



Department
for Environment
Food & Rural Affairs

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Your ref:
Our ref: RFI 5465
Date: 20th June 2013

Dear [REDACTED]

REQUEST FOR INFORMATION: Advice to Ministers on bute contaminated horsemeat

Thank you for your request for information which we received on 18th April asking:

- "What information was provided to Ministers from September 2012 to the present day that phenylbutazone (bute) contaminated horsemeat might be entering the human food chain? Who was that information sent to? Who sent that information? What date was the information sent on? In what format was the information sent?"
- "What information was provided to Ministerial Private offices from September 2012 to the present day that phenylbutazone (bute) contaminated horsemeat might be entering the human food chain? Who was that information sent to? Who sent that information? What date was the information sent on? In what format was the information sent?"

We are handling your request under the Freedom of Information Act 2000 (FOIA). The information requested was provided to Ministers and Private Offices through a series of briefings beginning in January 2013. Following careful consideration, we have decided not to disclose some of the information which is reasonably accessible to you by other means as it is exempt from disclosure under section 21 of the FOIA, and some information requested is being withheld as it is exempt from disclosure under section 35 of the FOIA.

Information we are able to release

A large volume of information was provided to Ministers following the detection of bute residues in horses slaughtered for human consumption at UK abattoirs through the routine sampling programmes carried out by the Veterinary Medicines Directorate and Food Standards Agency. It would be cost prohibitive to provide you with copies of all this information and we have decided that the best way to deal with your request is to provide



you with a summary of the information provided to Ministers and Private Offices. This information was based on a core set of advice which was developed to reflect the situation as it changed. The summary below explains the information which was provided to Ministers and Private Office during the period in question broken down into categories for ease of reference

What is Phenylbutazone (Bute)?

Phenylbutazone (bute) is a commonly used veterinary product. It is a non-steroidal anti-inflammatory. Bute is not approved for use in food producing animals as it is not known to be safe for human consumption. An animal which has been treated with bute is not permitted to enter the human food chain. Advice from the FSA is that there is no evidence that the recent horsemeat contamination is a food safety risk. This is reinforced by the statement from the Chief Medical Officer (CMO) issued on 11 February.

What testing for Bute is carried out?

A programme of veterinary residue testing is undertaken by the Veterinary Medicines Directorate (and an additional Food Standards Agency programme in 2012). Positive results are followed up and authorities in countries that may have received contaminated products are alerted through established channels (the Rapid Alert System for Food and Feed). From Monday 11 February all horses are tested for bute at slaughter and the carcasses are not released until test results confirm that the meat is clear. (Ministers were given details of results of testing which have all been published and details of where this information can be found is given below).

What follow up will there be to positive bute results?

AHVLA are conducting follow-up investigations on the source of the horses that gave positive test results for bute. On the basis of the evidence produced by those investigations, FSA and Defra will decide what follow-up action is necessary including the potential for prosecutions depending on the nature of the non-compliance.

Who is responsible for ensuring that a horse which has been treated with bute does not enter the food chain ?

Any vet who administers bute to a horse is required to endorse the passport to permanently exclude the horse from the food chain – guidance to vets on this requirement is provided by the Veterinary Medicines Directorate and the British Equine Veterinary Association. It is the job of the Food Business Operator to check passports to ensure that a horse which has been treated with bute does not enter the food chain. Food Standards Agency staff, who are present at all abattoirs, are responsible for checking Food Business Operators' compliance.

Information withheld under section 21

As some the information is reasonably accessible to you by other means, it is exempt from disclosure under section 21 FOIA and has been refused. In order to help you locate this information we have provided the following links :

Some of the information that you have requested is available from Hansard, 12th February 2013, Columns 737, 758 and 759; a Written Ministerial Statement, the Chief Medical Officer's statement on bute; and on the BBC News website. These can be found online here:

<http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm130212/debtext/130212-0002.htm>

http://www.parliament.uk/documents/commons-vote-office/April_2013/15-04-13/9.EFRA-Updateonhorsemeatfraud.pdf

<https://www.gov.uk/government/news/bute-in-horsemeat-statement-from-chief-medical-officer>

<http://www.bbc.co.uk/news/science-environment-22463387>

There have been various Parliamentary Questions which include the information requested that are readily available through Hansard. Also included were the various updates on bute testing released by the FSA throughout the period in question which are readily available on the FSA's website, a link to one such announcement by way of example is provided here: <http://food.gov.uk/news-updates/news/2013/apr/asda-bute>

Ministers have also given speeches on the subject which have been widely reported and therefore are otherwise readily available.

Information withheld under section 35

The remainder of the information requested is being withheld as it falls under the exemption in sections and 35 of the FOIA, which relates to the formulation of Government Policy.

We have concluded that, in all the circumstances of the case, this information should be withheld.

In keeping with the spirit and effect of the FOIA, all information is assumed to be releasable to the public unless exempt. The information released to you may now be published on our website together with any related information that will provide a key to its wider context.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours sincerely



Email [REDACTED]

Annex A

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

