

Table of Contents

Summary	2
Watford Bruno -Rex Deluxe Hotel Background	2
16 September 2021 – Issue 1.....	3
17 September 2021 – Issue 2.....	4
Rutshire Local Authority EHO Jennie Whitfield investigating officer	5
Summary of key issues	6
16 September 2021 labelling issues.....	6
17 September 2021 – Food not as described?.....	6
The Prosecution Case	7
Angel Smith	9
Jennie Whitfield investigating officer –	13
George Slater.....	16
Kate Burke.....	17
Appendix A: Specials menu allergy table	18
Appendix B: Wedding Menu.....	19
Appendix C: Wedding menu allergy table	20
Appendix D: Product labelling	21
Vegan Burger.....	21
Chorizo Labelling.....	22
Crema - Mayonnaise Real & Lite Product contents	22
Appendix E: Bruno Rex Allergy Policy.....	23
Appendix F: Food Hygiene Rating Score [FHRS]	27
END	27

Note: The reproduction and use of this document outside of the Mock Trial attendance is by permission of Food Allergy Aware

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

Background Information

Date 16-17 September 2021
Hotel name: Watford Bruno -Rex Deluxe Hotel ("the Hotel")

Note: All characters and corporations or establishments appearing in this work are fictitious. Any resemblance to real persons, living or dead, is purely coincidental.

Summary

Brad and Angel Smith and their son Oliver (Age 16) daughter Emma (Age 14) had been invited to the wedding of Jamie and Alice Williams which was taking place on 17 September 2021 at the Bruno Rex Hotel. Oliver has a **milk allergy**; whilst Emma is **lactose intolerant**.

The family made the decision to stay the evening before the wedding. Angel called ahead to the hotel on 1 June 2021 to book and confirm that the hotel could accommodate their special dietary needs on both 16 and 17 September 2021. Angel spoke with a receptionist who reassured her that they cater for allergen free requirements all the time and it would be no problem. The receptionist took the booking for the 16-17 September. Angel highlighted the allergy and intolerance issue, but the receptionist told her not to worry they would handle on the day.

On 16 September 2021, the family order dairy and lactose free evening meals. They are supplied with meals containing both lactose and dairy products and regard this as a near miss, which they report to management.

The following day, 17 September 2021, the family make similar requests at the wedding for lunch but receive a dish containing milk which resulted in Oliver having a severe allergic reaction with the need to call ambulance and administer an Adrenalin Pen. The wedding is, understandably, disrupted.

The hotel and a director are prosecuted. Both enter not guilty pleas and the matters are listed for trial.

The prosecution will go through the catalogue of errors and defence will present the defence and mitigating circumstances.

Watford Bruno -Rex Deluxe Hotel Background

The hotel is a Franchise and part of a larger UK chain of 'Bruno's' hotels which operates the promotion and marketing of the hotels in the group.

The hotel is independent, in as far as they have their own restaurant menus created by their chef onsite, and in all other areas including functions they have their own independent Food Safety Management Systems, allergen policies, and training programs.

- **CEO:** John Bruno-Rex
- **General Manager/Director:** Alfred E Watkins - Watford Bruno -Rex Deluxe Hotel
- **Duty Manager:** Fredrico Muller
- **Head Chef:** Kate Burke
- **Senior Sous Chef:** Robert Green (not on duty 16-17 September 2021)
- **Junior Waiter:** George Slater

Note: All characters and corporations or establishments appearing in this work are fictitious. Any resemblance to real persons, living or dead, is purely coincidental.

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

16 September 2021 – Issue 1

There was an allergy chart available online for the full menu and FSA charts available for the specials which was given to the family with the menu. The online system allows viewing of full ingredients.

The Smith family checked out the special menus which were written on a board and the main menu online. They were shown an allergen matrix for specials see **Appendix A**

- Brad, Angel and Emma ordered the Chicken and chorizo off the special menu.
- Oliver ordered the vegan burger with mayonnaise from the main menu.
- Neither milk nor lactose were listed in the full ingredients for the chicken and chorizo.

On ordering food, the family spoke with the waiter (George Slater). Angel told George that the burger had to be dairy free; and the chicken and chorizo needed to be Dairy free also. No written order was taken - it was done by memory, Angel queried this and was told he could remember and transfer onto their electronic ordering system.

After the order was taken, Brad and Angel decided to check with George and asked for a picture of the labelling for the vegan burger and the chicken and chorizo dish. George seemed apprehensive and returned to say that the labelling and packaging had been thrown away for the vegan burger, but the chorizo label showed the product contain Lactose (which still contains a milk protein and is not appropriate for someone with a milk allergy or lactose free) **See Appendix D**

As a result, the order for Emma was changed to another vegan burger which was dressed with mayonnaise and salad.

At Angel's request they asked for the brand of vegan burger, and when looking online it was apparent that the vegan burger contained nuts. However, the nuts information was not available on the online system.

Angel explained this to George and stated she was not confident as this seemed like a 'near miss' situation even though nuts were of no concern to them.

George was apologetic and by this time had brought the dishes to the table. Angel asked George to check the mayonnaise and he explained to them it only contained egg, the family requested he check the label and let them know.

