

PREM 19/2678

Part 2.

MT.

**SECRET**

Confidential Filing.

Food Safety.

FOOD.

Part 1: Jan 89.

Part 2: Apr. 89.

In attached folder:

Draft White Paper - "Food Safety" + Revised <sup>draft</sup> <sub>FOOD & RADIATION INFORMATION</sub>

SOCIAL SERVICES UNIT/MSL REPORT

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
<del>6.4.89.</del>							
<del>28.4.89</del>							
<del>21.4.89</del>							
<del>24/4/89</del>							
<del>15.5.89</del>							
<del>19.5.89</del>							
<del>25.5.89</del>							
<del>8/6/89</del>							
<del>12-6-89</del>							
<del>22.6.89</del>							
<del>23.6.89</del>							
<del>30.6.89</del>							
<del>6.7.89</del>							
<del>7.7.89</del>							
30.6.89							

PREM 19/2678

PT2  
ENDS

## Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

House of Commons: Session 1988 to 1989; Food Poisoning: Listeria and Listeriosis, Sixth Report. ISBN 0 10 225789 2

Signed B. Walsh Date 9/8/16

**PREM Records Team**

PART 2 ends:-

AT to PM. 30.6.89

PART 3 begins:-

PM to SS/HGAUTH (M4/89) 3.7.89

PRIME MINISTER

FOOD SAFETY WHITE PAPER

The latest text of the White Paper is broadly right and you do not need to read it all through. MAFF have taken on board most of the drafting suggestions we made earlier. You may, however, like to look at the new chapter 1 which is designed to be a summary of the whole document. The following points are still outstanding:

- (i) the reference to listeria in paragraph 1.17 and in paragraph 3.51 could be strengthened to provide a robust reply to the Select Committee Report, eg "as soon as an adequate scientific basis was established, the Government gave guidance to ....., the first country in the world to do so."
- (ii) the final chapter is still rather abrupt. A bit of eloquence is needed to round it off.
- (iii) the reference to permissible defences in 6.10 is still a bit obscure. In line 8, I would add "... warranty defence which allows a retailer to claim ....."

Content with text, subject to these points?

*See comments on opening Paragraphs.*  
*OK*  
*OK*  
*not otherwise*  
*Yes not*

At an earlier stage, I suggested that the text might include a specific rebuttal of the proposal in the Labour Party Policy Review Document for a Food Standards Agency - the relevant passage is attached. MAFF declined to do this on the weak grounds it would be giving hostages to fortune, and have simply included paras 2.3 and 2.4 as a description of the status quo. Though there is always danger in giving prominence to the arguments of one's opponents, I still feel that there is merit in a pre-emptive strike against the argument that will be thrown back at the White Paper.

Content?

I expect the biggest challenge to the White Paper could be that there is no extra money to finance the extra Environmental Health Officers who will be needed to police the new controls. MAPP briefing will need to cover this point.

MAPP have also included the text of a summary leaflet. It is questionable whether this is fully consistent with the conventions, as it makes in advance of legislation to which it refers. There are, however, precedents, the most recent of which was the DOH leaflet on the reform of the National Health Service. It is not clear whether MAPP have cleared the leaflet with Cabinet Office and Treasury in respect of propriety and value for money. If not, they should be asked to do so.

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Bernard's view is that much will depend, given the innocuousness of the copy, on the proposed distribution about which we are told nothing. He feels that such a leaflet should not be given a wide circulation and that it should go ahead only on the basis that it is given to those who positively seek information and clarification. As such, he thinks it could be cost-effective, though I have my doubts.

---

I understand Mr. MacGregor himself still has some reservations, though whether it is about the principle or about the text, I do not know. He may want to raise it when he sees you on Sunday.

---

AT

ANDREW TURNBULL

30 June 1989

PM2ASW

## The Food Standards Agency

The Food Standards Agency — independent of government and food producers — will promote healthier, safer food. It will enforce tough new laws on food labelling to help consumers and take over the responsibility of the Ministry of Agriculture for food hygiene.

## Food and agriculture

There is mounting public concern that the food and farming industries are failing to serve the interests of consumers or the environment. The intensive use of chemicals at every point on the food chain is hazardous to health. It is also storing up as yet incalculable problems in the countryside. The Ministry of Agriculture, Fisheries and Food is cutting back on research and advice, failing to impose necessary regulations and unable to keep pace with changes in food technology. Most significantly it is felt to be too closely bound up with the interests of food producers and processors to respond properly to consumer concerns.

Meanwhile farmers themselves are caught in a vicious circle which demands ever greater intensity of operation to sustain capital investment and creates a financial regime in which quality takes second place to quantity.

Any food and farming policy for the 1990s must start with the consumer. An articulate and well-informed public demands a comprehensive range of food, reasonably priced and, above all, safe in its content and in the conditions under which it is stored and sold. We, therefore, propose two fundamental changes. First, the priority of MAFF must become food, not farming. Thus its main concerns would become food and the people who consume it, not farming and those who produce it. And second, the food regulatory functions at present shared between the Department of Health and MAFF in England must be transferred to an independent Food Standards Agency — with sister bodies in Scotland and Wales.

The new Agency would monitor food hygiene standards during production, transport and storage. It would monitor standards of imported foods and new processed foods before they come on the market. It would promote research. It would establish an authoritative, statutory framework for food labeling which would reflect nutritional standards and production methods. It would be involved in health education and helping the major food manufacturers and retailers to play their part in bringing about a healthier and safer diet for Britain. With the highest rate of coronary heart disease in the world and with a quarter of all cancers related to diet, the need to bring about radical changes in the production and consumption of food in our country could not be clearer.

Bad introductory para

Not a good introduction

Bad point to lead with

Better opening para

— what does this mean in practice



# FOOD SAFETY

A GUIDE FROM HM GOVERNMENT

**FOOD**

SENSE



## WHY FOOD SAFETY IS VITAL

The food we eat is one of the keys to good health. We rightly expect that the food on our plates shouldn't make us ill. But the risk of bacteria in food must be taken seriously.

Food poisoning can make you feel anything from a bit off-colour to so seriously ill that you need medical attention. In a few rare cases, people can die from food poisoning.

It's important to keep food safety in perspective. Most of us eat without any ill effects. But it is also important to guard against the risk of contaminating food wherever possible and use commonsense in the way we prepare and cook our food.

This guide outlines the ways in which we can all help guard against food poisoning.

*'At least I know they are my own germs'*

**Germs are not selective  
in who they make ill**

# BACTERIA

Bacteria are everywhere. They are often thought of as bugs or germs and the human body is remarkably well-equipped to deal with them.

Some bacteria are useful – most cheeses rely on bacteria for their production. There are only a few types

of bacteria which cause illness, but it makes sense to minimise the risk of becoming ill by preventing harmful bacteria from growing on food.

Bacteria can get into our food at any stage from production to sale and from purchase to eating. After purchase it is up to us, the consumers, to handle and

prepare food properly.

The food industry takes a responsible attitude to food safety. To reduce the risk of food poisoning it is necessary to have controls at all points from the farm to the consumer.

To ensure the highest possible standards the Government, the European Community and local Environmental Health Officers impose a series of checks from producer to seller.

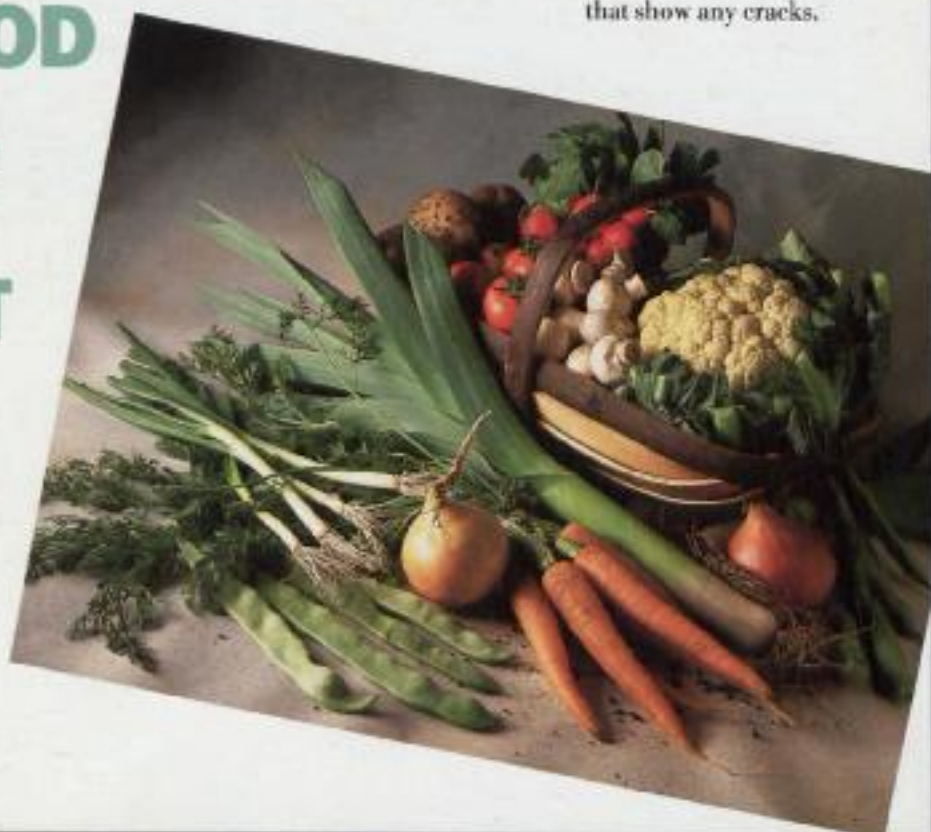
The consumer is the last link in the chain and there is a lot we can all do to keep our food safe from the time we buy it to the time we eat it.



## BUYING FOOD

Commonsense will tell you if the shop or shelves look dirty, or if staff behaviour is unhygienic – dirty hands and nails, constantly touching mouth or hair, eating or smoking. Check the dates on the goods and ensure that they are still current. Avoid packs that look damaged. Beware of chilled or frozen food displays which are overfilled or look poorly cared for. Do not buy dirty eggs or eggs that show any cracks.

## AND THE FOOD WE EAT



## TAKING FOOD HOME

Pack fresh foods separately and in particular, ensure that fresh meat is wrapped and cannot contaminate other foods.

Take chilled or frozen food home as quickly as possible. A warm car, office, or just carrying it around for an hour can raise the temperature of the food considerably and allow bacteria to grow. If possible, take an insulated container. Put perishable goods in the fridge or freezer as soon as you get home.



Keep your cupboards, fridge and freezer clean – spilt food, drips and broken packets can spread bacteria and attract flies, ants and mice. Use cupboard stocks efficiently, using older packs first. Follow instructions on packets. Use food within recommended dates.

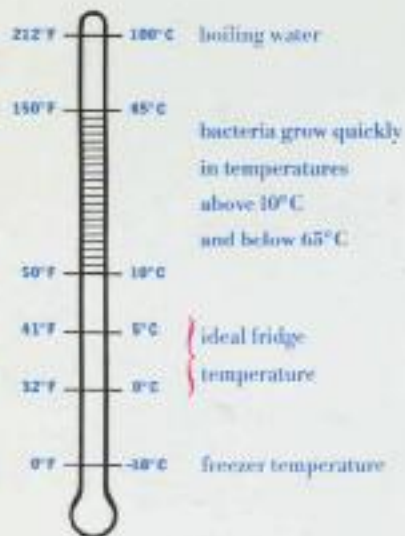
Contaminated food does not always look or smell "off." If in doubt, throw it out.

Fridges cannot kill bacteria but they can slow the growth of most common bugs. Make sure the fridge is cold enough – and stays

## STORE IT SAFELY

*\*But we keep everything in the fridge\**

Bacteria can multiply in the fridge and contaminate other food if it isn't stored correctly.



below 5°C or 41°F – buy a fridge thermometer to check. Leaving a fridge door open warms the internal temperature, so does putting warm food straight into it. Defrosting fridges regularly will keep them cooler and will use less energy.

Different types of food such as raw meat, fish, dairy

products and cooked food should be kept separately to avoid contamination from one to another. Put fresh meat and defrosting foods on a plate, covered, at the bottom of the fridge – if it drips onto other foods it can pass on food poisoning bacteria. Do not let meat drip into fresh vegetables and salads in the crisp box.

Freezers kept at the

correct temperature – minus 18°C or 0°F – stop bacteria multiplying but do not kill them. Note storage or freezing instructions when stocking a freezer and try to defrost the freezer when stocks are low. While defrosting keep any remaining stocks as cold as possible – in an insulated box, or wrapped in plenty of newspapers or old clean blankets.



*"Cats are such clean pets"*

All pets can spread bacteria through saliva, dirty paws and faecal contact to food or worksurfaces.

## COMMONSENSE IN THE KITCHEN



Cleanliness is the key. Keep your kitchen clean and dry. Don't allow pets near food or worktops. Wash hands in warm water with soap before touching food – and always after touching pets, dirty nappies, the dustbin or going to the toilet, and cover up cuts and grazes.

Keep worktops, chopping boards and utensils clean with hot soapy water. Dry them thoroughly after washing, preferably with disposable paper towels. When you are preparing food, wash utensils and worktops between stages – don't use the same knife or chopping board for raw meat, cooked food and fresh vegetables without washing

them between times. Ideally, keep one chopping board for raw meats and another for other foods. Wash vegetables, fruit and salads thoroughly whether home-grown or shop-bought.

Keep your tea towels and dish cloths clean.



## PREPARATION AND COOK SENSE

Follow package instructions carefully on prepared or cook/chill foods. When required thaw frozen food completely before cooking – in the fridge or microwave is best. A warm room may hurry up defrosting but it also helps bacteria to grow.

Cook meat thoroughly – if possible use a meat thermometer which penetrates the joint to check that temperature at the centre has reached 70°C. This is especially important for large joints or poultry. When cooking foods from frozen, ensure they are similarly cooked right through. Poultry should always be defrosted completely and thoroughly before cooking.

The Government's Chief Medical Officers have advised until further notice that

*"It seems a crime to throw food away"*  
It's much worse to serve food which could make your friends and family ill.

everyone should avoid eating raw eggs and homemade uncooked egg dishes such as mayonnaise, mousses, ice-cream and raw eggs mixed with drinks.

If you are sick, elderly, pregnant or preparing food for toddlers and babies then any eggs in the meal should be thoroughly cooked until the white and yolk are solid. For healthier people there is very little risk from eating

eggs cooked however you prefer them. Food made with pasteurised eggs is all right for everybody.

Everyone can eat hard cheeses such as Cheddar and Cheshire types, processed, cottage and cheese spreads. However, certain soft cheeses such as the brie, camembert,

and blue vein types can sometimes be contaminated by high numbers of listeria bacteria. Pregnant women and those particularly susceptible to infection are advised to avoid these types of cheese.



**RE-HEATING  
FOOD**

*"If all goes in the stockpot"*  
Repeated heating and cooling  
of food, especially meat stock,  
allows bacteria to grow.



Follow manufacturers' instructions for reheating or cooking frozen or chilled foods in a microwave and particularly observe the standing time to ensure that food is cooked through to a consistent temperature.

**GOOD  
PRACTICE  
WITH  
MICROWAVES**

Cooked food should not be left to cool for more than one hour before putting it into the fridge or freezer. Never keep it in the fridge for more than one or two days before eating. Food should never be reheated more than once and then only until it is piping hot right through.

Special advice has been issued to pregnant women and those particularly susceptible to infection about the need to reheat certain foods to minimise the risks of listeriosis. For these special groups retail cooked and chilled meals and ready to eat cooked poultry should be reheated until they are piping hot.



Over 44,000 cases of food poisoning were reported last year but many cases go unreported.

Salmonella and listeria may have hit the headlines, but other common bacteria can also cause food poisoning.

Most bacteria, however,

persistent, consult your doctor, especially if you are elderly, pregnant, or the sufferer is a child or an infant.

If you are only mildly ill, rest and take plenty of fluids until you feel ready to take solid food again. Try not to

**FIGHTING  
INFECTION**

can be prevented from contaminating food, or killed, if you follow the food safety guidelines in this booklet.

Symptoms of food poisoning may appear in an hour or as long as five days later.

Common signs are stomach pain and/or vomiting and diarrhoea. If symptoms are painful or

prepare food for other people while you are suffering from vomiting or diarrhoea.

If you or your doctor thinks the infection was related to a particular food stuff, shop or eating place, the Environmental Health Officer at your local Council offices should be contacted – you could be part of an outbreak and prompt action may safeguard others.

## CHECK-LIST

- Take chilled or frozen food home as quickly as possible.
- Keep your fridge/freezer at the correct temperature - buy a fridge thermometer.
- Cook food thoroughly.
- Do not eat raw eggs.
- Observe microwave standing times.
- Store raw and cooked foods separate.
- Check dates on goods, use food within the recommended period.
- Do not reheat food more than once.
- Keep pets out of the kitchen. Wash hands after handling them.
- Keep your kitchen clean and dry-wash and dry utensils between preparation stages.
- Always wash your hands with hot soapy water before preparing food.

**FOOD** SENSE

Following this Food Safety Guide will minimise the risks to you and your family from food poisoning. If you would like further copies of this booklet or information on other food matters, these leaflets and booklets below are available. They can be obtained free of charge by writing to  
FOOD SENSE  
LONDON  
SE99 7TT

Food Additives the Balanced Approach

Look at the Label

Government Food & Nutrition

Government Food Surveillance

DESIGNED BY LLOYD NORTHOVER, LONDON  
Printed by Calagraphics Printers





## LEAFLET

### FOOD SAFETY - PROTECTING THE CONSUMER

#### THE FOOD WE EAT

Our food has never been better. We have more variety and higher quality. Along with exciting new manufactured foods, there is a vast choice of fresh produce right through the year.

But what about safety?

The Government's food strategy has many important aims. **Consumer safety comes top.**

#### SAFETY THROUGHOUT THE FOOD PRODUCTION AND DISTRIBUTION CHAIN

Safeguards are provided all the way from the farm to the table. There are checks and controls over what food contains, how it is produced, packed and handled, and how it is labelled.

United Kingdom food legislation is tough and wide ranging, but must sometimes be reviewed to keep pace with changing food technology and other developments.

#### SHARED RESPONSIBILITY

The Government's food safety strategy rests on:

- . the best available expert advice;
- . extensive research, monitoring and surveillance programmes;  
and
- . enforcement at every level.

HOW DOES IT WORK?

The best advice

The Government gets independent advice from leading scientists, doctors and academics. Expert Committees produce objective advice on a wide range of food safety issues.

Rapid action

The Government acts promptly on the advice it receives. Recent examples include:

Botulism: In the recent outbreak in the North West of England the Government's central coordination system - alerted whenever local authorities investigate cases of foodborne illness - triggered rapid action to protect consumers.

BSE in cattle: Bovine Spongiform Encephalopathy (BSE) is a newly discovered disease in cattle. An expert working party chaired by Sir Richard Southwood (Professor of Zoology at Oxford) considered the risk to humans remote. It made a number of recommendations, all of which the Government acted on promptly.

- . All suspect cattle are destroyed, to take them out of the food chain.
- . Regulations will ensure some types of offal from cattle are banned as human food.
- . The use of milk from suspect cattle is prohibited and the milk destroyed.

## LEAFLET

Chemicals: Surveillance and research have reduced the migration into food of substances like vinyl chloride from cling film.

Listeria: The bacterium *Listeria Monocytogenes* occurs everywhere. Because it can multiply at cool temperatures, it is a particular hazard in foods that are not heated thoroughly before consumption. The Government has -

- . advised consumers on safe storage and cooking methods and on which foods people at special risk - eg pregnant women, the elderly - should avoid.
- . introduced changes to the rules to control commercial storage temperatures.

Salmonella: The Government has tackled the new international problem of salmonella in eggs with some of the most comprehensive controls in the world. Among the 19 measures are:

- . Compulsory bacteriological monitoring of poultry.
- . A prohibition on the sale of <sup>washed eggs</sup> eggs from infected flocks for human consumption.
- . Infected flocks are destroyed, premises thoroughly cleansed and disinfected.

Guidelines and advice: The Government have published new guidelines on cook-chill and freeze catering for commercial caterers and also given advice to consumers on buying, storing, preparing and cooking food.

## LEAFLET

### LOOKING TO THE FUTURE

Rapid technological change is improving our food, but putting new demands on safety controls.

Now is the time to make sure food safety laws cover future - as well as present - needs. This is why the Government will be bringing in new legislation as soon as Parliamentary time permits. Its aims are to:

- . Ensure that modern food technology and distribution methods are safe;
- . Ensure that food is not misleadingly labelled or presented;
- . Reinforce present powers and penalties against those who break the rules;
- . Ensure that new European Community directives on food can be implemented;
- . Streamline the legislation, by combining the Acts which apply in England and Wales and in Scotland.

### HOW THE LAW MAY CHANGE

The Government's proposals include new safeguards in seven important areas:

1. Tighter controls on unfit food so that suspect food can be detained while investigations take place.
2. New enforcement measures to strengthen the existing system, so that action can be taken against whole batches of food, not just the items tested.

LEAFLET

3. Provision for commercial premises used for food to be registered, so local authorities can identify them more easily. Local Authorities will be able to require deficiencies to be put right, and have premises closed down in bad cases.
4. Extended powers to adapt the law to technological developments like food irradiation.
5. Enhanced powers to control contaminants and residues, eg veterinary drug residues in meat, or contaminants due to bad practices on farms or in manufacture.
6. Powers to make emergency control orders to deal with potentially serious problems, like accidental contamination.
7. Provision for better training of people who handle food commercially, by building on good existing practice and increasing the numbers of people who are trained.

SAFE AS WELL AS BETTER...

Developments in food production methods offer many benefits - new products, more convenience and important economic advantages.

The Government keeps food safety top of the priority list. That is why the Government has reviewed the food laws, within a clear overall strategy, to ensure they meet not only today's, but also tomorrow's needs.



Ministry of Agriculture, Fisheries and Food  
Whitehall Place, London SW1A 2HH

From the Minister

PRIME MINISTER

CCPU  
41616 CS

~~to Ingham~~  
Any comments, esp a  
leaflet. Do we need one.  
Is this one right. (think  
best of W.P. reflects our  
early comments.)

HT  
30/6

#### FOOD SAFETY : PROTECTING THE CONSUMER

1. Following my minute of 6 June with which I forwarded a draft White Paper on Food Safety : Protecting the Consumer, I now enclose a revised draft, which takes account of the comments which I have received.

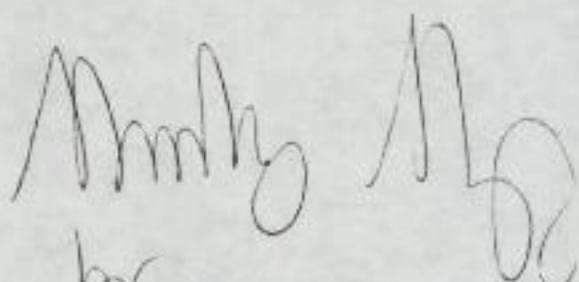
2. The main change is a new Chapter 1, which constitutes a summary of the White Paper and therefore has more immediacy and is more self-contained than the previous version. Chapter 2 also now contains additional material. The concluding section, which now constitutes a separate chapter, is inevitably brief, as the key points have been made in the foreword and first chapter. The rest of the paper is largely unchanged apart from the various detailed amendments and suggestions which have been taken on board, but for presentational reasons it is now divided into a larger number of rather shorter chapters.

3. Assuming that members of MISC 138 are content, I now intend to send the text to the printers at the beginning of next week, which is the latest they must have it to meet the deadline for publication on Thursday 20 July. As suggested by the Secretary of State for Scotland, I propose that the foreword should be signed by the Secretary of State for Health and the Secretaries of State for Scotland, Northern Ireland and Wales as well as myself.

4. As I said in my previous letter, I believe it would be useful to publish simultaneously a leaflet which summarises the main points of the White Paper in an easily readable style. I also attach, therefore, a draft leaflet which is based closely on Chapter 1 of the revised draft. Again, provided members of MISC 138 are content, I intend to send this too to the printers early next week.

5. The Secretary of State for Health has seen and agreed both texts attached to this letter.

6. Copies of this go to members of MISC 138, George Younger, Douglas Hurd, Patrick Mayhew, Richard Luce, Sir Robin Butler and Sir Donald Acheson.

  
for JOHN MacGREGOR

Ministry of Agriculture  
Fisheries and Food

29 June 1989

*Mr Turnbull*



**Ministry of Agriculture, Fisheries and Food**

Whitehall Place, London SW1A 2HH

Telephone: 01-270 8709/8667

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*Copy as requested for Mr Ingham*

**WITH THE COMPLIMENTS  
OF  
THE PRIVATE SECRETARY TO  
THE MINISTER**

*Stephen Lambert*

*30/6*



CONFIDENTIAL



Ministry of Agriculture, Fisheries and Food  
Whitehall Place, London SW1A 2HH

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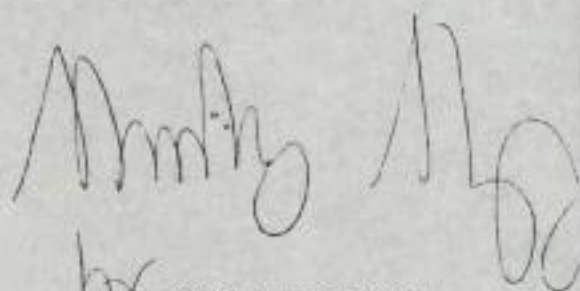
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CONFIDENTIAL

'FOOD SAFETY - PROTECTING THE CONSUMER'

DRAFT FOREWORD FOR SIGNATURE BY MINISTER, SECRETARY OF STATE FOR HEALTH AND SECRETARIES OF STATE FOR SCOTLAND, NORTHERN IRELAND AND WALES

The Government have always given high priority to food safety. This White Paper describes our present arrangements, highlights the steps which have been taken recently and sets out our proposals for the future.

Wide-ranging laws already protect the consumer. They govern what food contains, how it is produced, how it is handled and how it is labelled.

Recent events and developments in the food chain have underlined the need for these laws. The Government have used them to deal promptly with new problems such as those created by one particular type of salmonella.

We will continue to meet each new challenge on the basis of the best available scientific and expert advice. The Government have many Committees covering different aspects of food safety, regularly providing that expert advice.

Our policies are designed not only to combat persistent problems, but also to keep pace with technological progress and developments throughout the food chain.

This systematic, scientific approach ensures that action is well-directed.

