

DERBYSHIRE COUNTY COUNCIL

MEETING WITH CABINET MEMBER, HEALTH AND COMMUNITIES

20 January 2015

Report of the Strategic Director, Health and Communities

PROTECTING THE FOOD-CHAIN

1. Purpose of the report:

To inform the Cabinet Member, Health and Communities of action taken by the Trading Standards Division to protect the food-chain.

2. Information and analysis:

2.1 Most trading standards legislation is intended to protect the public from harm and to ensure that local businesses can compete on a fair and equal basis. There are a range of legislative controls – all of which the local authority has a duty to enforce – that is designed to ensure that the food that we eat – from plough to plate – is safe, free from contaminants and as described. Legislation exists at all stages of food production including composition, labelling and hygiene of food and animal feed production as well as the health, welfare and control of animal disease. This report is intended to provide some examples of the types of actions taken by the Trading Standards Team to both support local businesses operating in these sectors and to ensure that the public are protected from unsafe or illegal activity within the food chain.

2.2 The type of interventions by the Trading Standards Team includes:

- A programme of inspections to producers of animal feed and food.
- Responding to requests for information from local businesses operating in this sector.
- Taking samples of food and feed and submitting them for examination by the Public Analyst.
- Responding to complaints from the public or referrals from other agencies.
- Attending livestock markets, farms and other animal health venues to check on the welfare of animals and that disease controls are being adhered to.
- Investigating significant breaches with a view to taking appropriate enforcement action in accordance with the agreed Compliance Policy.

The tables below provide some data about Divisional activity for the first six months of the financial year.

Table 1 Food, Feed and Animal Health Inspections April 2014 to Sept 2014

	Satisfactory	Unsatisfactory	Total
Food Standards	14	6	20
Feed Hygiene	70	27	97
Animal Health farm and market inspections	104	42	146
Animal Health vehicle inspections	67	5	72

Table 2 Complaints about Food, Feed and Animal Health

Period	Food	Feed	AH (General)	AH (welfare)
Oct 2013 to March 2014			115	129
April to Sept 2014	72	0	122	146

Table 3 Service Requests for advice about Food, Feed and Animal Health

Period	Food	Feed	Animal Health
Oct 2013 to March 2014	59	276*	25
April to Sept 2014	70	98*	54

* The majority of these requests are purely administrative

FOOD STANDARDS ACTIVITY

- 2.3 Much of this work is carried out at food manufacturers within Derbyshire. During a visit an officer will examine the whole process behind the manufacture of the food in order to confirm compliance with various pieces of food standards legislation such as controls designed to ensure the safe use of additives including preservatives and colours, rules to ensure the correct labelling of allergens such as peanuts, ensuring the declared origin of the food does not mislead the consumer and ensuring appropriate nutritional labelling is applied thereby assisting consumers to make an informed choice about the food they eat.

Description of 'Handmade Chocolates'

- 2.4 During a routine food standards inspection, a local manufacturer of handmade chocolates made a complaint about a competitor in another part of the country. The Derbyshire business was concerned that their competitor was labelling their chocolates as 'handmade' when in fact some of the chocolates in the assortment were machine formed and only hand finished. As the Derbyshire business make all its chocolates by hand - the only mechanical process being the mixing of the ganache - they considered that they were being put at a serious economic disadvantage. In addition, there was an obvious potential for consumers to be misled about the nature of the product they were buying. The issue was raised with the competitor business via the relevant Trading Standards Service who agreed to remove the misleading description 'handmade'.

The labelling of colours

- 2.5 Because of potential safety and other health issues the use and levels of additives which can be used to manufacture food are controlled by European legislation that has been made into UK law. This means that not only are consumers protected, but that compliant products can be freely circulated within the European Community. A local ice-cream manufacturer was found to be using ingredients containing 'Southampton' colours. These are six colours, which have been shown to increase hyperactive behaviour of children in a study published by a University of Southampton research team. Compulsory warnings are required on food containing these colours regarding their effect on children. The ice cream tubs at the manufacturer were not labelled with this warning. When the business starts to manufacture these products again the labels will be redesigned to comply with the regulations and they will either include the warning or source ingredients which do not contain any of the 'Southampton' colours.