George went to check and then returned apologising after checking a label that the mayonnaise supplied contained both egg and milk and apologised for the incorrect information on the matrix table.

After further discussion the family ordered plain grilled chicken, fries and beans for Oliver and Emma.

The family voiced their concerns to the Duty Manager (Fredrico) on departure from the restaurant to be told George was new and not aware of the procedures as had not carried out induction training, although the main issue was incorrect labelling. The family politely insisted that the issue be escalated and recorded, with the following described as a 'near miss':

1. Near provision of lactose containing chorizo
2. Near provision of mayonnaise containing milk
3. Failure to identify nuts in vegan burger

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

Fredrico stated that he would act accordingly but did state to the family that everyone knew that vegan burgers contained nuts and this did not impact them anyway as they did not have those allergies. Fredrico would also discuss using mayonnaise containing egg & milk with the chef

No near miss had been recorded or rolled out to staff, but Fredrico subsequently stated he was going to do this the following week. He did speak to George and told him he needed to read up about allergens.

It was apparent after the event, when the EHO interviewed George that he had not asked the kitchen team for further clarification as felt intimidated to ask a 2nd time as they were impatient the first time with him double checking ingredients.

Issue – Near Miss

- Labelling information incorrect
- Information not verified by staff, incorrect communication.
- No clear processes
- Staff not trained to understand allergies/intolerances or clarify May Contains of allergens

17 September 2021 – Issue 2

The Smith family attended the wedding reception. Angel had passed the bride, Alice Williams, all the relevant dietary information who assured them they had spoken with the events team. Angel also mentioned the dietary requirements to the receptionist on arrival who was very blasé saying they dealt with allergens / allergies all the time and not to be concerned.

On arrival at the wedding reception Angel asked about the canapes being handed out and was told to avoid everything. Angel was concerned after the previous evening and sought out the Manager in charge, but he was not available.

Angel mentioned her concerns to a waiter who showed them the wedding menu and the allergen matrix. **See Appendix B & C**

Angel was told:

“There would be a dedicated person serving those with allergies as was their norm for functions, Angel asked if she could speak with the person, to be told they were currently working another function and would be available just prior to food being served.”

As the family were seated, a nominated waitress (June Walker) made herself known to them, and she highlighted awareness of their dietary requirements, and this was also on the reverse of their place name cards.

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

June went through the menu below, and both Oliver and Emma were due to have Prawn Salad, Vegetable Stew and Vegan Ice Cream:

Starter

- Prawn, Asparagus & Apricot Salad with Paprika Infused Marie Rose Sauce (GF/MF/NF)
- Vegan: Stuffed Courgette with Mushroom Risotto

Main

- Beef in red wine (GF/MF/NF), served with sauté potatoes, red cabbage, green beans, & Vichy carrots in butter (contains milk)
- Vegan: Vegetable Stew, with GF Dumplings

Dessert

- Tropical Fruit Salad with Lemon Mousse
- Vegan: Fruit Salad with Vegan ice cream – (GF/DF/NF)

The first course was served, and the Smith family all had the prawn dish with paprika infused Marie Rose Sauce. Within a few minutes of eating this, Oliver started to feel unwell, his skin started to prickle and flush, and his throat restricted. He used his inhaler to no avail, and he then started to feel lightheaded, and was laid flat. An ambulance was called by the Duty Manager (Fredrico). Oliver had both adrenalin pens administered.

There were no first aiders on duty, but a doctor attending the wedding gave CPR. Oliver stabilised but was taken to hospital. He stayed in hospital for 3 days. His recovery was due in part to the swift use of the 2nd adrenalin pen and the CPR given by the GP.

Rutshire Local Authority EHO Jennie Whitfield investigating officer.

Oliver recovered physically within 7 days; however, he was experiencing PTSD / flash backs 8 months after the event, he does not eat out at family events.

The matter was reported to the Local Authority by Angel Smith.

The EHO investigated the source of the issue and food was retained from the starter which was deemed to be the main cause.

It became clear the mayonnaise used for the Marie Rose sauce contained milk **See Appendix D**

After investigating further, it was apparent that a replacement mayonnaise was delivered Lite in place of Real Mayonnaise. The new substitute contained CREAM POWDER (milk).

On the delivery note the product had been noted as a replacement, however, the store man was on holiday and Robert (Senior Sous Chef) did not notice the change of product and had not received allergen management training for checks on delivery notes. No verbal communication took place.

Fredrico had not mentioned the near miss the previous evening to any staff other than George.

Menu chart for the wedding had been created in June when the choices had been confirmed by the bride, no one in the kitchen checked or verified on the day of the wedding when food had been prepared.

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

Summary of key issues

16 September 2021 labelling issues

- The chorizo purchased for the specials had never been highlighted as containing (lactose) milk, previous special menus presented did not state the dish contained the allergen milk, although the brand used was the same since it was added to specials list of dishes.
- Specials were created by the head chef and the Senior Sous Chef would then normally order the ingredients using previous versions of the recipes which were not fully documented.
- The Senior Sous Chef was not on shift when specials chart was created and Head chef asked junior staff to complete on his behalf. Milk was not mentioned when listing the allergens by the head chef for the chicken & chorizo dish.

