

**DERBYSHIRE COUNTY COUNCIL****Meeting with Cabinet Member, Health and Communities****21 October 2014****Report of the Strategic Director, Health and Communities****QUARTERLY FOOD SAMPLING RESULTS****1. Purpose of Report:**

To advise the Cabinet Member, Health and Communities of recent results from food samples obtained in Derbyshire; and to seek the Cabinet Member's approval to raise public awareness of the amount of sugar in 'snack' products aimed at young children.

**2. Information and Analysis:**

2.1 To check compliance with Food Safety requirements and in particular food composition and labelling requirements, the Trading Standards Division regularly makes test purchases of food sold in the county and submits them to the Public Analyst. An annual programme is agreed with the Public Analysts in accordance with statutory guidance and which forms part of the Division's Annual Food and Feed Plan approved by the Cabinet Member. Food sampling programmes tend to be themed to look at specific food products or may be in response to specific intelligence or complaints from members of the public.

2.2 Four main sampling projects have been undertaken so far this year as follows:

- Jersey Royal potatoes for authenticity
- Takeaway curries for presence/level of artificial colours recently restricted by amendments to additive legislation
- Breakfast cereals containing nuts (from the cheaper end of the market) for contamination with aflatoxins
- Snack foods aimed at children for level of sugars

In addition the Division also participates in regional and national initiatives coordinated by the Food Standards Agency by taking samples of agricultural and feed products; responds to complaints from the public; and submits samples following routine visits to local food producers and retailers. These additional sampling programmes are listed below:

- FSA National co-ordinated food sampling – toxic migration

- Animal Feed samples
- Complaint/initiative/ follow up and non-retail FSI samples

- 2.3 In total 88 food or feed products have been submitted for analysis and of those 20 (23%) 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 Of the four themed projects, we are still awaiting the results of the breakfast cereals and all the potatoes described as 'Jersey Royal' were found to be correctly labelled. However, the 'takeaway' curry samples (so far reported) were all found to contain artificial colours now prohibited or to have excess levels of permitted artificial colours. Such artificial colours have been linked with hyper-activity in children. The non-compliant samples will be taken-up with the relevant business owners and an advisory note sent to other businesses operating in this sector in Derbyshire.
- 2.5 Of particular concern was the levels of sugar found in the 'snack' products aimed at young children (aged 5 to 10). Whilst only three of these products were formally declared as 'unsatisfactory' in terms of compliance with Food Labelling requirements, over three quarters of those that have been reported so far had a sugar content of over 22.5 g per 100 g (ie 22.5%) and thus they would be classified as 'red' to indicate a high sugar content in terms of the nationally recognised 'traffic light system'. Although food manufacturers can declare the nutritional content of their food products, generally it is not compulsory unless a claim is made. New legislation to be implemented in December 2014 will make it mandatory to provide nutritional information for all pre-packed food products. There will be a two year lead-in period for food not currently required to declare nutritional information to enable food producers to comply.
- 2.6 Clearly there is a direct correlation between portion size and amount of sugar in any product based on the proportion of natural and added sugar. Of the samples analysed; four were found to have a sugar content of between 10g and 20g per 100g; four had between 20g and 30g; four had between 30g and 40g; five were between 50g and 60g; and two were in excess of 60g per 100g. One 'fruit bar' actually contained 16g of sugar from a 30g bar. Bearing in mind that many of these products are marketed as 'healthy' with 'no added sugar' it is suspected that many parents do not appreciate the amount of naturally occurring sugars and thus are

unwittingly giving their children snack products that are high in sugar. In addition, because there is no reference to the 'Guideline Daily Amount' on the packaging, parents may be unaware of the proportion of the recommended amount of sugar that these products provide to their children.

- 2.7 Given growing recognition of the problems associate with obesity, it is suggested that as part of the 'Heart of Derbyshire' campaign, that the Trading Standards Division works with relevant colleagues to seek to raise awareness of the levels of naturally occurring sugars in many food products.
- 2.8 A summary of each of the food projects together with the results of analysis – where received – together with the action taken is provided in the Appendix to this report.

### **3 Other Considerations:**

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

### **4 Background Papers:**

CabCo Report: Annual Food and Feed Service Plan 2014-15 dated 9<sup>th</sup> September 2014

### **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 outcome of recent food sampling activity; and supports raising awareness of the amount of sugar in certain 'snack' products aimed at young children.

**David Lowe**  
**Strategic Director**  
**Health and Communities**

## Appendix – Food Sampling Results

**Table 1 - 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	Jersey Royal potatoes for authenticity	10	10	0	0%
2	Takeaway curries for presence/level of artificial colours recently restricted by amendments to additive legislation	12	12	10	83%
3	Breakfast cereals containing nuts (from the cheaper end of the market) for contamination with aflatoxins	12	12	0	0%
4	Snack foods aimed at children for level of sugars	20	20	3	15%
5	FSA National co-ordinated food sampling – toxic migration	0	3	0	0%
6	Agriculture samples	5	8	0	0%
7	Complaint/initiative/ follow up and non-retail FSI samples	18	23	7	30%
	<b>Total Survey Samples</b>	<b>54</b>	<b>54</b>	<b>13</b>	<b>24%</b>
	<b>Total All Samples</b>	<b>77</b>	<b>88</b>	<b>20</b>	<b>23%</b>

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

#### 1. Jersey Royal potatoes for authenticity

##### Rational for sampling activity

Jersey Royals are a premium product, attracting a premium price and hence there is the potential for fraud. The samples were taken to establish whether Derbyshire consumers were getting what they were paying for and to take appropriate action if not.

