



For safe food and
healthy eating

Safe and Authentic Food

What it means today for consumers and regulators

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Chief Executive, Food Standards Scotland

GOVERNMENT CHEMIST CONFERENCE

20 June 2023





Presentation Plan

- Safe and authentic food from a regulatory and consumer perspective
- Keeping pace with a changing landscape
- Maintaining consumer trust – the challenges
- How we're addressing the challenges





Three objectives under the Food (Scotland) Act:


- To protect the public from risks to health which may arise in connection with the consumption of food
- To improve the extent to which members of the public have diets which are conducive to good health
- To protect the other interests of consumers in relation to food



-  Food is Safe and Authentic
-  Consumers Have Healthier Diets
-  Responsible Food Businesses are enabled to thrive
-  Consumers are empowered to make positive choices about food
-  FSS is trusted and influential

Our established definitions

Food which does not contain anything or is treated in any way which means it would be damaging to the health of people eating it



Food Safety Act 1990

CHAPTER 16
ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY

Section

1. Meaning of "food" and other basic expressions.
2. Extended meaning of "sale" etc.
3. Presumptions that food intended for human consumption.
4. Ministers having functions under Act.
5. Food authorities and authorised officers.
6. Enforcement of Act.

PART II
MAIN PROVISIONS

Food safety

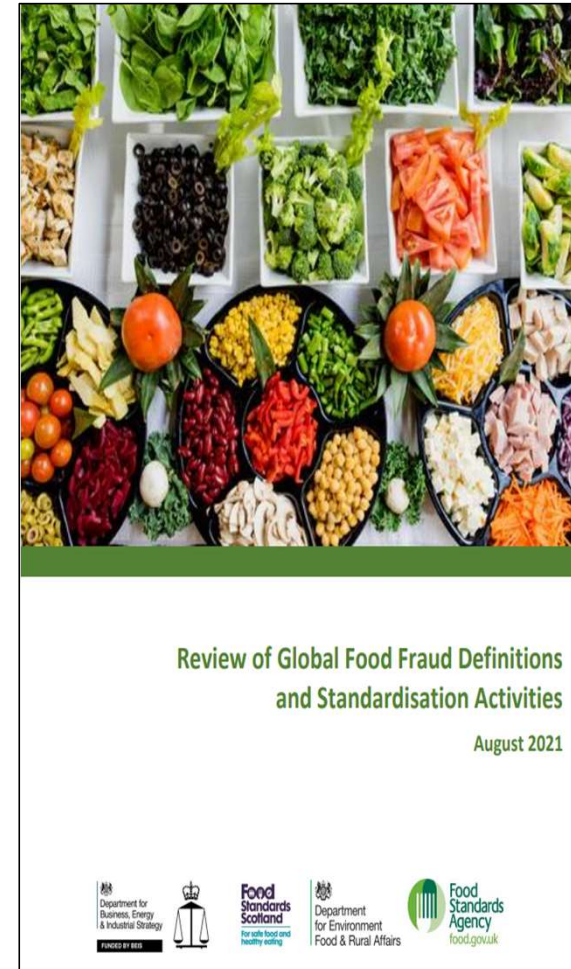
7. Rendering food injurious to health.
8. Selling food not complying with food safety requirements.
9. Inspection and seizure of suspected food.
10. Improvement notices.
11. Prohibition orders.
12. Emergency prohibition notices and orders.
13. Emergency control orders.

Consumer protection

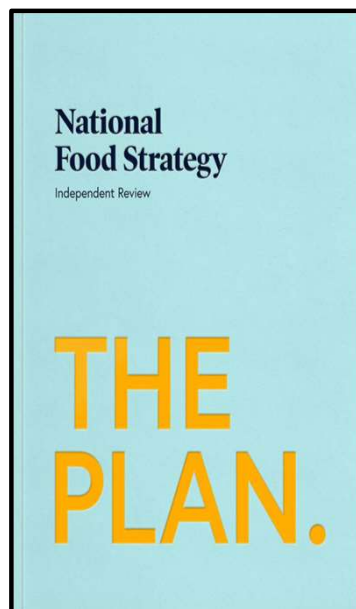
14. Selling food not of the nature or substance or quality demanded.
15. Falsely describing or presenting food.

Regulations

16. Food safety and consumer protection.
17. Enforcement of Community provisions.
18. Special provisions for particular foods etc.
19. Registration and licensing of food premises.



Food offered for sale which is of the nature, substance, and quality expected by the purchaser



“a Good Food Nation, where people from every walk of life take pride and pleasure in, and benefit from, the food they produce, buy, cook, serve, and eat each day.”

- Places duties on Scottish Ministers and certain public authorities to produce plans for delivering outcomes which support Scotland’s social and economic wellbeing, the environment, people’s health and economic development.
- A Human Rights Bill giving effect to international human rights law in Scots law, including a right to adequate food, as part of the overall right to an adequate standard of living.
- The establishment of a Food Commission to review progress and support ministers and public authorities in achieving the desired outcomes.

Opening up a much broader range of interests.....

