

## **MINUTES OF THE FSA OPEN BOARD MEETING HELD ON 17 APRIL 2013 AT MARRIOTT HOTEL, CARDIFF FROM 09.00 TO 13.05**

### **Present:**

Jeff Rooker, Chair; Tim Bennett, Deputy Chair; Margaret Gilmore; Jeff Halliwell; John Spence; Jim Wildgoose; Paul Wiles; Liz Breckenridge; Henrietta Campbell, Sue Atkinson

### **Officials attending:**

Catherine Brown, Chief Executive  
Andrew Wadge, Chief Scientist

### **Also attending:**

Pippa Brown, FSA Board Secretary  
Andrew Rhodes, FSA Director of Operations  
Steve Wearne, FSA Director Wales  
Rod Ainsworth, FSA Director of Legal Services  
John Barnes, FSA Head of Local Authority Audit and Liaison  
Liz Olney, FSA Head of Central Operations  
Chris Edwards, FSA Senior Better Regulation and Sustainability Advisor

### **WELCOME AND ANNOUNCEMENTS**

1. The Chair welcomed all to the meeting including observers both in the room and online. The Chair noted that Alison Gleadle had left her post at the FSA as Director of Food Safety to take up an external secondment and wished her every success in the secondment. He noted that she had been with the Food Standards Agency (FSA) since it was created and he thanked her for her major contribution to its work for over a decade. He stated that Henrietta Campbell has been reappointed for a further term as Chair of the Northern Ireland Food Advisory Committee (NIFAC).
2. John Spence, Chair of Welsh Food Advisory Committee (WFAC) since 1 February 2007 would be leaving the FSA on 31 May 2013. He had served on all the Committees of the Board: Audit; Risk; Succession and Development; and Pay and Remuneration. He has 4 decades of local government experience including as Deputy Chief Executive and acting Chief Executive Officer at Swansea City Council. The Chair thanked John Spence for all his work over the years and in particular, for his support for the policy of folic acid fortification of bread-making flour that had for some years been advanced by the Board and hoped that he would keep pressurising Ministers to adopt this policy. John Spence would be succeeded by Dr Roland Salmon.
3. The Chair reminded Board Members to declare any relevant interests before discussions.

### **MINUTES OF MEETING HELD ON 05 MARCH 2013 (FSA 13/04/01)**

4. A Board member asked if the fifth bullet point at paragraph 25 was accurate as it implied there were gaps in the FSA's powers in terms of our ability to take action in respect of food business in which enforcement is delivered by local authorities even in the case of a safety incident. The Chief Executive confirmed that it was correct there were gaps in the FSA's powers which would be considered as part of the external review of the horsemeat incident.

5. The minutes of the meeting held on 5 March 2013 were agreed.

**ACTIONS ARISING (FSA 13/04/02)**

6. A Board member asked for an update on Action 5Mar13/O/03 on Campylobacter. The Chief Executive said the policy team was working on Campylobacter strategy and there would be a full discussion at a future Board meeting.

**Action: Director of Food Safety**

7. The actions arising were accepted with no changes.

**CHAIR'S ORAL REPORT**

8. The Chair reported that since the last Board meeting:
- He had attended an international conference on Campylobacter sponsored by the FSA, BBSRC and Defra on 12 March 2013.
  - He visited Rutland County Council on 19 March 2013 to discuss the effect on citizens of the Food Hygiene Rating System.
  - He attended a regular meeting with Department of Food and Rural Affairs (Defra), David Heath on 20 March 2013.
  - He attended the General Advisory Committee on Science dinner on 20 March 2013.

**CHIEF EXECUTIVE'S REPORT (FSA 13/04/03)**

9. The Chief Executive reported that sessions had been held with staff on the refreshed strategy and corporate priorities. She thanked Henrietta Campbell and the Deputy Chair for attending the sessions. The staff had fed back that they were pleased to have the interactions with the Board on the strategy.

General activity update

10. A Board member said that she was pleased to see the Chief Executive had met with Duncan Selbie of Public Health England. She offered to work with the Executive to develop a relationship with the new Directors of Public Health; the Chief Executive said she would find that helpful.

