

CHIEF EXECUTIVE'S REPORT: SEPTEMBER 2007

Findings of the University of Southampton Study on certain Artificial Food Colours and Sodium Benzoate Preservative on Children's Behaviour

1. The Board will be aware of the level of interest this FSA-funded report has generated. I do not propose to comment here as this issue is covered in a specific agenda item.
2. The full text of the research study is available at:
<http://www.food.gov.uk/multimedia/pdfs/additivesbehaviourfinrep.pdf>

European Commission Proposal to amend the HACCP Requirements of the Food Hygiene Regulations

3. I last updated the Board on this proposal in June, when I reported in writing on the previous Council Working Party meeting which took place in May and updated you orally on the Ministerial agreement given to the UK negotiating line and scrutiny clearance of the proposal by the Westminster Parliament.
4. Since our last meeting officials in UKREP have been in regular contact with DG Enterprise to explain how the UK had been able to use the flexibility in the existing legislation and accompanying guidance to develop effective and innovative approaches to food safety management procedures based on HACCP principles. UKREP also sought to explore with DG Enterprise the scope for pursuing other options for reducing administrative burdens arising from the EU food hygiene regulations and which the UK had identified as part of its contribution to DG SANCO's review of the hygiene legislation.
5. A Council Working Party under the Portuguese Presidency took place on 13 September where a document was tabled which included a reworking of the Commission proposal. This aimed to address many of the issues raised by Member States in the earlier working groups. I will update the Board orally at the meeting.

Prosecution of Eurofreeze for Regulatory Offences

6. Last month I reported that a new summons had been signed by the Magistrate and that this was served on 1 August 2007. The case was listed for hearing on 10 September but has been adjourned until 19 September for determination of the issue whether service of the summons has been effected. It is unlikely that the substantive hearing will take place then and the case might be further adjourned. However, I will be in a position to provide you with an update at the meeting.

Eurostock Judicial Review

7. The judicial review proceedings brought against the Agency by Eurostock in respect of its business of harvesting head meat were due to begin in the Northern Ireland courts on 6 September. The hearing has been adjourned to allow related issues to be considered.

West Devon Meat

8. In January I reported on the FSA's investigation into an incident at West Devon Meat where one more sample was sent for BSE testing than the number of OTM cattle that had been slaughtered.
9. Following the investigation, Defra prosecuted the company for two offences under the TSE Regulations relating to breaches of the BSE testing controls. I am pleased to report that, at the Cullompton Magistrates' Court hearing on 5 September, West Devon Meat pleaded guilty and was fined £2800 in total. Defra were awarded £3000 in costs.

E.coli Outbreak in Wales: Update on LA Prosecutions

10. The Board will recall that legal action was being taken jointly by three local authorities following the outbreak of E.coli O157 which occurred in Wales in late 2005. These authorities are Bridgend, Caerphilly and Rhondda Cynon Taf County Borough Councils.
11. After my last report, the defendant, Mr William John Tudor entered a 'Guilty' plea in relation to six charges of 'placing unsafe food on the market', and one of failing as the proprietor of a food business to protect food against the risk of contamination. At a sentencing hearing at Cardiff Crown Court on 7 September Mr Tudor was imprisoned and the Judge indicated that he must serve at least six months of a 12 month sentence. He was also prohibited from operating a food business. Costs were not awarded on the basis that there was no evidence of an ability on the part of the defendant to pay.

12. A custodial sentence sends a strong message to food business operators that they must recognise their responsibilities and comply with the law. There has since been media interest in whether the maximum penalty of 2 years imprisonment and/or an unlimited fine should be reviewed.
13. Following the conclusion of the legal proceedings it was agreed that the Outbreak Control Team would publish the outbreak report.
14. The Welsh Assembly Government announced on 7 December 2005 that a Public Inquiry would be set up *"to inquire into the circumstances that led to the outbreak of E.coli O157 infection in South Wales in September 2005, and into the handling of the outbreak; and to consider the implications for the future and make recommendations accordingly."* A preliminary hearing took place on 27 June 2006 but further progress was restricted by the ongoing legal actions. It is understood that the hearings will commence in February 2008.

Approval of Meat Plants under EU Food Hygiene Regulations

15. The project to re-approve previously licensed meat plants continues to have a positive impact on standards in meat plants, with some two thirds of the plants assessed to date being granted conditional approval and therefore having to make real improvements before being granted full approval. 21 plants (3.6% of those assessed) have been refused approval. This too has served as a clear incentive for those plants to improve their standards and most of them have subsequently done so and have gained approval.

Development of more Risk-Based and Proportionate Meat Hygiene Official Controls

16. Following the Board meeting in July, the strategy to change EU hygiene legislation is being discussed with the UK's Permanent Representative. Consultation on legislation to introduce national measures within current EU law will commence on 24 September and the European Commission has been notified. The national measures will allow some very small slaughterhouses, which cannot comply fully with new structural requirements, to continue to operate subject to safeguards to protect public and animal health; a pilot project to be carried out allowing processors of small quantities of wild game to take full responsibility for safety of their product; and minced meat to be produced from matured carcasses.