Free of
harmful
substances

Minimally
processed without
the use of
additives

Ethically
produced

Produced
hygienically

High
nutritional value

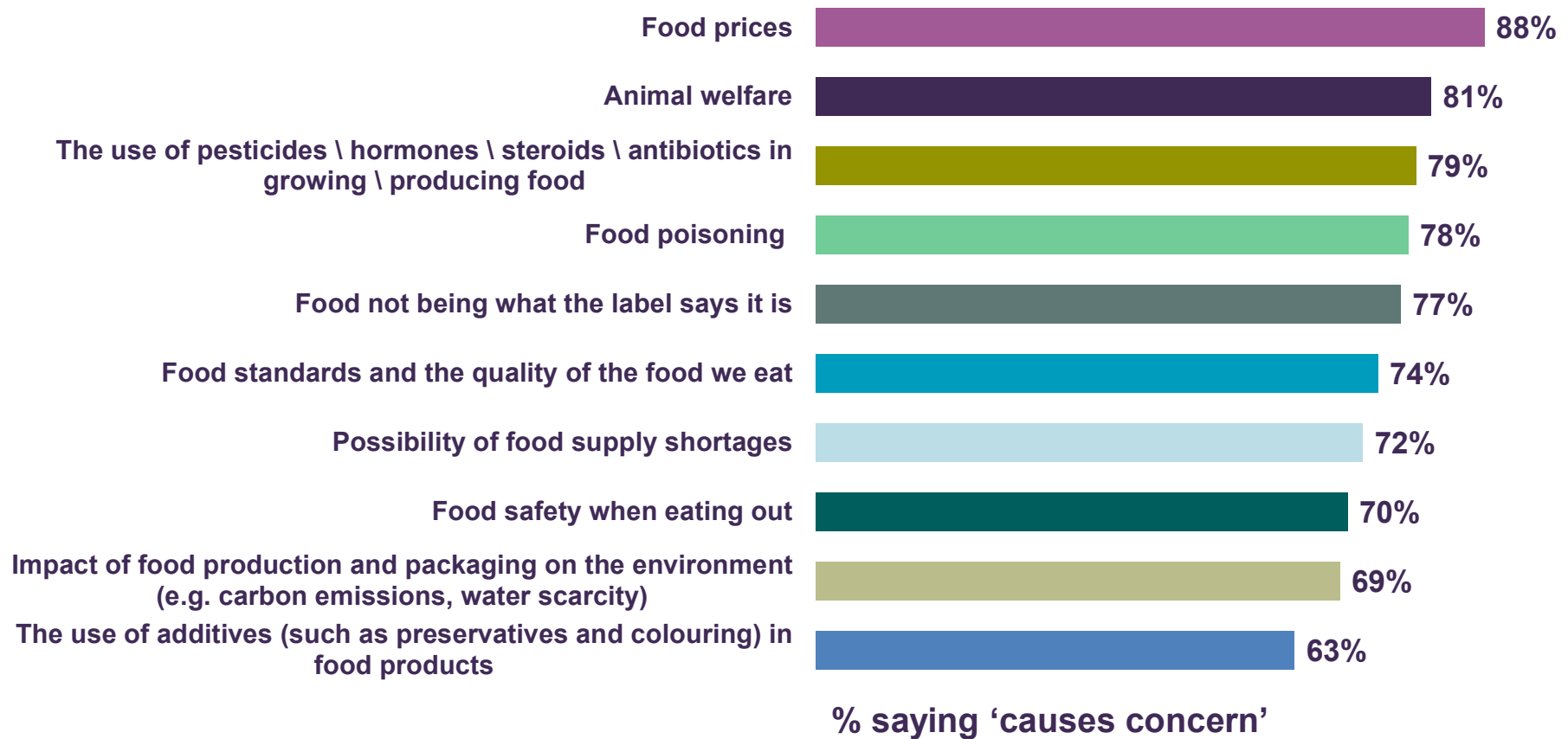
Sustainably
produced

Accurately
labelled

Unadulterated

Farmed
responsibly and
without use of
chemicals

Wave 15 Food in Scotland Tracker (December 2022)



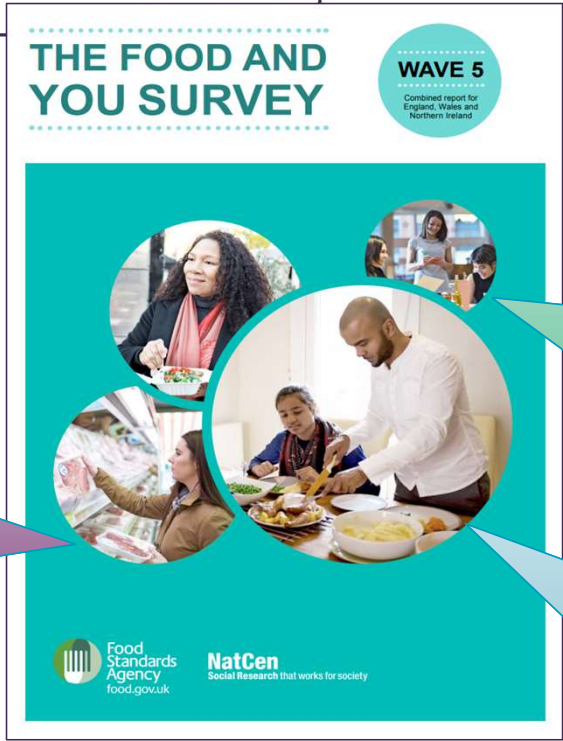
Are we doing enough?

Over 80% of consumers rate FSS highly in ensuring that food in Scotland is safe to eat



More than two-thirds of consumers think FSS is responsible for ensuring the food they buy is safe to eat, and over half also mention aspects relating to authenticity and labelling.

80% of consumers confident that the FSA (or the government agency responsible for food safety) can be relied upon to protect the public from food-related risks



74% of respondents reported that they had confidence in the food supply chain.

91% respondents are confident that the food they buy is safe to eat

Keeping pace with interests and concerns



People want everyone to have access to safe, healthy, affordable food, but they worry about the future, and aren't sure anyone can change anything.

Trust in safety and hygiene of food is high, but it's lower for people who are on lower incomes or less food secure.

People worry over whether high food standards will be maintained in the future. The implications of new trade deals after Brexit drive higher concerns in Scotland.

The public also see processed food and animal welfare as safety concerns - if standards are not maintained and monitored, these issues are perceived to present a risk to safety and health

Allergens labelling and management represent a substantial area of concern.

Keeping pace with a changing public health and food landscape



Reaching consumers

- Ageing population -vulnerabilities impacting on foodborne and dietary related diseases.
- Shifting attitudes and behaviours resulting from food insecurity/cost of living



A Transforming Food System



- Food security issues driving more interest in scaling local food production system - safety implications?
- Drive for information that reflect 'real costs' – new verification requirements
- New types of food production

Changing food systems and products



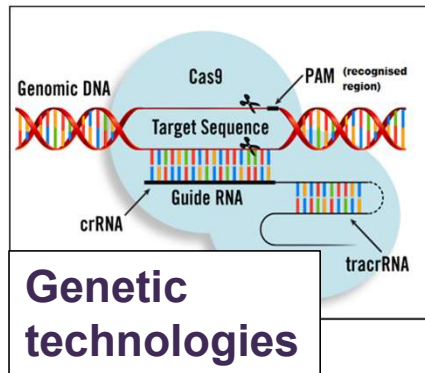
New farming systems



Novel protein sources



Sustainable food packaging



Genetic technologies

THE BORDER TARGET OPERATING MODEL

A new imports regime



- Risk Assessment
- Market Authorisation
- Food Safety Management
- Testing regimes
- Educating consumers and stakeholders

Retained EU Law – reform in the pipeline

Jacob Rees-Mogg plan to axe EU laws sparks cabinet row



The Grocer Special Offer: 6 weeks free

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SUPPLIERS

Food safety under threat from EU law repeal bill, claims Food Standards Scotland

HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

28th Report of Session 2022–23

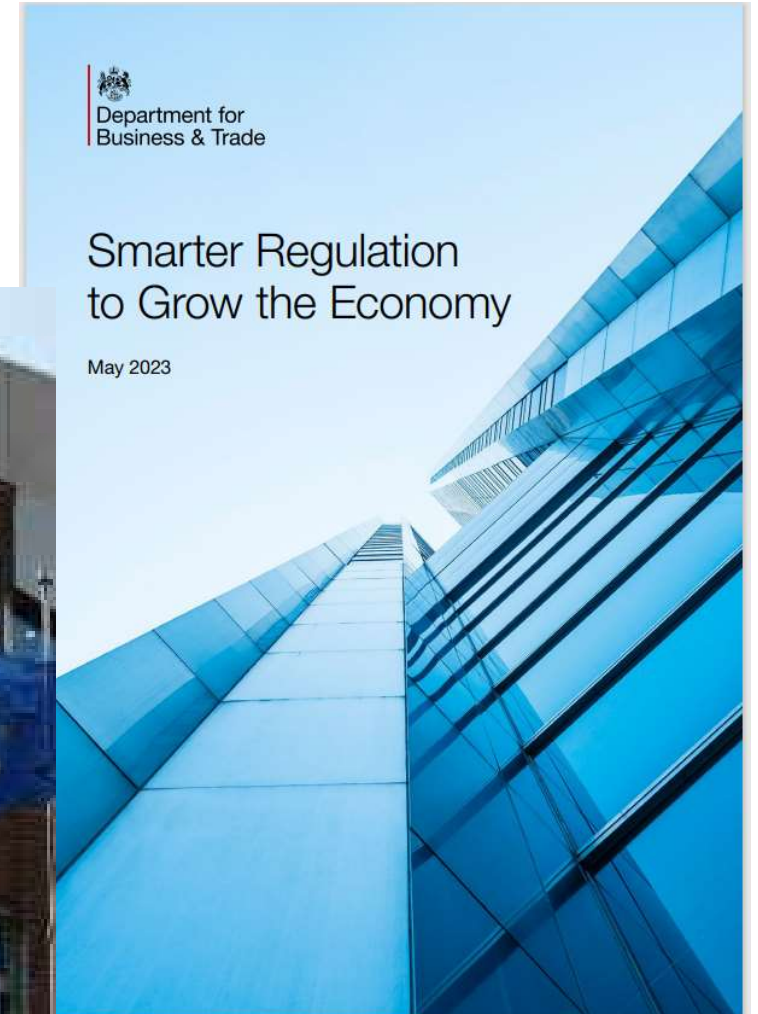
Losing Control?: The Implications for Parliament of the Retained EU Law (Revocation and Reform) Bill

