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House of Commons  
Committee of Public Accounts

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**Protecting public  
health and consumer  
interests in relation to  
food: the Food  
Standards Agency**

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Forty-fifth Report of  
Session 2002–03

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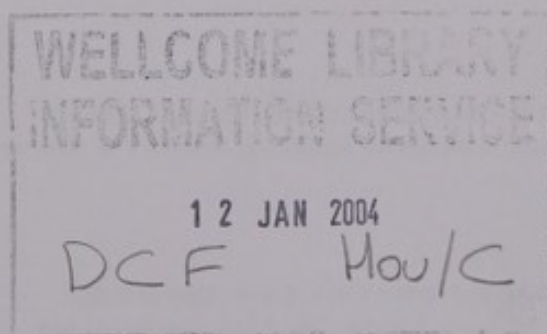
# Protecting public health and consumer interests in relation to food: the Food Standards Agency

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Forty-fifth Report of  
Session 2002–03

*Report, together with formal minutes,  
oral and written evidence*

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## Summary

Each year UK households spend £81 billion on food, £1.5 billion a week. Changes in food production methods, chemical contamination of food, and up to 4.5 million cases of food poisoning each year have led to heightened public awareness about food safety.

The Food Standards Agency is a non-ministerial Department responsible for protecting public health and consumer interests in relation to food. It was established in April 2000, when public confidence in the safety of food had been seriously undermined by Bovine Spongiform Encephalopathy (BSE) and other food safety problems, and in the wake of a House of Lords Select Committee report of February 2000 showing that the public was often mistrustful of scientific advice provided by government departments.

The Food Standards Agency (the Agency) is led by a Board appointed to act in the public interest and to make decisions to protect consumers. It spends £97 million annually and has 667 staff based in London, Aberdeen, Cardiff and Belfast.

On the basis of a Report<sup>1</sup> by the Comptroller and Auditor General, we took evidence from the Agency on its performance over the first three years of its operation and the action it is taking to improve the services it provides to the public in fulfilment of its role. We draw the following main conclusions from our examination.

- **The Agency has not yet demonstrated convincingly that it is able to lead on issues of food safety and standards and is an authoritative and trusted voice where there is public doubt.** In the case of hygiene in catering establishments, for example, where the Agency is responsible for ensuring that regulations on food safety and standards across the UK are enforced to protect consumers, the Agency needs to disseminate more widely and more quickly information from its audits of local authority enforcement activity in order to reassure the public that monitoring and control are adequate.
- **Greater clarity is needed about the Agency's roles and responsibilities.** A lack of clarity in the relationship of the Agency to other government departments and agencies creates a risk that important issues of food standards and safety could be missed or action not taken sufficiently quickly by any one body. The Agency needs to establish a stronger presence and profile among other government bodies with which it works, principally DEFRA. Where there are shared responsibilities, such as over the control of imported food, the Agency should be proactive, clearly defining its own role and clarifying the responsibilities of others so that the potential for confusion or gaps in oversight is minimised.



- **The Agency should adopt a more concerted and consistent approach to communicating with the public.** The Agency communicates with the public through the media, its website, information circulated to local authorities and through specific campaigns about food. Despite the importance of its work, however, the Agency remains largely unknown to the public as a primary source of information and advice about food. A long term strategy to increase awareness of the Agency's role is needed to raise its profile. As a first step the Agency should make arrangements to monitor the extent to which its advice and information is being used by the public. It should also assess which media activities have most impact; for example, whether selective continuous advertising is more effective than one-off campaigns.

# 1 Safeguarding the public

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1. The Food Standards Agency was established in 2000 as a non-ministerial department at arm's length from Ministers, focusing on the protection of consumers and their interests. The Agency's effectiveness depends on the extent to which it is trusted by the public to provide reliable and impartial advice. Securing this trust depends largely on how the Agency identifies, and the action it takes in response to, risks to food safety and the public's concerns.<sup>2</sup>

## Risk identification

2. The Agency seeks to understand the public's concerns about food safety and standards by commissioning annual surveys of consumers. It also conducts or commissions surveys of specific food issues. The Agency's scientific survey work is commissioned in different ways depending on factors such as the relative priority assigned to a risk or issue by its various Advisory Committees and the public's perceptions about risks to their health.<sup>3</sup>

3. Food poisoning is a major concern of consumers (**Figure 1**), rising from 42% of those surveyed in 2000 to 50% in 2002.<sup>4</sup> In 2002, there were 80,000 notifications of food poisoning, although, as shown by the Agency, this understated the true number of food poisoning incidents. The Public Health Laboratory Service has suggested that there are over nine million cases of infectious intestinal disease of which 20–50% are foodborne.<sup>5</sup> In a subsequent submission, the Agency indicated that, since most cases are not reported, there is no single robust measure of foodborne disease. However, estimates for 2000 were of around 1.3 million cases in England and Wales, of which 370,000 led to a GP consultation, 21,000 to hospital admissions, and 480 resulted in death.<sup>6</sup>

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2 C&AG's Report, Executive Summary, paras 2–4

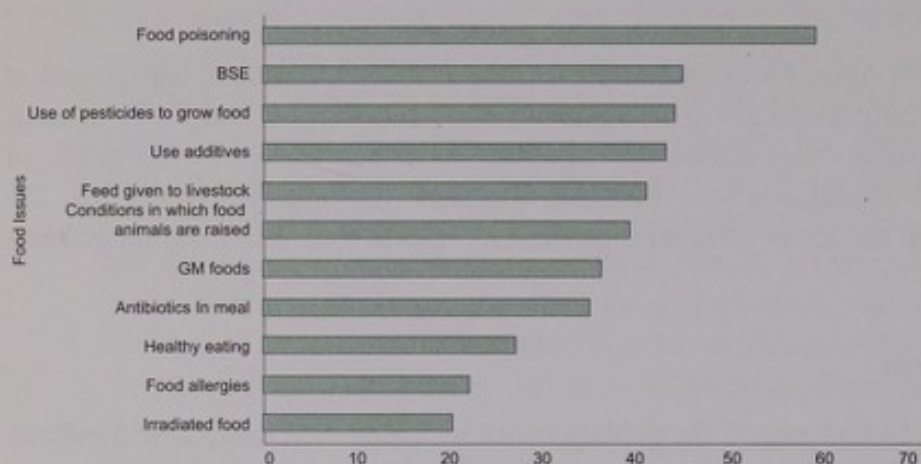
3 *ibid*, para 2.11

4 *ibid*, para 2.7

5 *ibid*, para 1.7, Figure 6; Qq 138–140

6 C&AG's Report, para 1.7, Figure 5, p 17, Figure 13, p 25; Q 13; Ev 21 (ref Qq 90–91, 137–140)

Figure 1: Concerns the public has about specific food issues, 2002



In 2002 the public was most concerned about food poisoning, BSE, the use of pesticides to grow food and the use of additives in food.

Source: Food Standards Agency consumer survey, 2002

4. Hygiene in food outlets is another major concern of consumers, and one that is growing.<sup>7</sup> A submission from the Agency bears out this concern, in that where outbreaks of foodborne infection had been traced, 46% were associated with restaurants, hotels, pubs or bars, compared with 27% from other identified sources—private homes, residential homes and shops.<sup>8</sup>

5. The Agency spends £6 million annually on food surveys.<sup>9</sup> Comprehensive information on the costs of food surveillance work is important to help the Agency decide how best to target its resources. At present, not all costs are routinely attributed to specific surveys. The Agency recognises, in particular, the need to include the internal staff costs deployed on managing surveys with the other costs associated with such activities.<sup>10</sup>

6. The Agency has a range of contingency plans that it tests frequently, both internally and with stakeholders, to assess its readiness to handle a major nation-wide food alert affecting the public's health. The Agency also takes part in wider government contingency exercises. The Agency was reasonably confident that in the event of a major crisis, it had plans that it could implement quickly. Since its establishment, however, there had been no occasion to test these plans in a major real-life situation.<sup>11</sup>

7 C&AG's Report, para 2.7

8 Qq 90, 139–140; Ev 21 (ref Qq 90–91, 137–140)

9 C&AG's Report, para 2.13

10 *ibid*, para 2.13; Q 39

11 C&AG's Report, Executive Summary, para 10



## Appropriate action

### Measured response

7. The Agency was established to protect consumers and their interests.<sup>12</sup> In doing so, the Agency said that it endeavoured to be balanced and proportionate in its approach to food issues. The action the Agency takes or initiates in response to food safety risks or concerns will be influenced by many factors, including the potential level of risk of food exposure, the severity of the hazard, and whether specific groups in society are more vulnerable. It was also important to avoid actions that might raise unnecessary fears and unnerve consumers, resulting in the premature withdrawal of foods from sale, thus reducing consumer choice as well as damaging food manufacturers.<sup>13</sup>

8. The Agency has to consider how best to communicate with the public so that individuals understand the action they need to take.<sup>14</sup> In the case of the risk of cancer from acrylamide, for example, the Agency had issued some interim advice on the basis of a survey it undertook that confirmed initial Swedish findings, but saw no reason why people should change their diet for the present. There was a danger that unless the advice given was based on a clear picture of the overall risks involved with this chemical, people might change their diet to foods where the risk had not been assessed and expose themselves to even higher levels of acrylamide.<sup>15</sup>

9. On issues such as contamination of food wrapped in clingfilm, organophosphates and heavy metals in breast milk, the Agency said it would move quickly where it considered a hazard existed. However, the time taken by the Agency to respond to food concerns varies widely and, while 50 surveys can be in process at any one time, only eight were completed in 2001–02.<sup>16</sup> A food safety survey on 3-MCPD in soy sauce, for instance, took ten months from starting the sample collection to publication.<sup>17</sup> The Agency said that the time depended on the numbers of samples needed and the complexity of the analysis.

### Foodborne illness

10. One of the Agency's key targets is to achieve a reduction in foodborne illness of 20% over five years.<sup>18</sup> The Agency launched a five-year food hygiene campaign in February 2002<sup>19</sup> and has taken action that has raised the awareness of catering workers of the importance of hygiene during food preparation from 20% to 60%. There was however no significant change in behaviour following the campaign. The Agency saw changes in

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12 C&AG's Report, Executive Summary, para 2

13 Qq 27–28

14 C&AG's Report, para 2.17

15 *ibid*, para 1.9, Figure 7, p 19; Qq 9–10, 99

16 C&AG's Report, para 2.10

17 *ibid*, paras 2.22–2.23, Figure 33, p 43; Qq 7–8, 93–96, 104–105, 114–115

18 C&AG's Report, Appendix 3, p 56

19 *ibid*, Executive Summary, Figure 2, p 4



behaviour as a longer-term issue but believed the repeated reinforcement of messages would produce behavioural change.<sup>20</sup>

## Enforcement

11. The Agency aims to improve local authority enforcement by promoting consistently high enforcement standards. Where local authorities are failing in their responsibilities to protect consumers, the Agency can use its powers to assume a duty of care.<sup>21</sup> Since April 2001, the Agency has had in place a framework agreement with local authorities for the policing of national standards for food safety in over 600,000 catering establishments. Enforcement is carried out by local authorities, which carry out inspections of businesses to assess levels of food hygiene and standards. The frequency of inspections is based on a risk rating system set out in statutory codes of practice.<sup>22</sup> The relationship between the Agency and local authorities' environmental health services is similar to that which exists between the Office of Fair Trading and local authorities' trading standards whose task it is to protect the consumer from unfair trading practices. The work of the Office of Fair Trading was examined in the Committee's 37<sup>th</sup> Report of 1999–2000 and 34<sup>th</sup> Report of 2002–03.<sup>23</sup> Both the Food Standards Agency and the Office of Fair Trading have to tackle the issue of variations in the level of enforcement activity by different local authorities, and how best to secure improved performance.

12. The Agency assesses local authorities' activities by monitoring the data they provide to analyse overall trends and to identify local authorities that are performing poorly.<sup>24</sup> The Agency audits local authorities' enforcement activities, prioritising those where there is a reason to believe that the local authority is not carrying out the required number of inspections. In 2001–02, the Agency audited 10% of local authorities in England.<sup>25</sup> The Agency publishes details of audits on its website. In 2001, twenty local authorities were identified as having particularly poor performance and, in February 2003, they were named in a publicly available Board paper.

13. Prosecutions against food business operators who contravene food law are made by individual local authorities. On food standards issues, including labelling, available actions are written warnings, formal cautions, or prosecutions. The Agency did not have data on the number of prosecutions nationally each year, but a subsequent submission showed that prosecutions had declined from 838 in 1999 to 654 in 2001, although this was accompanied by a 40% rise in the number of Home Office formal cautions issued from 366 in 1999 to 513 in 2001. Of the 654 prosecutions in 2001, 150 were for labelling and presentation offences, 57% of which were taken against retailers. The data do not indicate the size of the retailers involved. The Agency is currently working through the Enforcement Liaison Group, comprising the Agency, local authorities, and trade and consumer stakeholders to

20 Q 135

21 Qq 127–128

22 C&AG's Report, para 1.20

23 37<sup>th</sup> Report from the Committee of Public Accounts, *The Office of Fair Trading: protecting the consumer from unfair trading practices* (HC 501, Session 1999–2000); 34<sup>th</sup> Report from the Committee of Public Accounts, *The Office of Fair Trading: Progress in protecting consumers' interests* (HC 546, Session 2002–03)

24 Ev 23–24 (ref Qq 156–157)

25 C&AG's Report, para 1.7, Figure 6, p 18; Qq 33–36; Ev 23–24 (ref Qq 156–157)

determine the reasons for the fall in prosecutions and for variations in prosecutions between local authorities.<sup>26</sup>

14. At present, food outlets may open without any pre-opening inspection by environmental health officers and can trade until inspected as part of regular inspection cycles. The Agency's Board has not ruled out either licensing or a pre-approval arrangement, but since the catering sector is characterised by a rapid turnover of small businesses, it considered that, to inspect all premises before opening would be an onerous task with the limited resources at the disposal of local authorities. Instead, the Agency's aim was to improve the performance of the catering sector by raising awareness of hygiene and food poisoning as an issue, increasing understanding of how food poisoning can occur, and changing the behaviour of those working in catering establishments by informing them how the risk of food poisoning can be minimised by improving hygiene.<sup>27</sup>

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26 Ev 18–19 (ref Q 77)

27 Qq 13–14, 67–68, 92; C&AG's Report, Appendix 3



## 2 Clarity of the Agency's relationships with other bodies

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15. The Agency was formed mainly from food safety and food standards responsibilities transferred from the former Ministry of Agriculture, Fisheries and Food (MAFF), the Department of Health and relevant authorities in Scotland, Wales and Northern Ireland. The Agency is both a government department and a regulator, with responsibilities for negotiating in the European Union on behalf of the UK Government.<sup>28</sup>

16. The Agency's relationship with other government bodies is shown in **Figure 2**. The Agency was satisfied that other departments recognised the importance of its work and the reasons for its independence. The Agency had good working relations with all the major departments with which it needed to work. These had taken some time to develop, requiring others to get used to the Agency not just as a new department, but as a new type of department.<sup>29</sup> The Agency was satisfied, however, that it had adequate powers to fulfil the range of work it had been given and to fulfil what the public would expect of it as well as the remit it had been given by Government.<sup>30</sup>

17. The Department for Environment, Food and Rural Affairs (DEFRA) has overall responsibility in the United Kingdom for issues relating to imports of products of animal origin. Although it has close working relations with DEFRA, the Agency has so far been unsuccessful in securing its declared aim to transfer from DEFRA responsibility for the administration of controls over legally imported meat, in the same way that the Agency is already responsible for the control of non-meat imports such as fruit and plant material.<sup>31</sup>

18. Asked about risks from illegal meat imports, the Agency's preliminary assessment was that, on the basis of inspections made and what had been seized, such imports did not provide a serious risk to public health. Responsibility for controlling the illegal importation or smuggling of meat, animal products and plant matter had since April 2003 been transferred to HM Customs and Excise.<sup>32</sup>

19. A Cabinet Office report on the organisation of imported food controls recognised that controls exercised by local authorities and Port Health authorities on the legal importation of food needed a 'step change' to deliver a more effective service. The Agency is leading this step change project, under which controls will be targeted and risk based.<sup>33</sup>

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28 C&AG's Report, para 1.4

29 Q 42

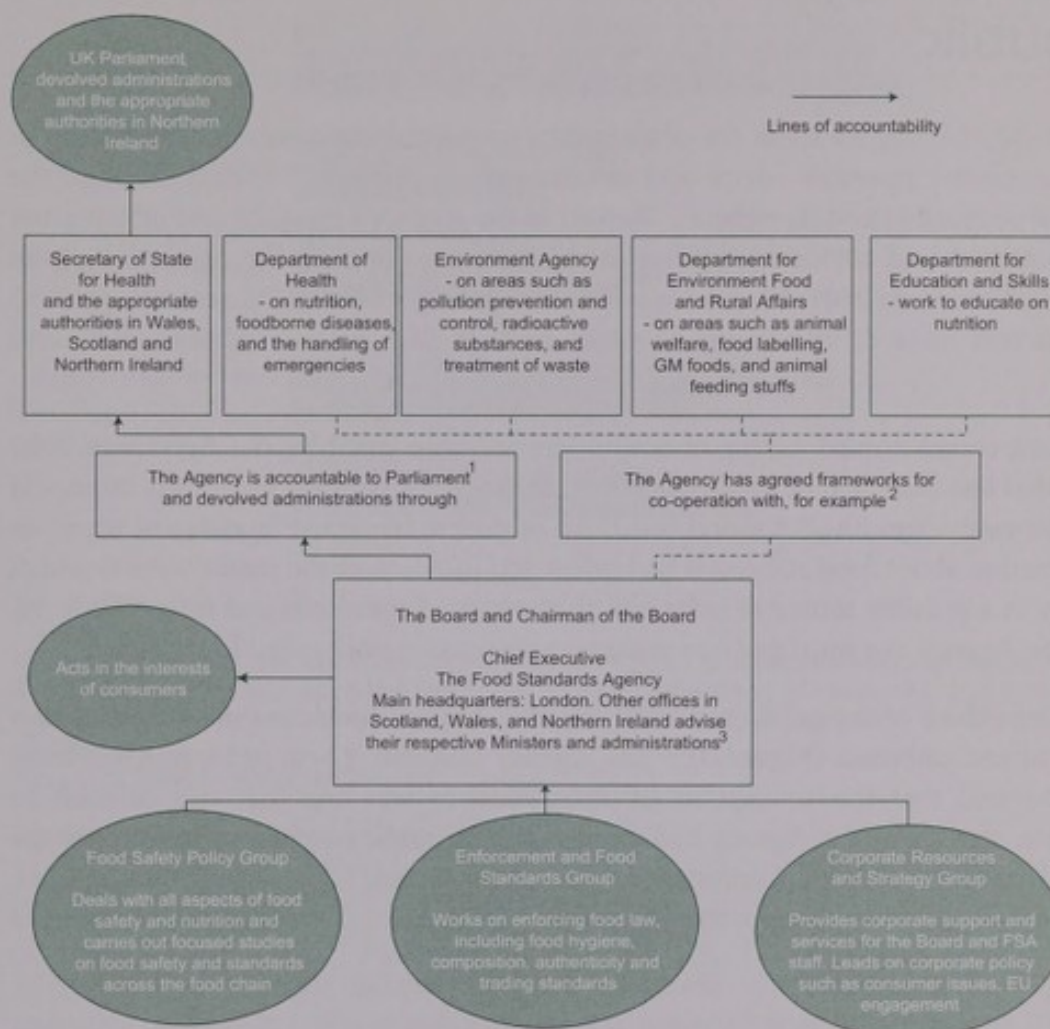
30 Q 131

31 Qq 43-46, 61

32 Qq 47-48; Ev 18 (ref Q 57)

33 Ev 18 (ref Q 57)

Figure 2: Organisation and accountability of the Food Standards Agency



## NOTES

1. The Agency is accountable to the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly through the appropriate Ministers.
2. Framework Agreements are also in place with the Public Health Laboratory Service (PHLS) and the Health and Safety Executive (HSE).
3. FSA Scotland, FSA Wales and FSA Northern Ireland provide advice on proposed legislation to the appropriate Minister within the administrations, and carry out food safety/food standards and nutrition functions formerly discharged by public health and agriculture staff of the respective administrations. FSA Northern Ireland works closely with the Food Safety Promotion Board on relevant all-island issues and with the Food Safety Authority of Ireland on cross-Border issues.

