

CHESHIRE EAST COUNCIL

REPORT TO: Community Safety Scrutiny Committee

Date of Meeting:	25 th April 10.30am
Report of:	Robert Edwardson, Senior Enforcement Officer Kay Roberts, Consumer Protection and Investigations Manager
Subject/Title:	Response to the Discovery of Equine DNA in the Food Chain
Portfolio Holder:	Councillor Les Gilbert

1.0 Report Summary

- 1.1 This report seeks to advise the Committee of the actions undertaken by Cheshire East Council's Consumer Protection and Investigations (Trading Standards) Service in response to the nationwide discovery of equine DNA in the food chain.

2.0 Recommendation

- 2.1 Members of the Committee are asked to note the contents of the report and the work of the Consumer Protection and Investigations (Trading Standards) Service in responding to this issue and supporting the wider Food Standards Agency (FSA) investigation.

3.0 Reasons for Recommendations

- 3.1 Our response to this on-going issue continues to impact upon staffing and financial resources. It has also required the reprioritisation of our activities during the investigative process.

4.0 Wards Affected

- 4.1 All Wards

5.0 Local Ward Members

- 5.1 All Ward Members

6.0 Policy Implications

- 6.1 Healthy Lifestyles – the adulteration of meat products with horsemeat is not considered by the Food Standards Agency (FSA) to present a specific risk to public health or safety – it is essentially an issue of the serious mislabelling of food products ('food fraud').

- 6.2 Strong and Resilient Economy - public concern about the adulteration of meat products has significant potential to impact upon the economic interests of food sector businesses based within East Cheshire. It is therefore vitally important that we provide a comprehensive response to this issue, assisting business through the provision of detailed advice to ensure regulatory compliance and the highest of standards within this sector.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

- 7.1 A proportion of the food sampling costs incurred to date are being recovered from the FSA and one other local authority, otherwise no financial implications outside current budgetary provision for 2013/2014.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 None subject to the views of the Committee

9.0 Risk Management

- 9.1 Significant reputational damage would result in the event that a Council Service or contractor supplied a product to consumers which contained horsemeat.

10.0 Background

- 10.1 Local Authorities were first notified of this issue by the Food Standards Agency (FSA) on or around 8th February. It is to be noted that the issue is one of the serious mislabelling of products ('food fraud') and the FSA highlights there are no specific public safety or public health issues as such.
- 10.2 The law in respect of this matter is quite clear; food labelling is required to be entirely accurate and should be entirely accurate. Food businesses are required to maintain records identifying their suppliers of food, food-producing animals and any substances intended or expected to be incorporated into food, in addition to providing information regarding manufacturing processes and onward supply. This is to enable accurate and timely product withdrawal to be undertaken in light of any food safety concerns being identified.
- 10.3 In co-ordinating a response to this issue, due regard was given to the briefing provided by the Local Government Association entitled 'The Council Role in Horsemeat Investigations and Food Testing' (available from the LGA website) as well as updated briefings sent to Local Authorities by the FSA.
- 10.4 Our response to this issue was risk-based and intelligence-led, involving collaborative working with partners where appropriate.

- 10.5 An intelligence/scoping exercise was initially undertaken to identify those Council Services who may be engaged in the supply of relevant products and therefore exposed to risk. Much of our early work was necessarily concentrated upon food businesses supplying to our Schools (including those which operate outside of Council control), Care4CE premises and Culture and Leisure establishments.
- 10.6 Where such suppliers were located within East Cheshire, comprehensive inspections were undertaken by Food Safety Officers as a matter of urgency. A number of formal food samples were procured for testing by the Public Analyst.
- 10.7 Where such suppliers were based outside of East Cheshire, detailed enquiries were made with the relevant local authority, FSA and the suppliers themselves to our satisfaction. This included the inspection of premises located within West Cheshire by colleagues in that local authority area.
- 10.8 Further inspections of cold stores and meat processing establishments within East Cheshire were subsequently undertaken at the request of the FSA. Additionally, the inspection of a manufacturer of relevant products who supplies schools in another Local Authority Area was also undertaken.
- 10.9 In total, 16 comprehensive food business inspections have been undertaken to date and 10 formal food samples analysed. All samples were found to be negative for the presence of equine DNA.
- 10.10 One sample (a Cornish pasty) was found to contain less than 1% pork, contrary to the product labelling. A further inspection of that manufacturer was therefore undertaken and our investigation has concluded that this issue resulted from cross-contamination rather than adulteration. The business concerned has received formal advice in respect of this matter.
- 10.11 We are currently awaiting the results from the Public Analyst in respect of one formal food sample which was recently procured.
- 10.12 We have reported our actions and findings to the FSA at every stage and we are participating in the FSA-led investigation into this issue as necessary, as well as any national review of the Trading Standards response which may result.
- 10.13 Our response to this issue has been comprehensive, risk-based and intelligence-led where appropriate. As the Committee will be aware, the issue is still 'live' and we are responding robustly to any related intelligence which has the potential to impact upon East Cheshire businesses, residents and the Council itself.
- 10.14 It is to be noted that providing a comprehensive response to this issue has diverted significant amounts of Officer time away from routine duties, including the programmed inspection of food premises and provision of low-level business advice.

- 10.15 Moving forward, the 2013-2014 Regulatory Services Food Law Enforcement Plan is being drafted and the Service is currently examining how, as a result of this issue, any changes in national enforcement priorities may be incorporated into the Plan.
- 10.16 Additionally, the Service intends to liaise with internal partners, such as Schools and Care4CE, to establish what assistance and added value it may be able to provide in the area of corporate procurement.
- 10.17 The local response of the Trading Standards Service to this national issue has ensured that residents and customers within Cheshire East can have confidence in local food businesses and retailers. Importantly, our routine regulatory activity is proving effective at ensuring ongoing compliance.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report author:

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