CHIEF EXECUTIVE’S REPORT

1. **E. coli** outbreaks in Germany and France

1.1. The Board will be aware of the recent outbreaks of *E. coli* in Germany and France, both of these incidents illustrate the importance of ensuring the microbiological safety of food.

1.2. The German outbreak is one of the largest *E. coli* outbreaks reported worldwide and the largest ever reported in Germany. As of 7 July, when this report was written, the German outbreak had resulted in over 4,000 cases of Haemolytic Uremic Syndrome (HUS) and non-HUS Shiga toxin-producing *E. coli* (STEC 0104) and unfortunately 50 associated deaths in the EU. In the UK there have been 17 cases identified, 3 HUS cases confirmed STEC 0104 and 14 cases of bloody diarrhoea with 4 confirmed as non-HUS STEC. All UK cases had a history of travel to Germany. The outbreak in France had resulted in 15 cases, 8 cases of bloody diarrhoea and a further 7 HUS cases had been identified, with no associated deaths. Although in most cases the effects are acute and patients go on to recover, some may suffer long-term health complications such as kidney disease.

1.3. To investigate the outbreaks the FSA has participated in a European Food Safety Authority Traceability Task Force, which has co-ordinated efforts across the EU to identify the original source of the outbreak. The report of the Task Force has now been published and concludes that a batch of fenugreek seeds originating from Egypt is the most likely source. At the time of writing EU wide legislation had just been brought in to protect consumers by banning the import of certain seeds and beans from Egypt and the withdrawal, sampling and destruction of implicated fenugreek seeds.

1.4. The FSA has, and continues to, lead the UK response to both these outbreaks working closely with the Health Protection Agency to monitor developments in the UK and across the EU, providing reassurance to UK consumers, working with the industry and providing daily up-dates to the Secretary of State, all health ministers and keeping rural affairs departments informed.

1.5. The FSA has issued advice to consumers via our website that sprouted seeds should only be eaten if they have been cooked thoroughly until steaming hot throughout; they should not be eaten raw. Equipment that has been used for sprouting seeds should be cleaned thoroughly after use. People should always wash their hands before and after handling seeds intended for planting or sprouting as well as when preparing food.

1.6. As this is a fast moving incident I will provide further information in my oral update at the open Board meeting.
2. Scottish Government Review

2.1. As Board members may know, on 23 June the Scottish Government announced a review of functions performed by the Food Standards Agency, as they relate to Scotland. The review follows the machinery of Government changes last year which resulted in the FSA having different responsibilities in the devolved countries, in particular retaining responsibility for nutrition in Scotland and Northern Ireland. The review is intended to consider the feasibility of establishing a dedicated Scottish FSA. The expert panel conducting the review will be lead by Jim Scudamore, who was Chief Veterinary Officer (CVO) for the UK from 1997 to 2004 and was previously Assistant CVO for Scotland.

2.2. The review will also include a full assessment of the feasibility of a devolved meat inspection service. The Scottish Association of Meat Wholesalers (SAMW) and the National Farmers Union of Scotland (NFUS) sent a joint letter to the Scottish Government Cabinet Secretary for Rural Affairs and Environment to press for a separate meat inspection service for Scotland, with FSA in Scotland taking responsibility for standard setting and audit. The letter contains substantial factual inaccuracies, and we have provided the Richard Lochhead with corrections and clarification. I have asked Steve Wearne, Director of the FSA in Wales to co-ordinate our input to the feasibility study and anticipate involving the Board in the evidence gathering process.

3. Smoked skin-on sheep

3.1. The Board will be aware that the European Food Safety Authority (EFSA) has now published its Opinion on UK investigations to develop a hygienic and safe procedure for the production of smoked skin-on sheep meat. That Opinion acknowledges that the UK investigations provide useful information, which may serve as the basis for the development of processes for the safe production of skin-on sheep carcases. However the Opinion finds that, overall, the studies are insufficient to support the conclusion that the skin-on sheep carcases produced by the method described would be suitable for human consumption, or hygienically and microbiologically similar to conventionally produced skin-off carcases. The Opinion also finds the information supplied insufficient to conclude that the process results in levels of harmful smoke-derived chemicals similar to those in other smoked foods and therefore represent a low level of concern for human health.