Ordered to be printed 11 January 2022 and published 2 February 2022

Published by the Authority of the House of Lords

HL Paper 141

Retained EU Law – reform in the pipeline



Common framework development

Phase one



Brings together the UK Government and devolved administrations to engage in initial discussions on how the common framework should proceed.

Phase two



Focussed on detailed policy development.

Phase three

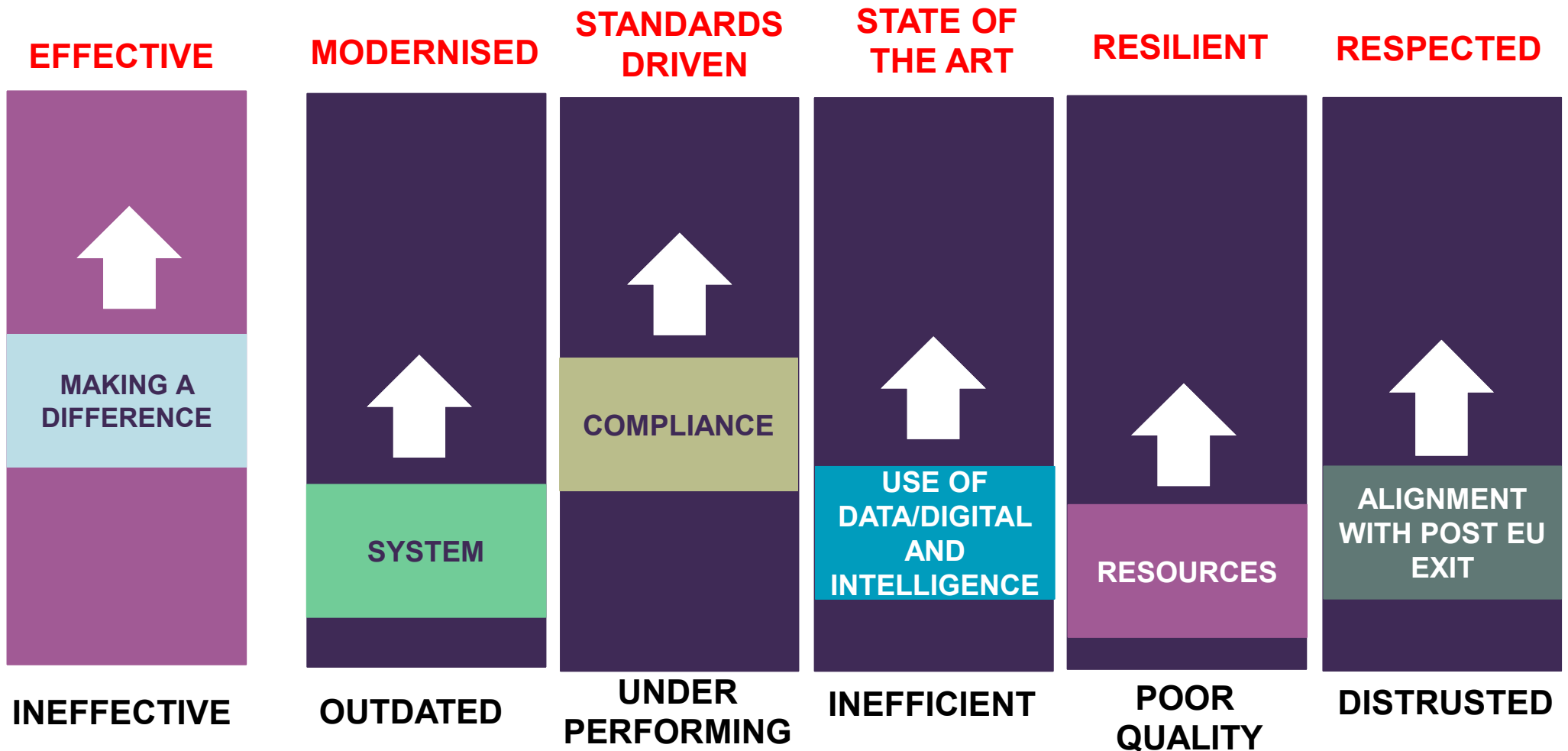


Period of review, consultation and further policy development.



Ensuring our enforcement model is fit for purpose

Co-determinants of an effective food law delivery system





What's stopping us?

Increasing pressure on environmental health services

Hygiene	Composition	Information
Exports	Incidents	Allergens
Crime	Novel Foods	Imports

Post EU Exit:

- Export requirements
- Audit- increased scrutiny of official controls
- Import risks

Domestic changes:

- New Codes of Practice
- Review of inspection regimes
- New labelling requirements – allergens, calories

Shift in Public Health emphasis:

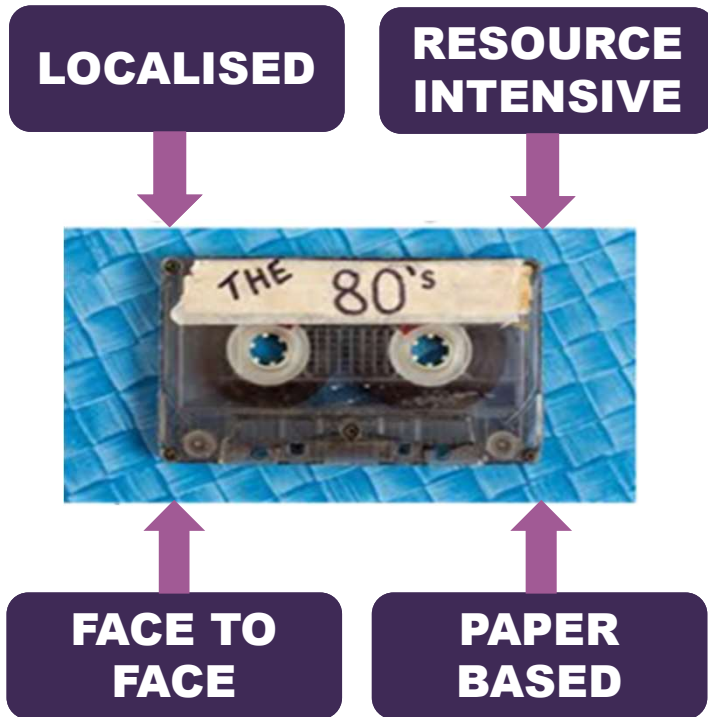
- Food Hypersensitivity
- Increase in internet and social media sales – Just Eat/Deliveroo
- CBD Oil – growth from 0 to £300M in 5 years

