

DERBYSHIRE COUNTY COUNCIL

MEETING WITH CABINET MEMBER, HEALTH AND COMMUNITIES

12 January 2016

Report of the Strategic Director, Health and Communities

**ANIMAL HEALTH, FEED HYGIENE AND FOOD SAFETY ENFORCEMENT
ACTIVITIES APRIL TO SEPTEMBER 2015**

1. Purpose of the report:

To inform the Cabinet Member, Health and Communities of recent activities to protect the local farming sector.

2. Information and analysis:

- 2.1 As the Cabinet Member will be aware, the local authority is responsible for enforcing a wide range of legislation that is intended to protect consumers and ensure fair trading in a variety of different trade sectors. There is a complex set of legal requirements that impact on the farming industry and food producers; the primary aim for which is to ensure that animals intended for human consumption do not suffer unnecessarily and that the food chain is protected from the risk of contamination or other undesirable factors that might pose a risk to human health.
- 2.2 Compliance with trading standards requirements is achieved by a combination of proactive inspections of farms and food businesses assessed to be of a high risk of non-compliance, by responding to complaints from members of the public and referrals from other agencies about allegedly non-compliant businesses and by responding to requests for advice from members of the public.
- 2.3 During the first six months of the financial year the Trading Standards Division:
 - Responded to 119 animal welfare complaints
 - Carried out 54 of the 61 scheduled feed inspections which revealed that 28 (52%) were non-compliant in some way (for example, inadequate record keeping, poor pest control, incorrect storage of animal feed and insufficient registration details)
 - Received 103 requests for advice (compared to 95 for the previous year) albeit that the majority are administrative
 - Completed 22 scheduled food inspections of which 17 (77%) were unsatisfactory in some regard. The non-compliant issues included incorrect allergen labelling and descriptions, food claims and general labelling.

- 72 complaints about food were received during the first two quarters of 2015-16 (compared to 85 for 2014-15 and 88 for 2013-14).
- 73 requests for advice were received from local businesses (compared to 82 for 2014-15 and 86 for 2013-14)

2.4 A number of case studies contained within the appendix to this report helps illustrates the type of day to day activities that trading standards officers undertake to ensure compliance with legal requirements. It also demonstrates the wide variety of issues encountered and the importance of maintaining experienced, competent officers in order both to assist local businesses to comply and to protect local consumers from potentially unsafe food. The importance of ensuring that farm animals do not suffer unnecessary harm should also not be overlooked. The case studies include the following issues:

- 1 A lame sheep referred to us by the RSPCA that suffered unnecessarily. Enforcement action was not possible on this occasion due to a lack of evidence.
- 2 Unnecessary suffering to sheep kept in very poor conditions and failure to ensure animal carcasses (known as 'by-products') were properly disposed posing a disease risk. Legal proceedings are being considered against the farmer concerned.
- 3 Silage – which is classified as an animal feed – containing excess lead. Upon investigation this was revealed to be as a result of grass cut from an area surrounding an uncapped mine shaft. Once the problem had been identified, steps could be taken to avoid the problem.
- 4 Poor food hygiene on a dairy farm due to inadequate management of farm slurry waste. The issue of a Feed Hygiene Improvement Notice and repeated visits to the farm appear to have improved the situation and brought the farm into compliance.
- 5 Beef cattle that were identified as 'not doing well' were found to be suffering from an excess of lead following blood samples which was subsequently attributed to contaminated 'woodchip bedding'.
- 6 A local oatcake manufacturer sought advice when he was contacted by an individual in London who claimed that his food labelling was incorrect and did not comply with food allergen labelling requirements. The London individual offered to provide correct food labelling advice for a fee of £100. However, the issue was readily amended following free advice from a trading standards enforcement officer.
- 7 Following a referral from environmental health colleagues a local retailer was identified as failing to ensure that his food products were correctly marked with an indication of minimum durability. Use-by dates had also been altered and removed thus posing a potential hazard to health.

2.5 Responding to complaints about unnecessary suffering to farm animals impacts not only on the particular animals on an individual farm, but officers also regularly attend livestock markets to ensure that animal welfare and disease control measures are followed. The rare occasions when it is necessary to initiate legal proceedings, hopefully helps remind all those working within the farming community to take

necessary and appropriate steps to prevent unnecessary suffering. In addition the service works to prevent and control the spread of disease and ensuring the correct disposal of carcasses and other animal by-products play a part in this.