17 September 2021 – Food not as described?

- Head chef (Kate Burke) working 60 hours week and catch up from Covid 2 weddings a day over the previous 3 days, same the previous week.
- On the day of the wedding, she had instructed staff to prepare the starters for the wedding.
- Assistant Sous Chef was new (3 months), no allergy training specific to the business only on the job training, had completed FSA online training in a previous role over 4 years ago.
- The Head chef had the opportunity to attend level 3 allergen management training via local Hoteliers Association, however due to current workload was unable to attend due to staffing issues and had her request declined by the training /HR manager.
- Robert (Senior Sous Chef) had accepted the delivery of the mayonnaise on the 15 September before leaving for his weekend off, along with the full order, it was stated on the delivery note as a replacement, but no checking procedure took place to check equivalent allergens or ingredients.
- Current process for function catering is using FSA manual system to record allergens on paper sheet, responsibility of each person who prepared the dish to complete during their shift, although there was a pattern of the matrix being prepared at the time of the customer booking and the information being stored until the event date. Evidence showed on previous events many dishes /information missing and inaccurate.
- No standard recipes or online food system to manage the process for function catering.
- The replacement product was delivered due to shortage in the supply chain for the product. There was no checking process in place for substitutions.
- The head chef was having coping issue due to workload and mental health issues – she had tried to address with management but was pushed back on several occasions and was unable to keep up with current supply chain issues and substitutions sent by the supplier.
- Supplier did not adhere to ordering restrictions and if a product was not available tended to send a replacement without checking

[Check out [Burnt Chef](#) project or [Hospitality Action](#) for background on Mental health issues in Hospitality]

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

The Prosecution Case

Bruno-Rex Hotel Ltd is charged as a company, and Alfred Watkins is charged as an individual director.

Charge 1: Company: labelling/description failure

On 16 September 2021 at the Bruno Rex Hotel offered or exposed for sale a chorizo dish as not containing milk when this was not the case [in that it contained milk], whereby it is guilty of an offence under Regulation 19 of the Food Safety and Hygiene Regulations 2013 in breaching a specified EU provision, namely the requirement not to mislead consumers (article 16 of Regulation 178/2002).

Charge 2: Company: unsafe food supply

On 17 September 2021 at the Bruno Rex Hotel placed food on the market which was unsafe namely a [prawn] dish which contained [milk] which had not been identified on the label, whereby it is guilty of an offence under Regulation 19 of the Food Safety and Hygiene Regulations 2013 in breaching a specified EU provision, namely the requirement not to sell unsafe food (article 14 of Regulation 178/2002).

Charge 3: Company: general management failure/failure to have records /monitor near miss

On and before 17 September 2021 did contravene one [or more] of the specified EU provisions as set out in Schedule 2 of the Regulations namely Article 5 of Regulation 852/2004 the requirement that food business operators shall put in place, implement, and maintain a permanent procedure or procedures based on the HACCP principles as follows:

- (a) identifying any hazards that must be prevented, eliminated or reduced to acceptable levels;
- (b) identifying the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or to reduce it to acceptable levels;
- (c) establishing critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards;
- (d) establishing and implementing effective monitoring procedures at critical control points;
- (e) establishing corrective actions when monitoring indicates that a critical control point is not under control;
- (f) establishing procedures, which shall be carried out regularly, to verify that the measures outlined in subparagraphs (a) to (e) are working effectively;

And

(g) establishing documents and records commensurate with the nature and size of the food business to demonstrate the effective application of the measures outlined in subparagraphs (a) to (f).

whereby you are guilty of an offence by virtue of Regulation 19(1) of the Food Safety & Hygiene (England Regulations 2013).

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

Charges 4 to 6 – director relates to charges 1-3

That you Alfred E Watkins the sole director of a body corporate, namely Watford Bruno -Rex Deluxe Hotels Limited are guilty of an offence by virtue of Regulation 20 of the Food Safety & Hygiene (England Regulations 2013) in that the body corporate, namely Watford Bruno - Rex Deluxe Hotels Limited, committed an offence under Regulation 19 in breaching a specified EU provision, namely:

- the requirement not to sell unsafe food (article 14 of Regulation 178/2002),
- the requirement not to mislead consumers (article 16 of Regulation 178/2002),
- the requirement that food business operators shall put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles (article 5 of Regulation 852/2004)

and that such offence(s) was committed with your consent or connivance and/or was attributable to your neglect as a director.

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

Witness statements

Angel Smith

OFFICIAL: SENSITIVE

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27.2; Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: Angel Smith

Age of witness: Over 18

Occupation:

This statement, consisting of three (3) pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have stated in it anything which I know to be false or do not believe to be true

Dated the [12] of [October] 20[21]

Signature



My name is Angel Smith. I attended the Bruno Rex Hotel with my husband Brad and children Oliver (Age 16) and Emma (Age 14). We were due to attend the wedding of Jamie and Alice Williams which was taking place on 17 September 2021, but thought we would go the night before to enjoy the occasion more.

Oliver has a severe **milk allergy** and Emma is **lactose intolerant**.

