

CHIEF EXECUTIVE'S REPORT: FEBRUARY 2009

Dioxins in Irish Pork and Beef

1. The Agency has commissioned an external consultancy company to carry out an independent review of its handling of the Dioxins in Irish pork incident that occurred in early December 2008. The company, Steelhenge, facilitates the Agency's external stakeholder exercise programme and are specialists in crisis management/ business continuity issues. They have extensive experience of working with the contingency plans and response protocols of other Government Departments, up to and including COBR.
2. A copy of the Agency's incident feedback form was sent to 291 internal and external stakeholders to complete and return by first week in January. This form was used to capture views on what worked well and what could be improved upon for future incidents.
3. Around 90 responses were received and Steelhenge followed these up with in-depth discussions with a sub-set of respondents during second week in January. The findings are currently being written up and we will provide the final report to the next Board meeting in March, following internal discussion by the Executive.
4. An Action Plan will be developed to implement lessons identified by the review. In some respects the incident is still live, but I should like to update the Board on the current position.
5. On 15 January, the NI Executive agreed to introduce a voluntary cull and disposal scheme to deal with the animals in the eight affected herds. Under the scheme the Executive undertook to meet the costs of slaughter and rendering of the animals.
6. On 27 January, an application for leave to bring proceedings for Judicial Review (JR) in respect of the actions taken by DARD and FSA in this incident was granted in the Belfast High Court. The application has been made by three of the farmers whose herds were affected by the contaminated feed. The JR hearing is scheduled for 16 March.
7. On 29 January the NI Executive agreed the basis of an urgent approach to DEFRA and the European Commission for approval and possible co-funding for proposed measures to deal with the consequences of the incident. The Executive stated its intention to provide a level of financial hardship assistance to the affected farmers amounting to up to 25% of the direct verifiable costs incurred or 25% of the value of the animals in addition to the voluntary cull and disposal scheme.

8. Farmers and all involved in the meat industry are acting responsibly and fully co-operating with the authorities. Pork and pork products from animals reared, slaughtered and processed in Northern Ireland are unaffected by this incident.

Calorie Labelling

9. The Agency has taken an important step towards ensuring that consumers have access to more consistent nutrition information when eating out by announcing plans to work with industry to provide consumers with calorie labelling at the point they choose their foods. This work forms a key element of the Government's Healthy Food Code of Good practice which challenges industry to support the public in making healthier choices in an effort to tackle obesity and diet related illnesses.
10. On the 15 January the Agency held a stakeholder meeting attended by more than 50 of the UK's largest catering businesses, as well as enforcement, and consumer groups. At the meeting we shared the results of recent research about consumers' views on nutrition information when eating out, which indicate that clear and simple calorie labelling would be a useful and logical first step to providing consumers with that information. We explored with stakeholders the practical issues of providing calorie information in different business settings, their experiences of providing nutrition information, and explained how stakeholders can become involved in making this important initiative happen.
11. The Agency's plans received extensive coverage, with accurate and widespread reporting of the announcement including online sources, broadsheet, tabloid and trade press. The reporting was largely positive and supportive. We undertook interviews with BBC Radio 5 Live, BBC Radio 4 You and Yours and regional BBC radio stations. Channel 5 News covered the story following a background briefing from the press office. The Press Association wires carried a number of endorsements from NGOs throughout the day and, as anticipated, there was significant follow up with opinion editorial pieces in the weekend papers.
12. The next steps for this work are to set up a stakeholder advisory group which will help to inform the development of research into how calorie labelling performs in practice and is understood by consumers. In addition an early adopters group will roll out calorie information at the point of consumer choice in restaurants over the summer. A range of businesses, including Pizza Hut Subway and the contract caterer Compass, have already publicly welcomed the Agency's approach and announced they will participate in the early adopters group.