Allergen Controls

- 2.6 The accurate declaration of certain allergens on food labels can be vital for some consumers and in some instances can be a matter of life and death. During a routine inspection of a food manufacturer an unsealed bag of walnuts was discovered. The business was advised to ensure that containers of allergenic ingredients and products containing them should be effectively sealed and stored away from other ingredients to reduce the risk of cross-contamination (the unintentional presence of another substance in the final product) of other ingredients with walnuts. The service recently investigated a failed sample of a Chinese meal which was verbally described as containing no peanuts, however upon analysis the meal was found to contain 10 milligrams of peanut. The Public Analyst commented that above 1 milligram of peanut protein may lead to a severe reaction in high risk individuals and systemic reactions affecting the skin, respiratory and circulatory systems have been observed in clinical studies at levels of 5 milligrams and above. As a result of these enquires the two partners in the business have made changes to their business which should reduce the chance of reoccurrence and have agreed to sign a Simple Caution (formerly known as a Home Office or Formal Caution) which will remain on their record and could be cited in Court if convicted of any future offence.

Prosecution of Kebab Manufacturer

- 2.7 A routine sample of a kebab taken from a Chesterfield take-away recently resulted in a Tyne and Wear based manufacturer (The Good Food Company (North East) Limited) being prosecuted. Unless specified to the contrary, a doner kebab is generally considered to consist of lamb meat. In this instance the kebab had been described by the manufacturer as containing 70% lamb. However, on analysis it was found to contain less than 1% lamb with the majority of the product being made up of mechanically recovered chicken, which is cheaper, and cannot be legally classed as meat. The director of the company concerned pleaded guilty at Chesterfield Magistrates Court to an

offence under section 14 of the Food Safety Act 1990 and was fined a total of £6,667 and ordered to pay court costs of £5,227.

Business Advice

- 2.8 In the first half of the year the service received 36 requests from businesses and individuals for advice and information on the new EU Food Information for Consumers Regulations. Advice on the new Regulations has been provided to local businesses during the course of food inspection visits. The majority of the provisions of the new Regulations came into force on 13 December 2014. The new Regulations replace the general food labelling requirements of the Food Labelling Regulations 1996, which have been in force for 18 years. Many of the basics of food labelling remain the same; however there are some fundamental changes. One of the most significant impacts of the Regulation is the requirement for businesses selling loose foods to provide allergen information to its customers. This will particularly impact on smaller businesses providing meals in cafés, restaurants and takeaways. We have recently advised over 3,000 businesses affected by the changes.

FEED HYGIENE ACTIVITY

- 2.9 Feed businesses across the feed chain are inspected to ensure that any animal feed is imported, produced, stored and transported in accordance with the hygiene rules and other legislation affecting its safety. Over recent years a number of major European-wide food incidents have been found to have resulted from the supply of unsafe or contaminated feed. This work is at the frontline of ensuring the food we eat is safe and contributes significantly to ensuring the health and welfare of animals. Unlike food hygiene – which is largely the responsibility of district council environmental health services, the hygiene of feed businesses was given to local trading standards authorities on the basis that they were already responsible for a range of legislation that impacted on rural businesses.

Pest control

- 2.10 At seven of the businesses inspected concerns regarding inadequate pest controls were raised as an issue with the businesses. Insect or rodent infestations can facilitate the growth of mould and hence aflatoxins and salmonella in animal feed which can affect the health and welfare of livestock and ultimately the safety of the food chain.

Record keeping

- 2.11 At 15 of the businesses inspected the records kept by the businesses were deemed incomplete. These were typically a failure to keep the correct records detailing the medicines administered to livestock and the lack of traceability records relating to where feed had been purchased from or supplied too. Businesses are required to keep detailed records of the medicines that they administer to their livestock which helps to prevent meat containing veterinary residues entering the food chain. As indicated above there have been a number of Europe wide large scale food incidents that have been found to be caused by unsafe or contaminated feed being fed to livestock entering the food chain.

