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Review into the Integrity and Assurance of Food Supply Networks  
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Dear Nick,

## DEFRA CONSULTATION

### Review into the Integrity and Assurance of Food Supply Networks – Call for Evidence

#### Response from the Government Chemist

As Government Chemist, I am responsible under certain Acts of Parliament<sup>1</sup> for providing independent analytical measurement and expert opinion to help avoid or resolve the disputes over scientific data which arise from time to time between local authorities and the businesses that they regulate. My public remit also covers wider advice to UK government and other affected parties on the role of analytical measurement in effective policy, standards and regulations. My staff liaise with regulatory services involved in sampling, analysis and product testing linked to the investigation of alleged non-compliances. I am pleased to be able to respond to this consultation particularly as many of the aspects covered appear frequently as the subject of referee casework<sup>2</sup>. I have looked at the consultation and can respond to those questions where there is an analytical measurement dimension.

2. The Terms of Reference for the Review require an approach that is proportionate to the risks involved to the consumer. What does this mean in practice?

*In practice we believe this means taking account of risks with regard to fraud, consumer choice and safety. We support Commissioner Borg's 5 point action plan. We also support the Commission's stated position that where financial penalties are used in relation to intentional violations of food chain law, they are at a level which is sufficiently dissuasive and higher than the economic gain expected from the fraud. We also support (i) the expectation that Member States include in their control plans and regularly perform mandatory unannounced official controls (including inspections and testing) directed at combating food*

<sup>1</sup> Boley, N. Government Chemist Legislation, Annual Statement of Statutory Scope, January 2013, available at <http://www.governmentchemist.org.uk/Generic.aspx?m=77&amid=1623>

<sup>2</sup> Michael J Walker and Kirstin Gray, 2013, *Quis custodiet* – a Review of the Resolution of Disputed Chemical Results in the UK Official Feed and Food Control System 2010 – 2011, *J Assoc Public Analysts* (Online) 2013, 41, 1-27



*fraud, and (ii) the Commission wish to be able to impose (not just recommend) coordinated testing programmes in specific cases, in particular in case of fraud. The out-workings of the above plan will determine much of what will be put in place in the UK in the future and it is timely that Regulation 882/2004 on official controls is under review.*

3. How can government, food businesses and regulators better identify new and emerging forms of food fraud?

*We need to be more proactive in identifying those meat products, including those not currently consumed in large volumes in the UK, which could be subject to food fraud, so that the authenticity of products can be more readily established. Intelligence from both the UK, EU and further afield should be used to more accurately identify new areas and forms of food fraud. My staff conduct horizon scanning to identify trends and to try and predict those areas where our expertise needs to be developed to meet future challenges which require our expertise.*

7. Do government decisions about regulation and inspection get the balance right between producer, processor, retailer and consumer when it comes to food? Do further measures need to be taken by the EU or by the UK government to increase consumer trust?

*We support Commissioner Borg's 5 point action plan (see above) but having said that we believe that rather than impose further measures government should ensure that there is sustainable pre-planned centrally coordinated and effective enforcement of the measures already available.*

8. What impact could fraud have on the safety of food consumed in the UK?

*Food fraud places unknown risks into the supply chain e.g. unwitting consumption of allergens, microbiological problems, pesticide and veterinary residues, illegal additives, methanol, etc. Food fraud also poses real potential problems of the 'unknown unknown' variety.*

10. What control systems do food businesses have in place for assuring themselves that the food they supply is of the nature and quality they expect? How have these systems been tightened since the horsemeat fraud was identified?

*These aspects are largely outside my remit but we believe this should be assessed in the light of IFST GMP 6<sup>th</sup> Ed., and BRC6.*

11. How can large corporations relying on complex supply chains improve both information and evidence as to the traceability of food?

*We suggest strict adherence to IFST GMP 6<sup>th</sup> Ed. and BRC6 would be a good start.*



12. Should there be legislative requirements for tamper proof labelling, and/or to advise competent authorities of mislabelling if it is discovered in the supply chain?

*We believe tamper proof labelling should be at the risk assessment of the producer but there must be an obligation to advise competent authorities of mislabelling if it is discovered in the supply chain.*

13. What additional information does the public need to be offered about food content and processing techniques? How can this information be conveyed in an easy to understand manner?

*Labelling must be factual rather than marketing-led. This is significantly easier to verify by analytical measurement.*

16. Where multiple ingredients are used in food processing to create a dish, should country of origin information be made available for them all? What do the public care most about?

*These aspects are largely outside my remit. However, if country of origin labelling of all the ingredients in a product were to be required, the analytical measurement community would need to be closely involved in the development of appropriate tools for monitoring and enforcement.*

17. Should caterers/restaurants and those providing food ready to eat direct to the consumer be required to provide more information? For example, should an item such as 'Fish and Chips' on a menu always state which fish has been used?

*These aspects are largely outside my remit. However, if labelling of exact fish species were to be required, analytical measurements, particularly DNA techniques, would need to be further developed in order to check compliance.*

18. Are there shortcomings in the inspection and enforcement tools available to the FSA and local authorities?

*We believe better coordination, publicly available information on outcomes, funding for targeted speculative sampling and analysis, and agreed coordinated planning for the future of enforcement will assist.*

20. Is it appropriate to base inspection and enforcement action on perceptions of risk, or should a zero tolerance approach be taken to all food fraud?

*A balanced view on this is required but as with 'volume crime' we believe DNA techniques can be used to address 'volume food fraud' so that a zero tolerance approach can be approximated.*

23. Is there evidence that the machinery of Government changes in 2010 for England (which led to Defra taking over responsibility for authenticity and compositional policy) have made food supply networks more vulnerable to fraud?



*We believe officials worked well together after the machinery of government changes but the interruption in continuity and the decline in food authenticity surveys may have played a part in the vulnerability to fraud.*

24. Are there gaps in analytical approaches to support food testing, to verify authenticity and to enforce food law? Which areas in food authenticity should be prioritised for method development and validation to support testing?

*The areas which should be prioritised are the detection of desinewed meat in mixtures with legitimate meat, quantitative DNA approaches to meat and fish speciation and continuing competence in the official control system.*

27. If additional testing of food products for authenticity is required across a wide range of commodities, can this be kept proportionate, relevant and timely?

*Planned rotation of audit and testing through the known possibilities for food fraud should enable this to be carried out appropriately.*

29. Other than for allergens, how significant are the issues raised by trace contamination from carry-over from equipment previously used for other food types? What can be done to reduce the level of carry-over while ensuring that the response is proportionate? At what level of trace contamination is there a need to require separate production lines for different products?

*We suggest the outcomes of current research commissioned by Defra from LGC should be awaited.*

Thank you for this opportunity to comment.

Yours sincerely



**Derek Craston**  
**The Government Chemist**