Source: National Audit Office

20. Although consumers in other countries face a comparable range of risks to those in the UK, the Agency does not formally compare its effectiveness or performance with similar bodies internationally.<sup>34</sup> With regard to meat, the Agency was unable to specify how UK meat controls differed from those of other countries but subsequently submitted evidence to the Committee. For commercial meat imports, a study by the Cabinet Office Machinery of Government Secretariat in 2002 showed that Australia and New Zealand operate broadly similar controls to the UK.<sup>35</sup>

34 Qq 149-153

35 Ev 22 (ref Qq 150-153)



### 3 The Agency's presence and profile with the public

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21. In 2001–02, the Agency spent 8% of its budget on promoting consumer confidence in food.<sup>36</sup> The Agency provides advice and information to the public mainly through the media, local authorities and its website.<sup>37</sup> Results of the Agency's research and information about its activities and advice are made public by placing them on the Agency's website and/or in its library. In 2001–02, final reports were published from 225 research projects and ten surveys on a diverse range of issues such as BSE, microbiological safety and labelling.<sup>38</sup>

22. The most recent annual survey of consumers commissioned by the Agency in 2002 indicated that less than half of those consulted considered that food safety had improved over the last twelve months.<sup>39</sup> Around one third of people remained unaware of where to find information about food standards and safety and just 13% of the public were aware of the Agency as a possible source of information about food standards and safety. Only 3% had used the Agency as a source of information, a percentage unchanged from 2000.<sup>40</sup>

23. Under one third of the public considers that the Agency provides information that is independent and unbiased (**Figure 3**).<sup>41</sup> The Agency said that it was still a relatively new organisation and that the concept of its independence was one that was difficult to demonstrate, starting as the Agency had from a lack of public confidence in the way the food supply and consumers' interests were being protected.<sup>42</sup> The Agency recognised, however, that it needed to do more to build public confidence.

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36 C&AG's Report, Figure 13, p 25

37 *ibid*, para 2.19

38 *ibid*, paras 2.35–2.42

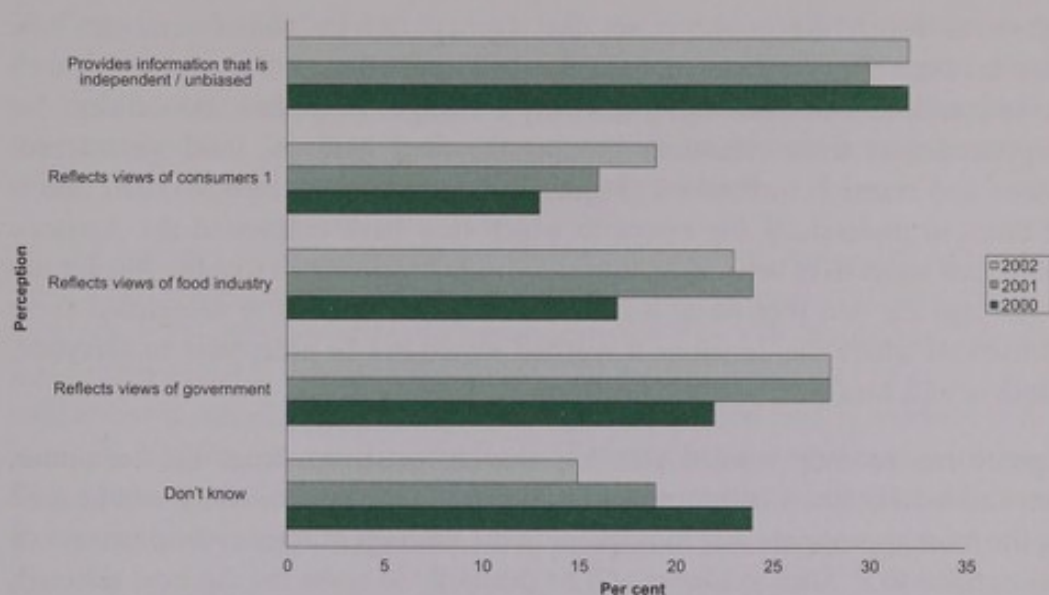
39 *ibid*, para 2.7

40 *ibid*, paras 2.32–2.33

41 *ibid*, para 2.43

42 Qq 29–31

Figure 3: How the public perceives the Food Standards Agency



In 2002 one third of the public considered that the Agency provided information that is independent and unbiased. 19% perceived the Agency as reflecting the views of consumers and 28% considered the Agency reflects the views of the Government. 23% thought it reflects the views of the food industry.

Note 1: In 2000, referred to 'consumer groups'

Source: Food Standards Agency consumer survey, 2002

## Specific campaigns

24. As well as assessing general levels of awareness of its activities, the Agency also measures changes in levels of public awareness following specific campaigns. The Agency was asked for examples of ongoing advertising campaigns and whether it had a programme or policy to ensure repeated appearances of key issues in the media.<sup>43</sup> The Agency subsequently submitted information on publicity campaigns covering cooking barbecued food, cooking Christmas turkey, and food hygiene, which indicated that the campaigns had resulted in increased public awareness, but did not specify by how much.<sup>44</sup> The submission also included examples of smaller campaigns. In 2002, for instance, an Agency survey revealed relatively high levels of mercury in some species of large predatory fish. In May 2002, the Agency ran a campaign, issuing advice via the media and its website that pregnant women, women who intended becoming pregnant, infants and children under 16 years of age should avoid eating shark, swordfish and marlin, and should restrict their consumption of tuna. Media coverage was reinforced by dissemination to relevant stakeholders for onward distribution and updating of existing leaflets.<sup>45</sup>

43 Qq 135–136

44 Ev 19 (ref Qq 135–136)

45 *ibid*

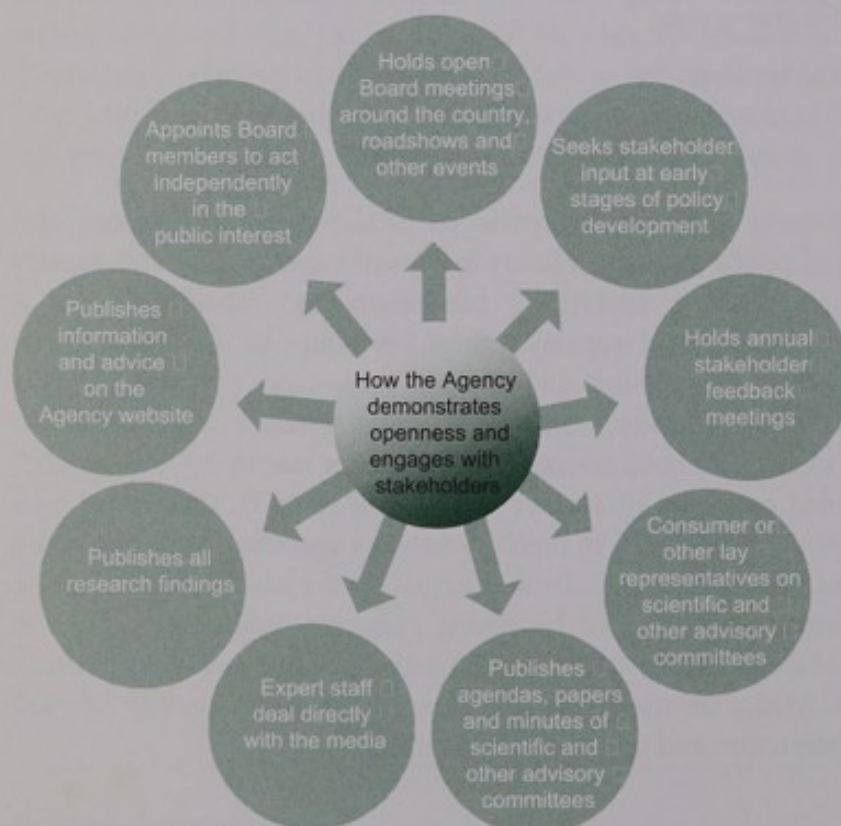


## Transparency

25. The extent to which the public trusts the Agency's advice will depend on how transparent it is in reaching decisions on food standards and safety. Although the Agency's first duty is to consumers, in discharging this duty it engages with other stakeholders, for example representatives from consumer groups, the food industry, local government representatives and research institutions (**Figure 4**).<sup>46</sup> Stakeholders, however, can find it difficult at times to understand the extent to which they have influenced the Agency's policy or how their views have been taken into account in the decisions that the Agency has reached.<sup>47</sup> The Agency said that while it consults with stakeholders, it recognised there would be situations where the decisions it reached would not be acceptable to everyone. Such decisions would, however, be based firmly on evidence.

26. The Agency has recently worked with representatives drawn from the consumer, enforcement and food industry communities to develop draft guidance which will be used in deciding the most appropriate way to respond to the findings of Agency food surveys or to incidents notified to it. Such guidance will be primarily to assist the Agency; although the aim is that, having been developed through a transparent and consultative process, the guidelines will be supported by the Agency's stakeholders.<sup>48</sup>

**Figure 4: How the Agency demonstrates openness and engages with stakeholders**



Source: National Audit Office

46 C&AG's Report, paras 2.35–2.40; Qq 23, 27–28

47 C&AG's Report, para 2.38; Q 30

48 Food Standards Agency, *Guidelines for assessing and acting on information from food incidents and food surveys*, September 2003

## Labelling

27. Consumers need clear and accurate information on which to make choices about the food they buy and their diet. The Agency has three objectives with regard to labelling—to promote honest labelling; to initiate, develop, agree internationally and implement rules on food composition, labelling and advertising; and, to protect consumers by controls on health foods or other sensitive foods, such as baby foods.<sup>49</sup>

28. The Agency acts to protect the public from misleading labels, such as 'lite' and '90% fat free', when these convey an incorrect perception of the product. The Agency is working with other EU member states to introduce rules that will ensure that labelling is more honest and straightforward in the future. The Agency is also part of an EU working party established to consider extending labelling to fresh food and is working with other EU states on labelling on restaurant menus of products causing common allergic reactions. The Agency agreed that mislabelling of products was misleading for consumers. It agreed that 'naming and shaming' was one possible option.<sup>50</sup>

29. On the issue of genetically modified foods, the Agency's interest focuses on food safety and consumer choice. Its two main roles are to work with the European Union to establish regulations with regard to labelling and testing and to advise the Government on changes in EU policy; and to work with the Advisory Committee on Novel Foods and Processes (ACNFP), an independent body with members appointed by the Agency, to interpret and enforce European regulations and establish UK priorities for genetically modified foods that require discussion at European level.<sup>51</sup>

30. In response to criticism by the Consumers' Association, the National Consumer Council, Sustain and the Agency's consumers' committee on how it presented information on genetically modified foods, the Agency said that it took the position that the public should have a choice. To allow members of the public to exercise that choice required accurate labelling to indicate the presence or absence of genetically modified products in foods, but labelling that was enforceable and practicable.<sup>52</sup>

31. The Agency added that there were currently no rules on the use of the term 'GM-free'. It was not therefore in a position to state what a 'reasonable definition' of 'GM-free' would be. The Agency had pressed the European Commission to propose rules on the use of the term 'GM-free', but had not, as yet, been successful. Currently, if a product has less than 1% genetically modified content, it does not have to be labelled as a genetically modified product. Such products could be labelled 'GM-free', although the public might expect more stringent requirements. The Agency said that a lower limit for 'GM-free', such as a ceiling of 0.1% genetically modified material, might be difficult to sustain given the inadvertent contamination that will occur in non-genetically modified crops.<sup>53</sup>

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49 C&AG's Report, para 1.13

50 Qq 15–21, 83, 129–130

51 C&AG's Report, Figure 8, p 20

52 Qq 22, 103

53 Qq 25, 26, 145–147, 154



## Nutrition

32. The Agency has strategic objectives to improve the diet and nutrition of the UK population.<sup>54</sup> As part of this, it is in the process of examining the impact of child-focused food advertising on children's medium and long-term health. On 25 September 2003, the Agency published a comprehensive review of research examining the way foods are promoted to children and the possible link between promotional activity and children's eating patterns. In particular, the review concluded that advertising to children does have an effect on their preferences, purchase behaviour and consumption. The Agency intends to draw on the conclusions of the report to inform and promote open public debate, before considering the outcomes and discussing the options available.<sup>55</sup>

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54 C&AG's Report, para 1.17

55 Qq 84-88

## Conclusions and recommendations

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### Safeguarding the public

1. The Food Standards Agency was set up as an independent body operating at arm's length from Ministers, responsible for protecting public health and consumers' interests in relation to food. Even with these arrangements in place, the Agency has not yet demonstrated convincingly that it is able to lead on issues of food safety and standards and is an authoritative and trusted voice where there is public doubt. The Agency should exploit its independence and freedom of action to position itself firmly as the champion of the consumer.
2. In the light of increasing public concern about hygiene in catering outlets, the Agency needs to aim for a higher profile in the enforcement of standards by local authorities, in order to reassure the public that monitoring and control are adequate.
3. The Agency's campaign to raise hygiene awareness in catering establishments has not so far brought about the necessary change in behaviour. Survey results show that more than one third of staff still neglected to wash their hands after using the toilet and half of those surveyed did not appear to wash their hands before preparing food. The Agency's further work in this area should target specific changes in behaviour and should establish clear measures to assess the effectiveness of these activities.

### Clarity of the Agency's relationships with other bodies

4. A lack of clarity in the relationship of the Agency to other government departments and agencies creates a risk that important issues of food standards and safety could be missed or action not taken sufficiently quickly by any one body. The Agency needs to establish a stronger presence and profile among other government bodies with which it works, principally DEFRA. A proposal by the Agency to DEFRA to take over responsibility from it for the controls over imported meat and products of animal origin has yet to be implemented, and we encourage DEFRA to resolve this matter without delay.
5. The Agency does not have data on how well it performs compared with other national organisations, such as the United States' Food and Drug Administration. The Agency should take steps to examine regularly its position and activities against that of other national bodies in order to benchmark its performance against the best.

### The Agency's presence and profile with the public

6. The Agency communicates with the public through the media, its website, information circulated to local authorities and through specific campaigns about food. Members of the public are only likely to look to the Agency for information and advice about food standards and safety when they understand better its role and the information and advice that it can provide. As a first step the Agency should make arrangements to monitor the extent to which its advice and information are being used by the public. It should also assess which media activities have most

impact; for example, whether selective continuous advertising is more effective than one-off campaigns.

7. There is considerable public interest and debate about issues such as nutrition and diet with only limited availability of clear and authoritative information. The Agency currently publishes general advice on its website about eating more healthily, but in view of its strategic objective to improve diet and nutrition in the UK, the Agency should clearly define how it will do so, and the extent to which it feels able to offer advice on matters such as the value and safety of specific diets or foods.
8. On the issue of advertising to children the Agency should launch a programme of consultations with food manufacturers, to get them to focus more on nutritional and health aspects in promoting food products to children.
9. The Agency consults widely with consumer groups and other parties, but it needs to demonstrate greater transparency in its decision-making processes, by setting out publicly the reasons for the decisions it takes and how stakeholders' views have been taken into account.
10. The Agency should be able to demonstrate measurable progress on major issues of importance to consumers, including the authenticity and labelling of food, both from a food standards point of view and in respect of nutritional issues. Labelling should for example be clear about whether food has a genetically modified content or not. The Agency could use its powers to make the public aware of manufacturers whose labelling is misleading or inaccurate.



# Formal minutes

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**Monday 27 October 2003**

Members present:

Mr Edward Leigh, in the Chair

Mr Richard Bacon  
Jon Cruddas  
Mr Frank Field

Mr David Rendel  
Mr Gerry Steinberg  
Mr Alan Williams

The Committee deliberated.

Draft Report (Protecting public health and consumer interests in relation to food: the Food Standards Agency), proposed by the Chairman, brought up and read.

*Ordered*, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 32 read and agreed to.

Conclusions and recommendations read and agreed to.

Summary read and agreed to.

*Resolved*, That the Report be the Forty-fifth Report of the Committee to the House.

*Ordered*, That the Chairman do make the Report to the House.

*Ordered*, That the provisions of Standing Order No. 134 (Select Committees (Reports)) be applied to the Report.

Adjourned until Wednesday 29 October at 3.30 pm

## Witnesses

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Wednesday 14 May 2003

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Dr Jon Bell, and Ms Pat Stewart, Food Standards Agency

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## List of written evidence

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Second Report	Dealing with pollution from ships	HC 119 ( <i>Cm 5770</i> )
Third Report	Tobacco Smuggling	HC 143 ( <i>Cm 5770</i> )
Fourth Report	Private Finance Initiative: redevelopment of MOD Main Building	HC 298 ( <i>Cm 5789</i> )
Fifth Report	The 2001 outbreak of Foot and Mouth Disease	HC 487 ( <i>Cm 5801</i> )
Sixth Report	Ministry of Defence: Exercise Saif Sareea II	HC 502 ( <i>Cm 5801</i> )
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Eighth Report	Excess Votes (Northern Ireland) 2001–02	HC 504 ( <i>N/A</i> )
Ninth Report	The Office for National Statistics: outsourcing the 2001 Census	HC 543 ( <i>Cm 5801</i> )
Tenth Report	Individual Learning Accounts	HC 544 ( <i>Cm 5802</i> )
Eleventh Report	Facing the challenge: NHS emergency planning in England	HC 545 ( <i>Cm 5802</i> )
Twelfth Report	Tackling pensioner poverty: encouraging take-up of entitlements	HC 565 ( <i>Cm 5802</i> )
Thirteenth Report	Ministry of Defence: progress in reducing stocks	HC 566 ( <i>Cm 5849</i> )
Fourteenth Report	Royal Mint Trading Fund 2001–02 Accounts	HC 588 ( <i>Cm 5802</i> )
Fifteenth Report	Opra: tackling the risks to pension scheme members	HC 589 ( <i>Cm 5802</i> )
Sixteenth Report	Improving public services through innovation: the Invest to Save Budget	HC 170 ( <i>Cm 5823</i> )
Seventeenth Report	Helping victims and witnesses: the work of Victim Support	HC 635 ( <i>Cm 5823</i> )
Eighteenth Report	Reaping the rewards of agricultural research	HC 414 ( <i>Cm 5823</i> )
Nineteenth Report	The PFI contract for the redevelopment of West Middlesex University Hospital	HC 155 ( <i>Cm 5961</i> )
Twentieth Report	Better public services through call centres	HC 373 ( <i>Cm 5961</i> )
Twenty-first Report	The operations of HM Customs and Excise in 2001–02	HC 398 ( <i>Cm 5961</i> )
Twenty-second Report	PFI refinancing update	HC 203 ( <i>Cm 5984</i> )
Twenty-third Report	Innovation in the NHS—the acquisition of the Heart Hospital	HC 299 ( <i>Cm 5961</i> )
Twenty-fourth Report	Community Legal Service: the introduction of contracting	HC 185 ( <i>Cm 5961</i> )
Twenty-fifth Report	Protecting the public from waste	HC 352 ( <i>Cm 5961</i> )
Twenty-sixth Report	Safety, quality, efficacy: regulating medicines in the UK	HC 505 ( <i>Cm 5962</i> )
Twenty-seventh Report	The management of substitution cover for teachers	HC 473
Twenty-eighth Report	Delivering better value for money from the Private Finance Initiative	HC 764 ( <i>Cm 5984</i> )



Twenty-ninth Report	Inland Revenue: Tax Credits and tax debt management	HC 332 (Cm 5962)
Thirtieth Report	Department for International Development: maximising impact in the water sector	HC 446 (Cm 5962)
Thirty-first Report	Tackling Benefit Fraud	HC 488 (Cm 5962)
Thirty-second Report	The Highways Agency: Maintaining England's motorways and trunk roads	HC 556 (Cm 5962)
Thirty-third Report	Ensuring the effective discharge of older patients from NHS acute hospitals	HC 459 (Cm 6016)
Thirty-fourth Report	The Office of Fair Trading: progress in protecting consumers' interests	HC 546 (Cm 5962)
Thirty-fifth Report	PFI Construction Performance	HC 567 (Cm 5984)
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Thirty-seventh Report	Ministry of Defence: The construction of nuclear submarine facilities at Devonport	HC 636 (Cm 6016)
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Thirty-ninth Report	A safer place to work: Protecting NHS hospital and ambulance staff from violence and aggression	HC 641 (Cm 5963)
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# Oral evidence

## Taken before the Committee of Public Accounts on Wednesday 14 May 2003

Members present:

Mr Edward Leigh, in the Chair

Mr Richard Bacon  
Geraint Davies  
Mr Brian Jenkins

Mr David Rendel  
Mr Siôn Simon  
Mr Alan Williams

MR TIM BURR, Deputy Comptroller and Auditor General, further examined.

