

Update on labelling of gluten-free foods

In 2008 the Scientific Committee of the Food Safety Authority of Ireland (FSAI) issued a report¹ on gluten intolerance, the coeliac condition and on gluten-free or low-gluten foods. The report included recommendations for Irish standards for levels of gluten in food suitable for people who are intolerant to gluten, and also on the labelling of such foods. The standards and labelling recommendations were similar to those in the Codex Alimentarius standard for foodstuffs for special dietary uses for persons intolerant to gluten, adopted by the 31st session of the Codex Alimentarius Commission, in July 2008. The report recommended that Irish industry and the national enforcement agencies should apply the standards, and should also implement the labelling provisions by **17 June 2009** (one year after the publication of the report), unless mandatory provisions for the labelling of such products were introduced within this time period.

Following the adoption of the new Codex Alimentarius Standard, legislation enacting the provisions of the Standard has however recently been agreed at European level. Commission Regulation 41/2009² concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten entered into force on the 10 February 2009, and applies from 1 January 2012.

The Regulation requires that foodstuffs which have been specially formulated, processed or prepared to meet the dietary needs of people intolerant to gluten and marketed as such should be labelled either as “*very low gluten*” (gluten content above 20 up to 100 mg/kg) or “*gluten free*” (gluten content not exceeding 20 mg/kg). Those foodstuffs can be either foodstuffs which have been specially processed to reduce the gluten content of one or more gluten containing ingredients or alternatively they can be foodstuffs where the gluten containing ingredients have been substituted by other ingredients naturally free of gluten. The Regulation also allows for a normal food which does not contain ingredients derived from gluten-containing grains or oats to be labelled to indicate the absence of gluten, provided they contain less than 20 mg/kg gluten.

There is some conflict between the recommendations of the FSAI report regarding labelling of “gluten-free” foods, and those in the EC Regulation. This has occurred due to the fact that the work within FSAI and Codex Alimentarius, and also the discussions on the EC Regulation progressed in parallel, and agreement in Codex and on the EC Regulation was reached sooner than anticipated by FSAI. As shown

¹ FSAI report on gluten-free foods, 2008 www.fsai.ie/assets/0/86/204/4a70f71b-7c15-4e72-bd6f-c85deba481de.pdf

² Commission Regulation (EC) No 41/2009 of 20 January 2009 concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten. OJ L16, p3, 21/01/2009

in Table 1, the FSAI report had recommended labelling such as “*reduced-gluten, suitable for most coeliacs*” for products with gluten content above 20 up to 100 mg/kg whereas it has now been agreed at EC level that such products will be labelled as “*very low gluten*”. Only products with a maximum level of 20 mg/kg gluten can be labelled as “*gluten-free*”.

The EC Regulation 41/2009 also allows industry a period up to 1 January 2012 to bring their products into compliance with the labelling requirements. However, foodstuffs which at the date of entry into force of the Regulation on 10 February 2009 which comply with the provisions of the Regulation can be marketed in the European Community as from the date of entry into force the Regulation. This is in contrast with the FSAI report, which encouraged industry to label their products in accordance with the recommendations in the report from 17 June 2009.

FSAI therefore wishes to inform Irish food business operators and others concerned with the labelling of gluten-free and gluten-reduced foods that **the requirements of EC Regulation 41/2009 take precedence over the recommendations regarding labelling in its report.** The content of the report and the other recommendations contained therein are still valid and should be taken into consideration by those concerned.

FSAI will be issuing a Guidance Note on the legislation on gluten-free foods and avoidance of cross contamination during manufacture of gluten-free or very low gluten products for the information of food business operators later in 2009.

Table 1: Comparison between the labelling requirements for gluten-free and gluten-reduced foods contained in the FSAI report and in Commission Regulation (EC) No. 41/2009

Gluten content	FSAI Guidance	Commission Regulation (EC) No. 41/2009
Not greater than 20mg/kg	Can be labelled ‘ <i>gluten free</i> ’	Can be labelled ‘ <i>gluten free</i> ’
20 to 100mg/kg	Label ‘ <i>Reduced Gluten, suitable for most coeliacs</i> ’	Label “ <i>Very low gluten</i> ”
Date of application of labelling requirements	To be labelled in accordance with recommendations from 17 June 2009 (labelling requirements no longer applicable)	Compulsory from 1 January 2012 but can be applied to products now