A Bill will be introduced, as soon as Parliamentary time permits, to adapt the law to tomorrow's needs. The new legislation will set firm and clear ground rules, providing even greater security for the future. Protecting the consumer remains the Government's overriding concern.



# FOOD SAFETY : PROTECTING THE CONSUMER

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## FOOD SAFETY - PROTECTING THE CONSUMER

### CHAPTER ONE - FOOD SAFETY INTO THE FUTURE

#### The food we eat

- 1.1 The variety and quality of our food have never been better. New products abound. Fresh fruit, vegetables, meat and fish are available all year round. New techniques of processing, packaging and storage are providing the consumer with wider choice than ever before.
- 1.2 The Government are determined to encourage the widest availability of wholesome, attractive foods throughout the country. In encouraging this freedom of choice, the Government give the highest priority to the safety of the consumer. The Government share this responsibility with farmers, food manufacturers and consumers, since all of these have a responsibility to prepare and store food properly.

#### Safety throughout the food chain

- 1.3 The food chain has many links, stretching from the field to the home, ranging from farms and fishing vessels to supermarkets, from warehouses to takeaways. The food industry employs over three million people and contributes nearly 10% of Gross Domestic Product. Ensuring food safety requires cooperation and protective action at every point in this chain. The Government's food safety strategy is designed to do just that.
- 1.4 The Government therefore:
- insist on stringent hygiene standards throughout the food chain;
  - control the use of additives, such as colourings and preservatives;

- monitor chemical contaminants and lay down stringent limits, often, indeed, with very wide margins of safety.
- aim to ensure that the danger to human health from microbiological contamination is kept to an absolute minimum;
- assess novel foods and processes to ensure their safety.

1.5 The law also:

- sets controls and standards on the basis of independent scientific advice;
- protects consumers from fraudulent and misleading claims about the nature, content and safety of food;
- requires clear information to be provided on the content and composition of food.

1.6 The Government also provide advice on basic standards of food hygiene, nutrition and diet.

1.7 The Government have already done much to use existing, wide-ranging laws to protect the consumer. European Community law, too, is continually being developed to improve food safety standards. Against a background of ever widening consumer choice, and rapid technological changes in food preparation processes and food products, the Government are determined to anticipate future needs. We will therefore develop these laws to increase the ability to take swift and effective action. The Government were well ahead with plans for new legislation before the recent focus of attention on food safety.

- 1.8 All these food safety measures are
- . based upon the best available expertise and scientific advice.
  - . backed up by extensive programmes of research, monitoring and surveillance.
  - . enforced at both central and local government level.
- 1.9 A large number of leading scientists, doctors and academics are members of numerous specialist committees. These provide continuing independent, objective advice on a wide range of food safety issues. Whenever necessary, on specific issues further specialist expertise is used.

#### Consumer Protection in Action

- 1.10 The Government act promptly on the advice which they receive. Recent examples include the following.
- 1.11 In the recent botulism outbreak in the North West of England, the local and central coordination system, whereby outbreaks of food-borne illness are investigated by local authorities enabled prompt action to be taken to protect consumers.
- 1.12 The Government acted promptly on the recommendations of the Working Party which they set up, under the chairmanship of Sir Richard Southwood, Professor of Zoology at Oxford, to advise on the newly identified disease of cattle, Bovine Spongiform Encephalopathy (BSE). Details are given in Chapter 3.
- 1.13 The Government's measures to deal with the new, international problem of salmonella in eggs are among the most comprehensive in the world. Details of these 19 measures are given in Chapter 3.

- 1.14 The Government set up an independent committee chaired by Sir Mark Richmond, Vice Chancellor of Manchester University, to advise on the microbiological safety of food.
- 1.15 On the advice of the Advisory Committee on Pesticides, the Government revoked approvals for the use of Aldrin and Captafol as pesticides.
- 1.16 The Government's surveillance and research have led to reduced migration into food of packaging components, such as vinyl chloride from cling film.
- 1.17 In response to the problem of listeria monocytogenes, the Government have given guidance to consumers on storage and cooking methods and on types of food which people particularly at risk should avoid. The Government also intend to amend the Food Hygiene Regulations to control commercial storage temperatures.
- 1.18 When some imported wines were found to be adulterated with diethylene glycol, the Government immediately alerted the public, wine traders and trading standards authorities, and suspect wines were removed from sale.
- 1.19 The Government have published new guidelines on cook-chill and freeze catering for the catering sector, and have given advice to consumers on buying, storing, preparing and cooking food.

#### New Legislation for Tomorrow's Needs

- 1.20 The rapid rate of technological change places increasing demands on the flexibility of the system. Now is the time to ensure that the law on food safety meets the nation's future as well as present needs.

1.21 Therefore, the Government propose to introduce new legislation as soon as Parliamentary time permits. The aim of this legislation will be to:

- . Ensure that modern food technology and distribution methods are safe;
- . Ensure that food is not misleadingly labelled or presented;
- . Reinforce present powers and penalties against those who breach the regulations;
- . Ensure that new European Community directives on food can be implemented;
- . Streamline the legislation, by combining the Acts which apply in England and Wales and in Scotland.

1.22 The Government's proposals include:

Tighter controls on unfit food and food which is not of the nature, substance or quality demanded, so that enforcement powers can be exercised even before food is put on sale and so that suspect food can be detained while investigations take place.

New enforcement measures to strengthen the existing system, so that, for example, action can be taken against whole batches of food rather than just the tested items.

Provision for registration of commercial food premises, to enable local authorities to identify them more readily. Local authorities will be able to require deficiencies to be put right, and to have premises closed down in emergency situations that present an immediate risk to health.

Extended powers to adapt the law to technological developments such as food irradiation.

Enhanced powers to control contaminants and residues, such as veterinary drug residues in meat, including those due to bad practices on farms or in manufacture.

Powers to make emergency control orders to deal with potentially serious problems, such as accidental contamination.

Provisions on training of those who handle food commercially, to build on existing good practice and increase the numbers of people who are trained by the food industry, local authorities and others.

- 1.23 Innovation and development offer new products, the potential for growth in the economy and greater convenience for consumers. As part of the comprehensive approach to food policy, the Government intend to ensure that food safety and consumer protection continue to be given top priority by adapting the present food laws to meet tomorrow's needs.

## CHAPTER TWO - PROTECTION THROUGHOUT THE FOOD CHAIN

2.1 Food safety is maintained in the United Kingdom by an extensive range of legislative and administrative provisions. Controls apply at every stage in the food production, import and distribution chain, from the farmer, fisherman or importer to the point of sale.

2.2 Relevant provisions apply to different parts of the chain but all follow the same basic pattern:

**Research** - provides a sound, up-to-date understanding of food safety.

**Advice** - helps government to decide on action in the light of scientific, technical and medical evidence.

**Legislation** - sets standards which lay down what the consumer has a right to expect.

- states how these standards should be met.

- imposes penalties if they are not.

**Monitoring and** - take samples for examination and testing.  
- monitor food composition and its safety.

**Surveillance** - assess changes and identify what action is necessary as a result.

**Enforcement** - enables central government and local authorities to ensure that statutory provisions are met.

The details in specific areas of food production, processing and distribution vary, but the basic pattern of  
**research - advice - legislation - monitoring - enforcement**  
is common throughout.



- 2.3 Food safety is an overriding consideration in the ministration of the food chain and an essential aspect in safeguarding the nation's health. Within central government, therefore, the Ministry of Agriculture, Fisheries and Food and the Department of Health have complementary responsibilities, which together assure the protection of food consumers.
- 2.4 The Departments maintain close, continuous, contact with one another at all levels to ensure that action is fully coordinated. Proposals and consultations about food legislation are initiated and agreed jointly by the Secretary of State for Health and the Minister of Agriculture, Fisheries and Food.

#### Research

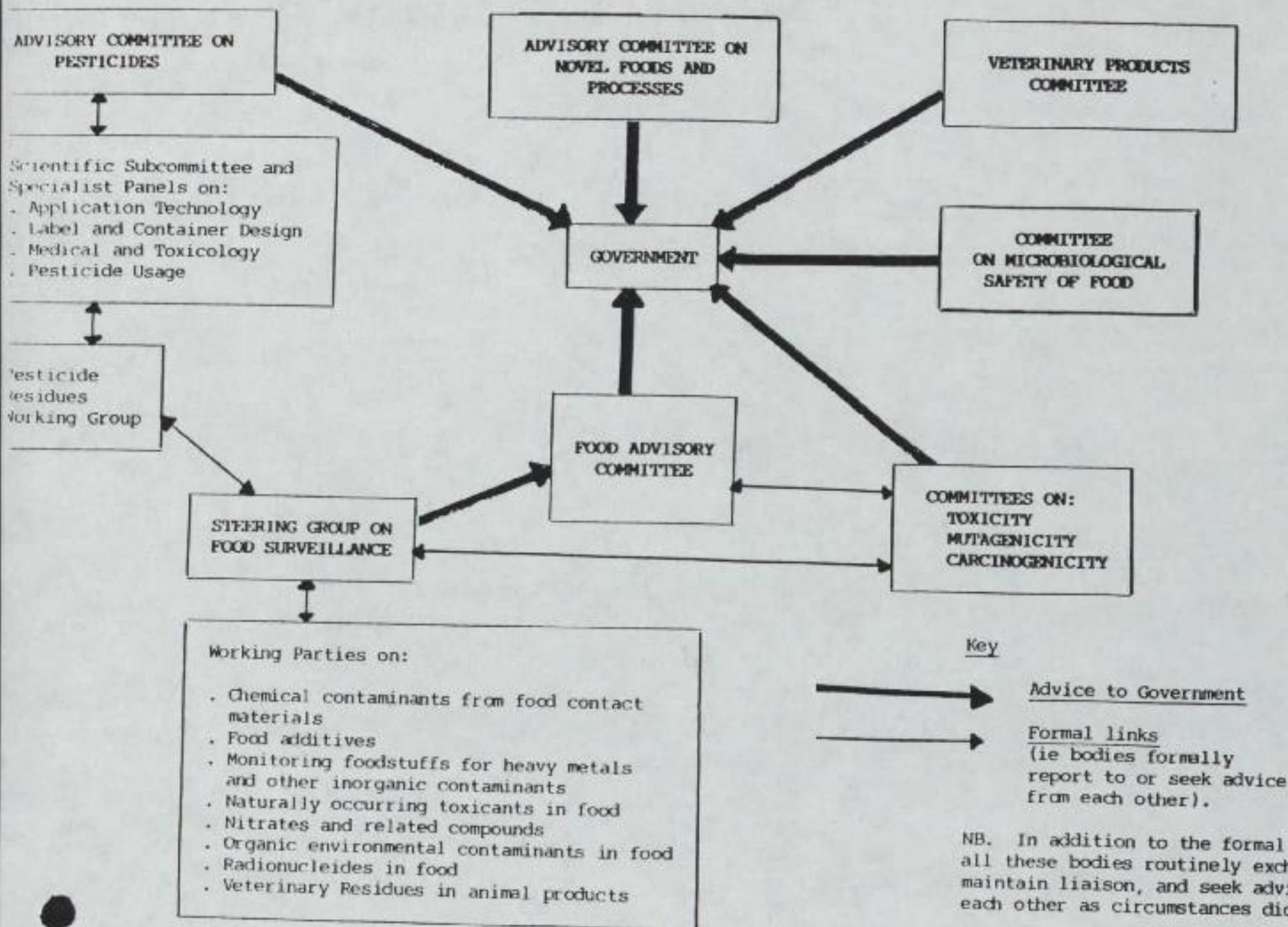
- 2.5 The Government have a continuing commitment to strategic research on food safety. The Ministry of Agriculture, Fisheries and Food is spending around £11 million a year on this work.
- 2.6 In addition 355 Government-funded food research projects are currently being carried out by institutes such as the Institute of Food Research. The work of this Institute is being consolidated in Norwich and Reading in order to strengthen and expand major programmes on food safety. We are also funding a new programme of work on salmonella in poultry, including £4.5 million being spent over the next five years on detailed studies of the growth of micro-organisms in food systems.
- 2.7 The Public Health Laboratory Service, funded by the Department of Health, carries out as part of its responsibilities the diagnosis, prevention and control of foodborne illness. It makes a major contribution to strategic research, which has included pioneering work in the identification and typing of food poisoning bacteria.

## Expert Advice

- 2.8 The relevance and effectiveness of the controls rely on the best possible medical, scientific and technical advice. Beyond the professional advice available within Government Departments, expertise is provided by several Committees. These leading scientists and other experts provide objective advice on a wide range of issues including:
- . the approval or rejection of food additives.
  - . the approval or rejection of pesticides and veterinary medicines.
  - . the monitoring and surveillance of contaminants in food.
  - . the development of novel foods and processes.
  - . microbiological food safety.
- 2.9 Figure 1 shows how the Committees relate to Government and to each other. Their terms of reference and membership are set out in Annex 1. These Committees are the source of **independent** expert technical, scientific and medical advice which enables Ministers to base their decisions on **objective evidence**.
- 2.10 Some of the Committees, such as the Advisory Committee on Pesticides and the Veterinary Products Committee, have statutory roles under specific legislation. Others may be formed when new developments or problems create the need for additional expertise. Most recently the Government set up an independent committee chaired by Sir Mark Richmond, Vice Chancellor of Manchester University, to advise on the microbiological safety of food.

GOVERNMENT ADVISORY BODIES

FIGURE 1



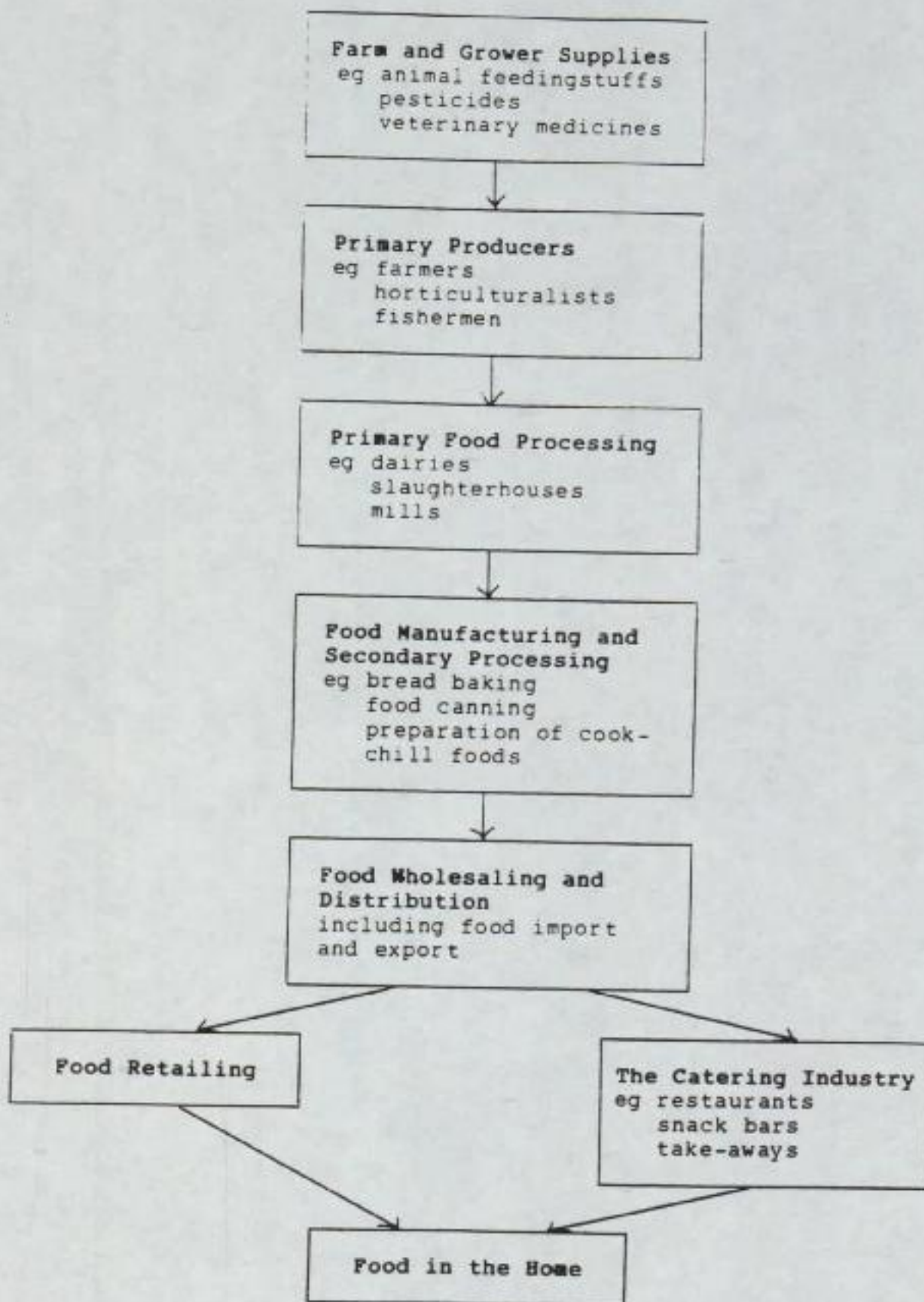
2.11 This Committee consists of experts drawn from farming, the food industry, academia, the retail trade, catering and consumer interests. It is looking urgently, with a view to recommending action, at specific questions relating to the increasing incidence of microbiological illnesses of foodborne origin, particularly salmonella, listeria and campylobacter. A key question is whether this is linked with changes in agriculture and food production, food technology and distribution, retailing, catering and food handling in the home. The Committee is expected to complete its work within a year.

#### Protection at all levels

2.12 Effective protection of food safety requires action at all levels in the production and distribution chain. A diagram of this chain is in Figure 2. The various controls, surveillance and enforcement measures, which operate at each stage, are described in Chapters 3, 4 and 5 respectively. The legislation on which they are based is contained in a range of Acts, Regulations and Orders. Details of these are given in Annex 2.

Figure 2

THE UK FOOD SUPPLY CHAIN



## CHAPTER 3 - HOW THE LAW APPLIES

### Raw Materials Supplied to Farmers and Growers

3.1 Food safety measures do not start on the farm or horticultural establishment. They begin a step earlier in the food production chain, since materials used by farmers and growers must not result in food safety hazards. Different materials - feedingstuffs, veterinary medicines, pesticides - present different risks and therefore require different controls. Examples of these are described here.

### Animal Feedingstuffs

- 3.2 Strict limits are set to control undesirable substances.
- 3.3 Feedingstuffs additives are subject to assessment, approval (or rejection) and conditions on use.
- 3.4 As part of their measures to deal with salmonella, the Government doubled the rate of inspections of protein processing plants and introduced an order requiring businesses processing animal protein to be registered. All processors are required to submit samples of each day's production for bacteriological testing. It is an offence to incorporate processed protein in animal foods, or allow it to leave the plant if testing reveals the presence of salmonella.
- 3.5 All imported protein of fish and animal origin is subject to licensing controls, which have recently been made more rigorous in light of the risks from microbiological contamination. Imports from countries with a poor record of salmonella contaminated exports are subject to particularly stringent controls.

The Government's measures against salmonella also include guidelines for its control in the production of final feed for livestock.

## Veterinary Medicines

- 3.6 All veterinary medicines intended for use in the UK are subject to independent, scientific assessment and licensing to ensure that, when used in animals, they will not present a hazard to food safety by contaminating meat, fish, eggs or milk.
- 3.7 In addition, veterinary medicine manufacturing plants are inspected and licensed to ensure standards of quality and purity.

## Pesticides

- 3.8 All pesticides intended for use in the UK are subject to expert assessment, and may only be approved if they can be used without presenting a hazard to human health. Possible residues left in food are therefore considered in detail as part of the approval process. Statutory conditions of use, listed on product labels, are designed to keep residues to a minimum. It is a criminal offence to break these conditions.
- 3.9 Total Diet Studies show that estimated average intakes of pesticide residues are consistently well below acceptable daily intakes set by United Nations bodies - usually by a factor of 100 and often by a factor of 1000.
- 3.10 Pesticides are subject to review at any time and their approvals may be revoked or amended if necessary to protect human health. Two reviewed recently were Aldrin and Daminozide (ALAR). Following advice from the Advisory Committee on Pesticides the Government revoked approvals for Aldrin. The Committee advised that on current evidence the use of ALAR did not pose a hazard to health.
- 3.11 Approved pesticides are also subject to conditions relating to their packing, transport, sale and advertisement.

## Primary Producers

- 3.12 A variety of measures set standards and control the activities of food producers such as farmers, fishermen and growers. Some apply across the board, others are specific to particular types of production such as dairying. Examples include the following.
- 3.13 Controls on the application of pesticides and veterinary medicines restrict their supply, and specify the range of crops or animals on which they should be used. These conditions, which apply to farmers and growers, are designed to minimise residues in food.
- 3.14 Milk or meat should not be obtained from livestock to which specified veterinary medicines have been administered until a minimum period has elapsed.
- 3.15 For pesticides, statutory conditions of use may restrict the types of crops on which the material may be used, impose minimum withdrawal periods between treatment and harvest or limit the number of treatments a particular crop may receive. Such controls contribute greatly to the reduction of residue levels. For example, limits on use of dithiocarbamates on lettuce have considerably reduced residue levels on that crop.
- 3.16 Regular surveys of residues in foods, both of pesticides and other trace contaminants, have shown a very satisfactory degree of safety in general, although a potential problem with some veterinary medicines has been detected. The Government therefore propose to extend the existing controls on contaminants to all potential residues, including those arising from veterinary substances, and to extend enforcement to farms.
- 3.17 A range of controls apply to the health of livestock.



## Tuberculosis

- 3.18 Cattle are regularly tested for tuberculosis, which is transmissible to man. Reactor and contact animals are compulsorily slaughtered. Together with pasteurisation of milk, this has dramatically reduced the incidence of bovine tuberculosis in the human population. In the 1940s there were some 1500 deaths per year in England and Wales from this cause. A special study covering the years from 1981 to 1983 revealed only five cases in man which could possibly have been contracted in this country.
- 3.19 Slaughter and compensation provisions will also apply to deer affected by tuberculosis.

## Salmonella

- 3.20 The Government introduced measures to combat the new problem of salmonella in eggs as soon as the nature of it became apparent. Salmonella in eggs is an international problem, and our actions against it are amongst the most comprehensive in the world.
- 3.21 On farm, poultry flocks are subject to compulsory bacteriological monitoring for the presence of salmonella.
- 3.22 Eggs from flocks infected with invasive types of salmonella may not be sold for human consumption.
- 3.23 Restrictions are placed on sales of poultry and hatching eggs from infected breeding flocks.
- 3.24 A scheme has been introduced for the compulsory slaughter of commercial laying flocks infected in this way, after which premises must be cleansed and disinfected before repopulation. Statutory requirements have been introduced for the hygienic collection and handling of eggs and the control of vermin in poultry houses and egg stores.

- 3.25 Codes of practice have been introduced for poultry flocks and hatcheries.
- 3.26 Registration of flocks and hatcheries, and the monitoring of hatcheries, will be compulsory.
- 3.27 Higher standards will be introduced for home-produced and imported pasteurised eggs.

#### **Bovine Spongiform Encephalopathy**

- 3.28 Specified diseases and disease organisms in animals must, by law, be reported. They include tuberculosis, brucellosis, salmonella and bovine spongiform encephalopathy (BSE).
- 3.29 BSE is a newly identified disease of cattle, which causes behavioural disturbance and ultimately death in the affected animal. In view of concerns about the implications of BSE, including any possible human health hazards, the Government set up a Working Party chaired by Sir Richard Southwood, Professor of Zoology at Oxford University, in April 1988.
- 3.30 The Government acted promptly on all the Working Party's recommendations. The disease was made notifiable in June 1988. As a precautionary measure, all cattle suspected as having BSE must be slaughtered and destroyed to take them out of the food chain. Milk from suspected cattle is likewise destroyed, its use for human consumption being prohibited.
- 3.31 Even though the Working Party regarded the risk of BSE to humans as remote, as a matter of extreme prudence, they also suggested that certain kinds of offals should not be used in the manufacture of baby foods. These offals are not currently used by baby food manufacturers. But, in order to provide even more reassurance to the public, the

Government are issuing regulations to ensure that the relevant types of offals from all cattle will be rejected at slaughterhouses, so that they cannot be used for human consumption. This approach also deals with a separate problem, namely ensuring that if there is any risk that there are cattle incubating the disease but not showing clinical symptoms which are not being slaughtered and destroyed, their offals will not enter the food chain.

#### **Dairy Farms**

- 3.32 Dairy farms must comply with detailed hygiene conditions, to ensure that milk is clean and safe. They are subject to registration and regular inspection.

### Primary Food Processors

- 3.33 A range of processing plants and techniques fall into this category. All are subject to legal provisions, which require food to be handled hygienically. Some are subject to additional controls. For example:

#### **Slaughterhouses**

- 3.34 Slaughterhouses must be licensed following inspection by Local Authority Officers (in Northern Ireland, by the Department of Agriculture).
- 3.35 Carcasses of animals such as cattle, pigs and sheep must be individually inspected and passed as fit for human consumption by Environmental Health Officers or Authorised Meat Inspectors. Poultry carcasses are also inspected, except for farm-gate sales. These inspection measures are an important stage in the process to ensure that unfit meat does not reach the consumer.
- 3.36 Over 40,000 carcasses per annum are tested for residues of hormones, antibiotics and other substances by officers of the Ministry of Agriculture, Fisheries and Food or the Department of Agriculture, Northern Ireland, as appropriate.

#### **Dairies**

- 3.37 Processing of cows milk is subject to special supervision and statutory controls to ensure that the milk is handled and processed hygienically. In England, Wales and Northern Ireland, cow's milk for liquid consumption must be heat-treated except when sold as 'green top' milk by specially licensed producer-retailers. In Scotland, 'green top' milk sales are not permitted.

3.38 Following public consultations on the future of 'green top' milk, the Government have proposed that in future:

- . untreated milk should be more fully labelled, so that the consumer knows that it has not been heat-treated and may contain harmful organisms;
- . it should be subject to more sophisticated tests, which will have to be reflected in higher milk and dairies charges for producers; and
- . procedures should be simplified to facilitate the issue of heat treatment orders in cases where untreated milk constitutes a threat to health.

3.39 The pasteurisation of milk has contributed to the virtual elimination of bovine tuberculosis from the human population (see paragraph 3.2.2) and has reduced the incidence of human food poisoning from milk-borne organisms such as salmonella and campylobacter. The Government now propose to bring sheep and goat milk within the scope of these hygiene regulations.