RESPONSIBILITIES BEYOND FOOD LAW

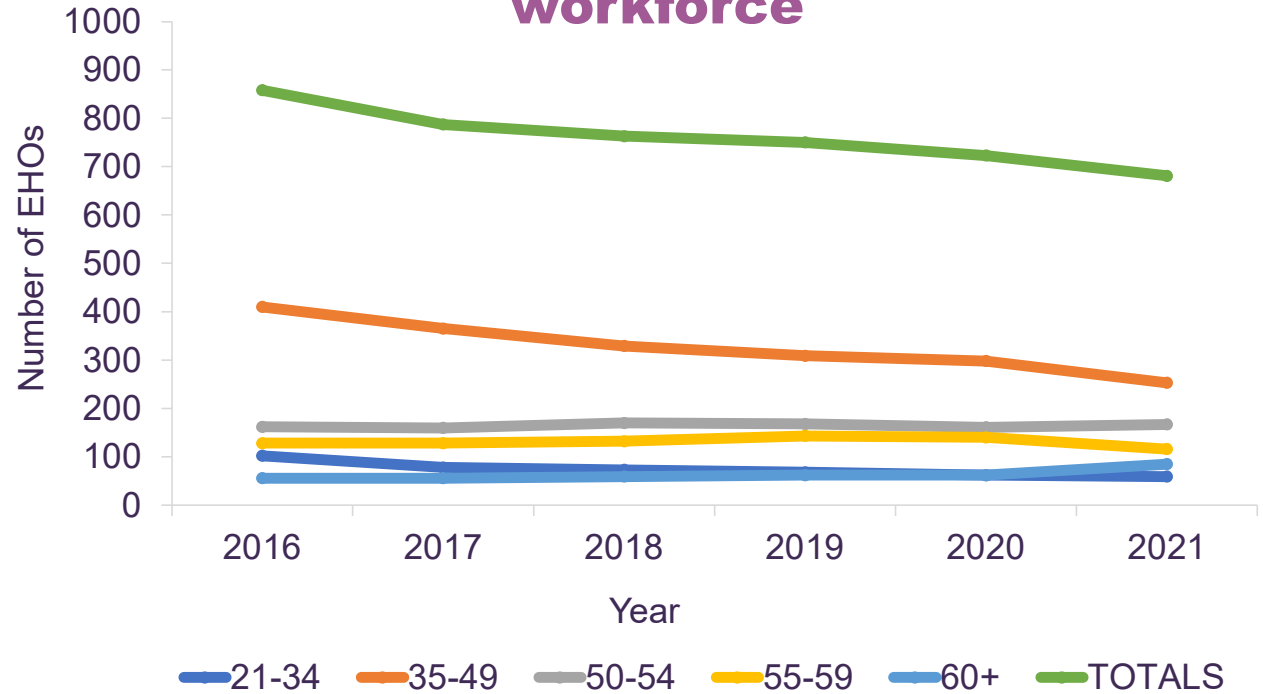


Why we need a new delivery model

Outdated enforcement approach



Declining and aging workforce

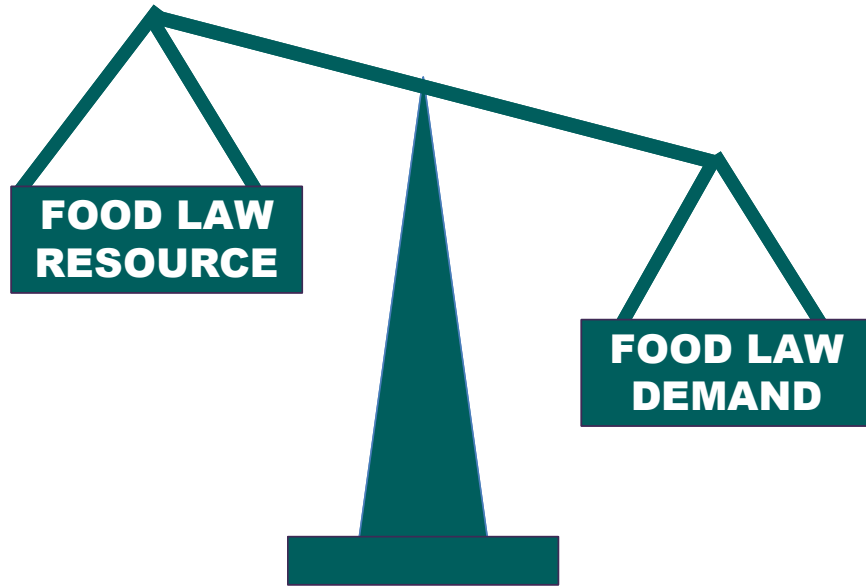


Environmental Health Profession in Scotland:

- 21% reduction in qualified EHOs over the past 5 years
- Sharpest decline in 21-49 age group

Why we need a new delivery model

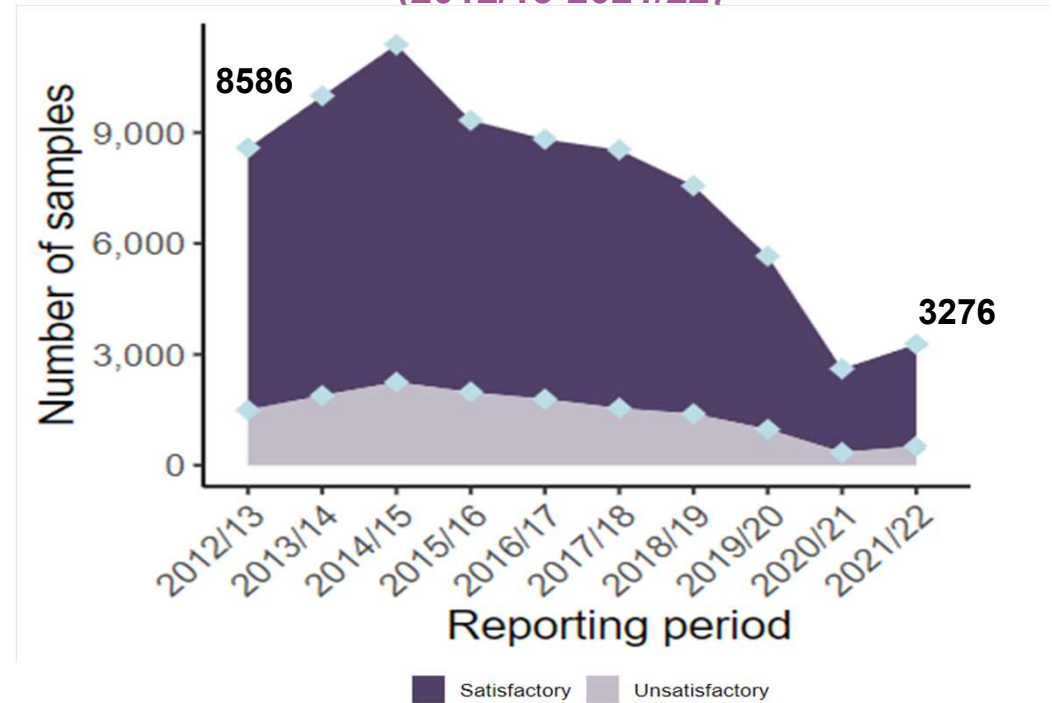
Impacts on food chain assurance



Reform needed to keep pace with rapidly changing food and enforcement landscape:

