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Call for written evidence for the Review into the Integrity and Assurance of Food Supply Networks

Summary of response

December 2013

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Any enquiries regarding this document/publication should be sent to us at:

reviewfoodintegrityassurance@defra.gsi.gov.uk

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1. Background

On 26 June 2013 a general call for written evidence was issued seeking views, evidence, comment and suggestions to the Review led by Professor Chris Elliott into the integrity and assurance of food supply networks. The aim of the Review is to advise the Secretary of State for the Environment, Food and Rural Affairs and the Secretary of State for Health and also industry on issues which impact upon consumer confidence in the authenticity of food products, including any systemic failures in food supply networks and systems of oversight with implications for food safety and public health; and to make recommendations.

A call for written evidence was issued to enable consumers and all those involved in food supply and its governance and regulation to have the opportunity to provide their perspective on the issues which impact upon resilience of the food chain and upon consumer confidence.

2. Summary of Responses

The call for written evidence closed on 7 August 2013. We received 73 responses. A list of respondents is at Annex A. Names of individual respondents are not listed here for data protection reasons. Responses received will be available from the Defra Library, Nobel House.

The call for written evidence comprised 29 questions seeking views on specific areas of interest to the Review. Some questions had supplementary questions to help prompt respondents. The main points made in response to the questions are summarised below. Where possible the 'Top 3' themes were identified to help focus the Review's further considerations. We have attributed these to key sector organisations where their comments reflect identifiable themes in the responses.

Context Questions

Q1. What measures need to be taken by the UK food industry and government to increase consumers trust in the integrity of the food supply systems?

Respondents said: There were a clear Top 3 themes in the responses:

- There is a need for better labelling and traceability information in particular about product origin and its processing.
- There is a need for better education, transparency and information for consumers.

- Enforcement should be improved with more checks and dissuasive penalties.

Some other key themes were support for shorter food supply chains, the need to improve local authority funding and to improve local authority officer training. The need for industry/Government to share intelligence about sampling and potential issues was identified. Also that the impact of the machinery of Government change needed to be reviewed.

A multiple retailer provided a particularly detailed response both setting out controls they have in place to ensure integrity as well as suggesting additional measures. A trade association provided a more detailed response detailing efforts made by industry to provide safe and sustainable food but warning against new controls or burdens on businesses. A certification body described the role of certification schemes such as Food for Life Catering Mark scheme which they claimed is the UK's only independent accreditation scheme that inspects caterers to ensure that over 500,000 school meals a day - 20% of schools in England - meet high standard for food quality. In addition to schools, they said the Catering Mark logo can also be found guaranteeing standards in nurseries, workplaces, universities, visitor attractions and restaurants. Catering Mark-accredited caterers must have menus independently verified, submit to an annual inspection and prove that the food they serve is traceable.

There were no other clearly identifiable themes in the many other wide ranging comments. A number of comments from individuals tended to reflect their own particular interests e.g. concerns about GM foods, animal welfare. Local authority comments tended to cover the need for properly funded enforcement and a balance between enforcement and reducing burdens on business as well as the need for better information and intelligence sharing.

Q2. 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?

- Following the horsemeat scandal how appropriate is the current approach to assessing risk and ensuring adequate risk management by industry and regulators?
- What does the meat substitution uncovered tell us about the effectiveness of control regimes at that time?
- Should the limit of our toleration of food fraud ie adulteration and substitution be anything other than zero? If so, when?

Respondents said: A very wide range of comments were made and it was not possible to identify a Top 3. Some respondents said they did not know or did not

understand the question (6). Some respondents focussed on the main question while some also tried to address issues raised by the supplementary questions. For example, there were a small number of respondents who said that there should be zero tolerance of food fraud.

Academic bodies and consultancies tended to address the issue directly as did the multiple retailers. Some comments made links in various ways to proportionality and what that might mean in practice. One consultancy described a method to manage risk through moving from risk management towards resilience management which ignores risk and focuses on resilience. Some local authority responses mentioned the risk based approach to enforcement and noted that any extra controls would have a cost to businesses. Industry respondents tended to raise concerns about negative impacts on business of extra controls such as costs and restrictions on freedom to operate.

Q3. How can government, food businesses and regulators better identify new and emerging forms of food fraud?

