

Efficacy of withdrawals and recalls: Effectiveness of the system to respond to future trends

10.1 Background

Consumers shopping habits are shifting, with increasing use of food delivery services as well as social media to purchase products: 1% of UK customers used Facebook Marketplace to shop for food once a week in 2020 ([footnote 1](#)). Although the overall numbers at present remain low, this is a predicted growth area.

During 2020-2021, 100 food disruptions were recorded and prevented from entering the market, due to FSA's National Food Crime Unit and FSS's Scottish Food Crime and Incidents Unit ([footnote 2](#)). As new food products enter the market, and shopping habits adapt, there is recognition that food crime trends will echo these changes. Food crime events may also be recall incidents, and may also lead to recall alerts being issued. The current withdrawals and recalls system will need to respond to these changes to the food supply system and consumer priorities.

The food industry is becoming increasingly diverse with novel and new foods entering the market such as the introduction of Cannabidiol products as having novel food status in 2019 ([footnote 3](#)). These foods could present greater levels of risk to consumers due to [less certainty about safety and safety of processing methods] higher levels of processing or potential long-term health implications due to a lack of longitudinal studies on them [and they are a fragmented market with higher levels of online sales some involving other country suppliers with different national standards). There are several emerging food trends that are predicted to evolve over the next decade and have increased uptake from consumers. The below food trends have been identified as areas that the FSA/FSS may need to respond to in the future:

- gut health, prebiotics, probiotics and fermented drinks
- further rises in plant-based substitutes ([footnote 4](#))
- increase in the use of adaptogens (herbal medicines) and nootropics (supplements that improve cognitive function)
- alternative food sources including insects and cultured meats ([footnote 5](#))
- sustainability in food packaging ([footnote 6](#))
- a rise in direct-to-consumer brands ([footnote 7](#)).

10.2 Hypothetical scenarios

Three hypothetical scenarios were posed to ESRG members and enforcement officers, to explore their views on how the current system may respond to future trends. This activity explored any differences in views of those involved in the system design, and those responsible for enforcing the system on the ground.

Following discussion with the FSA/FSS, three hypothetical scenarios were selected:

- Online sales
- Food crime
- International recalls

In addition, one hypothetical scenario about an online allergy incident was posed to consumer focus groups, to gain consumers' perspectives on online recalls.

Hypothetical scenario 1: Online sales (Facebook example)

Whilst on furlough during the Covid-19 pandemic, a keen home baker decided to use the opportunity to raise additional funds by selling home-cooked products. The baker produced an array of sweet goods and opted to sell them through Facebook Marketplace. The distributor was not registered with the Local Authority. After distributing food products for 18 weeks, it came to light that goods were being sold without allergy labels.

Overall, local authorities suggested that the current system is not able to sufficiently respond to online recalls, while ESRG views were more mixed. Some ESRG members suggested that the current system would work efficiently as online FBOs would have the contact details of their customers to notify them of a recall, and point of sale notices could also be placed online. Others however considered there to be a general lack of awareness amongst small FBOs about registration, limited local authority resource to monitor online sales and challenges identifying which Local Authority was responsible for addressing the recall.

Local Authority enforcement officers noted **challenges in identifying Facebook posts**, including:

- **A reliance on the public to alert local authorities:** All enforcement officers agreed that local authorities did not have the capacity to conduct online searches of unregulated FBOs themselves, and were reliant on the public to notify them of concerns; “we need intelligence from the public to track them down”. They suggested that despite the growth of online sales during the Covid-19 pandemic, they were not considered ‘high-risk’, meaning that additional resources were not allocated to monitoring Facebook FBOs. Two enforcement officers also noted that some current officers were not familiar with Facebook, making identification additionally challenging “the age of officers also affect this [checking]”.
- **Challenges in identifying online sales:** One officer added that many FBOs were increasingly re-wording their Facebook posts, moving away from direct sale advertisements to ‘inquiries’, making it more difficult to identify where sales were taking place. Another officer recounted how “we had situation where a lady was selling stuff from Facebook. Someone complained and then when we tried to check – the lady said she’s not doing anything... there was nothing to do to prove this was happening”.
- **Uncertainty around which online profile to use to contact FBOs:** Understandably, some officers were reluctant to use their personal profiles to contact FBOs, and noted that equally, the “Council wouldn’t want to use their Facebook for ‘policing’ people online”. In addition, online FBOs did not always display their full contact details online (for example, phone numbers and email addresses), making contact more challenging.