On 1 June 2021 I called the hotel to make the booking and to confirm they could accommodate these special dietary needs. I spoke with a receptionist who reassured me this was no issue and they were a 'well-oiled machine with allergen control'.

On 16 September 2021, after arriving, we went for an evening meal.

There was an allergy chart available online for the full menu and FSA charts available for the specials which was given to us with the menu.

- Me, Brad and Emma ordered the Chicken and chorizo off the special menu.
- Oliver ordered the vegan burger with mayonnaise from the main menu.

We ordered this because neither milk nor lactose were listed in the **full ingredients** for the chicken and chorizo.

Signed



12/10/2021 .Dated

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

OFFICIAL:SENSITIVE

We spoke with the waiter who was called George and told him that the burger had to be dairy free; and the chicken and chorizo needed to be dairy free also. I think Emma said to him that she was lactose intolerant at the same time.

No written order was taken, and I did query this but George said he had a good memory.

I did not feel comfortable because George seemed a bit vacant. I asked George for a picture of the labelling for the vegan burger and the chicken and chorizo dish. George seemed apprehensive and returned to say that the labelling and packaging had been thrown away for the vegan burger, but the chorizo label showed the product contain lactose (which still contains a milk protein and is not appropriate for someone with a milk allergy or who needs things to be lactose free).

As a result, the order for Emma was changed to another vegan burger which was dressed with mayonnaise and salad. I asked for the brand of vegan burger, and when looking online it was apparent that the vegan burger contained nuts. However, the nuts information was not available on the online system.

Again this made me uncomfortable and I told George that this was like a 'near miss' even though nuts were of no concern to us.

George was apologetic and then brought the dishes to the table. I asked George to check the mayonnaise and he explained that it only contained egg, but I asked him to double check. George went to check and then returned apologising after checking a label that the mayonnaise supplied contained both egg and milk and apologised for the incorrect information on the matrix table.

After further discussion I then ordered grilled chicken, fries and beans for Oliver and Emma.

After eating I asked to see the manager Fredrico. Fredrico said that George was new and not aware of the procedures as had not carried out induction training just yet but they were short staffed. He accepted that there had been a labelling mix up and was apologetic. I told him he should record this as a near miss and take action, and he assured me he would.

I specified the following concerns:

1. Near provision of lactose containing chorizo
2. Near provision of mayonnaise containing milk
3. Failure to identify nuts in vegan burger

Fredrico stated that he would act accordingly but did tell me that everyone knew that vegan burgers contained nuts and this did not impact them anyway as they did not have those allergies. This irritated me.

The next day we went to the wedding reception. I had told the bride all the dietary requirements and she said she passed this on to the events team. When I reminded the receptionist, she was very blasé saying they dealt with allergens all the time and not to be concerned.



Signed

12/10/2021 .Dated

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

OFFICIAL-SENSITIVE

I then asked about the canapes being handed out and was told to avoid everything by one of the waiters. There was nothing available for Oliver or Emma but I did not want to make a scene about this and speak to the bride.

I did ask to see the manager but he was not available. I then asked a waiter about the wedding menu and the allergen matrix.

I was told:

"There would be a dedicated person serving those with allergies as was their norm for functions"

As the family were seated, a nominated waitress (June Walker) made herself known, and she highlighted awareness of our dietary requirements, and this was also on the reverse of Oliver and Emma's place name cards.

June went through the menu below, and both Oliver and Emma were due to have Prawn Salad, Vegetable Stew and Vegan Ice Cream:

STARTER

- Prawn, Asparagus & Apricot Salad with Paprika Infused Marie Rose Sauce (GF/MF/NF)
- Vegan: Stuffed Courgette with Mushroom Risotto

MAIN

- Beef in red wine (GF/MF/NF), served with sauté potatoes, red cabbage, green beans, & Vichy carrots in butter (contains milk)
- Vegan: Vegetable Stew, with GF Dumplings

DESSERT

- Tropical Fruit Salad with Lemon Mousse
- Vegan: Fruit Salad with Vegan ice cream – (GF/DF/NF)

The first course was served, and we all had the prawn dish with paprika infused Marie Rose Sauce. Within a few minutes of eating this, Oliver started to feel unwell, his skin started to prickle and flush, and his throat restricted. He used his inhaler to no avail, and he then started to feel lightheaded, and was laid flat. An ambulance was called by the Duty Manager (Fredrico). Oliver had both adrenalin pens administered.

There were no first aiders on duty, but a doctor attending the wedding gave CPR. Oliver stabilised but was taken to hospital. He stayed in hospital for 3 days. His recovery was due in part to the swift use of the 2nd adrenalin pen and the CPR given by the GP.



Signed

12/10/2021 .Dated

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

OFFICIAL: SENSITIVE

I am very angry about all of this. The near miss the night before should have been acted upon – it was a missed opportunity to double check everything and had Fredrico the manager done this then Oliver would not have had to suffer.

I went back to the hotel the next day and had a meeting with the Main Manager and Director, Alfred Watkins. He was apologetic and admitted he had no role in overseeing food safety and had left all of this to his junior team. I told him this was negligent and if I was his boss I would make him walk the plank. He admitted he could have done more and told me he was sorry I felt this way.