**Action: Director of Food Safety**

11. A Board member congratulated the Chief Executive on the number of visits she had undertaken since taking on the role and asked for any key insights from her visits. The Chief Executive said that overall the feedback was positive from consumer groups and industry about the FSA as independent regulator and that it was clear that the FSA had consumer interests as their top priority. She fed back that there remained great appetite amongst stakeholders, particularly industry stakeholders, to engage with the Board directly as they had done at the visits the day before the Board meeting.

12. The Chair of NIFAC asked given the recent animal deaths due to the bad weather, what reassurance could the Executive give that these animals were not entering the food chain. The Director of Operations, Andrew Rhodes said that local authorities have been monitoring the issue but there is no evidence that meat from these fallen animals was entering the food chain.

Publication of EFSA opinion on the public health risks related to mechanically separated meat

13. A Board member asked if the Executive would be reporting to the Board with their views on the European Food Safety Authority's opinion on the public health risks

related to Mechanically Separated Meat produced from poultry and pigs. The Chief Executive confirmed that a paper on the report would come to a future Board meeting.

**Action: Director of Food Safety**

Incidents and Food Fraud Updates

14. A Board member asked if more resources have been put into discovering food fraud. The Chief Executive said that no extra resources have been devoted to this but the horsemeat incident had raised awareness which had resulted in more suspected incidents being reported.

Budget update

15. A Board member asked if the 10% budget cuts in 2015/16 would be absorbed from contingency or be a cut to front line services. The Board member was concerned that with cuts to local authority budgets that the FSA might be required cover any deficit in their delivery of food and feed law enforcement. The Chief Executive replied that front line services would not be affected as long as we were able to secure agreement that this cut was to our programme spend. If the reduction was in administrative costs then staffing numbers would be affected and with it potentially our ability to operate.

Enforcement update

16. The Chair asked how the court order prohibiting someone from operating or running any food business indefinitely was policed. Andrew Rhodes replied that there was no central register for food businesses but new food businesses had to register with local authorities. The local authority would be likely to spot anyone locally trying to register a business with such an order but it would be more difficult to enforce if the food business operator moved to another local authority area.
17. The Chair reminded the Board that the work the FSA does to prevent people being ill did not always attract much news coverage. He referred to the 40 tons of contaminated cooked chicken which were prevented from being imported recently. That amount of chicken equated to over 700,000 chicken sandwiches and the equivalent number of people being protected from possible food poisoning.

Food and You 2012 Survey Results

18. A Board member asked if the FSA had the ability to carry out adequate public awareness campaigns as referred to in paragraph 7.3. The Chief Executive said that there were limitations on traditional advertising campaigns but we do work with other groups and bodies to get our messages across. The next area for research is focusing on understanding on what is actually happening in people's kitchens as opposed to what they report is happening.
19. A Board member asked if there were serious risks to the elderly from their food safety practices could this be included as a message in food safety week. She posed the question whether among older men this was a generational or cohort effect. The Chief Executive said that until data was explored further this would not be known.

**ORAL REPORT ON HORSEMEAT INCIDENT**

20. The Chief Executive gave an oral update report on the horsemeat incident to the Board, a copy of which can be found at Annexe A.

21. A Board member asked what the testing regime was for the veterinary resident “bute” in horsemeat entering the food chain before all carcasses were tested. Andrew Rhodes responded that prior to February 2013 5% of carcasses were sampled in compliance with the veterinary medicines directive. He explained that as we investigated horse passports in September last year we did our own testing and found levels of bute that were of potential concern. So in February 2013 we moved to 100% testing. The Board member responded that she recognised that levels were very unlikely to constitute a significant risk but asked what action was taken when bute is found in a sample. Andrew Rhodes stated that carcasses were removed from the food chain and the results are passed to the Animal Health Veterinary Laboratory Agency (AHVLA). Any passport irregularity or any other traces of veterinary medicines are passed to the local authority, Defra and the AHVLA.
22. Andrew Rhodes stated that the control of veterinary medicines was not in the FSA’s remit.
23. The Chief Executive said that she has written jointly with the Chief Veterinary Officer to the Equine Veterinary Association to make sure that veterinarians are complying with the requirement on them to sign a horse out of the food chain if they administer bute.
24. A Board member asked if the Executive were consulting consumer groups in respect of Halal and Kosher foods. The Chief Executive said that we were working with Defra on faith group issues in relation to the incident and have met key certifying bodies.
25. A Board member asked who had control of the testing of horse carcasses. Andrew Rhodes explained that the samples were taken by FSA officials who had control of the samples and they sent the samples to the laboratory and the carcasses were held by the Official Veterinarians (OVs) until the sample results were back.
26. A Board Member asked about progress with prosecutions. The Chief Executive said that the FSA continues to work with the police and local authorities to ensure that appropriate enforcement action is taken against businesses and individuals who can be proved to have broken the law but could not talk in detail on individual cases being working on. Andrew Rhodes explained that the Crown Prosecution Service was embedded as part of the control team advising on the investigations.
27. A Board member asked if information on the study of industry deliverability and consumer acceptability of trace levels would be ready for discussion at the next open Board meeting. The Chief Executive explained that the results of the study would be peer reviewed and this would be completed before the report came to the Board that would therefore be in either June or July 2013.
28. A Board member stated that if retail chooses to require a zero trace level this would have a huge impact on small and medium enterprises.
29. A Board member welcomed the fact that the Executive were looking at the wider aspects of the incident and was pleased to see a review being commissioned. She asked how the incidence of horsemeat adulteration of UK food products compared to the incident of adulteration in other Member States. The Chief Executive