- Can food fraud detected on a global basis be used as a means of determining risks to the UK food supply chain? What role should industry have, and how should government support it?
- Are any particular consumers disproportionately affected by food fraud?
- How important is it to monitor price fluctuations nationally and internationally for food commodities to ascertain potential risk of adulteration?
- Is there any correlation between the incidence of VAT frauds, EU subsidy and export refund frauds, and substitution/adulteration frauds within food supply networks?
- Do those involved in looking for different types of fraud share information appropriately? How can information sharing be improved?
- How can food inspection and sampling (by food businesses and local authorities) be best targeted to pick up new and emerging risks?
- What sources of information do food businesses use to work out what types of fraud or adulteration they need to be looking for? How could such information be improved?
- How good are existing controls? How well are they used? How well does England control fraud compared to other administrations across the world and what are the common issues?

Respondents said: 3 clear Top themes emerged from the responses:

- Better communication and intelligence sharing e.g. between regulators, industry, public analysts, European Union and member states
- Better monitoring and communication of commodity prices and market trends, for example by the Food Standards Agency
- More assurance checks by industry along the food chain

A multiple retailer commented that when considering improved collaboration and intelligence there was a need to resolve issues around Government transparency and industry concerns about confidentiality.

But there were once again a very wide range of comments made with few common themes. This might have been due to the fact that some respondents tried to answer the supplementary questions while others did not. Those respondents responding to the supplementary question about consumers disproportionately affected by food fraud mentioned low income families, ethnic minorities, those with allergies, those in catering premises (lack of menu information) and those eating ready meals. Some local authority responses covered the need to improve information and intelligence sharing and sources of intelligence for example with Her Majesty's Revenue and Customs.

One respondent representing local authority enforcement interests commented that a European Union requirement was needed for rigorous audits of food supply system and to report food fraud/problems. They raised concerns that Primary Authority partnerships' inspection plans can restrict enforcing authority activity, that budget cuts were having an impact on local authorities' ability to carry out checks which also impacted on their ability to go beyond normal business to proactively share information, and that there were possible correlations between incidence of VAT fraud/EU subsidy and export frauds as indicators of fraud (a point also picked up by one trade association).

Some trade associations and multiple retailers commented that monitoring of commodity prices could be an indicator of potential areas for fraud. A multiple retailer said that there needed to be an independent body set up that gathered information and informed industry and regulators on all aspects of fraud on a global basis.

Q4. Food supply chains have variable economic factors impacting on price at every stage. Which factors in relation to risks of potential fraud are most influential and are there trends developing?

- Have changes to the rules underpinning commodities trading and funds investment in commodities increased price volatility in the food industry?
How?

- How direct is the relationship between raw materials prices and retail pricing decisions?

Respondents said: 3 clear Top themes emerged in the responses:

- A focus on low prices and the pressure for cheap food has contributed to potential for fraud
- Increasing prices for products and the variation in ingredients' costs encourages adulteration
- Lengthy and complex food supply chains are more vulnerable to fraud

A significant number of respondents saw economic factors as a driver for food fraud. Volatility in food prices was commented on by a number of respondents as a growing problem. Lengthy and complex supply chains were also seen as a factor particularly by those interested in locally sourced food such as farms/farmers and individuals. But it was an issue also mentioned by academic bodies and consultancies.

There were a wide range of other comments but few common themes. This could reflect the fact that some respondents also answered the supplementary questions.

Q5. Do consumers fully understand the way industry describes the composition and quality of the products on sale?

Respondents said: In this instance 4 clear Top themes emerged in the responses:

- No, consumers do not fully understand the way industry describes the composition and quality of the products on sale
- Labelling requirements already mean consumers receive sufficient information
- Industry causes confusion by using marketing and legal names
- There is a need to better educate the population perhaps starting with children through the national curriculum

The vast majority of individuals and other respondents felt labelling was not clear. Conversely trade associations commented on the controls on labelling and felt that in general it was clear enough. A multiple retailer commented that only a minority of consumers understand ingredients listed on labels. Another one said that the level of understanding was variable. Local authorities and those representing local authority enforcement interests saw more of a mixed picture, making the point that it depended on the level of consumer interest. A consumer organisation said, among other things, that food production was complex, that it was difficult for consumers to assess ingredients in products, that consumers must be able to trust labels, that consumers were very interested in origin labelling and that consumers looked to industry and Government to ensure labelling controls were in place. They also commented that the EU Food Information for Consumers Regulations would improve the position but only if properly implemented and enforced.

Q6. Has the consumer developed unrealistic expectations of the food industry and if so, what role is there for the food industry and government in doing something about it?