Without the ability for feed and food to be traced the food chain is not adequately protected.

ANIMAL HEALTH ACTIVITY

- 2.12 Ensuring that the health and welfare of livestock is maintained and that the rules regarding traceability and bio-security are complied with remains a priority for the Division. The introduction of greater controls has had a significant impact on ensuring that the food chain is protected and that the risk of diseases such as foot and mouth and avian flu infecting livestock and then spreading is reduced.

Bovine Tuberculosis (bTB)

- 2.13 Tuberculosis is an infectious disease which mainly affects cattle. It can infect many other species of mammals, though only a handful (including badgers in parts of Great Britain) can actively spread the disease. The risk posed by TB to human health in the UK is considered very low. The European Food Safety Authority (EFSA) and the European Centre for Disease Prevention and Control (ECDC) have advised that the main transmission routes of bTB to humans are through drinking raw milk or eating raw milk products from bTB-infected cows.
- 2.14 The prevalence of bovine TB is concentrated in the South West, Wales and West Midlands, but is spreading north and east. (See maps in the appendix). In an attempt to stop the spread of this disease the government has increased the frequency of statutory testing intervals for cattle across a wider area of the country, called 'the edge' from Hampshire to Derbyshire where testing for bTB has been increased. This means that cattle in Derbyshire are now required to be tested every 12 months as opposed to a test being required every 48 months.
- 2.15 Government policy is for the country to be 'Officially Tuberculosis Free' (OTF) within 25 years and so in addition to the routine testing regime cattle are required to be pre-movement tested, unless they are transported directly to a special livestock market and then directly onto slaughter or to premises that are specially approved for this purpose. Although the Department for Environment, Food and Rural Affairs (Defra) is responsible for the administration of the TB controls Local Authorities are responsible for the enforcement of some of the legislation and the Government is particularly concerned about the increase in incidents in Derbyshire and Cheshire. The Trading Standards Service is working with the national regulator to ensure that one non-compliant business is brought into compliance and is at the early stages of enquiries into another business that appears to be moving cattle without complying with the controls. Failure to comply brings an increased risk of the spread of the disease.

Pig Welfare

- 2.16 Officers from the service were recently called out to a pig farm in Derbyshire where they were confronted with in excess of 60 pigs living in appalling welfare conditions. Some of the animals were clearly suffering and others were being housed in pens with dead and rotting carcasses. Following our intervention the

welfare of the majority of these animals has significantly improved, however we are in the process of pursuing the owner of the business through the courts.

Cattle identification

- 2.17 Regulations that were brought in following the outbreak of BSE require all cattle to be tagged with a unique identifier which is linked back to an individual passport for the animals. When an animal is moved from a holding the details of the specific animal should be recorded on a central database. Similarly, when an animal dies this should be recorded and the passports sent back to the issuer. The current system of controls is designed to protect the food chain and to ensure full traceability so that in the event of suspect or confirmed animal disease, the cattle can be traced back to source as can other cattle that it might have come into contact with; for example at a cattle market. However there is the potential for fraudulent activity which is known as 'Cow Clocking'. This is the process of switching the identity of cattle in order to make a financial gain.
- 2.18 As part of our routine work and the investigation of relevant complaints this service will reconcile the cattle that the farmer has on his holding with his passport and the central database. During some of this routine work an officer discovered that a farmer had retained the passports of 5 cattle that had died on the farm. These passports were seized by the officer and returned to the issuing authority.

