

Agenda Item No. 3(b)

DERBYSHIRE COUNTY COUNCIL

MEETING OF CABINET MEMBER – HEALTH AND COMMUNITIES

3 May 2016

Report of the Strategic Director – Economy, Transport and Communities

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

(1) **Purpose of Report** To advise the Cabinet Member 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** 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.

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

- Lamb based pies
- Meat Pates and Pastes
- 'Fresh' chickens and turkeys
- Gammon and chicken portions from local butchers
- Food Standards Agency (FSA) National Co-ordinated Food and Feed Sampling Surveys

In addition to the above themed projects, the Division also participated in a number of nationally coordinated food and feed sampling projects organised by the FSA, the lead Government agency for food. There were also a number

of *ad hoc* and follow-up samples taken; full details are available in the Appendix to this report.

In total, 91 food or feed products have been submitted for analysis and of those 33 (36%) 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.

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.

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

(3) **Key Decision** No.

(4) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(5) **Background Papers** Held on file within the Economy, Transport and Communities Department. Officer contact details – Robert Taylour, extension 39830.

(6) **OFFICER'S RECOMMENDATION** That the Cabinet Member notes the outcome of recent food and feed products sampling activity.

Mike Ashworth
Strategic Director – Economy, Transport and Communities

Appendix – Food Sampling Results Third 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	Lamb based pies for substitution with other types of meat	8	8	4	50%
2	Meat Pates and Pastes for presence of undeclared meat species	5	5	4	80%
3	'Fresh' chicken portions and 'fresh' turkeys from local butchers to check that products have not been previously frozen	12	12	0	0%
4	Gammon and chicken portions from local butchers to check for undeclared presence/ levels of added water	12	12	3	25%
5	FSA National Co-ordinated Food Sampling Surveys	6	6	3	50%
6	FSA National Co-ordinated Animal Feed Sampling Surveys	18	18	2	11%
7	Complaint/initiative/ follow up and non-retail FSI samples	10	30	17	57%
	Total Survey Samples	61	61	16	26%
	Total All Samples	71	91	33	36%

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

1. Lamb based pies for substitution with other types of meat

Rationale for sampling activity

Lamb is relatively expensive compared to beef and a number of issues have been found with takeaways substituting beef for lamb. This survey was undertaken to check for similar issues with other local food manufacturers.

Report and Outcome

Two of the samples were found to have beef in addition to lamb and a third with chicken in addition to lamb. One other product was found to have minor labelling errors which has been referred to the appropriate Primary/Home Authority. With regards to the products containing other meat species, further enquiries have been made with the manufacturers. The levels of other types of meat found suggest cross-contamination rather than deliberate substitution, possibly as a result of lamb being minced after beef; or use of gravy mixes containing other meat based ingredients. Advice has been issued to these businesses.

2. Meat Pates and Pastes for presence of undeclared meat species and accuracy of name

Rationale for sampling activity

Ingredients such as pork liver and chicken liver are often used in pates, but the name of the food does not always accurately reflect this. There is also the potential for substitution of more expensive species of meat with cheaper varieties.

Report and Outcome

Four of the samples were found to be unsatisfactory by the Public Analyst. With regards to two of the pates, pork liver and/ or chicken liver were present in the ingredient list but not declared in the name of the food. In the other two samples the food was labelled with an accurate name on the reverse of the label, but the label on the front of the pack did not reflect the ingredients present. All four samples were referred to the appropriate Home or Primary Authority in which the food producer was located.

3. 'Fresh' chicken portions and 'fresh' turkeys from local butchers to check that products have not been previously frozen

Rationale for sampling activity

Food must not be described in a way which is false or misleading. In the case of turkeys, a premium price is generally charged for products supplied fresh rather than frozen. The main objective of this survey was to establish whether chicken and turkey products described as 'fresh' had in fact been previously frozen.

Report and Outcome

All samples were found to be satisfactory and thus no further action was required.

4. Gammon and chicken portions from local butchers to check for undeclared presence/ levels of added water

Rationale for sampling activity

To check whether products supplied from local butchers were being described correctly. As methods of meat production have developed, food producers have been able to alter the natural state of the food. Tenderising and preserving techniques have improved the quality of meat available to the consumer, but unscrupulous food producers have also misled consumers by adding water to increase the weight of the food. To enable the consumer to make an informed choice about the food that they purchase, it is essential that the name of the food and the list of ingredients accurately reflect the food manufacturing process.

Report and Outcome

Two of the samples did not indicate the presence of added water at the point of sale and one item, supplied pre-packed, was labelled with inaccurate nutritional information. All three samples are subject to further enquiries.

5. FSA National Co-ordinated Food Sampling Surveys

Rationale for sampling activity

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

- i. Mincemeat to check that maximum levels for fat and collagen were not exceeded.
- ii. Meat products (pies, pizzas, curries etc.) from catering establishments to check for meat substitution.

Report and Outcome

- i. Two samples of pork (from the same national retailer) were found to be unsatisfactory – one due to excess water and the other a slight excess of fat. Follow-up samples were taken and were found to be satisfactory and so details were referred to the appropriate Primary/Home Authority.
- ii. A sample of a 'lamb tikka masala' meal was found to have been made of beef and not lamb and is the subject of further enquiries.

6. FSA National Co-ordinated Animal Feed Sampling Surveys

Rationale for sampling activity

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 within the manufacturing process.

Report and Outcome

One incidence of coccidiostat carryover was detected and the presence of unauthorised genetically modified material was found in a rice protein product.

Samples for Coccidiostat carryover are taken from three different points in the production process (one from the finished product and two from the production line prior to the assembly of the finished product). The final product was found to comply, the adverse sample related to one of the samples taken from the production line. Officers are working with the business to try and highlight any improvements that could be made in their processors. Unauthorised Genetically Modified (GM), the failure related to a batch of the raw material, Rice Protein. As a result of these results, the feed manufacturer has increased the number of raw materials that it tests which should decrease the chance of future noncompliance.

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.

Report and Outcomes

Ten unsatisfactory non-retail samples; one sandwich with inaccurate nutritional information - excess fat and saturates; two cakes and four beers with minor labelling issues; two food supplements with compositional and/or labelling issues including breaches of Nutrition and Health Claims Regulations; coconut oil making non-approved health claims and potential medicinal claims.

Six unsatisfactory follow up samples; one 'Acacia' honey sample with insufficient acacia pollen; two 'Manuka' honey samples with insufficient Manuka pollen; a 'lamb tikka masala' meal (and meat used in its preparation) found to contain beef instead of lamb; one bacon sample with minor labelling issues.

Local food producers advised and other issues referred to relevant Home or Primary Authorities. Enquiries continuing into mislabelled honey and lamb curry.