- Data/digital infrastructure
- Expertise
- Laboratory capacity and capability
- New approaches to delivery which are risk-based, preventative and intelligence led

A 62% reduction in LA food sampling in Scotland over the past 10 years (2012/13-2021/22)



Targeting resources



Annex A

Organisational Descriptors and weightings (of which a maximum of 3 could be chosen when mapping functions against these)

	Organisational descriptor	Weight
1	Regulator	25
2	Science/evidence gatherer	20
3	Government advisor	18
4	Policy developer	15
5	Stakeholder influencer	12
6	Consumer influencer	5
7	Trade assurer	5

Principles and weightings (no maximum)

	Principle	Weight
A	Our efforts will be focused on activities with greatest impact on safety & standards to protect consumers in Scotland	38
B	We will prioritise investment to deliver increased effectiveness & efficiency	20
C	We will meet statutory requirements following an assessment of the minimum standards that achieve that outcome	15
D	*We will undertake new in year activities only if they can be shown to be more important than existing plans	15
E	We will consider decisions through the lens of reputational risk to & influence of FSS	12

* was parked as a process question rather than applicable now

Key FSS Priorities for 2023/24

- Development of a new food law delivery model
- Improvements to surveillance
- Renewed focus on data and digital
- Food crime and incidents
- Managing the reform of retained EU law

How we're addressing the challenges

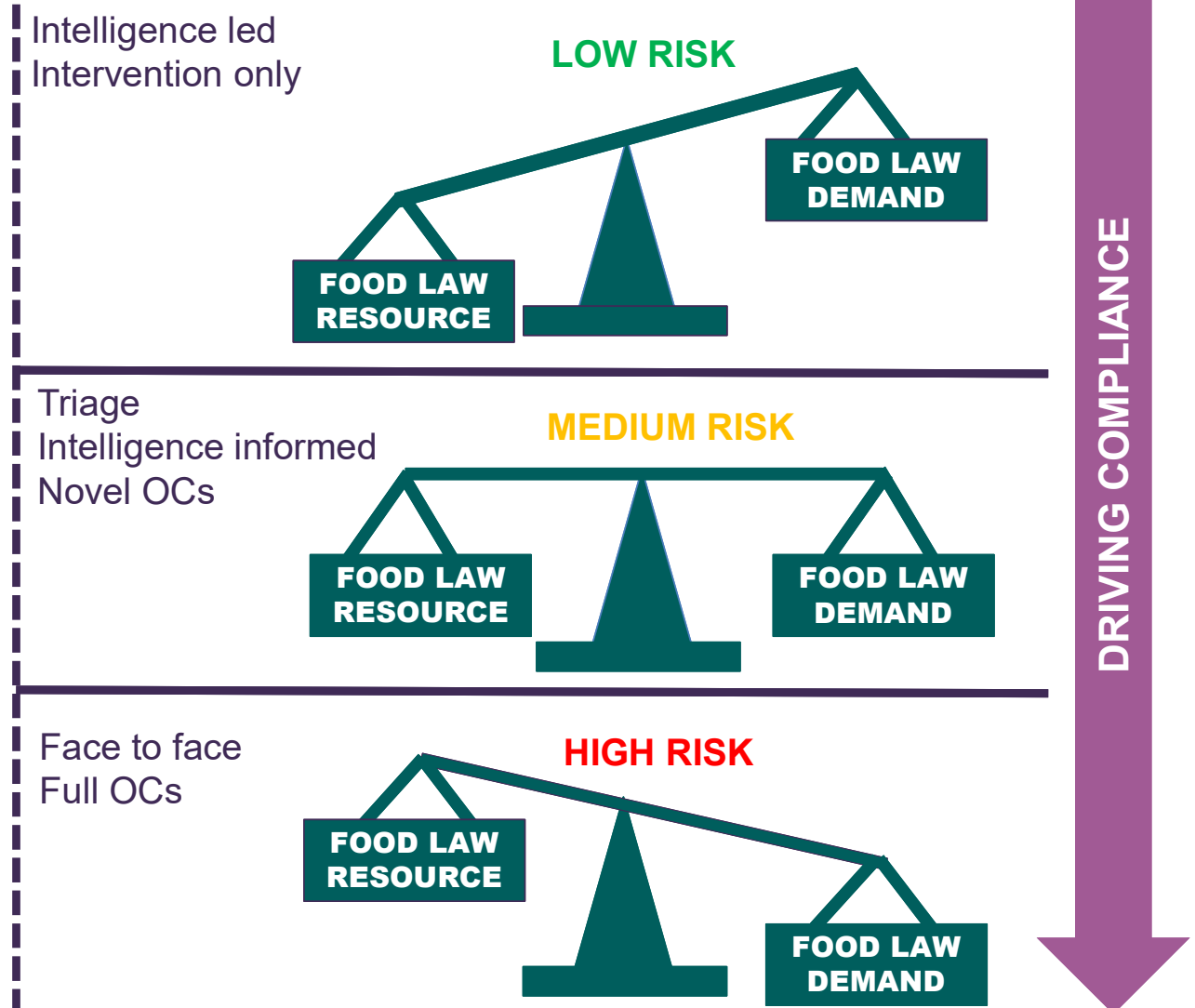
The Scottish Authorities Food Enforcement Rebuild (SAFER).

RESOURCING

- Competency framework
- Alternative qualification pathway
- New routes to qualification
- Sustainable funding

DIGITISATION

- End to end digital solutions
- Live interventions data
- Centralised database
- Artificial intelligence



Strengthening our evidence base


Horizon Scanning

On-going reviews of a wide range of information and intelligence sources including:

- Bespoke digital tools
- Regular reviews of a wide range of information and intelligence sources
- Issues logged and prioritized based on risk
- Regular insights reported to the Enforcement Community

Intelligence used to inform:

- Interventions
- Incident response
- Research and surveillance



Horizon Scanning Activities Newsletter
November 2022

Food Standards Scotland is undertaking regular horizon scanning activities to identify current, emerging and increasing issues and risks in relation to food safety, food standards and food crime.

UK Food Imports - Emerging Issues


NB: The following lists are now based on increasing issues identified by Fera HorizonScan, not the Risk Likelihood Dashboard. This list is built from global issues including UK signals, so is not designed specifically with a UK imports perspective. The following items have been identified as the top ten emerging issues, defined here as those with the highest current deviation (i.e. increase in alerts against the historical annual average).