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; and environmental, health, human resources, 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:

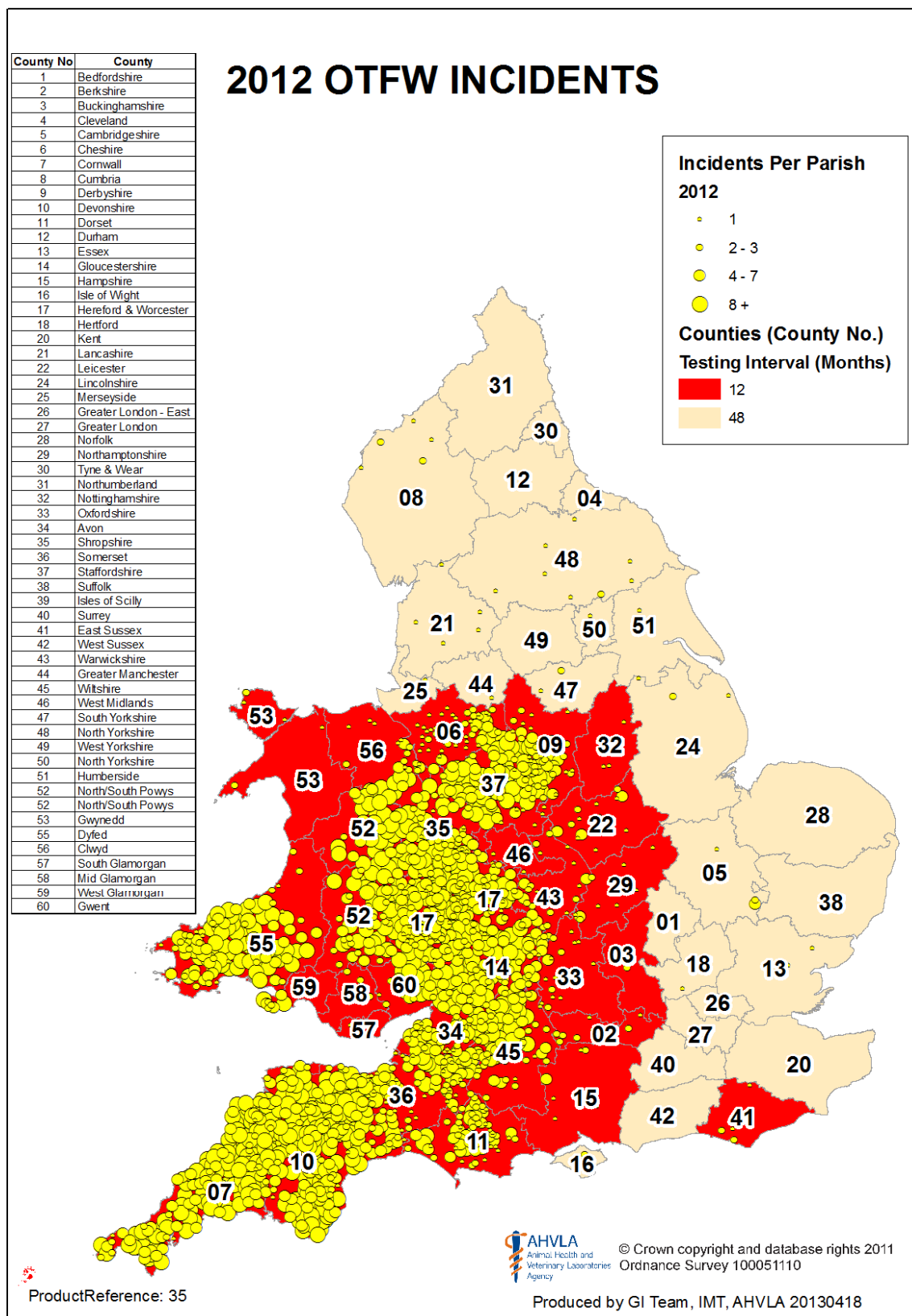
That the Cabinet Member, Health and Communities notes the report.

David Lowe
Strategic Director
Health and Communities

Map 1 showing areas with bTB and 'edge' authorities with increased testing



Map 2 showing incidents of bovine TB*



*OTFW stands for Official Tuberculosis Free-Withdrawn. The Government objective is for the country to be officially bovine TB free within 25 years. If there is a suspected case of bTB then the 'Official Tuberculosis Free' status is initially suspended and then withdrawn if the disease is confirmed.