3.2. We are obviously disappointed by these findings and intend to ask EFSA for clarification of their interpretation of some of the data and will consider next steps in the light of this. I will keep the Board up-to-date with developments.
4. MRSA in milk

4.1. The Board may have read press reports of a University of Cambridge study, funded by Defra, in which they isolated an antibiotic resistant organism, novel mecA MRSA, from dairy cattle and humans. The researchers isolated the organism from both milk from cows with mastitis and in two samples from a bulk milk tank. This study does not provide evidence that humans are being infected with MRSA from cattle; the data simply shows that the same types of MRSA can be found in both humans and cattle. A paper outlining the findings was published in *The Lancet Infectious Diseases* on 3 June 2011 and Cambridge University held a press conference about the new MRSA strain.

4.2. Current evidence suggests that there is a negligible food safety risk from milk derived from livestock carrying MRSA as most milk sold for human consumption is pasteurised. This process destroys *Staphylococcus aureus* whether it is resistant to antibiotics or not. The majority of milk samples where the new MRSA were found were from cows with udder infections. This milk is not legally allowed to enter the food chain.

4.3. The findings were considered by the Advisory Committee on Antimicrobial Resistance and Hospital Acquired Infections (ARHAI) on 22 June and on 22 September we will seek a view from the Advisory Committee on the Microbiological Safety of Food (ACMSF) on the significance of the findings in relation to the food chain.

5. Food Safety Week and Parliamentary Reception

5.1. Food Safety Week (FSW) ran from 6 – 12 June. The aim of the week was to raise public awareness of key food safety messages. This year FSW activity centred on ‘myth busting’; debunking some commonly held food hygiene myths, for example that you need to wash chicken before you cook it, in fact washing is more likely to spread germs. The FSA produced a range of materials to assist local authorities and others to run their own activities, including a myth busting quiz and video showing what people actually do when buying, storing, preparing and cooking food in their own homes. Over 260 organisations across the UK used these with community groups, at leisure centres, libraries and lunch clubs running myth-busting activities. This year we used Facebook as a way to share information with partners about resources and activities during FSW; we also know that many organisations ‘tweeted’ about their activity. This complemented other means of communication.

5.2. We issued a local press release that could be adapted by partners and saw around 65 local papers cover FSW. The FSA’s media relations activity was adjusted in the light of the ongoing *E.coli* incident in Germany. However the ITV breakfast programme Daybreak ran an item on domestic hygiene, with Bob
Martin from the Hygiene and Microbiology Team, offering feedback on a family’s domestic hygiene.

5.3. As part of the week we held our 6th Annual Parliamentary Reception on the 8 June at the Houses of Parliament. The sponsor MPs were Jack Dromey MP, Labour Shadow Communities and Local Government Minister, Rt Hon Stephen Dorrell MP, Conservative Chair of the Health Select Committee, and Roger Williams MP, Lib Dem Member of the Science and Technology Committee. The event was well attended, attracting 24 MPs and 20 Peers and over 80 stakeholders, with positive feedback received from attendees.

5.4. The reception concentrated on the Food Hygiene Rating and Food Hygiene Information Schemes with displays showcasing both and an opportunity for MPs to meet with Environmental Health Officers. Speeches from sponsor MP Jack Dromey, Anne Milton Public Health Minister, Jeff Rooker and me highlighted the continued importance of food safety and its relevance in the light of the German E.coli outbreak.

6. Food Hygiene Delivery Programme

6.1. March 2011 saw the completion of Phase 1 of the Food Hygiene Delivery Programme. This phase produced a number of key outputs, most notably the guidance on controlling the risk of cross-contamination from E.coli O157, training of over 3,000 authorised officers in evaluating food safety management systems, a review of the FSA’s local authority audit process, consultation on the extension of Remedial Action Notices (RANs), and a review of evidence about culture and behaviours in food businesses. The programme has now moved into Phase 2. Work is continuing on a number of the projects, including an evaluation of the impact of the guidance mentioned above. Some aspects of the programme have been delivered and the outputs have become embedded within the day to day working of the FSA. This includes specific enforcement officer training being integrated into our standard Local Authority training programme.