Annual Average	12 Month Total	Deviation	Exporter	Commodity	Hazard
0.1	9	90	Unknown origin	Part-cooked chilled ready meals	Foreign bodies
0.1	9	90	Unknown origin	Sugar-based confectionery	Other food additives (other than colours and sweeteners)
0.1	8	80	Unknown origin	Food and dietary supplements	Foreign bodies
0.1	7	70	France	Part-cooked chilled ready meals	Listeria monocytogenes
0.1	6	60	Australia	Poppy seed	Other natural toxicants
0.1	6	60	Vietnam	Cultivated mushrooms and fungi	Salmonella (unspecified or other spp)
0.6	34	56.7	China	Cultivated mushrooms and fungi	Listeria monocytogenes
0.1	5	50	Unknown origin	Snack foods	Sesame - undeclared
0.1	5	50	Unknown origin	Complete feed, pet food	Other natural toxicants
0.1	5	50	China	Pastries, biscuits, cakes etc.	Adulteration/substitution

UK Food Imports - Recurring Issues

The following items have been identified as the top ten recurring issues, defined here as those with the highest absolute number of issues in the last 12 months.

Annual Average	12 Month Total	Deviation	Exporter	Commodity	Hazard
36.6	229	6.3	Unknown origin	Milk products - ice-cream (& similar frozen confections)	Pesticides
9.9	89	9	Unknown origin	Milk products - cheese	Listeria monocytogenes
22.1	84	3.8	Brazil	Pepper, black, pink and white	Salmonella (unspecified or other spp)
13.9	84	6	Unknown origin	Other prepared foods	Listeria monocytogenes
9.6	73	7.6	Turkey	Lemons	Pesticides
9.9	65	6.6	Nigeria	Sesame seed, tahini & halva	Salmonella (unspecified or other spp)
14.8	59	4	Unknown origin	Other articles	Potential food contact migration
7.1	45	6.3	Unknown origin	Fish - smoked/cured/dried or otherwise preserved	Listeria monocytogenes
11.1	44	4	Mexico	Coriander leaves (cilantro)	Pesticides
3.3	41	12.4	India	Food and dietary supplements	Pesticides



Horizon Scanning Activities Newsletter
November 2022

FSS Horizon Scanning issues logged

The following issues have been recorded by FSS in the last month and labelled with a RAG rating. Examples of how some types of issues would be categorised are provided below.

R	A new, emerging or increasing/repeating issue which presents immediate threat to public health, food standards, the economy, the environment, provision of supplies etc., and will require a significant response in Scotland/UK
A/R	An issue of concern which can cause a moderate impact; is being effectively managed and not expected to worsen in the short to medium term.
A/G	An issue of concern which is causing a minor impact; but is being effectively managed and not expected to worsen in the short to medium term.
G	An issue which is of interest but does not seem to pose any immediate or short-term threats public health, food standards, the economy, the environment, provision of supplies etc.

We have also set up a simple online form to provide a channel for LA staff to report any issues related to Horizon Scanning to FSS. Please [click here](#) to report any emerging or increasing risks that you may have encountered.

Widespread issues with Listeria control in Italy

Various concerns have been reported following an investigation into a previously noted outbreak of Listeria in Italy, in which 3 people died and over 90 became ill. The outbreak was linked to [poultry sausages](#) made in Italy and distributed to over 30 countries, including the UK. There were also a suspected link to a [cheese product](#). The following crackdown by Italian authorities has resulted in [seizure of 14 tons of food and stopped operations at 23 companies](#). Officials targeted 1,100 companies producing high risk foods and found non-compliances in nearly a third of them. It was also found that 2 private laboratories had been producing false certificates of analyses for both analytical and microbiological tests that had not been carried out.

European Commission assesses food safety progress in Turkey

The food safety system and recent progress made in Turkey has been [assessed by the European Commission](#). Currently Turkey restricts imports of agricultural products from the EU, but is a major exporter of food products to the EU and UK. However, limited progress has been made in food safety, veterinary and phytosanitary policy. In particular, the number of RASFF notifications for pesticides in fruit and vegetables has remained unacceptably high since 2020 (when new standards for chlorpyrifos came into effect). For foods of animal origin, implementation of hygiene rules were also postponed again. Counterfeit food and in particular alcohol also remains an issue with deaths recorded from drinking counterfeit products. Some progress was made however on control of salmonella and alignment on labelling and additives.

Issued 1st December 2022

Strengthening our evidence base National surveillance programmes

A scientifically robust national surveillance strategy which can be maintained into the future:

- Well-structured, centrally co-ordinated sampling programmes to generate data which will inform more effective targeting of enforcement interventions and resources
- A sustainable approach which will support Scotland's national laboratory network in maintaining capacity and capability



Targeted:
Known risks to
inform risk
assessment

Imported products:
Emerging risks

Shopping basket:
Consumer
assurance



Strengthening our evidence base Enhancing our use of social science



Consumers

- Consumer Interests in Food/Cost of Living
- Impacts of legislative change on health and consumer choice
- Consumer views of New Breeding Technologies in foods (Genome Editing)

Food allergies can be life threatening.
Are you ready for the new food labelling laws?

1 OCTOBER

New legislation on the labelling of food sold prepacked for direct sale (PPDS) is coming into force on **1st October 2021**.

From this date it'll be a legal requirement for businesses producing PPDS foods to label it with the name of the food and an ingredients list with any allergens emphasised.

Answer a few quick questions on our website to find out how you're affected by these changes. You'll also find guidance and support on how to comply.

Visit our website for support and information to make sure you're ready.
foodstandards.gov.scot/prepacked

Businesses and enforcement partners

- What motivates compliance
- Effectiveness of interventions
- Regulatory theory in practice
- Drivers for Food Crime

“I'm just not prepared to eat food that is full of pesticides. I don't want to give it to my children. I don't want it myself.” FEMALE, 35, C1, WHITE, URBAN

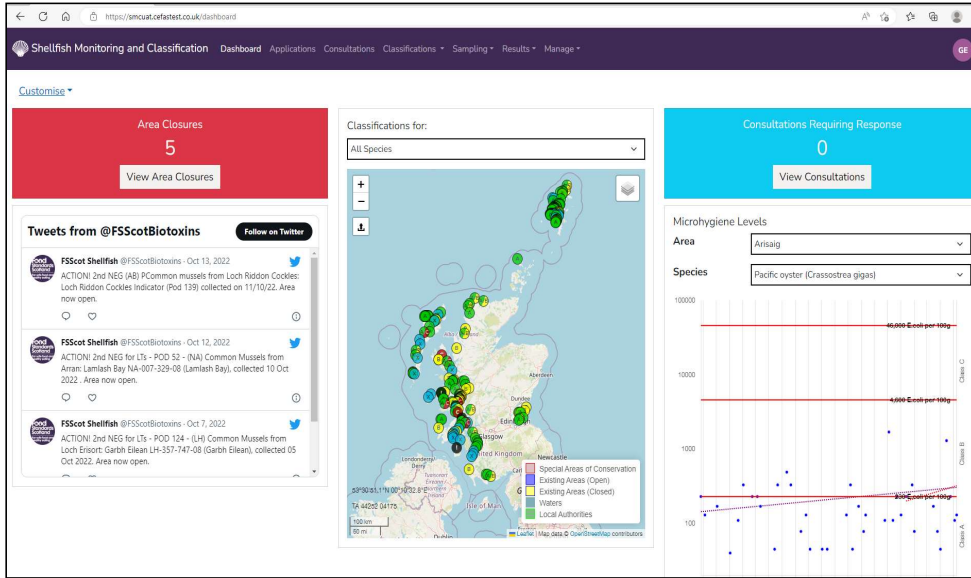


**“When it comes to food safety and hygiene, a business shouldn't be allowed to open unless they're scoring 100% - and that's what a PASS should mean”
(m, 55+yrs, C2DE)**