MR BRIAN GLICKSMAN, Treasury Officer of Accounts, HM Treasury, further examined.

### REPORT BY THE COMPTROLLER AND AUDITOR GENERAL:

#### Improving Service Delivery: The Food Standards Agency (HC 524)

*Witnesses:* **Dr Jon Bell**, Chief Executive and **Ms Pat Stewart**, Deputy Chief Executive and Director of Corporate Resources and Strategy, Food Standards Agency (FSA), examined.

**Q1 Chairman:** We are very happy to welcome you, Dr Bell. Thank you for coming this afternoon to speak to us about an important subject concerning your Agency, the Food Standards Agency. May I kick off with a few questions? Could you please start by turning to page 48 and looking at paragraph 2.32? You will read there that only 3% of people use the Agency as a source of information about food standards and safety. Why not more?

**Dr Bell:** This is for a variety of reasons, principally because people do tend to get their information mainly from the media. Our information is that around 35% get their information from the media and around 15% from supermarkets; but indeed one might ask where they get their information from. This is the key. The point is that we provide our information to the public in a variety of ways and one certainly is by using the media; that is a very important source to us because it gets to a great many people fairly easily and in a very timely way. The other is that we do of course have a website and that is frequently visited; one could surmise, of course, by a similar group of people and perhaps one does not get to as many as one would want that way. There are of course people who turn to websites rather more readily than others. People get their information in a variety of ways and we feed into all of those.

**Q2 Chairman:** Does that low figure worry you?

**Dr Bell:** Yes, I should like to see it higher quite honestly and we are working to improve it. It is a matter really of drawing people's attention to where they can get information from us and obviously they can telephone us, but the website is a good source.

**Q3 Chairman:** It is not a lack of interest in the subject, is it? We see that on page 33, paragraph 2.7. If we look at the first bullet we see that there is increasing public concern about hygiene in food outlets, the number of people who expressed

concerns about hygiene in food outlets rose from 42% in 2000 to 50% in 2002. You gave us that backdrop of increasing public concern but only 3% came to you as a source of information. What are you doing to tackle this situation?

**Dr Bell:** What we are planning to do is to try to get more information out to people about where they can come in to get the more detailed facts they might need. We do operate strongly through the media and I think that people would feel from what they read that we are getting information to them that way. There has been an example only in the last week of a fairly big spread in the media about the advice we put out on vitamins and minerals for instance. I am sure that has reached a great many people since it was carried in all the main dailies and in some of them over several pages.

**Q4 Chairman:** Let us look at one case study which I personally found quite interesting, which was Appendix 7 on page 60, which is the case study on water in chicken. I saw that some chicken parts analysed had water levels of 37%. I do not know whether they were thinking of the chicken in the House of Commons canteen at that stage or not. Another one found that some of this chicken had 26% less meat than that declared on the packaging. How can you be sure that the public are not being short-changed in this way in other products?

**Dr Bell:** We do quite a lot of work on authenticity issues. We have looked for instance at food oils, olive oil and quite high quality oils which are on sale to see to what extent they may contain cheaper oils. We have found that in a small minority of cases they do and we have publicised that and we found on further surveys that position has improved. We do look at a variety of areas where we think the public might be being misled. We looked at GM labelling, for instance, and we look at a number of labelling issues quite regularly. Yes, there are cases where the public could easily be being misled.



**Q5 Chairman:** What worries me is that you give that answer, which may sound reassuring, but if one looks at page 35, paragraph 2.10, we see that in 2000–01 you only completed 11 food surveys. We come across this case example of water in chicken, which is fairly disturbing, then the public might expect that you are surveying industry on a very wide basis, but if we look at page 35, we find that you are not.

**Dr Bell:** There is more to this than just the absolute numbers in any one year.

**Q6 Chairman:** I should have thought that was a fairly critical number, is it not? In 2000–01 the Agency completed 11 food surveys and eight in 2001–02. We are talking about a massive industry here, are we not?

**Dr Bell:** Yes, we are talking about a very large industry. We are talking about one aspect of it, which is principally the labelling side of it. We do have 50 surveys in process. These are fairly involved and lengthy exercises and they have to cover a lot of ground. We want to be sure of our facts before we publish. Inevitably, there is a limit on the number which can be handled in any one year when set against all the other types of surveys we do as well. We do a lot of food safety surveys as well as the authenticity surveys.

**Q7 Chairman:** Let us take a look at just how quickly you can work and look at page 43, Figure 33. It took you, the Agency, 10 months from starting the sample collection on soya sauce to publishing your advice in June 2001. Ten months seems a long time to me.

**Dr Bell:** Yes; there are lots of reasons why there is variability over the time taken.

**Q8 Chairman:** You can say that again. Your quickest survey was 17 days and your longest 10 months. Why this variation?

**Dr Bell:** It very much depends on a variety of factors, including the difficulty of the analysis, how many samples one wishes to analyse, getting the lab set up and ready to do the work. When you are dealing with extremely urgent work, which is the case when we have to turn things round very quickly, if we think there is a food safety hazard, then it is possible to pull out all the stops, get people moved on to doing that, get people in the labs moved on to doing that and turning things round very quickly indeed. Usually you are dealing with a limited number of samples for that, just so you can get a feel for where things are. When you want to do a more complete survey, which is what happened in the case of the soya sauce survey, it can take rather longer and if the results which come out need further interpretation, we often need to go to one of our expert committees for their advice.

**Q9 Chairman:** A colleague who cannot be here, Nick Gibb, has asked me to ask you about acrylamide, which apparently the Swedes reported can produce cancer and which is found particularly in chips, baked potatoes and similar products. You

advise people to eat more and more vegetables. My colleague, Mr Gibb, seems to think that you have moved rather slowly on this. Is that a fair comment?

**Dr Bell:** No, I do not think that is a fair comment. As soon as we heard that the Swedes had stumbled on this problem—and stumbled is the right way to describe it, they certainly had not been looking for it at the time—we immediately did a survey of our own of a range of foods in this country to see whether in fact it was some artefact of their production system to see what we found and indeed we were able to confirm that those findings were correct. We have been working with other Member States to put research in place to get to the bottom of this. Nobody knows what the answer to this is.

**Q10 Chairman:** You are not yet in a position to advise the public on the risks of cancer from acrylamide.

**Dr Bell:** We have issued some interim advice. We see no reason why anybody should change their diet on the strength of this at the present time, for a variety of reasons. One aspect is that the exposure appears to be quite low and we need to assess more whether that differs across a range of products. That is one aspect of it. The other is that clearly if you are going to give advice you need to give it in the round. If you say these are products which may have high levels and people move their diet onto something else you have not looked at and find that that may have even higher levels, then that is not helpful. We have given some interim advice, we have told people there could be a risk here and we are moving as fast as we can to get to the bottom of it.

**Q11 Chairman:** May I go from the detail to the general now? What contingency planning do you have for major threats such as BSE, which might occur suddenly and hit your organisation very hard?

**Dr Bell:** We have a range of contingency plans which we test out very frequently in exercises, both ones we do internally and ones we do with our stakeholders and, more widely, engaging in some of the government exercises as well which cover a wider area. We have had these plans in place from the beginning. Obviously a major exercise would require us to be able to ratchet that up quickly and all the plans are set up on the basis that they can very quickly be amplified and more resource brought in if necessary. We are reasonably confident that we can handle almost anything which is thrown at us. Having said that, one never knows what is round the corner and I would not want to give the impression we are over confident in that regard.

**Q12 Chairman:** May I ask you one last thing which interested me? If you look at Appendix 3 on page 56, there is a rather alarming statement which I read during lunch today in the House of Commons cafeteria. "The *Catering Workers Hygiene Survey* published in October 2002 revealed that more than a third of staff (39%) were still neglecting to wash their hands after using the toilet and half of those interviewed did not appear to wash their hands before preparing food". You have had a recent



campaign, have you not, to improve hygiene in the catering industry? About two million people at any one time are working in catering, often young people in transitory positions. Then we read a statement like this, so how successful has your campaign been?

**Dr Bell:** Certainly in terms of raising awareness, it has done a pretty good job in that before we started general awareness was around the 20% level and following up the campaign we tested it again and it had risen to around the 60% level. The key to this however is maintaining that level of awareness and actually getting people to translate that into changes in behaviour. Behavioural change is rather more long term; it takes rather longer to get people to do that and one has to reinforce the message repeatedly.

**Chairman:** Let us hope you make better progress.

**Q13 Mr Williams:** Table 19 on page 33 shows that the biggest public concern in 2002 was food poisoning with over 60% ranking it as their first worry. In Table 38 under the section "Hygiene in catering" dealing with food safety risk from bacteria, "The Agency sought to promote awareness of its campaign to improve food hygiene in catering". Why will you not back organisations like the Consumers' Association who are pressing with the explosion in catering and eating out and take-away meals to have pre-opening inspection by environmental health officers before they are allowed to open up and start feeding the public. Why are you so reluctant?

**Dr Bell:** It is not that we are reluctant. The board has considered this and it certainly has not ruled out either licensing or some pre-approval arrangement. That is certainly something they want to return to and look again at. What they have said at this stage is that they want to put the emphasis, the resources we have available, into introducing the hazard analysis and critical control point approach to improving hygiene.

**Q14 Mr Williams:** Surely if you make people start and observe standards, there is a greater possibility they will maintain them. If a caterer knows he has to be achieving certain standards and is inspected before he or she is allowed to start serving the public, they will make more attempt to maintain those standards, because they could be closed down.

**Dr Bell:** In principle that might be the case. The practice we have discovered is that that is not necessarily the case. Businesses turn over in the catering sector very fast, there are very many small businesses. Actually having the resources to get round and inspect everybody before opening and to be able to prosecute those who may be operating outside that arrangement is really quite an onerous task. What we want to do is to get the performance of the catering sector to improve by getting them to see the sense of doing better and by introducing systems that they can understand and can operate which will actually deliver that.

**Q15 Mr Williams:** In other words you are not going to do anything. If we look at the abuse of the advertising of food as being X% fat free, the previous

edition of *Which* quotes Serene Snack Fruit Loaf 90% fat free, which really means that it is 10% fat. Three years ago manufacturers were asked to stop this practice, but it was voluntary and they have not stopped this practice. Do you intend to do anything about this?

**Dr Bell:** We are working with other Member States to bring in some rules which will actually ensure that this sort of labelling is much more honest and straightforward than it currently is. They are in the pipeline now. There is action coming along to deal with that.

**Q16 Mr Williams:** It is "coming along". How far away is "coming along"? A directive is a five-year lead-in process. Where are we in the process?

**Dr Bell:** We are a lot less than that.

**Q17 Mr Williams:** It could be "a lot less" and still be a long way away. How near are we?

**Dr Bell:** It certainly is not within the next few months. Yes, it is further ahead than that because it has to go through the normal negotiating process, but it is a lot less than five years. If I give you a date on that, I shall almost certainly be wrong.

**Q18 Mr Williams:** No, I was not asking for a specific date. I was asking whether it was going to be months, a year or several years.

**Dr Bell:** I think it could be more than a year away.

**Q19 Mr Williams:** With obesity a general worry and cholesterol an increasing worry, take the misleading advertising using light or lite in relation to fat. I was amazed to read that Philadelphia Lite contains 16% fat, which is about five times as much as a low fat product. It is over five times as much, is it not? That is a disgracefully misleading process, is it not? They should be ashamed of it.

**Dr Bell:** Yes, I think it is misleading and it is certainly possible, if products are being labelled in such a way as to mislead, that the local authorities have the powers to prosecute on that and we would certainly encourage them to do it.

**Q20 Mr Williams:** Why do you not name and shame? Why do you not start running a news sheet of offenders against guidelines? Why do you not make them suffer for it?

**Dr Bell:** That is certainly one way of exposing the practice and certainly what we are doing is that we are in the process of running a series of surveys of the fat content of products and salt content of products and we shall be very clearly publishing what we find on our website and pointing to products which we think are misleading in that way.

**Q21 Mr Williams:** When?

**Dr Bell:** We shall be running that and publishing that this year.

**Q22 Mr Williams:** That is something we can perhaps look forward to. Take the attack you had from three consumer organisations in relation to GM food: the Consumers' Association, the National



Consumer Council, which Shirley Williams and I set up in the 1970s, and the third organisation is one I was not familiar with, Sustain. They attack you for being partial and biased in the way in which you present information in relation to GM food and say that you are no different in your position from your precursor, the Ministry of Agriculture, Fisheries and Food. What do you have to say to that?

**Dr Bell:** Of course I refute that. That is not a position we would recognise at all. This is a very emotive subject, as you will appreciate and people who feel that these products should not be available for a variety of reasons—perhaps they feel there is a safety risk or that they might be disguised in the products—take a view that those who may be trying to occupy, as I would suggest, more neutral ground, as we are, are perhaps not in that position but are on the other side of the argument.

**Q23 Mr Williams:** You have recently published the findings of your Citizens' Jury on GM food. Unfortunately you failed to point out in an area where there was absolute unanimity on the part of your jurors' panel, that they unanimously felt that GM crops should not be grown commercially in the UK. Why did you exclude that little piece of information?

**Dr Bell:** We did not exclude that piece of information.

**Q24 Mr Williams:** It was not in the press release then.

**Dr Bell:** In the press release, which was their press release,<sup>1</sup> not ours, they chose the topics they wished to have summarised in that press release and it naturally did not cover everything they discussed that day. The whole of the Citizens' Jury was broadcast on the internet at the time. A videostream is on our website and can be viewed at any time, that information was in the paper that the board discussed last week and was available before that. We have not in any way tried to disguise any of the information which has come out of the citizens' jury; it is all there.

**Q25 Mr Williams:** Do you have a position on the labelling of GM food?

**Dr Bell:** Yes. We think it is absolutely right that people should have a choice and should have clear labelling, but that labelling needs to be enforceable and practicable if it is to be of any use to consumers.

**Q26 Mr Williams:** So you would not be supporting the position the Americans are taking at the moment in trying to force us to drop such labelling?

**Dr Bell:** No, I think it is absolutely right and the Agency thinks it is absolutely right, that people should have the choice. They need good labelling to enable them to have that choice.

**Q27 Mr Jenkins:** You have a big job really, do you not? You are trying to answer to a number of people. One of the things I thought with regard to the quality

and standard of food was that we need to have a good, high quality and standard of food if we are going to export, because it is that which creates that export market. When we are dealing with these people and looking at exporting food, how much notice do you take of the food producers? How closely do you work with food producers to ensure that their standards are high?

**Dr Bell:** We work with all our stakeholders and food manufacturers and retailers are a very important part of that overall picture. We speak with them regularly and we listen to what they have to say.

**Q28 Mr Jenkins:** How do you compare this duty to food producers, remembering it is an industry we want to do well out of, with the duty to consumers? Where does the critical point come?

**Dr Bell:** There is inevitably a balance to be struck here. We were set up with our first duty being to look after the interests of consumers, so that is clearly where we come from. Having said that, one does have to be proportionate in the way we approach these things for the consumers' sake as well as the industry's. There would be no point, for instance, in taking unnecessarily draconian action which might clear a product off the shelf, if that effectively reduced the choice to consumers as well as harms a manufacturer.

**Q29 Mr Jenkins:** Only one third of the public consider the Agency to be unbiased and not part and parcel of government or in the pocket of the food producers. It is a difficult concept to get over. How are you going to tackle that?

**Dr Bell:** It is a difficult concept to get over and undoubtedly our survey showed that we are making strides in this area. When you consider what we grew out from, which was a total lack of confidence in the way that the food supply was being protected and the way consumer interests were being protected, inevitably it is going to take a number of years to be able to rebuild that trust. We are three years on; we are still a comparatively new organisation, but we can demonstrate that we have made steps in that direction. We still have a way to go.

**Q30 Mr Jenkins:** You have plateaued now. Only one third of the people believe and in three or five years' time, if still only one third of the people believe, you would have failed, would you not? What strategy do you have to ensure that it is going to go up?

**Dr Bell:** It is effectively to pursue things very much in the way we have started, which is that we are very open about what we do, we talk to our stakeholders, we bring in consumer groups, we publish the information we produce and we are quite open about that and we will give any information people require in connection with what we are doing and we make it quite clear when we are prepared to stand up. Sometimes we make remarks that not everybody will accept, but very much based on the evidence.

<sup>1</sup> Note by witness: The members of the Citizens' Jury.



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**Q31 Mr Jenkins:** You spent 8% of your budget on consumer confidence. Do you think this money was well spent?

**Dr Bell:** Yes, I think it was, but we need to go further, there is no question about that. When you think where we started from, the very fact we have got to where we are shows we are making some strides.

**Q32 Mr Jenkins:** We have a situation in this country where we have doubts about some of the restaurants and food outlets. You have given me the impression that you do not want to take draconian action, you are loath to highlight this. Surely one of the ways you could highlight your role and the Agency's is to be draconian, is to shut restaurants or to issue public concern documents with regard to outlets which you feel are not up to standard and not maintaining the standard you would like.

**Dr Bell:** The actual responsibility for vetting and shutting restaurants lies with the local authorities. We are very supportive of what they do and we work with them to try to ensure that they are able to be effective in this area and we audit their activities. If we think they are not being active enough, then we encourage them by publishing the information.

**Q33 Mr Jenkins:** So you are very concerned with the standard and quality of local authorities and therefore you audit 10%. Right?

**Dr Bell:** We are working our way round all the local authorities and we are gradually auditing all of them and we publish what we do. We are working on two levels. We are auditing local authorities to see what level of inspections they do. We also go in and on a selective basis we do much deeper audits. All this does take considerable resource and it is not possible to get round all of them in a year; there is a very large number of them. We are working our way round them and we shall get round them all.

**Q34 Mr Jenkins:** If I had a strategy for looking at local authorities and for auditing local authorities for consistency and ensuring they are doing their job, I would have a league table. I would have the ones where the greatest incidence of food poisoning occurs and I would start working on those first. Is that your strategy?

**Dr Bell:** Our strategy is to visit the ones we think are not doing the required number of inspections. We do target that group. We are visiting at the earlier stages the ones where we feel perhaps the required level of effort is not going in that we would wish to see and we are working our way down to the ones who, on the statistics we have, would appear to be being more effective.

**Q35 Mr Jenkins:** Would the list of the ones you have concern about be available to the public?

**Dr Bell:** Absolutely; yes. We publish all the audit results we get and we publish our tables of information.

**Q36 Mr Jenkins:** So any member can look to see whether their authority is performing well.

**Dr Bell:** All this information is regularly published on our website, yes.

**Q37 Mr Jenkins:** I have yet to see it; I must admit I have not visited your website, so that is my problem, but I do not suppose many members of the public out there visit your website. What are you doing to ensure that the people in the locality appreciate that their food outlets are not being monitored by their local authority to the standard that you would like? Do you put an advert in the papers? Do you put letters or articles in the local papers? Do you put pressure on that authority?

