

DERBYSHIRE COUNTY COUNCIL

MEETING WITH CABINET MEMBER, HEALTH AND COMMUNITIES

02 February 2016

Report of the Strategic Director, Health and Communities

**FOOD AND FEED PRODUCTS ENFORCEMENT ACTIVITY
SECOND QUARTER 2015-16**

1. Purpose of Report:

To advise the Cabinet Member, Health and Communities of activity undertaken by the Trading Standards Division to ensure compliance with food and feed product composition labelling and safety requirements.

2. Information and Analysis:

2.1 The Trading Standards Division has a statutory duty to enforce food compositional and labelling requirements to ensure that food is safe and complies with the law. Similar legislation applies to fertiliser and feeding stuffs and the County Council has additional responsibilities to ensure that animal feed is produced, supplied and stored in compliance with hygiene requirements thus ensuring that the risk of the introduction and spread of disease is minimised. To monitor compliance, Trading Standards Officers carry out a range of activities including visiting local businesses; taking samples for laboratory analysis; responding to complaints from members of the public and traders; acting on intelligence and responding to referrals from other agencies; and responding to requests for advice from local businesses. The majority of non-compliance is dealt with by way of advice and information, but if the breach is deemed serious – for example there is a risk to public health or safety – then more formal enforcement action can be initiated.

2.2 The theme of the most recent food sampling projects are as follows:

- Extra Virgin /Virgin Olive Oil for authenticity
- Eggs and Poultry Meat for the presence of coccidiostats
- Products from local catering establishments described as 'gluten free'
- Food Supplements purchased over the internet for compositional analysis and legality of advertising claims
- FSA National Co-ordinated Food and Feed Sampling Surveys

2.3 In total 90 food or feed products have been submitted for analysis and of those 18 (20%) were reported as being unsatisfactory in some regards. The Division has a range of sanctions available to seek compliance with legal requirements; the main activity engaged is to provide advice and information

to the relevant business. Where the business has a head office that is not in Derbyshire and the results of analysis are of a relatively minor or technical matter, details are referred to the relevant Home or Primary Authority. An advisory approach is generally adopted where there has been a recent change in legislation and only when there is evidence of deliberate or negligent criminal behaviour would a more formal enforcement approach be adopted.

- 2.4 A summary of each of the food projects and the results of analysis – where received – together with the action taken is provided in the Appendix to this report. As previously reported, samples of honey on sale in Derbyshire and described as ‘Manuka honey’ (ie purporting to contain honey produced from pollen from Manuka trees which are only found in New Zealand) were found to contain less than the amount of Manuka claimed. This is the subject of a separate report.

3 Other Considerations:

In preparing this report the relevance of the following factors has been considered; legal, financial, prevention of crime and disorder, equality of opportunity; environmental, health, human resources, property and transport considerations.

4 Background Papers:

CabCo Reports: Annual Food and Feed Service Plan 2014-15 dated 09 September 2014, Food and Feed Products Enforcement Activity 2014-15; 07 July 2015

5 Key Decision:

No

6 Call-in:

Is it required that call-in be waived for any decision on this report? No

7 Officer’s Recommendation:

That the Cabinet Member, Health and Communities note the outcome of recent food sampling activity.

David Lowe
Strategic Director
Health and Communities

Appendix 1 – Food Sampling Results Second Quarter 2015-16

Table - Numbers of samples taken and proportion found to be incorrect

No.	Survey	Proposed number of samples	Actual samples taken	Number of unsatisfactory samples	Percentage Unsatisfactory
1	Extra Virgin /Virgin Olive Oil for authenticity	8	8	3	38%
2	Eggs and Poultry Meat for the presence of coccidiostats	8	8	0	0%
3	Products from local catering establishments described as 'gluten free'	20	20	1	5%
4	Food Supplements purchased over the internet for compositional analysis and legality of advertising claims	10	9	7 (2 still to be reported as of 17/12/2015)	78%
5	FSA National Co-ordinated Food Sampling Surveys	21	17	5	29%
6	FSA National Co-ordinated Animal Feed Sampling Surveys	0	5	0	0%
7	Complaint/initiative/ follow up and non-retail FSI samples	15	19	10	53%
	Total Survey Samples	67	62	9	15%
	Total All Samples	83	90	18	20%

Details of samples taken, rationale for sampling, results of analysis and action taken

1. Extra Virgin /Virgin Olive Oil for authenticity

Rational for sampling activity

Extra Virgin and Virgin olive oil are premium products which are potential targets for adulteration/ substitution with inferior quality olive oil or other types of vegetable oil, particularly following recent poor olive harvests in Europe. There is a clear financial advantage for a supplier substituting cheaper oil for a more expensive one. A check on a supermarket website indicated the following prices Sunflower Oil: £0.12/100ml; Olive Oil: £0.40/100ml; and Extra Virgin Olive Oil: £0.45/100ml.

Report and Outcome

One of the oils was described as extra virgin oil, but upon analysis was found to only of virgin oil quality. Further enquiries are continuing with regards to this product. Two other samples were found to have minor labelling inadequacies and these matters have been referred to the appropriate Home or Primary Authority for information.

2. Eggs and Poultry Meat for the presence of coccidiostats

Rational for sampling activity

Coccidiostats are medicinal products used to treat coccidiosis in poultry. Coccidiosis is a parasite which damages the gut wall of chickens. In simple terms a microscopic parasite (a coccidian) is ingested by the bird, it attaches itself to the lining of the gut, multiplies and becomes an oocyst feeding in the digestive tract of the bird and consequently will make it bleed. This survey was undertaken to check for potential carryover of coccidiostat residues into the human food chain, in the form of eggs and poultry meat .

