

June 2020 Board Meeting



Questions

1. From Paula Wilkinson
 - 1) With a 6 fold increase in people looking to start a baking business from home and potentially many redundancies- what campaign is planned to ensure public are aware that these food businesses need to be registered.- both consumers to check and potential businesses to be told
 - 2) Can an anonymous email address be set up where un-registered traders can be sent through- so the relevant councils can contact them to help them comply
 - 3) I was invited to attend the next EHO /LA's meeting and wondered whether this would be going ahead.

Our response was:

Thank you for your email of 9 June submitting a number of questions ahead of the FSA Board's 17 June meeting. Your questions were raised at the Board meeting and a commitment given to providing a written response.

On your first question about the increase in people looking to start a baking business at home and how these people and their customers can be made aware of the need to register as a food business, as part of our response to the impact of COVID-19 we have issued additional guidance on our website on the need for businesses supplying food to be appropriately registered with the relevant local authority. We have also recently used the FSA's Twitter account to emphasise the need for anyone involved in producing food to serve to customers to register with their local authority

<https://twitter.com/foodgov/status/1275490281496801280?s=20>

In relation to suspected unregistered traders, the most appropriate way to report this is to notify the relevant local authority. The FSA's website includes a [tool for identifying the appropriate authority](#) based on the postcode of the business. This provides an email address for contacting the relevant team in the authority and, if requested, the authority should have procedures in place to ensure that the anonymity of the enquirer is protected in progressing any subsequent investigation. We are aware that identifying the appropriate local authority is not always possible in relation to online businesses so we are considering alternative mechanisms for how these can be notified.

Finally, on attendance at our national forum for engagement with local authorities, as a result of the impact of COVID-19 the forum has only met once during this period and that was very much with a specific focus on discussing the response to the pandemic. The next meeting of the group is currently being scheduled and an FSA official will be in contact to discuss this with you in due course. In the meantime, it would be helpful if you could email Mark Davis in our Regulatory Compliance Division (mark.davis@food.gov.uk) with any specific questions or items for discussion that you wish to raise with the group.

2. From: An anonymous member of the public

Question To the Board

Food Standards Agency Transparency & Communication

My questions are simple:

1. Questions to the FSA board & subsequent answers from the board are not made public. Questions put to the board in the previous meeting in March were not directly discussed during the course of the meeting.
2. ACNFP public consultations & responses are not made public.

It is quoted:

"The ACNFP asks for public comments on its draft opinions.

All views and comments will be made available for public examination as part of the Committee's consideration of the notification."

3. Why are appropriate procedures not followed?
4. In the interests of consumers why is this information still not publically available?
5. Please publish ACNFP consultations, starting with Theobroma Cacao

Background Information for the board & public:

In the minutes of the previous (March 2020) FSA Board Meeting

Questions asked were on Novel Foods Theobroma Cacao Pulp & Just Egg (US Incorporated).

- 1.1 "A full list of those questions along with answers will be published alongside this minute"

Although I received a private personal response, thank you, there is no reference to the Q&A on the link: <https://www.food.gov.uk/about-us/our-board>

This means the ACNFP Theobroma Cacao Pulp novel food consultation is unresolved. (Just Egg as a novel food is especially pertinent for the consumer interest in the current climate.)

Background Information:

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The link:

<https://acnfp.food.gov.uk/news-updates/news/2019/17476/views-wanted-on-the-traditional-use-and-safety-of-theobroma-cacao-fruit-pulp-as-a-novel-food-by-8-august-2019>

Last updated : 30 July 2019

Despite requests to you to update the information available.

I ask you again to make the information available to the public.

Timeline:

The ACNFP

Meeting 11th September 2019

Due to the sensitive and confidential nature of the meeting the briefing papers have not been published

On 14 Oct 2019

Media reported:

"EFSA does not raise safety objections to Nestec York (Nestle UK) notification to place pulp from Theobroma cacao L. on EU market as a traditional food (TF) from a third country."

<https://iegpolicy.agribusinessintelligence.informa.com/PL221831/EFSA-clears-cacao-pulp-as-a-traditional-food-TF-from-a-third-country>

ACNFP Meeting Minutes 27th November 2019

3. Matters Arising

"Information was provided on the outcome of the traditional food notifications for Maqui, and cocoa pulp. The Committee's views on the notifications were shared with policy colleagues to inform the UK position. It was noted that no comments were received in the 10-day consultation on the Committee's advice to the FSA."