Respondents said: 3 clear Top themes emerged in the responses:

- No, consumers have not developed unrealistic expectations of the food industry
- Consumers expect safe food and it should be safe
- Yes, consumers have developed unrealistic expectations of the food industry

Significantly more respondents answered 'No' to this question than responded 'Yes'. A number of respondents commented that there was a link between unrealistic consumer expectations and the demand for cheap food. Farms/farmers in particular picked up on this and some trade associations. One multiple retailer commented that consumers had unrealistic expectations that products are generally locally sourced in a global market place that exists for some products. Another multiple retailer commented that Government needed to do more to educate consumers about trace contamination from processing to ensure expectations were realistic.

Q7. 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?

Respondents said: 3 clear Top themes emerged in the responses:

- No, government decisions about regulation and inspection do not get the balance right between producer, processor, retailer and consumer when it comes to food
- There should be better enforcement of regulations, codes of conduct and more local authority more inspection staff
- There is a danger of over-regulation which could lead to additional costs on industry

Some respondents answered directly 'No' and an assumption has been made that this was to the first part of the question – notwithstanding that a number of respondents provided suggestions about changes they considered necessary. Most individuals did not think the balance was right but there was no consistency around reasons. Some local authorities were concerned about enforcement, including light touch enforcement approaches and the Primary Authority and Earned Recognition initiatives which they said could impact on effective enforcement. A body representing local authority enforcement interests queried whether the current risk based inspection approach remained fit for purpose. There was a general feeling from trade associations that additional burdens on business should be avoided.

There was a very wide range of other comments made about what further measures should be taken, with no common themes. One multiple retailer made a number of suggestions for change including improved intelligence sharing across the European Union, introduction of a register of approved suppliers which could be put on a website, more deterrence through increased penalties and that Government, regulators and industry needed to work together better because the current relationship was too adversarial. A consumer organisation commented that while the right balance had been struck in legislation under the European Union General Food Law Regulation there was not enough focus on consumer interests in current EU legislative initiatives. They also raised concerns about, among other things, what they saw as a focus on de-regulation by Government which assumed less regulation was necessary rather than seeing it as a useful option. They highlighted that the European Commission's review of the official controls regulation and hygiene regulations provided opportunities to enhance consumer protection.

Q8. What impact could fraud have on the safety of food consumed in the UK?

- At which points in the processed meat supply chain are the economic pressure points the greatest? Are substitution or adulteration most likely to occur at these stages?
- Did the moratorium on the production and use of desinewed meat encourage suppliers to look for new ways to keep their costs down? If so, how did they respond and were those responses appropriate?

Respondents said: There was a clear Top 4 themes in the responses:

- Make it unsafe, cause death or poisoning
- A significant and serious impact
- Depends on the fraud
- The risk and impact of fraud on safety is low

Nearly half of respondents said that food fraud could make food unsafe. Trade associations tended to downplay potential risks while acknowledging they existed and had to be tackled through effective controls. Most other respondents were clear that there could be significant safety risks although some respondents commented that it would depend on the nature of the fraud.

Q9. What implications do the recent changes to the public health responsibilities of English local authorities have for food inspection and enforcement regimes?

Respondents said: It was not possible to identify themes but there appeared to be a general lack of knowledge on the issue amongst respondents. In general local authorities were either unsure of the implications of the changes and or had

concerns about levels of funding to enable them to undertake their duties. One body representing local authority enforcement interests had concerns about resources being diverted from the more traditional food enforcement services to public health because they said regulation was often out of favour in local councils as a consequence of localism. Some respondents saw advantages. One commented that there was a potential opportunity for more joined up working between trading standards and other services and that trading standards could be more effectively targeted at public health outcomes.

Questions for food businesses

Q10. What control systems do food businesses have in place for assuring themselves that the food you supply is of the nature and quality they expect? How have these been tightened since the horsemeat fraud was identified?

- Have you devised your own sampling and audit systems, or do you use an industry standard method such as the BRC standard?
- Are your systems directed primarily at food safety and hygiene concerns, or do they include fraud and misdescription detection?
- How well do current approaches to barcoding product ingredients (and other such measures) support traceability?
- Do you consider you have access to sufficient information to allow you adequately to assess risk? If not, what reasonable measures could be taken to change this?

Respondents said: From the very wide range of comments it was not possible to identify any clear themes. This is could be due to the fact that some respondents chose to answer the supplementary questions while others did not. A number of industry respondents took the opportunity to describe the control systems they had in place which they said would ensure integrity of relevant food supply chains. One body representing local authority enforcement interests commented that while companies often had checks in place these were often limited to documentary checks with little scientific analysis to verify those checks.