## Food Manufacturing and Secondary Processing

- 3.40 As food moves further down the chain the variety of processes which may be applied to it increases dramatically. This stage encompasses a wide range of processing activities from biscuit baking to meat pie manufacture, from vegetable canning to the freezing or chilling of ready-cooked meals. However, controls, examples of which are given below, apply across the board.
- 3.41 The maintenance of **hygiene standards** is a crucial requirement of food law. Manufacturers apply their own quality and hygiene controls designed to ensure they comply with the law, often through 'hazard analysis critical control point' systems. In addition, Environmental Health Officers have the power to enter and inspect food premises at any reasonable time, without prior notice, to enforce the law (see also paragraph 5.2).
- 3.42 The use of **additives** in food is strictly controlled. Additives are only expressly permitted when the Government have approved their use as both necessary and safe.
- 3.43 The incidence of **contaminants** in food is closely monitored and controls are applied. Statutory limits are set for specific materials. For example, there have been statutory limits for lead in food since 1961. **Dietary intakes of lead have decreased over a number of years.** In 1954 the daily intake by a normal individual was estimated at about 0.4 mg, in 1975 at 0.2 mg, and latest estimates put the figure at no more than 0.06 mg.

### Food Wholesaling and Distribution

- 3.44 The bulk supply and distribution of foods, including their import and export, require equally careful attention to hygiene and safety standards. Incorrect storage, packaging and transport of foods can involve food safety or hygiene risks. Specific controls, such as those described below, as well as the general provisions of food law in relation to hygiene standards, protect the consumer against food which is unfit or "not of the nature, substance or quality demanded".
- 3.45 Food packaging materials are subject to controls to ensure that they do not endanger human health or impair food quality. The Government's surveillance and research have been highly successful in reducing migration of food packaging components into food. For example, the industry agreed to move to solder-free welded cans in order to eliminate lead contamination. The industry has also cooperated with Government to reduce levels of vinyl chloride in cling film.
- 3.46 Food Labelling must be accurate and informative if purchasers are to make informed choices about what they eat or drink. Food labels are required to provide comprehensive lists of ingredients and additives.
- 3.47 Most prepacked foods also carry a "best before" date, until which the food should remain in good condition if properly stored. It is not, however, an expiry date on which suitability for human consumption ceases. An alternative system of 'sell by' dates, accompanied by storage instructions, operates for food with an estimated shelf life of six weeks or less. By the end of 1992, the 'sell by' system will be phased out. For highly perishable foods, 'use by' dates will be introduced instead of the 'best before' system. This new system is designed to benefit consumers by giving them more useful information.

3.48 Under the Food Acts, Environmental Health Officers may enter food storage, wholesaling and retail establishments, without prior notice, to enforce food safety and hygiene legislation, and can seize unfit foods. Trading Standards Officers have the same power in relation to injurious food and food in breach of regulations such as those on contaminants.

3.49 **Imported Foods** are subject to inspection and seizure if unfit for human consumption. Imported eggs are subject to systematic sampling for salmonella. Where problems arise with imported foods, action is normally taken with the cooperation of the exporting country to tackle the problem at source.



## Food Retailing

- 3.50 It is an offence to sell food which is injurious to health, unfit or falsely labelled or which is not of the nature, substance and quality demanded. Food must be correctly labelled with all the information and advice necessary to permit the purchaser to make an informed choice. Although the shop or supermarket is the most public point at which these provisions are enforced, it is of course only the last in a long line of control measures and enforcement activities. Nevertheless, it is essential that standards are maintained at this point and on occasions special action, such as the examples given here, may be necessary.
- 3.51 *Listeria monocytogenes*, the effects of which on man were first described in 1929, is an organism widespread in the environment. An unusual feature of this bacteria is its ability to multiply at normal refrigeration temperatures. It can therefore be a particular problem in contaminated foods eaten without further cooking or which are not heated thoroughly before consumption. The Government have given guidance to consumers on safe storage and cooking methods in the home, and on certain types of food which people particularly at risk, such as pregnant women and the elderly, should avoid. In addition, the Government intend to amend the Food Hygiene Regulations to control commercial storage temperatures. For example, limits will be set on the temperatures in freezer cabinets in shops and supermarkets.
- 3.52 In some cases, the marketing chain is radically shortened by the sale of foods at the farm gate. Occasionally this may call for special provisions and, as part of their measures against salmonella, the Government have issued a consultation document on the possibility of banning the sale of cracked, ungraded eggs.

3.53 The malicious contamination of food is a criminal offence. Following recent incidents the Government have acted to ensure that incidents of malicious tampering are reported and action coordinated centrally; and that techniques of tamper-proofing food packages are developed in cooperation with the food industry. The Government also propose to strengthen their powers to deal with such problems in the proposed new legislation.

### The Catering Industry

3.54 Controls over the catering industry are equally stringent and encompass hygiene, safety and pest control provisions. There has been a revolution in retail catering in recent years. Standards have been raised markedly, but some establishments now use a range of new techniques and processes to provide a greater variety of food more efficiently. The Government have been reviewing the existing controls over such establishments, to accommodate these changes and provide a flexible framework to cope with those which will occur in the future. We have recently published new guidelines on cook-chill and cook-freeze catering systems.

## Food in the Home

- 3.55 Consumers have a right to expect that everyone involved in food production, transport and marketing will do their utmost to ensure that any foodstuff taken home will be safe, fit to eat, nutritious and wholesome. Consumers themselves have a vital role to play in ensuring that the food which reaches the plate is equally safe and hygienic. Good kitchen hygiene is the final line of defence in the prevention of food poisoning. In order to provide straight-forward advice on buying, storing, preparing and cooking food, the Government have issued a food safety booklet 'Food Safety: Food Sense'.

### Developments in Europe

3.56 Good progress has been achieved in setting the framework for achieving a single market in foodstuffs by the end of 1992. Reducing barriers to trade will benefit our food exports and give consumers greater choice. We support the objective of minimising obstacles to free movement of food in the Community, but attach equal importance to maintaining high standards of food safety. Furthermore, with increasing volumes of trade and travel between Member States, we are working for uniformly better food safety standards throughout the Community.

## CHAPTER 4 - MONITORING AND SURVEILLANCE

- 4.1 In order to check that the various controls operate effectively, continuous monitoring programmes maintain surveillance over the nutritional value and safety of the United Kingdom food supply. The principal aim is to ensure that no one is exposed to components in food which pose a risk to health.
- 4.2 Surveillance of possible **chemical** and **radioactive** hazards is overseen by the Steering Group on Food Surveillance. Its current area of work can be seen in Figure 1, from the list of the ten specialised working parties which carry out much of the surveillance work. The Steering Group establishes their terms of reference, reviews their activities, allocates resources and gives directions on the major elements of their work programmes.
- 4.3 The Group also extends or adapts the range of its work as circumstances require. For example, between 1984 and 1988 the Steering Group appointed two new working parties on:
- . organic environmental contaminants in food
  - radionucleides in food
- 4.4 Reports by the Steering Group are published regularly. A list of those on sale from HMSO is at Annex 4.
- 4.5 Monitoring of **hygiene** for **microbiological hazards** takes place at many points in the food production and distribution chain. Since the Food Acts place the responsibility for producing safe food on the producer, manufacturer and retailer, extensive monitoring is carried out by those industries - of both ingredients and products - in order to meet their responsibilities. Substantial work is also carried out by central and local

government. The officers responsible vary according to the expertise required. For example:

<u>Area monitored</u>	<u>Officers</u>
processed animal protein for feedingstuffs	: veterinary officers
animal health	: veterinary officers
on-farm milking parlours	: dairy husbandry officers (environmental health officers in Scotland)
slaughterhouses	: environmental health officers, authorised meat inspectors and veterinary officers
food safety and hygiene in processing, transport and sale	: environmental health officers and trading standards officers (in Northern Ireland, the Department of Agriculture is responsible for milk)
food safety and hygiene in imported foods	: port health officers (environmental health officers in Scotland, and in Northern Ireland the Department of Agriculture is responsible for milk)

- 4.6 The incidence of food-borne diseases in humans is closely monitored by local authorities and the National Health Service working together. Established data collection methods are coordinated centrally to identify trends so that action can be taken at an early stage.
- 4.7 The three major sources of information on individual food poisoning cases are:
- The statutory notification of food poisoning cases by medical practitioners, based on clinical diagnoses, to medical officers of environmental health, who notify the Office of Population Censuses and Surveys (OPCS).
  - Reports from the 52 Public Health Laboratories of the Public Health Laboratory Service (PHLS) and around 350 hospital laboratories in England and Wales, based on the analysis of samples submitted to the Public Health Laboratory Service each week.
  - Reports from the Division of Enteric Pathogens at the Central Public Health Laboratory (also part of the Public Health Laboratory Service), based on the more detailed investigation of samples received from other laboratories.

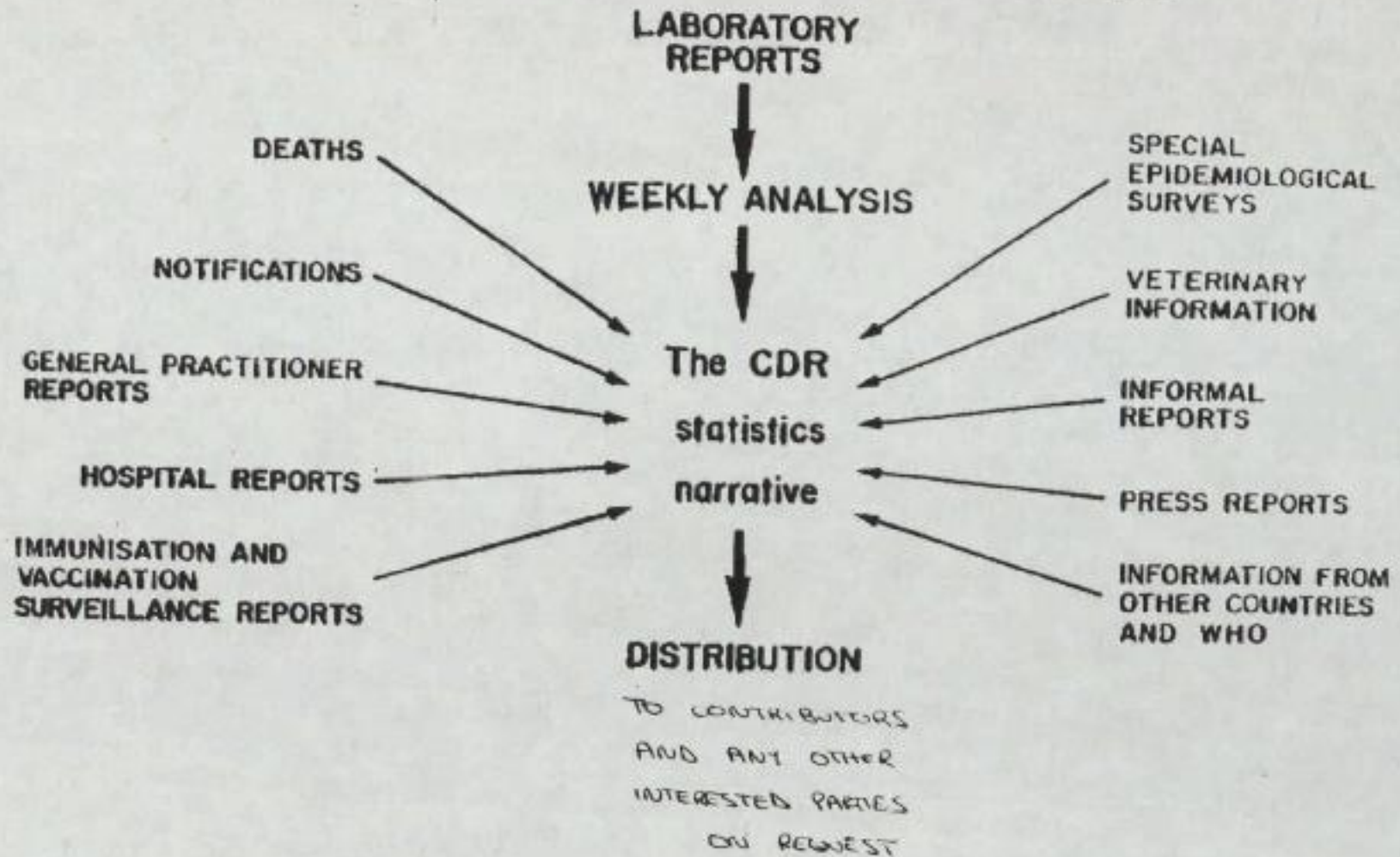
The data from these sources is all collated at the PHLS's Communicable Disease Surveillance Centre (see Figure 3) together with any ad hoc reports.

- 4.8 In order to establish whether a case of gastro-intestinal infectious illness is linked to a food source, outbreaks are investigated by local authority Environmental Health Officers and Medical Officers of Environmental Health. The State Veterinary Service assists in tracing diseases of animal origin. The investigations are coordinated centrally at the Communicable Disease Surveillance Centre and results of the surveillance are published weekly in



# COMMUNICABLE DISEASE SURVEILLANCE CENTRE

## Weekly Communicable Disease Report (CDR)



the Communicable Disease Report. This system can rapidly identify outbreaks due to foodborne illness, track down the source of the food either locally or centrally as is appropriate, and provide central government with up to date information upon which to base the right action to protect consumers.

- 4.9 The rapid identification of hazelnut puree as the source of the recent botulism outbreak illustrates the effectiveness of this system. On occasions, when disease has been caused by imported foodstuffs, such as meat products, our arrangements have enabled us to pinpoint the source, often before this has even been identified in the producer country.
- 4.10 The Food Hygiene Laboratory of the Public Health Laboratory Service also undertakes surveys of different food products on sale at retail outlets. By using the 52 Regional Public Health Laboratories, it can provide national data on the microbiological quality of selected foods when there is cause for concern. In addition, Environmental Health departments of Local Authorities may initiate surveys of particular types of products or for different micro-organisms; and will take samples from manufacturers, retailers and other points in the food chain as part of their responsibilities for inspecting food under the Food Acts.
- 4.11 In Scotland, investigation of foodborne and waterborne diseases is undertaken by Environmental Health Officers and by Community Medicine Specialists employed by Health Boards. Bacteriological investigations of foodborne or waterborne diseases are undertaken by National Health Service laboratories. Investigations are coordinated by the Communicable Diseases (Scotland) Unit at Ruchill Hospital, Glasgow, which has appointed National Surveillance Officers for local foodborne or waterborne disease.

## CHAPTER 5 - ENFORCEMENT

5.1 The effective enforcement of food safety requires:

- trained, expert enforcement officers;
- practical and effective enforcement powers.

This chapter describes the roles of the enforcement agencies in the United Kingdom and summarises the powers available to them. Proposals for strengthening those powers are set out in Chapter 6.

### Food Safety and Hygiene Standards

5.2 Enforcement of those parts of the Food Acts concerned with unfit food and hygiene, and the Food Hygiene Regulations, is carried out by Environmental Health Officers working for local authorities in Great Britain. Food sold, or possessed for sale, must be fit for human consumption and there are powers of immediate seizure where there is reason to suspect that the food is likely to cause poisoning. The General Regulations apply to catering and retail outlets, food manufacturing establishments and dairies which manufacture milk products such as butter, cheese, yoghurt desserts and ice-cream. Home going ships, which sail in United Kingdom waters, are also covered.

5.3 Other food hygiene regulations similar to those related to general premises are enforced in respect of markets, stalls and delivery vehicles, docks, wharves and warehouses. Environmental Health Officers employed as Port Health Inspectors carry out food hygiene inspection on ships, both home going and foreign, when the latter are in UK ports. These are inspected under a code of practice, which was drawn up by the Association of Port

Health Authorities and the General Council of British Shipping working with the Department of Health.

5.4 Enforcement of regulations governing hygiene in slaughterhouses is also the responsibility of local authorities, who appoint Environmental Health Officers, meat inspectors and veterinary surgeons to carry out the work. The Ministry of Agriculture, Fisheries and Food approves red meat and meat product plants which engage in intra community trade. The Ministry's veterinarians visit all plants to monitor standards and give advice. The Animals and Fresh Meat (Examination for Residues) Regulations are also enforced by the Ministry.

5.5 Dairy farms are regularly inspected by Ministry of Agriculture, Fisheries and Food Dairy Husbandry Officers in England and Wales, and by Environmental Health Officers in Scotland. Processing dairies, like other food processors, are the responsibility of Environmental Health Officers.

#### Food Imports

5.6 The inspection of food arriving at UK ports on ships is carried out by Port Health Inspectors under imported food regulations. Local and Port Health Authorities have other powers, under the Ships and Aircraft Health Regulations, to gain entry to ships and aircraft for the purpose of investigation to prevent outbreaks of infectious disease, and in this context to examine food and water supplies. Food on trains and on aircraft is covered by the Food Hygiene (General) Regulations 1970.

#### Trading Standards

5.7 Other food safety issues such as food additives and non-microbial contaminants, food processes, food labelling and other provisions against fraud are enforced by the Trading

Standards Officers of local authorities. They also enforce the provisions of the 1970 Agriculture Act and the Feeding Stuffs Regulations.

### **Pesticides**

- 5.8 The provisions of Part III of the Food and Environment Protection Act concerning the safe storage, sale and use of pesticides are enforced by the Health and Safety Executive's inspectorates. The Ministry of Agriculture, Fisheries and Food enforces maximum residue limits (MRLs) contained in regulations made under this Act, together with the other Agriculture Departments and local authorities.

### **Enforcement Powers and Procedures**

- 5.9 Inspections are carried out by Environmental Health Officers and Trading Standards Officers employed by the local authorities. As authorised officers, they have power to enter and inspect food premises at any reasonable time without prior notification. The purpose of the visit is to ensure that the food being sold in the premises is safe and fit for human consumption, is properly labelled and is being handled and processed hygienically.
- 5.10 To achieve this, the enforcement officers may inspect the premises, the working methods and, for example, the cleanliness and practices of employees. Enforcement Officers may advise proprietors of improvements which are required or, where proceedings are under way for a hygiene offence, seek a Court order to close the business down if this is necessary to avoid an immediate risk to health. They may take samples of food for analysis and examination, and where they have reason to suspect that the food is likely to cause food poisoning, they may prevent the use of the food for human consumption, and seek to have suspect food condemned as unfit by a magistrate.

5.11 The enforcement systems in Northern Ireland differ in detail from those outlined above, but are broadly similar in practice. In Scotland, enforcement responsibilities are largely vested in Environmental Health Officers.

## CHAPTER 6 - NEW LEGISLATION: THE WAY FORWARD

6.1 The rapid rate of technological change in the food chain places increasing demands on the flexibility of the system. The Government announced in October 1987 that Ministers had examined responses to the Consultation Document on the Review of Food Legislation, issued in December 1984, and were considering how to adapt the law in the light of changing circumstances.

6.2 **We have concluded that new legislation should be introduced as soon as Parliamentary time permits.** The broad aims of this legislation will be:

to continue to ensure that food produced for sale is safe and not misleadingly labelled or presented, particularly taking account of modern food technology and distribution;

to reinforce present powers and penalties;

to ensure that new European Community directives on food can be implemented;

to simplify and streamline the legislation, by combining the Acts which apply in England and Wales and in Scotland.

### Detailed Provisions

6.3 The powers of existing food legislation (see Annex 2) remain essential to the Government's principal objectives of food safety and consumer protection. We intend that the proposed new legislation will, like existing law, continue to cover:

food hygiene;

the protection of the consumer against injurious or unfit food;

protection against food that is not of the "nature, substance or quality" demanded by the purchaser;

protection against false or misleading labelling; and

powers to make regulations on the composition, labelling and hygiene of food.

- 6.4 New powers are required to enable the Government to respond to developments. The Government's proposals include:
- 6.5 **Tighter controls on unfit food** and food which is not of "the nature, substance or quality demanded" by the purchaser. The aim will be to permit certain enforcement powers in the Food Acts to apply to **possession** for sale as well as sale itself, so that the powers can be exercised before the goods are put on sale. In addition, powers will be taken so that food suspected of being unfit can be detained by enforcement officers, pending investigation.
- 6.6 **New enforcement measures** to strengthen the existing system, such as extending enforcement in the food processing factory. Enforcement officers will also be able to take action against batches of food as well as single items, without having to test every item as at present.
- 6.7 **Provision for the registration of food premises** to assist local authorities in their enforcement responsibilities, by enabling them to identify premises more readily. Associated with this will be provision for notices to be served on premises where deficiencies need to be rectified, with powers to have them closed down more quickly than at present in situations that pose an immediate risk to health.
- 6.8 **Enhanced powers to control contaminants and residues**, such as veterinary drug residues in meat. These residues include those that might arise from bad practices on farms and in food manufacture.



- 6.9 **Powers for Ministers to make emergency control orders to deal with potentially serious problems.** In cases such as problems with adulterated wine imports, reliance has been placed on the cooperation of manufacturers and traders. However, extra powers are desirable to ensure the protection of the public.
- 6.10 **Changes in the defences which can be used by defendants in the Courts.** In developing our proposals we have been aware of the importance of striking the right balance between the interests of consumers, manufacturers, retailers and importers. Accordingly, we intend to introduce a due diligence defence for the main offences in the new legislation, and to withdraw the statutory warranty defence. Instead of the latter defence, the new legislation will specify certain circumstances where retailers and others bringing in food would be deemed to have shown due diligence. This will help to reduce uncertainty about what due diligence entails. Special defences will continue to be included, where appropriate, in regulations. This approach will be fairer than the present arrangements, being designed to ensure that liability for any failure rests where it should, and to emphasise to all in the food chain their responsibilities for the safety of the food they sell.
- 6.11 **Amendment of Provisions on Crown immunity.** In 1986, Crown immunity was removed from the National Health Service in respect of the Food Act and the Health and Safety at Work etc Act by primary legislation. This was cumbersome and so we wish to be able to remove immunity from the Food Acts from individual Crown bodies by Order in Council.
- 6.12 **Provide for the training of those who handle food commercially so that regulations may lay down the nature of training to be given in food hygiene.** Many already receive such training through courses organised by the food industry, local authorities or other bodies. We

intend to build on existing good practice to increase the take up. Local authorities would be able to charge for training.

- 6.13 The Government will also take extended powers to adapt the law to technological developments.
- 6.14 Genetic manipulation is a rapidly changing science and there are many potential applications in food production and processing. In agriculture, genetic manipulation experiments are being carried out to improve the resistance of crops, such as maize and potatoes, to insect attack. Yeasts are being genetically manipulated to improve the efficiency of baking and brewing processes. Improved bacterial starter cultures for cheese and yogurt manufacture are being developed.
- 6.15 Products from many such techniques may soon be on sale. Although they offer the prospect of improved and more efficient food production, consumers require assurances that the products of such processes are safe. The Advisory Committee on Novel Foods and Processes already screens the use of these techniques. The new food legislation will support the work of the Committee and provide additional safeguards.
- 6.16 Food irradiation can greatly reduce the hidden dangers from some food poisoning bacteria in some food products. It will be a safer way to control insect and microbial infestation of dried herbs and spices, than the use of ethylene oxide.
- 6.17 Food irradiation cannot be misused to make bad food look good, since it cannot improve appearance, disguise tastes or mask unpleasant smells.
- 6.18 The Advisory Committee on Irradiated and Novel Foods, basing its views on detailed international studies and

experience, has twice concluded that food irradiation, correctly applied, would provide a food preservation treatment which:

- would not lead to a significant change in the natural radioactivity of the food, and
- would not prejudice its safety and wholesomeness.

6.19 The Government have accepted the Committee's assessment. The potential benefits are important and United Kingdom consumers should be free to enjoy them if they choose. Conversely, this freedom of choice means that no-one will have to eat irradiated food if they do not want to.

6.20 The Government have therefore proposed a control framework to ensure that the process can be permitted for some foods on general sale, which will include:

centralised licensing of irradiation facilities;

detailed inspection and supervision by specialists;

informative labelling of irradiated foods, so that consumers know what they are buying.

6.21 New provisions will therefore control novel foods, such as those produced by genetic manipulation, and new processes, such as food irradiation.

6.22 The Bill, to be introduced when Parliamentary time permits, will apply to Great Britain. In accordance with normal practice, in the field of transferred legislation, comparable provision will be made for Northern Ireland by means of an Order in Council under the Northern Ireland Act 1974.

## CHAPTER 7 - CONCLUSION

### A Comprehensive Strategy

- 7.1 Consumers are entitled to expect that the food which they buy should be safe, wholesome and properly described. Wide ranging laws are designed to safeguard consumers. The Government have acted decisively to provide maximum protection.
- 7.2 The Government have considered carefully how present legislation should now be developed and reinforced to keep pace with change. The proposals for new legislation which are outlined in this White Paper reflect the Government's commitment to the highest standards of food safety and consumer protection, now and in the future.

ADVISORY BODIES - TERMS OF REFERENCE AND MEMBERSHIP

In the field of food safety the Government relies on the objective advice of a number of expert, independent committees including:

- The Food Advisory Committee
- The Advisory Committee on Pesticides
- The Veterinary Products Committee
- The Committee on Microbiological Safety of Food
- The Steering Group on Food Surveillance
- The Advisory Committee on Novel Foods and Processes
- The Committee on the Toxicity of Chemicals in Food, Consumer Products and the Environment
- The Committee on the Mutagenicity of Chemicals in Food, Consumer Products and the Environment
- The Committee on the Carcinogenicity of Chemicals in Food, Consumer Products and the Environment

Their terms of reference and membership are set out in this Annex.

## FOOD ADVISORY COMMITTEE

### TERMS OF REFERENCE

"To advise the Minister of Agriculture, Fisheries and Food, the Secretary of State for Health, the Secretary of State for Wales, the Secretary of State for Scotland and the Head of the Department of Health and Social Services for Northern Ireland on matters referred to it by Ministers relating to:

- (i) the composition, labelling and advertising of food;
- (ii) additives, contaminants and other substances which are, or may be, present in food or used in its preparation; with particular reference to the exercise of powers conferred on Ministers by Sections 4, 5 and 7 of the Food Act 1984 and the corresponding provisions in enactments relating to Scotland and Northern Ireland."

### MEMBERSHIP

Dr Ewan S Page (Chairman) BSc, MA, PhD, CBIM FBCS	Vice Chancellor University of Reading
Dr Margaret Ashwell BSc (Hons) PhD, MIHEc	Science Director, British Nutrition Foundation
Mr Michael J Boxall ACII, CBIM	Company Secretary, Tesco Plc
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Senior Registrar (part-time) in  
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Hospital and the John Radcliffe  
Hospital, Oxford.