explained that as the European figures on the incident had only been published the day before the meeting it was too early to have this comparison available. She said the Executive would come back to the Board with this information.

**Action: Chief Executive**

30. A number of Board members commented on the complexity of the supply chains and considered if it would be helpful if industry shared more information on their supply chains. It was further suggested that work was required to examine how best to regulate complex food chains particularly against the background that increasingly meat was regarded as a commodity often passing through many different hands before appearing at retailers as process product. There was also concern expressed that a very large part of the UK supply chain was concentrated through a few multiple retailers. The Chief Executive said it was important that industry shared more detail on their supply chain to enable dynamic risk assessment but that it may be prohibitively resource intensive and bureaucratic to try and maintain real time maps of each aspect of the supply chain. Further work may be required on this following the recommendations from the various reviews of the incident which had been announced.

**REVIEW OF FSA OPERATIONAL RESPONSE TO INCIDENTS OF ADULTERATION OF COMMINUTED BEEF PRODUCTS WITH HORSE AND PIG MEAT DNA (FSA 13/03/04)**

31. The Chair said that subject to the Board's agreement Professor Pat Troop had been asked to lead the Review. Amongst her several senior roles in public health bodies, she had been first Chief Executive of the Health Protection Agency.
32. The Chief Executive introduced the papers saying that clearly this would be one of a number of reviews across Whitehall but this review would focus on our own organisational response.
33. A Board member asked if the last bullet point in the terms of reference would allow for consideration of whether the FSA having different responsibilities in the different countries of the UK had influenced our handling of the incident. The Chief Executive said the terms of reference had been deliberately drafted to allow Prof Troop to consider any element she wished including issues relating to devolution and the allocation of responsibilities should they arise in relationship to the management of the incident.
34. A Board member questioned whether the timescales were too tight. Steve Wearne responded that the timescale were deliberately short to allow the review to gather information whilst the incident was fresh in all our minds, and to inform the wider government review. He said that he had discussed the timescale with Prof Troop who was content she could deliver the review in the given timescale.
35. A Board member asked if Prof Troop would be asked to suggest areas for further work as part of her recommendations. The Chief Executive said that she was expecting that Prof Troop would suggest areas for further work.
36. The Board agreed to the review and the terms of reference, and welcomed Professor Pat Troop's appointment to lead the review.

**FSA RESPONSE TO UK GOVERNMENT'S GROWTH DUTY (FSA 13/04/05)**

37. The Chair welcomed Rod Ainsworth, Director Legal Services and Chris Edwards,

Senior Better Regulation and Sustainability Advisor to the table.

38. The Chair of NIFAC said that the Committee wanted to see a more positive response than currently proposed. There were good examples of supporting growth within FSA's work. She particularly highlighted science and evidence based policy making as one of the FSA's strengths. The need for a more positive response was supported by the rest of the Board, particularly referring to the support given to business through Safer Food Better Business.
39. The Chair of the Scottish Food Advisory Committee said that the Committee were nervous that we did not know what the full duty was and what would happen if the duty went further than envisaged in the consultation. Rod Ainsworth replied that the FSA's statutory duties would have priority over the growth duty.
40. The Chair of WFAC said that WFAC welcomed the paper and said it did not conflict with the Welsh Government growth agenda. He wanted the response to show that regulation can deliver consumer and practitioner empowerment, for example, through FHRS.
41. The Chair asked what the timescale was to respond to the consultation. Rod Ainsworth said that this was Friday 19 April 2013 but he had informed BIS that the Board would need to be consulted before submitting the FSA response and that this response would therefore be late given the timing of the Board meeting.
42. The Executive agreed to make all the changes requested by the Board.