Country of Origin Labelling

13. Over the last few weeks there have been a number of events that have raised the profile of country of origin labelling. There was the EFRA Select Committee report on the pork industry and various TV and radio programmes that have mentioned labelling, particularly in relation to meat and meat products.
14. As far as the rules are concerned, origin labelling is subject to EU law and is mandatory for fresh beef, veal and third country poultry, for example. For other foods country of origin is required if failure to do so might mislead. EC rules also allow origin labelling to be declared according to the place of last substantial change (processing) so 'Produced in UK' is technically acceptable although some consumers might expect that this meant that the ingredients were all UK sourced.
15. Defra Ministers are keen to see the improvements which in general terms have been our recommended changes for some time. Voluntary guidance from the Agency, in place since 2002 and revised in October 2008 following public consultation suggests that if 'produced in UK' is used and the main ingredients are imported then it would be helpful to clearly indicate this to consumers. For example, 'bacon produced in the UK from Danish pork'. There are some good examples of labelling already but in view of the revived interest in this issue especially from consumers; Defra is keen to work with us in encouraging greater uptake of FSA guidance within all sectors of the food industry, to ensure clear and transparent origin labelling.
16. The Commission's proposal on food labelling includes origin labelling. While it does not suggest making origin labelling mandatory, the proposal includes new criteria that would require that where voluntary origin declarations are given for meat, that the places of birth, rearing and slaughter are also given. For other products, the origin of the primary ingredients should be given. The Board contributed to the development of UK negotiation lines in June 2008. The Government has welcomed consideration of this point and negotiations on this part of the proposal are still at an early stage.
17. Our reference point should largely be determined by the information that consumers would find useful, and it is clear that those views will and have changed, shaped by recent events and various interventions.
18. Finally, it is important to remember that there is nothing to prevent any food businesses marketing produce with clear origin labelling voluntarily either in response to consumer demand or in order proactively to provide more information to their customers.

Consumer Understanding of Date Marking

19. Board members may be aware of some recent media reports on consumers' understanding of date marks on food packaging.
20. Most pre-packed food is legally required to have one of two types of date marks; a 'best before' or a 'use by' date. Where the food is perishable from a microbiological point of view and is therefore likely to become unsafe to eat after a short period of time, the 'use by' date must be applied, for example, for cooked meats and ready-meals. Food that is past its 'use by' date should not be consumed as it can cause food poisoning.
21. Most other pre-packed food will normally have a 'best before', for example, dried pasta, rice, biscuits, bread and tinned foods. This is an indicator of quality, not safety, and food can be safely eaten after this date.
22. Although the Agency has produced clear guidance for consumers on its 'eatwell site', there is some evidence of consumer misunderstanding and misinterpretation of date marks. For example, the Agency's Consumer Attitudes Surveys, carried out annually between 2000 and 2007, shows that the proportion of consumers not understanding 'use by' dates varied between 38% and 66%, whilst the proportion not understanding 'best before' dates ranged between 46% and 65%, though there were no real trends in the data over time.
23. There are two potential implications for consumers from these results. The first is that for food safety where people can consume food past the 'use by' date. The second is that of food waste, where food can be unnecessarily thrown away simply because it is at or past its 'best before' date.
24. The Cabinet Office's 'Food Matters' report recommended that Defra, WRAP and FSA work together with industry on ways to reduce food waste. The issue of consumer understanding and industry application is a feature of that project.
25. As part of this, we will be exploring how best to promote consumer understanding.

Review of FSA Advice on Fish Consumption

26. On 6 January the Agency published a consultation letter and draft Impact Assessment seeking comments on a proposed approach to future advice on fish consumption.
27. The Agency's current advice to consumers is to eat at least two portions of fish a week, one of which should be oily fish (such as mackerel, salmon, herring and sardines). The Agency also recommends that women who are pregnant, breast

feeding or who might have a baby in the future limit consumption of oily fish to two portions a week, and to four portions a week for other women, men and boys. This is due to the potential human health risks from persistent pollutants, such as dioxins, that are particularly found in oily fish. The Agency is reviewing this advice in the light of its commitment to sustainability. The aim is to produce integrated dietary advice that takes into account environmental, economic and social (including nutrition and food safety) aspects of sustainability.

28. The central proposal in the consultation is that the Agency should develop an 'information hub' within its dietary advice on fish. This would offer links to sources of information and advice on environmental sustainability of different fish stocks. The emphasis would be on facilitating access to information rather than interpreting or duplicating it on the Agency's website since other Government departments, international bodies and stakeholders are already active in this area. The Agency's intention is to complement this work, and not duplicate it.

