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Re: Scores on the Doors

We have read with some alarm the paper FSA 08/12/04 that is to be discussed at the Agency's Board Meeting on December 10th.

As you know ASDA fully supports any initiative to reduce the number of food poisoning incidents and improve the quality of information available to consumers to help them make better choices.

We can fully see the logic of customer restaurants, coming within the scope of the proposed scheme. However, we believe that some of the recommendations in relation to extending the scheme to delis/counters in retail premises, particularly supermarkets, are fundamentally flawed and show a basic lack of understanding of how food retail operates. We have outlined our concerns below:

- There is no substantiation as to why Scores on the Doors should be extended to retail premises. There is no evidence in the paper that retail premises, particularly grocery stores, provide an undue risk in relation to the incidence of food borne illness referred to in Paragraph 2. If one of the Agency's strategic aims is to make eating away from home as safe as it can be then it is not relevant, in the retail context, (save for customer restaurants) to include food retailer in the scheme.
- The scope of the scheme (Paragraph 8) gives no rationale for extending the scheme to all retail premises. In fact the scope contains a simple but fundamental lack of understanding of the difference between food takeaways and grocery retail. Food bought at a takeaway i.e. fish & chips, burger, curry is intended for immediate consumption. Food bought at a deli counter in a supermarket will be consumed at home, may be several days later. There may also be additional customer intervention as the food may be used as an ingredient in a dish prepared at home. Furthermore, supermarkets do not provide at the counter/deli the condiments or cutlery necessary for the food to be eaten immediately.
- There is no clarity in the document as to what aspects of the retail offer will be covered by the proposed scheme. Is it the whole store or just specific counters/locations?
- In relation to the number of tiers there is no compelling evidence presented that more tiers will meet the Agency's strategic aim. The clear implication is that the Agency does not believe that 2 tiers would achieve sufficient differentiation for consumers or incentive for business. If that were to be the

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case, the primary aim of the scheme would be frustrated. The paper fails to address some key questions in sufficient detail to enable the Board to make an informed decision.

- How is the difference between tiers 1, 2 and 3 to be defined in practice (beyond a generalised sliding scale of significance of non-compliances around process/structure and confidence in management)?
- Will scoring be approached consistently (this is far more an issue for multi-tier than 2 tiers)?
- How are consumers to understand the marginal differences between tiers 1, 2 and 3 (pass and 'improvement required' are far more accessible concepts)?
- Several of the points listed at paragraph 26 seem to be just as effective as arguments for 2 tiers as they are arguments for 4 tiers (i.e. understanding for consumer (the Scottish Consumer Council favours 2 tiers on the basis that that is simple and easy for consumers to understand), understanding for businesses, sustainability of operation (there must be less of a burden around re-inspection/re-visits/appeals in the case of a 2 tier approach).
- The paper concedes at paragraph 26 that a 2 tier scheme may be the best option for avoidance of gold-plating.
- Consumers are less fixated on the number of tiers than on the fact that there should be a scheme in the first place.
- Consumers could be confronted with multiple ratings for different aspects of a supermarket's offering e.g. customer café, meat deli, cheese deli, rotisserie counter etc. which will confuse rather than help them.
- We do not accept that in a four tier scheme there is any prospect of gaining a top rating as "full confidence in management/procedures" is a subjective and relative concept that will vary from inspector to inspector. The paper acknowledges the importance of consistency of interpretation if the scheme is to secure industry support (Paragraph 14). The scope for inconsistent interpretation is significantly less in a two tier model.

If the Agency is to proceed with the establishment of a national scheme on the basis outlined in the paper then we believe the Agency's board has to satisfy itself that:

- The scheme is consistent with the Hampton principles of better regulation – ASDA does not believe they are
- That the case for including retail premises, outside customer restaurants, is evidence based and proportionate
- That the scheme will lead to a real reduction in the number of food poisoning incidents as opposed to a simple increase in the number of inspections of premises

At the very least we believe that the Agency should reserve judgement on the inclusion of retail premises and give the proposed Steering Group the remit to do a full evaluation on the applicability of the scheme to food retailers.

We would ask that this letter be circulated to Board Members ahead of Wednesday's meeting.


Paul Kelly
Corporate Affairs Director