Oliver is still in a bad way psychologically and refuses to eat out.

I am prepared to give evidence in Court.


Signed 12/10/2021 .Dated

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

Jennie Whitfield investigating officer –
Rutshire Local Authority EHO

OFFICIAL SENSITIVE

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27.2; Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: Inspector Jenny Whitfield

Age of witness: Over 18

Occupation: Environmental and Food Inspector

This statement, consisting of three (3) pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have stated in it anything which I know to be false or do not believe to be true

Dated the [7th] of October] 20[21]


Signature

I am an Environmental and Food safety Inspector with Rutshire Local Authority.

On 17 September 2021, the Authority received a report of an allergen contamination involving an Oliver Smith who was hospitalized.

I attended the premises on 20 September 2021 to commence an investigation.

The hotel had retained the suspected source of contamination which was a prawn salad in Marie Rose sauce. The manager, Fredrico Muller, gave this to me. He was very apologetic and co-operative. He volunteered that they had reviewed matters and identified that the Marie Rose sauce contained milk, and this was an error on their part.

I cautioned him but he declined to get legal advice and continued to explain what had happened. Fredrico presented me with documents and it was apparent that a replacement mayonnaise was delivered called 'Lite' in place of Real Mayonnaise. The new substitute contained CREAM POWDER (milk).

On the delivery note the product had been noted as a replacement, however, the store man was on holiday and Robert Green (the Senior Sous Chef) did not notice the change of product.

The allergen management training he had received in previous employment was generally good but there was nothing specific to the hotel, and nothing specific for checks on delivery notes, so the training was lacking in this respect.

I later asked the hotel to confirm whether Fredrico had taken action following Angel Smith's complaint of a near miss on 16 September 2021. The hotel confirmed that Fredrico had taken action with George


Signed

Dated 17 October 2021

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

OFFICIAL: SENSITIVE

Slater, the waiter, and outlined the issues to him but had not reviewed any internal processes at the hotel.

I identified the following problems:

16 September 2021 incident

- The chorizo purchased for the specials had never been highlighted as containing (lactose) milk.
- The hotel admitted this had been the case for 8 months on and off and was an oversight after they changed product;
- Specials were created by the chefs, but the ingredients were not always checked/documents;
- There was no mechanism for team meetings/communication of near miss incidents etc and the catering team had not all had proper training.

17 September 2021 incident

- The Head Chef (Kate Burke) had been working 60 hours week and catch up from Covid, and had catered for two weddings a day over the previous 3 days.
- The Head Chef was having coping issue due to workload and mental health issues – she had tried to address with management but was pushed back on several occasions and was unable to keep up with current supply chain issues and substitutions sent by the supplier.
- On the day of the wedding, she had instructed staff to prepare the starters for the wedding.
- The Senior Sous Chef Robert Green was new (3 months), and had no allergy training specific to the business - only on the job training, had completed FSA online training in a previous role over 4 years ago.
- The Head Chef had the opportunity to attend level 3 allergen management training via local Hoteliers Association, however due to current workload was unable to attend due to staffing issues and had her request declined by the hotel.
- Robert Green (Senior Sous Chef) had accepted the delivery of the mayonnaise on the 15 September 2021 before leaving for his weekend off, along with the full order, it was stated on the delivery note as a replacement, but no checking procedure took place to check equivalent allergens or ingredients.
- Current process for function catering is using FSA manual system to record allergens on paper sheet, responsibility of each person who prepared the dish to complete during their shift, although there was a pattern of the matrix being prepared at the time of the customer booking and the information being stored until the event date. Evidence showed on previous events many dishes /information missing and inaccurate.
- No standard recipes or online food system to manage the process for function catering.



Signed

Dated 17 October 2021

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

OFFICIAL SENSITIVE

- The replacement product was delivered due to shortage in the supply chain for the product. There was no checking process in place for substitutions.
- Supplier did not adhere to ordering restrictions and if a product was not available tended to send a replacement without checking or alerting the hotel.

In their written response to my questions under caution, the hotel stated as follows:

- Their food safety management systems were generally adequate
- They had an allergen management system which was generally satisfactory but had broken down in the several months leading to the wedding
- Individual staff had not followed the existing policies as they should or alerted the manager
- The Smith family gave confusing instructions and the issue with nuts in the burger is very minor
- The manager, Fredrico Muller, should have audited the systems to check everything was being followed and had he done this then the issue with the specials (chorizo) and the failure to check the replacement mayonnaise might not have occurred
- The terms with the mayonnaise supplier require them to notify of product change or allergen issue and thus were in breach BUT accepted that their policy did not require documents checks
- They co-operated with the investigation and admitted some shortfalls
- They had no previous convictions
- They apologised to the family, accepted responsibility and resolved a civil claim through Insurers quickly

I accept their points generally, but do not accept the family can be blamed for any instructions given being confusing. I did feel they were trying to blame individual staff a bit too much as they have overall responsibility for food safety.

The hotel subsequently confirmed the remedial action taken regarding allergen management and I regarded this as satisfactory.