## ADVISORY COMMITTEE ON PESTICIDES

### TERMS OF REFERENCE

Under Section 16(7) of the Food and Environment Protection Act 1985, Ministers have established the Advisory Committee on pesticides to give them advice, either when requested to do so or otherwise, on any matters relating to the control of pests in furthering the general purposes of Part III of the Act\*.

Under Section 16(9) Ministers are required to consult the Committee -

- (a) as to regulations which they contemplate making;
- (b) as to approvals (of pesticides) which they contemplate giving, revoking or suspending; and
- (c) as to conditions to which they contemplate making approvals subject.

\* The general purposes of Part III of the Food and Environment Protection Act are that the provisions of that Part of the Act shall have effect -

- (a) with a review to the continuous development of means;
  - (i) to protect the health of human beings, creatures and plants;
  - (ii) to safeguard the environment; and
  - (iii) to secure safe, effective and humane methods of controlling pests; and
- (b) with a view to making information about pesticides available to the public.

## MEMBERSHIP

### CHAIRMAN

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### DEPUTY CHAIRMAN

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MRCP

Senior Lecturer  
University of Leicester  
School of Medicine

## VETERINARY PRODUCTS COMMITTEE

### TERMS OF REFERENCE

1. To give advice with respect to safety, quality and efficacy in relation to the veterinary use of any substance or article (not being an instrument, apparatus or application to which any provision of the Medicines Act 1968 is applicable).
2. To promote the collection and investigation of information relating to adverse reactions for the purpose of enabling such advice to be given."

### MEMBERSHIP

#### CHAIRMAN

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University of Glasgow

#### MEMBERS

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Professor I M Smith PhD MSc, MRCVS	Department of Microbiology & Parasitology Royal Veterinary College University of London

# COMMITTEE ON MICROBIOLOGICAL SAFETY OF FOOD

## TERMS OF REFERENCE

"To advise the Secretary of State for Health, the Minister of Agriculture, Fisheries and Food, the Secretaries of State for Wales, Scotland and Northern Ireland, on matters remitted to it by Ministers relating to the microbiological safety of food and on such matters as it considers need investigation."

The work of the Committee is to look at specific questions relating to the increasing incidence of microbiological illnesses of foodborne origin, particularly from salmonella, listeria and campylobacter; to establish whether this is linked to changes in agriculture and food production, food technology and distribution, retailing, catering and food handling in the home; and to recommend action where appropriate.

## MEMBERSHIP

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Mrs R E Waterhouse CBE, PhD	Chairman, Consumers Association



## STEERING GROUP ON FOOD SURVEILLANCE

### TERMS OF REFERENCE

"To keep under review the possibilities of contamination of any part of the national food supply, to review where necessary the intake of individual additives and nutrients and to recommend to Ministers responsible for food quality and safety the programme of work necessary to ensure that the food intake of the population is both safe and nutritious. To appoint expert Working Parties, acting according to such instructions as the Steering Group may give, to carry out specialist parts of the programme of work.

To consider reports made by Working Parties and to decide what action, including consultation with the Government's advisory committees and other bodies having an interest in the subject matter or the implications of the reports, should be recommended.

To submit the findings of the Working Party reports, where appropriate, to the Ministers with appropriate recommendations as to publication."

### MEMBERSHIP

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ADVISORY COMMITTEE ON NOVEL FOODS AND PROCESSES

TERMS OF REFERENCE

"To advise Health and Agriculture Ministers of Great Britain and the Heads of the Departments of Health and Social Services and Agriculture for Northern Ireland on any matters relating to the irradiation of food or to the manufacture of novel foods or foods produced by novel processes, having regard where appropriate to the views of relevant expert bodies."

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FFOM

Chief Medical Officer,  
John Lewis Partnership

COMMITTEE ON THE TOXICITY OF CHEMICALS IN FOOD, CONSUMER PRODUCTS  
AND THE ENVIRONMENT

TERMS OF REFERENCE

"To assess and advise on the toxic risk to man of substances  
which are:-

1. (a) Used or proposed to be used as food additives, or used in such a way that they might contaminate food through their use or natural occurrence in agriculture, including horticulture and veterinary practice or in distribution, storage, preparation, processing or packaging of food;
  - (b) Used or proposed to be used or manufactured or produced in industry, agriculture, food storage or any other work place;
  - (c) Used or proposed to be used as household goods or toilet goods and preparations;
  - (d) Used or proposed to be used as drugs, when advice is requested by the Medicines Commission, Section 4 Committees or Licensing Authority;
  - (e) Used or proposed to be used or disposed of in such a way as to result in pollution of the environment.
2. To advise on important general principles on new scientific discoveries in connection with toxic risks, to co-ordinate with other bodies concerned with the assessment of toxic risks and to present recommendations for toxicity testing."

## MEMBERSHIP

### CHAIRMAN

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Hon FIBiol

Professor of Clinical Pharmacology  
St Bartholomew's Hospital

### MEMBERS

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COMMITTEE ON THE MUTAGENICITY OF CHEMICALS IN FOOD, CONSUMER PRODUCTS AND THE ENVIRONMENT

TERMS OF REFERENCE

- "1. To assess and advise on the mutagenic risk to man of substances which are:
  - (a) used or proposed to be used as food additives, or used in such a way that they might contaminate food through their use or natural occurrence in agriculture, including horticulture and veterinary practice or in the distribution, storage, preparation, processing or packaging of food;
  - (b) used or proposed to be used or manufactured or produced in industry, agriculture, food storage or any other workplace;
  - (c) used or proposed to be used as household goods or toilet goods and preparations;
  - (d) used or proposed to be used as drugs, when advice is requested by the Medicines Commission, Section 4 Committees or the Licensing Authority;
  - (e) used or proposed to be used or disposed of in such a way as to result in pollution of the environment.
2. To advise on important general principles or new scientific discoveries in connection with mutagenic risks, to co-ordinate with other bodies concerned with the assessment of mutagenic risks and to present recommendations for mutagenicity testing."

## MEMBERSHIP

### CHAIRMAN

Professor B A Bridges  
BSc, FIBiol

Medical Research Council Cell  
Mutation Unit  
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| Professor D S Davies BSc,<br>PhD, CChem   | Department of Clinical<br>Pharmacology, Hammersmith Hospital                              |
| Professor H J Evans, PhD,<br>FRSE         | Medical Research Council Human<br>Genetics Unit<br>Western General Hospital               |
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COMMITTEE ON CARCINOGENICITY OF CHEMICALS IN FOOD, CONSUMER PRODUCTS AND THE ENVIRONMENT

TERMS OF REFERENCE

"To assess and advise on the carcinogenic risk to man of substances which are:

1. (a) used or proposed to be used as food additives, or used in such a way that they might contaminate food through their use or natural occurrence in agriculture, including horticulture and veterinary practice or in the distribution, storage, preparation, processing or packaging of food;
  - (b) used or proposed to be used or manufactured or produced in industry, agriculture, food storage or any other workplace;
  - (c) used or proposed to be used as household goods or toilet goods and preparations;
  - (d) used or proposed to be used as drugs, when advice is requested by the Medicines Commission, Section 4 Committees or the Licensing Authority;
  - (e) used or proposed to be used or disposed of in such a way as to result in pollution of the environment.
2. To advise on important general principles or new scientific discoveries in connection with carcinogenic risks, to co-ordinate with other bodies concerned with the assessment of carcinogenic risks and to present recommendations for carcinogenicity testing."

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## SUMMARY OF CURRENT FOOD LEGISLATION

1. Described here are the main points of the food law which provide for consumer safety  
consumer information  
and consumer protection

The Food Act 1984, the Food and Drugs (Scotland) Act 1956 and the Food and Drugs Act (Northern Ireland) 1958.

2. In England and Wales the main provisions are those in the 1984 Food Act, which was a consolidation of the Food and Drugs Act 1955 and all amendments which had been made to it. The equivalent provisions in Scotland and Northern Ireland are provided, respectively, by the 1956 and 1958 Acts as amended. These Acts make general provisions, applicable to all foods, and enable detailed requirements to be imposed by regulation, for example with regard to food hygiene. They state that food should not be injurious to health, unfit for human consumption or falsely labelled and should be of the nature, substance and quality demanded by the purchaser. It is an offence to sell food which does not comply with these requirements.
3. Most of the detailed provisions are contained in Regulations. These are many and various. This Annex describes the key elements of the legislation as follows:
  - 3.1 Additives                      These are controlled by regulations which ensure that only those additives listed in the regulations may be used in food. Additives are only listed in the regulations if the Government are convinced there is both a technical need for them

and that they are safe and effective for the intended use. In making these judgements the Government rely on advice from independent, medical and scientific experts on the Food Advisory Committee and the associated advisory committees (see Chapter 2, Figure 1). In some instances the regulations set strict limits on the levels of additives which may be used and/or the foods to which they may be added.

### 3.2 Contaminants

Controls over contaminants are set out in a number of measures, including also the Food and Environment Protection Act and the Materials and Articles in contact with Food Regulations, which are described later in this Annex. Under the Food Acts, the general protection that food should not be injurious to health applies. In addition, where a contaminant has the potential to become a general problem, the regulations impose specific controls.

### 3.3 Compositional Standards

From the 1940s to the 1960s the method used to limit the possibilities of food fraud was to set standards for particular products and to reserve a specific name or description for these products. For example, there are compositional standards for flour, bread and sausages. Over time, the

emphasis has changed from imposing such standards, which were unnecessarily restrictive, to providing more information on food labels. This has meant, for example, that consumers can now choose between a wide range of butters, margarines and low fat spreads rather than being restricted either to pure butter, or margarine. When the United Kingdom joined the European Community in 1973, the Community was pursuing the older style compositional standards policy. Difficulties soon arose as attempts were made to contain the varying expectations and tastes of nine (now twelve) countries in one simple standard. The Community has now abandoned this approach and changed to an information policy similar to that pursued in the United Kingdom.

#### 3.4 Labelling

Controls over labelling necessarily reflect the complexity of the range of goods to which they apply. The aims of the controls are, however, straightforward, since they seek to ensure that the label contains sufficient information, both understandable and readable, for purchasers to make informed choices. The comprehensive listing of ingredients and additives on labels is one result of the Food Labelling Regulations 1984.



### 3.5 Hygiene

Hygienic food is food which has been prepared and handled in such a way as to ensure that, when consumed, it does not contain micro-organisms to an extent which may threaten health. To maintain food hygiene requires constant vigilance from the primary producer to the point of supply to the consumer, since microbiological contamination can occur or be exacerbated at any point. A wide range of regulations therefore exist to secure the Government's objectives.

### 3.6 Milk and Dairies Regulations

The production and processing of cows milk are comprehensively regulated, to ensure that milk supplied in liquid form, or used as raw material for manufacture, is clean and safe. The high standards achieved as a result of this regime have been officially recognised by the Community, and, in accordance with the Heat Treated Milk Directive, the United Kingdom (along with Denmark) has been authorised to apply corresponding standards to imports.

### 3.7 Meat Hygiene

Some regulations made under the Food Acts relate to meat and poultry inspection and hygiene. In the case of animals such as cattle, pigs and sheep the regulations require local authorities to ensure that every single carcass intended for human consumption is inspected in detail before passed as fit. In

the case of poultry, all carcasses must be inspected except for those sold under the exemption for farm gate sales. These inspections are carried out by the local authorities' Environmental Health Officers, and by Authorised Meat Inspectors and Poultry Meat Inspectors working under the supervision of Environmental Health Officers or veterinary surgeons.

Similar provisions apply in Northern Ireland. Where the meat is to be shipped out of Northern Ireland the inspections are carried out by Department of Agriculture veterinarians and meat inspectors. Meat for the local market is the responsibility of Environmental Health Officers.

The Slaughterhouses Act 1974, The Slaughter of Animals (Scotland) Act 1980 and the Slaughterhouses Act (Northern Ireland) 1953

4. The 1974 and 1980 Acts require all red meat slaughterhouses to be licensed by local authorities, following inspection by Environmental Health Officers. European Community export approved slaughterhouses, which can supply meat to the European Community as well as to domestic markets, are subject not only to licensing but to further inspection and structural requirements. In Northern Ireland, all slaughterhouses are subject to licensing by the Department of Agriculture for Northern Ireland.

### The Animal Health Act 1981

5. This Act, applicable in England, Wales and Scotland, consolidated the Diseases of Animals Act 1950 and a number of others. It enables Ministers to make orders to prevent the introduction of disease through the importation of animals or animal products, and to prevent the spread of disease within this country. The Act's coverage includes diseases which can be transmitted from animals to man.
6. The Act gives Ministers powers to designate diseases as 'zoonoses', ie diseases which can be transmitted from animals to man. The Zoonoses Order 1989, like its predecessor, the Zoonoses Order 1975, designates the brucella and salmonella organisms in this way. The Order requires all identifications of these organisms to be reported to the Ministry of Agriculture, Fisheries and Food, and provides wide powers to restrict or prohibit movements onto or off premises, to require cleansing and disinfection, and to require the compulsory slaughter of livestock, where appropriate. The application of these powers in relation to the problem of salmonella in eggs is described in Chapter 2.  
Northern Ireland has equivalent legislation.

### The Food and Environment Protection Act 1985

7. This Act is applicable to the UK and covers
  - Part I - emergency action when food may have been contaminated
  - Part II - dumping at sea
  - Part III - pesticides

As regards food safety, Parts I and III are the important sections.
8. Part I enables Ministers (and in Northern Ireland, the Department of Agriculture) to make emergency orders to protect consumers if there is an escape of substances

which may contaminate food. The orders may be used to prevent the harvesting or distribution of food. It was these powers which were used to control the movement of sheep in parts of Wales, Cumbria, Scotland and Northern Ireland following the Chernobyl accident in 1986. They were also used to control the landing of fish caught near the presumed location of chemicals lost from the sunken ship M.V. Perintis this year.

9. Part III provides powers to control the sale, supply, storage, use and advertisement of pesticides. The Control of Pesticides Regulations 1986 (and the Northern Ireland equivalent) implemented these in detailed controls over all aspects of pesticides, in order to ensure that pesticides used in the United Kingdom have been approved as safe and efficient, when the label instructions are followed. They also make it an offence to use the pesticides in any other way.
  
10. The possibility of residues in foods is considered when pesticides are approved. The statutory conditions of use are designed to keep residues to a minimum. The Pesticide (Maximum Residue Levels in Food) Regulations 1988 set maximum residue limits (MRLs) for pesticide residues in food. Pesticides used in accordance with the statutory conditions should not result in residue levels which exceed the MRLs. These MRLs are, therefore, a measure of the correct, legal, use of the pesticide. MRLs should not be confused with safety limits, which are expressed in terms of the Acceptable Daily Intake (ADI) of a particular pesticide residue from all sources. MRLs are set with the aim that likely intakes should be well within ADIs. If the effective use of a pesticide resulted in residue levels which were at or above safety limits, approval for its use would be refused or revoked, or its conditions of use amended, on the advice of the Advisory Committee on Pesticides.

11. In deciding on the safety of pesticides and pesticide residues, Ministers act upon the advice of the independent Advisory Committee on Pesticides and associated Committees (See Chapter 2 and Figure 1).

Animals and Fresh Meat (Examination for Residues) Regulations 1988 and equivalent Northern Ireland regulations

12. These lay down enforcement mechanisms in respect of maximum residue levels prescribed for animals and fresh meat.

The Medicines Act 1968

13. As well as controlling human medicines, this Act controls the manufacture, sale and supply of veterinary medicines including those added to feed. In the case of medicines used in food animals, Ministers only license a product if it can be used without risk to the health of the eventual consumer of the animal or its products. In some cases, veterinary medicines are required to carry instructions on the label; for example such conditions may specify the withdrawal period which should elapse between administration of the medicine to an animal and its slaughter for human consumption. In order to ensure that the medicines themselves are of the quality demanded, manufacturing establishments are licensed and inspected. Northern Ireland has equivalent legislation.

The Agriculture Act 1970 (as amended)

14. The Agriculture Act 1970 (as amended) provides statutory powers for implementation of the European Community Directives on feedingstuffs standards. The Act makes it an offence for a feed to be sold which is deleterious to animals or human beings who consume the animal product. This general control is supplemented by the Feeding Stuffs Regulations, which specify maximum levels of undesirable substances in feed intended for sale, such as mercury,

cadmium and lead. All additives for use in feed are assessed by a European Community committee of experts, to ensure that their use presents no hazard to target animals, the human food chain or the environment. Approval is usually conditional. Maximum limits and use only in specified feed may be prescribed. Northern Ireland has equivalent legislation.

#### The Materials and Articles in Contact with Food Regulations 1987

15. Made under the European Communities Act, these Regulations implement European Community Directives in United Kingdom law. Their purpose is to ensure that food packaging materials and other articles which come into contact with food (anything from china cups to wrapping materials) do not, under normal conditions of use, transfer any of their constituents to the food to an extent which might threaten human health or the quality of the food.

#### European Community Legislation

16. Some European Community Directives and their means of implementation in the United Kingdom have already been covered. More recent developments include:

##### **Inspection of Foodstuffs**

- 16.1 The aim of the Directive on Inspection of Foodstuffs is to harmonise the general principles of food inspection within the Community. This is essential if a single market in foodstuffs is to be achieved, and should be regarded as a first step towards uniform levels of enforcement within the Community. Other measures, such as general principles of food hygiene enforcement, are likely to follow. The directive will not change fundamentally existing food law responsibilities or practices in the United Kingdom. However, it will make some detailed changes, including the following:

- (a) It is likely to contribute to change in the emphasis of inspection in the United Kingdom towards in-factory enforcement, particularly in the additives and labelling areas;
- (b) It introduces the need to check food destined for other member states of the Community;
- (c) The European Commission is expected to make recommendations for a coordinated inspection programme. This would involve Ministers taking powers to coordinate the enforcement action of local authorities, which at present operate independently.

#### **Meat Hygiene Measures**

16.2 At present there are two categories of meat plants in the Community: export plants, which meet Community requirements for structure, hygiene and inspection and may engage in intra-Community trade; and plants which produce only for the national market, which are still subject to national rules. Whilst hygiene and meat inspection requirements in both types of plants are similar in the United Kingdom, the construction and layout requirements for export plants are more closely specified. In making progress towards a single market, we expect that the European Commission will propose that all meat plants should operate to export approved standards by 1992 and that official veterinarians should be responsible for the supervision of meat and meat products at all stages of production and distribution. It is likely that exceptions will be permitted only for small plants serving the local market. The Minister of Agriculture has already announced that we need to move towards a unified system, under which all plants would be subject to the same conditions and supervision arrangements.

## Other Directives

- 16.3 Other framework directives already in the pipeline concern food labelling, food additives, foods for particular nutritional uses, and materials and articles in contact with food. The European Commission has also indicated that it intends to bring forward proposals for a framework directive on hygiene and is preparing measures on
- \* general hygiene conditions for the production of fish and fish products, and
  - \* for the health conditions for the marketing of live bivalve molluscs.
- 16.4 All these directives, and those described above, will require implementation in United Kingdom law. The Government intend that new legislation should be sufficiently flexible to permit implementation of these and other future directives under a single Act.



## NUTRITION AND DIET

1. The Government are keenly aware of the need for sound dietary advice and information for the public. A good diet is essential to the proper growth of children and the maintenance of health in adulthood. Balance and variety are essential for a healthy diet.
2. This advice is based on a long history of nutrition research and surveillance - fields in which Britain has led the world for nearly a century. The Government continue to maintain this tradition. The Chief Medical Officer's Committee on Medical Aspects of Food Policy (COMA), which is composed of independent scientific experts, provides the Government with scientific advice about matters relating to nutrition, diet and health. COMA reports on particular diet and health issues, makes recommendations for and oversees nutrition surveillance, and provides general advice.
3. In the last five years COMA has produced reports covering such topics as Diet and Cardiovascular Disease (1984), the Use of Very Low Calorie Diets in Obesity (1987), Present Day Practice in Infant Feeding: Third Report (1988), Third Report of the Sub-committee on Nutritional Surveillance (1988). Reports are in preparation on Sugars in the Diet, the ongoing Review of Diet and Cardiovascular Disease, and the Review of Recommended Daily Amounts of Energy and Nutrients for Groups of People in the United Kingdom. The final report on the 1983 Dietary Survey of British Schoolchildren will be published this summer, and the report on the 1987 Dietary and Nutritional Survey of British Adults is in the course of preparation. The Government also maintain a continuous watch on the national diet eat through the National Food Survey, which is maintained by the Ministry of

Agriculture, Fisheries and Food and publishes regular reports. Nutrition experts worldwide regard our national surveillance arrangements as second to none.

4. The Government are pledged to increase the fund of scientific knowledge about food and health, and to ensure that it is translated into nutrition education for health professionals and the public. Plans are being developed to take this forward into the 1990s and the next century. The Medical Research Council have concluded a review of research into human nutrition and earlier this year the Ministry of Agriculture, Fisheries and Food (MAFF) and the Department of Health (DH) set up a new liaison committee to co-ordinate the two Departments' activities in nutrition research, surveillance, education and public information.
5. The public is increasingly receptive to sound advice but, in the present plethora of advice on healthy eating, it is not always possible to distinguish the main message. The Government welcome what food manufacturers and retailers are doing to promote healthy eating, and wish to see these efforts continue and grow, but recognise that these need to be supplemented by a single authoritative source of scientifically based, authoritative and easily comprehensible diet and health information for the public.
6. The Health Education Authority (HEA), and the equivalent agencies in Scotland and Wales, are very well placed to meet this need, working in collaboration with the Chief Medical Officers' Committee on Medical Aspects of Food Policy (COMA), and the Health and Agriculture Departments. The existing "Look After Your Heart" Campaign, run jointly by the DH and the HEA, already includes an important nutrition component, and there are similar components in other of the HEA's activities on, for example, dental health, breast-feeding, pregnancy and school health. In consultation with DH and MAFF, the HEA is considering how,

within its resources, it can increase its activity in the field of education about nutrition and diet. Education on nutrition and diet also forms a significant component of the programmes of the Scottish Health Education Group and the Welsh Health Promotional Authority.

## BIBLIOGRAPHY OF COMMITTEE REPORTS

ADVISORY COMMITTEE ON PESTICIDES

Annual Report 1984

Annual Report 1985

Annual Report 1986

STEERING GROUP ON FOOD SURVEILLANCE

Papers issued to date:

1. The surveillance of food contamination in the United Kingdom.
2. Survey of vinyl chloride content of polyvinyl chloride for food contact, and of foods.
3. Survey of vinylidene chloride levels in food contact materials and in foods.
4. Survey of mycotoxins in the United Kingdom.
5. Survey of copper and zinc in food.
6. Survey of acrylonitrile and methacrylonitrile levels in food contact materials and in foods.
7. Survey of dieldrin residues in food.
8. Survey of arsenic in food.
9. Report of the Working Party on Pesticide Residues (1977-1981).
10. Survey of lead in food: second supplementary report.

11. Survey of styrene levels in food contact materials and in foods.
12. Survey of cadmium in food: first supplementary report.
13. Polychlorinated biphenyl (PCB) residues in food and human tissues.
14. Steering Group on Food Surveillance progress report 1984.
15. Survey of aluminium, antimony, chromium, cobalt, indium, nickel, thallium and tin in food.
16. Report of the Working Party on Pesticide Residues (1982 to 1985).
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19. Survey of colour usage in food.
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23. The British diet: finding the facts.
24. Food Surveillance 1985 to 1988.
25. Report of the Working Party on Pesticide Residues: 1985-1988.



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From the Chief Medical Officer

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*Prime Minister*  
I asked for this note as it records the high quality work and co-operation of a number of people and agencies.  
Agree I accord you approval, subject of course to central drafting in respect of one person who died?

*AT 29/6*

29 June 1989

*Yes - it is a very good story. I will sign*  
*nk*

*Dear Mr Turnbull,*

BOTULISM OUTBREAK ASSOCIATED WITH HAZELNUT YOGHURT

As requested, I attach a summary of events which occurred between Thursday 8 June when a provisional diagnosis of botulism was first made in relation to a cluster of cases of acute paralytic illness in the North West, and Monday 26 June when the warning to the public to refrain from eating hazelnut yoghurt was withdrawn. I hope the Prime Minister will find that it contains the information she requires.

I wish to emphasise the following points.

1. The diagnosis of botulism and the identification of the food responsible for the outbreak were not finally confirmed as correct until the tests for the presence of botulinum toxin type B in Young's hazelnut conserve were completed and shown to be positive on Wednesday 14 June. In the meantime bearing in mind the lethal nature of the illness, decisions to issue public warnings about "Acorn" brand hazelnut yoghurt (11.30 pm Sunday 11 June) and hazelnut yoghurt in general (12 June) had to be taken on the balance of probabilities. In the event these decisions turned out to have been correct.
2. Swift identification of the outbreak; the tracing of its cause; the control of its spread and the effective treatment of those affected were all the result of teamwork at the highest professional level. The teams involved were as follows:
  - a. The paediatric neurologists and staff at Booth Hall Hospital Manchester who made the provisional diagnosis of botulism, and the medical and nursing staff of this and a number of other hospitals whose combined efforts have led to the commendably high recovery rate of the patients. (Only 1 death amongst 27 cases).

b. The Communicable Disease Surveillance Centre's incident team who made the careful investigations which identified the crucial association between the illness and the prior consumption of "Acorn" brand hazelnut yoghurt.

c. The many local authority environmental health officers who as a matter of extreme urgency traced the various outlets of Young's hazelnut conserve and located and withdrew yoghurts incorporating this material.

d. The Food Hygiene Laboratory of the Public Health Laboratory Service who identified the presence of botulinum toxin in a specimen of Young's hazelnut conserve and in an unopened carton of "Acorn" hazelnut yoghurt.

e. The staff of the Department of Health's Division of International Health, Microbiology of Food and Communicable Disease for co-ordinating the national activities; supervising the identification and withdrawal of the infected material; and ensuring that appropriate warnings to the public were issued at the earliest appropriate time.

3. It is my opinion that in any other country with the possible exception of the United States very many more cases of botulism would have occurred before the nature of the illness and of its cause were identified. The swift and expert identification and control is a tribute to the quality both of the National Health Service and of the Public Health Laboratory Service including its Communicable Disease Surveillance Centre. I am drawing the attention of the Chairman of the National Committee on Distinction Awards to the work of the consultant paediatric neurologist who made the diagnosis and the consultant epidemiologist who led the investigative team which identified the food.