<https://acnfp.food.gov.uk/meetings/acnfp-meetings-in-2019/acnfp-meeting-27th-november-2019>

Tue, 11 Mar

Questions to the Board: Theobroma cacao "Cacao pulp juice"

Tue, 31 Mar 2020,

FSA response to the question:

"in the past we have not published detailed responses to ACNFP consultations. This is something we will consider further as part of the process for handling these applications in future."

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"for cocoa pulp TWO responses were received and shared with the Committee"

Sincerely,

An anonymous member of the public.

Our response was:

Dear Sir/Madam

Thank you very much for your questions that were submitted to our Board on the 16th June and discussed at their meeting on the 17th June.

With regards your first question, the Chair addressed this during the Board meeting when she said that we changed our process about 12 months ago and questions in advance from members of the public are shared with the Board and the Executive Team at the start of the meeting. The point of this is to allow the Board and Executive to pick up and reflect on the questions during the discussion. It is an important way of ensuring the Board are aware of any concerns. If there is not a relevant agenda item where that might happen, or where the question is very specific and requires a more detailed response, then that might not be possible. In any case, we always give the question an answer after the Board meeting and we do publish them.

The Chair said that waiting until the minutes of the next Board meeting are published, which is what is happening at the moment, is too long to wait. The Chair therefore committed to setting a target of publishing the answer to a question within two weeks of it being asked of the Board and once the answer has been given to the person who asked the question. We will track that to make sure it happens. The Chair said she was grateful to you, the questioner, for pointing out that the time lag is too long and should not be happening.

The questions and answers asked of the Board in March are now available on our website at: <https://www.food.gov.uk/about-us/fsa-board-meeting-march-2020>.

Turning now to your questions regarding ACNFP public consultations the link you provided is to a news story that was published last year to encourage people to submit responses to the two traditional food consultations on Theobroma cacao fruit pulp. This is not the active consultation page. The consultations themselves have now been completed and the summary of the consultation responses along with the opinion of the Advisory Committee on Novel Foods and Processes have now been published. These are available at:

<https://acnfp.food.gov.uk/sites/default/files/summarycocoapulp866finalwebsite.pdf>

<https://acnfp.food.gov.uk/sites/default/files/summarycocoapulp1014finalwebsite.pdf>

This is in line with FSA procedure on consultations which states the following:

"We aim to publish summary reports of responses on our website within three months of the closing date of the consultation.

Information provided in response to FSA consultation may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004). Full details of how the FSA handles data received through consultation is published here and included within our consultations."

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<https://www.food.gov.uk/about-us/engagement-and-consultations>

Including the ACNFP views and the consultation responses in one document keeps the information together in an accessible format. Should you wish to receive a copy of the full consultation responses received by the FSA and the ACNFP's direct responses then please send an email to acnfp@food.gov.uk and we can supply them to you, with any personal details redacted.

To address a couple of other points in your email from the timeline section:

At the meeting on the 11th September 2019, no traditional food applications were considered.

The ACNFP views were submitted to EFSA and fed into their consultation on the opinion mentioned in the media report from the 14th October 2019.

You have quoted the minutes from the meeting on the 27th November correctly. I think a mistake may have been made here, as we did receive two consultation responses to the Theobroma cacao traditional food consultation.

As we mentioned in our communications with you on the 31st March, we are considering how we publish consultation responses on these types of applications in the wider context of how we assess novel foods following the end of the transition period after leaving the European Union.

I hope that this has addressed your questions.

3. From: Amir Mohammad

Hello FSA Board,

Will the FSA, like the French authorities, put religious freedom before strict adherence of EU rules and allow Muslims to collect inspected and health-marked meat from both butchers' shops and slaughterhouses during the festival of Eid that has not been subject to the EU rules on chilling at approved premises?

The Agency's own Guidance on Temperature Control Legislation in the UK exempts meat that is to be thoroughly cooked from temperature control at butchers' shops. This will facilitate Muslims to consume their Qurbani meat quickly in accordance with the practice of the Prophet (pbuh). The risk is thus managed instead by rapid consumption, as what is practised in France who follow the same EU rules.