- 2.6 Along with controls around the primary production of both food and animal feed effective animal health, welfare and disease controls form the basic building blocks for the safe production of human food. Without these controls the risks further down the supply chain would be significantly increased. Responsibilities for ensuring animal feed hygiene are relatively new and have been taken more seriously over the last few years because of the importance of ensuring that the UK can continue to trade with the rest of the European Community. Funding from the Food Standards Agency has helped ensure that 'routine inspections' have been maintained and the National Trading Standards Board has produced two newsletters to explain the importance of this work. These are available via the following links:

<http://www.nationaltradingstandards.uk/news/feed-hygiene-explained/>

http://www.derbyshire.gov.uk/images/Case%20studies%20-%20feed%20and%20animal%20welfare_tcm44-271821.pdf

3. Other Considerations:

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

4. Background Papers:

None

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 notes the report.

David Lowe
Strategic Director
Health and Communities

Appendix 1 Examples of action taking by the Trading Standards Division to ensure compliance with Animal Welfare, Feed Hygiene and Food Safety requirements

Animal Welfare

The number of Animal Welfare complaints received by the service has been steadily increasing since April 2012.

Year	2012-13	2013-14	2014-15	2015*
Number of complaints	223	245	256	119

*Six months ending 30 September

Each one of these complaints was assessed by officers from this service and appropriate action taken. Since April 2015 this has resulted in the welfare of in excess of 31,000 animals being impacted upon.

The following case studies are examples of the work undertaken.

Case Study 1 - Lamé Sheep

This case was referred to us from the RSPCA who had received two separate reports of injured sheep, one lame and one collapsed. An officer responded to the referral and carried out an on-site inspection of the farm concerned. Upon visiting, two severely lame sheep and eight others with signs of lameness were identified. One sheep in particular was lame and in severe pain as one of its hooves was in extremely poor condition, being necrotic and maggot infested.

Despite our advice that the animal with the invested hoof was not in a fit condition to be transported the farmer transported the live animal to Hunt Kennels in Derbyshire where it was dispatched (the other sheep was transported dead). Upon examination, it was apparent that the farmer had pared the invested hoof whilst the sheep was still alive. Presumably this was in an attempt to remove the evidence of the original infestation and would have caused the sheep excruciating pain.

Unfortunately, we were unable to pursue this matter formally as the kennel employees were not willing to give a statement. A revisit has been made to the farm and the condition of the remaining sheep has improved to an acceptable level.

Case Study 2 – Animal Welfare and issues relating to the failure to dispose of animal carcasses

This complaint was referred to us by the Animal Plant Health Agency (APHA) which is PHA is an executive agency, sponsored by the Department for Environment, Food & Rural Affairs. A delivery driver visiting the farm had seen dead sheep in a pile, live sheep in very filthy conditions and no water for the animals in a barn. Officers from the Division visited the farm and in the absence of the farmer an inspection was carried out.

There were numerous carcasses of sheep and lambs (the technical term for which is ‘animal by-products’) in several locations throughout the main barn, rear yard and in the nearby fields. These were in various stages of decay and predation. Officers were also concerned about the conditions that some of the living sheep were housed in. They were penned deep in mud and faeces, resulting in a high risk of lameness and other associated conditions.

Due to a lack of confidence that the farmer would correctly dispose of the carcasses and to check on the welfare of the sheep, officers visited the farmer on a further four occasions over the next month. The farmer was not present at any of these visits and although the welfare of

the living sheep had improved to an acceptable level at the time of the second visit on each occasion further carcasses were discovered and not all of the old carcasses had been collected.

In this case the farmer was supplementing his income through other employment and subsequently spending significant time “off farm”, which may have been a contributory factor to what was found. As the income from farming reduces the Division has seen an increase in the number of issues reported where farmers have had to seek other employment without giving their farm the required attention.

Due to the serious disease risks posed, carcasses and other Animal By-Products (ABP) are required to be disposed of quickly and in an approved way. In this case the farmer had totally disregarded the controls and had repeatedly done so. For this reason it has been decided to initiate legal proceedings.

The impact of our work

As illustrated our work has an immediate impact of the health and welfare of many animals. In addition the service works to prevent and control the spread of disease and ensuring the correct disposal of carcasses and other ABP’s play a part in this.

Along with controls around the primary production of both food and animal feed effective animal health, welfare and disease controls form the basic building blocks for the safe production of human food. Without these controls the risks further down the supply chain would be significantly increased.