To improve the current system, local authorities and ESRG members suggested:

- **Informing the public about FBO registration:** enforcement officers and ESRG members both considered there to be limited awareness amongst the public around the need to register as an FBO and also their legal obligations as a food producer; “people think that they can make food at home and sell it but have no idea about the law”. They suggested that articles in local authority newsletters or a YouTube video could be good ways of raising awareness.
- **Consider a centralised resource for investigating Facebook concerns:** given that local authorities had limited resources, some form of centralised resource/advice from FSA/FSS

may be helpful. This could be designed in collaboration with online platforms such as Facebook.

- **Greater training for local authorities:** focusing on how to identify FBOs and how to investigate these cases.
- **A separate guidance document for online sales:** for example, additional guidance on how to display point of sale notices online and how to contact consumers.

Hypothetical scenario 2: Counterfeit candy

Recently, a criminal gang has been repackaging candy drops and selling them in American food stores across the UK as a well-known brand.

Overall, both ESRG members and local authorities had mixed views on whether the current system would be able to respond to a counterfeit candy incident. Some ESRG members suggested the system would respond well, but it would depend on the cause of the alert, as if it doesn't fall into one of the three alert types it is less clear how to take action. However, others suggested that counterfeit candy incidents would be difficult to process due to the remit of FSA/FSS, communications between authorities, a lack of awareness for small FBOs and a lack of cooperation from some FBOs.

Challenges in identifying counterfeit candy, including:

- **Uncertainty around guidance and roles of different bodies:** Some ESRG members, advised that the role and remit of different bodies that would investigate an incident wasn't clear. They suggested that the approaches and legislation of each nation and local authorities are inconsistent, resulting in investigations being carried out differently across the nations. One officer added that information sharing between local authorities varied from area to area. Some ESRG members also questioned the role of the FSA/FSS and scope in a counterfeit candy incident wasn't clear as unless there was a clear food safety issue, it wasn't clear how the guidance would work. They added that as this is more about information and investigation, it is out of scope for the FSA/FSS until a product that needs removing from the market has been identified.
- **Communication between FBO's, consumers and authorities:** Most ESRG members shared that recall notices and FAFA (Food Alert for Action) information aren't set up for counterfeit products unless there is a food safety issue. Some ESRG member added that there was no set method of communicating with FBO's about penalties and consumers about counterfeit products. One ESRG member added that it is not clear whether local authorities or FSA/FSS would issue a notice/letter.
- **Challenge in identifying counterfeit products:** Some local authorities added that access to information depends on the FBO and whether they want to comply with guidance. One officer added that some FBO's operate as fraudulent businesses so wouldn't be as transparent about an incident. One ESRG member further suggested that because it is a counterfeit product, businesses might not know it is counterfeit and those producing it would take no action to withdraw the product.

To improve the current system, local authorities and ESRG members suggested:

- **Developing a new communication channel:** Both enforcement officers and ESRG members highlighted communications between consumers, FBO's and authorities as being problematic. Some suggested that creating a separate mechanism and channel of communication for counterfeit goods to raise awareness and share information.
- **Consider evaluating the current system:** An evaluation of the different remits and processes of the different bodies, involved across the nations to identify who they work with, relevant legislation and scope of powers to take action.

- **Consider additional resource for exploring counterfeit candy incidents:** Given the limited resources available, the development of a workstream to look at how to tackle counterfeit goods going forward would need additional resources to be allocated to carry out this work.

Hypothetical scenario 3: International recall

A batch of Canadian maple syrup has been subject to an international recall due to concerns about the potential presence of small pieces of glass. No distribution to the UK is recorded, however, the Receipt and Management (RAM) Team identifies various outlets and wholesalers where the batch of maple syrup looks to be available to purchase. The Local Authorities are investigating if, and to what extent, the affected products are being sold in the UK.

Overall, ESRG members and local authorities suggested that the current system would respond well. Some local authorities suggested that the current system would scale up easily and would work efficiently for this type of recall especially for those local authorities with good local knowledge. ESRG members shared that once the product had been identified then the system would work as the legislation, guidance and tools are in place to process this type of incident.

Challenges in processing an international recall, including:

- **Communications with other countries:** ESRG members shared that the UK's departure from the EU had slowed international communications for the UK. One ESRG member added that previously the UK was able to use its support from the EU to leverage countries without strong relationships for information.
- **FBO coordination:** One ESRG member explained that it would be difficult for wholesalers to coordinate point of sale notices when the product is from another country.
- **Access to monitoring systems:** ESRG members shared that the UK no longer has access to RASIFF (Rapid Alert System for Food and Feed) portal enabling information on food safety to be shared post EU exit, resulting in reduced information access for the FSA/ FSS slowing down the system. Information is now received through INFOSAN (The International Food Safety Authorities Network) a database of contacts that can be slower to react to an incident, in addition there is a lack of consistency across countries.