**Dr Bell:** Yes, we certainly do. We issue information in the form of a news release to the local area papers on the results of the audit which we have carried out on that local authority.

**Q38 Mr Jenkins:** Sounds good to me. I hope it works because we need to drive up standards in the local authorities.

**Dr Bell:** Yes; absolutely.

**Q39 Mr Jenkins:** The report says that you do not monitor the costs of your food surveillance work.

**Dr Bell:** This is an area where we clearly need to do more. What we do know is a good deal about the cost of commissioning the surveys. Where we do not have a breakdown to the level of individual surveys at this time, but we are putting this in hand, is the amount of in-house staff resource we use on any one survey. We know what we use across surveys as a whole in any one year, but if, as has been suggested, we need to have information on each survey, then it is true, yes, we are still short of having that level of detail. We do know what we spend in terms of commissioning the work, the laboratory work, the external work. It is the internal work we need to do better on.

**Q40 Mr Jenkins:** May I ask you about bush meat? How concerned are you with regard to the illegal importation of meat products into this country which, because it is illegal, is hidden? How effective are you at targeting the community which is using this product or stopping the actual importation?

**Dr Bell:** Obviously the concern from our point of view is whatever risk that creates for public health and for any of those people who may be consuming it who may be purchasing it somewhere. We are working very closely with local authorities to try to get hold of that sort of thing wherever it may be being sold on street markets or round the back of premises or whatever may be the way it is being done. It is more difficult in terms of people who wish to bring this in for their own personal consumption. That is a rather more difficult issue and the importation of this stuff initially falls very much to Customs and Excise. We are interested in any risks which may be associated with it.

**Q41 Mr Jenkins:** The risks are not only to the people who consume this, but the risks of spreading it further. It could be implied, it could be stated, that our swine fever outbreak in Norfolk and our foot



and mouth disease outbreak came from imported food, which we should not have had in this country. How do we control the imported food safety on health grounds and animal welfare grounds as well?

**Dr Bell:** This year we have set up a programme and we are working very closely with DEFRA, who have part of the responsibility for this, and Customs and Excise. We set up a programme to bring much better co-ordination amongst all the inspection authorities who are involved in this. We are particularly interested in meat which is imported or food which is imported in bulk rather than personal imports in baggage because that is obviously an area where there could be some concern. We are working to bring all those authorities together, the port authorities and everybody else, to make a step change in improvement in the way enforcement is carried out in these areas. We have one year in which we have to deliver that and report the results of that.

**Q42 Mr Jenkins:** You work with several departments. Are you happy with the response you get from the Department of Health and DEFRA as to recognising the importance of your work, your Agency and the reason why you should be independent? Do you feel they respond to you in an effective manner?

**Dr Bell:** Yes, on the whole they do. The situation has taken time to settle down. Getting used to having not only a new department but an entirely new type of department here on the scene has taken time to bed down, but I am very satisfied that we have now reached the position where we have very good working relations with all the major departments we need to work with.

**Q43 Mr Bacon:** I am looking at the DEFRA report on illegal meat imports printed on 17 July last year in which it says on page 14 "... the Food Standards Agency proposed that imports of products of animal origin should come under its control". Is that now the case?

**Dr Bell:** We are having discussions with DEFRA about the transfer of some further areas here, where it clearly would make more sense if we could take these under our belt.

**Q44 Mr Bacon:** So it is not now the case.

**Dr Bell:** No, it is not presently the case; this still resides with DEFRA.

**Q45 Mr Bacon:** This report was printed last July, which means that the evidence was several months prior to that. It is already now about a year since this evidence was given. Why do you think so little progress has been made?

**Dr Bell:** I imagine it is a question of priorities amongst other things, not only from our side but particularly from DEFRA's side. At the moment they have that responsibility. We need to reach agreement with them on passing it over and we need the resources to go with it.

**Q46 Mr Bacon:** Is it still the FSA's view that it should be passed over?

**Dr Bell:** Yes, it is our view, provided that satisfactory resources can come with it.

**Q47 Mr Bacon:** Foot and mouth, which this Committee looked at, cost the public purse £3 billion and the private sector a further £5 billion, a total of £8 billion, and the classical swine fever, which affected my constituency and Suffolk and East Anglia, was also very expensive. I was talking to a farmer just the other day who has a £750,000 overdraft as a direct consequence of classical swine fever. Given all that, what is it about the situation which makes you think that the priority which is being accorded illegal meat imports is not high enough? What could be a higher priority?

**Dr Bell:** In our view the direct protection of the public has to be a high priority. That is where we are particularly focused. DEFRA clearly have to be focused on the animal health side and it is quite right that they should be. We are perfectly prepared to play our part in the inspection of imports and the regulation of that side.

**Q48 Mr Bacon:** Again in the DEFRA report it says "... we believe that the Food Standards Agency should re-examine its decision not to undertake a risk assessment on the human health implications of illegal meat imports". Since this report was published, have you reconsidered that decision not to undertake a risk assessment?

**Dr Bell:** Our preliminary risk assessment is that these do not provide a serious risk to public health. We are obviously watching the position very carefully. They could be a risk to animal health, that is very true, but our view is that on the basis of inspections which have been made and what has been seized that has not so far indicated a serious public health concern.

**Q49 Mr Bacon:** A series of operations were carried out at Gatwick Airport between 31 March 2001 and 30 March 2002 in which a total of 257 passengers were detected carrying illegal meat and there was at least one instance of illegal meat importing on each of the 30 occasions during that 12-month period when an operation was carried out. That suggests that there is a huge amount of illegal meat importing going on, obviously with potential consequences for animal health and also for human health. Do you not think you ought to reconsider your decision?

**Dr Bell:** No, it is not a matter for us to reconsider that. It certainly is a matter for Customs and Excise, indeed from the beginning of April this year they have taken on full responsibility for policing that side of imports.

**Q50 Mr Bacon:** It says here and you have confirmed this is the case that the Food Standards Agency want imports of products of animal origin to come under its control.

**Dr Bell:** We think it makes sense for that to happen, because that is a more efficient way of dealing with the problem.



**Q51 Mr Bacon:** Does that not only make sense if you then, having got control of it, take the problem more seriously?

**Dr Bell:** Yes, but we have to be clear what we are talking about here. We are not talking about personal imports which come in with baggage. We are talking about imports which come in through recognised ports as food imported in bulk. That is the area where there is a regime which we think would probably be better combined with the other aspects of food health control.

**Q52 Mr Bacon:** The Association of Port Health Authorities would disagree with you. They certainly agree—this is a quote from *Glasgow Herald*—“... deliberate evasion—with meat often hidden in 40-tonne containers supposedly carrying fruit and vegetables” but actually containing illegal meat, is a problem. They also identify that meat brought in for personal use is a problem. In fact you yourself said—I wrote it down—it is more difficult in relation to personal use. I am not sure what you meant by that. I am not sure whether you meant it was more difficult, so you could not do anything, or that there was a big issue and you had to deal with it. Which was it?

**Dr Bell:** No, the situation with personal imports, which Customs and Excise look after, clearly concerns detecting what comes in on passengers, stopping passengers; the stuff which comes in through ports, every consignment in some areas can be checked very easily. The question is, who is doing the checking? As you rightly say, if you have people who are inspecting for fruit or plant material but do not inspect for meat, is that efficient when in fact there may be meat hidden in that consignment?

**Q53 Mr Bacon:** Yes, but the position of your Agency is that you want to have control over the import of products of animal origin.

**Dr Bell:** Yes, that is right. But as I say, the personal import side would continue to reside with Customs and Excise.

**Q54 Mr Bacon:** The thing is that it has been quite obvious for a long time, in fact it was obvious during the Animal Health Bill which I was on the Standing Committee of, that responsibility was falling between loads of different stools and it was acknowledged by the department that that was the case. This article I am looking at from the *Glasgow Herald* refers to the Food Standards Agency, which is responsible for protecting public health, and the fact that your Agency had admitted that the scale of the problem was unknown. The journalist concerned, a Mr Iain Wilson, contacted Customs and Excise and his enquiries were referred to MAFF, as the controlling agency. MAFF, in turn, referred him to the Food Standards Agency as they said the FSA would know about the issues. The FSA replied “Try the Meat Hygiene Service”. “MHS, an executive agency of FSA responsible for standards within abattoirs, said: “It has nothing to do with us.”” Then, “Mr Mike Young, spokesman for the Association of Port Health Authorities—which does

inspect imported meat on its arrival—said later: “New laws are needed, because no specific agency is in charge of checking for smuggled meat””. You make it sound as though this continues to be the case. This was only March of this year.

**Dr Bell:** I cannot comment on an article which may be in a paper, which may or may not be true in what they discovered.

**Q55 Mr Bacon:** Why not? Why can you not comment?

**Dr Bell:** I do not know whether that is right or not. A journalist has written that. I did not participate in that article.

**Q56 Mr Bacon:** Do you think he made it up?

**Dr Bell:** I have no idea, but sitting here I cannot actually comment as to its veracity.

**Q57 Mr Bacon:** The essential point is—and this is just one illustration of it but there have been many others—that the responsibility for this appears to be divided, it appears to fall in lots of different places. You acknowledge that yourself. Your Agency wants to take control, you say so, you said so to the EFRA Committee last July. Your Agency wants to take control of the import of products of animal origin, yet you do not seem to be able to give a convincing answer as to what would happen to strengthen control of illegal meat imports if your ambition were granted.

**Dr Bell:** From the beginning of April this year all three departments have come together to work together to cover the whole of the area you are talking about and that is what we are doing. We each have a role to play in that and there is a ministerial committee which is being set up to oversee the activity.<sup>2</sup>

**Q58 Mr Bacon:** So it is being set up; it still has not yet been set up.

**Dr Bell:** That is within DEFRA's hands and we will play a part in that. We are getting on with our part in that.

**Q59 Mr Bacon:** When are you expecting that ministerial committee to be set up?

**Dr Bell:** Very soon indeed, I would have thought.

**Q60 Mr Bacon:** Weeks, months?

**Dr Bell:** I should have thought within the next couple of months at the outside.

**Q61 Mr Bacon:** I have to say that your evidence does not surprise me, because I have always detected a kind of complacency about this issue through government. What you say just confirms the experience I have had in the past. Could you say when your year is up? You said you had one year and then you are going to have to report back.

**Dr Bell:** Yes; 31 March next year. We started at the beginning of April this year.

<sup>2</sup> Ev 18



**Q62 Mr Bacon:** You mentioned hazard analysis and critical control points earlier (HACCPs), which is obviously normally something which is applied to restaurants. Do you think there is a case for looking at the whole of the United Kingdom in an HACCP sense and looking at the critical control points for entry of illegal meat imports? Is that something you are actually doing?

**Dr Bell:** No, not in that sense. The hazard analysis and control point activities apply to sectors of the industry. Clearly the whole idea is that eventually that will all form an umbrella. In the sense in which you are portraying it, that is not an approach which has been made, but that is a very interesting idea.

**Q63 Mr Bacon:** It is something which the Health and Safety Executive specifically recommended in a report some time ago, which I remember quoting during the Animal Health Bill. I would encourage you to go away and look at that because it is not a new idea. Surely to goodness, if the HACCPs' methodology is right for a restaurant, why would it be wrong for a country?

**Dr Bell:** It is not wrong for a country at all. In so much as that is being applied, for instance in the meat import area, recognising that there are the various facets, bringing in personal imports is one, action there, that is being taken, meat imports coming in through official ports and the port health authorities is another area which is also a critical control point, to that extent they are recognised as such. It may not have been done formally under the system which we are debating.

**Q64 Mr Bacon:** Do you think personal imports of meat should just be banned?

**Dr Bell:** Personal imports of meat certainly are something which should be controlled and are controlled.

**Q65 Mr Bacon:** I did not say "controlled". Should personal imports of meat be banned?

**Dr Bell:** They are subject to very strict conditions now. They are effectively banned outside that. The difficulty is how to prevent people doing it.

**Q66 Mr Bacon:** Should it be always illegal to bring in meat for personal use?

**Dr Bell:** I cannot see how one could say that across the board. It depends upon the risks associated with it.

**Q67 Mr Simon:** I did not know that restaurants and such places were not subject to a pre-opening inspection. It seems to me quite astonishing. In which case, is there a minimum time within which they will be inspected after opening?

**Dr Bell:** Local authorities keep a register of businesses in their area and they get round and inspect those as frequently as they possibly can. Clearly that is dependent to some extent on knowing where new businesses are opening and in the catering trade they are often very small businesses which come and go very quickly. It is always a challenge to keep on top of that.

**Q68 Mr Simon:** From the perspective of the Agency, would you have a time which you would recommend to local authorities as a time within which it would be appropriate to have inspected some kind of new catering establishment?

**Dr Bell:** Standards are already laid down that they are required to meet and indeed we audit them against this. This is that they have to inspect 100% of high risk businesses in their area each year. The performance at the moment is very variable and we publish the performance we find and we want to see it improved. A number of local authorities still do not meet that target and it is our aim to get them up to that target as quickly as possible. To that extent there is a target for them to meet.

**Q69 Mr Simon:** Which businesses are high risk?

**Dr Bell:** Businesses are high risk where there is a chance, if anything went wrong, of there being a significant impact on public health.

**Q70 Mr Simon:** I do not understand which food businesses that would not apply to.

**Dr Bell:** That would not apply to very low risk businesses which perhaps were handling products for which there was very unlikely to be a difficulty in that way. If you need to process a product to make it safe in any way, you need to inform people who are in that business of having a risk there, that if they under-process it there could be a serious problem coming from it. If you do not handle products like that, you may be more at the low risk end.

**Ms Stewart:** A corner shop selling wholly pre-packed stuff, things in packages, is a much lower risk than a butcher's selling stuff from an open shelf which is not pre-packed.

**Q71 Mr Simon:** So, for instance, all butchers, all restaurants and such places, would be classed as high risk businesses and would therefore ideally be inspected within a year of opening.

**Ms Stewart:** Butchers are licensed, so they are pre-inspected.

**Dr Bell:** That is the one area where this sort of action has been taken already, certainly. Yes, you are right, all businesses which present a risk need to be regularly inspected; certainly within the year of opening.

**Q72 Mr Simon:** Presumably the theory is that if businesses were operating unsafely, then there would be consequences and because of the negative consequences authorities would inspect.

**Dr Bell:** Yes, if they were operating unsafely, most certainly, indeed there is a very strong chance they would be prosecuted in such circumstances. The whole idea is that the public are not put at risk by unsafe practices.

**Q73 Mr Simon:** It does seem to me that Mr Williams is right. Implicit in the theory of this is that people just open and unless they start poisoning people they will not necessarily be inspected, ideally



within a year and perhaps longer. Surely the public would be greatly more protected if businesses were inspected beforehand.

**Dr Bell:** Absolutely; one could argue that. That is certainly a fair point. It is a question really of where you put your resources. There are usually very large numbers of businesses in any one local authority area—it varies from one local authority area to another. What they are trying to do is to ensure that they cover enough of the ground to protect the public as much as they are able within the resource they have.

**Q74 Mr Simon:** In which case you are saying that your view is that local authorities should be given more resources in order to enable them to pre-inspect because that would be better.

**Dr Bell:** It is always the case I am sure that local authorities could do more inspection if they had more resources. That is a question of how they use their resources and what resources they have and that is a matter for others. We would certainly argue that they need to have enough to be able to do the 100% inspections that they need to do of their high risk businesses every year and that is what we want to see.

**Q75 Mr Simon:** On labelling, I am not clear what enforcement powers you have or do not have.

**Dr Bell:** The local authorities have enforcement powers under fairly comprehensive EU legislation and that is to do with misleading labelling, that is to do with the presentation of certain information which is covered in that way on the label and obviously the requirement that the public have the information they are entitled to by law. It is quite comprehensive but we are looking for improvements to it.

**Q76 Mr Simon:** How does it work? Mr Williams gave examples of clearly misleading labels and he talked about naming and shaming and you talked about the website. I do not understand. If somebody is clearly misleading on a label, why ...

**Dr Bell:** Local authorities have full powers to prosecute in such circumstances where they think that is the case, where they think they can get a court to accept that is the case. There is absolutely no excuse for people being misled by labels which are portraying something which is not true and certainly a case can be made for prosecuting under those circumstances.

**Q77 Mr Simon:** How many prosecutions are there roughly, nationally, per year.

**Dr Bell:** I am afraid I cannot answer that off the cuff, but I can supply that information outside the inquiry, if you would like.<sup>3</sup>

**Q78 Mr Simon:** Yes, that would be interesting, if you would not mind. Would you suspect, anecdotally, very, very roughly, that the number of prosecutions of big companies for misleading labelling is possibly relatively low?

**Dr Bell:** It depends what it is relative to. Relative to all the food prosecutions, probably yes. I do not have the figures and I need to supply those to you so you can see what the picture is.

**Q79 Mr Simon:** Who compiles the nutritional information which appears on packaged food products and who verifies it?

**Dr Bell:** It is compiled by the manufacturer of that product and they have to display certain information as required by law. The accuracy of it is a matter for checking by local authorities. We ourselves do carry out surveys from time to time and we have some in the pipeline now for checking the veracity of the information they put on those labels.

**Q80 Mr Simon:** By "surveys", do you mean you take a representative sample of labels and you actually test the products in the labs against them?

**Dr Bell:** Yes, we would actually analyse for the nutrients which were claimed on the labels; all of them, if we thought that was appropriate, particular ones if we were interested in knowing whether particular ones were accurate. We have recently done a survey of sausages which we shall publish shortly. We are looking at the results now. We have been particularly interested in the variety of information associated with those which is displayed on the packs.

**Q81 Mr Simon:** When you have done those kinds of surveys in the past, how accurate have labels tended to be?

**Dr Bell:** It is like everything else, it has been a very variable result: some labels are pretty accurate and some decidedly are not. Obviously one needs to take action where they are well off the mark. That is clearly the case. The first thing we do is publish what we find, but we very much encourage local authorities to follow up where there are significant discrepancies.

**Q82 Mr Simon:** Do they? I am getting a sense of a huge food industry which some of the time is trying it on and some of the time is caught out, which, having been caught out, might alter the way it behaves. I do not get a sense of punitive measures which make it in the interests of big corporations not to try these things in the first place. You have got the label wrong, we find out, you will put it right. I cannot think of the big court actions, the massive fines, the things which make it worth a big corporate multinational's while not to do these things.

**Dr Bell:** We have found the most effective way, when you are talking about companies of that size which have a very significant reputation to protect across the breadth of their products, is to publish the results widely and make it quite clear that in fact they are not following the correct procedures in these

<sup>3</sup> Ev 18–19



matters. That sort of adverse publicity carries a lot more weight. We find from follow-up surveys that invariably there are very significant improvements.

**Q83 Mr Simon:** Nutritional information which appears on pre-packaged foods. I can understand why historically it may have happened that it did not appear on fresh food, but if you look for instance at semi-packaged fresh food in supermarkets, it strikes me that a packet of lamb in Sainsbury's could very easily equally have nutritional information as do many other things, but it does not. What do you think of that?

**Dr Bell:** There definitely is a case for extending the requirements to provide more nutritional information. That is certainly something we are pressing for in Brussels and indeed a working group has been set up to look at this. Yes, that is right. There needs to be an extension of the requirements to provide more of this sort of information.

**Q84 Geraint Davies:** I want to ask you briefly about the issue of obesity and diabetes in children and whether you in principle support the idea of restricting or not having any advertising during children's programmes for fat- and salt-impregnated shaped food targeted specifically at children. Do you have any feelings about that? Would you accept that very direct marketing at children may be against their medium- to long-term health interests?

**Dr Bell:** It very much depends what the outcome of that sort of advertising is and that is something we are looking very closely at. We expect to have a report around the end of July on some extensive research which has been done on whether indeed advertising, for instance during children's programmes on television, actually has a significant influence on the dietary patterns of children.