**Action: Director of Legal Services**

**AMENDMENT TO THE AUDIT COMMITTEE TERMS OF REFERENCE (FSA 13/04/06)**

43. Pippa Brown, the Board Secretary introduced this paper explaining that change in the terms of reference to allow the Audit Committee to co-opt members to enable the cooption of a member with financial expertise brought the terms of reference in line with those of Risk and Succession and Development Committee.
44. The Chair of the Audit Committee, Henrietta Campbell supported the proposed amendment which was agreed by the Board.
45. A Board member asked for an amendment to item 1 to add the words "where appropriate to the Audit Committee" at the end of the sentence. This was agreed.

**Action: Board Secretary**

**Operations Group Quarterly Report (FSA 13/04/07)**

46. The Chair welcomed Andrew Rhodes, FSA Director of Operations, and Liz Olney, FSA Head of Central Operations, to the table.
47. Liz Olney highlighted the following points for the Board to note:
  - Page 5 - There had been a drop in food business operator compliance levels within FSA approved meat establishments in the last quarter which the new audit system introduced within the UK at the end of October may have contributed to.
  - Page 5 – As at 31 January 2013 there were 19 premises on the Cause for Concern (C4C) category – 9 of which had been in the C4C category previously.

- Page 11 – the absence figures for operations staff continued to reduce and the reduction of 2.7 working days lost per year equated to an efficiency achievement of £260,000. The Board congratulated the Operations team on this achievement.
  - Page 13 – On milk production the 42% of non compliance comprised of minor non compliance issues.
  - Page 15 – The non compliance figures for egg production were minor issues and impacted by the wet weather and water logging of litter.
48. A Board member asked if the majority of the dairy products tested came from assured schemes and was concerned by the level of non compliance if so. Andrew Rhodes told the Board that these inspections in fact concentrated on the higher risk, non assured businesses and there were lower levels of non-compliance in assured premises.
49. A Board member asked in 7.23 of the UKFSS data base report what samples were being tested for Campylobacter. Andrew Rhodes said that these were ready to eat products which had been heat treated and therefore showed lower levels of contamination than if raw. The Board member asked where she would see figures for levels of Campylobacter in raw food, Andrew Rhodes responded to say that there wasn't any surveillance at the local authority level on raw food. This food would be tested in national surveys on a periodic basis where samples are taken off retail shelves.
50. A Board member thought that increased trend in not broadly compliant meat operators was worrying and thought that the publication of the audit reports and the C4C figures were not making a difference. Andrew Rhodes explained that since C4C had been introduced in October 2009 there had been a step change in improved compliance rates. He agreed that further work on improving compliance was needed and was continuing.
51. A Board member asked why there were different compliance rates for egg production across the UK. Liz Olney explained that there were different delivery models in the UK and there may be an issue on consistency of approach to recording the outcome of inspections. This was something that was being investigated.
52. The Deputy Chair asked about the 3 breaches of the BSE regulations. Andrew Rhodes explained the difference between BSE breaches of animals over a certain age with animals entering the food chain without being tested and specified risk material breaches where the spinal column had not been removed. The 3 breaches referred to occurred when the animals have been released into the food chain without being tested but specified risk material would have been removed meaning that this was not a safety risk.
53. The Board discussed the format of the report and the fact they keep making amendments to it was reducing opportunity for like with like comparisons and trend analysis. A number of Board members said that it was helpful to see the new trend data but comparisons over a longer time period would be helpful. They would welcome a top level cover sheet which highlighted where there were major changes or areas of concern. The Chief Executive proposed that the Deputy Chair and another Board member work with the Operations staff to develop a report to fulfil

the Board needs.