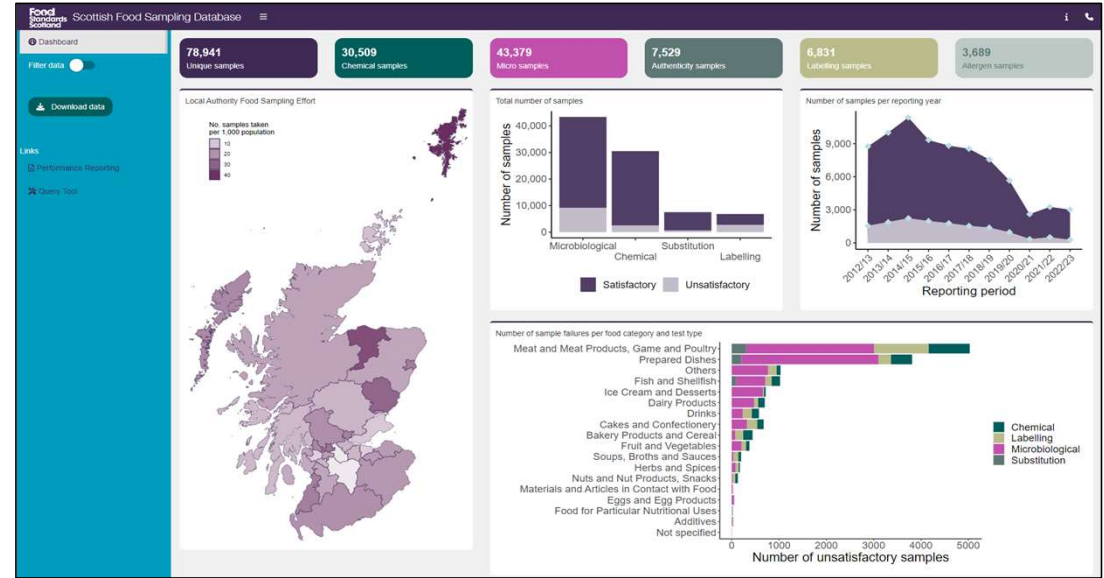


Strengthening our data and digital capabilities

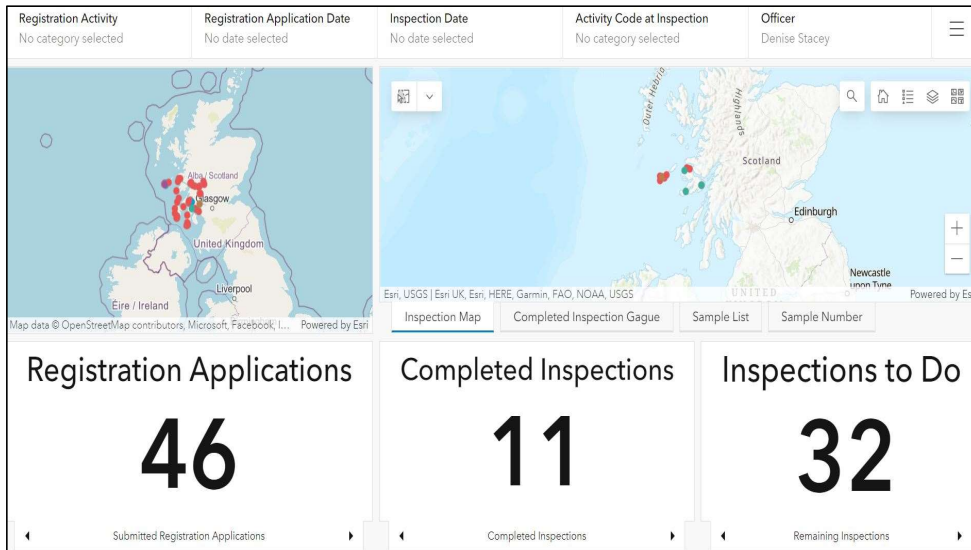
Shellfish monitoring



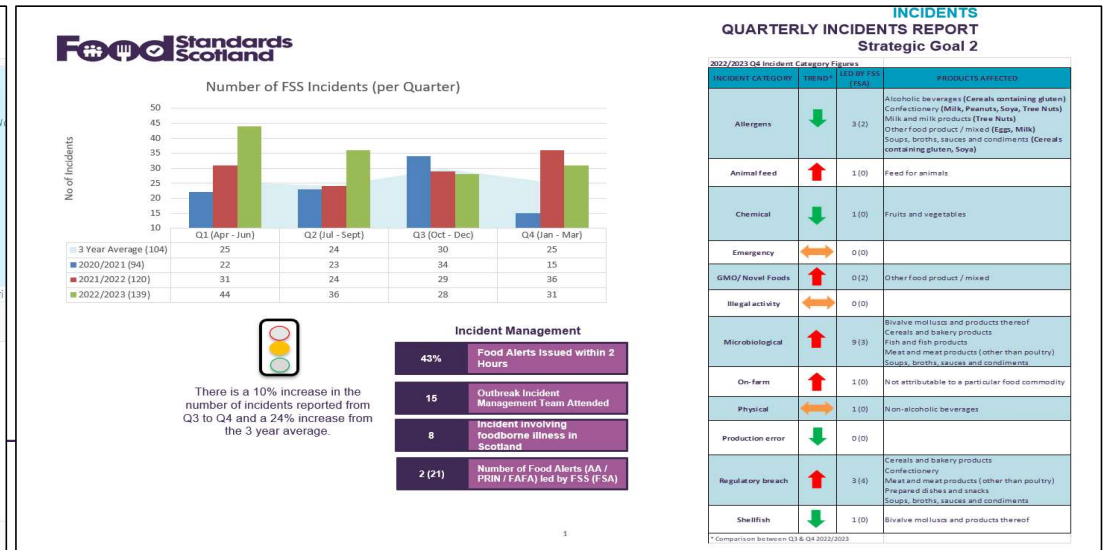
Food Sampling



Animal feed inspections

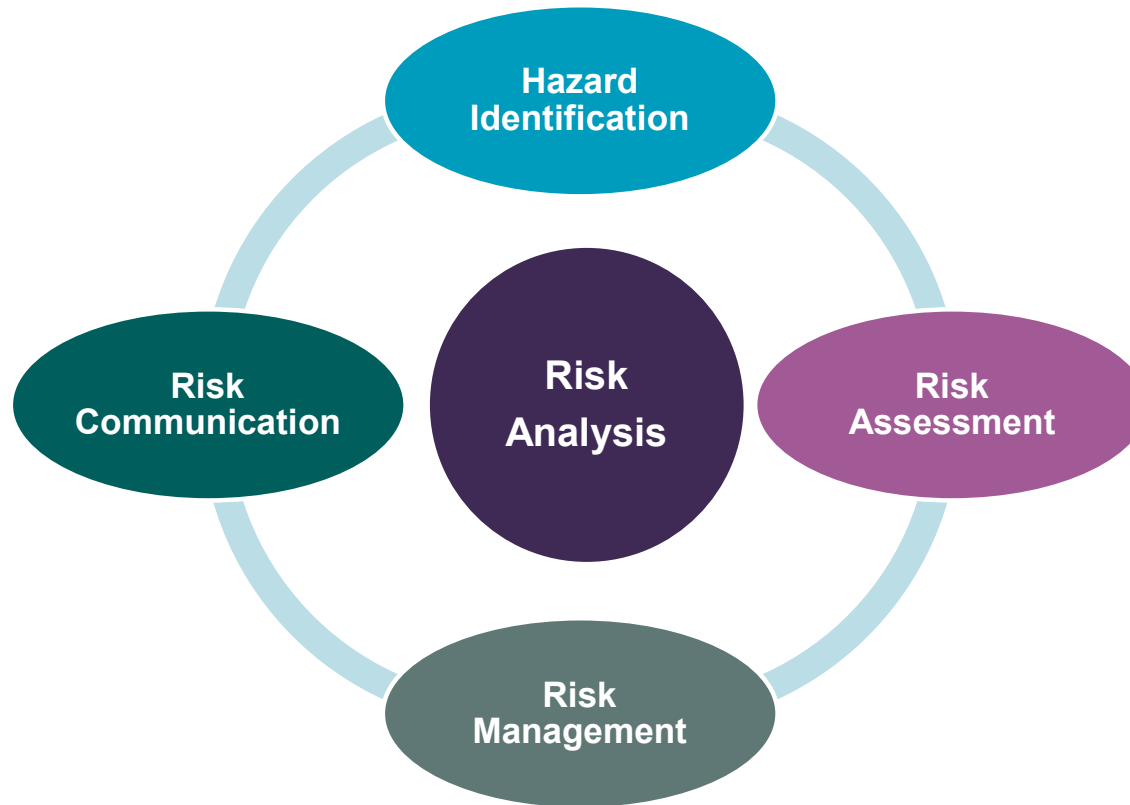




Incidents



How We're Addressing the Challenges

Improving how we use data and evidence Risk Analysis Processes








Rapid Risk Assessment:
 What is the long-term risk of erucic acid to UK consumers if sunflower oil in food is substituted with refined rapeseed oil?

Risk Assessment Unit
 Science, Evidence and Research Division, FSA

Risk Assessment Team
 Science Division, FSS

8th April 2022

.....

Safety Assessment: Outcome of assessment of 3-Nitrooxypropanol "3-NOP" as a feed additive for all ruminants for milk production and reproduction, from DSM Nutritional Products

Reference number RP1059

.....

Regulated Products Risk Assessment Unit
 Science, Evidence and Research Division, FSA

Risk Assessment Team
 Science Division, FSS

Regulated Product Dossier Assessment
 Version 6.0
 Safety Assessment finalised: 29/03/2023

1

Improving how we use data and evidence

Root cause analysis and incident prevention

Food Standards Agency | Food Standards Scotland | Home

An introduction to Root Cause Analysis Course for Food Businesses

Modules should be completed in order.

Module 1: About this course	Module 2: Introduction	Module 3: The steps of the Root Cause Analysis process	Module 4: Understanding the problem	Module 5: RCA Methods
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foodstandards.gov.scot/modules/fbo/1161122/mod...

Food Standards Scotland
For safe food and healthy eating

On-Farm Incidents

How to Protect your Livestock and Scotland's Food Chain

Animal & Plant Health Agency | Veterinary Medicines Directorate | SRUC | SPARC | POLICE SCOTLAND | Scottish Government

Food Standards Scotland

SAFE SMOKED FISH TOOL

Helps manufacturers assess their individual practices with tips and guidance to support safe production, including the use of cold and hot smoking and shelf life.

Food Standards Scotland

FRESH PRODUCE TOOL

This tool helps fresh produce growers assess their practices with industry specific assessments, glossaries and resources.

Tackling Food Crime

Food Standards Scotland
For safe food and healthy eating

Scottish Food Crime & Incidents Unit

FSS Food Crime Control Strategy 2022-25

October 2022

[f](#)
[t](#)
[@](#)
[v](#)
[in](#)
[foodstandards.gov.scot](https://www.foodstandards.gov.scot)

REPORT FOOD CRIME!