Q11. How can large corporations relying on complex supply chains improve both information and evidence as to the traceability of food?

- How much detailed information about testing and traceability do Board Directors receive? Do they need to receive more? Is it presented in formats that make it easy to assess risk?
- What type of assurances do you require from your suppliers?
- In what formats should information about traceability be shared along the supply chain? Is there a need to improve consistency of information and detail in documents accompanying consignments for intra-community trade?

Respondents said: From the very wide range of comments, it was not possible to identify any clear themes. This could be due to the fact that some respondents chose to answer the supplementary questions while others did not. The more popular themes were the need to maintain proper records, visiting suppliers and auditing, putting in place real time supply chain information to replace paper records, to shorten supply chains and to source more food locally. Some industry respondents took the opportunity to again describe systems in place which they argued ensured integrity of the relevant supply chains. A trade association made a number of comments, most seeking a greater emphasis on UK produced food and the benefits of retailers having a more responsible and long-term approach to sourcing their products. A consumer organisation commented that industry needed to be more transparent in relation to the key ingredients they used and more open about their supply chains and how they ensure integrity.

Q12. 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?

Respondents said: There were significantly more responses in favour of the proposal than against. A large number of individuals supported the proposal. Few respondents commented directly on introducing a requirement to report mislabelling. Some local authorities were sceptical of the benefits of tamperproof labelling but supported reporting of fraud/mislabelling. A consumer organisation raised concerns about practicality of tamperproof labelling and potential additional costs being passed onto consumers. Trade associations generally saw no benefits for tamperproof labelling or argued that some forms of labelling were already tamperproof.

Questions about information for the public

Q13. 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?

Respondents said: A wide range of comments and it was not possible to identify any clear themes. A small number of respondents noted the benefits of making information available other than by labels and for better education in schools. A number of individuals expressed opinions influenced by what appears to be their own personal interests, for example concerns about labelling of GM products. Most industry responses raised concerns about imposing extra labelling requirements. A number of local authorities questioned if consumers actually wanted or would make use of extra information. A consumer organisation commented that while the new EU Food Information for Consumer Regulations would clarify requirements around the name of the food there was still a need for greater clarity, including around how this should be interpreted by enforcement officers and by the Courts. They also commented that consumers should not gain a misleading impression of the quality of a product from how it was described. Also that a balance needed to be struck in terms of providing information that was easy to understand.

Q14. Whose responsibility is it to give the public assurances about the safety and quality of food?

Respondents said: 3 clear Top themes emerged in the responses:

- Food companies/retailers
- Government, including to ensure compliance with food law
- All those involved

Significantly more respondents commented that it was for food companies and retailers. A number of respondents noted that under EU food law legislation the food business had the primary responsibility to ensure food was safe and did not mislead consumers about its nature. A number, including local authorities and a consumer organisation noted that, notwithstanding the legal position, the Government still had a role to ensure compliance. The consumer organisation also highlighted the role of the Food Standards Agency to protect consumers and to ensure sufficient controls were in place. An advisory body commented that meeting legal requirements should be the bare minimum and that industry should aim to achieve higher standards and then market that as a unique selling point.

Q15. How should information about traceability be presented to the public? What level of public understanding is there about traceability and food adulteration?

Respondents said: In response to the first part of this question three main ideas were proposed:

- Make information available on the internet and through social media
- Present information in a clear and transparent way
- Provide access to information at point of sale using barcodes and QR codes

Two trade associations argued that it would be impractical to put more information about traceability on the label. However, several individuals believed more detailed information was required.

On the second question about public understanding there was a clear consensus that there was little consumer knowledge about traceability and adulteration.

Q16. 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?

Respondents said: Significantly more respondents responded 'No' to the question. Of these almost half believed that it would be impractical to put more information on labels. Other common responses were that Country of Origin (COO) labelling was only needed for the main ingredient in a product and more COO labelling would constitute information overload. There was a clear consensus among trade associations and multiple retailers that COO labelling should not be extended to foods containing multiple ingredients. One multiple retailer noted that the food industry and retailers had already developed voluntary principles to improve the level and clarity of COO labelling in areas where consumers demanded further information. One trade association commented that consumers ask for more information and higher standards provided they are not paying for them and do not necessarily act on the information in any case.

Q17. 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?

