “food business”?***

Under European Union law certain operations supplying food need to be registered with their local authority. These operations are known as “food businesses” and that term applies whether or not an operation is seeking to make a profit. It is therefore important to determine whether your Club will be considered to be a food business and, if so, you will need to register and regulatory requirements relating to allergen information will apply to your Club (see below).

Your Club will be considered a food business if it has (i) a “certain continuity of activities”; and (ii) a “certain degree of organisation”, in regard to its supply of food and drink/cricket teas. In accordance with Food Standards Agency (FSA) guidance, available at <https://www.food.gov.uk/sites/default/files/multimedia/pdfs/hall-provision.pdf>, ‘continuity’ generally means more frequently than once a month and ‘organisation’ is largely dependent on the level of risk involved in supplying food.

During a cricket season, it is expected that the vast majority of Clubs would be considered to have sufficient ‘continuity’ in regard to their supply of food and drink/cricket teas. ‘Organisation’ is therefore likely to be the determining factor.

Whether a Club has a sufficient level of ‘organisation’ to warrant registration may not be straightforward to determine and the position will vary significantly between Clubs. However, in the ECB’s view, cricket teas consisting of tea/coffee and biscuits, other pre-packaged dry foods (e.g. packets of crisps), and foods that can be kept safely at room temperature are likely to be of limited risk/require less organisation; whereas cricket teas which include the provision of hot or ‘home made’ food (e.g. sandwiches or cakes prepared by the Club), ready-to-eat foods that need to be kept cool to remain safe, or food served to vulnerable persons (e.g. infants or the elderly) would likely be considered higher risk/to require more organisation.

Unfortunately, it will not be clear in all cases whether a Club should or should not register as a food business and many Clubs will be marginal cases. Each Club should therefore first make its own determination in accordance with the FSA Guidance and its own food practices. However, as a general rule, it is the ECB’s recommendation that any Club which (i) charges for any food or drink; and/or (ii) prepares food for its members or guests (i.e. ‘home-made’ food as opposed to pre-packaged, shop bought food); and/or (iii) provides food to the elderly or infants under 5 years old, should seek to register or at least make relevant enquiries of its local authority as to whether it should register.

Any Club which is in any doubt as to its position having considered this Guidance Note and the FSA Guidance should seek advice from its local authority and, in the event a Club decides it does not need to register, it should document its reasons for not doing so.

1. ***Allergen advice***

*Food businesses*

From 13 December 2014, food businesses came under a legal/regulatory obligation to provide allergen information about the food they provide. This includes a new requirement that applies to ‘loose foods’, which in essence is food and drink which is not pre-packaged (in regard to which allergen/ingredient information should appear on the package). In the context of Clubs, this may include, for example, cooked meals and ‘home-made’ cakes and sandwiches.

There are 14 main allergens that need to be identified if they are used as ingredients in food. Food businesses need to provide information about these allergenic ingredients appearing in foods which they provide. Those 14 allergens are as follows:

*Cereals containing gluten (you need to specifically declare wheat (such as spelt and Khorasan Wheat), barley, rye and oats); Crustaceans (for example crab, lobster, prawn, shrimp, crayfish); egg; fish; soya beans; milk; peanuts; Nuts (you need to specifically declare almonds, hazelnuts, walnuts, pecan nuts, Brazil nuts, pistachio, cashew, Macademia or Queensland nut ); sulphur dioxide (where added and is above 10mg/ kg in the finished product. Often found in dried fruit and wine); celery; mustard; molluscs (for example snail, oyster, mussels, octopus, squid, scollops); lupin; sesame.*

In the event a food business is providing food which contains any of the above ingredients, there are a number of ways in which allergen information can be provided, including (although not exclusively):

1. Displaying specific information about the allergens contained in specific food on a menu or in suitably prominent locations (for instance, a chalkboard) in Club facilities. For example ‘Egg sandwich – contains egg, wheat, soy and milk’; ‘Tuna salad – contains fish, celery and mustard’; ‘Carrot cake – contains milk, egg, wheat and walnuts (nuts)’;
2. Displaying general information which states that allergen sufferers should make themselves known or enquire of Club staff/volunteers if they have concerns about any ingredients. For example ‘FOOD ALLERGIES AND INTOLERANCES – IN THE EVENT YOU SUFFER FROM FOOD ALLERGIES OR INTOLERANCE PLEASE MAKE YOURSELF KNOWN TO CLUB STAFF/VOLUNTEERS’; and
3. Ensuring information is available to staff/volunteers involved in the provision of food and drink/cricket teas and they are able to handle requests for allergen information;

Clubs are directed to the relevant FSA Guidance, available at <http://www.food.gov.uk/sites/default/files/multimedia/pdfs/publication/loosefoodsleaflet.pdf>.

*Generally*

Whether or not your Club is a food business, the ECB’s view is that as a matter of good practice all Clubs should provide allergen information to its members and guests in order to mitigate risks to allergen sufferers. Such risks can be mitigated by taking the steps detailed above but also by taking other practical steps, e.g. asking members and visiting teams to inform the Club of any allergies in advance.

Further, all Clubs should be aware what to do in the event of a severe allergic reaction (as detailed in the FSA Guidance):

1. Do not move the person suffering the reaction (this could make them worse);
2. Call 999 immediately and describe what is happening, with reference to the word ‘anaphylaxis’ to ensure the urgency of the situation is communicated effectively;
3. Ask the person whether they have an adrenaline pen and, if necessary, help them retrieve it (if someone present is trained appropriately, they may offer to assist); and
4. Send someone outside to wait for the ambulance while someone else waits with the person suffering the reaction.

Finally, Club staff and volunteers may find online training provided by the FSA in regard to food allergies to be a useful practical resource, available at <http://allergytraining.food.gov.uk/english/>.

Additional allergen resources for businesses are also available on the FSA’s website at: <http://www.food.gov.uk/business-industry/allergy-guide/allergen-resources>.

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