

DERBYSHIRE COUNTY COUNCIL

MEETING WITH CABINET MEMBER, HEALTH AND COMMUNITIES

22 September 2015

Report of the Strategic Director, Health and Communities

**FOOD AND FEED PRODUCTS ENFORCEMENT ACTIVITY FIRST 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:

- Manuka honey to check authenticity of the pollen
- Alcopops to ensure that any preservatives and sweeteners were within permitted tolerances, and
- Dried fruits and nuts to check for the presence of toxins

2.3 In total 68 food or feed products have been submitted for analysis and of those 23 (34%) 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.

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 Reports:

Annual Food and Feed Service Plan 2014-15, dated 9 September 2014

Food and Feed Products Enforcement Activity 2014-15, dated 7 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 notes the outcome of recent food sampling activity.

David Lowe
Strategic Director
Health and Communities

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	Manuka Honey	15	14	9	64%
2	Alcopops	15	15	4	27%
3	Dried fruit and nuts	15	15	1	7%
4	Animal Feed samples	0	5	0	0%
5	Complaint/initiative/ follow up and non-retail FSI samples	15	19	10	53%
	Total Survey Samples	45	44	14	32%
	Total All Samples	60	68	24	35%

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

1. Manuka Honey for authenticity

Rational for sampling activity

Fifteen samples of Manuka honey were purchased from a range of national health food chains, super-markets and local independent health shops from around the county. Manuka honey is world renown as having ‘anti-bacterial healing powers’. The name comes from nectar collected from Manuka trees exclusively found in New Zealand. Consequently, manuka honey commands a premium price. However, intelligence from the Food Standards Agency suggests that there is more ‘Manuka Honey’ sold per year in the UK alone than is produced in New Zealand¹. The purpose of this survey was to ascertain whether honey offered for sale in Derbyshire was in fact the genuine product.

Report and Outcome

Nine samples have been reported as at the end of August. Of those reported, three were purchased from supermarkets and two from a national health shop chain. Prices ranged from £10.99 for a 340g jam from a local farm shop to £19.99 for a 250g jar from a health shop chain. The average price per 100g for the Manuka honey was £4.41 from supermarkets and £5.05 from health food shops. This compares to 29p per 100g for ‘clear honey’ from a supermarket chain and 71p per 100g for a well-known branded clear honey. Thus the premium price of Manuka can clearly be seen. Further details are shown in the table below.

¹ <http://www.independent.co.uk/life-style/food-and-drink/features/the-manuka-honey-scandal-9577344.html>

Price of Mauka Honey sampled

Store	Cost		Quantity (g)	Unit Cost £/100g	
Farm Shop	£10.99		340	3.23	
Health shop, Derbyshire Dales	£16.99		250	6.80	
Independent Health Shop, Ashbourne	£9.99		250	4.00	
Independent Health Shop, Derbyshire Dales	£15.95		340	4.69	
Supermarket, Chesterfield		£16.00	340		4.71
Supermarket, Chesterfield		£11.00	250		4.40
Health shop, Barlborough (chain)	£19.99		250	8.00	
Supermarket, Buxton		£13.99	340		4.11
Health shop, High Peak	£8.99		250	3.60	
Average	£13.82	£13.66		£5.05	£4.41
<i>Supermarket Basic Honey</i>		£1.00	340		0.29
<i>Branded Clear Honey</i>		£2.40	340		0.71

Eight of the samples were found to contain 'Active' claims in the labelling which is a potential infringement of the Nutrition and Health Claims Regs. Six also contain insufficient manuka pollen to be wholly or mainly derived from the manuka plant, contrary to the Honey Regs 2015. Because this is a widespread problem, the Division is in discussions with the Food Standards Agency as to the best way to tackle the issue.

2. Alcopops for the presence of artificial preservatives and sweeteners

Rational for sampling activity

As food science has developed over the years, food manufacturers have experimented with food additives in an attempt to reduce costs but also to enhance flavour and lengthen the shelf-life of food products. Certain additives have been found to be harmful to health if used in excessive quantities and in some instances if used at all. This project was to test for levels of preservatives and sweeteners to ensure that they were within acceptable limits.

Report and Outcome

Fifteen samples were submitted for analysis and four were found to be unsatisfactory due to minor labelling irregularities. These samples were referred to the appropriate Home or Primary Authority to raise with the company concerned.

3. Dried fruit and nuts for the presence of mycotoxins and ochratoxins

Rational for sampling activity

Because of where and how they are grown and transported, dried fruits and nuts are particularly susceptible to types of mould which can produce mycotoxins (including ochratoxins and aflatoxins) that are potentially harmful to both human and animal health. Maximum levels exist within legislation in order to ensure consumers' protection from any adverse health effects.

Report and Outcome

Fourteen samples have been reported to date and so far there has only been one minor labelling issue which has been referred to the appropriate Home/Primary Authority.

4. Animal Feed samples

Report and Outcome

All samples related to a complaint from a farmer that there were elevated levels of lead in his cattle which could be attributable to the cattle feed that he was using and so requested that we took samples. Four of the samples came back below the legal limit but one sample identified elevated lead levels; however this was a bedding product and not covered by feed legislation. The farmer is pursuing a complaint with his supplier.

5. 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 and Outcomes

- Three **salami products** made by a Derbyshire manufacturer were found to contain excess levels of nitrate preservative. We are working with the company to amend their recipes to bring the preservative to within permitted levels.
- Following a complaint from a local resident a food supplement which claimed to be '**saw palmetto**' tablets was found not to contain any saw palmetto. Saw palmetto is a plant. Its ripe fruit is used to make medicine. According to

American Government National Institute of Health's 'Medline Plus' website,² saw palmetto is:

'... best known for its use in decreasing symptoms of an enlarged prostate (benign prostatic hypertrophy, BPH). According to many research studies, it is effective for this use. Saw palmetto is used for treating certain types of prostate infections. It is also sometimes used, in combination with other herbs, to treat prostate cancer.'

Further enquiries – including a follow up test purchase – are being made to ascertain what the tablets actually are composed of and to ensure that they do not pose a food safety risk.

- A formal sample of a product described as a '**mozzarella/cheddar**' cheese mix and which was supplied to a takeaway pizza food business was found to contain vegetable fat and is thus misdescribed. Further enquiries are being undertaken.

² <https://www.nlm.nih.gov/medlineplus/druginfo/natural/971.html>