

**RESIDENTS' AND ENVIRONMENTAL SERVICES POLICY OVERVIEW COMMITTEE
2009/10**

DRAFT SCOPING REPORT

IMPORTED FOOD – WHOLE SALE AND RETAIL

Aim of the review

To review and improve the Council's arrangements for combating the issue of illegally imported foods.

Where are we now:

Part of the role of Food, Health and Safety Team is to carry out a series of programmed risk based food safety and food standards inspections within the London Borough of Hillingdon (outside the boundary of London Heathrow Airport). This is so as to ensure the safety of food at all stages of production. Part of these inspection activities include 'inland checks' for imported foods and are similar to those made by all other local authorities in England and Wales. There are in the region of 2,500 registered food businesses in Hillingdon and typically just under 1,000 inspections and are undertaken each year. Current records show that there are 18 Importers situated in London Borough of Hillingdon (Businesses where the main activity is importing).

Inspections make up the majority of the all food intervention activities, the frequency of inspections are determined by individual risk rating scores determined at the time of the previous inspection.

Inland checks form part of the inspection process and extend to a range of food businesses including distributors, wholesalers, restaurants, manufacturers and retailers. Inspections include food hygiene and food standards checks and food sampling of all foods.

Food standards inspections include checks for composition and labelling of food and further consider the advertising and marketing of the product and how it may mislead the consumer.

Outside the routine programme of inspections some intelligence led work takes place through the Council's Home authority leads for companies such as Coca Cola, HJ Heinz UK, and United Biscuits. In this regard complaints will often be received via other local authorities concerning the lawfulness of food labelling. Such matters often arise out of consumer complaints and subsequent sampling and analysis.

The Food Health and Safety Team also carries out a series of routine food samples in line with a food sampling programme. Officers will from time to time take samples by way of further checking a part of their inspection, for example that accurate labelling is being applied, or that there are no contaminants in a product.

The team will also react to complaints from consumer located in Hillingdon, often these will be concerning hygiene practices.

Liaison

Imported foods by their nature do not respect boundaries so addressing any matters relating to imported food clearly requires an approach encompassing national and regional initiatives which will draw on intelligence gathered from across the UK. For this reason food sampling work will sometimes target imported foods as part of regional and national surveys. Surveys are agreed by the Food Standards Agency in conjunction with the Local Authority Co-ordinator of Regulatory Services (LACORS), further studies are discussed and agreed between Environmental Health Officers, the Health Protection Agency and Public Analyst.

Liaison Groups across London provide a suitable forum for officers from the team to discuss such matters as well as particular enforcement issues and or intelligence, which may include imported food checks.

Officers will routinely attend the North West London Sector Group Meetings. Otherwise any more urgent matters may be notified through the Food Standards Agency Incidents Alert System. This notifies all local authorities on food related matters for information or for action, dependant upon the level of risk involved. In response, the team may divert its resources into site-specific inspection, correspondance or other communication in ensure product withdrawals from the market place.

Illegally imported food and illness

There is no data concerning the number of people made ill as a result of illegally imported food. Outbreak surveillance data in all of England and Wales does not shed any further light on this owing to the variation of evidence obtained about the origin of implicated food and their ingredients. Furthermore reports are not often produced to document conclusions. As a consequence there is little evidence concerning the involvement of imported foods in food poisoning. The same must be said in Hillingdon.

Bush Meat

There is no evidence that sales of bush meat are taking place in Hillingdon. Such foods are certainly suspected of being imported, often in personal luggage from third countries, and are known to fetch a high value on the black market. Trade of Bush meat is understood to be popular in West and Central Africa and so it is reasonable to expect that some quantity of these foods may turn up from time to time in communities, including people from this area of the world. Further intelligence and advice may be provided by our Imported Food Office.

Halal Meat

The assessment of the legitimacy of describing or presenting food is a matter of judgement. Guidance exists from the Food Standards Agency on terms such as Fresh Pure Natural, Home Made etc, European Community (EC) Regulations deal with things such as nutrition and health claims. Notwithstanding this, the market is fast moving and evolving with companies seeking to add value to their products all the while. The meaning of terms and descriptions are often open to interpretation. This also extends to the interpretation of Halal meat. Certainly many small businesses are selling meat which they claim to be Halal; broadly speaking officers will accept the description based upon limited traceability checks, mostly checking invoices.