Guar Gum

17. Towards the end of July, the Agency was informed by the European Commission about possible dioxin and pentachlorophenol contamination of an edible thickening agent called guar gum (E412), used in a variety of pre-prepared foods.
18. As a precautionary measure, the European Commission requested that Member States identify, hold and test all batches of guar gum imported from an Indian supplier - India Glycol Ltd. Testing was also stepped up for other imports of guar gum from India.
19. Based on the information available, there was no immediate health risk to consumers, but as these chemicals have the potential for a range of toxic effects, the Agency agreed that people shouldn't be exposed to them unnecessarily.
20. The Agency has been working closely with the trade associations during this incident and they have been reminded of their responsibilities to verify the quality of their supplies before commencing the production of food or animal feed. The investigations carried out in conjunction with stakeholders concluded that no product recalls were required in the UK.
21. Following investigations it was established that two UK companies had received affected batches. One of these exports directly to Japan, therefore no products entered the UK food chain. The other supplied two UK manufacturers but prompt intervention by the Agency enabled these manufacturers to quarantine the affected batches. We are confident, therefore, that no affected products entered the UK food chain.
22. Food and feed enforcement authorities have been advised about the incident and are monitoring and taking relevant samples of guar gum imported directly into the country on an ongoing basis.

Outbreak of E. coli O157 in Paisley, Scotland

23. In early August, there were nine cases of E.coli O157 of whom five of the people were hospitalised and one has died. The cases have been linked to the deli counter at Morrison's supermarket in Falside. Initially, a second Morrison's store (at Loanend) was implicated, but following investigations, this store was excluded from the outbreak.
24. Investigations both on-site and at suppliers did not identify the source of the outbreak. None of the samples taken from staff were positive for E.coli O157.

25. The Agency was involved throughout the outbreak, providing advice and assistance, however as the incident remained a localised issue, in accordance with the 'Guidance on the Investigation and Control of Food Borne in Scotland', it was appropriate that we were not the lead.

Nutrient Profiling

26. When the Board agreed the nutrient profiling (NP) model in 2005, it committed to conduct a review after one year from its introduction. The review is to assess its effectiveness in differentiating foods on the basis of their nutritional composition in the context of Ofcom's UK broadcasting controls.

27. The scope, process and independent panel for the review of the model has now been agreed with stakeholders. The panel, chaired by Dr Mike Kelly (Public Health Excellence Centre Director, National Institute of Health and Clinical Excellence), has been set up to develop draft conclusions for consultation and will meet for the first time on 19 September.

28. To ensure all issues of concern to stakeholders are taken into account, they will be asked to submit issues they wish to be considered and, at a later stage, comment on draft conclusions.

Advertising of Whole Milk to Children

29. In June this year Asda announced, without consulting the Agency, that it was not possible to advertise their whole milk to children because of the nutrient profiling system. The Agency made it clear that it believed there was no bar to advertising whole milk to children. The decision by Asda seems to have been caused by their using on-pack nutritional information on the composition of whole milk, instead of using the official reference values from *McCance and Widdowson's The Composition of Foods, Sixth Summary Edition, 2002*.

30. We advised Ofcom, the Broadcast Advertising Clearance Centre, the Dairy Council, Dairy UK and Asda on 14 August, that the official reference figures should be used when companies submit requests to advertise whole milk during children's programmes. The McCance figures take account of natural variability in nutritional composition of whole milk associated with season, geographical location and other factors such as cattle feeding patterns. Using these figures whole milk is not classified as an HFSS food using the nutrient profiling model.

Nutritional Signpost Labelling: Media reports on Signposting Take Away Menus

31. In late August a national newspaper reported that Liverpool City Council had carried out research revealing many takeaway dishes contained more calories, salt and fat than the average adult should eat in a day.
32. The article went on to say that following this research the Council were piloting a scheme to apply multiple traffic light (MTL) nutrition labelling to takeaway menus in 15 restaurants, which, if successful, could then be rolled out across the country. It was also claimed that the scheme has the backing of the Agency, the NHS and public health officials in Scotland.
33. The news story was a follow-up on a survey that Liverpool City Council had carried out on takeaway establishments last year. This had been reported by the media at the time and the Agency had made a supportive comment on the results for *Which?*.
34. We understand that Liverpool Trading Standards are now looking to conduct the trial mentioned in the press article and are looking at ways to provide better nutritional information to consumers in catering establishments.
35. The Agency will be interested to study the outcome of the Liverpool work but has made no commitment to supporting the extension of MTL to restaurant menus.
36. An article in another newspaper reported that the National Federation of Women's Institutes and the British Hospitality Association and the Restaurant Association had complained to the Agency. I can report that no such complaint has been received.