Respondents said: There was a clear consensus among all stakeholders, with the exception of food suppliers, consultants and foodservice operators, that caterers should be required to provide more information at the point of sale. Some multiple retailers commented that all food providers, no matter in which market segment they

operated, should be expected to provide the same information. Another industry respondent, however, commented that this was not always practical for caterers who had limited space on menus and for whom availability of ingredients was subject to change.

Several respondents including those representing local authority enforcement interests and a consumer organisation noted that consumers cannot ascertain value for money if the necessary information is not provided. Other respondents from industry commented that it was the responsibility of consumers to ask for the information they require to make an informed choice.

Questions about Powers

Q18. Are there shortcomings in the inspection and enforcement tools available to the FSA and local authorities?

- Are existing powers of entry sufficient?
- Are existing legal obligations adequate in what they say about the need to ensure the authenticity of products?
- Have local authorities got the balance right between testing food safety and food authenticity?
- Are current penalties sufficiently dissuasive to help prevent food fraud?
- Is the EU Rapid Alerts system for warning other countries about food safety infringements to legislation robust enough? If not how could it be strengthened?

Respondents said: There was clear consensus, particularly among individuals and local authorities that there are shortcomings in current inspection and enforcement tools. Local authorities considered cuts to front line services to be the major shortcoming while a number of local authorities cited the fact that penalties were too small in relation to the potential rewards. Some respondents believed greater coordination and cooperation was needed between local authorities, the Food Standards Agency and industry.

Other shortcomings identified by more than one stakeholder were a lack of training for Environmental Health Officers (EHOs) and Trading Standards Officers and diminishing knowledge and experience within the workforce. Some local authorities commented that there was a potential issue in smaller authorities where EHOs have taken over responsibility for food standards and not prioritised inspection. One respondent representing local enforcement interests commented that Government measures had made food fraud harder to regulate, for example, the need to obtain

permission for directed surveillance from magistrates and the introduction of a requirement to give notice of inspection. Another representing local enforcement interests commented that powers of entry must not be restricted as this would impact on the effectiveness of enforcement. They also commented on Primary Authority inspection plans, which were based on an assessment of risk and which they argued could adversely affect intelligence gathering, particularly through sampling.

Q19. Can food substitution or adulteration ever be considered as 'harmless'?

Respondents said: There was clear consensus, particularly among individuals and local authorities, that substitution and adulteration could never be considered harmless. Two key points emerged from the responses: first, that even if it is not harmful to public health, substitution and adulteration can be detrimental to the consumer in economic terms. Secondly, it can also damage consumer trust and confidence in the food supply chain.

A number of respondents stressed the importance of making a distinction between substitution and adulteration with several arguing that substitution could be considered harmless if the new ingredients were safe and correctly labelled. No respondents considered adulteration was acceptable although one trade association pointed out that some adulterations may be advantageous to the consumer where a higher quality ingredient had been used.

Q20. 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?

Respondents said: There was a clear top 3 themes in the responses:

- Zero tolerance approach should be taken
- Inspections and enforcement should be risk based
- Pressure on resources means a proportionate response is necessary

A number of respondents commented that inspections and enforcement should be based on assessment rather than perception of risk, which they noted are two different things. Some trade associations said that zero tolerance was not practical and was disproportionately costly. Some multiple retailers said that zero tolerance was problematic when analytical limits of detection continued to decrease. Two local authorities, along with DARD, proposed that a zero tolerance position should be adopted but risk could be taken into account during sentencing.

Q21. Does current intelligence make best use of the evidence available, and take adequate account of risk factors such as commercial reputation and public confidence?

- Is a more collaborative approach needed by FSA, equivalent agencies in other member states and EFSA on risks and detection of adulteration?

Respondents said: There was an overwhelming consensus among all stakeholders that intelligence did not currently make best use of available evidence. Beyond this, the three clear themes to emerge from the responses were:

- Better information sharing needed between member states and third countries
- Intelligence is managed in silos which makes it hard to see the big picture. More collaboration is needed
- Use of intelligence still needs to develop at both a national and local level

Some local authorities said the information that comes from the Food Standard Agency's Emerging Risks Team had been very useful in looking for types of products to sample but added that it would be useful if the team could provide a quarterly bulletin for trading standards regional groups to be discussed at regional meetings in order to better focus work. One multiple retailer commented that there is more effort devoted to intelligence gathering than there is in using it to its best effect. Another stated that economic and social factors that increase the risk of fraud were not adequately accounted for by regulators and in particular there was not enough linkage between market volatility and the potential for fraud. They advocated a more collaborative approach between regulators, retailers and suppliers so for example, where prices of a commodity increased sharply, retailers could provide this intelligence to regulators to assess risk of adulteration.