*The Committee suspended from 4.35pm to 4.45 pm for a division in the House.*

**Q85 Geraint Davies:** Presumably the people spending millions of pounds on advertising have already done that research and have already found that advertising makes children eat more fat- and salt-impregnated food, otherwise they would not be doing their job, would they? I understand from my colleague Mr Williams that he has already attended a conference for US legislators in Denver in the United States which looked at the fact that children over the age of two could pick up brand awareness and loyalties from jingles and toys and things. Are you in a position to do the depth of research which has already been done by the industry, which has proven to itself time after time that there is a return on investment in persuading two or three-year olds to consume large amounts of salt and fat-impregnated food?

**Dr Bell:** That is not quite how they put it, I have to say. They would argue, as we have heard in other areas, that what they are seeking is to move consumption away from one brand to another and

they are not in the game of increasing overall consumption. Obviously there are arguments against that perspective.

**Q86 Geraint Davies:** That is palpably absurd, is it not? Would you not agree?

**Dr Bell:** That is certainly what they say. What we are trying to do is get a proper evidence base here, one that we know will stand up to scrutiny by all sides, on which we can base proper policies. We are doing that research and the type of issues which have just been mentioned are part of what we are catching under that. We want to look right across the board at that and to draw firm conclusions so the FSA Board can then base their policies on a very firm evidence base to which they can point.

**Q87 Geraint Davies:** Assuming you do prove that there is this brand awareness and increasing consumption amongst very young children from this food advertising of particularly harmful products, what will you be doing? Will you be recommending limits on those sorts of advertising to that particular audience or not?

**Dr Bell:** It is very much for the FSA Board to decide what they want to do, but obviously one aspect of it could be some sort of restriction on the amount of advertising which goes on perhaps in certain ways at certain times. Yes, that is certainly one option which would be looked at.

**Q88 Geraint Davies:** I have a two-and-a-half-year-old daughter and even though she can barely speak when she passes one of these M signs, she says "Coke and chips". Obviously there is a susceptibility and danger there and I am glad you are looking at it. In terms of advertising itself, in the case of cigarettes we have had labels for a long time warning people of the nicotine contents. Do you think there is a case to be made for putting the levels of salt and fat in the advertising as well as on the products in a more visible way?

**Dr Bell:** What we are trying to do is to get the message across to people that they need to go for a balanced diet. Certainly that is ultimately the position. The difficulty is that if one brands foods as either good or bad, then you reach the point where it is very difficult to know how to blend them together to make the diet. It is the diet which needs to be balanced and within that, yes, there are high fat foods. The advice has to be to eat fewer of these, more carbohydrates. Clearly the salt issue is another one in its own right, which I can talk about separately if you are interested.

**Q89 Geraint Davies:** Clearly in fast moving consumer goods the added profit is in salt- and fat-impregnated packaged groceries, it is not in fresh foods. Do you not feel you face a bit of an uphill battle because the advertising can be delivered with a return in the unhealthy part of the market?

**Dr Bell:** There is definitely a challenge in the way you describe. You are right, fruit and vegetables do not have the same sort of appeal as perhaps some processed foods have which may be high sugar or fat



or whatever. The difficulty is knowing how, in a free market situation, one can do something to convince people about the general balance of their diet, that they should eat less fat and more carbohydrates and less sugar and that sort of thing.

**Q90 Geraint Davies:** Mr Williams asked why you do not require fast-food outlets to have an inspection before they open and you will be aware that in this report the primary concern of over 60% of people is food poisoning. On page 17, something like 80,000 have food poisoning. Do you know what proportion of those were from fast-food outlets?

**Dr Bell:** No, we do not have that sort of breakdown. It is not necessarily a distinction between fast-food outlets and other types of food outlets: there is vulnerability across the piece.

**Q91 Geraint Davies:** I was just asking whether you knew, and you do not, but could you let us know?

**Dr Bell:** Yes, we will look into that and see what figures there are.<sup>4</sup>

**Q92 Geraint Davies:** The issue is that if 60% of people are concerned about food poisoning, hopefully they are taking some measures to protect themselves from that by washing their hands and this sort of thing, yet we are finding in this report that 38% of caterers do not wash their hands already and we have an emergence of more and more of these food outlets which serve up fast-food to large queues of drunken people in very limited windows of time, so the risk in churning this out, getting that queue down quickly, is significant. I think you should be pressing for pre-opening inspection, in particular when we have 80,000 people. Would you not at least consider giving much stronger advice and guidance to local authorities to do that?

**Dr Bell:** Yes, we are giving advice to local authorities and we are working with them to try to ensure that the rate of food poisoning which may be coming out of catering premises is reduced as fast and far as we can. I quite agree with you. The fact that you have a large volume of customers through the premises does not give anybody the right to have lower standards which result in some of those people being made ill. That is not acceptable.

**Q93 Geraint Davies:** No, but I am saying it is understandable when you have all these drunken people queuing and shouting for their Doner kebabs or whatever and we need to ensure that everything is being done to protect them and it seems you are not doing that. You are not ensuring that they have certain standards before they open. Moving on very briefly, on page 19 is a list of different concerns and some of them are advised by you. I was interested to notice that on page 18 we have this campylobacter micro-organism which affects 56,000 people through contamination of food or through pets and can then be transmitted from person to person. I personally have never heard of this. I wonder whether more could be done to let people know about the possible

transmission, in particular from pets, or whether the food industry, and in particular Pedigree, given the fact that half of all households have cats or dogs, would object to us doing that. Or would we have another Edwina Curry resignation on our hands? Can more be done? What do you think about letting people know about these dangers?

**Dr Bell:** That is absolutely right. Campylobacter, as you quite rightly point out, is one of the most serious causes here.

**Q94 Geraint Davies:** How many people have heard of that?

**Dr Bell:** I do not know; I cannot answer that. What we do have as part of our food hygiene campaign is a campaign in the very near future which is designed to inform people about what they can do in their own homes to reduce the chances of food poisoning.

**Q95 Geraint Davies:** What is the particular risk from pets? I am not clear about this.

**Dr Bell:** It is the same risk one would get with any type of micro-organism that pets can carry. It is never a good idea to allow pets in the kitchen when food is being prepared and we make that point quite often.

**Q96 Geraint Davies:** You can get headache, severe abdominal pain, diarrhoea, etcetera. I do not think people know about this. On page 19 mercury is mentioned. Obviously large predatory fish have high levels of mercury and this is a particular problem for the nervous system in unborn babies and young children.

**Dr Bell:** Yes.

**Q97 Geraint Davies:** Would it not be sensible for you to issue guidance that pregnant women should not eat tuna? Would you be prepared to do that?

**Dr Bell:** We have issued significant guidance in the last few months about eating different types of fish for different sectors like pregnant women. We gave that a lot of publicity and it is on the website and we had a lot of coverage in the newspapers at the time. It is necessary to reinforce these messages periodically, because people do forget them. We did give it a lot of publicity at the time.

**Q98 Geraint Davies:** What about the issue of breast milk? I always took the view that breast milk was a great idea, but something came out somewhere that because of high levels of heavy metals there was a problem there.

**Dr Bell:** Yes. The view which is taken by the medical experts is that the fact you can get some measurable amounts of some of these substances in breast milk does not override the general benefits which breast milk gives. There are greater benefits from having breast milk than not. It remains the position and the Department of Health offers that advice and we support that.

**Q99 Geraint Davies:** What about advice on acrylamide? In terms of carcinogenic impact, which the Swedes found out about, is there not some advice

<sup>4</sup> Ev 21



you should be giving on safer cooking, in particular that you do not over-roast meat which massively increases the carcinogenic risk, as I understand it. Are you not saying that, or not?

**Dr Bell:** The difficulty is that nobody actually knows at this time what processes are likely to be the best to keep these sorts of things to a minimum. Anything which is heated above boiling—boiled potatoes do not have this problem but anything which is roasted or baked—in theory can have in them some levels of acrylamide. It is just a very widespread possibility that where you have any sort of carbohydrate present there is a very strong possibility you will form at least some. What we want to do is give very careful thought to advice which helps people to improve their position. We just do not have the basis for that at the moment, but we are trying to generate that.

**Ms Stewart:** In the case of cooking meat, it is also dangerous to undercook your hamburger.

**Dr Bell:** We are careful not to give the wrong message to people. We do not want them to go into reverse on this and undercook food.

**Q100 Geraint Davies:** Finally on dioxins, which are linked to impairment of the immune system and all this stuff, how many people do you believe are adversely affected by the emission of dioxins from the pyres which were burned following BSE, which then went into the soil and through to milk, meat, fish and eggs? Are people who live in the vicinity of those fires at serious risk to their immune system and their nervous and reproductive functions from the enormous amounts of dioxins which were produced at that time?

**Dr Bell:** This is an area where we did do a lot of work over a period of about six months; it takes that long for these sorts of things to be accumulated by cows and to come out in their milk. I am pleased to say at the end of the day we found very little difference from background. A lot of people, including ourselves, thought that might be a different position. When we had done all the work, we were able to reassure people that in fact there had not been an increased risk from that source.

**Q101 Mr Rendel:** May I start by asking what part your organisation has played in the GM debate to date and what part you expect to play in the official GM debate, which I believe is starting this week?

**Dr Bell:** We have done a series of exercises, including a citizens' jury and some focus group work and we supported some work amongst young people in making a video and also a schools' debate. We have done a range of work like that which the board discussed last week and which is all on our website. We are putting the outcome of that forward now to ministers and indeed to the steering group which is running the wider debate.

**Q102 Mr Rendel:** Is it sensible to have the debate before we have the facts out from the farm scale trials?

**Dr Bell:** There is possibly a case for coming back again when there is more information. As I understand it, that is what some other aspects of the debate will be doing. What we wanted to do was to enquire of a range of people, including some who often do not get involved in debates, the young and those on low incomes, as to what their views were generally and particularly on the food aspects, which is where we are coming from.

**Q103 Mr Rendel:** Figure 39 on page 50 says that you demonstrate transparency, amongst other things, by publicising the minutes of your advisory committees. I am not quite sure whether it was the work you were talking about a moment ago in answer to my first question, but I understand that your consumers' committee has recently reported on your efforts to find out about consumer concerns on GM foods and that their report was pretty critical. Have you published their report on your website or will you do so?

**Dr Bell:** Yes, it is on the website; I made that enquiry before I came along today and was told that it is there.

**Q104 Mr Rendel:** May I pass on from that to food wrappings? What investigations have you done into the dangers of food wrappings?

**Dr Bell:** We have done quite a lot of work on what we would call food contact materials, which includes the wrappings, about the sort of chemicals which might migrate out of them into different types of foods. We publish that work, we do surveys and we publish that work regularly and we work to try to ensure that where we have found levels which ought to be reduced, they have been reduced.

**Q105 Mr Rendel:** There was a story a while back, I do not know whether you investigated it at all, that the fall in the average British male sperm count was caused by the wrapping of food in cling film. Was that true? Was there anything in that? I hasten to add that I have had my family now, so I am not personally concerned.

**Dr Bell:** The expert groups did not support that view. There are lots of different views on why this observation may be occurring and that was one which was put forward, but it did not find any support amongst the expert groups.

**Q106 Mr Rendel:** Did you investigate that or were you the expert group?

**Dr Bell:** We take all the information we have to the expert group and these are the sorts of things they want to look at. They want to look at the effect on male reproductive systems.

**Q107 Mr Rendel:** So one of your expert groups has looked at this.

**Dr Bell:** One of the expert groups has had a look right across the board at this sort of thing, yes.



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**Q108 Mr Rendel:** What about bottled water, some of which I see most of us are drinking today? There was a report that bottled water is actually more dangerous to health than tap water. Is that correct?

**Dr Bell:** No, I would not say it was dangerous to health. If it was, we would not want to see it on sale.

**Q109 Mr Rendel:** No, I said it is more dangerous to health, not that it is dangerous.

**Dr Bell:** It contains certain things which tap water might not. Obviously there is a wide range of minerals in there, some of which can contain heavy metals as well, but we would not say they were a risk to health. It just depends on your particular perspective. Water comes out of the ground in its natural form and it may be untreated, as it would be in the bottled form. Tap water is treated and some of these things are taken out. At the end of the day it is a safe product.

**Q110 Mr Rendel:** What is your advice, that people should drink tap water or bottled water, if they want to be as healthy as possible?

**Dr Bell:** It is entirely a matter of personal choice, to be honest.

**Q111 Mr Rendel:** So there is no health difference between the two.

**Dr Bell:** As far as we are concerned, from the health standpoint, no. It is a matter of personal choice.

**Q112 Chairman:** What do you drink?

**Dr Bell:** I drink either. I certainly drink plenty of tap water, but if I go out to a restaurant, it has become the norm to drink bottled. It is just a fashion perhaps. I have no problem with either.

**Q113 Mr Rendel:** As far as you are concerned, there are no advantages therefore to drinking bottled water.

**Dr Bell:** No, I cannot see that there are. It is merely a matter of choice.

**Q114 Mr Rendel:** It seems a bit of a waste of money then. What are the risks involved in the use of organophosphates by farmers?

**Dr Bell:** Clearly organophosphates are very toxic materials. They would not be used unless they were. What we want to be sure is that these things do not come through into food at a level which might be damaging to health. Certainly we work closely with DEFRA to ensure that is the outcome.

**Q115 Mr Rendel:** So you are sure that the current use of organophosphates is safe as far as food health is concerned.

**Dr Bell:** As far as the product is concerned which people are eating—and I am not talking about how people might be using these things—in the home or in restaurants, yes, that is true.

**Mr Rendel:** If we had another BSE scare today, if you were in charge and a BSE scare were just arising, would you be advising that the whole British herd should be slaughtered?

**Q116 Chairman:** That is a bit of an unfair question. It is all a bit hypothetical. You can answer if you want, but you do not have to.

**Dr Bell:** I think that is one I will side step, if I might.

**Mr Rendel:** He may be faced with it in a few days' time, Chairman. Who knows?

**Chairman:** It would not be for him to make the final decision on that.

**Q117 Mr Rendel:** No, but he can take the final decision about what advice he gives. How much of your work is aimed at removing what you would consider to be irrational fears?

**Dr Bell:** One can never remove irrational fears. What one can do is try to inform to the best of one's ability in the hope that will convince people to accept the facts of the matter rather than perhaps some fear they have that is not based on fact. Certainly we do not want people to frighten themselves about food when there is absolutely no reason for them to feel that way. At the end of the day, food is there to be enjoyed and one would hope people would accept it in that way.

**Q118 Mr Rendel:** Yes, I understand that. What I was trying to get at was what proportion of the money you spend you believe is to do with the fact that irrational fears have been raised in people's minds for one reason or another—and part of your job is to make sure that people are informed that these fears may be irrational and there is nothing in them—and how much of your work is actually dealing with real food problems which may actually cause ill health?

**Dr Bell:** I would not distinguish in that way. What we are here to do certainly is to ensure that the public health is protected to the maximum extent and if people think there is an issue, then clearly one needs to investigate that issue. The amount of effort you put into it depends on whether you turn something up in the course of your investigations which indicates there is a wider issue to be tackled. You may find very quickly that there does not appear to be anything in it. That does not mean one should ignore concerns that people might have before you have done some work to ensure those concerns may not be well founded.

**Q119 Mr Rendel:** Even if you have assured yourself that the fears may be ill founded, there must still be a job for you to do presumably in trying to make sure that other people realise that their fears are ill founded and that may also incur some spending.

**Dr Bell:** Obviously one needs to put out information that puts some evidence behind a situation. Yes, of course. If you have done some work to see whether there is anything in it, then you need to make that widely available.

**Q120 Mr Rendel:** Therefore what I am really trying to get at is: to what extent are you spending money on making sure that information gets out, even when you feel that the fear is totally irrational and there is



no real danger there? To what extent are you spending money on that as opposed to spending money on dealing with real health risks?

**Dr Bell:** We would publicise everything we do. I cannot say that we break it down in quite the way you are seeking. It is not the way we approach the issue.

**Q121 Mr Rendel:** How do you evaluate the importance of removing people's fears as opposed to removing real risks?

**Dr Bell:** It is a matter of public confidence at the end of the day. In many ways that is what we were established for following the BSE outbreak and the lack of confidence in general in the way food matters were being handled. It is important that we can demonstrate that we are, amongst the other jobs we have to do and protecting public health must come at the top, helping to improve public confidence.

**Q122 Mr Rendel:** I am sure it is important, but what I am trying to get at is that you are in charge presumably of deciding how your budget is spent.

**Dr Bell:** Yes; absolutely.

**Q123 Mr Rendel:** How do you decide how much money should be spent on that sort of information giving and perhaps doing tests which can resolve irrational fears, rather than dealing with real health problems?

**Dr Bell:** You cannot tell whether you have a real health problem unless you do at least a minimum of investigation of the issue. That is the point. That is why I say we do not come at it in quite that way. Then of course you want to publicise what you have done and that applies across the board. We do not particularly go out seeking to deal with things which just appear not to have a rational basis. We want to have a look and if that were the case, we would want to say what we found. Ultimately we are interested in picking up issues which need to be tackled.

**Q124 Mr Rendel:** I do understand all that. I obviously have not explained my question very well. What I am trying to get at is how you, running this organisation, decide how much money it is worth spending on a particular problem, just because it is a fear people have, even if there is nothing in it. How do you decide how much money to spend to remove from people fears which are totally irrational?

**Dr Bell:** It is a question of how much money you spend to ensure that you have investigated an issue and that there is not a health risk there. I am afraid that is as long as a piece of string basically. It depends how much effort you need to put in to do that. As soon as you get to the point where you have sufficient information to take a view, if that does not result in saying that there is a risk here, that is the point at which you stop. Clearly you do not want to spend money for the sake of spending it. As soon as you have enough information to be able to take a view as to whether there is an issue here or not, that is the point at which you stop.

**Q125 Mr Rendel:** That is the point at which you stop spending money on investigation, but it is the point at which you start spending money on informing the public to get rid of those fears. How do you decide how much money you spend on informing the public?

**Dr Bell:** That is a consequence of what was found. We would want at least to put it out on our website. Yes, there is a cost associated with that. It is not a great one. The website sits there and we clearly want to get the information onto it.

**Q126 Mr Rendel:** What you seem to be saying to me is that you actually do not have any particular mechanism for working out how much money you ought to spend, how much the value of getting rid of irrational public fears is.

**Dr Bell:** No, we do not come at it from that point of view. The answer has to be no.

**Q127 Mr Jenkins:** Local authority environmental officers, the ones you are working with, the ones you feel are bottom of the league. If you have one who fails to improve, do you have the authority or duty to recommend to the government that this authority be removed from its duty of care, its obligations and that work handed to an agency or another authority?

**Dr Bell:** Yes, we do have that. That is built into the Act which set us up. In the extreme, if we think a local authority is failing in its duties and there is no sign they are going to be able to improve, then we can take over those duties ourselves with regard to food.

**Q128 Mr Jenkins:** Would you do that?

**Dr Bell:** We would do it if it came to that, yes.

**Q129 Mr Jenkins:** If I go to a restaurant at the present time, like all consumers I need information. If I go to a shop I can pick up the product, see the nutritional value on that product, how much fat, but when I go into a restaurant I have yet to find any restaurant which will tell me how much fat is in the particular food they are going to put in front of me and/or the country of origin. There are certain products I would not wish to eat, for instance chicken if it had come from South-East Asia. Do we have any plans to look at providing more information to consumers in restaurants?

**Dr Bell:** Yes, we are looking at what would be sensible to expect consumers to have in restaurants. This of course to some degree is predicated by what consumers say they want to have in restaurants. Yes, the sort of information you are talking about could be very important. The thing which comes very high up the list for people is products to which they may have a serious allergy. There is a demand for that and it is certainly something which needs to be done. We are looking across the board at what sort of information might be provided in restaurants which is not at the moment.



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**Q130 Mr Jenkins:** When can we have any hope of that coming? If necessary, do you intend to get legislation to make it enforceable?