**Action: Director of Operations**  
**Feed Review Implementation Programme Update (FSA 13/04/08)**

54. The Chair welcomed Andrew Rhodes, FSA Director of Operations, and John Barnes, FSA Head of Local Authority Audit and Liaison, to the table. Andrew Rhodes explained that the paper was an update that the Board had requested when they last considered feed in November 2012.
55. John Barnes highlighted the progress that had been made on the Local Authority delivery and the Earned Recognition work streams. He drew their attention to feedback from the 4 workshops held to date with local authorities in England on the potential to improve feed control delivery by greater regional coordination through existing regional trading standards networks and closer working with the National Trading Standards Board. He noted that the work was on going and that consultation work in other parts of the UK was also planned. He confirmed that any changes to delivery or competency arrangements would be subject to full consultation through a revised Feed Code of Practice which was due to be consulted upon in July 2013. He said the work was scheduled to be completed by April 2014.
56. The Chair thought that great progress had been made given the scale of the work indentified. He asked that a paragraph on the collaborative approach to animal feed be included in the response to the growth duty consultation.

**Action: Director of Legal Services**
57. A Board member asked if the training schemes for staff working in animal feed were part of the project and John Barnes reassured her that there was a work stream on training and competency of staff.
58. The Chair of SFAC welcomed that consultation work in other parts of the UK was planned, noting that the paper itself had focused on the English position – a point which SFAC members had queried. He also asked whether there had been an increase in the FSA funded costs of implementation against the background of continuing cuts in local government funding. John Barnes explained that more coordination at a regional level had the potential to make the delivery more cost efficient. But regardless of any moves to increase regional coordination, individual authorities would remain accountable for ensuring that they were effectively discharging their statutory feed responsibilities.
59. A Board member asked if UK Feed was now clear of animal ingredients. John Barnes explained that the assurance schemes were very tight on this and one reason why they offer potential in the context of Earned Recognition, but they were being checked to ensure they had sufficiently rigorous governance processes in place.
60. A Board member asked if there were challenges with the open border between the Republic of Ireland and Northern Ireland. John Barnes explained that this could be an issue but there were cross government groups on feed to work through these issues.
61. A Board member asked if there was a trend of supermarket food past the sell by date being used as animal feed. John Barnes explained that this was an area of

concern but not just for the food waste, but the packaging entering animal feed.

62. It was agreed that a further update on the report would come to the Board in December 2013.

**Action: Director of Operations**

**Report from the Chairman of the Welsh Food Advisory COMMITTEE (FSA 13/04/09)**

63. **The Chair Invited John Spence to give his final report to the Board.**
64. **John Spence provided the Board with his reflections of his last 6 years on the Board. In 2007 Food Advisory Committees (FACs) were not integrated with the Board and stood alone. This was an issue which was recognised and was reviewed in 2008 by George Patterson (then FSA Director Scotland). As part of this review, FACS were found to be working in isolation of the Board and were largely uninvolved with Board business. FACs had developed their own agendas and had their own operating procedures and there was no consistency between the FACs themselves. There was no feedback to the Board on the outcome of discussions at FAC meetings and they were rarely consulted on issues to be discussed at the Board level.**
65. **He reported that the members of FACs always have, and continue to be, a valuable asset to the FSA; previously they were generally unacknowledged and very much an under used resource. This untapped potential needed to be harnessed particularly through more effective stakeholder engagement, intelligence gathering and the provision of targeted advice on country specific food issues. FAC members at that time were not invited to Board meetings when they were being held in the devolveds.**
66. **John Spence was pleased to report that things had changed. Since 2008 there was a more joined up and effective approach which had led to FACs being efficient, effective and impactful. FACs now considered Board papers at their meetings held in the run up to Board meetings. This enabled the FACs to formulate their advice and to feed it into Board deliberations in a timely and transparent manner. The FACs now gave regular advice, with them being included as part of the strategic planning process.**
67. **He was pleased that FAC members were positively encouraged to participate in Board business. Members were now acknowledged and the contribution which they play is now appreciated. Members are now invited to visiting Board meetings and he was delighted that so many WFAC members were in the audience.**
68. **He highlighted a few significant achievements in his time on the Board:  
FHRS – A success story particularly in Wales. The Food Hygiene Rating**

**(Wales) Act 2013 has now received Royal Assent and would see Wales become the first country in the UK to introduce a mandatory scheme requiring food businesses to openly display their hygiene rating. This scheme was based on the FSA's voluntary food hygiene rating scheme. The mandatory scheme would come into operation later this year to allow businesses time to prepare. Introduction of a mandatory FHRs had a clear commitment in the Welsh Government's Programme for Government.**

