

Mr Andrew Harris
Senior Coroner
Southwark Coroner's Court,
1 Tennis Street,
SE1 1YD

Date: 09 February 2021

**REGULATION 28 REPORT TO PREVENT FUTURE DEATHS – RUBEN BOUSQUET:
RESPONSE BY THE FOOD STANDARDS AGENCY**

Dear Mr Harris

Thank you for sending me the Regulation 28: Report to Prevent Future Deaths on 18th December 2020, concerning the inquest into the death of Ruben Bousquet, who died tragically from a severe anaphylactic reaction.

We were deeply saddened to hear of the death of Master Bousquet in April 2019 and extend our sympathies to his family and friends.

We have considered the matters of concern you have raised, and the action you have suggested be taken, and offer the following response.

Reporting and Registering

You recommend ‘...establishing a national reporting system which includes timely reporting to local authority and FSA and maintenance of a register of fatalities and their investigations ...’.

The FSA is responsible for food safety labelling and food allergy policy in England, Wales and Northern Ireland. The FSA would welcome improved access to any source of information about fatalities where a food-related allergy is suspected. Better and earlier access to such information would help the FSA in its important work to help reduce the incidence of food-related anaphylactic reactions. We agree that access to information about fatalities where a food allergy is suspected is inadequate at present. While food businesses are required to notify competent public authorities such as a local authority and the FSA, when the food business considers or has reason to believe that a food it has placed on the market is injurious to health, there are circumstances where no, or no timely,

notification is provided. In these cases, a mechanism by which the FSA is made aware of the fatality would be very helpful. Most obviously, this might involve the sharing of information with the FSA by medical authorities, but this is not a matter in respect of which the FSA has a policy function.

However, the FSA would like to make the Senior Coroner aware of the following ongoing actions that reflect our key aims to reduce the incidence of food-related anaphylaxis:

- The FSA has started work on a project designed to collect more reported data on food-based allergic reactions that do not result in death. Work on this project is progressing despite some disruption due to the COVID-19 pandemic. We are currently undertaking discovery work with people with allergies to understand the type of information they could provide and the data that the FSA could receive on allergic reactions. This will enable us to assess expectations and the perceived usefulness of such a reporting mechanism. The result of this work would not equate to a national reporting system, but it would provide us with valuable information on emerging patterns and help us to build a better picture of the reactions experienced by allergic consumers.
- The FSA has also commissioned work that uses data to monitor trends in the occurrence of severe, food-induced allergic reactions which do not result in death and to help identify those most at risk of severe anaphylaxis. This includes the establishment of a registry to collect detailed, clinical information around the circumstances of anaphylactic reactions. This will be launched in the coming months. The project also identifies individuals who have experienced near-fatal food anaphylaxis and undertakes detailed interviews to provide information regarding the circumstances and context of the anaphylaxis event. This work will report towards the end of next year.
- Separately, whilst it is not within FSA's remit to establish a national register of fatalities, given their medical and clinical responsibilities in this area, we are discussing with the Department for Health and Social Care (DHSC) how we could analyse and evaluate different data sources to give us a clearer picture of allergic reactions that result in fatality.

Availability of emergency Adrenaline Auto-injector devices (AAs) in the Retail food sector

The FSA respectfully considers that action in this area is a matter best addressed by the other copy recipients, namely the DHSC, the Royal College of Paediatrics and Child Health, ROSPA and Health and Safety Executive.

FSA's commitment to progress work on food hypersensitivity

The above comments address the action suggested in your report, but you may wish to know more about the work the FSA undertakes in this area. Food hypersensitivity is a priority for the FSA. We want to improve the quality of life for people living with food hypersensitivity and support them to make safe, informed food choices to effectively manage risk. Our Food Hypersensitivity Programme builds on the FSA's extensive work over many years on research, recommending legislation to improving labelling, and the provision of information to customers. To date more than 60 projects have been initiated with an investment of £20 million. The FSA also regularly reviews its guidance and support to food businesses and we are developing several pieces of work to strengthen that support.

Our current work includes the following priority areas:

- Raising awareness amongst hypersensitive consumers is a key part of our work. The FSA will soon be launching a new communications campaign targeting 18-21 year olds to encourage them to speak up about their allergies when ordering from food businesses.
- We are supporting businesses, consumers and local authorities to prepare for new allergen labelling rules for 'prepacked for direct sale' food that come into effect on the 1st October 2021. This legislation will require that these types of products have full ingredients labelling with the allergens emphasised. This is a step forward in the provision of allergen information for allergic consumers and will help enable consumers to make safe and informed choices when eating out.
- We are considering the benefits of developing a food allergy safety scheme for allergen management within food businesses, through gathering a range of information, including the views of hypersensitive consumers. Such a scheme would help consumers in a similar way to the Food Hygiene Rating Scheme, enabling them to trust food businesses and to make choices safely.
- In September 2020 we refreshed our online allergy and intolerance training aimed at businesses and local authorities to improve the content and overall clarity. To date, we have had a significant number of users sign up to the training, including 48% (17,639) from food businesses who can learn more about how to handle allergens safely in a food business environment.
- We are planning a second Allergy Symposium this year to bring together industry, enforcement bodies, consumer groups and clinicians to explore the complexities of managing allergens, showcase good practice, while expanding awareness of food hypersensitivity and assisting food businesses to achieve compliance.

This work demonstrates the commitment that the FSA has to tackling food hypersensitivity and we will continue to work together with food businesses, consumer groups and enforcement bodies on this important issue. We would once again like to extend our deepest condolences to the family of Master Bousquet and hope that the work we are doing will help to prevent future occurrences of incidents like this.

Yours sincerely,