6.2. An update on the Programme will be included within the next Operations Group Update to the Board in September.

7. First Minister Review of Enforcement in Wales

7.1. The First Minister for Wales wrote to the Chair of the Food Standards Agency in August 2010, requesting that the FSA undertake a review of food law enforcement by local authorities in Wales. The final report was submitted to the First Minister on 26th May. The report found that, in recent years, local authorities reported expenditure on food safety that was less than the nominal provision by Welsh Government.
7.2. Actions proposed by the FSA are to:
• Grade food law enforcement delivery on a three year cycle.
• Audit local authorities management of interventions in newly registered food premises.
• Assess the Action plans prepared by local authorities in response to the Public Inquiry into the South Wales E.coli O157 outbreak in 2005.
• Host the home authority database currently provided by Local Government Regulation.

7.3. The FSA has also recommended to the First Minister that:
• A Welsh national feed inspection and enforcement service is formed as part of the FSA. This would involve the transfer of responsibility for animal feedstuffs work from local authorities to the FSA.
• The formula for calculating the food safety element of the Revenue Support Grant to be re-weighted to reflect the number of food premises in each local authority area rather than the population.
• Local authorities are urged to maintain a level of funding for food law enforcement that is no lower than the nominal allocation made for the service.

7.4. The First Minister also asked that we consider alternative methods of delivery of food law enforcement and this will be taken forward as part of a UK-wide review which was agreed by the Board at the open meeting in January 2011.

7.5. In his reply to the Chair, the First Minister stated that he will write again after giving full consideration to the report and our advice and recommendations.

8. FSA led work on Nutrition in Scotland and Northern Ireland

8.1. Following the discussion on nutrition at the Board meeting in May 2011 a brief update on the four main areas of concern is provided below:

**Scientific Advisory Committee (SACN)**

8.2. FSA was offered observer places on any of the SACN working groups required at a meeting with Department of Health (DH) on the 16th May. FSA attended Vitamin D subgroup meeting on the 26th May and the SACN meeting on the 7th June.

**Eatwell Website**

8.3. FSA Scotland is working with the Health Department in Scotland to look at a solution to provide future information for consumers on a healthy balanced diet.
Positive progress is being made. The FSA in NI has transferred the information previously stored on the Eatwell website to the NI Assembly’s consumer website NI Direct.

**National Diet and Nutrition Survey (NDNS)**

8.4. DH has confirmed a one year extension to the current Survey for 2012/13. FSA is committed in principle to funding a core UK sample. Once the way forward for the core study is agreed, FSA will be able to consider the potential for boosting samples in the devolved countries.

**Responsibility Deal Food Network**

8.5. An updated newsletter was published by DH on the 27 May 2011. A meeting of the high level steering group co-chaired by Susan Jebb and the Secretary of State was held on the 22 June 2011. Topics of discussion were programmes on Calorie reduction, Fruit and Vegetables, National Heart Forum Report on the marketing of foods to children, the FDF/BRC salt technical group and salt targets in the catering sector. Further details: [http://www.dh.gov.uk/en/Publichealthresponsibilitydeal](http://www.dh.gov.uk/en/Publichealthresponsibilitydeal).

8.6. A recent study by the University of Exeter illustrates the challenges of having different nutrition responsibilities in the four countries. The study cast doubt on the health value of reducing Salt intake. In England the Department of Health is using the following reactive line: ‘The scientific consensus is that there are real benefits to be achieved by decreasing salt intake, which has been shown to reduce high blood pressure. Evidence to the contrary is inconsistent’. In the past we would have been more active in putting forward the strong body of evidence in support of the need to reduce salt intake, but are not in a position to do this given the current arrangements.

**9. Royal Highland Show**

9.1. FSA was well represented at the Royal Highland Show that took place outside Edinburgh from 23-26 June. Jeff and I attended the show on 23rd June and hosted a lunch for stakeholders where enforcement challenges were discussed.