Report and Outcome

All samples were found to be satisfactory and therefore no follow-up action was required.

3. Products from local catering establishments described as 'gluten free'

Rational for sampling activity

Products described as 'gluten free' are permitted to contain no more than 20 ppm gluten. Gluten free foods prepared at catering establishments are potentially susceptible to cross contamination with products containing gluten as an ingredient if these are being handled in the same kitchen. The purpose of this survey was to check whether premises offering gluten free alternatives were in fact able to deliver these products safely to consumers intolerant to gluten.

Report and Outcome

A food item described as a 'gluten free vegetarian sausage cob' was found to contain 54 ppm gluten which was thus in excess of the tolerance permitted by the Food Labelling Regulations. Enquiries with the business revealed that the vegetarian sausages they were using were not gluten free. Formal advice has been provided to the businesses and the potential implications of allergen related mistakes/issues more generally have been highlighted. Alternative ingredients are to be sourced or the product removed from the menu. We are confident that the trader will take appropriate steps to ensure that the food is correctly described. The remaining samples (19 out of 20) were all satisfactory.

4. Food Supplements purchased over the internet for compositional analysis and legality of advertising claims

Rational for sampling activity

Health claims on food, including food supplements, are regulated by the Nutrition and Health Claims Regulations 2007. Claims cannot be made unless they have been authorised by the European Food Safety Authority and appear on an approved register. However, the website advertising of many food supplements still includes claims which are potentially illegal and may mislead the consumer into believing the products have beneficial properties which they do not possess.

Report and Outcome

All products had labelling infringements under one or more of the following: Food Information Regulations; Food Supplement Regulations; Nutrition and Health Claims Regulations. Further enquiries are being considered.

5. FSA National Co-ordinated Food Sampling Surveys

Rational for sampling activity

The Division participated in a number of nationally coordinated food sampling projects as follows:

- i. Chips from chip shops to check for levels of acrylamide - a potentially carcinogenic substance formed during the cooking process;
- ii. Pre-packed minced pork from multiple retailers to check for compliance with compositional and labelling requirements introduced by EU Regulation 1169/2011 on the provision of Food Information to Consumers;
- iii. Meat products from catering establishments (pies, pizzas, curries etc) to check for substitution with other meat species;
- iv. Honey for authenticity

Report and Outcome

- i. All four chip samples were satisfactory.
- ii. Seven minced pork samples taken: two were found to have an incorrect collagen/ meat protein ratio declaration; one was found to contain excess fat compared with the declaration. The unsatisfactory samples have been referred to the appropriate Home/Primary Authority for information.
- iii. All four meat products were found to be satisfactory.
- iv. One sample of honey from a Derbyshire manufacturer was found to be satisfactory in relation to the declared origin, but had minor labelling issues, which were brought to the attention of the business concerned. A sample of 'Acacia' honey was found to contain only 14% acacia pollen and was therefore potentially not of the quality demanded by the purchaser. This matter is under investigation.

6. FSA National Co-ordinated Animal Feed Sampling Surveys

Report and Outcome

The Division participated in a number of nationally coordinated animal feed sampling projects – including feed materials, additives and co-products – to ensure that such products were safe and complied with composition and labelling requirements. The issues checked - all of which can affect the safety and security of the food chain as well as animal health - included:

- i. Levels of heavy metals;
- ii. The presence of dioxins; and
- iii. The carryover of coccidiostat residues. Feed legislation limits the level of coccidiostats that are permitted in feed for which it is not intended ('non-target' feed). This is because withdrawal periods (the length of time before slaughter that an animal is allowed to have access to the product) for coccidiostats are tightly controlled to prevent levels in our food from being

dangerous. At worst this can pose a food safety risk and at best it highlights a quality control issue with the manufacturing process.

One sample was found to have excessive levels of coccidiostats and the manufacturer informed. Further investigation identified a potential problem area in the production process. Steps have now been taken to rectify this. All the other samples were found to be satisfactory.

7. Complaint and non-programmed samples

Rational for sampling activity

During their routine work, officers will take food samples for a variety of reasons. For example, to confirm the accuracy of a process or to address concerns about compliance with labelling or compositional requirements.

The food items sampled were as follows:

- i. Spicy beef and pepperoni pizza from a local catering establishment found to contain chicken and turkey meat.
- ii. Locally produced chocolate cake containing less than the declared amount of cocoa powder.
- iii. Four meat pates from a local manufacturer with unsatisfactory labelling.
- iv. Two curries from takeaway premises found to contain artificial colours no longer permitted in sauces and seasonings.

Report and Outcomes

The results of the analysis and the action taken with regards to each of the above issues were as follows:

- i. Although the pizza was described as 'spicy beef and pepperoni' and was found to contain chicken and turkey meat, there is no definitive compositional standard for pepperoni, hence it is not possible to say that because it contains chicken and turkey it is falsely described and so the business was advised to tighten up its procedures.
- ii. The chocolate was sampled from a local manufacturer and various labelling issues were identified. The business has indicated that they will be updating the label and the Division continues to work with them to ensure this happens.
- iii. The local meat products manufacturer has been advised.
- iv. Further consideration is being given to determine what action to take with regards to the proprietors of the respective takeaways.