4. I would also like to mention the role of the food industry (the Dairy Trade Federation, and a number of major yoghurt manufacturers and retailers) who made an important contribution to the investigation and control of the outbreak. Far from being, as is sometimes depicted villains of the piece, in this case the industry was fully seized of the gravity of the outbreak and worked closely with the Department calling upon the expertise of their food research associations to help resolve the question of the safety of all other hazelnut purees in yoghurts produced in the United Kingdom. The response of this sector of the food industry was in marked contrast to that of the egg industry on a previous occasion.

5. There are important lessons to be learned from this outbreak which need urgent action. The outbreak has illustrated how food safety can be compromised when tried and trusted production methods are altered without expert advice in order to meet the perceived demands of the customer. In this case reformulation of a recipe which involved the removal of sugar to reduce calories resulted inadvertently in a product which was capable of sustaining the growth of Clostridium botulinum.

E.R.

6. Guidance is available from this Department and other sources to ensure safe production of canned, low-acid foods such as the hazelnut puree made by Youngs Fruits but the essential need is to ensure that in future such guidance is followed. We are revising this guidance and taking steps to circulate the revised advice to all Environmental Health Departments at the earliest possible date. A paper on food safety issues in relation to botulism is also being prepared for the next meeting of the Richmond Committee. In conjunction with MAPP we are revising the provisions of the Food Bill to ensure as far as possible that there are adequate controls over the safety of the processes used by manufacturers of preserved low-acid foods. This will of course be the subject of a submission to Ministers at the earliest opportunity.

I am copying this letter to Mr K Clarke, Mr D Mellor, Mr R Freeman, Mr J MacGregor and Sir C France.

Yours

Sincerely

Arnold Acheson



MISC 138: FOOD BILL - DEFENCES

John MacGregor will shortly be circulating a paper to MISC 138 on the legal defences which he proposes to include the Food Bill. This note is based on the draft he has sent to Douglas Hurd, Kenneth Clarke and Malcolm Rifkind.

BACKGROUND

At the MISC 138 meeting on 2 May the Prime Minister was concerned at MAFF's proposal to replace the present statutory defence of a warranty with a 'due diligence' defence on the lines used in other consumer protection legislation. She was particularly concerned that this could be very onerous for small retailers. MAFF were asked to circulate a paper.

The present warranty defence is felt to be unsatisfactory because:

- (a) it gives retailers little incentive to ensure the safety of the products they sell. A warranty need be no more than an invoice showing that retailer A purchased goods from manufacturer B. If the goods are sold in the same state as supplied, and an offence occurs, A can simply pass the blame to B.
- (b) an importer with a warranty simply passes the blame to the foreign supplier. Such cases are hard to pursue.

Other aspects of the present defences which are thought unsatisfactory are:

- (a) the fact that in order to defend himself a manufacturer must be able to prove that another person was responsible for an offence;
- (b) that retailers are in the same position as (a) where they are not selling goods in the same state eg. sliced ham.

Discussion in MISC 138 was in terms of consumers and retailers. But the food law defences need to be considered from the point of view of consumers, retailers, manufacturers, growers and importers. The present system is thought to favour retailers and importers at the expense of the other groups. In certain circumstances it can make any of them criminally liable for offences due to causes beyond their control.

#### MAFF'S PROPOSAL

MAFF propose the following approach (Option 2 in their paper);

- (i) Retailers and caterers would in future be obliged to show that they had exercised due diligence in ensuring the safety of the food they sell. The law would spell out what would be required to satisfy such a test eg checking in the case of own brand food. (This is more helpful than leaving it to the Courts to determine what constitutes due diligence).
- (ii) Warranties would be redefined. They would in future need to state that the issuer of the warranty could vouch for the condition of the food as it left him. These more meaningful warranties could be used to establish that due diligence had been exercised by the retailer or caterer.

- (iii) Importers and manufacturers would have to satisfy the normal due diligence defence which is evolving on the basis of Court rulings. This is a tougher regime than that proposed for retailers under (i).

The net effect of (i) - (iii) would be to remove the present risk that someone in the food chain could be held liable for an offence beyond their control (the point at para 4(b) above). It is in this sense that the proposal is thought to be fairer all round.

#### COMMENT

MAFF's proposal seems to meet the points made in MISC 138. It has been worked out after discussion with retailing groups.

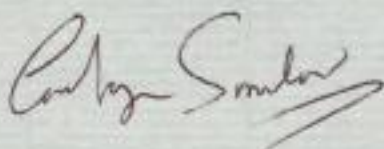
Retailers would be given clear guidance as to what they would be expected to do to meet the due diligence test.

- The checking proposed for own brand food is unlikely to cause problems for the large retailers (on a recent visit to Sainsbury's I was struck by how much checking they already do of food sold under their name).
- Small retailers would not be required to engage in checking. They would be required to apply common sense eg where a consignment of goods looked damaged on arrival. And they would want to get appropriate written assurances from their suppliers that the products being supplied were in good condition.

#### CONCLUSION

Retailers may still grumble a bit about MAFF's proposal. But it is fairer to manufacturers, and goes some way to meeting pressure from the consumer groups. Greater public

concern about food safety makes it important to encourage all those in the food chain to take responsibility for ensuring safe food. I recommend that the Prime Minister should agree to Option 2.

A handwritten signature in cursive script, reading "Carolyn Sinclair". The signature is written in dark ink and is positioned above the printed name.

CAROLYN SINCLAIR

CONFIDENTIAL

*SPJ*  
cc



Ministry of Agriculture, Fisheries and Food  
Whitehall Place, London SW1A 2HH

From the Minister

PRIME MINISTER

FOOD SAFETY : PROTECTING THE CONSUMER

*IN ATTACHED FOLDER*

*at hand*

1. Following my minute of 6 June with which I forwarded a draft White Paper on Food Safety : Protecting the Consumer, I now enclose a revised draft, which takes account of the comments which I have received.

2. The main change is a new Chapter 1, which constitutes a summary of the White Paper and therefore has more immediacy and is more self-contained than the previous version. Chapter 2 also now contains additional material. The concluding section, which now constitutes a separate chapter, is inevitably brief, as the key points have been made in the foreword and first chapter. The rest of the paper is largely unchanged apart from the various detailed amendments and suggestions which have been taken on board, but for presentational reasons it is now divided into a larger number of rather shorter chapters.

3. Assuming that members of MISC 138 are content, I now intend to send the text to the printers at the beginning of next week, which is the latest they must have it to meet the deadline for publication on Thursday 20 July. As suggested by the Secretary of State for Scotland, I propose that the foreword should be signed by the Secretary of State for Health and the Secretaries of State for Scotland, Northern Ireland and Wales as well as myself.

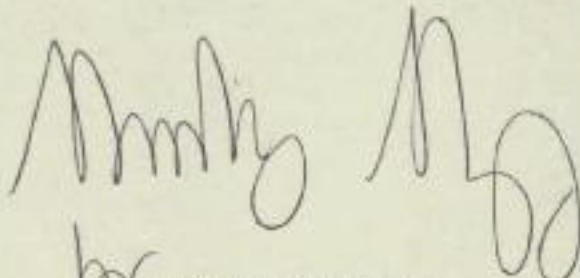
CONFIDENTIAL

CONFIDENTIAL

4. As I said in my previous letter, I believe it would be useful to publish simultaneously a leaflet which summarises the main points of the White Paper in an easily readable style. I also attach, therefore, a draft leaflet which is based closely on Chapter 1 of the revised draft. Again, provided members of MISC 138 are content, I intend to send this too to the printers early next week.

5. The Secretary of State for Health has seen and agreed both texts attached to this letter.

6. Copies of this go to members of MISC 138, George Younger, Douglas Hurd, Patrick Mayhew, Richard Luce, Sir Robin Butler and Sir Donald Acheson.

  
for JOHN MacGREGOR

Ministry of Agriculture  
Fisheries and Food

29 June 1989

CONFIDENTIAL



SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

*MSA 3/7* *cap*  
NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

The Rt Hon John MacGregor OBE MP  
Minister of Agriculture, Fisheries & Food  
Whitehall  
LONDON  
SW1

*28* June 1989

*John*

**UNTREATED MILK**

I have now considered the Northern Ireland situation in light of comments we received during consultation, as well as against the background of your decision not to proceed with the proposed ban in England and Wales.

Given the much smaller percentage of Northern Ireland milk sales which are untreated, and with no record of any recent food poisoning outbreaks attributable to untreated milk in Northern Ireland, I have decided to follow the England and Wales approach. An announcement will be made shortly.

I am copying this letter to other members of MISC138 and Sir Robin Butler.

*2*  
*TK*  
*1a*

PRO/PR/20625

From: THE PRIVATE SECRETARY

NBPM  
KT  
27/6  
C.P.U.



NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

Mrs Shirley Stagg  
Private Secretary to the  
Rt Hon John MacGregor OBE MP  
Ministry of Agriculture, Fisheries and Food  
Whitehall  
LONDON SW1

28 June 1989

*Dear Shirley*

FOOD SAFETY: PROTECTING THE CONSUMER

My Secretary of State has seen the draft of the White Paper on Food Safety, which was circulated under cover of your Minister's letter of 16 June.

*at that*  
He is content with the broad thrust of the document. Some minor textual changes are needed to reflect the Northern Ireland position more accurately, and these are being pursued by officials.

Copies of this go to the Private Secretaries to members of MISC 138, Brian Hawtin (Ministry of Defence), Colin Walters (Home Office), Andrew Turnbull and to Sir Robin Butler and Sir Donald Acheson.

*Yours sincerely*

STEPHEN POPE

SP/SOFS/5983





\* Food: Safety  
R 2



PR 7

NT GR

Prime Minister

NBPM

Food Safety Bill



R27/6

MINISTRY OF DEFENCE

MAIN BUILDING WHITEHALL LONDON SW1A 2HB

Telephone 01-218 (Direct Dialling)

01-218 9000 (Switchboard)

PARLIAMENTARY UNDER-SECRETARY OF STATE  
FOR DEFENCE FOR THE ARMED FORCES

D/US of S(AF) MJN 16/1/1

22nd June 1989

*Dear Roger,*

Thank you for your letter of 23rd May about the proposed changes to be made in respect of Crown immunity in the forthcoming Food Bill.

I am well aware of the pressure there has been from various quarters for an ending to Crown immunity in relation to food law. I believe it will be most important that we all keep closely to the line taken by the Prime Minister in her letter to David Alton last November (a copy is enclosed for ease of reference). In the absence of any sustainable case for the removal of immunity in respect of particular premises, the existing position should not, in my view, be disturbed. I believe we must also stress that it would be a distortion to see immunity as operating in any way to protect bodies such as the Armed Forces from proper controls, or to allow them to get away with lower standards; on the contrary, in the case of the forces it enables them to operate their own more stringent regime.

You will know from your own experience the high standards that the Services maintain in this field. I am not aware that any case has been made out for changing the current arrangements, nor would I expect it to be, given the thoroughness of the scrutiny maintained by our own inspectors. For instance, a Service kitchen is likely to be inspected considerably more frequently on average than it would be under the civilian arrangements. In addition, there are considerable practical advantages to the current arrangements, not least the fact that they enable us to maintain consistent standards and procedures worldwide. Furthermore, a great many Service facilities, such as field kitchens and catering operations afloat, would not be suited to the normal civilian regime.

I very much hope, therefore, that we can maintain the present position on Crown immunity.

I am sending copies of this letter to John Macgregor, Douglas Hurd, John Wakeham, Richard Ryder, the Secretary to the Cabinet and members of H Committee and MISC 138.

*Yours ever,  
Michael Neubert*

Michael Neubert

Roger Freeman Esq MP



10 DOWNING STREET  
LONDON SW1A 2AA

THE PRIME MINISTER

7 November 1988

*Dear Mr. Allen,*

You wrote to me on 7 October enclosing correspondence from the Environmental Health Officer at Liverpool City Council about Crown immunity.

As you know, the Government's policy on Crown immunity is that it should not be allowed to lead to lower standards of health, safety and food hygiene being accepted on Crown premises than those legally enforceable elsewhere. Administrative procedures, including regular inspections by suitably qualified staff, are designed to ensure that appropriate standards are adhered to.

Where there appears to be evidence for cause for concern, the circumstances in question are investigated and a decision taken how best to deal with them. The outcome of such an investigation may be the removal of Crown immunity from specific premises or from specific legislation. For example the National Health Service (Amendment) Act 1986, to which the report you have forwarded refers, removed Crown immunity in relation to hospital kitchens.

While this is an area which is kept under review, I am not persuaded that a general removal of Crown immunity would be appropriate without evidence that present arrangements are not working.

Yours sincerely

Margaret Thatcher

David Alton, Esq., M.P.

b  
v  
c  
g  
h



PARLIAMENTARY UNDER-SECRETARY  
OF STATE FOR THE ARMED FORCES

Copy: Ape/Sops  
Ps/DUS(PW)  
M/DCDS (PIA)  
Mus(PW)  
Dpers  
Head Med FTS  
Chief Claims Officer  
DFSD  
DACC  
D Cat(RAF)  
Head Sec(Fs)  
Hd Comr Sec  
Hd Sq(Air)  
Pn(WS)HSN  
Legal Adviser.

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NOPN 15 236 CCPL



Y SWYDDFA GYMREIG  
GWYDYR HOUSE  
WHITEHALL LONDON SW1A 2ER  
Tel. 01-270 3000 (Switsfwrdd)  
01-270 (Llinell Union)  
Odi wrth Ysgrifennydd Gwladol Cymru

WELSH OFFICE  
GWYDYR HOUSE  
WHITEHALL LONDON SW1A 2ER  
Tel. 01-270 3000 (Switchboard)  
01-270 (Direct Line)  
From The Secretary of State for Wales

The Rt Hon Peter Walker MBE MP

CT/4488/89

22 June 1989

**FOOD SAFETY: PROTECTING THE CONSUMER**

Thank you for sending me a copy of the draft of the White Paper on Food Safety, along with your minute of 16 June to the Prime Minister.

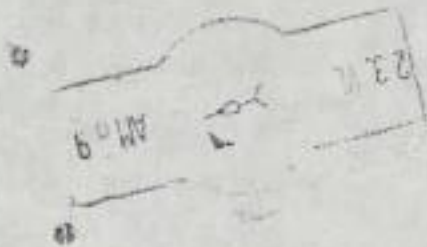
*rat/kaf*

I am content for the Paper, as drafted, to be published before the Summer Recess.

Copies of this go to the Prime Minister, other members of MISC 138, George Younger, Douglas Hurd, Sir Robin Butler and Sir Donald Acheson.

The Rt Hon John MacGregor OBE MP  
Minister of Agriculture, Fisheries and Food  
MAFF  
Whitehall Place  
LONDON SW1A 2HH

FOOD: Safety Pt 2





cc: B  
(letter paper)

CF

Ministry of Agriculture, Fisheries and Food  
Whitehall Place, London SW1A 2HH  
01-270 8709/8667

From the Minister's Private Office

Miss Flora Goldhill  
Private Secretary to the  
Secretary of State for Health  
Department of Health  
Richmond House  
79 Whitehall  
LONDON  
SW1A 2AS

22 June 1989

Dear Flora,

Following my Minister's announcement on the subject yesterday, I am enclosing a copy of our "Food Irradiation Information Pack", which your Secretary of the State might find useful. *(in attached folder)*

I am copying this, together with copies of the information pack, to Private Secretaries to other members of the Cabinet.

Yours sincerely,  
Stephen Lambert

STEPHEN LAMBERT  
Private Secretary



CONFIDENTIAL



SCOTTISH OFFICE  
WHITEHALL LONDON SW1A 2AU

The Rt Hon John MacGregor OBE MP  
Minister of Agriculture, Fisheries & Food  
Whitehall Place  
London  
SW1A 2HH

22 June 1989

*Dear John,*

**FOOD SAFETY: PROTECTING THE CONSUMER**

Thank you for copying to me your minute of ~~16~~ <sup>Plan</sup> June with its ~~draft~~ <sup>top one</sup> of the White Paper on Food Safety. I have now seen the reply from the Prime Minister's Principal Private Secretary.

I understand that an earlier draft of the Paper was circulated at official level but that, due to time constraints, the latest, much changed, version was not. In revising the Paper in line with the Prime Minister's suggestions might I invite you to consider also the following points:

1. The foreword should be signed by all health and food Ministers, ie including Territorial Secretaries of State.
2. Paragraph 2.8.3. We do not have "Dairy Husbandry Officers" in Scotland. Could I suggest that the final sentence should end at "regular inspections".
3. Paragraph 2.10.3. The concept of "controlling" the "incidence" of contaminants in foods is an interesting one. Do we mean "The levels of contaminants in food are also closely monitored and appropriate controls applied"?
4. Paragraph 2.20. Monitoring of milk parlours and imports is conducted in Scotland by Environmental Health Officers.
5. Paragraphs 2.22 to 2.25 relate to procedures for monitoring foodborne diseases in humans in England/Wales. Could I suggest an additional paragraph.

"In Scotland investigation of foodborne and waterborne diseases is undertaken by Environmental Health Officers and by Community Medicine Specialists employed by Health Boards. Bacteriological investigations of foodborne or waterborne diseases are undertaken by National Health Service laboratories.

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Investigations are co-ordinated by the Communicable Diseases (Scotland) Unit at Ruchill Hospital, Glasgow, which has appointed National Surveillance Officers for each foodborne or waterborne disease."

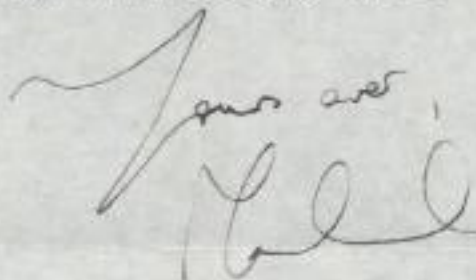
6. Paragraph 2.30 The paper wisely seeks to avoid legal references. I would suggest that the reference to the England/Wales Imported Food Regulations 1984 be replaced by "Imported Food Regulations".

7. Paragraph 2.35 An additional sentence "In Scotland enforcement responsibilities are largely vested in Environmental Health Officers" would help qualify the Paper's references to Trading Standard Officers who operate in England/Wales.

8. Presentationally it would be helpful if paragraph 3.6 could be highlighted. Otherwise it tends to get lost in the preceding paragraphs about irradiation.

9. Annex 3, Paragraph 6 I suggest amending the first sentence to read "The Health Education Authority (HEA) (and the equivalent agencies in Scotland [and Wales]) are very well placed to meet this need, working in collaboration with the Chief Medical Officers' Committee on Medical Aspects of food policy (COMA), and the Health and Agriculture Departments". An additional sentence at the end of the paragraph "Education on nutrition and diet also forms a significant component of the programmes of the Scottish Health Education Group [and the Welsh Health Promotional Authority]" would also be helpful.

I am copying this letter to the Prime Minister, other members of MISC 138, the Secretary of State for Defence and Home Secretary and to Sir Robin Butler.

A handwritten signature in dark ink, appearing to read "Malcolm Rifkind". The signature is written in a cursive style with a large initial 'M' and 'R'.

MALCOLM RIFKIND

Food Salem Pt2





NB/M  
A/29/6  
COPY

MINISTRY OF DEFENCE  
MAIN BUILDING WHITEHALL LONDON SW1A 2HB  
Telephone 01-218 2111/3

MO 21/8/5S

22nd June 1989

Dear Mrs Stagg,

FOOD SAFETY: PROTECTING THE CONSUMER *pat*

In his minute to the Prime Minister of 16th June Mr MacGregor drew my Secretary of State's particular attention to the proposals on Crown Immunity in the draft White Paper on Food Safety.

As you know, the whole matter of Crown Immunity is already under consideration on the basis of Mr Freeman's letter of 23rd May to which the Under Secretary of State for the Armed Forces will be replying very shortly. My Secretary of State has nothing to add to the contents of Mr Neubert's letter which will be copied to all the recipients of this.

I am copying this letter to Andrew Turnbull (No 10), Colin Walters (Home Office), the Private Secretaries to members of MISC 138 and to Sir Robin Butler and Sir Donald Achison.

Yours sincerely

*John M Woodman*  
(J M WOODMAN)  
Private Secretary

Mrs Shirley Stagg  
Ministry of Agriculture, Fisheries and Food

File



MINISTRY OF DEFENCE  
MAIN BUILDING WHITEHALL LONDON SW1A 2HB  
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01-218 9000 (Switchboard)

PARLIAMENTARY UNDER-SECRETARY OF STATE  
FOR DEFENCE FOR THE ARMED FORCES

D/US of S(AF) MJN 16/1/1

22nd June 1989

*Dear Roger,*

Thank you for your letter of 23rd May about the proposed changes to be made in respect of Crown immunity in the forthcoming Food Bill.

I am well aware of the pressure there has been from various quarters for an ending to Crown immunity in relation to food law. I believe it will be most important that we all keep closely to the line taken by the Prime Minister in her letter to David Alton last November (a copy is enclosed for ease of reference). In the absence of any sustainable case for the removal of immunity in respect of particular premises, the existing position should not, in my view, be disturbed. I believe we must also stress that it would be a distortion to see immunity as operating in any way to protect bodies such as the Armed Forces from proper controls, or to allow them to get away with lower standards; on the contrary, in the case of the forces it enables them to operate their own more stringent regime.

You will know from your own experience the high standards that the Services maintain in this field. I am not aware that any case has been made out for changing the current arrangements, nor would I expect it to be, given the thoroughness of the scrutiny maintained by our own inspectors. For instance, a Service kitchen is likely to be inspected considerably more frequently on average than it would be under the civilian arrangements. In addition, there are considerable practical advantages to the current arrangements, not least the fact that they enable us to maintain consistent standards and procedures worldwide. Furthermore, a great many Service facilities, such as field kitchens and catering operations afloat, would not be suited to the normal civilian regime.

I very much hope, therefore, that we can maintain the present position on Crown immunity.

I am sending copies of this letter to John Macgregor, Douglas Hurd, John Wakeham, Richard Ryder, the Secretary to the Cabinet and members of H Committee and MISC 138.

*Sir Donald Ashton*

*Yours ever,  
Michael Neubert*

Michael Neubert

Roger Freeman Esq MP



10 DOWNING STREET  
LONDON SW1A 2AA

THE PRIME MINISTER

7 November 1980

*Dear Mr. Alder,*

You wrote to me on 7 October enclosing correspondence from the Environmental Health Officer at Liverpool City Council about Crown immunity.

As you know, the Government's policy on Crown immunity is that it should not be allowed to lead to lower standards of health, safety and food hygiene being accepted on Crown premises than those legally enforceable elsewhere. Administrative procedures, including regular inspections by suitably qualified staff, are designed to ensure that appropriate standards are adhered to.

Where there appears to be evidence for cause for concern, the circumstances in question are investigated and a decision taken how best to deal with them. The outcome of such an investigation may be the removal of Crown immunity from specific premises or from specific legislation. For example the National Health Service (Amendment) Act 1986, to which the report you have forwarded refers, removed Crown immunity in relation to hospital kitchens.

While this is an area which is kept under review, I am not persuaded that a general removal of Crown immunity would be appropriate without evidence that present arrangements are not working.

Yours sincerely

Raymond Johnston

David Alton, Esq., M.P.

FOOD: Safety Pt 2







254/89

21 June 1989

## MACGREGOR ANNOUNCES GOVERNMENT GO-AHEAD FOR FOOD IRRADIATION

Food irradiation is to be allowed in Britain, but its use will be strictly controlled and all goods treated will have to be clearly labelled, the Rt Hon John MacGregor MP, Minister of Agriculture, Fisheries and Food, announced today.

Mr MacGregor told the House of Commons that:

- world health experts (including the World Health Organisation) are satisfied that food irradiation is safe
- food irradiation is permitted in 35 countries including the USA and France
- food irradiation is already used in the UK for the treatment of food for some hospital patients with very severe illnesses
- its use will help to reduce the risk of food poisoning
- irradiation does not affect the wholesomeness of food
- all irradiated food will be clearly labelled, so that consumers can decide whether or not to buy it.

Speaking in an Opposition Debate on 'Food, Research and the Nation's Health', he said:

"The House is aware that last year on 4 February we announced that the Government accepted in principle that the ban on irradiated food should be lifted, provided that - and this was an important proviso - the proper control framework could be established. We therefore set up a Working Party to consider all the issues related to that control system and to make recommendations, and the House knows that I have recently received its report.

"I would like to announce that I am today publishing that Report. Copies are being made available in the Vote Office and in the Library. Based on the recommendations in the Report, the Government intends to make available to the consumer and to the food industry the option of this additional measure for protecting certain foods.

"As I will elaborate in a moment, there will be a number of opportunities for the House to consider this further in full. But I think it would be helpful if today I outline some of the key points.

"First I would like to stress that the Government is basing its decision fundamentally on food safety and consumer grounds. On food safety; that irradiation has a useful contribution to make - a contribution, not the total answer - to the reduction of food-borne disease in certain products, and in some cases better than by other means. And for consumers, provided that we have the proper control and information framework, that it would be wrong to deprive consumers of the freedom to choose food treated by this safety method if they wish to avail themselves of it. It will not be thrust upon anyone.

"I know that some have drawn attention to the ability of the process to extend the shelf life of some fruits by delaying their ripening processes. That too is a consumer benefit, in that what the housewife buys will last longer in the home. But it is not the reason that the Government is proposing to legalise this process, and I wish to underline that. It was considerations of food safety that were predominant in reaching that decision.

"It will be helpful if I remind the House of the background to this question.

"There is a mistaken impression that food irradiation is something new about which we ought to learn much more before permitting its use in this country. But this is very far from being the case.

"The first patent was taken out on food irradiation as long ago as 1921 - so it saw the light of day well before most of the current Members of this House. Considerable research has been carried out on the process over a period of more than 40 years - and scientists tell me that irradiation has, in fact, been subject to much closer scrutiny worldwide than any other food process.

"The safety of the process was long ago established by distinguished authorities of unimpeachable international standing. Top level Joint Expert

Committees of the principal international agencies - including the World Health Organisation and the Food and Agriculture Organisation - carried out in-depth safety evaluations over a period of years in the 1970s and confirmed in a report in 1980 that the irradiation of food up to an overall average dose of 10 kilogray was safe and introduced no special nutritional or microbiological problems. This report was adopted by the Codex Alimentarius Commission in 1983.

"Similar conclusions have been reached following full assessments by other national or international bodies. Safety has, for example, been confirmed by the European Community's Scientific Committee for Food and by the United States Food and Drugs Administration.