29. The consultation asks for comments on

- The Agency's role in helping consumers find information on fish sustainability alongside its existing advice on fish consumption, in particular on the information that would be of most practical use to consumers and criteria the Agency should apply in selecting sources for this.
- Ways in which the Agency could help consumers to access clear, helpful information about the steps taken across the food industry to ensure the sustainability of the fish sold.
- Views on the economic, social and environmental impacts, as well as the description of costs and benefits, described in the draft Impact Assessment.
- The availability of evidence to support a review by the relevant scientific advisory committee(s) of nutritional advice on the consumption of shellfish.

30. The consultation papers have been published on the Agency website and can be found at <http://www.food.gov.uk/news/newsarchive/2009/jan/fish> Responses are requested by 31 March 2009.

Review of FSA Approvals Programme for Meat Establishments in UK

31. At the October 2008 Board meeting, additional information was provided on the Agency's Approvals programme for UK meat establishments. This followed concerns raised by the Executive at the September Board meeting in relation to a paper which identified a lower percentage of establishments in England were given Approval on their first visit. The Board were informed that the apparent inconsistency of approach would be subject to a further investigation and report back by the Executive.
32. A review has now been completed. The review was carried out by the Agency's Audit and Policy Branch, with David Clarke, Chief Executive of Assured Food Standards brought into the review team to provide independent oversight of the process and findings. The full report is available and has been circulated internally for information and relevant action.
33. The review found that the main reason for the disparities between England and other countries in relation to the percentage of establishments being Approved at their first visit was the lower pro-rata level of resources allocated to the process in England. This reduced their capacity to carry out pre-assessment and Approval visits, both of which impacted on the percentages of establishments being Approved at their first visit and the timescale to complete the programme.
34. The review did not find evidence to suggest that the variation in the percentage of first time approvals across the UK was due to differences in approval assessment methodology or the standards applied.
35. Some weaknesses were identified in the overall management and monitoring of the approvals process by the Approval's Project Board, and specifically the supervision of field staff in England regarding the progress of the programme. However, the Review found that staff resources were the major factor in the delayed completion of the Approval programme in England.
36. The review report made a number of recommendations to address the deficiencies identified. These include improvements to the central management of the Approvals process and the monitoring of Approval decisions and consistency.
37. The key issue identified by the review has already been addressed through the increased resources for pre-appraisal and Approval visits in England. New arrangements have also recently been agreed for post-approval verification visits which will help to improve monitoring and oversight of the process. Other recommendations in relation to better central management and oversight are being addressed for the remainder of the Approval's programme.

Bogus Letter to Food Business Operators

38. A bogus letter dated 17 December 2008 was received by a food business operator in the London Borough of Newham, who contacted the local authority. The local authority contacted the Agency and also informed the police. The letter claims to have been jointly sent by the Agency and the London Borough of Newham and says that a fine of £1,000 has been issued to the food business operator for food hygiene offences and must be paid within 7 working days. The letter says that if payment is not received within 7 working days, criminal proceedings will be started against the food business operator.
39. The local authority advised the food business operator to contact the police and also did a mail shot to all 900 food businesses in the Borough warning them of the scam. The Agency itself contacted the police, in view of the potential reputation issues for the Agency.
40. The bogus letter said that "the fine" should be sent to an address in Nottingham, which is a mail box address. Nottinghamshire Police have visited the premises but they were unoccupied.
41. Following notification by the local authority, the Agency immediately put a warning on its website (together with a copy of the letter) alerting food business operators about the scam and advised them to contact the police if they received such letters. There was some press interest in the story.
42. The London Borough of Newham also sent a warning notice to all local authorities and notified the Agency of a second bogus letter received by one of their food business operators, also dated 17 December 2008. The letter was brought to the attention of the local authority in response to their publicity warning food business operators about this scam. The second letter is in almost identical terms to the first one, although the amount demanded is for the smaller amount of £250. This further letter has also been reported to the police.
43. The Office of Fair Trading saw the warning on the Agency's website and has said that they might wish to investigate the scam if it is national in scope.
44. The Agency is not the national enforcement authority for food law and would not be sending any letters of this kind. Any breaches of food hygiene regulations would be dealt with by local authorities using their normal enforcement tools such as oral and written advice and improvement notices. Only in the last resort would a prosecution be taken.

Tim J Smith
Chief Executive