Q22. Does the Five Point Plan proposed by Commissioner Borg contain the necessary levers to achieve effective change? What further actions might be needed?

Respondents said: There was no clear consensus on this question and many respondents didn't have sufficient knowledge of Commissioner Borg's Five Point Plan to feel able to comment. There were, however, some common points raised. Several respondents felt the plan lacked detail while others believed it needed to look beyond the meat supply chain. Some industry respondents picked up on Commissioner Borg's proposal for stricter financial penalties for fraud, agreeing that the level of penalty for intentional violations needed to be sufficiently dissuasive. Other respondents commented that extending country or origin labelling to processed meat products would be enormously difficult to achieve in practice and that more collaboration and communication was needed between Member States in order to tackle fraud.

Q23. 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?

Respondents said: There was no clear agreement among respondents on this question but broadly speaking local authorities believed the machinery of government changes had made networks more vulnerable to fraud while trade associations did not. A majority of local authorities said that they found the current division of responsibilities between the Food Standards Agency, Defra and the Department of Health confusing, while a number of other respondents said it was often unclear whether something was a policy or enforcement issue which introduced delays into the system and had led to problems during the horsemeat incident.

Some respondents argued that it didn't make any sense to have responsibility for food policy split between three different departments. More than one local authority made the point that since the changes support was not as easily available as it was when everything had been with the Food Standards Agency adding that communication between Defra and enforcement officers can be poor.

Questions about testing methodologies

Q24. 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?

- How can intelligence-based testing be improved to target emerging food fraud in the UK and internationally? How can we get the balance right between intelligence based testing and random testing?
- Is laboratory capacity for industry and food law enforcers sufficient? Is the balance between state funded and privately funded laboratories appropriate?
- Are Public Analysts adequately equipped with the complex technology needed to test for food authenticity? Does more need to be done to make methods more transferable?

Respondents said: The Top Four comments were:

- There is a lack of laboratory capacity and particularly public analyst capacity
- There are gaps in agreements on thresholds for tolerance

- Development of analytical methods should be correlated to areas of intelligence and perceived risk
- More inspectors needed

Some local authorities noted the potential for a future lack of candidates wanting to become public analysts. They also highlighted insufficient laboratory capacity as a major problem and said there needed to be a decision how many public analyst labs were required. They also said that competition between public analysts destroyed any incentive to share expertise and equipment and was not compatible with a public protection ethos. A consumer body said that a lack of local authority funding for sampling was a barrier to robust analytical approaches.

A trade association argued that retailers needed flexibility to define the scope of their own testing programmes that are appropriate to the scope of their own business, adding that there needed to be better coordination between government and enforcement authorities and more communication with industry to flag up issues identified through local authority testing. They recommended the creation of a central depository for this information, a service that used to be provided by the local authority co-ordinating body LACORS.

Questions about the impact of changing current approaches

Q25. What are the cost burdens and financial benefits to food businesses of current approaches to assurance, information and regulation? What have been the financial and other impacts of recent public frauds?

Respondents said: The Top Four comments in response to the first part of this question were:

- Costs of compliance are high
- Cost burdens are difficult to quantify as they are wrapped up with other costs
- It would be interesting to ask businesses to calculate an evidence based cost of compliance and then compare it to the costs of fraud/adulteration in something like Sudan 1
- Firms that invest in technology, systems and processes will reap the rewards

On the question of impacts of recent food frauds, some industry respondents noted that the financial and reputational costs of the horsemeat incident had been considerable. Some other respondents said out that consumer switching between different food categories was more common in the wake of the horsemeat incident. Several respondents commented that food fraud hits small businesses the hardest, and that even food frauds on the other side of the world could impact on the UK market, positively in the case of the Chinese milk scandal.

Q26. What impact does increased sourcing of locally produced foods have on food authenticity and food prices? Is a shortening of supply chains likely to improve traceability?

- Is it always desirable, or only in certain specific cases? What is the impact of shorter supply chains likely to be on consumers and others in the supply chain?

Respondents said: There was strong consensus among all stakeholders that shorter supply chains would lead to improved traceability. However, the most commonly cited impact of an increase in local sourcing was that food prices would rise. A number of respondents, in particular those from industry, commented that local sourcing could not meet all of the UK's food needs and some also noted that modern consumers had an expectation that global products are available all year round.