Call 0800 028 7926
FREE AND CONFIDENTIAL

FOOD CRIME RISK PROFILING TOOL

Answer the questions and statements below, then we'll send you a personalised report showing how you can improve your business's resilience to food crime.

Our Food Crime Risk Profiling Tool covers the different areas that food business operators (FBOs) need to be aware of to identify and reduce potential risks from food crime.

This self-assessment tool is made up of ten statements covering four key areas:

- 1 Strategy
- 2 Performance
- 3 Organisation
- 4 Culture

Online Assessment

Area	Statements	Score
Strategy	Policy	+2
	Risk	+2
	Standards	+2
	Integrated Systems	+2
	Processes	+2
	Practices	+2
	Accreditation	+2
	Investment	+2
	Alignment	+2
	Rules	+2
10 Key Food Crime Statements Focused on Strategy	+2	
Performance	Measurements	+2
	Data	+2
	Indicators	+2
	Targets	+2
	Responsibility	+2
	Assessment	+2
	Feedback	+2
	Information	+2
	Reporting	+2
	10 Key Food Crime Statements Focused on Performance	+2
Organisation	Structure	+2
	Authority	+2
	Credibility	+2
	Responsibility	+2
	Competence	+2
	Capacity	+2
	Maturity	+2
	Investment	+2
	Alignment	+2
	10 Key Food Crime Statements Focused on Organisation	+2
Culture	Leadership	+2
	Values	+2
	Relationships	+2
	Behaviour	+2
	Motivation	+2
	Conduct	+2
	Accountability	+2
	Compliance	+2
	Information	+2
	10 Key Food Crime Statements Focused on Culture	+2

Food Fraud Risk Profile

Tailored Recommendations

Guidance Documents

- Strategy
- Performance
- Organisation
- Culture

Workshops

- Strategy
- Performance
- Organisation
- Culture

Online Consultation

- Strategy
- Performance
- Organisation
- Culture

Reporting and informing the public



- An objective, data-driven assessment of the safety and standards of food over time.
- Aims to provide greater transparency and accountability for food quality across the four nations.
- Will help us work with food businesses, local authorities and other partners to address any emerging threats or vulnerabilities.
- A publicly available account of actions taken to protect food safety and standards for UK consumers.

Working with others



BRINGING IT ALL TOGETHER



- Food security challenges require broader definitions for safety and authenticity



- Challenges are multi-faceted and will require a transformation of our regulatory regime.

- Improving our use of data and evidence will be key in enabling us to keep pace with change.



- Success will rely on strong collaboration and data sharing towards a systems approach that provides assurance and protects consumers into the future.