I then interviewed the Principal Manager and Director, Alfred Watkins, under caution. He was represented by *Wright Royal Bligher Solicitors*. He admitted that he had no role in food safety or allergen management and explained all of this was delegated to the operational team and duty manager. However he also accepted that he did not check that anything had been done beyond asking Fredrico Muller to confirm in an email dated 5 August 2021 that everything was in order. This email chain did not refer to food or allergen management controls so it was not clear what Fredrico was confirming.



Signed

Dated 17 October 2021

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

George Slater

OFFICIAL: SENSITIVE

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27.2; Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: George Slater

Age of witness: Over 18

Occupation: Waiter

This statement, consisting of one (1) pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have stated in it anything which I know to be false or do not believe to be true

Dated the [7] of [October] 20[21]

Signature



I have worked at the hotel restaurant as a waiter since September 2021.

This is my first job working as a waiter.

I have not receive any formal training in anything but when I started I was told by the manager to be careful about allergies especially nuts. So I do know about allergies and know that you need to check with customers. Not sure I can name all the allergens but I also know milk is one.

On 16 September 2021 a customer arrived with her family and told me they needed things which were lactose free or milk free. I was not sure which and do not know the difference. I found the family gave me confusing instructions and they were demanding and a bit aggressive.

Anyway they asked me to check the packaging but when I did the chef and staff were angry so I got nervous and not sure I got the right information. Because I am new I found this difficult to deal with and felt I was wasting everyone's time.

After the customer checked she told me there was milk or lactose in the chorizo and got cross so I said sorry. The manager Fredrico did tell me off afterwards and did show me an allergen matrix and how it worked but I was in a flap so it did not sink in. Fredrico did say he was going to roll out training and a big review of everything as a result but this did not happen until after the incident the following day.

Signed



Dated 7/10/2021

Scenario Mock Trial Food Allergy Prosecution

Tuesday 26 September

Kate Burke

OFFICIAL-SENSITIVE

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27.2; Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: Kate Burke

Age of witness: Over 18

Occupation: Head Chef

This statement, consisting of one (1) pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have stated in it anything which I know to be false or do not believe to be true

Dated the [7] of [October] 20[21]


Signature

I have been a head chef at the hotel for around 5 years. The year 2021-2022 was manic due to covid and the back log.

In the run up to 17 September 2021 I was working very long hours, multiple weddings in the weeks before, and in hindsight I should have taken a break. I have not had allergen refresher training for a while. I asked for an update but it got refused by the hotel due to funding issues.

As regards the terrible incident, I am very sorry and regret this deeply. The original Marie Rose sauce did not contain milk as the mayonnaise was milk free. However, there was a product change which my assistant, Robert Green, had not picked up on. He did tell me there was a product change – but I did not check whether this impacted allergens. The hotel policy did not require a check in the event of a product change. The supplier terms do require this so they are in breach but that does not help much now.

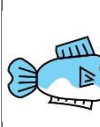
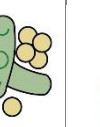
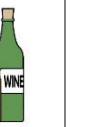
I accept we should have checked and the hotel policy should have been to make a check.


Signed

Dated 7 October 2021

DISHES AND THEIR ALLERGEN CONTENT Specials list w/c 12/9/2022 - Restaurant

Appendix A: Specials menu allergy table

DISHES														
	Celery	Cereals containing gluten	Crustaceans	Eggs	Fish	Lupin	Milk	Mollusc	Mustard	Nuts	Peanuts	Sesame seeds	Soya	Sulphur Dioxide
Chicken Chorizo with new potatoes & Green beans	✓				✓									
Salmon on Croute – lemon sauce, Quinoa & spinach		✓			✓									
Hunters Chicken with wedges and Coleslaw				✓			✓		✓				✓	
BBQ Ribs, Corn & Wedges					✓				✓				✓	
Vegan Burger, Bun, Salad, vinaigrette dressing		✓							✓				✓	
Chocolate & Avocado Mousse (VEG)							MC (Chocolate)						✓	
Rhubarb & Ginger Crumble & Vegan cream													✓ Cream	

Review date:
13/9/2022

Reviewed by:
Graham Herbert



You can find this template,
including more information at
www.food.gov.uk/allergy

Appendix B: Wedding Menu

The MENU

STARTER

PRAWN, ASPARAGUS & APRICOT SALAD
WITH PAPRIKA INFUSED
MARIE ROSE SAUCE

MAIN

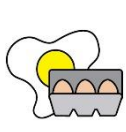
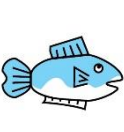
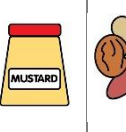
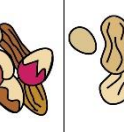
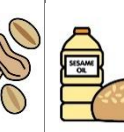
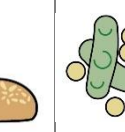
BEEF IN RED WINE,
SERVED WITH SAUTÉ POTATOES
RED CABBAGE, GREEN BEANS
& VICHY CARROTS