Several respondents commented that there was no guarantee that local food would be safer and that it still needed to be subject to the same controls and regulations as food from complex supply chains. Others, primarily members of the public, believed that the risk of fraud would still be present but would be lower.

Q27. If additional testing of food products for authenticity is required across a wide range of commodities, can this be kept proportionate, relevant and timely?

- How much sampling is 'enough'? Who should decide? If a statutory minimum level of testing were introduced, what impact would this have?
- What is the appropriate level of reinforcement of testing by audit and inspection? Who should pay for inspection? Would recovery of the costs of inspection by local authorities, balanced by a risk based approach to inspection, provide a better or worse incentive to improve the quality and safety of products?
- What are the risks of higher testing/inspection costs by enforcement bodies being transferred down the supply chain to the UK farming industry or along the supply chain to consumers? Is there clear evidence of the impact this would have?

Respondents said: A small majority of respondents agreed that if additional testing of food products for authenticity was required across a wide range of commodities, it could be kept proportionate, relevant and timely. Beyond the headline responses, the three most commonly made points were:

- Any additional testing should be based on risk

- Additional testing would have a significant cost
- It's important that any additional testing is proportionate, relevant and timely

In addition some respondents commented that testing should not be seen as a control measure in itself but part of a wider assurance programme. Several local authorities commented that a statutory number of tests could mean loss of resource in other areas of trading standards and that additional testing would need to be coordinated on a regional/national basis to ensure good coverage of all sectors and minimal duplication. Several respondents recommended that the model used by Public Health England, which gave a credit allocation for testing reflective of the size and type of population and the number and type of businesses in an area, could be an appropriate model for the Food Standards Agency and local authority trading standards departments to adopt.

Q28. Additional testing for food authenticity across a wide range of commodities will have a significant cost. Who should be responsible for absorbing these costs?

Respondents said: A majority of respondents said that food businesses should be responsible for these costs. Others said consumers or the Government should meet the costs. Individuals overwhelmingly believed businesses should be responsible for absorbing additional testing costs while trade associations were more likely to put responsibility at the feet of Government. A number of respondents believed the cost should be spread out along the entire supply chain, while several others noted that costs absorbed by the industry were likely to ultimately be passed on to consumers in the form of higher prices. A consumer organisation suggested that the food industry should pay a levee which funded testing programmes.

Q29. 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?

Respondents said: There was only one area of strong consensus here, namely that issues raised by trace contamination were serious where there were issues of personal conviction (particularly religious beliefs) at stake. Only two respondents believed trace contamination from carryover caused no significant issues.

Some local authorities favoured regular statistical testing to ensure trace contamination is kept to a minimum, warnings on labels where there is the risk of contamination and segregation of lines for sensitive products. Some multiple retailers

were in agreement that introducing separate production lines would incur substantial costs which would have to be passed on to the consumer.

Several respondents commented that results from the Food Standards Agency's current fact finding exercise should be used to establish acceptable threshold levels.

Other issues raised which did not relate to specific questions

The call for written evidence enabled respondents to comment on issues which were not directly related to the questions. The key comments were:

Individuals

- To regain public trust the Government must increase fines to those found breaking the law
- We need to know more about what we eat

Academic Institutions

- Food fraud is entirely different in enforcement terms from food safety and standards because it tends to be large-scale involving criminal networks and international trade. A national fraud team is required to collate intelligence and pursue suspect groups.
- Technology with its ability for fast information access and sharing is essential as is cryptology to prevent fraud. Web based solutions incorporating mobile devices can provide secure information access for both industry and the consumer.

Multiple Retailers

- One retailer admitted its own robust technical auditing system did not detect incidences of criminal fraud and as such it had been working with industry partners and its own supply chain to ensure these incidences do not happen again. As part of this it had put in place strict new protocols across the business as well as establishing tighter specifications on all of its beef products and with suppliers to ensure they have full traceability of the raw materials used in brand products. On top of this, it said it was the first retailer to implement independent, unannounced audits of its supply chain by the British Retail Consortium – in addition to its own third party unannounced audits.
- Another said that existing supply chain controls worked well in the vast majority of cases and the existing legislative framework was generally fit for purpose. Targeted testing had a role to play in verifying controls but intelligence gathering and sharing leading to targeted interventions, as opposed to unfocused blanket measures, were key to further improving compliance and detecting fraud.