"We have nevertheless adopted a thoroughly careful attitude in this country. We put in hand our own independent expert assessment. We set up the Advisory Committee on Irradiated and Novel Foods in 1982 under the chairmanship of Sir Arnold Burgen, Master of Darwin College, Cambridge. The Committee was made up of distinguished specialists in all aspects of the subject. The Committee's report, published in 1986, concluded that, correctly applied and up the level of dose stipulated in the international research i.e. 10 kilogray, irradiation provides an effective and efficient food preservation treatment. The Committee was satisfied as to the safety and wholesomeness of the food that would result from this treatment and made it clear that, for all practical purposes, there would be no change in the low level of radioactivity that food naturally contains. The Committee was re-convened in 1987 to consider scientific responses to the Report and, having done so, they re-affirmed their conclusions.

"I have set out this history to make one basic point absolutely clear. This is that the safety of food irradiation has been repeatedly assessed over the years by those both here and abroad whose highly specialised training and experience best qualifies them to assess the technique in all its aspects. The process has been cleared through the most comprehensive set of evaluations. No qualifications have been expressed about this. No areas of safety remain outstanding.

"This is demonstrated by the number of countries that already allow the use of the process. There are now 35 countries around the world where the process is permitted and in 21 of these it is already in operation. These countries include the United States and four of the Member States of the European Community.

"It may come as a surprise to some to know that we permit it too in this country, and have been doing so for the past 20 years or so. Throughout this time, irradiated food has been supplied to a limited number of cancer patients who by reason of their disease or treatment are at a high risk of infection. So we have recognised that these most vulnerable members of our society, who require the most carefully controlled and the safest diet we can secure, have found it through irradiated food.

"What then are the advantages for consumers generally? First, the World Health Organisation is quite clear that, by killing or greatly reducing the number of micro-organisms that are naturally present in food, the process has a useful contribution to make in the reduction of some food-borne disease. Irradiation has, for example, been shown to be effective in dealing with bacteria such as Salmonella, Listeria, and Campylobacter. It is not suitable for all foodstuffs but it has, for example, proved its value as a treatment for poultry meat. It is so used already in France - and the BMA's recent publication "Infection Control" mentions the particular effectiveness of irradiation for this purpose. Similarly, some shellfish can also be successfully treated.

"Second, for certain produce such as herbs and spices irradiation can be used to destroy insects, pests and bacterial contamination in place of the existing chemical fumigation methods, about some of which there are concerns on health grounds. The chemical ethylene oxide used for this purpose is for example now banned in many countries of the European Community and will shortly no longer be available for use. Manufacturers and consumers need some means of being able to continue to make herbs and spices available without infestation.

"All this is extending consumer choice, not damaging it. It is an effective way of dealing with some bacteria and bugs.

"Of course the essential pre-condition is having a proper control mechanism and I turn to that now.

"The Food Act does give the possibility of providing for the registration of irradiation facilities by local authorities. But the Government has concluded that it is preferable to have a full licensing system under central Government control, rather than through local authorities. Closer and more specialised supervision will be achieved through the concentration of the powers by central administration than if the responsibility is diffused. This will permit detailed inspection by specialists and the imposition of precise conditions with the granting of licences.

"This will mean delaying the introduction of food irradiation until we can obtain more extensive powers in the new Food Bill, but we think it right to do so.

"Conditional upon the licence will be the maintenance of clear and full records that would be regularly inspected and that would allow for the tracing of consignments treated and the verification (through the recording instrument readings) of the dose applied. A further provision would be a requirement that full documentation must accompany each consignment leaving the irradiated plant so that recipients of irradiated food at any point on through the distribution chain are aware of the treatment that has been given.

"Apart from inspection of the documentation and of the measuring instruments - the dosimeters - the premises would also be subject to the normal local authority controls so far as food hygiene is concerned. It would be necessary for local authorities to satisfy themselves that good manufacturing practices were being followed and that, in particular, there was proper segregation of treated and untreated foodstuffs, and that the possibility of contamination after treatment was avoided.

"So far as imported supplies are concerned it will be necessary for us to make arrangements to check that the control systems applied, and the standards achieved by countries wishing to export to the UK, are equivalent to the controls and standards to be applied in this country. If the EC's proposal goes ahead, then action will of course follow on a Community basis. But whether the Community or national arrangements need to be made we are quite clear that proper reassurances must be obtained.

"Equally as important as the control framework is that consumers should be able to make an informed choice, so that those who do not want irradiated food can be assured that they are not buying it. This means labelling.

"I can assure the House that the Government will insist upon a firm requirement for full and clear labelling of all irradiated food and listed ingredients. We want to see wording that will be clearly understood, and the options that we have in mind are either "irradiated" or "treated with ionising radiation".

"Mr Speaker, I am sure that the House will want to debate this issue in full and obviously since we must seek new powers there will be plenty of opportunities to do so. It may be that there will also be a chance to debate it before the Summer Recess if time can be found to consider European Community Document No 10377/88 on this subject, which the EC Scrutiny Committee has recommended for debate.

"So there will be many occasions to respond to the concerns and to dispel the myths. Today I would like to deal with the two most common ones.

"First, it is argued that the treatment should not be allowed in the absence of a detection test that can confirm its use. There are plenty of views to the contrary. The World Health Organisation did not consider this necessary. Nor did Codex. Nor did the United States Food and Drug Administration.

"Moreover our own Advisory Committee gave particular attention to this point. They concluded that whilst a detection test could be a useful supplement to a control system based on licensing and documentation (such as we shall have) it was not necessary for the satisfactory operation of controls.

"Furthermore none of the 21 countries already allowing irradiation and operating control systems around the world considered it necessary to wait for the availability of a diagnostic method.

"Second, it is argued that irradiation can somehow be misused to make bad food good. I am advised that this is simply nonsense.

"Irradiation cannot improve appearance. It cannot disguise taste. It cannot mask unpleasant odours.

"If food is not of acceptable microbiological standard then these factors will give it away. Food irradiation will not save it.

"Moreover we intend to provide for the examination of food prior to treatment. And we shall be providing that food that does not meet the normal acceptable standards of the industry shall not be irradiated. It will remain an offence to sell or offer for sale unfit food, whether irradiated or not.

"So I commend the Working Party report to the House, and the Government's decisions upon it. Irradiation is not a panacea for food safety. I do not, and never will, suggest that it is. It is only one weapon in our large armoury. All the other measures I have talked about today and on other occasions continue to be important parts of the whole surveillance, regulatory and legislative framework that we have to ensure the highest standards of food safety.

"But it does offer for certain products a further and successful way of enhancing safety. It can provide clear consumer benefits. In our view it is now wrong to deprive the food producer and the consumer of the free choice to avail themselves of it if they wish to do so, and it is on that basis that I am making this announcement today."

#### NOTES FOR EDITORS

1. The Report of the Working Party of officials of the Agriculture and Health Departments on a control framework for the introduction of food irradiation in the UK was published today. Copies are obtainable from:

Food Safety Division Branch C  
Ministry of Agriculture, Fisheries and Food  
Ergon House c/o Nobel House  
17 Smith Square  
London SW1P 3HX

2. The Advisory Committee on Irradiated and Novel Foods (ACINF) Report on the Safety and Wholesomeness of Irradiated Foods (HMSO - ISBN 0 II 32105 9 0) was published in 1986. The Committee was chaired by Sir Arnold Burgen, Master of Darwin College, Cambridge. The Report advised that ionising irradiation up to an overall average dose of 10 kilogray, correctly applied, provided an efficacious food preservation treatment which would not lead to a significant change in the natural radioactivity of food or prejudice its safety and wholesomeness. The Committee found that there was no justification on public health grounds for the process not to be permitted within the dose range advised and that the benefits offered by the process presented strong grounds for a general clearance to be granted.

3. On 4 February 1988 the Department of Health announced that the Government accepted this advice and that the Minister of Agriculture would be arranging for further work to be carried out to examine the scope and format of any controls.

4. In a written Parliamentary Answer on 24 March 1988 the Parliamentary Secretary to the Ministry of Agriculture, Mr Donald Thompson, added that, properly controlled, the process might offer real health and economic benefits for the consumer in some food areas where the alternatives were not as safe or effective in ensuring keeping food sound and wholesome. He announced that officials would be reporting on a framework of controls.



Report of a Working Party  
of Officials of the  
Agriculture and Health Departments  
on the Introduction of  
Food Irradiation in the U.K.

June 1989

REPORT OF A WORKING PARTY OF OFFICIALS OF THE AGRICULTURE AND  
HEALTH DEPARTMENTS ON THE INTRODUCTION OF FOOD IRRADIATION IN THE  
UNITED KINGDOM

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UK

INTRODUCTION

The Food Irradiation Process

1. The irradiation of food is a process which like heat treatment or pasteurisation has a number of useful applications. These include:

- the elimination or significant reduction of the numbers of pathogenic micro-organisms in food (including Salmonella, Campylobacter, and Listeria);
- the control of insect and microbial infestation - where the process could replace the use of chemicals. This is exemplified by ethylene oxide which is the subject of concern as to safety and is now permitted within the EEC only under an expiring derogation limited to the treatment of herbs and spices); and,
- the reduction of losses by delaying sprouting or ripening processes.

2. Though irradiation can greatly reduce the hidden dangers from food poisoning by preventing multiplication of bacteria, it cannot reverse food spoilage. Irradiation cannot make "bad" food good but it can enhance safety margins in food which is microbiologically acceptable at the time of treatment but which could, without treatment, present a hazard if the organisms subsequently multiplied in the distribution, retailing or catering chain.

3. Though the process was the subject of a patent application over 50 years ago and the potential applications of irradiation were identified as long ago as the 1950s, Governments throughout the world initially adopted a very cautious attitude to the commercial introduction of the treatment - and detailed research and investigation was undertaken in international fora to examine the safety of irradiated food for the consumer. Since the 1950s much practical experience has been gained on the applicability and economics of the process, and, above all, on its safety.

4. Comprehensive data was assembled and examined in the 1970s and early 1980s by a number of Joint Expert Committees of the responsible international agencies, ie the World Health Organisation (WHO), the Food and Agriculture Organisation of the United Nations (FAO) and the International Atomic Energy Authority (IAEA). On the basis of all the scientific evidence, the conclusion was reached that the irradiation of food up to an overall average dose of 10 kilogray presented no toxicological hazard and introduced no special nutritional or microbiological problems. Following this conclusion, the matter was examined by the Codex Alimentarius Commission - the joint WHO/FAO body set up to prepare international food standards and codes of practice with the aim, inter alia, of protecting the consumer. The Commission adopted both a General Standard for Irradiated Foods and also a Recommended International Code of Practice for the Operation of Food Irradiation Facilities.

5. Food irradiation facilities are now operating in some 20 countries, including four Member States of the European Community. A draft Directive setting out proposals for harmonised conditions within the Community for control of the process and of trade in

irradiated food has been submitted by the EC Commission to the Council. The proposals were drafted following a review by the Commission's Scientific Committee for Food of all the data on the safety and efficacy of food irradiation. The control mechanism proposed is based on the Codex Codes of Practice.

6. An international Conference on food irradiation was organised by the WHO and the other international agencies involved in December 1988. At this Conference experts from over 50 countries agreed conclusions which recognised the potential of food irradiation, *inter alia*,

- to reduce the incidence of food-borne diseases through the reduction of pathogen contamination of food; and,
- to reduce post-harvest food losses and thus make available for consumers a larger quantity and a wider variety of foodstuffs.

The Conference recommended that the application of the process be considered within suitable control mechanisms.

#### Position of the UK

7. Regulations made in 1967 in effect prohibit the application of ionising radiation to food for sale. The only exception concerns the irradiation of certain food used in hospitals for patients needing a sterile diet. The intention behind the regulations was not to ban the process but to subject specific uses of it to close scrutiny so that exemptions could be permitted in particular circumstances. The effect, however, was to discourage development of irradiation.

8. An independent scientific study in the UK was set in train in 1982 by the establishment of the Advisory Committee on Irradiated and Novel Foods (ACINF). This Committee reported to Health and

Agriculture Ministers in 1986 that correct application of the process up to an overall average dose of 10 kilogray provided an efficacious food preservation treatment which:

- would not lead to a significant change in the natural radioactivity of the food; and,
- would not prejudice its safety and wholesomeness.

The Committee drew particular attention to the value of food irradiation from the point of view of public health in killing or reducing the numbers of pathogenic and spoilage organisms in a variety of food products. The Committee considered the matter further in 1987 in the course of a thorough-going review of all the public comments on their findings. As a result of this further review, the Committee endorsed their previous conclusions.

9. In early 1988 the Government accepted the scientific advice of ACINF and announced that advice was being sought from officials on a control framework that would allow for the introduction of food irradiation in the UK.

## REMIT OF THE WORKING PARTY

10. A Working Party of officials was established consisting of administrative, scientific and medical representatives of the UK Agriculture and Health Departments. The Working Party was asked in particular to give advice on:

- the criteria for assessing applications to use irradiation;
- arrangements for licensing and inspection of food irradiation plants;
- the conditions that might be imposed in giving any such permission;
- monitoring of the extent of use of food irradiation; and,
- consumer information, including appropriate food labelling provisions.

The Working Party was asked to take into account controls already applied by those countries where food irradiation is permitted.

11. The Working Party held a series of meetings to discuss the essential elements of a control system. Account was taken of views previously expressed by the food industry and consumer representative groups, information was obtained from the International Consultative Group on Food Irradiation (set up jointly by the FAO, WHO and IAEA), and further details were obtained through Agricultural Attaches in certain of our Embassies on the controls operated in a number of EC Member States and Third Countries. Finally, a small scientific and administrative team from the Working Party visited France, Belgium and the Netherlands for detailed discussions with officials of the Ministries with responsibility for food irradiation, officials of agencies responsible for inspecting approved premises, and representatives of the three main firms using the process there. Visits to the premises concerned were also undertaken.

## CRITERIA FOR ASSESSING APPLICATIONS

12. The 1986 ACINF Report included general advice on regulatory controls. In particular the Committee advised that controls should be consistent with those recommended by Codex. The Working Party examined the detail of the Codex recommendations, ascertained that these formed the basis of the controls operated in those countries where food irradiation is applied, and through consideration of written material and by enquiries in three of the countries concerned, assessed the effectiveness of the Codex provisions in operation. The conclusion was reached that, with the addition of labelling requirements and more detailed record-keeping provisions, the Codex recommendations formed a comprehensive basis for controlling the use of the process in the UK.

13. Adoption of the Codex provisions would require applications to be made for permission to operate food irradiation facilities which would be assessed by reference to:

- the safety of the plant and equipment from the point of view both of the operators and the general public. This would entail registration of the premises with Her Majesty's Inspectorate of Pollution under the Radioactive Substances Act, 1960 and, as for all applications of ionising radiation, compliance with the Ionising Radiation Regulations 1985, laid down under the Health and Safety at Work Act 1974 (operated by the Health and Safety Executive);
- the suitability of the plant and equipment for the particular foods and treatments in respect of which application was made;
- the need for the particular use of the process in terms of food hygiene or other technological benefit;
- the adequacy of the manning level and standard of competence of the staff in relation to the special requirements for irradiating food;



- the effectiveness of the dosimeters in measuring the doses to be applied;
- the design of the facility, which should be such as to keep separate treated and untreated products;
- the suitability of the packaging materials which the operator plans to use;
- the adequacy of records, so that specific consignments can be traced back both to the irradiation facility and the source from which they were obtained, and to identify the treatment applied; and
- the ability of the operator to meet the UK's normal food hygiene requirements applicable to food treatment premises generally.

In addition the Working Party considered it necessary for two additional factors to be taken into account in assessing applications to operate food irradiation facilities:

- a. the information that the operator will have available on the microbiological status of foodstuffs entering the premises for treatment - so that it can be demonstrated that food to be irradiated meets normal acceptable hygiene standards applicable to the produce; and,
- b. the information presented about the nutrient content of the food both pre and post-treatment so that monitoring of irradiated food for any nutritional changes can be effectively targetted..

#### **ARRANGEMENTS FOR LICENSING AND INSPECTION**

14. At the heart of the Codex provisions is the requirement that use of the process shall be restricted to facilities licensed and registered for the purpose by a competent national authority.

This basic provision is in place in all the irradiating countries for which details have been obtained. It is also a requirement of the recently proposed EC Directive. In the view of the Working Party such a provision would be of considerable value in reassuring the public of the safety of irradiated food, even though food law in this country has traditionally operated without prior approval or licensing schemes. There would be obvious benefits in a system which operated under clear, simple provisions imposed by a national rather than a local authority, which could draw on specialised Government scientific staff in assessing applications to use the process.

15. Inspections of registered facilities would then be made as necessary by staff of the Health and Safety Executive to ensure compliance with the Ionising Radiation Regulations and by Government specialists, and Environmental Health Officers or Trading Standards Officers to ensure that irradiation was being correctly applied, that proper records were being maintained, that the hygiene requirements were being fulfilled, and generally that all conditions relating to the registration were being met.

16. The Working Party considered whether there might be a case in any particular sector to introduce food irradiation more rapidly under the existing legislative provisions which would allow for the registration of premises by local authorities. However, there were certain drawbacks in proceeding in this way. First, registration of premises rather than a full licensing system would make it difficult to lay down detailed conditions as to the use of the process. Second, it would not be possible to specify doses below 10 kilogray that should apply to the particular product as the ACINF had indicated an overall average dose up to 10 kilogray was acceptable (para 8). To overcome these difficulties it would be necessary to adopt full licensing controls operated by a single national authority under which detailed conditions would be imposed in the licence. This would, however require enabling legislation.

## CONDITIONS TO BE ATTACHED TO LICENCES

17. To ensure the safety of workers, the general public and the food processed it would be necessary to attach conditions to the granting of each licence to provide that the plant, equipment and operator expertise that had justified the issue of the licence were not thereafter changed without notification to the licensing authority. It would also be necessary in the licence to specify the nature of the irradiation source, the food or foods to be irradiated, the purpose(s) of the treatment(s) and the doses to be applied. Variation in these matters would require the explicit consent of the licensing authority.

18. More detailed conditions would need to be imposed to ensure correct application of the stipulated dose, effective packaging of the produce, and the segregation of untreated from treated produce both to avoid any possibility of re-irradiation and to obviate any possible contamination of the treated produce after irradiation. So far as the application of the dose is concerned, conditions could be laid down as to the type, means of calibration and method of use of dosimeters in order to demonstrate that the process will satisfy the regulatory requirements.

19. A further section of the conditions would be related to the need for inspecting officers to check on the operation of the facility. It would, for example, be necessary to lay down in some detail the records that would need to be maintained and the period during which they would have to be available for inspection. There would also need to be a requirement that the records should be kept in such a way that the treatment of particular consignments traced back to the irradiation facility concerned could be verified by identifying the date of irradiation and the dose applied. The records should also be such as to facilitate verification, if necessary, of the source of the produce. Similarly, the destinations of the treated produce would have to be recorded.

20. Further, since many products eg spices may be incorporated in manufactured foodstuffs, it will be necessary for the businesses receiving irradiated produce to be aware both of the fact of irradiation and also of the dose applied. Accordingly, licences will need to include a condition that full documentation giving all these details must accompany the produce to the consignee. (A general legal requirement will also be needed to ensure that the documentation moves with the produce throughout the distribution chain).

21. Further conditions are recommended which relate specifically to public concerns that have been expressed firstly over the possibility that food that might not otherwise have been considered fit might be irradiated so as to mask its true nature, and secondly that irradiation might involve nutritional losses. To meet the first concern, it could be laid down where appropriate that no food should be treated by irradiation unless prior microbiological examination had demonstrated the consignment to be of at least the quality customarily used in existing forms of food processing for human consumption. Given this general quality standard, there is no reason to expect that the incidence of microbiological toxins in irradiated foods will be different to that in other processed foods. So far as nutritional quality is concerned, ACINF recommended - and the Working Party consider it prudent - to target irradiated food in the monitoring system carried out as part of the Food Surveillance mechanism so that any changes, eg in vitamins, can be rapidly identified (see para 24). To aid this targetting, the Working Party recommend that a condition should be imposed on licensees requiring them to provide information to the licensing authority on any specific nutritional aspects that may be relevant. Information on types of produce and total throughput would also be required.

22. Finally, it would need to be made a condition of the Licence that the labelling provisions discussed in paras 25-28 of this Report should be complied with.

23. ACINF recommended as a precautionary measure that food should not be made available for consumption within 24 hours of being treated with irradiation. This was because work had not then been carried out specifically to demonstrate the safety of food within that period. The Working Party was aware that further investigations were in progress and considered that any precaution on the lines of the ACINF recommendation should be determined in the light of the state of knowledge on the subject at the time that regulations needed to be made.

#### **MONITORING OF THE EXTENT OF USE OF FOOD IRRADIATION**

24. Food processing of any sort (even cooking) affects the quality of food with respect to nutrients (eg vitamins). Where staple food items are to be processed, it is clearly important for there to be reassurance that no significant deterioration in the national diet will result. As has been made clear in para 21 above a licensing condition is recommended that would require relevant information to be provided on any identifiable changes known to occur as a result of irradiation and during the storage period. The National Food Survey could be used to assess the overall diet and special surveys carried out through the Surveillance system on the diets of consumers likely to be nutritionally dependent on large amounts of any particular foodstuff. This information would then be examined as part of the remit of the Steering Group on Food Surveillance. It is recommended that the Steering Group should report at regular intervals to aid the assessment. Such a system would allow for additional monitoring of key nutrients in irradiated food in the light of the products covered and the volume of the food involved.

## CONSUMER INFORMATION, INCLUDING LABELLING PROVISIONS

### (i) Labelling

25. The Working Party has taken into account the inquiry carried out in 1985 by the Food Advisory Committee (FAC) into the need for labelling for irradiated foods and ingredients in which the FAC drew attention to the public wish for irradiated produce to be labelled as such.

26. The Working Party were in no doubt that public demand for labelling remained at the same level and recommend that provision should be made for the labelling both of irradiated food and of food containing irradiated ingredients where these appear on the label. The reference to the process should be placed next to the name of the food or ingredient.

27. On terminology, the Working Party support the use of the terms "irradiated", "treated with ionising radiation" or "preserved by ionising radiation" for labelling purposes. They consider that the use of the "radura" logo should be permissible only as an optional addition to the wording.

### (ii) Consumer Information

28. The Working Party considered that in the longer term the labelling provisions that would apply would in themselves provide the necessary information to permit informed consumer choice. However, members were also well aware that in the short term there was a need for the public to be presented with clear information about the process since, despite the volume of research carried out over an extended period that revealed food irradiation to be a safe and efficacious process, there remained much misunderstanding about it. For example, it would be necessary to explain clearly the nature of the process, what could be achieved with it and the benefits that could result as well as its limitations.

29. In order to dispel misunderstandings and allow for consumer choice to be exercised on the basis of proper information it was accepted that it would be helpful for a clear and attractively presented leaflet to be prepared along the lines of recent MAFF publications on food additives and food surveillance, perhaps with further detailed information being presented in the form of a Note or Notes in the "Food Facts" series.

## ADDITIONAL MATTERS FOR CONSIDERATION

### DETECTION TEST

30. The process can be controlled and monitored by good management and routine use of dosimeters, the latter giving an accurate measure of the dose applied. Because irradiation results in minimal changes in the food itself, and the kinds of change can in any case result also from other conventional processing methods it has not so far been possible to devise a simple detection test to demonstrate that irradiation has taken place. It is recognised however that a simple test could be useful to the enforcement authorities and further research is in hand on this. However, policing requirements can be met by the ability to trace back to the original processor and by requiring a batch number on the label. The WHO/CODEX procedure applied in all the countries where irradiation is practised relies on documentation checks rather than analysis of produce.

### RESTRICTION OF IRRADIATION TO CERTAIN LISTED FOODS

31. The Codex General Standard recognises that the process of food irradiation has been established as safe for general application to an overall average level of absorbed dose of 10 kilogray. ACINF similarly recommended a general clearance for all foods. The EC Scientific Committee on Food has, however, adopted a different approach, proposing that application of the process should be limited to those foods for which the clear technological advantage or consumer benefit had already been demonstrated. Thus the Commission's proposal for a Directive limits the clearance to listed foodstuffs, reflecting existing commercial irradiation practice in those member states principally involved - France, Belgium and the Netherlands.

32. The Working Party examined the different approaches and concluded that, in the absence of any technological or scientific reason to prohibit the treatment of a food or a particular class of food, a restrictive listing of approved foods could not be

justified. The Working Party considered that it would be appropriate to assess applications to irradiate specific foodstuffs on the basis purely of the criteria outlined in para 13 above.

#### IMPORTED FOODS

33. The following countries currently permit the use of food irradiation on a commercial scale:

Argentina	Finland	Netherlands
Belgium	France	German Democratic Republic
Brazil	Norway	South Africa
Chile	Hungary	Thailand
China	Israel	USA
Cuba	Japan	USSR
Denmark	Republic of Yugoslavia	
	Korea	

More countries are likely to adopt the process in due course and the Working Party therefore considered how administrative controls could be applied to imports from countries using the process.

34. The Working Party considered that bilateral arrangements would be necessary for the mutual recognition of control procedures and licensed premises. It would be necessary for the UK authorities to satisfy themselves through discussions and inspections in the countries concerned that the regulations in force, the controls applied, and the standards applicable to and achieved by the irradiation premises in those countries were consistent with the control framework applied in the UK.

35. If the EC Directive is passed, then its provisions will govern intra-Community trade and inspections etc of third country facilities would become a matter to be dealt with at Community level. In the interim, the UK would need to take its own decisions on these matters - and the Working Party has been advised that until a Directive is in place bilateral agreements would be possible with Community partners in the same way as with Third Countries.