To improve the current system, local authorities and ESRG members suggested:

- **Consider improving communication guidance:** One ESRG member shared that there is low awareness of different international authorities' responsibilities in terms of communication with FBOs. A review of current guidance and making sure all parties are aware of roles, responsibilities and who to contact is suggested. Furthermore, one ESRG member suggested developing a communications channel that provides broad messages to other countries, local authorities and consumers.
- **Access to monitoring systems:** Renewed access to RASFF would allow FSA/FSS to identify international recalls and access information allowing the FSA/FSS to action incidents more efficiently and consistently as information is kept up to date.

Focus group participants discussed the following hypothetical scenario:

During Covid-19 a home baker decided to start selling home-cooked products. The baker started selling an array of sweet goods and opted to sell them through Facebook Marketplace. You or someone you live with have a severe nut allergy. After purchasing from the baker on Facebook Marketplace, you found out that the product has no allergy labelling on it.

A large number of focus group participants (particularly female participants) had had previous experience of purchasing food products online (such as cupcakes and birthday cakes). There was also a significant number of participants who expressed apprehensions about purchasing food products online.

Overall, the consensus amongst focus group participants was that the onus was on the consumer themselves to alert the seller of any allergies, as opposed to the seller notifying consumers; "it's a person's responsibility to check for labels if they have allergies".

Since focus group participants regarded online sales as commercial transaction between the seller and the consumer, they suggested that they would first contact the seller in the case of an allergy incident, followed by the online sales platform (for example, Facebook). A small proportion of participants mentioned going to their local authority for advice, and only one would raise the issue with the FSA.

Some suggestions for updating the current system included:

- mandatory allergy labelling for online sales; and
- a scores on the doors style system for online retailers, indicating that a business had been registered with environmental health.

10.3 Considerations for the future

The hypothetical scenarios highlighted the strengths and weaknesses in the current system to address new challenges, including:

- **Online food product recalls:** Feedback suggested that online FBOs are more likely to have their consumers' contact details to notify them of a recall, and could also place the recall notice online (which had less chance of being over-looked than an in store notice). However, there was limited resource within local authorities to identify unregistered FBOs selling food products online, and currently an over-reliance on the public to alert enforcement officers.
- **Counterfeit food recalls:** Feedback suggested that current guidance could be used to initiate this type of recall, however the challenge would be to determine if this was a food recall or a food crime concern, and therefore who was best placed within the regulator to address this issue.
- **International food product recalls:** Feedback suggested that, once the product was identified, then this type of incident would be able to be processed using current legislation, guidance and tools. However, there is less awareness of different international authorities' responsibilities in terms of communication with FBOs, and international food recall information is received more slowly through the current database.

Learning points from these scenarios to strengthen the system for the future include:

- **Creating specific guidance documents for enforcement officers and FBOs regarding online recalls, international recalls and counterfeit goods:** These would clarify the roles and responsibilities of each partner in the process, and how best to alert consumers of a recall in these situations
- **A series of webinars for local authorities on new and emerging trends:** These could cover topics such as how best to identify online FBOs, various roles and responsibilities in food crime cases, and how best to receive information from international regulators.
- **Informing current small online FBOs about their requirement to register as an FBO:** articles in local authority newsletters or a YouTube video could be good ways of raising awareness amongst those wishing to sell food products on the internet.
- **Having a single point of contact within the FSA/FSS as key sources of information on new and emerging trends:** consider signposting local authorities to individuals with the

FSA/FSS to provide additional support/advice on issues such as how to alert consumers to a counterfeit goods recall, to supplement current knowledge and awareness.

- **Annual conferences with international regulator counterparts:** this would ensure that the current system reflects best practice internationally, as well as reviewing relevant international legislation and scope of powers to take action in the event of international legislation.
- **Periodic review of current guidance:** consider undertaking an annual review of current guidance to ensure that it continues to address any new and emerging trends

1. [Frequency of purchase on Facebook Marketplace among consumers in the UK in 2020.](#)
2. [Annual review of food standards across the UK: Chapter 3: Safe and sound the latest trends in food incidents and food crime](#)
3. [Novel foods authorisation guidance](#)
4. [Exploding topics, food trends](#)
5. [Delish: Predicted Food Trends 2025](#)
6. [FHA: 10 future food trends 2030](#)
7. [Exploding topics, food trends](#)