**Dr Bell:** This is a matter of working through Brussels because all food labelling requirements are debated there and that is where we are discussing it. I am afraid it is very difficult to put a timescale on it. I am not seeking to be evasive about it at all, but it is difficult to put on a timescale. It is something which is being looked at.

**Q131 Mr Williams:** What comes over in listening to the questioning is the incredible range of your Agency. At the end of the day there is a tendency to forget that probably, as far as the public are concerned, you are one of the most important agencies there is in government. In that sense, how far do you think the range of work you have been given and the powers you have been given are adequate to fulfil what the public would expect of you as opposed to the remit you have been given by whichever government set you up?

**Dr Bell:** Our experience so far is that the powers we have are certainly adequate. It is the way we use them which is critical and the work we do and the new ways we find of doing work which has not been done before. The openness agenda was a new approach to that. We do have that. One can always use more resource; everybody can. Certainly we could use more resource if it were available to us. We do however have sufficient resources to be able to do the things we really feel need to be done at this time.

**Q132 Mr Williams:** Do you have the powers you need to do the things you think you should be doing?

**Dr Bell:** Yes, we certainly have the powers in a number of forms. We have a variety of powers we can use under the various Acts which are there, but naturally enforcement is a matter which resides with local authorities. Our power there concerns the audit of local authorities and being able to say when they need to do more and we will help them to do more.

**Q133 Mr Williams:** Yes, that is exactly where I was going. Time and again you kept saying it was up to the council. Yet in a way the council is the weakest financial element in the whole consumer protection network. A little council is really not able to take on major companies in big actions and it is not able to cover a very wide range. They do not have big consumer protection departments. How far are we deceiving ourselves that we have a meaningful enforcement system? I am not criticising the councils here. I am just recognising the fact that it clearly is a newborn David against enormous Goliaths.

**Dr Bell:** The local authorities have plenty of powers to be able to act for this sort of thing. What you are talking about is the resource end of it and that is something which local authorities have to sort out for themselves. We are very much there supporting the environmental health departments in doing their job and if they feel they have inadequate resources to meet the sort of targets we are setting, then we are very much there to support them, in making their case to the council for more resource. At the end of

the day, in the democratic system, the way it is set up, the council has to decide how to apportion its resources.

**Q134 Mr Williams:** It seems to me that the consumer protectors are minnows compared with the adversaries they face in financial terms and in resource terms. You are not really able to do much to supplement that because you do not have the powers to do it and you are limited in resources as well.

**Dr Bell:** We certainly do not have resource we can give to them, that is true. What we can do is publicise the need, where we see it, for some local authorities to have more resources or to put more effort into an area and to give them the support in doing that. No, we do not have the power to ensure they have it.

**Q135 Mr Williams:** We have asked what you are doing to publicise certain things and you say you produce reports and so on. It is a basis of advertising that an ongoing campaign is far more effective than one great splurge campaign. Do you have a programme or a policy to ensure constant repeat appearances of key issues before the press?

**Dr Bell:** Yes. You make a very good point that it is extremely important that one does not just do it and then do nothing for a very long period. You have to find ways of reinforcing that. What we are trying to do is to find different ways of reinforcing it so that the same message comes through in different ways which attract attention. We do try to map out a programme and we are mapping out a programme where we get regular revisits of the issues, perhaps in a slightly different way, but in a way which we hope people will take on board.

**Q136 Mr Williams:** Could you put a further note in on that showing examples of how you do that?

**Dr Bell:** Yes, certainly; we can do that.<sup>5</sup>

**Q137 Mr Williams:** My final area of questioning is again hopefully a single question. Geraint referred to the 56,000 reported cases of campylobacter. That does not strike one as a very large number of cases. I note, Ms Stewart, that you were a statistician—I do not know whether you are still operating as a statistician. These are reported cases. Reported cases here are those reported by doctors to whom? What meaningful estimate is there, if any, of the adequacy of the reporting? I would assume also, having read the symptoms, that we have probably all at some time had some minor version of these and never reported it to anybody. The instances which are reported here are very much a minuscule tip of a massive iceberg, are they not?

**Dr Bell:** Yes, the actual number of cases is likely to be much higher than that. The reason for using that figure—

**Q138 Mr Williams:** I can understand you have to use what you have got.

<sup>5</sup> Ev 19–21



**Dr Bell:** We needed a figure which was fairly objective and not just based on what people thought. The most objective way is where GPs take a sample and remit it to the Public Health Laboratories and they analyse it, say yes, campylobacter is here in large numbers and this is likely to be the cause of the poisoning. In a way it is a proxy for the bigger number. The reason we are working from these numbers in all these areas is because we have set ourselves the target of reducing the total food poisoning by 20% in five years. If we reduce these figures by 20%, then there is a very good chance that we will have done that for the whole of food poisoning. This is just a basis for measuring it; no more than that.

**Q139 Mr Williams:** I understand that. I was just wondering whether you could give us any sort of yardstick as to the magnitude by which some of these are understated, because they must be on a mega scale.

**Ms Stewart:** We have information from a major study which was carried out by the Public Health Laboratory Service<sup>6</sup> in the mid-to-late 1990s and then some follow-up studies after that. Those suggested over nine million cases then of infectious intestinal disease—which is not just food poisoning, you can pick it up person to person as well—and somewhere between 20% and 50% of those nine million were food borne.

**Q140 Mr Williams:** Could you do a note on that to help us? It would be helpful for us to publish it.

**Ms Stewart:** Yes, we can do a note.<sup>7</sup>

**Dr Bell:** Yes, we can.

**Q141 Geraint Davies:** There is an emergence of people using various very strong disinfectants and detergents, which eliminate all known germs in the kitchen, in the fridge, *etcetera*. Given that we have a certain amount of bacteria, there is a real risk that in destroying all the weaker ones you end up indirectly generating more and more super bugs which can in turn cause all sorts of food poisoning. Is it a concern of yours that people are actually making their kitchens less safe in the medium term by using some of these products, or not?

**Dr Bell:** Provided that one cleans properly, that should not be an issue. The fact of the matter is that we want people to operate proper hygiene in catering kitchens and in their own domestic kitchens. This means really that they need to keep the place clean, they need to clean properly and if they are using some sort of detergent, that they make sure they use it effectively, which means washing things down very well.

**Q142 Geraint Davies:** I guess what I am getting at is: have you tested scientifically whether continual use of some of these very powerful products ultimately

means the emergence of more super bugs in the home? We are seeing this in the hospitals, are we not? People are being killed by these strange bugs. Have you done any studies on it and are you going to?

**Dr Bell:** I do not directly have that information.

**Ms Stewart:** When we are talking about the impact of the use of this sort of substance on antibiotic resistance, that is actually a Department of Health issue and not ours.

**Q143 Geraint Davies:** Yes, but we are talking about people's health here in terms of micro-organisms. I wondered whether you could find out for us what work has been done and what joined-up thinking there is. If it is the case that they found that the marketing of these products ends up down the road causing lots more intestinal problems, you need to sort it out, do you not?

**Dr Bell:** Yes, I take the point. We will check on that and give you a note.<sup>8</sup>

**Q144 Geraint Davies:** Have you done any work on adverse impacts from microwaving foods covered with thin layers of plastic?

**Dr Bell:** The Agency itself has not done that, but it was certainly done by MAFF in the late 1980s and early 1990s. I know quite a lot of work was published on that. This indicated that there was no issue there. A lot of extensive work was done on that.

**Q145 Geraint Davies:** On the issue of GM labelling, my understanding is that manufacturers are allowed to put GM-free if there is less than 1% GM in it. Obviously if there is a move to say you can only put GM-free when it is 0.1% or 0.01% my understanding is that the impact of that is that you could not have organic food within a few hundred miles of anywhere which had commercially produced GM. How are you viewing this problem?

**Dr Bell:** There are no rules on the use of GM-free. The rules say that if you have less than 1% there and it is by adventitious contamination, then you do not have to label it as a GM product. That is the position. If manufacturers want to go ahead and put GM-free, then it may be that the public would expect rather more stringent requirements for that. It is a matter of the extent to which one thinks that using such labels is misleading.

**Q146 Geraint Davies:** Going back to the fact that after your jury on GM food you did not announce that everyone was against commercial production of GM food, the point I am making is that once the cat is out of the bag, once you have commercial production of GM, then there would be no opportunity to change the labelling to say GM-free means 0.01%, for instance. You would have to say you could not do it because it is 200 miles up the road and this 0.01% is defined based on the probability of a spore flying with a bumblebee or whatever. In other words, if you trigger the commercial production, you limit the future opportunities for

<sup>6</sup> Note by witness: Together with the Centre for Applied Microbiological Research, the MRC Epidemiology and Medical Care Unit and the London School of Hygiene and Tropical Medicine.

<sup>7</sup> Ev 21

<sup>8</sup> Ev 21–22



accurate labelling in terms of GM-free, because presumably people think GM-free means GM-free, when it means 1%.

**Dr Bell:** That is not generally recognised as being GM-free in the way that most people would expect. That is not usually the claim which is being made. What you are talking about really is the issue of what rules should apply for co-existence, if commercially growing were permitted, between growing GM and growing conventional food, if one were to keep the cross-contamination levels to a minimum.

**Q147 Geraint Davies:** I guess what I am asking you is: what is a reasonable definition of GM-free. If you were to agree with me it should be 0.01%, for instance, that would by implication rule out commercial production.

**Dr Bell:** No, I cannot say what a reasonable definition is. We would have to consult fairly widely on that and see what the average consumer expected if they bought something with a GM-free label. We pressed for rules on that: we were not successful in Brussels.

**Q148 Chairman:** There was something which worried me right at the beginning on page 9 of the report. It said "The Agency therefore needs to improve the range of costing information available about its programmes". It seems that some of your costing information is rather weak. How can you match resources and priorities if you are not as strong in this area as you might be?

**Dr Bell:** We certainly do have cost information; it is the level to which it goes down. We know what we spend, for instance, on surveys, but when it comes to what we spend in terms of internal staff time on individual surveys, that is where we do not have that information at the moment. We know what we spend in terms of staff time across all the surveys we do in a year, but we do not have the breakdown to match it against individual surveys. We are going to bring in a system for doing that within the next month or two.

**Q149 Chairman:** We can perhaps deal with that in our report. Do you reckon you are as effective in the UK at applying your rules as other EU countries or indeed other developed countries?

**Dr Bell:** There are no good statistics which say how effective different countries are across the European Union, but I would certainly have thought we were high up the table, if not at the top, in the way we apply them. What we do is seek to ensure that the necessary measures are taken and applied to public health and the standard people expect in this country. We do not look over our shoulders to see what others are doing.

**Q150 Chairman:** It might be useful to do that. Are controls on imported meat, for instance, more or less stringent here than, say, they are in Australia or New Zealand?

**Dr Bell:** The controls on what comes into the European Union should be the same right across the Union. It may originate from Australia but—

**Q151 Chairman:** I was not asking that question. Are the controls here in the UK on imported meat more or less stringent compared with Australia or New Zealand?

**Dr Bell:** I cannot answer that.

**Q152 Chairman:** I would suggest to you that you should know the answer and the answer is that they are less stringent.

**Dr Bell:** We will look into that.

**Q153 Chairman:** I think you should look into it and I should be grateful for a note on it.

**Dr Bell:** Certainly.<sup>9</sup>

**Q154 Mr Williams:** You were answering Geraint and in the last couple of seconds you dropped your voice slightly so I missed your reply on GM food. You said you had asked for something but you were not given it. Tell us again.

**Dr Bell:** We argued in Brussels that there should actually be rules which would go with a GM-free label; what it is you are saying if you have a GM-free label. We argued that we thought that was important for the consumer because some people would expect to have GM-free on their labels. We did not make any headway in Brussels on that. The rest of the Community did not think that important.

**Q155 Chairman:** One last general question, to give you a feel for what may be worrying the Committee in a general way. We see from your biography that you have had a very distinguished 25-year career in the Ministry of Agriculture, Fisheries and Food. There has been some criticism of the Agency that perhaps you have not emerged from the shadow of MAFF. I know the whole point of setting up your Agency was that you should no longer be under some sort of political control which was deemed to be, for want of a better word, in the pockets of the farmers. The very first question I asked you was related to the fact that only 3% of people use the Agency as a source of information. Do you think you are yet as effective as the Food and Drug Administration in the US? Are you really making the kind of waves that perhaps people expected when you were set up?

**Dr Bell:** There is no absolute measure of that, I have to say. It would be our perception that we have made a significant impact. We ask our consumer organisations and all our stakeholders what they think about our performance. We call them in every year, we ask them about that and they say that we have made significant strides in the direction they would expect and would hope. Those are the sorts of measures one has to work to, because there are no absolute ways of doing this. We are making progress, we do regular surveys of consumers and it shows that the figures are moving in the right direction. We still have a long way to go to build confidence, to build trust and to increase the extent

<sup>9</sup> Ev 22-23



to which people look to us for information. We have made a very good start in the first three years. I would not put it higher than that.

**Q156 Chairman:** Mr Williams was asking about local government. It might be helpful if you sent a report to every member of the Committee separately detailing to them what their local authority was doing in their area and what confidence you had in their activities. Can you do that?

**Dr Bell:** Yes, we will have a look to see what our figures show.<sup>10</sup>

<sup>10</sup> Ev 23-40

**Q157 Chairman:** Then each Member of Parliament can get a feel for this subject in his own area.

**Dr Bell:** We will see what we can come up with.

**Chairman:** Dr Bell, thank you very much for coming before us. I am sorry your colleague has not been able to say more, but we have been very grateful for her answers when she has managed to get in. Clearly this is a very important Agency; perhaps there is no more important agency as far as the public are concerned. You have seen from our questions that we still have a number of concerns about the impact you are making on the public. We have concerns about farm food, imported food and labelling and you will have heard our questions and we shall report on them later. Thank you very much.

#### Supplementary memorandum submitted by the Food Standards Agency

##### Question 57 (Mr Bacon): *Central Responsibility for Imported Food Controls*

The Department for Environment, Food and Rural Affairs (DEFRA) is the competent authority in the UK for issues relating to third country imports of products of animal origin, working with agriculture departments in the devolved UK countries.

The Food Standards Agency has policy responsibility for public health aspects of all imported food, and gives advice to DEFRA, other UK agriculture departments and other relevant government departments on imported food issues.

A Cabinet Office Report published following a study on the organisation of imported food controls, included a recommendation that HM Customs & Excise (HMCE) should take responsibility for activity against smuggling of meat, animal products and plant matter. On 11 April 2003 new legislation was made by DEFRA under which HMCE took responsibility for such activity.

The Cabinet Office study also recognised that controls exercised by local authorities and Port Health Authorities on food imported through legal channels needed to be subject to a "Step Change" to deliver a more effective service. The Food Standards Agency is leading on this Step Change project under which controls will be targeted, effective and risk based.

As far as legal controls on imports of meat and products of animal origin are concerned, these are subject under the current system to checks at Border Inspection Posts, including all consignments receiving documentary checks, whilst targeted consignments will be subject to physical examination and microbiological or chemical analysis.

The checks referred to in para 6 are carried out under the supervision of veterinarians, at Border Inspection Posts, by Port Health Authorities or local authorities. DEFRA currently have the overall responsibility for these controls although discussions are currently under way between DEFRA and the FSA over the possibility of transferring that role to the FSA.

##### Question 77 (Mr Simon): *Local Authority food law enforcement: prosecutions*

Local Authorities (LAs) have a range of possible food law enforcement actions which can be taken against food business operators who contravene food law. It is for the individual LA to decide which action to pursue, taking account of the circumstances of the individual case.

For food hygiene issues (dealing with the safety of the food itself), the available legal actions are:

- (a) written warnings,
- (b) improvement notices (which are formal legal requirements),
- (c) formal cautions (where a breach of the law is admitted, but the LA decides not to proceed with prosecution),
- (d) prosecutions,
- (e) prohibition orders (after successful prosecution, which prohibit continued action by a business or by part of a business, such as a piece of equipment, or by a person),
- (f) emergency prohibition notices/orders, (which ensures immediate closure or cessation of operation),
- (g) voluntary closures and



- (h) food seizures, surrenders or detentions (where food which does not meet food safety requirements is removed from trade).

For food standards issues (dealing with quality, composition and accuracy of information), the available legal actions are:

- (a) written warnings,
- (b) formal cautions, and
- (c) prosecutions.

Guidance for LAs on the level of action to take, and when, is laid down in Statutory Codes of Practice made under the Food Safety Act 1990. This guidance advises LAs to take action which is appropriate to the risk to public health, and to use informal procedures as long as these will secure compliance with the law within a timescale which is reasonable.

Written warnings are the most commonly used enforcement tool, being used in 95% of all cases reported in 2001 (176,207 enforcement actions were reported in 2001). Follow-up action will depend on the severity of the problem and upon the response of the business concerned. Local authorities report that this is a very effective means of achieving compliance with the law, but if a positive response is not received then other formal enforcement action would follow.

The total number of prosecutions taken by all UK LAs fell from 838 in 1999, to 753 in 2000 and to 654 in 2001. The reasons for this decline are not clear, and are being investigated. However, there was a 40% increase in the number of Home Office (HO) formal cautions issued over this period (from 366 in 1999 to 513 in 2001).

HO formal cautions are issued in cases where, whilst prosecution is the most appropriate enforcement action, guilt has been admitted, and the LA decides not to prosecute due to particular other circumstances of the case. Examples of such circumstances may be where there is a technical breach with no direct food safety issue, such as a failure to register a food business; or where the food business proprietor shows a willing attitude of co-operation and there is no previous history of problems. The LA has to consider whether there is a public interest in proceeding with a prosecution.

Of the total of 654 prosecutions taken in the UK in 2001, 150 were for labelling and presentation offences. Of these 83 (57%) were taken against retailers. The enforcement data reported by LAs does not differentiate between small and large-scale retail operators.

In order to explore the reasons for the fall in the number of prosecutions, and the variation in levels of prosecutions between authorities, a series of focussed audits of LAs to look at formal enforcement activities has been carried out. The findings will be discussed by the Enforcement Liaison Group, which is composed of Agency, LA, trade and consumer stakeholders, in August 2003 and a report will be published on the Agency's website.

In contrast to the fall in numbers of prosecutions, the number of improvement notices, which are considered an effective means of enforcing food law, increased by 49% from 4,247 in 2000 to 6,350 in 2001.

Questions 135–136 (Mr Williams): *Examples of publicity with repeat campaigns, or reinforced messages in different ways.*

The four major publicity campaigns executed by the Agency so far (Food Hygiene Campaigns Phases 1 and 2, Barbecues and Christmas turkey) have all focused on one or more of the "4Cs" messages and can be seen as reinforcements of each other. The 4Cs are:

- Cleaning (washing hands)
- Cooking properly
- Chilling properly
- Cross-contamination

The 4Cs messages are a crucial part of our strategy to reduce food poisoning by 20% by 2006. Increased understanding and awareness leads to better practice and the more target audiences are exposed to messages the more likely they are to take note—hence repeat campaigning.

In terms of the different publicity items and activity we undertook for each separate campaign, they all reinforced each other as detailed below.

#### **Food Hygiene Campaign, Phases 1 and 2**

A whole range of communication routes were used to introduce and reinforce the messages:

- television, radio and press advertising and media activity focus—importance of washing hands overriding message underscored by avoidance of cross contamination
- direct mail via sick bag campaign teaser and information pack—the 4Cs and the importance of having trained staff



- web—the 4Cs
- supporting literature—the 4Cs
- video—the 4Cs

#### BARBECUE/SUMMER EATING CAMPAIGN

Incidents of food poisoning increase in early summer coinciding with the barbecue season. In 2001, the Agency focused on a single message of “cook properly” with straightforward media and web activity. This was reinforced in 2002 by:

- television and radio advertising and television information film
- web
- on-package safety message (disposable barbecues and bags of charcoal)
- information leaflet available in independent butchers
- media activity

#### CHRISTMAS TURKEY CAMPAIGN

Similarly, campaign messages of “defrost thoroughly” and “cook properly” using just media and web activity in 2001 were reinforced in 2002 and communicated via:

- television advertising
- web
- media activity

#### OVERVIEW OF MAJOR PUBLICITY CAMPAIGNS

All four campaigns have had considerable success and levels of awareness and understanding have continued to increase. High profile advertising activity has built on lower key media and web activity for barbecues and Christmas turkeys.