9.2. On wider consumer engagement, the FSA in Scotland interactive display stand attracted over 15,000 visitors during the 4 days, with approximately 1,000 more watching the cookery demonstrations that took place four times each day. The purpose of these activities was to promote FSA’s key messages on food safety and healthy eating. Feedback from visitors to the FSA exhibits was very positive, with particular interest from schools and local authorities on how FSA resources can be accessed and used in education.
10. Heads of Agencies

10.1. As I was unable to attend, Andrew Wadge went to the latest of the regular meetings of Heads of Agencies across Europe held in the Netherlands on 30 June and 1 July. At the meeting Andrew presented a paper on how to ensure greater transparency in the use of risk assessment and uncertainty in risk management decisions that affect food safety. The paper stimulated a constructive discussion, including how to avoid the selective use or misrepresentation of risk assessment and uncertainty, where these are based on factors other than scientific risks and uncertainties, as a basis for risk management decisions. It was agreed that a Working Group would be set up to prepare a more detailed paper and the FSA will draft the terms of reference for that group.

10.2. The meeting also discussed the review of Regulation 882/2004, which sets out the general requirements for competent authorities or enforcement authorities that are responsible for checking businesses comply with feed and food legislation. The review is considering a wide range of issues and options, but there was general support for the overall principles of ensuring that the regulations are more risk-based, and that the charging and other aspects of the system ensure consistent and effective compliance.

11. Food Hygiene Rating Scheme (FHRS) and Food Hygiene Information Scheme (FHIS) update

11.1. Progress on roll out has continued apace since the Board’s meeting in May. Jeff Rooker supported a very successful event in Lancashire on 1 June to mark the launch of FHRS across 12 district councils. In Northern Ireland, the launch of the scheme by 16 more district councils at the beginning of Food Safety Week was marked by an event at Belfast’s Café Vaudeville. This was attended by the Mayor of Belfast, Cllr Niall Ó Donnghaile, and Councillors and officers from the participating councils. A TV advert promoting the scheme to consumers in Northern Ireland aired for the first time the same evening and a major campaign – with striking billboard, bus shelter and side of bus posters - began the following week. The FSA supported a number of other launch events in and around Food Safety Week including one in Welwyn Hatfield attended by Nancy Robson.
11.2. In mid June, another milestone was reached when Newcastle-Under-Lyme Borough Council became the 150th local authority to launch the FHRS. This momentum is set to continue with a further 23 authorities preparing to launch over the coming weeks and months. It is anticipated that by the end of 2011/12, all authorities in Wales, and around 60% of those in England and 90% in Northern Ireland will have implemented the scheme or will be working towards implementation.

11.3. On 26 May Clackmannanshire became the latest local authority in Scotland to launch the FHIS bringing the total to 20. Aberdeen City Council added around 1,300 new establishments to the scheme when it rolled out FHIS to the remainder of its area during Food Safety Week.

12. Industry Forums

12.1. At the Board meeting on 22 March we discussed the Northern Ireland catering industry forum and I agreed to provide you with more information about similar forums elsewhere in the UK.

12.2. I host a UK wide industry stakeholder forum which includes representatives from catering industry trade bodies and we are keeping under review the merits of a specific group attended by catering businesses. In Scotland the Food Industry Forum, established by the Scottish Government (SG), covers retailing, manufacturing and catering both in Scotland and across the UK (Food Implementation Group). Members of the group are Scottish Food and Drink Federation, Scottish Retail Consortium, the British Hospitality Association, British Retail Consortium, Food and Drink Federation and FSA in Scotland. The group will aid delivery of the SG Obesity Route Map action Plan which includes actions for FSA related to outcomes 3 and 4 of our current Strategic Plan. In Wales we have not adopted a standing industry forum in any sector. Instead, we hold issue-led meetings to ensure that businesses and their representative bodies are updated on, and have the opportunity to discuss current topics.

13. Institute for Science and Technology

13.1. On 2 June Andrew Wadge and I had an interesting meeting with Jon Poole and Colin Dennis from the Institute for Science and Technology (IFST). At that meeting we discussed the register of professional skills that IFST are
developing in consultation with the FSA. The register will be of professional skills that are recognised and transferrable in food businesses, ranging from someone at operational level to managerial level. Raising levels of food safety skills in business is an important approach that may complement our work on earned recognition and focus on risk-based inspection and enforcement and we will continue to support IFST in developing the register.