Codex Alimentarius Commission

37. The thirtieth meeting of the Codex Alimentarius Commission was held in Rome at the beginning of July. Codex sets global food standards that serve as reference texts for any disputes considered by the World Trade Organisation. The UK is represented at Codex by the Food Standards Agency and, at this meeting, the UK was elected to the Executive Committee of Codex, which advises the Commission on the work of this intergovernmental body. Bill Knock of the Food Standards Agency will represent the UK on the Executive Committee.
38. It was a productive meeting, with the Commission adopting its strategic plan for 2008/2013, and also adopting forty four new or revised Codex standards or related texts. These included *Working Principles for Risk Analysis for Food Safety for Application by Governments*, which should help deliver more consistency in approaches to risk analysis in different countries and jurisdictions.

39. The principles include "...functional separation of risk assessment and risk management to the degree practicable, in order to ensure the scientific integrity of the risk assessment, to avoid confusion over the functions to be performed by risk assessors and risk managers and to reduce any conflict of interest". There has been some concern expressed that this means that the UK is now committed to splitting the FSA into two component parts; one for risk assessment and the other for risk management. However, this is not an interpretation held by the Agency or the UK Government. In referring to functional rather than organisational separation of risk assessment and risk management, the principles do not require these functions to be carried out in different organisations - as is the case in many other countries. The Agency secures an appropriate degree of functional separation through the use of independent scientific advisory committees to generate risk assessments, whilst development and decision on risk management options remains the preserve of the executive and Board. Our processes for the governance of science clearly demonstrate this functional separation.
40. The principles also refer to the importance of risk management policy making clear the mandate given to risk assessors. Again, we fully support this principle, given the importance of (i) asking the right questions so that the answers are relevant to the policy problem; and (ii) providing for, as part of the preliminary activity in risk analysis, engagement with stakeholders to ensure the questions are also socially relevant.

Roll-out of "HHEAPS" Initiative in Scotland

41. FSA Scotland, in partnership with Scottish Rugby, has launched the 'HHEAPS' (Hygiene, Healthy Eating and Activity in Primary Schools) initiative. This is designed to make Primary 4 to 6 pupils more aware of the benefits of food hygiene, healthy eating and keeping fit.
42. Each pupil receives a colourful 'Mission Book' containing three food hygiene and three healthy eating activities. Teachers are provided with a 'Teacher's Guide' of supporting information including a curriculum map to assist lesson planning; and FSA Scotland provides in-service training sessions for all participating teachers.
43. The innovative concept of this initiative is the use of positive role models, such as sports coaches, to deliver hygiene and healthy eating messages. Coaches are provided with 'prompt cards' linking the physical activity sessions to key topics in the classroom activities.
44. Evaluations of two pilot projects in partnership with Aberdeen Football Club have shown this concept to be effective, with a marked improvement in pupils' pre- and

post-‘Mission’ scores. The project was also rated highly by FSA’s recent cross-Agency review of resources by an independent teachers’ panel.

45. Following the successful pilots, FSA Scotland is expanding this initiative across Scotland during Autumn 2007. In association with the Scotland’s ‘Active Schools’ network, Scottish Rugby and five Scottish League Football Clubs are now involved. These will reach around 4800 pupils in 160 schools, and around 2000 pupils in 60 schools respectively.
46. National coverage is assured through with Scottish Rugby’s eight community rugby regions across Scotland. This new partnership was launched on 30 August with pupils, teachers, parents and Active Schools’ coordinators from each of the eight regions invited to lunch with the Scottish Rugby World Cup squad at Murrayfield.

FSA Contribution to HPA-led Work on Summer Flooding

47. In response to the recent Summer flooding incident the HPA convened a national Scientific and Technical Advisory Cell (STAC). The FSA was an invited member from the outset and took part in the four daily teleconferences.
48. Cross Agency working involving several Divisions ensured that advice was provided to the STAC regarding a range of food safety issues. This information was then incorporated into the public health advice notices issued by the STAC on a daily basis.
49. The Agency also placed complementary information regarding these subjects onto our website.
50. This is the first time that the HPA have coordinated the production of public health advice in an emergency situation supported by multi agency teams. The success of this approach has been recognised and may be used again in other similar situations.

Foot and Mouth Disease

51. Foot and Mouth Disease was confirmed in cattle on two premises near Guildford in Surrey during the first week of August. In response, Defra’s established contingency plans were implemented, the disease was contained and the outbreak was formally closed on 7 September. However, a second outbreak has subsequently been confirmed in cattle in Egham and contingency plans are again being put into operation.
52. Throughout the course of these events the Food Standards Agency has played its full part in the cross-government response. The Agency issued advice to consumers

via the web site on 8 August confirming that Foot and Mouth Disease poses no food safety risk, and Agency staff monitor developments through participation in daily teleconferences held at the National Disease Control Centre.

53. Contributing to such responses obviously has financial implications for the Agency, especially for the Meat Hygiene Service. I will say something more about this at the meeting.

John Harwood