Advertising activity is always backed up with media and PR activity and comprehensive and detailed evaluation shows that messages are being picked up and digested by the intended target audiences. At the same time, awareness of the Agency itself has risen substantially. The Agency uses regular publicity and media activity to ensure that messages get across.

#### OTHER RECENT EXAMPLES

The Agency often executes smaller, less high spend “campaigns” using different communication routes to reinforce important messages to appropriate audiences and two recent examples follow.

##### EGGS

During the last 3 months of 2002, following recent outbreaks of salmonella linked to the use of eggs, the Agency reiterated its advice and issued guidance on the safe handling and cooking of eggs via media and web activity.

To reinforce this activity, in January 2003, caterers were targeted by the Agency with a publication of a new leaflet about eggs in a bid to reduce cases of salmonella food poisoning. The leaflet, called *Eggs—what caterers need to know*, was sent to the Agency’s database of over 300,000 caterers (set up for the Food Hygiene Campaign) along with a sticker for the kitchen showing the main points to remember.

Additionally, mindful of those groups most vulnerable to the salmonella bug such as the elderly, young children and the sick, the Agency reinforced the message and also sent information to those institutions with prime care responsibilities for such groups—ie hospitals, schools, nurseries, homes for the elderly.

##### SHARK, SWORDFISH, MARLIN AND TUNA

A survey of fish carried out by the Agency in 2002 revealed relatively high levels of mercury in some types of large predatory fish. In May 2002, via the media and the web site the Agency advised that pregnant women, women who intend to become pregnant, infants and children under 16 years of age should avoid eating shark, swordfish and marlin. The Agency also advised, as a precaution, that adults should not eat more than one portion of these fish a week.

In February 2003, the Agency needed to update its advice for pregnant and breastfeeding women and women who intend to become pregnant. The advice is that these women should limit their consumption of tuna as well. The advice is no more than two medium size cans or one fresh tuna steak per week and to avoid eating shark, swordfish and marlin.

National media coverage was generated to ensure that the important advice reached as wide a group as possible. Media coverage was reinforced by dissemination of information to appropriate stakeholders for onward distribution and web activity. Moreover, existing published advice in leaflet format was immediately updated.

Questions 90–91 (Geraint Davies): *Proportion of food poisoning from "fast food"*.

Questions 137–140 (Mr Williams): *Clarification of the accuracy and reporting of foodborne illness figures.*

#### HOW ACCURATE ARE THE FIGURES IN THE REPORT?

There is no single robust measure of foodborne disease. However, laboratory reports of the main foodborne pathogens provide a reliable way of measuring trends in foodborne disease. Data from a large study of Infectious Intestinal Disease (IID) carried out in 1994–95 showed that the proportion of all cases of IID occurring in the community that was ultimately ascertained through the laboratory reporting system was one in 136 cases. However, the level of ascertainment of the major bacterial pathogens was much better than the average figure. Thus one in three cases of *Salmonella* and one in eight cases of *Campylobacter* are ascertained through laboratory reports. For pathogens that cause the most severe clinical disease, *E.coli* O157 and *Listeria monocytogenes*, the ascertainment is even better (one in two cases).

#### IS REPORTING ADEQUATE?

Laboratory reporting depends upon individual cases of foodborne illness being severe enough to make the patient go to the doctor. Reporting of positive results of foodborne pathogens from laboratories is good (over 70% of all positive isolates). Therefore, because ascertainment of the major bacterial pathogens is good, we believe that laboratory reports are as good an indicator of trends as can be identified. This view was supported by the Agency's independent Advisory Committee on the Microbiological Safety of Food, and by the Public Health Laboratory Service.

#### WHAT IS THE REAL NUMBER OF CASES OF FOODBORNE ILLNESS?

In the IID study, slightly fewer than one in five participants suffered IID in the course of a year (about 9.4 million people, based on the population of England and Wales). However, not all cases of IID are foodborne. Moreover, the number of cases of IID has decreased since the study was carried out. The Communicable Disease Surveillance Centre (CDSC) at the Public Health Laboratory Service (now part of the Health Protection Agency) has provided an evidence-based estimate of the current number of cases of foodborne disease. Based on the number of laboratory reports, and multiplication factors derived from the IID study, the data suggest that, in 2000, there were approximately 1.3 million cases of foodborne disease acquired in England and Wales<sup>1</sup>. Of these around 370,000 led to GP consultations, 21,000 to hospital admissions and 480 resulted in death.

#### WHAT PROPORTION OF FOOD POISONING IS FROM "FAST FOOD"?

The likely source of foodborne infection can only usually be traced when there is an outbreak. Outbreaks account for only about 5% of all cases. Whilst outbreak data has been analysed on the basis of the setting where infection is thought to have occurred, there is no specific category for "fast food". Of a series of outbreaks reported in 1995–96, 23% were associated with restaurants, 16% with hotels, 13% with private dwellings, 8% with residential homes, 7% with pubs and bars and 6% with shops.

Questions 141–143 (Geraint Davies): *Disinfectants and antimicrobial resistance*

There is international concern about the development of antimicrobial resistance in microorganisms since it may compromise treatment of infections in humans and animals with antibiotics. The Agency shares these concerns and supports measures that ensure prudent use of all antimicrobials, including disinfectants and antibiotics.

The problem of resistance largely arises as a result of veterinary and human use of antibiotics and other antimicrobial agents and it is this, rather than disinfectant use, that leads to the emergence of highly resistant "hospital" strains of bacteria.

<sup>1</sup> Adak G K, Long S M, O'Brien S J. Gut 2002; 51:832–841.



Nevertheless, disinfectants are antimicrobial agents and bacteria can become resistant to them. This is particularly likely to occur if they are not used properly, for example, if they are diluted excessively or if they are used on surfaces that have not been properly cleaned first. The Agency recognised the need for more guidance on the correct use of cleaning products in the catering sector and worked with the major suppliers of cleaning materials to develop information to help caterers plan, carry out and check their cleaning activities. This information has subsequently been incorporated into the Salford HACCP model for small caterers which is currently being piloted.

There is some evidence that resistance to certain disinfectants can confer resistance to some antibiotics. However, further research is needed to establish whether this is indeed the case and, if so, what significance this has for human health and the treatment of infection.

As part of the Agency's Food Hygiene Campaign, which promotes messages relating to cleaning, cooking, chilling and avoiding cross contamination, material was developed which focused on encouraging people to wash their hands. Further information on how to clean and dry hands, kitchen equipment and surfaces properly was also developed and can be accessed from the website. The material includes advice on how and when to clean and what products to use in different circumstances. Whilst recognising that disinfectants have a role in the cleansing and decontamination of food contact surfaces, particularly in commercial kitchens, the Agency's publicity materials emphasise the importance of making sure that surfaces are physically clean and that, if disinfectants are used, they are used in accordance with the manufacturer's instructions.

The Government has developed a UK antimicrobial resistance strategy and action plan. The Department of Health Specialist Advisory Committee on Antimicrobial Resistance (SACAR), set up to advise on future development of the strategy, is aware of the reports suggesting that disinfectants may select for resistance to antibiotics. The committee is likely to revisit this issue in more depth at a future meeting. FSA officials attend SACAR meetings as observers.

#### Questions 150–153 (Chairman): *Meat import controls for UK, New Zealand and Australia*

The Cabinet Office Machinery of Government Secretariat carried out a study of UK import controls, and reviewed import controls in a number of other EU and non-EU countries including Australia and New Zealand, in 2002. The Cabinet Office Report produced following the study considered that "the most stringent import controls for animals, fish, plants and their products are in place in New Zealand and Australia." The summary of the review of import controls in New Zealand and Australia from section 4 of the Report is at Annex A.

The Cabinet Office study concluded that controls exercised in Australia and New Zealand were the "most stringent" of all countries they investigated. The controls operated in respect of commercial imports are broadly similar to those operated in the EU, with the notable exception of the fact that Australia and New Zealand are not part of a large free trading area meaning "the effort put into import controls will not be undermined by the free circulation of potentially unchecked goods from other countries."

Where controls differ significantly is in respect of personal import checks, where for New Zealand 98% of all incoming flights are subject to detector dog checks and all baggage is X-rayed or subject to physical checks. The Cabinet Office concluded that such a system was appropriate for a country like New Zealand whose economy "critically depends on the maintenance of bio-security controls". However they also concluded that similar systems would not be appropriate for the UK due to the vastly greater number of passenger movements, the issue of the EU Free Trade area and the significantly greater number of commercial flights into UK airports. The transfer of responsibility of this function to HMCE will enable more effective, targeted, risk based checks to be carried out for "smuggled goods", some of which enter via personal baggage.

Strict controls apply to the commercial import of meat to the UK and other EU Member States from non-EU countries under EU harmonised legislation. Products of animal origin from countries outside the EU must be slaughtered and processed to meet food safety standards at least equivalent to those required within the EU. In addition such products have to meet quality standards required by EC Marketing Regulations. Non-EU countries must carry out checks on premises to ensure that the required standards are maintained, and take action to deal with failing establishments. The EU also monitors establishments in non-EU countries, and can take action to deal with individual establishments, or a country that fails to exert appropriate checks and controls. Such products can only be imported into the EU through designated Border Inspection Posts where they undergo veterinary checks. All such imports are subject to documentary and identity checks and prescribed levels of physical checks according to the type of product and country of origin. The costs of inspection are recoverable from importers.

Personal imports of meat from non-EU countries for private use are no longer permitted under EU harmonised legislation, except from EU accession states and European Economic Area countries.



## Annex A

Extract from Section 4 of The Cabinet Office Machinery of Government Secretariat Report on The Organisation of the Government's Controls of Imports of Animals, Fish, Plants and their Products

The report's summary of its review of import controls in Australia and New Zealand:

*"New Zealand*

4.2 The most stringent import controls for animals, fish, plants and their products are in place in New Zealand and Australia. For New Zealand, the import control regime is characterised by:

- A single bio-security enforcement Agency at the border, operating alongside Customs. In practice this is made up of different specialist inspectors who operate in much the same way as the Inspectorates in the UK. The main difference is that inspectors in New Zealand have stop and search powers;
- Legitimate trade is administered by one central Government Department;
- controls on personal and commercial imports are strictly enforced. For instance, personal imports checks are made by asking passengers to fill out a bio-security declaration, all baggage being checked by officers or by X-ray, detector dogs are present for 98% of incoming flights, on the spot fines are given to those in breach of the controls.

4.3 This stringent control regime is understandable given that New Zealand's economy critically depends on the maintenance of its bio-security controls. As explained in section 2, food and drink make up over 40% of its total commodity exports and agriculture employs 10% of the workforce. New Zealand also has a fragile ecosystem, in that most of its natural flora and fauna are native species not found elsewhere.

4.4 In addition, since New Zealand is not part of a large free trading area, the effort put into such controls will not be undermined by the free circulation of potentially unchecked goods from other countries. New Zealand does have a trade agreement with Australia, but this is because Australia has implemented the same level of stringent bio-security controls in its own country.

*Australia*

4.5 Controls are similarly stringent in Australia, although the organisation of the controls is slightly different. Australia justify their rigorous controls on the basis that food and drink make up over 13% of its total commodity exports, and the agricultural sector employs 5% of the workforce. In addition the nature of the Australian landscape and climate mean that the control of a major outbreak of an exotic animal or plant pest or disease would be extremely difficult and costly to control. The Australian control regime is characterised by:

- A single central Agency to administer bio-security controls of legitimate trade and detection and prevention of smuggled goods at the border. Other anti-smuggling checks for drugs etc are undertaken by Customs;
- Stringent enforcement of controls on personal and commercial imports. For instance, requiring passengers to fill out an incoming passenger card to declare animals, plants or their products; quarantine bins; random baggage checks by officers or by X-ray machines; detector dogs at airports and mail depots; on the spot fines for those in breach of the rules."

Questions 156–157 (Chairman): *Local Authority food law enforcement: inspection levels, monitoring and audit.*

*Inspections by local authorities.*

Local Authorities (LA) carry out inspections of food businesses for the purpose of assessing both food hygiene and food standards. Food hygiene issues deal with the safety of the food, such as whether the food has been handled and produced hygienically, and the personal hygiene and training of food handlers. Food standards issues deal with the quality of food, and with the accuracy of information for the consumer. This includes issues on quality, composition, labelling, presentation and advertising. Food hygiene and food standards enforcement may be undertaken by the same LA as in the case of unitary authorities in England, and all authorities in Scotland, Wales and Northern Ireland. Alternatively, this enforcement work may be carried out by different categories of LA as in the case of English District Councils which enforce food hygiene and English County Councils which enforce food standards.

The frequency of inspections is based on a risk rating system set out in statutory codes of practice (currently under review). For food hygiene, premises are rated A to F (with A and B being deemed high risk). The risk rating is based on the type of food, the methods of handling and processing, the significance of the risks to consumers, the compliance with food law and the LA's confidence in the business's management and control systems. For food standards, premises are rated high, medium or low risk. The risk rating is



based on an assessment of the legal requirements covering quality, composition, labelling, presentation and advertising. (Therefore, premises are assessed against a wide range of criteria and it is not possible to say that specific types of business will automatically all fall into the same risk level.)

LAs are required to carry out inspections at least every six months on category A food hygiene premises and at least every year on category B food hygiene premises or high risk food standards premises. Their programmes reflect these requirements and the following tables show performance in members' constituencies, as reported by the LAs themselves.

#### *Assessment of LAs' enforcement activity*

The Agency assesses LA food law activity in two ways: through monitoring data provided by LAs, and through carrying out audits of individual LAs.

The Agency uses monitoring data provided by LAs to prepare an annual report to the Agency Board which identifies overall trends and identifies those LAs which have performed poorly in key areas of enforcement. A total of twenty LAs were identified in 2001 as having particularly poor performance, and they were named in a publicly available Board paper in February 2003.

The named LAs which had not previously been audited were included in the Agency's audit programme for 2003–04. None of the LAs in the constituencies of the Members of the Committee were among the twenty poor performers.

The Agency has a programme (launched in 2001) to carry out full audits of all LA food law enforcement activities. These activities include inspections of food businesses, food sampling and analysis, dealing with food complaints, internal management, food safety and standards promotion, and advice to business and other educational activities. As well as full audits the Agency also undertakes focused audits, which explore specific aspects of local authority food law enforcement activity eg food sampling, or formal enforcement activity. In Scotland, FSA Scotland undertakes a programme of partial audits of all Scottish LAs each year (contributing over a period of three years to full audits).

So far, two LAs from constituencies represented by members of the Committee have been the subject of full audits: Cheshire County Council and West Berkshire Unitary Council. Two partial audits of Glasgow City Council have been undertaken. The executive summary of these audit reports is attached to the details of the enforcement activity reported by these LAs.<sup>2</sup>

Birmingham Metropolitan Borough Council has recently been the subject of a focussed audit looking at enforcement action. The audit report is likely to be published by the end of the year.

9 June 2003

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<sup>2</sup> Not printed.

**Member**

Mr Richard Bacon MP

**Constituency**

South Norfolk

Programmed Inspections by Local Authorities 2001/02

**Local Authority:**

Norfolk CC

**Food Standards**

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02	30	253	629	912
No. of programmed inspections achieved	57	236	542	835
% of programmed inspections achieved	190.00	93.28	86.17	91.56

**Local Authority:**

South Norfolk DC

**Food Hygiene**

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	6	26	276	38	115	49	510
No. of programmed inspections achieved	5	24	367	34	136	39	605
% of programmed inspection achieved	83.33	92.31	132.97	89.47	118.26	79.59	118.63

**Notes**

Norfolk County Council has the responsibility for Food Standards inspections whereas Food Hygiene inspections fall under the responsibility of South Norfolk District Council. Figures for County Council are for the whole County not just the Honourable member's constituency

Type of Enforcement Action Jan - Dec 2001	Local Authority	
	Norfolk CC	Norfolk DC
Written warning	4	5
Improvement notice	0	3
Formal cautions	0	0
Prohibition order	0	1
Emergency prohibition notice/order	0	1
Suspension/revocation of approval or licence	0	0
Seizures/surrender of food	0	1
Voluntary closures	0	0
Total Prosecutions	0	0

CC=County Council

DC=District Council



**Member**  
Mr Ian Davidson MP

**Constituency**  
Glasgow Pollock

Programmed Inspections by Local Authorities 2001/02

**Local Authority:** City of Glasgow UN

### Food Standards

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02	12	1260	505	1777
No. of programmed inspections achieved *	9	2274	846	3129
% of programmed inspections achieved *	75.00	180.48	167.52	176.08

**Local Authority:** City of Glasgow UN

### Food Hygiene

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	1932	1608	1367	0	0	0	4907
No. of programmed inspections achieved	1644	1454	913	0	0	0	4011
% of programmed inspection achieved	85.09	90.42	66.79	-	-	-	81.74

#### Notes

UN City of Glasgow covers all of the 10 Glasgow parliamentary constituencies

\* - The Local Authority reported the total number of inspections achieved (both those which were part of the 2001/02 programme and those outside of the programme), rather than the programmed inspections achieved

Type of Enforcement Action Jan - Dec 2001	Local Authority City of Glasgow UN
Written warning	1009
Improvement notice	1494
Formal cautions	0
Prohibition order	0
Emergency prohibition notice/order	0
Suspension/revocation of approval or licence	0
Seizures/surrender of food	7
Voluntary closures	10
Total Prosecutions	3

UN=Unitary Authority

Glasgow City Council has been audited as part of the FSA Scotland's programme of annual partial audits of all Scottish authorities. The Authority was audited in February 2002 (year 1) and November 2002 (year 2).

The full audit reports can be found on the FSA website:

<http://www.food.gov.uk/multimedia/pdfs/glasgow.pdf> - February 2002 (year 1) audit

<http://www.food.gov.uk/multimedia/pdfs/glasgowyear2two.pdf> - November 2002 (year 2) audit

**Member**  
Geraint Davies MP

**Constituency**  
Croydon Central

Programmed Inspections by Local Authorities 2001/02

**Local Authority:** LB of Croydon

**Food Standards**

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02 *				
No. of programmed inspections achieved	26	414	283	723
% of programmed inspections achieved				

**Local Authority:**

LB of Croydon

**Food Hygiene**

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	16	200	717	147	91	18	1189
No. of programmed inspections achieved	17	240	868	156	85	9	1375
% of programmed inspection achieved	106.25	120.00	121.06	106.12	93.41	50.00	115.64

**Notes**

The London Borough of Croydon covers the constituencies of 1) Croydon Central, 2) Croydon North and 3) South Croydon

\* The food standards programme for 2001/02 was unavailable.