##### Report and Outcome

No action required - all samples were found to be satisfactory

#### 2. Takeaway curries for presence/level of artificial colours recently restricted by amendments to additive legislation

### **Rational for sampling activity**

The European Food Safety Authority recently re-evaluated the safety of the colours Quinoline Yellow, Sunset Yellow and Ponceau 4R and recommended lowering the Acceptable Daily Intake (ADI). The conditions of use and level of use of these colours have therefore been amended to ensure that the ADI is not exceeded.

### **Report**

Only 10 samples reported to date. All contained either colours now prohibited under amended legislation, or permitted colours in excess of new limits.

### **Outcome**

We aim to conduct follow up visits to premises to advise. A general mailshot will be sent out to all relevant businesses before we take further samples to check on the compliance levels.

## **3. Snack foods aimed at children for level of sugars**

### **Rational for sampling activity**

The consumption of excess sugar has recently been raised as an issue in our diets. There are a number of products on the market that are aimed at children where it was felt that there may be the potential for high levels of sugar to be consumed without the knowledge of this from the child or parents. These samples were taken in part to educate the public about the issue.

### **Report**

Three products were identified by the Public Analyst to have labelling issues. However, of significant concern was that 75% of the products were reported as being 'Red' under the Department of Health guidance for front of pack colour coding. Two products provided more than one sixth of the Guideline Daily Amount of sugar for a 5-10 year old child which is no more than 85 g. See following link for guidance on GDA labelling:

[http://www.gdalabel.org.uk/gda/gda\\_values.aspx#item2](http://www.gdalabel.org.uk/gda/gda_values.aspx#item2)

### **Outcome**

Sugar can come from a variety of different sources including naturally occurring sugar in fruit or fruit juices. It is therefore very important to be aware of the amount of sugar present in a portion of processed food (some of which is marketed at children and aims to look healthy). The worst example found was a 'Fruit Bar' marketed to be a healthy snack which was found to be nearly 20% of a child's GDA.

Full details of the amount of sugar in each product, the total weight of the product; the proportion of sugar found and therefore how much of a child's GDA the product constitutes are provided in Table 2 below.

**Table 2 – Results of analysis of food ‘snack’ products aimed at children**

No.	Description of food sample analysed	Sugar content (g/100g)	Percentage of the energy value of the food which is provided by sugars	Portion size	Percentage of GDA provided by one portion	Claims
1	Pure fruit rolls	34.4	50%	10g	4.0%	‘No added sugars’
2	Fruit bar made with apple puree, dried apple and concentrated fruit juices	33.6	42%	20g	7.9%	‘No added sugars’
3	Cocoa cream filled cakes	26.7	24%			
4	Eat natural fruit and nut bar	25.8	23%	45g	13.7%	
5	Mini raisin snack packs	57	77%	14g	9.4%	
6	Yogurt coated strawberry flakes	57.8	53%	25g	17.0%	
7	Strawberry and raspberry yogurts with fruit puree	10.5	57%			
8	<i>Fromage frais</i> with added vitamin D	11.9	53%			
9	Strawberry filling in frosted pastry	26.7	28%			
10	Fruit snack nuggets	52	57%			
11	Sea fruit shapes	60.6	64%	18g	12.8%	‘No added sugars’
12	Rice Krispie squares	32	31%	28g	10.5%	
13	Real fruit snack	61.6	96%	15g	10.9%	
14	Crispy rice bites	25.4	26%	28g	8.4%	
15	Chocolate flavour sandwich biscuits	35.8	31%			
16	Fresh fruit and yogurt					awaiting results
17	Cocoa multigrain cereal	18.1	20%			
18	Strawberry yogurt tubes	10.9	45%	40g	5.1%	
19	Fruit bars	52.2	81%	30g	18.4%	
20	Kiddy snack	42.9	57%			

#### Notes

DOH guidance for front of pack colour coding:

Amber >5.0g/100g but < or = 22.5g/100g; Red >22.5g/100g

#### **4. Agriculture samples**

##### **Rational for sampling activity**

Samples taken for a variety of reasons during routine visits. For example the sampling of animal feed to check for the levels of heavy metals which can be harmful to animals and to humans through the consumption of food producing animals

##### **Report and Outcome**

Four samples reported to date – no adverse reports.

#### **5. FSA National co-ordinated food sampling**

##### **Rational for sampling activity**

Material and articles that come into contact with food are controlled by legislation that limits the migration of certain toxins in to food. Failure to comply with this legislation is likely to make the product unsafe. In this survey melamine picnic ware was tested for the levels of formaldehyde which is a Carcinogen. Results awaited.

#### **6. 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 other concerns they may have about compliance with labelling or compositional requirements.

##### **Report**

Two food supplements were found to have non-authorised claims under the Nutrition and Health Claims Regulations and/or prohibited medicinal claims under the Food Labelling Regulations. Two meat products with labelling issues. One foreign body 'hair' complaint sample from a local primary school for confirmation. One unsatisfactory composition - sweets with excess levels of artificial colour. Pre-packed minced beef with excess fat and labelling issues.

##### **Outcome**

The sweets which were found to contain excess artificial colour related to a product containing 50mg/kg of Sunset Yellow (E110) when the limit has recently been lowered to 35mg/kg (see the explanation for the takeaway curries above). The results of this and the majority of the other unsatisfactory samples were referred to the appropriate Home or Primary Authority to raise with the company concerned.