**FSA/FAC integration.**

**The huge benefits which emanated from the MHS/FSA merger, with the FSA now has effective links between policy and implementation which provides the opportunity for regular review and improvement. He also considered that the merger had a very positive impact with operational staff having a greater realisation that they have a very real impact on public health.**

**Improved strategic planning**

- 69. He considered that the FSA has improved its performance management and while it had yet to be reviewed, he thought the recent horse meat incident clearly demonstrated that the FSA working as a single entity has been well placed and with the relevant skills to handle food incidents thereby ensuring that consumers are protected.**
  
- 70. He reflected on the issues where the FSA had not had such a success.**

**The Machinery of Government changes of 2010. As in Scotland and Northern Ireland, the FSA in Wales retained responsibility for food authenticity, composition and standards, and also for food labelling (apart from nutrition labelling, responsibility for which transferred to Welsh Government). These responsibilities had been transferred to Defra in England.**

**The Board and the FACs contributed to reducing the cost of governance in the FSA by reducing its membership. WFAC reduced from 9 to 7 members. He was concerned that this reduction was having a detrimental effect on the FACs ability to operate. Without increasing membership there was a risk being inquorate and/or lacking a rounded cross-section of skills and knowledge on each of the Committees. As it was three years since this decision was taken, he suggested this should now be reviewed as part of the Governance Review.**

**Role of Board - he referred to the results of the capability review and the need for closer working between the Board and Executive. He would be interested to see what may come out of the forthcoming Governance Review.**

**Devolution – not all understand the role of the FSA as a UK-wide department operating in an area of devolved competence.**

71. **John Spence expressed his thanks to past and present Board members, FAC members, and Board Chairs and to the Executive and FSA Cardiff office for their support.**

**Report from the FSA Director Wales (FSA 13/04/10)**

72. The Chair welcomed Steve Wearne, Director FSA Wales to the table.
73. Steve Wearne explained that his written report to the FSA Board summarised the remit and resources of the FSA in Wales, and the social and political context within which they worked. The report also outlined progress against the FSA strategic outcomes since September 2011.
74. He reminded the Board that the Machinery of Government changes in England and Wales in July 2010 led to differences in the remit of the FSA in the countries of the UK. There were two main areas of difference. In Wales, as in England, responsibility for all nutrition and healthy eating issues transferred to Health Departments. In Wales, as in Scotland and Northern Ireland, responsibility for general food labelling and composition issues remained with the FSA.
75. He was proud of the continuing success of the FHRS in Wales which was delivered in partnership with all 22 local authorities in Wales. FSA Wales staff were continuing to work with officials in Welsh Government on the preparation of legislation to make display of food hygiene ratings mandatory. The Food Hygiene Rating (Wales) Bill received Royal Assent on 4 March, and the Act is expected to come into force in November 2013. The Welsh Government issued a public consultation on 27 March on Regulations to be made under the Act. The draft Regulations set out the detail of how the statutory Food Hygiene Rating Scheme in Wales would operate. Comments on the draft Regulations and the expected costs associated with the provisions of these were being sought. The Consultation could be found on Welsh Government's website. The closing date for consultation responses was 21 June 2013.
76. He reported that the FSA in Wales considered public engagement with consumers a key element of FSA's Strategic plan, by enabling the dissemination of key messages on food safety and standards. Most recently their strategy evolved to focus on future generations through school children, primarily, but not exclusively, through primary school age children. In March 2012, FSA Strategic Communication team was commissioned to review on-going activity by the FSA in Wales targeted at children. The main conclusion was to congratulate the approach taken in Wales to innovation and also to trial new initiatives and evaluation of school based activities. In informing a future strategy for engagement within Wales, the review recommended taking a more holistic approach to school based activities and to assess their combined impact on outcomes. The review recommended that FSA Wales should consider more refined targeting for future engagement, and closer working with other Government departments to develop broader links to other initiatives in schools, this will be taken forward.
77. The refreshed strategy would include targeting Wales' most deprived communities

by FSA Wales working within Welsh Government's new Community First cluster areas as recently announced by the Minister for Local Government and Communities, Carl Sargeant AM. The Community programme supports the most disadvantaged people in 52 of the most deprived areas of Wales. Using the targeted approach, the refreshed strategy also aligns with the Chief Medical Officer for Wales' inequalities agenda.