14. Cattle ID Prosecution

14.1. In my report to the March 2011 Board meeting, I provided details of a successful prosecution undertaken by Cumbria Trading Standards of a cattle dealer involved in cattle identification fraud. That case concerned the potential entry of cattle born before August 1996 into the human food chain. A second prosecution by Powys County Council further highlights the risks presented by such fraudulent activity.

14.2. Powys County Council successfully prosecuted a farmer from Llanfihangel, Oswestry for offences relating to the swapping of ear-tags between a pedigree cow that had been identified as a TB reactor and a less productive animal so that the farm could retain the former animal. As a result of investigations undertaken by Powys Trading Standards, supported by the FSA, Welsh Government and Defra, a prosecution was pursued that resulted in Mr Emyr Jones Evans pleading guilty to charges under the Fraud Act 2006, The Cattle Identification (Wales) Regulations 2007 and The Tuberculosis (Wales) Order 2006.

14.3. At Mold Crown Court on 30th June 2011, Evans received an 18 month suspended sentence with a supervision order for 12 months. The Judge advised Evans that he had "escaped prison by the skin of his teeth" and awarded costs in full of £28,900.

15. General enforcement up-date

15.1. In the period since the May Board meeting, convictions have been secured in six prosecutions taken against food business operators following enquiries undertaken by the FSA’s Investigations Branch. A further prosecution of an approved red meat slaughterhouse also came before the courts in May 2011 but the proceedings were stayed.

a) At Leeds Magistrates Court on 11 May 2011, S L G Wholesale Limited, the operator of an approved meat cutting plant, was found guilty on four charges under the Food Hygiene (England) Regulations 2006 of failing to comply with a Remedial Action Notice and related substantive breaches concerning hygiene deficiencies, specifically the failure to have facilities for disinfecting tools with hot
water supplied at not less that 82 °C. Upon conviction, the company was given an absolute discharge and ordered to pay prosecution costs of £2,000;

b) Mathers (Inverurie) Limited, the food business operator of an approved red meat slaughterhouse, pleaded guilty to two offences under the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010 at Aberdeen Sheriff Court on 11 May 2011. The charges related to two instances of cattle being presented for post-mortem inspection with specified risk material, specifically spinal cord, still attached to the carcase. Upon conviction, Mathers (Inverurie) Limited was fined £7,000;

c) Andrew Denney, who operates an approved red meat slaughterhouse trading as G & A Denney, pleaded guilty to two offences under the Welfare of Animals (Slaughter or Killing) Regulations 1995 at Kendal Magistrates Court on 7 June 2011 following a prosecution taken by Defra. The charges both related to incidents of pigs being left overnight in the lairage of the abattoir without drinking water being made available to them at all times. Upon conviction, Mr Denney was given a 12 month conditional discharge and ordered to pay prosecution costs of £2,000.

d) At Halifax Magistrates Court on 16 June 2011, HCF Poultry Limited, who operate an approved white meat slaughterhouse, pleaded guilty to two offences under the Food Hygiene (England) Regulations 2006. The plea covered a substantive breach and a failure to comply with a Hygiene Improvement Notice relating to a failure to ensure that poultry carcases were presented for post-mortem inspection with their accompanying offals. Upon conviction, HCF Poultry Limited were fined £3,000 and ordered to pay prosecution costs of £4,000.

e) At Horseferry Road Magistrates Court on 24 June G Lawrence Wholesale Meat Company Limited was found guilty of 11 breaches of the Food Hygiene Regulations 2006, including a breach of a Remedial Action Notice and a failure to protect fresh meat from contamination and failure to comply with its HACCP plan. G Lawrence Wholesale Meat Ltd is a company which operates a stall at London’s Smithfield Market. G Lawrence was fined £2,000 on each charge and ordered to pay prosecution costs of £18,424.98, plus the statutory £15 victim surcharge. The total fine and costs are therefore in excess of £40,000.

Tim J Smith
Chief Executive