Feed Hygiene Activities 1 April to September 2015

	2013-14	2014-15	2015*
Number of scheduled feed inspections conducted	3	97	61
Number of feed inspections not including desktop inspections	3	45	54
Number of unsatisfactory visits	3	27	28
Number of complaints	15	14	3
Number of requests for advice**	33	95	103

*Six months ending 30 September

**The majority of these requests are administrative

54 of the scheduled 61 feed hygiene inspections were completed as at the end of September 2015 of which 28 were considered to be unsatisfactory due to non-compliance with feed hygiene requirements concerning a range of issues. The four most common non-compliant issues related to: record keeping, pest control, registration and storage, which is similar to the same period last year.

Good record keeping is essential as it helps protect businesses in the event of an animal feed or related human food safety incident and are necessary to quickly trace the origins of any problem.

Case Study 3 - Silage containing excess lead

This first case study highlights the type of problem we can come across with feed storage.

During a routine farm inspection in 2014 one of our feed officers took a routine silage sample as part of the planned agriculture sampling programme for forages and roughage. The sample was analysed by the Public Agriculture Analyst and was found to have a lead content

of 34.56mg/kg. The maximum permitted limit for lead in forage, as laid down in Directive 2002/32/EC, is 30mg/kg.

We were advised by the Food Standards Agency (FSA) that they didn't think that the level of lead would present any significant safety risks if it was an isolated incident. On further investigation it was found that the farmer purchased the silage from a third party. After some legal arguments concerning The Data Protection Act, he finally revealed in January 2015 who the silage was supplied by.

We were then able to investigate why the silage contained excess lead. It was confirmed that all the silage in question had been used or sold to the farmer; however, it was established that the grass had been harvested from a field on Tideswell Moor which contained a number of capped mine shafts from old lead and spar extraction industries. Subsequently, two grass samples were taken from the field, one from an area surrounding a capped mine shaft and one from an area remote from the capped mine shafts. A control sample of haylage (silage made from grass which has been partially dried), harvested from another field, was also taken and submitted for analysis.

Unsurprisingly, the grass sample taken from the capped mine shaft was found to have a lead content of 64.3mg/kg. The other two samples were found to contain lead concentrations significantly under the maximum prescribed limit of 30mg/kg. The trader was advised that livestock should not be allowed access to the grass growing around the vicinity of the capped mine shafts, nor should the grass in these areas be harvested for hay, haylage or silage.

In August 2015 one of our feed officers inspected the field in question and observed that the field had been used for growing grass and the grass had been harvested, although as advised, the grass in the vicinity of the capped mine shafts had not been cut. Minimum safety criteria are needed for the safe use of feed ingredients. Animals grazed on areas with high lead could take up the lead present in the soil and on entering the food chain could contribute to consumers' dietary lead intake. Lead is harmful if excessive amounts are consumed.

Case Study 4 - Poor feed hygiene on a dairy farm

In April 2015 a joint feed and animal health visit was conducted at a dairy farm following complaints from members of the public regarding the conditions on farm and the condition of the stock visible from the road. The visit highlighted a number of non-compliant issues i.e. slurry and manure all over the farm, waste dispersed across the farm, rotten and unusable silage on the clamp being fed to the livestock and unacceptable levels of slurry in the milking parlour.

The farm was re-visited in June to assess progress and other than the milking parlour being cleaned no visible improvements had been made on the farm. These non-compliances were deemed serious enough to issue four improvement notices under the Animal Feed (Hygiene, Sampling etc and Enforcement) (England) Regulations 2015 to give the farmer the opportunity to rectify these issues within the stated time periods; these were to address:

- A poor cleaning regime leaving a large amount of inedible silage stuck to the wall and floor of the feeding area of a cattle shed
- Poor waste management within the area directly in front of the silage being manure and slurry laden
- A farmyard roadway into the silage was completely under a river of slurry due to a blocked drain which caused it to come up through the drains and flood the area
- A shed in which a calf was housed was full of waste plastic wrap, old car batteries and waste oil containers.

Over the following 21 days the farmer addressed each of the Improvement Notices to our satisfaction and the notices were subsequently removed. The farm is a dairy farm with risk implications for the human food chain on a daily basis. If hygiene conditions do not meet the required standards this could be detrimental to the animals and consequently the milk may be of poor quality or not fit for human consumption. A Feed Hygiene Improvement Notice is a formal notice and a business's failure to comply with one would be an offence.

Case Study 5 - Lead in animal bedding

A farmer in Bakewell contacted this authority after having a vet out to some of his beef cattle, which in the owners own words 'weren't doing well'. The vet took blood samples and found elevated lead levels in the blood, which was the only reason he could give for their lethargy.

