

25 May 2016

Dear Interested Party,

UPDATE ON THE USE OF “NO GLUTEN CONTAINING INGREDIENTS (NGCI)”

The UK Government has been working with its contacts within the European Commission on the issue of labelling statements that read “**No gluten containing ingredients**” (NGCI). This is in the light of Regulation (EU) No. 828/ 2014, on specific requirements on the absence or reduced presence of gluten in food, which takes effect on 20 July 2016 and Regulation (EU) No 609/2013, on food for specific groups, which repeals Regulation (EU) No. 41/ 2009, on the composition and labelling of foodstuffs suitable for people intolerant to gluten, also on that date.

Our recent discussions with the Commission and other EU Member States have confirmed that from 20 July 2016, while the requirement for food businesses to label foods “gluten free” or “very low gluten” shall remain, NGCI and other factual statements **in addition** to those mentioned in Regulation (EU) No. 828/ 2014 cannot be used in any food labelling. (The annex accompanying this letter includes what statements can be used).

This means from 20 July 2016 when marketing foods which are naturally free of gluten by their specific nature or composition, but not “gluten free”, food businesses will need to confine the information they provide to consumers about gluten to the information as prescribed by the Regulation. This outcome follows the gluten labelling rules moving

from the EU legal framework on foods for particular nutritional uses (PARNUTS) to the legal framework on general food information and labelling as governed by Regulation (EU) No. 1169/2011. Please note, all FSA advice and guidance on NGCI on our website will be amended to reflect this change in the near future.

We appreciate that due to time factors for some particular situations it will be difficult for some food businesses to satisfy the change immediately after July 2016. This may include instances where a food business has prepared multiple stocks of food labels in advance which include the words “no gluten containing ingredients”. In such circumstances, we would encourage the food business and the local food enforcement body to work together and for a reasonable, graduated and proportionate enforcement approach to be adopted.

Yours sincerely

A handwritten signature in black ink, appearing to read 'N. Mazhar', with a long horizontal stroke extending to the right.

Ned Mazhar
Food Allergy and Intolerance Branch

ANNEX

In Regulation (EU) No. 828/ 2014, Article 3 (1) provides: *“Where statements are used to provide information to consumers on the absence or reduced presence of gluten in food, such information shall be given only through the statements and in accordance with the conditions set out in the Annex.*

Only those phrases set out in the Annex of Regulation can be used, namely:

“Gluten-free” (where the food as sold to the final consumer contains no more than 20mg/kg of gluten); or

“Very low gluten” (where the food, consisting of or containing one or more ingredients made from wheat, rye, barley, oats or their crossbred varieties which have been specially processed to reduce the gluten content, contains no more than 100 mg/kg of gluten in the food as sold to the final consumer.)

The Regulation does, however, allow food businesses to include the additional statement “suitable for people intolerant to gluten” or “suitable for coeliacs”. Or, if the food has been specially produced, prepared and/or processed to: (a) reduce the gluten content of one or more gluten-containing ingredients; or (b) substitute the gluten-containing ingredients with other ingredients naturally free of gluten, food businesses may include the additional statement “specifically formulated for people intolerant to gluten” or “specifically formulated for coeliacs”.