



6 years in prison for reckless disregard of nut allergy

It has recently been reported that a curry house owner was convicted of gross negligence and sentenced to six years imprisonment after the death of a customer with a nut allergy. It is thought to be the first conviction of its kind and sends a strong message to food businesses to take allergies seriously.

Paul Wilson had a severe nut allergy and he emphasised his condition when he ordered a takeaway from the Indian Garden restaurant in North Yorkshire. He suffered a severe anaphylactic shock after just a couple of bites of his “no nuts” curry and later died.

The curry house owner, Mohammed Zaman, had switched almond powder for a cheaper ground nut mix and had not warned customers of the potential life threatening risk to those suffering with a peanut allergy.

Just 3 weeks earlier, in one of his other restaurants, a customer was hospitalised with the same allergic reaction and Mr Zaman ignored the risks. Later, an inspection showed that even after the customer’s death, the restaurant owner was still using the cheaper nut-based ingredient, risking further lives.

On 23 May 2016, Mr Zaman was convicted of manslaughter by gross negligence and was sentenced to six years imprisonment. He was also convicted of six food safety offences.

Lessons for food business owners:

- Review current practices to identify risks and potential exposure
- Know the breakdown of ingredients and look for potential allergens
- Identify possible allergens on menus
- If you cannot guarantee a dish will not be contaminated, advise the customer

Consequences of ignoring allergen regulations:

- Criminal prosecution, fines and prison sentence for death of or injury to a customer
- Civil claims for compensation
- Reputational damage from adverse publicity
- Restaurant closure by authorities

How Burgess Salmon can help:

- Advice on food safety and labelling issues and/or training to help prevent an incident
- Crisis management advice in the event of an incident to mitigate risks and manage the media
- Advice on UK/EU Food Regulations that will affect your business. Failure to comply with the requirements could result in fines, or even imprisonment in extreme cases
- Advice to food businesses on limitation and exclusion clauses in their contracts and terms of business

This tragic case highlights the need for food business owners to review current practices to ensure compliance with Food Standards Regulation and to protect customers.

For more information or advice on this topic, please contact Sian Edmunds in our Food and Drink team.

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