78. He reported that in Wales local and port health authorities were key partners in delivering food and feed controls. Their specific responsibilities vary but together they provide a control framework which covers all stages of feed and food production, processing and distribution from 'farm to fork'. He particularly commended the local authorities for deciding to adopt the FHRS scheme at the same time in October 2010. He also highlighted the work of the Food Fraud Unit which FSA Wales supports which is hosted by Ceredigion County Council and provides a service to help combat food fraud in all Welsh local authorities. Most recently the Unit has supported investigations linked to the horsemeat incident, and there are other examples of its contribution to successful interventions to safeguard consumers e.g. frauds linked to skin-on sheep, illegal harvesting of shellfish and substitution of meat species.
79. He informed the Board that they would receive a report on Welsh audits authored jointly by the FSA Director Wales and the Directors of Public Protection in the two local authorities which have to date received audits in our new rolling programme in Wales.

#### **REPORTS FROM THE CHAIRS OF THE FOOD ADVISORY COMMITTEES (INFO 13/04/01-03)**

80. The Board accepted, without discussion, the reports from the Chairs of NIFAC, SFAC and WFAC.

#### **ANY OTHER BUSINESS**

81. No items of Any Other Business were raised.

#### **DATE OF THE NEXT MEETING**

82. The next open meeting of the FSA Board would be held on 4 June 2013 in London.

## Update to the FSA Board on horse meat incident

17 April 2013

### Oral update by Catherine Brown, Chief Executive

I last updated the Board on the horse meat incident and our response to it in open session on 5 March.

Today, I will provide a brief update on these investigations and the latest results from the surveillance programme testing of beef products for the presence of horsemeat with a focus on next steps.

Our position remains consistent. On the basis of all our investigations and the information from Europe there is no reason to think this is a safety issue. But it is completely unacceptable for consumers to be misled as to the composition of the food they buy. And it is the responsibility of food business operators at every point in the supply chain to make sure that food is what it says it is on the label.

### Investigation

Our investigations into this incident are ongoing and we continue to work jointly with the Police. The City of London Police is now the lead force for the investigations which means they will co-ordinate all Police activity, including any wider European dimension. Individual investigations will continue to be led by the relevant local Police force with support from the FSA and Local Authorities. Intelligence is also being shared with other member states through the Rapid Alert System for Food and Feed (RASFF) system and we are receiving reports through the same system and taking appropriate action where necessary.

During this incident we have issued 4 RASFF notifications on horsemeat adulteration issues to Member States and responded to 10 RASFF notifications raised by other Member States. Up to 9 April, 62 RASFF notifications have been issued by Member States including the UK relating to notifications of adulteration with more than 1% of horse meat. FSA officials also met with officials from the Republic of Ireland in March to share intelligence on investigations.

### Industry Testing is now reverting to ongoing regular sampling albeit at enhanced levels

Sampling results to date from both the retail and catering industry and local authority testing confirm that the contamination and adulteration of beef products, with horse or pork meat, has been limited to a relatively small number of products. The Food Standards Agency has published several sets of results over the last few weeks to demonstrate the probable extent of the contamination.

More than 99% of samples, (5386) contained no horse DNA at or above the level of 1%. 44 samples, representing 17 products, contained horse DNA at or above the 1% threshold. These products and any other products containing horse DNA above 1% identified through other testing and investigations have been withdrawn from sale and named on the FSA website.

### Bute

The Food Standards Agency (FSA) continues to require all meat products found to contain more than 1% horse meat to be tested for Bute. As a result of this testing, the FSA was notified by ASDA on 9 April that 2 samples of ASDA 'Smart Price' corned beef manufactured in France have tested positive for phenylbutazone (Bute) (4ppb). This is the only time that Bute has been found in UK product in the course of this incident. The entire product had previously been withdrawn from sale and working with the FSA following the positive result for Bute, ASDA announced a full product recall. The FSA notified the European Commission by RASFF on 10 April.

The Chief Medical Officer has previously stated that horsemeat containing phenylbutazone presents a very low risk to human health. In the UK horse carcasses must have a negative Bute test before they are allowed to enter the food chain, the so-called 'positive-release' system that we put in place at slaughterhouses and abattoirs in early February this year.