## SUMMARY OF MAIN CONCLUSIONS AND RECOMMENDATIONS

36. (i) The criteria for assessing applications to use irradiation should be those listed in para 13, and there should be no restriction as to the foods for which irradiation could be considered (para 32);

(ii) licensing of irradiation premises should be the responsibility of a competent national authority (para 14);

(iii) ability to meet the licensing criteria and subsequent compliance with the conditions of licences should be verified through inspections of premises by specialised staff of the licensing authority and by Environmental Health Officers or Trading Standards Officers (para 15);

(iv) it would be possible to register premises for irradiation of food under existing legislative powers but detailed controls would require new powers (para 16);

(v) conditions would need to be imposed in the licence to cover the plant, equipment, and expertise of the operator, food(s) to be irradiated and the dose(s) to be applied, the packaging to be used, segregation of treated from untreated produce, the records to be maintained, the documentation to be supplied with the produce, the microbiological condition of the food to be irradiated (to ensure that it is in a proper condition for processing), and the provision of details that may be needed for nutritional monitoring purposes (paras 17-23);

(vi) the Steering Group on Food Surveillance should set in hand a mechanism to ensure that the dietary effects of irradiation are kept under continuous review (para 24);

(vii) labelling of irradiated food and listed ingredients should be mandatory - and specific regulations should be introduced to ensure this if necessary (paras 25-27);

(viii) a Government leaflet should be prepared to explain in every day language the nature of food irradiation so that consumers can exercise their right of choice on the basis of factual information (para 29); and,

(ix) controls over imported irradiated food should be arranged through official verification that the control systems applied and the standards achieved by countries wishing to export to the UK are equivalent to the UK's own controls and standards (paras 34 and 35).



## ADVISORY COMMITTEE ON IRRADIATED AND NOVEL FOODS

### CURRENT POSITION OF ORIGINAL MEMBERS

#### Chairman:

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Master of Darwin College, University of Cambridge

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**ADVISOR ON THE INDUSTRIAL APPLICATION OF FOOD IRRADIATION:**

+ F. J. Ley BSc FRSH FIBiol  
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## **EXTRACT FROM THE WORLD HEALTH ORGANISATION'S 1988 PUBLICATION: 'FOOD IRRADIATION'**

One of the main reasons why food irradiation is not yet in more general use is that governments are uncertain of consumer acceptance of irradiated foods. Without public endorsement, food irradiation will remain largely neglected not only in the developed world but also in developing countries, which are reluctant to invest in expensive plant and equipment when developed countries seem to be unenthusiastic. Although some 34 countries have granted approval for radiation processing of about 30 food products, industry has been slow to expand the use of radiation. This is true despite the safety and effectiveness of the process, and despite evidence that irradiation is cost-effective in controlling harmful organisms and extending shelf-life.

The failure of food irradiation to gain wider acceptance is not difficult to fathom. Negative public attitudes towards virtually everything associated with radiation are found all over the world. In millions of people's minds radiation is associated with war on a scale the earth has never seen, with accidents that pose health threats lasting for generations, and with nuclear wastes that will still be dangerous 10,000 years from now. Even recognizing that radiation is an invaluable aid in diagnosing and treating disease, sterilizing medical devices and pharmaceutical products, and producing many kinds of manufactured goods, vast numbers of people are genuinely afraid of anything that would appear to increase the risk of exposure to radiation.

In addition, there is apparently wide public misunderstanding of what the process is, how it works, and what it will and will not do. A major misconception is that food processed by radiation becomes radioactive. But there are other concerns based on misunderstanding or lack of information that needlessly stand in the way of effective use of this procedure.

What follows is a series of questions and answers that address the most common concerns, fears and misapprehensions about food irradiation. They are couched in non-technical terms in order to be readily understandable to consumers.

Following the questions and answers is a brief discussion of the approaches that governments, industry, consumer organizations, the media, the health and education communities, and others might well consider in order to achieve broader public acceptance of food irradiation.

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### **What is done to food when it is irradiated?**

The food is exposed to a form of energy called ionizing radiation, the same kind of energy used to make X-ray pictures, sterilize up to 50% of all disposable medical and hygienic products, treat certain kinds of cancer, and for many other purposes.

### **Why is food treated with radiation?**

Food is irradiated for the same reasons that it is processed by heat or refrigeration or freezing or treated with chemicals – to kill insects, fungi, and bacteria that cause food to spoil and can cause disease, and to make it possible to keep it longer and in better condition in warehouses, stores, and homes.

### **Is irradiated food safe to eat?**

Yes. The treatment does not alter the food in any way that could harm people.

### **Does irradiation make food radioactive?**

No, food irradiated under approved conditions does not become radioactive.

### **But do irradiated foods look or smell or taste different?**

Because of the small amount of energy involved in food irradiation, usually no significant difference in terms of appearance, smell, or taste can be detected if the process has been carried out properly. It is even difficult to detect any change by means of analysis in a laboratory. It is worth remembering that food processors want their products to appeal to consumers, not put them off. If an irradiated food product were very different from what consumers expect, there would be no market for it.

### **Are irradiated foods still nutritious?**

Yes. Irradiation, like all known methods of processing food, can lower the content of some nutrients, such as vitamins, but storing food at room temperature for a few hours after harvesting does the same thing. At low doses of radiation, nutrient losses are either not measurable or, if they can be measured, are not significant. At the higher doses used to extend shelf-life or control harmful bacteria, nutritional losses are less than, or about the same as, those caused by other kinds of food processing. It can certainly be said that irradiated foods are wholesome and nutritious.

### **Are there long-term effects of eating irradiated foods?**

Studies in animals, many of which continued for periods of years, have not disclosed any reason to be concerned about long-term health effects of irradiated food or about risks from eating such food. These studies have been conducted in many different countries and by reputable international organizations.

### **But didn't some animal tests fail to show that food irradiation is safe?**

Over the last 30 years, many hundreds of tests have been carried out with animals fed irradiated foods or components of irradiated foods. A very small number of these tests gave inconclusive results that were interpreted as showing that food irradiation is unsafe. Each of these studies has been thoroughly reviewed and, in many cases, repeated. The results of these follow-up investigations provided explanations for the original 'negative' findings. Usually the problem lay in the design of the study or the way it was conducted. Sometimes the sample size – the number of animals used in the study – was too small to allow the results to be interpreted properly. In other instances, the repeat studies were simply unable to reproduce the original results. In fact, more than 100 generations of sensitive laboratory animals in the United Kingdom alone have been living and prospering on diets sterilized by irradiation. Similar results have been obtained in many other countries.

### **What are 'radiolytic products'?**

This is a scientific term meaning chemical compounds formed by exposure to ionizing radiation. Such compounds are formed in food processed by radiation and they are identical or similar to compounds found in food processed by other techniques, such as cooking, or even in unprocessed foods.

### **Have all radiolytic products in food been identified, and are any of them dangerous?**

Extensive research has been done to identify and evaluate radiolytic products in food. No one can say with certainty that all such products have been found, but the important finding is that all those identified so far are similar to compounds commonly found in food. They are not unique in the sense that they occur only as a result of irradiation. And, moreover, there is no evidence that any of these substances poses a danger to human health.

### **Could some of them be damaging cells without our knowing it?**

Again, the answer is no. Chemicals and other agents capable of damaging cells are called mutagens. Our food, irradiated or not, naturally contains some mutagens. They can be formed by conventional food processing methods whose safety is accepted. Smoked foods, for example, may contain chemicals that can injure cells. But, despite extensive studies, there is no evidence that irradiated foods present any increased risk of exposure to mutagens than do conventionally processed foods.

### **What about the microorganisms in food that irradiation doesn't kill. Are they more dangerous?**

It is true that irradiation – at the levels normally used in food processing – does not destroy every single microorganism present; it does not sterilize the food. After treatment, the surviving organisms may start to multiply again if conditions are favourable. For example, the spores of the bacterium known as *Clostridium botulinum* are not killed by low doses of radiation. If irradiated or heat-pasteurized food containing this organism is kept in a sealed container at room temperature, *C. botulinum* can multiply and produce the toxin that causes botulism, a frequently fatal form of foodborne disease. It is important to remember that surviving pathogens in irradiated food are just as dangerous – but no more so – as the same organisms in unirradiated food. As with any food, consumers must take appropriate precautions, such as refrigeration and proper handling and cooking, to make sure that potentially harmful organisms do not present a problem.

### **What foods are treated with radiation?**

Certainly not all foods, and in fact not even most of them, are now or will be candidates for treatment with radiation. The technique is used only when needed and only when it is economically advantageous. Some examples of foods that have been approved for radiation treatment in a number of countries are listed below:

potatoes and onions – to control sprouting when climatic conditions make storage difficult;

spices, herbs, dehydrated vegetables, and condiments – to control microorganisms and get rid of insects;

poultry, shrimps, frog legs, and fish – to control micro-organisms (in particular pathogens) and prolong shelf-life;

mangoes, papayas, strawberries, and mushrooms – to control insects and to extend shelf-life;

rice, cocoa beans and wheat – to control insects and microorganisms.



The fact that approval has been granted for radiation processing of certain foods does not necessarily mean that the local product will be irradiated. The choice depends on many factors, such as availability of alternative processing methods and especially cost. But if the product is destined for export, it is more likely that irradiation treatment will be used because of its effectiveness in controlling insect pests and extending shelf-life. If the particular product gives rise to a public health problem (e.g., raw poultry), radiation treatment is quite likely to be used because, in contrast to other methods of processing such as heat, it leaves the product unchanged.

### **Are irradiated foods on the market now?**

Irradiation of food has been approved in 33 countries for some 30 food products and the list is increasing all the time. In some countries, approval is only for testing purposes, to work out the appropriate dose for a given kind of food. Test marketing has been carried out in some countries, and a few countries have had irradiated food products on the market for a number of years, but there is not yet a big commercial market for irradiated food.

One reason for this, especially as far as local and national marketing is concerned, is the lack of consumer understanding and acceptance of food irradiation. This barrier is gradually being lowered as governments, consumer organizations, and others provide information that helps consumers make informed judgements about the value of food irradiation, and organize test marketing trials to enable consumers to evaluate the quality and benefits of irradiated foods.

### **Who regulates and inspects food irradiation facilities?**

Enforcement of health and safety standards will, of course, vary from country to country. A facility would need to register as a food-processing establishment and to obtain a licence from the government body concerned with regulating and inspecting the food industry to ensure that basic hygienic requirements are being met. Approval to handle radioactive materials usually comes from a country's atomic energy authority. Once licensed and in operation the irradiation unit would probably have to operate in accordance with the guidelines recommended by the Codex Alimentarius Commission. Enforcement of those guidelines would be the responsibility of the government body concerned with regulating and inspecting the food processing industry. There may never be an international monitoring programme, but the International Atomic Energy Agency plans to publish a list of accredited food irradiation establishments and FAO will continue to include information on food irradiation in its technical manuals.

### **How can irradiated foods be identified in the market?**

Irradiated foods cannot be recognized by sight, smell, taste, or feel. The only sure way for consumers to know if a food has been processed by irradiation is for the product to carry a label that clearly announces the treatment in words, a symbol, or both. Labelling practices can be expected to vary from country to country, but countries that elect to follow the guidelines developed by the Codex Alimentarius Commission will label all foods that have been irradiated and, in addition, possibly other products that have not themselves been irradiated, but of which one or more components were irradiated before incorporation into the final product. The choice of wording, or symbol, is up to the individual country. However, the symbol shown in Fig. 4 is gaining increasing acceptance as a means of informing the public that a food product has been treated with ionizing radiation.



*Fig. 4. Symbol indicating that a food product has been treated with ionizing radiation*

#### **The need for labelling and public information**

It has been suggested that irradiated food should not be specially labelled, the argument being that other forms of food processing are not identified on the label, that irradiated food does not present any hazard that people need to be aware of, and that consumers might hesitate to buy food products identified with the word 'irradiated' especially since in some languages there is little distinction between 'irradiated' and 'contaminated' (with radioactive pollutants). They also argue that the word 'irradiated' by itself does not give sufficient information on the benefits of food irradiation.

Proposals not to label irradiated food have generally been rejected in favour of providing full information, on the grounds that consumers have a right to be informed about the food products they buy and use. The facts that the technique is safe and effective and that irradiated foods are wholesome and pose no threat to health are not grounds for secrecy. A policy of non-disclosure would in the long run discourage the use of radiation processing, rather than encourage it. Informed consumers might in future give preference to irradiated poultry, to give just one example, in order to be sure of buying food free from pathogens.

To be of genuine value to consumers, labelling of irradiated food must be supported by public information and education campaigns designed initially to help consumers decide whether they want to be able to buy radiation-processed foods and subsequently to help them make wise decisions in the selection and use of irradiated food products. Countries will, of course, mount public education efforts according to their individual needs, resources, and policies. In some circumstances, the government will be the main, perhaps the sole, source of information. In others, the food industry, consumer groups, and the media will be active in public information and education programmes, and, hopefully, all will collaborate to provide reliable and useful information to the public. National steering committees composed of representatives of all interests could prove most useful in coordinating educational activities, by ensuring that the information materials developed and distributed to the public are accurate, comprehensive, and consistent.

The individuals and bodies who are already convinced that food irradiation can make a great contribution towards reducing food losses and preventing foodborne disease are understandably eager to see a rapid expansion of radiation food processing. These benefits seem, in the minds of many, to represent a powerful argument in favour of food irradiation. But it is vital to remember that consumers are no longer willing to accept such arguments passively, and will insist upon being fully involved in any decision made about food irradiation. They will certainly request full and factual information about the scientific rationale for using ionizing radiation, as well as an obligation to provide clear labelling of irradiated food products.

Countries that contemplate launching or expanding the use of radiation food processing should be prepared to seek full consumer participation in pursuing this course of action. Effective public information and education are essential steps in that process.

**World Health Organisation  
1988**

**EXTRACT FROM THE REPORT ON THE SAFETY AND WHOLESOMENESS OF  
IRRADIATED FOODS**  
**by the Advisory Committee on Irradiated and Novel Foods**

**1: INTRODUCTION**

1.1 We have, as requested by Ministers, undertaken an independent review of data relevant to the safety and wholesomeness of irradiated foods. In particular, we considered whether or not we could endorse the conclusions reached in 1980 by a Joint FAO/IAEA/WHO Expert Committee on the Wholesomeness of Irradiated Foods (JECFI), and subsequently adopted in 1983 by the Codex Alimentarius Commission, that the irradiation of food up to an overall average dose of 10 kGy presents no toxicological hazard and introduces no special nutritional or microbiological problems.

1.2 In accordance with our terms of reference, we obtained advice from specialist bodies – namely the Standing Panel on Hazards from Microbial Contamination of Food, the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment, and the Panel on Novel Foods – on the microbiological, toxicological and nutritional aspects of irradiated foods, and took account of this advice when forming our own overall conclusions.

1.3 We also obtained the views of the National Radiological Protection Board on the question of whether radioactivity is induced in food by irradiation.

1.4 Additionally, we considered whether there were any scientific or public health reasons which would require an indication at the point of retail sale that food had been irradiated. The question of whether there would be a more general requirement for irradiated foods to be labelled as such was referred to the Food Advisory Committee.

## **2: SUMMARY OF ADVICE**

2.1 We are satisfied, from our review of data and having regard to the likely uses of the process, that ionising irradiation up to an overall average dose of 10 kGy, correctly applied, provides an efficacious food preservation treatment which will not lead to a significant change in the natural radioactivity of the food or prejudice the safety and wholesomeness of the food. Irradiation can be used to extend the shelf life of certain fruit and vegetables and, more importantly in relation to the public health, to kill or reduce the numbers of pathogenic and spoilage organisms in a variety of other products. It also provides an effective alternative to chemical treatments for the control of insect infestation of grain and other stored products.

2.2 We are satisfied that there is no justification on public health grounds for the present United Kingdom Regulations not to be amended to permit the ionising irradiation of food up to an overall average dose of 10 kGy, by gamma-rays or X-rays with energies up to 5 MeV or electrons with energies up to 10 MeV. Furthermore, we consider that the benefits offered by the process present strong grounds for the granting of general clearance to this extent.

2.3 We therefore agree with the conclusions of the 1980 JECFI, namely that the irradiation of food up to an overall average dose of 10 kGy present no toxicological hazard and introduces no special nutritional or microbiological problems.

2.4 If a general clearance of food irradiation such as we advise were permitted in the United Kingdom, there would be need for the concurrent introduction of regulatory controls and practices. These should be consistent with those currently recommended in the Codex 'General Standard for Irradiated Foods' (with the exception of the labelling aspect) and 'Recommended International Code of Practice for the Operation of Radiation Facilities Used for the Treatment of Foods' which are based on the conclusions of the 1980 JECFI and which would provide adequate safeguards to protect the consumer. In particular, there would be need for documentation to be maintained, throughout the processing chain and for a sufficient period thereafter, that would facilitate the identification of a. irradiated raw materials, ingredients and food items, b. the overall average dose received, c. the particular irradiation plant, d. the consignee, and e. the date of treatment.

2.5 If it is agreed that food irradiation should be permitted in the United Kingdom, procedures should be established to monitor the consumption pattern of irradiated foods and their nutrient content to detect any unforeseen nutritional consequences. There would equally be a need to review new toxicological data on irradiated foods and to consider any toxicological implications of new applications of food irradiation which might be revealed by monitoring the extent and pattern of its use.

2.6 We are satisfied that there are no scientific or public health reasons which would require an indication at the point of retail sale that a food had been irradiated. The Food Advisory Committee has considered the wider issues involved and has recommended, for the purpose of informing the consumer, that a. all irradiated foods and compound foods containing irradiated ingredients should bear an indication of the treatment in specified terms, and b. statutory provisions should be introduced to require both this and the maintenance of documentation throughout the processing chain for the identification of irradiated foods and ingredients.

2.7 It should not be inferred from our advice that we consider that irradiation in excess of an overall average dose of 10 kGy would render food unsafe. At the present time there are insufficient data available on high-dose irradiation to enable us to reach a firm view. Should a need emerge for the high-dose irradiation of food, the safety and wholesomeness aspects would need to be reviewed in the light of any new evidence.

## **FOOD IRRADIATION**

### **\*Preserving our food**

The task of keeping our food supply both safe and wholesome is a daunting one. Microorganisms can spoil it and some of them can make it unsafe to eat. Insects and other pests compete with us for it and cause food losses. Some foods are seasonal and need to be preserved, if they are to be available out of season, while others spoil easily. Consequently over the centuries many methods of food preservation have been developed to control food spoilage, food-borne diseases and insect infestation.

Traditional methods of preservation such as drying, salting and smoking have been supplemented with freezing, refrigeration, canning, pasteurisation and chemical treatment. Food irradiation provides an alternative to and extends methods of preservation. It has already been in use in hospitals for many years for those patients who need a sterile diet.

The aim of this note is to describe the process, its potential uses and the controls that are proposed for the introduction of the process for foods on general sale.

### **\*The process**

Food irradiation involves the exposure of food to ionising radiation or energy. The radiation is generated either as gamma rays emitted by cobalt-60 for example, or by machines that generate X-rays or electron beams. The process involves passing the food through a radiation field at a set speed to control the amount of energy or dose absorbed by the food. At no time does the food come into contact with the radioactive source of gamma radiation and for all practical purposes the process does not render the food radioactive.

### **\*Its uses**

- Low doses can be used to inhibit sprouting of vegetables, to delay ripening of fruit and vegetables to extend the shelf-life and hence their availability and to achieve insect disinfection.
- Higher doses can be used to greatly reduce bacteria in the food (like pasteurisation of milk) thus making a useful contribution to the reduction of food-borne disease.

### **\*Safety**

Over the last 40 years food irradiation has been studied more than any other food preservation process. It was accepted in 1980 by the World Health Organisation (WHO) and UN Food and Agriculture Organisation (FAO) that irradiation of food up to a prescribed dose presents no toxicological hazard and introduces no special nutritional or microbiological problem.

The process has also been the subject of extensive safety reviews. In 1982 UK Ministers responsible for food safety requested an independent review of relevant safety data. An independent expert committee, the Advisory Committee on Irradiated and Novel Foods (ACINF) under the chairmanship of Sir Arnold Burgen, Master of Darwin College, Cambridge reported in 1986 that ionising radiation correctly applied, provides an efficacious food preservation treatment which will not lead to a significant change in the natural radioactivity of food or prejudice the safety and wholesomeness of the food.

The EC Scientific Committee for Food has also confirmed the safety of the process and this is also the position of national authorities in a wide range of countries, including the US Food and Drugs Administration.

## **\*Benefits**

The potential benefits are:

- reduction of harmful microorganisms, such as salmonella, listeria and campylobacter in certain foods.
- replacement or reduction of chemicals used for insect disinfestation and preserving. Some of these are now regarded as unsafe and must in any case be phased out.
- wider choice, particularly of fruit, on sale over a longer season.
- reduced spoilage and distribution costs.

The irradiation process is not suitable for all foods because of its effect on taste. However it is suitable for use on poultry, some seafoods, spices and some fruits and vegetables; again in these foods too high a dose would also cause adverse flavour changes.

## **\*Use of irradiation in other countries**

Food irradiation is currently permitted in 35 countries world wide and is already in use in 21 of these, including four Member States of the EC and the United States. Its principle use in those countries is for the reduction or elimination of dangerous microorganisms in food.

## **\*Limited use of food irradiation in the UK**

Although the process has not been used on foods for general sale it has been successfully applied for the past 20 years to foods for hospital patients whose immune systems are compromised by their post operative drug therapy or some other reason and who, therefore, need sterile diets.

## **\*Controls**

The basis of controls operated in countries allowing irradiation are those of the Codex Alimentarius Commission, a joint WHO/FAO body set up to prepare international food standards. In 1983 the Commission adopted both a General Standard for Irradiated Food as well as a Code of Practice for the operation of food irradiation facilities. At the heart of this standard is the requirement that facilities are licensed and registered by a competent national authority.

This is the basis of the controls now proposed for the UK.

The principle elements in the control framework are:

- a) applications to apply the process should be subject to detailed examination and approval by a competent national authority;
- b) the food to be irradiated should be of sound microbiological quality;
- c) information about the nutrient content of the food both before and after treatment should be provided so that any nutritional changes can be monitored;
- d) the premises must be open to inspection to verify in particular that the appropriate irradiation dose is being correctly applied, that hygiene conditions are satisfactory and that good manufacturing practices are being followed;
- e) comprehensive records should be kept covering all aspects of the food, its packaging, the treatment and full details both of the consignor and consignee;

- f) comprehensive documentation should accompany the irradiated produce for identifying in particular the plant and the treatment;
- g) there should be full and clear labelling;
- h) imports should be dealt with by ensuring that controls applied in countries wishing to export to the UK are on a par with those proposed for this country.

## **\*KEY QUESTIONS**

### **Why use irradiation?**

All food contains bacteria. Pasteurisation and other methods are all ways of controlling bacterial levels and so increase safety margins. Irradiation enables this to be achieved while having minimal effects on the nature and quality of food.

### **Will irradiation make food radioactive?**

All food – and all of us – carry a low level of natural radioactivity. Irradiation will make no practical difference to this.

### **Will irradiation be used to upgrade poor quality food?**

No, irradiation cannot make bad food good. Where food is treated to ensure hygienic quality, microbial examination will be required to demonstrate that the food is of suitable quality prior to processing. Good Manufacturing Practice (GMP) requires that all ingredients of food are subjected to proper quality control at all stages of processing as described in the Institute of Food Science and Technology (UK) publication: Food and Drink Manufacture, Good Manufacturing Practice, A Guide to its Responsible Management, which is strongly endorsed by the Government.

### **Will irradiation of foods lead to nutritional problems?**

Food irradiation up to an overall average dose of 10 kGy introduces no special nutritional problems. However, the nutritional consequences of irradiation will be the subject of on going monitoring to enable the early identification of any potential problems.



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10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

20 June 1989

*Dear Shirley*

FOOD SAFETY: PROTECTING THE CONSUMER

The Prime Minister has seen the draft of the White Paper on Food Safety which was circulated under cover of your Minister's minute of 16 June. She felt it covered the right ground but thought the drafting could be improved to give the text more immediacy.

First, greater emphasis could be given to what the Government has done in recent months or has recently announced. At a number of points in the text recent measures are helpfully highlighted in bold but there are a number of points which could have been given this treatment but which were not. For example, the last sub-paragraph of 2.7.1 does not bring out that the Order requiring registration of businesses processing animal protein is one of the measures taken recently to tackle the salmonella problem. Also, the other measures to deal with salmonella in the third sub-paragraph of 2.8.2 could be highlighted in bold.

Secondly, she felt it was insufficiently clear at the start that the purpose of the document was to launch a new Bill. For example, the last sentence of the foreword simply refers to "new legislation". A more specific reference to the planned Bill, as in para 3.2, could be added.

Thirdly, she felt that a number of the points made in general terms could be illustrated by examples. In para 2.12.1 a reference could be made to the temperature in supermarket freezers which is the issue with which the reader will most readily identify.

Fourthly, she hopes the document will be right up-to-date in addressing the issues of the moment. For example, it would be helpful to have a paragraph defending the Government's record on agricultural and food research covering, in particular, the restructuring of food research labs.

The Prime Minister has suggested a re-working of Chapter 1. At present this is a rather abstract account of the Government's objectives. As was done in the opening chapter of "Working for Patients" it could become, in

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effect, a summary of the whole document, summarising the Government's objectives, what it has achieved so far and its proposals for further action, setting the Bill in context as the next step forward. Simply by reading this chapter the reader would be able to understand the whole picture.

Other points which the Prime Minister thinks could be made are:

- (i) It would be helpful to address and rebut the argument for a Food and Drug Administration.
- (ii) Para 3.5.2 needs to deal with the charge that irradiation could be used to disguise poor quality food.
- (iii) In para 3.4.6 it would be easier to understand the significance of a "due diligence" defence if there were a description of the present position.

Finally, the Prime Minister felt the document ended rather abruptly. One way to deal with this might be to hive off paras 3.7 onwards into an expanded final chapter which rounds off the whole document.

Some further drafting changes are set out on the attached sheet.

I am copying this letter to the Private Secretaries to members of MISC 138, Brian Hawtin (Ministry of Defence), Colin Walters (Home Office) and to Sir Robin Butler and Sir Donald Acheson.

*Yours sincerely*

*Andrew Turnbull*

(ANDREW TURNBULL)

Mrs. Shirley Stagg,  
Ministry of Agriculture, Fisheries and Food.

FOOD SAFETY - PROTECTING THE CONSUMER  
PROPOSED DRAFTING CHANGES

Draft Foreword

First sub-paragraph "... our present arrangements, highlights the steps which have been taken recently, and sets out our proposals for the future."

Final sub-paragraph add "a Bill will be introduced as soon as Parliamentary time permits".

Chapter 2

Para 2.2 line 7 add "for example £X is being spent on work at Y to investigate Z".

Para 2.7.1 sub-paragraph 4 redraft the opening sentence and print in bold as follows "in [February] the Government introduced the Processed Animal Protein Order 1989 to require businesses processing animal protein to be registered".

Para 2.8.2 third sub-paragraph the individual measures of the anti-salmonella campaign could be listed separately and printed in bold.