In any case determining whether a consumer has been or is being misled by anyone placing for sale a Halal food on the market is a matter of fact to be proven in a court of law. To the best of my knowledge there is no current case law. The matter is further complicated by the existence of a number of certification bodies and no accredited list. A number of non- government organisations exist that monitor and approve Halal Slaughter and include The Halal Food Authority and the UK Halal Corporation. Other interest groups that may be able to advise are the Muslim Council of Great Britain. There is no current evidence to suggest the sale of widespread fraudulent sale of Halal Meat.

Legal Position

When food is imported from other European Countries they have free movement, this is known as intra community trade. So as to ensure free movement of safe and wholesome food a series of EC Regulations are applied to each member state. Any food from third countries should comply with similar requirements unless a specific agreement exists between the Community and the exporting country.

The general principles and requirements of food law for member states are set out in EC regulation, which deal with protecting consumer interests with its aim of preventing fraudulent or deceptive practices. This includes the preventions of the adulteration of food and other practices, which may mislead the consumer and preventing unsafe food being placed on the market. Another key aim is to ensure good traceability of food and general hygiene requirements for all food business operators with specific hygiene requirements for foods of animal origin.

All food businesses in Hillingdon are required to be registered, so as to enable inspections and inland checks to take place.

Enforcement powers are provided by the Food Safety Act 1990, General Food Regulations 2004, Food Hygiene (England) Regulation 2006 and the Food Labelling Regulations 1996.

During the course of food inspections where imported foods are suspected the traceability of the product will be investigated and mostly dealt with according to a hierarchy of enforcement, normally beginning with a warning. Liaison with other enforcing authorities will take place and as necessary and the involvement and advice of the Food Standards Agency will be sought.

If food is considered unsafe detention and seizure powers enable consignments to be removed from sale, moreover where unsafe food is suspected, food businesses will be made aware that it is an offence to place on the market any food which it has processed, produced, manufactured distributed or imported where it does not comply with food safety requirements. Moreover they are required to cooperate with the council to ensure an effective product withdrawal failure to do so is also an offence.

Prosecutions

The Food Health and Safety Team have not completed any prosecutions that are directly related to Imported Foods. Many of the matters dealt with by the team including complaints from members of the public relate to poor hygiene practices often resulting from third country

immigrants setting up small food businesses. It has been long argued that part of the failing in the legislation is that there is no requirement to hold a permit or licence before opening a food business, which in effect means anyone without any prior knowledge or experience can open a food business. There is currently no evidence to suggest a particular problem with illegal imported foods.

The key Issues we are faced with:

There is no data currently available to the Food Health and Safety Team, which would allow the council to draw any conclusions concerning the scale of the illegal imported foods in Hillingdon and the implications for public safety.

It is widely understood that over half of foods in the UK are imported, and it would be reasonable to assume that the same is true of foods within Hillingdon.

There is a sizeable immigrant population carrying on small food businesses in the Hayes and general compliance with Food legislation is poor, although no wider imported food issues have been identified.

Current Measures in place and where we want to be:

The Food Health and Safety Team are currently consolidating inspection activities with a more intelligent and directed approach to allow enough flexibility for officers to be more responsive to intelligence on, or suspicion of things such as imported foods. In this regard it is anticipated that the introduction of a Food Intervention Strategy will permit officers to tightly focus limited resources on those businesses that have difficulty, or show little willingness to comply with food law.

Using a full range of interventions will remove the burden of full inspections, allowing officer to adopt a more investigative approach and more intensive regulation to those food businesses that present the greatest risk to health.

The team are working off a new database introduced in April 2009 and are continuing to develop this, a further enhancement will be considered so as to distinguish officer activity on imported foods in order to be able to report on it, if so required.

A recommendation would be for intelligence gathering by Trading Standards and Food Health and Safety Team officers within consumer protection to target premises, such as wholesalers and retailers so as to establish any local issues, and carry out any necessary enforcement work. Such an approach may be adopted during the Council's Streets Ahead Events.

Publicity may be delivered by raising awareness in an article in Hillingdon People. Information Booklets could be targeted toward wholesalers, retailers, distributors, and importers.

Street champions could be briefed and asked to refer any matters by way of further developing intelligence.

Methodology

1. The Committee will examine background documents and receive evidence from officers.
2. The Committee could also make a visit to relevant retail premises/butchers/Halal butchers.

Witnesses/evidence providers

Officers, retail organisations and the Halal Food Authority.