Trade Associations

- A dairy sector body said that their members had come together to set up a joint sampling and testing programme to provide a comprehensive level of coverage for testing and reduce the risk of milk contamination. The testing programme covered four sampling rounds each year for lead, aflatoxin M1 and a suite of pesticides. Each year there was also testing for either PCBs and Dioxins or PCBs and Dioxin like PCBs.
- A meat processing sector body said that the UK had become more susceptible to food frauds in recent years, not because of a lack of clarity over the responsibilities of Government departments or the 2010 machinery of Government changes, but because the Food Standards Agency had lost sight of the roles given to it by Parliament and expended most of its resource and energy on the delivery of non-risk-based controls in meat plants, a function not appropriate for a Government department.
- One body, while it acknowledged that the horsemeat incident presented an opportunity to review current controls it argued that the work already being undertaken by the industry and government to enhance the existing systems would provide the solution.

Local Authorities

- The whole food chain controls process needed tightening up. Local enforcement officers in one area had recently become aware of problems in slaughterhouses where animals are entering the food chain with gaps in their movement history.
- Increasing consumer pressure for low food prices was not an excuse for breaking the law by misleading consumers about the food they ate.

Consumer Organisations

- Stressed the importance of a strong, consumer-focused regulator. Concerned that machinery of government changes had reduced the consumer focus in food policy and have meant that the FSA's role is a lot less clear and believes the 2010 changes should be reversed. Also believes there is a need for an overarching government food strategy.

Consultancies

- The current system of official control laboratories competing for tenders from local authorities was have a significant negative impact on the laboratory network. Knowledge/skill transfer is being constrained to maintain a competitive advantage. Cut throat pricing had driven numbers of laboratories to close with no funding to invest in replacement equipment or newly developed techniques. A system more akin to PHLS where the testing was funded centrally with no cost to local authorities would ensure better use of laboratories and potentially the ability to plan for the future.
- Many foodservice suppliers had put in place their own strict tests of fresh meat and processed meals on a regular and rolling basis. The consultancy said it was working with members to identify best practice in this regard and would be happy to share this with the Review later in the year.

Non-Food Sector Supplier

- Contaminated packaging is potentially just as big an issue as meat adulteration. Relevant legislation in this area is poorly applied and as such there is likely to be a significant amount of suspect material coming into contact with processed food.

Small Retailers/farm shops

- Local food outlets should be encouraged.

Farm/farmers

- Cost of ensuring traceability is driving the smaller producer out of business.

3. The Way Forward and Next Steps

Professor Elliott has considered carefully the comments that have been made. He has also met a wide range of stakeholders which provided further opportunities to submit views and to build up the evidence base which will underpin his Review.

Professor Elliott has today published an interim report which proposes areas for further work which will contribute to his final report expected in Spring 2014. You can follow the latest developments via Twitter http://www.twitter.com/Elliott_Review or on the Review's website https://consult.defra.gov.uk/food/food_integrity

If you would like any other information about the Review please contact the Review Secretariat reviewfoodintegrityassurance@defra.gsi.gov.uk

Annex A: List of Organisations

AB Connect
Aldi
Anglia Business Solutions Ltd/LINKFRESH
Asda
Association of Chief Trading Standards Officers
Association of Independent meat Suppliers
Australian National University
Brecon Brewing/AWIB/SIBA/Drinks Wales
Brighton and Hove City Council
Brighton and Hove Food Partnership
British Meat Processors Association
British Poultry Council Ltd
British Retail Consortium
British Services Association
British Sugar
Buckinghamshire County Council Trading Standards
Cafedirect
Chartered Institute of Environmental Health
Chilled Foods Association
Chypraze Farm – Mervyns Happy Pigs
The Co-operative Group
East of England Trading Standards Association
Dairy Crest
Dairy UK
DARD
Diageo
Eco Centre Wales
Food and Drink Federation
Food Ethics Council
Forensic Vet
Fresh Produce Consortium
The Government Chemist
GS1 UK

Hanmere Polythene Limited
Harmony Herd
HarvestMark
Institute of Food Science and Technology
Kings College London
KPMG
Lancashire County Council Trading Standards
Local Government Association
Minton Treharne & Davies Ltd
North Portslade Community Allotment Group
National Farmers Union
Red Tractor Assurance Scheme
Safefood
Sainsbury
Scotland's Rural College
Seafish
Social Science Research Committee
Soil Association
Stockport Council
Support, Training and services Limited
Trading Standards Institute
Trading Standards North West Food Group
Ulster Farmers Union
University of Southampton
Waitrose Ltd
Wakefield Council
Which?
Whitbread
Wirral Community Trust
Worcestershire Regulatory Services