Reference; To eat the Qurbani meat

Imam Ahmad narrated that Buraydah (may Allah be pleased with him) said, "The Messenger of Allah (peace and blessings of Allah be upon him) did not go out on the day of (Eid) al-Fitr until he had eaten, and he did not eat on the day of (Eid) al-Ad'ha until he came back, then he would eat from his sacrifice."

The ruling is 'It is best for the one who will do Qurbani that to not eat or drink anything from the dusk of dawn on the 10th of Zul Hijjah (i.e. the day of Eid/Qurbani) and when the Qurbani is done, he/she eats from its meat.'

Thank you in advance and would appreciate receiving the response.

[Our response was:](#)

The Food Standards Agency has worked very closely with Muslim and Meat Industry representatives to support consumers during the Islamic celebration of (Eid) al-Ad'ha. This

is part of longer-term work to develop a sustainable protocol for this annual festival, and to support other elements of the direct supply of products from abattoirs in the future. The protocol that is currently applied in France is being considered as part of these ongoing discussions and in the context of the UK situation.

For 2020, we can confirm that we have agreed a joint statement on the food safety requirements for the direct supply of Qurbanis. For more information, visit <https://www.food.gov.uk/business-guidance/direct-sales-of-meat-and-qurbani-2020>. This sets out the principles that will apply in order to ensure that Qurbani meat is supplied safely to consumers.

4. From: Ruksana Shain (Representative of Muslim consumer organisation, behalal.org and works with Mosque organisations)

Dear Board Members,

Question: Will the FSA, like the French authorities, put religious freedom before strict adherence of EU rules and allow Muslims to collect inspected and health-marked meat from both butchers' shops and slaughterhouses during the festival of Eid without strictly adhering to the EU rules of chilling down at an approved premises?

The annual qurbani (Abrahamic practice) involves a one off speedy process of meat transfer from slaughterhouse to the consumer or to the butcher then consumer within hours of the slaughter occurring which minimises the risk of microbial growth. The meat is not held for long periods throughout the chain as compared to the routine practice which the legislation is intended for where the butcher holds the meat for a number of days prior to sale.

The qurbani is a pre-paid order which does not undergo any lengthy period of being held outside of temperature control. The consumer distributes meat once collected from the butcher or slaughterhouses to mainly family members who live within that vicinity in small quantities who then cook it or freeze it for another day. However, the person who organises the qurbani; the religious tradition is to cook and eat the meat on the day of slaughter (see hadith below). If the current application of the legislation occurs within the UK (intended for holding of meat for a lengthy period) then this can not be achieved.

The Agency's own Guidance on Temperature Control Legislation in the UK exempts meat that is to be thoroughly cooked, from temperature control at butchers' shops. This will facilitate Muslims to consume their Qurbani meat quickly in accordance with the practice of the Prophet (pbuh). The risk is thus managed instead by rapid consumption, as practised in France who follow the same EU rules.

Reference Hadith:

Imam Ahmad narrated that Buraydah (may Allah be pleased with him) said, "The Messenger of Allah (peace and blessings of Allah be upon him) did not go out on the day of (Eid) al-Fitr until he had eaten, and he did not eat on the day of (Eid) al-Ad'ha until he came back, then he would eat from his sacrifice."

The ruling is 'It is best for the one who will do Qurbani that to not eat or drink anything from the dusk of dawn on the 10th of Zul Hijjah (i.e. the day of Eid/Qurbani) and when the Qurbani is done, he/she eats from its meat.'

Our response was:

The Food Standards Agency has worked very closely with Muslim and Meat Industry representatives to support consumers during the Islamic celebration of (Eid) al-Ad'ha. This is part of longer-term work to develop a sustainable protocol for this annual festival, and to support other elements of the direct supply of products from abattoirs in the future. The protocol that is currently applied in France is being considered as part of these ongoing discussions and in the context of the UK situation.

For 2020, we can confirm that we have agreed a joint statement on the food safety requirements for the direct supply of Qurbanis. For more information, visit <https://www.food.gov.uk/business-guidance/direct-sales-of-meat-and-qurbani-2020>. This sets out the principles that will apply in order to ensure that Qurbani meat is supplied safely to consumers.