DESSERT

TROPICAL FRUIT SALAD WITH
LEMON MOUSSE

wedding day
Jamie & Alice

Appendix C: Wedding menu allergy table

DISHES														
	Celery	Cereals containing gluten	Crustaceans	Eggs	Fish	Lupin	Milk	Mollusc	Mustard	Nuts	Peanuts	Sesame seeds	Soya	Sulphur Dioxide
Prawn, asparagus & apricot salad with paprika infused Marie rose sauce		MC (Paprika)	✓	✓					✓					✓
Bread roll		✓											✓	
beef in red wine,	✓													✓
sauté potatoes														
red cabbage														
green beans														
Vichy carrots							✓							✓
tropical fruit salad with lemon mousse							✓						✓	

Review date:
10/6/22

Reviewed by:
Kate Burke



You can find this template,
including more information at
www.food.gov.uk/allergy

Appendix D: Product labelling

Vegan Burger



Chorizo Labelling

supplied week of the 12 September 2022

Home > Delicatessen > Cooked/Cured Meat & Poultry > Continental > Spanish > Chorizo Slices

C 70307
Chorizo Slices

Ready-to-eat pork half-slices spiced with paprika. 56 per pack. Spanish meats are among today's top food trends. Ideal for antipasti dishes, deli bo...

Pack size: 6 x 300g

£47.69
£5.30/100g

1

Add

Ingredients and allergens

Ingredients:

Pork Meat, Salt, Maltodextrin, **LACTOSE (MILK)**, Paprika, Flavouring, Sugar, Garlic, Preservatives (E250, E252), Antioxidants (E301, E392), Dextrose, Starter Culture, Dehydrated Vegetables, Spices, Surface Treatment: Preservatives (E202, E235).

Allergens are shown in **Bold**

Contains : Milk

Crema - Mayonnaise Real & Lite Product contents

The hotel would normally order Crema Real Mayonnaise, this was out of stock on the day of delivery (14 September and a replacement of Crema light mayonnaise was sent as a replacement.

The store man Bertie Redmond was on holiday and the delivery was checked by Hans who was not aware of the change of product – he noted Hellman's but not the lite.

Mayonnaise Ingredients

Ingredients: Real Mayonnaise

Rapeseed Oil (78%), Water, Free Range Pasteurised **EGG**, and **EGG** Yolk (8.9%), Spirit Vinegar, Sugar, Salt, Lemon Juice, Antioxidant (Calcium Disodium EDTA), Flavouring, Paprika Extract

Ingredients: Crema Light Mayonnaise

Water, Rapeseed Oil (26%), Spirit Vinegar (6%), Modified Maize Starch, Sugar, Salt, Pasteurised Free Range **EGG** yolk (1.5%), **CREAM** Powder, Citrus Fibre, Flavourings, Preservative (Potassium Sorbate), Thickeners (Guar Gum, Xanthan Gum), **MUSTARD** Flour, Lemon Juice Concentrate, Antioxidant (Calcium Disodium EDTA).

Appendix E: Bruno Rex Allergy Policy

Introduction

With the introduction of the Food Information for Consumers regulation 1169/2011, which came into force on the 13 December 2014, the Bruno-Rex have implemented a policy to ensure compliance with the new regulations.

In addition, Bruno-Rex Deluxe Hotels has recognised there has been a steady increase in the request for special diets involving the restriction of allergens amongst their customers. With this in mind **Bruno-Rex Deluxe Hotels** has, where possible, implemented a fully inclusive policy which ensures that we acknowledge all our customers including those that may have special dietary requirements.

Objective

The Food Allergy policy seeks.

- To encourage inclusion where possible and provide a safe and positive dining experience for all our customers.
- Endeavour to provide a suitable “free from” replacement meal for a multiple allergy customer.
- Provide advice and notice where possible to ensure a safe dining experience is had by all customers.
- To provide as many gluten free choices as possible.
- To encourage the use of suppliers and services who are able to provide FreeFrom products.
- To ensure processes are in place for us to check the due diligence of all products prepared in the kitchen that are both pre-packed and non-pre-packed foods.
- Work with suppliers to ensure that free from products are available at a realistic and affordable price for our customers.
- Where possible we have limited the use of ‘*May contain*’ or ‘*May contain traces of*’) Statements in our pre-packed products.
- We will only use ‘*may contain*’ statements with products produced in-house where we are unable to guarantee elimination of cross contamination risks from suppliers.
- To encourage a chain of communication between our staff and the “free from customer” to understand their needs, expectations and manage this as appropriate.

What’s covered

This policy will set down procedures for catering staff within each department and will cover the departments listed.

- Procurement and Stores
- All Kitchen – Back of House
- Restaurants, Functions, events, and conferences – Front of House

Training

- Full time and part time staff, in all the areas, are all trained to a level where they are aware of their personal responsibilities.
- All casual and temporary staff will have basic or e-learning training as part of their induction.
- That we will have at least one allergy expert trained to a level 2 qualification on duty at any one time during a service period, including functions and weekends.

Our commitments and targets are as follows:

Staff will have a basic knowledge of the 14 allergens listed in Annex II of the EU FIC Regulation 1169/2011 and have a basic awareness of other additional allergens as appropriate to customers' requirements.

We will use standardised recipes and where appropriate eliminate the allergens listed below as well as all other allergens that may from time to time be included within the legislation.