The owner contacted Trading Standards after exhausting what he thought were all possible ways of resolving this. To try and ascertain what may have been the cause of the elevated lead levels, it was agreed that we would take a number of samples; these were the local water supply, two samples of the silage being fed to the cattle, some vegetable slurry intended for spreading on the farmland as fertilizer and some woodchip bedding.

The water, silage samples and vegetable slurry were found to have levels of lead which would not have had any bearing on the results found by the vet. However, the woodchip bedding was found to have 110 mg/kg of lead content (the highest level allowed in any type of feed material is 30 mg/kg). After receiving this information the farmer disposed of the remaining product by getting the supplier to collect all the remaining material and remove it from the farm.

Whilst this is not contamination from a feed material and currently doesn't fall under legislative controls, our feed officer assisted this farmer in resolving a problem that was causing him a lot of stress and anxiety. It also brought an issue to the attention of farmers and the professions which, with more products being recycled for 'secondary' usages, could have more widespread implications.

Two recent national publications provide further details of the importance of feed hygiene activities in protecting the food chain. These – which include a Derbyshire case study – are available via the following links:

<http://www.nationaltradingstandards.uk/news/feed-hygiene-explained/>

http://www.derbyshire.gov.uk/images/Case%20studies%20-%20feed%20and%20animal%20welfare_tcm44-271821.pdf

Food Safety Activities: April to September 2015

Inspections	2013-14	2014-15	2015*
Number of scheduled food inspections conducted	33	18	22
Number of outstanding visits	-	-	48
Number of unsatisfactory visits	12	6	17

*Six months ending 30 September

NB these figures do not include desktop inspections

The non-compliances were across a range of activities. The top non-compliant activities for the half year relate to general labelling, allergen labelling and descriptions, claims and presentation.

Case Study 6 - Oatcake labelling

In June 2015 a Food Officer carried out a routine food standards inspection at a manufacturer of oatcakes. During the visit the owner of the business told the officer that he had received a phone call from someone in London who had seen his products on the company's website and noticed that the labelling was incorrect. This person said that he would be able to help him correct the label for a fee of £100. On examination of the label it only took a few minutes for the Food Officer to tell him what needed changing and come up with a solution for correcting his stocks.

The main issue was the declaration of allergens so there would have been a direct impact on consumers buying the oatcakes.

Food Complaints and Requests for Advice

	2013-14	2014-15	2015*
Number of complaints	88	85	72
Number of requests for advice	86	82	73

*Six months ending 30 September

Case Study 7 - Durability indication on steak bakes

Any food product that could pose a risk to human health as a result of microbiological deterioration is required to have a marked with a 'minimum durability' indication – or use-by date; after which it could be harmful to consumer the food. Following a referral from Environmental Health Officers who seized a number of incorrectly labelled food items, the Division is investigating South Derbyshire retailer. The food in question consisted of products with expired Use By dates; altered Use By dates; and products from which the date appeared to have been removed.

Amongst these were four frozen 'Steak Bakes' with no durability indication. Closer examination of the packaging revealed an anomaly in the labelling in that the products were contained in a cardboard sleeve which stated 'For Use By date see wrapper' and 'Product not suitable for freezing', whereas the outer wrapper was labelled 'Shelf life after defrosting 8 days'.

The matter was raised with the Home Authority for the company (a business based in Wales, supplying to major multiple retailers), who immediately instigated an investigation with the business.

The local Environmental Health Authority has confirmed that the business has approval to supply cooked chilled product or uncooked frozen product, but not cooked frozen product as in this case. However it appears that as a 'one off' they supplied cases of the frozen product to a national wholesaler, with the durability date marked only on the outer box. This supply was clearly outside the scope of their HACCP¹ (Hazard Analysis and Critical Control Point) system.

The Home Authority has viewed this matter very seriously and is considering formal action against the company, including possibly revoking their approval.

Case Study 8 - Butchery Business Unsafe Food

The details of this are contained within the press release <http://www.bolsover.gov.uk/127-your-council/news-publications/news-2015/1040-dougies-meats-court-action?mods=off>. The

¹ HACCP is a system of safety management based on the prevention of food safety problems

fine of £1000 detailed in this report is an error. This was the costs levied on the business by the court for the storage and disposal of the meat that was seized.

The inspection that lead up to this seizure was a joint operation between EH and ourselves and was a follow up visit to one that was subject to a previous CabCo report http://www.derbyshire.gov.uk/images/Food%20and%20Animal%20Health%20Enforcement%20Action%20260515_tcm44-264996.pdf

We are continuing to work with the FSA and EH to ensure that the Public is protected and any unsafe food is removed from the market.