### UK-wide sampling programme by Local Authorities

The UK-wide FSA-coordinated sampling programme by local authorities has now been completed. This was undertaken to get an accurate picture of the potential scale of contamination of beef products on high streets and in the catering supply chain across the UK and was designed to be representative of beef products on sale across the UK. It is separate from the test results that the FSA have been gathering from industry.

The findings of the survey, carried out by 28 local authorities (LAs), on the FSA's behalf, are consistent with those from the tests carried out by the food industry. Phase 1 and 2 of the survey was completed by LAs and initial test results were published on 8 March, with updated results published on 26 March.

A total of 362 samples were taken for Phases 1 and 2. Of these, 4 samples were found to contain horse DNA above 1% and 3 contained pig DNA above 1%.

### Europe-wide survey by Local Authorities (Phase 3)

In addition, we have taken part in the Commissions Europe wide survey We have submitted the UK's results to the European Commission, and all 150 samples were negative for horse DNA at the 1% reporting limit. Results of testing by EU Member States were published yesterday. Of 4144 tests for horse DNA 4.7% came back positive at the 1% or above level.

Commission Recommendation 2013/99/EU also asked Member States to provide results for bute testing of horsemeat destined for the food chain. As a result of the FSA-instigated positive release system we were able to tell the Commission that between 11 February 2013 and 4 March 2013, 836 horses were tested at slaughter, 14 of which tested positive for bute and were disposed of as Category 1 animal by-product. Across Europe 0.5% of tests for bute came back with positive for its presence

### European Commission

As I highlighted earlier, the FSA are working closely with the European Commission and other Member States and sharing information via the RASFF system. As part of

these arrangements and their ongoing investigations into the horsemeat incident, the FSA was informed by the Dutch authorities on 10 April that eight UK businesses may have received products from a Dutch company implicated in their investigation into a Europe-wide fraud. The FSA is following up with these businesses and Local Authorities as a matter of urgency to determine if they have received products from the Dutch company. Information from the Dutch authorities confirms that there is no reason to suggest this is a food safety issue at this stage.

In addition, at a recent Working Group to review the European aspects of the horse meat incident, the European Commission presented a proposal for a 5-point action plan including measures dealing with food fraud, testing programmes, horse passports, official controls and origin labelling.

The European Commission has also written to Member States for information on how controls on horse passports currently operate in each country – this information is being collated and will be provided to the European Commission by 30 April.

### Next Steps

We are keen for industry to build on the transparency they have shown over the last few weeks and share wider information on their authenticity assurance arrangements with us and the public on a quarterly basis so we can all have confidence that what we are sold is what it says on the label. Discussions are underway on what form this increased transparency might take. As a minimum we will in June publish the next tranche of horse DNA test results.

And of course industry will continue to report to us immediately any samples that test positive above the 1% reporting limit as soon as they are confirmed and we will continue to announce those on our website.

The FSA were also undertaking research with the industry to determine a realistic threshold for carry over contamination in meat processing plants. The sensitivity of current DNA testing has raised concerns amongst consumers, regulators and industry about the normal levels of carry over contamination as there is very little information in the public domain on levels of cross contamination/carry-over likely in businesses operating to Good Manufacturing Practice. For the purpose of the recent horsemeat investigations a pragmatic threshold of 1% was used to indicate gross/unacceptable contamination or potential fraud but it was acknowledged that there was a need to undertake further research to identify what levels were possible and therefore could be reasonably expected by regulators or from suppliers. The Laboratory of the Government Chemist (LGC) is carrying out this research under the governance of the FSA/Defra Analytical Methods Working Group (AMWG), which has been expanded for this study to include wider industry representation. The scope and approach to the research has been agreed, and sampling is currently taking place in meat plants processing different species sequentially through the same equipment for example, mixers to get robust test results on levels of contamination/carryover from a range of standard processing and cleaning arrangements, and also comparing the levels found against the current plant monitoring of cleaning levels through ATP or visual assessments. Results from the first part of the controlled study will be available late April.

We have also been talking to consumers about this issue – we are hearing from them what levels of trace – if any – are acceptable to them. And all that research on

the technical and consumer aspects of this issue will inform a full discussion at a future open board meeting.

### Issues for the Board

I hope this has given the Board a useful update on the latest developments in this incident.

I now welcome your views on the next steps.