- | | |
|------------------------------|---------------------|
| ✓ Cereals containing Gluten* | ✓ Soy and Soybeans* |
| ✓ Crustaceans | ✓ Milk* |
| ✓ Molluscs* | ✓ Celery |
| ✓ Eggs* | ✓ Mustard |
| ✓ Fish* | ✓ Sesame |
| ✓ Peanuts* | ✓ Lupin |
| ✓ Nuts (Tree)* | ✓ Sulphur Dioxide |

When managing allergens, we will consider the following areas:

- Menu creation
- Suppliers
 - Ordering
 - Deliveries
- Storage
- Preparation
- Cooking
- Serving
- Cleaning

Menu Creation

When creating menus, consideration will be given to what allergens are present and whether they could be removed completely, to provide an allergen free dish as appropriate or replaced with a suitable alternative option.

Example: all gravies, sauces, stocks and seasonings are gluten free, and majority are also dairy free, or can be adapted accordingly.

We will provide details of the allergens contained in our all menus; this will be done either verbally, by our online software, signage, labelling, allergen tables (specials) , notice boards or in a manner appropriate to the way in which food is served.

Suppliers

We will issue a 'Terms of Business' to all our suppliers setting out what Bruno-Rex Deluxe Hotels expects from them in relation to ingredient information and indicating that we will not accept replacement products unless previously agreed in writing.

The supplier will need to put in place a system to inform Bruno-Rex Deluxe Hotels of changes to recipes and ingredients, notification of changes should be given to Bruno-Rex Deluxe Hotels as soon as possible but with at least 4 weeks' notice, to ensure that a suitable alternative can be found.

We would expect the supplier to be able to supply products which do not contain statements such as 'may contain...' or 'contains traces of...' and inform Bruno-Rex Deluxe Hotels should a product change to contain these statements.

Suppliers will ensure due diligence on deliveries and will inform Bruno-Rex Deluxe Hotels of any spillages where allergens are involved, and will avoid cross contamination of products, such as loose celery. If spillages of allergens are found on deliveries, then the supplier will replace products as appropriate, and the contaminated product rejected.

Delivery

Deliveries will be checked on arrival to ensure there are no substitutions delivered without prior approval.

Storage

We will take steps to store allergen related products in a safe manner, in sealed containers and labelled as appropriate.

Staff will ensure when using products, they do not reuse or place contents back into a container where cross contamination could be an issue. All staff will ensure allergens remain in sealed containers when not in use.

Staff will ensure that labels on pre-packed products are not removed.

Preparation

When preparing food items for the "free from" customer staff will ensure they always take adequate steps to eliminate cross contamination across the entire production process including.

- After cleaning down a preparation area, staff should use a disposable paper towel to ensure any allergen traces are completely removed before moving on.
- Two stage cleaning of removing allergens with soapy water and disposable cloth and sanitizing as per manufacturer's instructions
- Check work wear to ensure there is no trace allergens for the specific allergy customer/ dish and take appropriate steps to wear protective throw away aprons.
- Use appropriate equipment and have an awareness of any spillages resulting in possible cross contamination when preparing for the free from customer.

- All Gluten free products will be prepared using the specifically allocated purple coded equipment.
- All celery will be chopped on a separate chopping board & meticulously cleaned down.
- All knives and equipment will be kept clean before and immediately after preparation.

Serving

We will ensure separate equipment is used for buffet stations and when appropriate serve the free from customer a separate plated portion from products which have a reduced cross contamination risk and have not been on the self-service display.

Porous vessels will not be used to serve the free from food, for example wooden boards.

Buffets & BBQs – separate portions will be prepared on request to avoid cross contamination.

We will endeavour to provide a gluten free, dairy free or egg free where possible: gluten free bread or rolls and/or an alternative spread can be provided as standard.

Cleaning

Procedures are in place to control and limit any potential risks of cross contamination.

Cloths and towels are used as appropriate and disposable towels will be available to remove allergens as applicable.

Bookings

Dinners & Party Bookings – Customers will always be able to pre-order an allergen free meal and we would encourage all event organisers to communicate our policy to their guests. They can contact Bruno-Rex Deluxe Hotels directly with any questions by emailing info@BRDHotel-Watford.com, or by calling us on 01923 559988.

Brought in celebration cakes – We will always cut the cake for the customers' guests, but the customer must be responsible for communicating any allergens to their guests. We would always suggest the cake supplier provides their own allergen list.

Charity events held on site – e.g., cake sales.

Bruno-Rex Deluxe Hotels accepts no responsibility for food supplied by other parties or charities on Bruno-Rex Deluxe Hotels grounds.

Staff training – we will endeavour to put in place procedures for induction and ongoing training of staff. This will include but not limited to:

Communication –

- telephone booking
- On arrival
- Kitchen procedure for orders
- Using labels for allergens

- No nuts policy except packets behind bar
- Staff not to bring nut products into kitchen or eat whilst on duty.
- May contains.
- Ordering
- Checking incoming deliveries
- Personal hygiene (including hand washing and allergen free hand cream)

Appendix F: Food Hygiene Rating Score [FHRS]

The venue has a 5* hygiene rating; however, this does not correlate against the food allergen management.



END

Note: The reproduction and use of this document outside of the Mock Trial attendance is by permission of Food Allergy Aware