Type of Enforcement Action Jan - Dec 2001	Local Authority LB of Croydon
Written warning	897
Improvement notice	33
Formal cautions	0
Prohibition order	0
Emergency prohibition notice/order	1
Suspension/revocation of approval or licence	0
Seizures/surrender of food	6
Voluntary closures	0
Total Prosecutions	2

LB=London Borough



**Member**  
Rt Hon Frank Field MP

**Constituency**  
Birkenhead

Programmed Inspections by Local Authorities 2001/02

**Local Authority:** Wirral MBC

### Food Standards

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02	26	527	511	1064
No. of programmed inspections achieved	27	404	419	850
% of programmed inspections achieved	103.85	76.66	82.00	79.89

**Local Authority:** Wirral MBC

### Food Hygiene

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	308	440	409	95	174	39	1465
No. of programmed inspections achieved	166	368	548	119	75	26	1302
% of programmed inspection achieved	53.90	83.64	133.99	125.26	43.10	66.67	88.87

### Notes

MBC Wirral covers the constituencies of 1) Birkenhead, 2) Wallasey, 3) Wirral South and 4) Wirral West

Type of Enforcement Action Jan - Dec 2001	Local Authority Wirral MBC
Written warning	528
Improvement notice	12
Formal cautions	0
Prohibition order	0
Emergency prohibition notice/order	0
Suspension/revocation of approval or licence	0
Seizures/surrender of food	0
Voluntary closures	0
Total Prosecutions	0

MBC=Metropolitan Borough Council

**Member**  
Mr Nick Gibb MP

**Constituency**  
Bognor Regis & Littlehampton

Programmed Inspections by Local Authorities 2001/02

**Local Authority:** West Sussex CC

**Food Standards**

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02	98	980	340	1418
No. of programmed inspections achieved	95	901	306	1302
% of programmed inspections achieved	96.94	91.94	90.00	91.82

**Local Authority:** Arun DC

**Food Hygiene**

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	12	91	340	44	41	15	543
No. of programmed inspections achieved	18	115	297	33	14	74	551
% of programmed inspection achieved	150.00	126.37	87.35	75.00	34.15	493.33	101.47

**Notes**

West Sussex County Council has the responsibility for Food Standards inspections whereas Food Hygiene inspections fall under the responsibility of Arun District Council.  
Figures for County Council are for the whole County not just the Honourable member's constituency

Type of Enforcement Action Jan - Dec 2001	Local Authority	
	West Sussex CC	Arun DC
Written warning	1	89
Improvement notice	0	4
Formal cautions	0	0
Prohibition order	0	0
Emergency prohibition notice/order	0	0
Suspension/revocation of approval or licence	0	0
Seizures/surrender of food	0	0
Voluntary closures	0	1
Total Prosecutions	3	0

CC=County Council  
DC=District Council



**Member**

Mr George Howarth MP

**Constituency**

Knowsley North and Sefton East

Programmed Inspections by Local Authorities 2001/02

**Local Authority:**

Knowsley MBC

**Food Standards**

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02	20	20	10	50
No. of programmed inspections achieved	21	23	28	72
% of programmed inspections achieved	105.00	115.00	280.00	144.00

**Local Authority:**

Knowsley MBC

**Food Hygiene**

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	88	117	228	78	45	3	559
No. of programmed inspections achieved	84	92	174	43	0	431	824
% of programmed inspection achieved	95.45	78.63	76.32	55.13	0.00	14366.67	147.41

**Notes**

MBC Knowsley covers the constituencies of 1) Knowsley North &amp; Sefton East and 2) Knowsley South

Type of Enforcement Action Jan - Dec 2001	Local Authority	
	Knowsley MBC	
Written warning	90	
Improvement notice	23	
Formal cautions	0	
Prohibition order	0	
Emergency prohibition notice/order	0	
Suspension/revocation of approval or licence	0	
Seizures/surrender of food	0	
Voluntary closures	0	
Total Prosecutions	0	

MBC=Metropolitan Borough Council

**Member**  
Mr Brian Jenkins MP

**Constituency**  
Tamworth

Programmed Inspections by Local Authorities 2001/02

**Local Authority:** Staffordshire CC

**Food Standards**

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02	127	1782	99	2008
No. of programmed inspections achieved	86	526	91	703
% of programmed inspections achieved	67.72	29.52	91.92	35.01

**Local Authority:** Tamworth DC

**Food Hygiene**

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	20		68	132	28	39	290
No. of programmed inspections achieved	20		62	116	21	317	537
% of programmed inspection achieved	100.00		91.18	87.88	75.00	812.82	185.17

**Notes**

Staffordshire County Council has the responsibility for Food Standards inspections whereas Food Hygiene inspections fall under the responsibility of Tamworth District Council.  
Figures for County Council are for the whole County not just the Honourable member's constituency

Type of Enforcement Action Jan - Dec 2001	Local Authority	
	Staffordshire CC	Tamworth DC
Written warning	92	246
Improvement notice	0	4
Formal cautions	0	0
Prohibition order	0	0
Emergency prohibition notice/order	0	0
Suspension/revocation of approval or licence	0	0
Seizures/surrender of food	0	1
Voluntary closures	0	0
Total Prosecutions	0	0

CC=County Council  
DC=District Council



**Member**

Mr Nigel Jones MP

**Constituency**

Cheltenham

Programmed Inspections by Local Authorities 2001/02

**Local Authority:** Gloucestershire CC**Food Standards**

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02 *	-	-	-	-
No. of programmed inspections achieved	13	292	462	767
% of programmed inspections achieved	-	-	-	-

**Local Authority:****Food Hygiene****Cheltenham DC**

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	28	144	283	130	15	11	611
No. of programmed inspections achieved	19	77	78	15	6	14	209
% of programmed inspection achieved	67.86	53.47	27.56	11.54	40.00	127.27	34.21

**Notes**

Gloucestershire County Council has the responsibility for Food Standards inspections whereas Food Hygiene inspections fall under the responsibility of Cheltenham District Council. Figures for County Council are for the whole County not just the Honourable member's constituency

\* - The food standards programme for 2001/02 was unavailable.

<b>Type of Enforcement Action Jan - Dec 2001</b>	<b>Local Authority</b>	
	Gloucestershire CC	Cheltenham DC
Written warning	144	444
Improvement notice	0	31
Formal cautions	2	0
Prohibition order	0	0
Emergency prohibition notice/order	0	0
Suspension/revocation of approval or licence	0	0
Seizures/surrender of food	0	0
Voluntary closures	0	0
Total Prosecutions	1	0

CC=County Council

DC=District Council

**Member**  
Ms Ruth Kelly MP

**Constituency**  
Bolton West

Programmed Inspections by Local Authorities 2001/02

**Local Authority:** Bolton MBC

**Food Standards**

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02	0	1030	577	1607
No. of programmed inspections achieved *	-	-	-	217
% of programmed inspections achieved *	-	-	-	13.50

**Local Authority:** Bolton MBC

**Food Hygiene**

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	86	302	1103	405	170	91	2157
No. of programmed inspections achieved	51	217	274	31	0	579	1152
% of programmed inspection achieved	59.30	71.85	24.84	7.65	0.00	636.26	53.41

**Notes**

Bolton MBC covers the constituencies of 1) Bolton North East, 2) Bolton South East and 3) Bolton West

\* - the number of programmed inspections achieved was not reported for 2001/02. In the absence of this information the total number of inspections achieved (both those programmed and outside the programme), as reported by the Local Authority, has been shown in the 'Totals' column.

	Local Authority
	Bolton MBC
<b>Type of Enforcement Action Jan - Dec 2001</b>	
Written warning	273
Improvement notice	22
Formal cautions	1
Prohibition order	0
Emergency prohibition notice/order	2
Suspension/revocation of approval or licence	0
Seizures/surrender of food	0
Voluntary closures	0
Total Prosecutions	0

MBC=Metropolitan Borough Council



**Member**

Mr Edward Leigh MP

**Constituency**

Gainsborough

Programmed Inspections by Local Authorities 2001/02

**Local Authority:**

Lincolnshire CC

**Food Standards**

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02	43	765	880	1688
No. of programmed inspections achieved	33	99	98	230
% of programmed inspections achieved	76.74	12.94	11.14	13.63

**Local Authority:**

West Lindsey DC

**Food Hygiene**

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	9	201	34	28	11		346
No. of programmed inspections achieved	8	186	31	26	5		319
% of programmed inspection achieved	88.89	92.54	91.18	92.86	45.45		92.20

**Notes**

Lincolnshire County Council has the responsibility for Food Standards inspections whereas Food Hygiene inspections fall under the responsibility of West Lindsey District Council. Figures for County Council are for the whole County not just the Honourable member's constituency

Type of Enforcement Action Jan - Dec 2001	Local Authority	
	Lincolnshire CC	West Lindsey DC
Written warning	26	128
Improvement notice	0	2
Formal cautions	0	0
Prohibition order	0	0
Emergency prohibition notice/order	0	0
Suspension/revocation of approval or licence	0	0
Seizures/surrender of food	0	0
Voluntary closures	0	0
Total Prosecutions	2	0

CC=County Council

DC=District Council

**Member**  
Mr George Osborne MP

**Constituency**  
Tatton

Programmed Inspections by Local Authorities 2001/02

**Local Authority:** Cheshire CC

#### **Food Standards**

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02	35	2317	1793	4145
No. of programmed inspections achieved	24	190	82	240
% of programmed inspections achieved	68.57	8.20	4.57	5.79

**Local Authority:** Macclesfield DC  
**Food Hygiene**

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	64	149	446	36	121	5	821
No. of programmed inspections achieved	45	114	427	35	113	4	738
% of programmed inspection achieved	70.31	76.51	95.74	97.22	93.39	80.00	89.89

#### **Notes**

Cheshire County Council has the responsibility for Food Standards inspections whereas Food Hygiene inspections fall under the responsibility of Macclesfield District Council. Figures for County Council are for the whole County not just the Honourable member's constituency  
Macclesfield DC covers the constituencies of 1) Macclesfield and 2) Tatton

<b>Type of Enforcement Action Jan - Dec 2001</b>	<b>Local Authority</b>	
	Cheshire CC	Macclesfield DC
Written warning	14	320
Improvement notice	0	0
Formal cautions	0	0
Prohibition order	0	0
Emergency prohibition notice/order	0	0
Suspension/revocation of approval or licence	0	0
Seizures/surrender of food	0	0
Voluntary closures	0	0
Total Prosecutions	0	0

Cheshire County Council was the subject of an audit on Food Law Enforcement Services.

The full audit report can be found on the Food Standards Agency website at <http://www.food.gov.uk/multimedia/pdfs/cheshire.pdf>

CC=County Council  
DC=District Council



**Member**

Mr David Rendel MP

**Constituency**

Newbury

Programmed Inspections by Local Authorities 2001/02

**Local Authority:**

West Berkshire UN

**Food Standards**

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02	4	147	124	275
No. of programmed inspections achieved	3	80	34	117
% of programmed inspections achieved	75.00	54.42	27.42	42.55

**Local Authority:**

West Berkshire UN

**Food Hygiene**

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	34	65	453	98	44	1	695
No. of programmed inspections achieved	20	57	197	12	6	0	292
% of programmed inspection achieved	58.82	87.69	43.49	12.24	13.64	0.00	42.01

Local Authority	
West Berkshire UN	
<b>Type of Enforcement Action Jan - Dec 2001</b>	
Written warning	84
Improvement notice	13
Type of Enforcement Action Jan - Dec 2001	1
Prohibition order	1
Emergency prohibition notice/order	1
Suspension/revocation of approval or licence	2
Seizures/surrender of food	1
Voluntary closures	1
Total Prosecutions	7

West Berkshire Unitary Authority was the subject of an audit on Food Law Enforcement Services.

The full audit report can be found on the Food Standards Agency website at [http://www.food.gov.uk/multimedia/pdfs/west\\_berkshire.pdf](http://www.food.gov.uk/multimedia/pdfs/west_berkshire.pdf)

UN=Unitary Authority

**Member**  
Mr Siôn Simon MP

**Constituency**  
Birmingham Erdington

Programmed Inspections by Local Authorities 2001/02

**Local Authority:**

**Birmingham MBC**

**Food Standards**

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02	0	408	1304	1712
No. of programmed inspections achieved	11	933	957	1901
% of programmed inspections achieved	-	228.68	73.39	111.04

**Local Authority:**

**Birmingham MBC**

**Food Hygiene**

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	520	906	2208	780	215	42	4671
No. of programmed inspections achieved	402	666	1644	686	181	39	3618
% of programmed inspection achieved	77.31	73.51	74.46	87.95	84.19	92.86	77.46

Notes:

Birmingham MBC covers the constituencies of 1) Birmingham, Edgbaston, 2) Birmingham, Erdington, 3) Birmingham, Hall Green, 4) Birmingham, Hodge Hill, 5) Birmingham, Ladywood, 6) Birmingham, Northfield, 7) Birmingham, Perry Barr, 8) Birmingham, Selly Oak, 9) Birmingham, Sparkbrook & Small Heath, 10) Birmingham, Yardley and 11) Sutton Coldfield

Type of Enforcement Action Jan - Dec 2001	Local Authority Birmingham MBC
Written warning	0
Improvement notice	82
Formal cautions	17
Prohibition order	0
Emergency prohibition notice/order	40
Suspension/revocation of approval or licence	0
Seizures/surrender of food	1
Voluntary closures	0
Total Prosecutions	0

MBC=Metropolitan Borough Council



**Member**  
Mr Gerry Steinberg MP

**Constituency**  
City of Durham

Programmed Inspections by Local Authorities 2001/02

**Local Authority:** Durham CC

### Food Standards

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02	160	1379	708	2247
No. of programmed inspections achieved	89	238	92	419
% of programmed inspections achieved	55.63	17.26	12.99	18.65

**Local Authority:** Durham City DC

### Food Hygiene

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	92	162	155	72	28	1	510
No. of programmed inspections achieved	70	136	146	58	21	3	434
% of programmed inspection achieved	76.09	83.95	94.19	80.56	75.00	300.00	85.10

### Notes

Durham County Council has the responsibility for Food Standards inspections whereas Food Hygiene inspections fall under the responsibility of Durham City District Council.  
Figures for County Council are for the whole County not just the Honourable member's constituency

Type of Enforcement Action Jan - Dec 2001	Local Authority	
	Durham CC	Durham City DC
Written warning	14	318
Improvement notice	0	3
Formal cautions	1	0
Prohibition order	0	0
Emergency prohibition notice/order	0	0
Suspension/revocation of approval or licence	0	0
Seizures/surrender of food	0	1
Voluntary closures	0	0
Total Prosecutions	2	0

CC=County Council  
DC=District Council

**Member**

Mr Jon Trickett MP

**Constituency**

Hemsworth

Programmed Inspections by Local Authorities 2001/02

**Local Authority:****West Yorkshire MBC****Food Standards**

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02	1359	2880	1652	5891
No. of programmed inspections achieved	1072	1548	1309	3929
% of programmed inspections achieved	78.88	53.75	79.24	66.69

**Local Authority:****Wakefield MBC****Food Hygiene**

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	63	297	525	235	109	24	1253
No. of programmed inspections achieved	72	248	474	237	100	23	1154
% of programmed inspection achieved	114.29	83.50	90.29	100.85	91.74	95.83	92.10

**Notes**

West Yorkshire MBC has the responsibility for Food Standards inspections whereas Food Hygiene inspections fall under the responsibility of Wakefield MBC. Figures for West Yorkshire MBC are for the whole County not just the Honourable member's constituency. Wakefield MBC covers the constituencies of 1) Hemsworth, 2) Normanton, 3) Pontefract & Castleford and 4) Wakefield.

<b>Type of Enforcement Action Jan - Dec 2001</b>	Local Authority	
	West Yorkshire MBC	Wakefield MBC
Written warning	232	617
Improvement notice	0	12
Formal cautions	7	6
Prohibition order	0	0
Emergency prohibition notice/order	0	1
Suspension/revocation of approval or licence	0	1
Seizures/surrender of food	0	1
Voluntary closures	0	3
Total Prosecutions	21	1

MBC=Metropolitan Borough Council



**Member**  
Rt Hon Alan Williams MP

**Constituency**  
Swansea West

Programmed Inspections by Local Authorities 2001/02

**Local Authority:**

Swansea UN

**Food Standards**

Premises rating	High risk	Medium risk	Low risk	Total
No. of programmed inspections 2001/02	46	252	146	444
No. of programmed inspections achieved	38	167	9	214
% of programmed inspections achieved	82.61	66.27	6.16	48.20

**Local Authority:**

Swansea UN

**Food Hygiene**

Premises rating	A	B	C	D	E	F	Total
No. of programmed inspections 2001/02	38	171	761	154	116	24	1264
No. of programmed inspections achieved	22	169	653	40	26	1	911
% of programmed inspection achieved	57.89	98.83	85.81	25.97	22.41	4.17	72.07

Notes:

Swansea UN covers the constituencies of 1) Gower (West Glamorgan), 2) Swansea East and 3) Swansea West.

Type of Enforcement Action Jan - Dec 2001	Local Authority
Written warning	Swansea UN
Improvement notice	653
Formal cautions	15
Prohibition order	0
Emergency prohibition notice/order	0
Suspension/revocation of approval or licence	0
Seizures/surrender of food	3
Voluntary closures	0
Total Prosecutions	0

UN=Unitary Authority







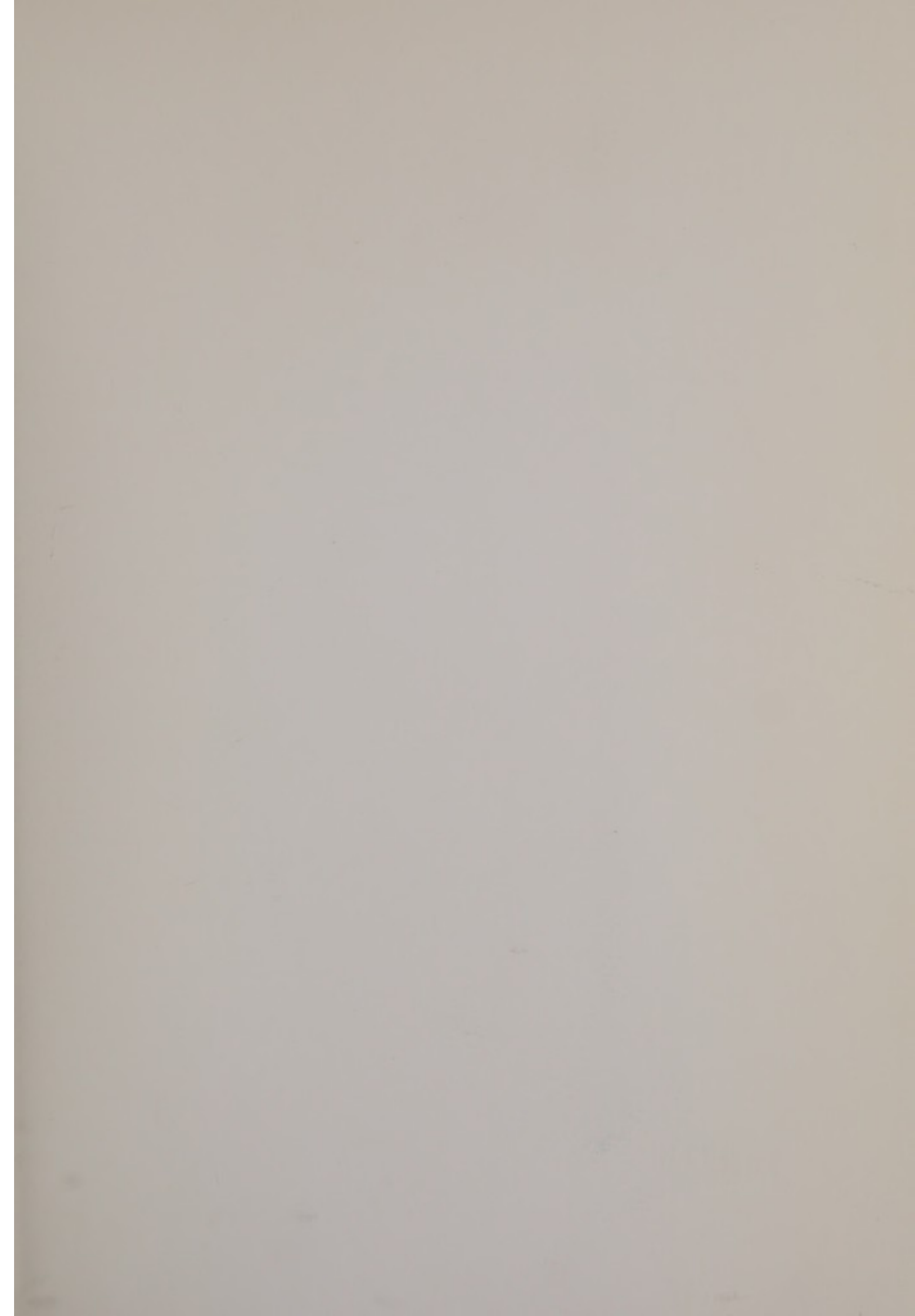




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