The fact that the Compulsory Slaughter Scheme for poultry is a new measure could be highlighted by drafting as:

"A scheme has been introduced for compulsory slaughter of commercial laying flocks infected in this way, after which...."

Para 2.12.1 add at end "for example, limits will be set on the temperatures in freezer cabinets in shops and supermarkets".

Chapter 3

Para 3.5.2. In this paragraph insert the rebuttal of the

argument that irradiation allows sub-standard food to be sold. Also in penultimate sentence set out some of the elements of the control framework, e.g. labelling and inspection.

20 June 1989

EL3DPF

*MSM*  
*BT 216*  
*ccps*



Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon John MacGregor OBE MP  
Minister of Agriculture, Fisheries and Food  
Whitehall Place  
London  
SW1A 2HH

20 June 1989

*Dear Minister,*

**FOOD IRRADIATION**

Thank you for copying to me your minute of 16 June to the Prime Minister. I have also seen her reaction recorded in Andrew Turnbull's letter of 19 June.

Wednesday's Opposition Half Day Debate certainly provides a good opportunity to announce the decisions taken at MISC 138. However, neither the MISC 138 paper nor your minute give an indication of the costs and source of funding for the proposed central regulatory and inspection authority. It would seem appropriate that the full costs should be recovered from the manufacturers and consumers, particularly since, as you point out, irradiation will be by choice. I would expect any remaining set up or unrecovered costs to be found from within existing MAFF PES provision.

I am copying this letter to the Prime Minister, other members of MISC 138 and Sir Robin Butler.

*Yours sincerely,*

*P. Wainless*

PP JOHN MAJOR

*[Approved by the Chief Secretary and signed in his absence.]*

FOOD: safety Pt 2





10 DOWNING STREET  
LONDON SW1A 2AA

*From the Principal Private Secretary*

20 June 1989

*Dear Stephen.*

**FOOD IRRADIATION**

Thank you for your letter of 20 June. The Prime Minister was grateful for the clarification of what was meant by the establishment of a new national authority to operate the licensing controls of irradiation. She was content with what is in fact proposed and the way, therefore, is clear for the Government's intentions on irradiation to be included in the Minister's speech tomorrow. It would be helpful for any supporting material to give an indication of what is meant by a national authority.

I am copying this letter to the Private Secretaries to members of MISC 138 and to Sir Robin Butler.

*Yours sincerely*

*Andrew Turnbull*

(ANDREW TURNBULL)

Stephen Lambert, Esq.,  
Ministry of Agriculture, Fisheries and Food.

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cc/pu



Ministry of Agriculture, Fisheries and Food  
Whitehall Place, London SW1A 2HH  
01-270 8709/8667

Prime Minister  
These answers seem  
satisfactory (pity this was  
not made clear originally)  
Agree announce next may  
go ahead tomorrow?

AT  
20/6

From the Minister's Private Office

Andrew Turnbull Esq  
Principal Private Secretary  
10 Downing Street  
LONDON  
SW1A 2AL

20 June 1989

Dear Andrew

FOOD IRRADIATION

Hay (10th June)

Thank you for your letter of 16 June to Shirley Stagg. The wording that we have used to describe the control framework has perhaps, led to misunderstanding of what is involved. I should, therefore, make clear that we are certainly not proposing the establishment of a new national authority. What we intended to underline in the announcement planned for tomorrow is that controls will be exercised by central rather than local government. But at this stage - well in advance of the legislation that will be needed - there is plenty of time to consider the precise mechanism, and the wording of the reference to the control system therefore deliberately avoided giving details.

This Department already has a professional inspectorate, in the form of the office of the Radiological Protection Unit, within our Food Science Division 1. These officers are already engaged in inspection work under the Radioactive Substances Act and in sampling work under the radioactivity monitoring arrangements. Since experience abroad, and the current public attitude in this country, makes clear that few applications from firms wishing to irradiate can be expected - at any rate in the early years of the licensing arrangements - we would see no difficulty in matters being handled by our existing unit. Any extra costs would be the minimum - and, in any case, we have in mind passing on the costs of the licensing to the industry in fees. This provision will be made in the Food Bill. The Treasury is, I understand, content with this approach.

/As for the...

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As for the relationship with local authority staff, we see no problem here. Central Government would deal with the areas relevant to their specialism. Local authority staff would deal with microbiological and food hygiene problems as they do at present. I hope that in the light of this clarification the Prime Minister can agree to our proceeding with the announcement tomorrow.

We agree that presentation will be all important. We have prepared selected journalists for the announcement and have contacted a number of academics who have agreed to speak out in support of the Government's decision once the announcement is made. Leading figures in the food industry have also been approached. A comprehensive press pack has been put together and articles have been prepared to be issued under the Minister's name. Television and radio interviews will also be undertaken. We are also organising a whole day seminar in London in September.

\* I am copying this letter to the Private Secretaries to members of MISC 138 and Sir Robin Butler.

*Yours sincerely*

*Stephen Lambert*

STEPHEN LAMBERT  
PRIVATE SECRETARY

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UNIVERSITY OF CALIFORNIA



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PRIME MINISTERFOOD SAFETY: PROTECTING THE CONSUMER

The draft White Paper on Food Safety has, with help from the Cabinet Office, been greatly improved from the earlier drafts and MAFF have taken on board a number of comments from Cabinet Office and Policy Unit. The main question for you to consider is whether the overall balance and tone is right.

The text strikes me as worthy but dull. It lacks impact because:

- (i) Insufficient emphasis is given to what the Government has done in recent months or has recently announced. At a number of points in the text recent measures are helpfully highlighted in bold but there are a number of points at which recent measures are NOT brought out. For example, the last sub-paragraph of 2.7.1 does not bring out that the Order requiring businesses processing animal protein to be registered is of very recent origin.
- (ii) It is insufficiently clear at the start that the purpose of the document is to launch a new Bill. For example, the last sentence of the foreword simply refers to "new legislation". This could simply be a reference to more Statutory Instruments. A specific reference to the planned Bill is needed.
- (iii) Points made in general terms could be exemplified. For example in para 2.12.1 it is not clear that the key issue to which the reader will relate is the temperature in supermarket freezers.
- (iv) The document needs to be right up-to-date in addressing the issues of the moment, e.g. the restructuring of food research labs.

I have marked in the text a number of suggestions.

Chapter 1 is at present rather an abstract account of the Government's objectives. As was done in the opening chapter of "Working for Patients" it could become, in effect, a summary of the document, summarising the Government's objectives, what it has achieved so far, and its proposals for further action, setting the Bill in context as the next step forward.

Other points which could be improved are:

- (i) Though there is a danger that, in confronting one's opponents' arguments, one gives them a degree of credence, I think it would help to address and knock down the argument for a Food and Drug Administration.
- (ii) A paragraph is needed to defend the Government's record on agricultural and food research.
- (iii) Para 3.5.2 needs to deal with the charge that irradiation could be used to disguise poor quality food.
- (iv) In para 3.4.6 it is easier to understand the significance of the introduction of a "due diligence" defence if there is a description of the present position.

Finally, the document ends rather abruptly. Paras 3.7 onwards could be hived off into an expanded final chapter.

Agree the White Paper should be worked up for publication subject to these points?

AT

ANDREW TURNBULL

19 June 1989

EL3DPD

Yes - that you very much

File

From: R T J Wilson  
19 June 1989

P 03477

MR TURNBULL

cc Mr Ingham  
Ms Sinclair

## FOOD SAFETY; PROTECTING THE CONSUMER

1. The draft White Paper on food safety is a considerable improvement on the earlier versions which we have seen and takes on board a number of the comments which we have given MAFF.
2. The main question which the Prime Minister will wish to consider is whether the overall balance and tone is right. The key chapter is chapter 1. It might be helpful to the overall presentation of the Government's proposals for this to be redrafted, rather on the lines of the opening chapter of "Working for Patients", to summarise the Government's objectives, what it has achieved so far, and its proposals for further action, setting the Bill in context as the next step forward.
3. As it stands, the White Paper comes to rather an abrupt end. A new final chapter might usefully be added to summarise the Government's proposals and to round off the paper as a whole.

R.T.J.

R T J WILSON



*WME DS  
bc CS.*

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Principal Private Secretary*

19 June 1989

*Dear Shirley,*

FOOD IRRADIATION

The Prime Minister has seen the Minister of Agriculture's minute of 16 June. She was generally content with the framework of controls and safeguards. She has, however, noted the proposal to establish a national authority to operate the licensing controls. She wishes that, before an announcement is made, this issue should be spelt out further. What will be the relationship of the national authority to the Department? Will it be a new quango, or built on to an existing body? What staffing will it require? What will be the demarcation between it and Environmental Health Officers and Trading Standards Officers? What funding will it require and where will this come from? Only if these questions can be sorted out, and some will need to be agreed with the Treasury, should an announcement be included in Wednesday's debate.

The Prime Minister has also urged that the benefits of irradiation should be presented positively on TV and in the press. In particular, it is essential to counter the charge that irradiation will enable lower quality food to be sold.

I am copying this letter to the Private Secretaries to members of MISC 138 and Sir Robin Butler.

*Your sincerely  
Andrew Turnbull*

ANDREW TURNBULL

Mrs. Shirley Stagg  
Ministry of Agriculture, Fisheries and Food

*WME*

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Ministry of Agriculture, Fisheries and Food  
Whitehall Place, London SW1A 2HH

From the Minister

PRIME MINISTER

FOOD SAFETY: PROTECTING THE CONSUMER

I enclose a draft of the White Paper on Food Safety, which has taken account of comments made by the Secretary of State for Health and the Chief Medical Officer. I believe that to have most impact this needs to be published before the Summer Recess, no later than in the week beginning 17 July. This means that our time-table is already very tight. I hope, therefore, that the text can be cleared by correspondence and I would be grateful, therefore, if colleagues could let me have their comments by Thursday 22 June.

I should draw particular attention to two points.

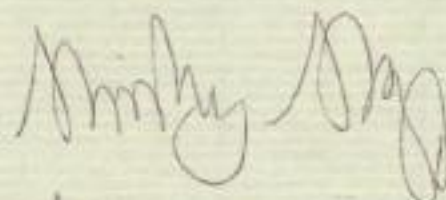
- The paragraph dealing with defences in the Food Bill remains in square brackets as I shall be circulating a note shortly on this, as requested by MISC 138.
- The question of Crown Immunity is touched on in Chapter Three. This is one aspect of the White Paper on which I believe the Home Secretary and the Secretary of State for Defence may particularly wish to comment.

/The aim of...

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The aim of the White Paper is to set the proposals for the Food Bill in their context, at the same time providing a reassuring message about the existing arrangements and covering the Government's achievements to date. This is a complex area which cannot be adequately described without going into detail. For this reason, I have it in mind to prepare a very short summary leaflet, for publication at the same time, which will highlight the key points.

Copies of this go to members of MISC 138, the Secretary of State for Defence, the Home Secretary, the Secretary to the Cabinet and the Chief Medical Officer.

  
for JOHN MacGREGOR

Minister of Agriculture,  
Fisheries and Food

16 June 1989



CONFIDENTIAL



Ministry of Agriculture, Fisheries and Food  
Whitehall Place, London SW1A 2HH

From the Minister

PRIME MINISTER

**FOOD SAFETY: PROTECTING THE CONSUMER**

I enclose a draft of the White Paper on Food Safety, which has taken account of comments made by the Secretary of State for Health and the Chief Medical Officer. I believe that to have most impact this needs to be published before the Summer Recess, no later than in the week beginning 17 July. This means that our time-table is already very tight. I hope, therefore, that the text can be cleared by correspondence and I would be grateful, therefore, if colleagues could let me have their comments by Thursday 22 June.

I should draw particular attention to two points.

- The paragraph dealing with defences in the Food Bill remains in square brackets as I shall be circulating a note shortly on this, as requested by MISC 138.
- The question of Crown Immunity is touched on in Chapter Three. This is one aspect of the White Paper on which I believe the Home Secretary and the Secretary of State for Defence may particularly wish to comment.

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'FOOD SAFETY - PROTECTING THE CONSUMER'

DRAFT FOREWORD FOR MINISTER'S AND SECRETARY OF STATE FOR HEALTH'S  
SIGNATURE

The Government have always given high priority to food safety. This White Paper describes our present arrangements and highlights our proposals for the future. <sup>the steps which have been taken recently and sets out</sup> X

Wide-ranging laws already protect the consumer; they govern what food contains, how it is produced, how it is handled and how it is labelled.

Recent events and developments in the food chain have underlined the value of these laws. The Government have used them to deal promptly with new problems such as those created by one particular type of salmonella.

We will continue to meet each new challenge on the basis of the best available scientific and expert advice. That is why we set up a Committee, chaired by Sir Mark Richmond, to advise us on the microbiological safety of food.

Our safeguards not only help to combat persistent problems, like campylobacter, but also keep pace with technological progress in fields as diverse as food irradiation and genetic manipulation.

This systematic, scientific approach ensures that action is well-directed.

Protecting the consumer remains the Government's overriding concern. New legislation will provide even greater security for the future. A bill will be introduced as soon as Parliamentary time permits. (see also 3.2)

## FOOD SAFETY - PROTECTING THE CONSUMER

### CHAPTER ONE - THE GOVERNMENT'S OBJECTIVES

- 1.1 The Government are responsible for laying down the highest standards of safety in our food chain - a chain with many links, stretching all the way from the field to the home, ranging from farms to supermarkets, warehouses to take-aways.
- 1.2 A framework of safety measures already protects consumers. Regular changes to the food laws have reflected technological advances and frequently anticipated consumer concerns. The Government were well ahead with their latest plans to develop these laws before the recent focus of attention on food safety.

#### A National Strategy

- 1.3 The Government's strategy for food embraces a wide range of objectives, of which safety is paramount. To secure the safety of our food, the Government:
- control the use of additives, such as colourings and preservatives;
  - monitor chemical contaminants and lay down stringent limits;
  - aim to ensure that the danger to human health from microbiological contamination is kept to an absolute minimum;
  - assess novel foods and processes to ensure their safety.

1.4 The law also:

- sets the controls and standards on the basis of independent scientific advice.
- protects consumers from fraudulent and misleading claims about the nature, content and safety of food;
- requires clear information to be provided on the content and composition of food;

The Government also provide advice on basic standards of food hygiene, nutrition and diet.

1.5 All this work is underpinned by research, monitoring, testing and enforcement arrangements which prohibit the sale of unsafe and misleadingly labelled food.

#### A Shared Responsibility

1.6 Food safety can only be secured with the cooperation of the food industry, which employs over three million people and contributes nearly 10% of Gross Domestic Product.

The law requires:

- food production, processing and manufacturing industries to produce safe food.
- wholesalers and retailers to apply tight standards of hygiene and safety to provide customers with foodstuffs in good condition;
- caterers to maintain hygienic premises and procedures.

1.7 The enforcement of these laws is carried out by local authorities and central Government, which apply rigorous checks on behalf of all UK consumers.

- 1.8 Much of this effort will go for nothing unless good standards of hygiene prevail in the home. Even high quality food can pose a health hazard unless it is stored and cooked correctly. That is why the Government published a Food Safety guide, which has been circulated nationwide.
- 1.9 Whenever the Government identifies new hazards to consumer safety, we take action to combat them and issue prompt warnings as soon as conclusive evidence of a health risk becomes available from scientists. For example, we have implemented the most comprehensive package anywhere in the world to tackle the latest phage type of salmonella.

#### A Comprehensive Strategy

- 1.10 The United Kingdom's food safety controls are wide-ranging and comprehensive, reflecting the diversity and importance of the food chain. We are committed to providing stringent protection for the consumer while allowing scope for enterprise. Innovation and development offer new products, greater convenience for consumers and economic gains, but may also pose new problems, new challenges.
- 1.11 Our new legislation will be forward-looking. We will set firm and clear ground rules for the 1990s and beyond. Food safety and consumer protection will remain paramount. This White Paper sets out the existing system of safety measures and presents the Government's proposals for adapting our food laws, within an overall strategy, to meet tomorrow's needs.

## CHAPTER TWO - PROTECTION THROUGHOUT THE FOOD CHAIN

2.1 Food safety is maintained in the United Kingdom by an extensive range of legislative and administrative provisions. Controls apply at every stage in the food production, import and distribution chain, from the farmer or importer to the point of sale. Relevant provisions apply to different parts of the chain but all follow the same basic pattern:

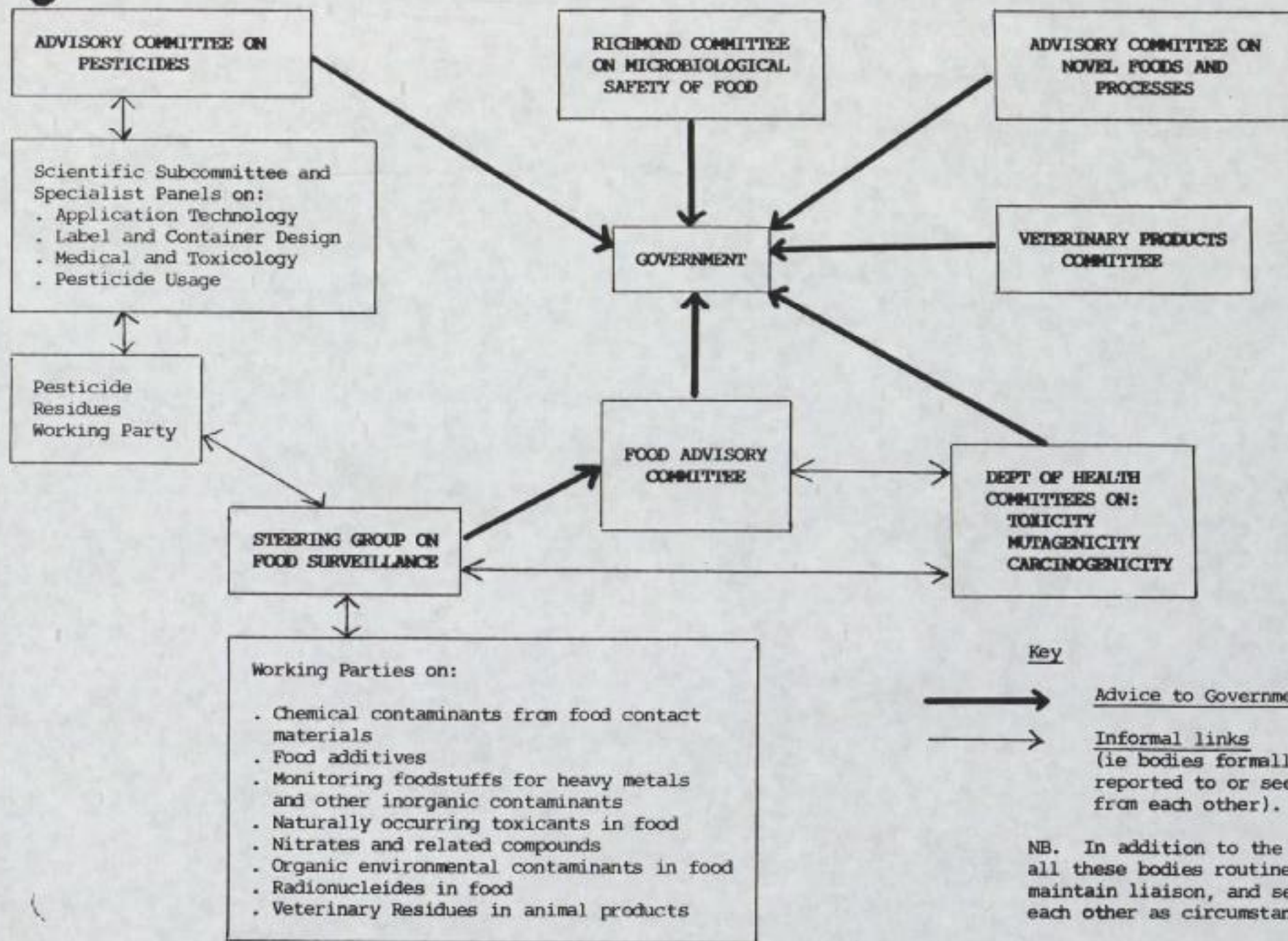
- Legislation:**
- sets standards which lay down what the consumer has a right to expect.
  - states how these standards should be met.
  - imposes penalties if they are not.
- Monitoring and Surveillance**
- take samples for examination and testing.
  - monitor food composition and its safety.
  - assess changes against medical and scientific evidence and identify areas for action.
- Enforcement**
- enables central government and local authorities to ensure that statutory provisions are met.

The details in specific areas of food production and distribution vary, but the basic pattern of **legislation - monitoring - enforcement** is common throughout.

### Expert Advice

2.2 The relevance and effectiveness of this structure relies on the best possible medical, scientific and technical advice. A vital element is strategic research. The Government have a continuing commitment to food safety

GOVERNMENT ADVISORY BODIES





For example £x are being spent on work at Y to investigate Z.

Make  
Concrete.

research and are spending over £17 million a year on this work. In addition, we are funding a new programme of work on salmonella in poultry. Beyond the professional advice available within Government Departments, expertise is provided by several Committees. Leading scientists and academics provide objective advice on a wide range of issues including:

- . the approval or rejection of food additives.
- . the approval or rejection of pesticides and veterinary medicines.
- . the monitoring and surveillance of food contaminants.
- . the development of novel foods and processes.
- . microbiological food safety.

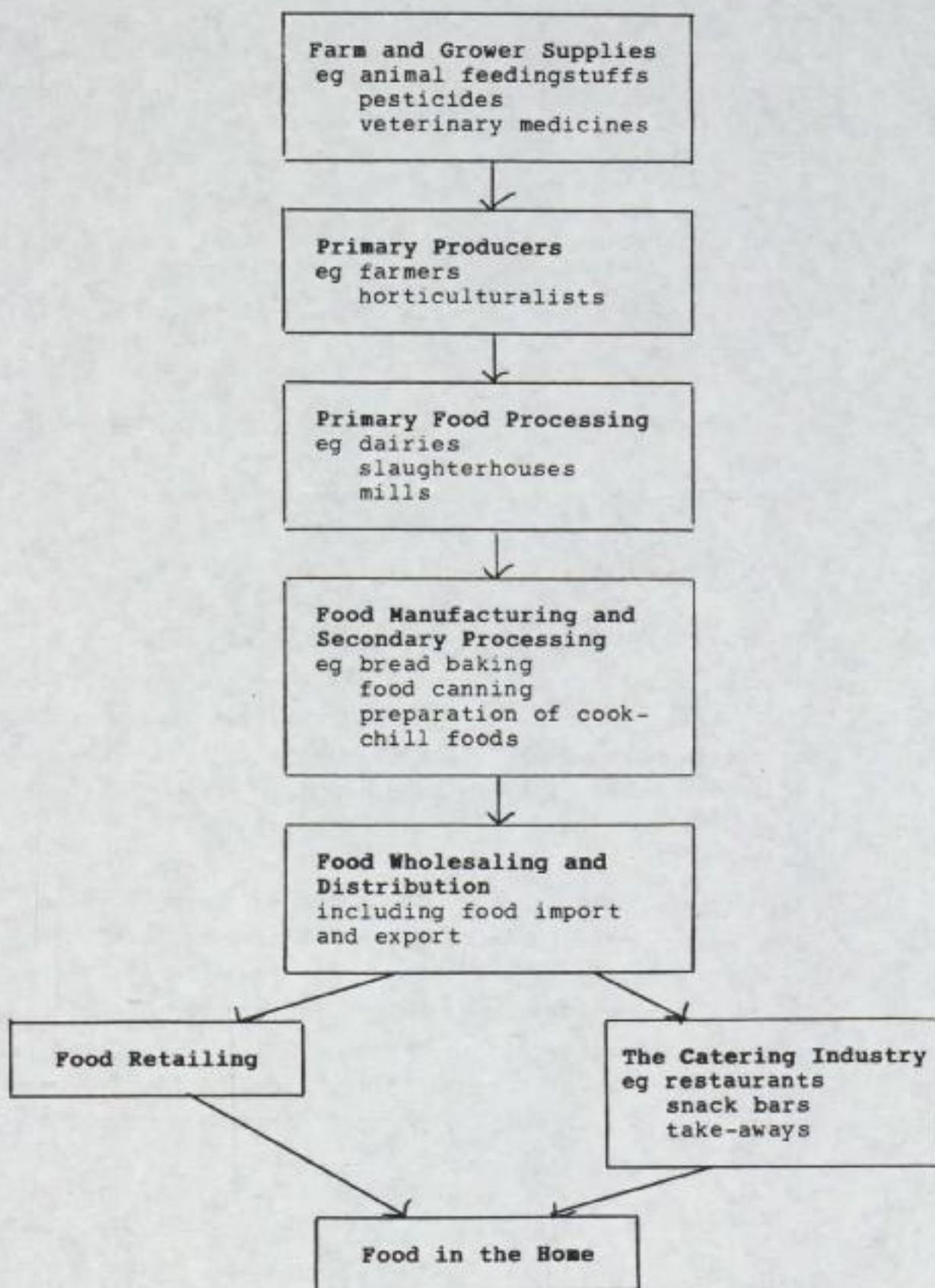
2.3 Figure 1 shows how the Committees relate to Government and to each other. Their terms of reference and membership are set out in Annex 1. These Committees are the source of **independent** expert technical, scientific and medical advice which enables Ministers to base their decisions on **objective evidence**.

2.4 Some of the Committees, such as the Advisory Committee on Pesticides and the Veterinary Products Committee, have statutory roles under specific legislation. Others may be formed when new developments or problems create the need for a different expertise. Most recently the Government set up an independent committee chaired by Sir Mark Richmond, Vice Chancellor of Manchester University, to advise on the microbiological safety of food.

2.5 The Committee consists of experts drawn from farming, the food industry, academia, the retail trade, catering and

Fig. 2.

THE UK FOOD SUPPLY CHAIN



consumer interests. The Committee is looking urgently, with a view to recommending action, at specific questions relating to the increasing incidence of microbiological illnesses of foodborne origin, particularly salmonella, listeria and campylobacter, to establish whether this is linked with changes in agriculture and food production, food technology and distribution, retailing, catering and food handling in the home.

### Protection at all levels

- 2.6 Effective protection of food safety requires action at all levels in the production and distribution chain. A diagram of this chain is in Figure 2. The various controls, surveillance and enforcement measures, which operate at each stage, are described in the rest of this chapter. The legislation on which they are based is contained in a range of Acts, Regulations and Orders. Details of these are given in Annex 2.

### HOW THE LAW APPLIES

#### Raw Materials Supplied to Farmers and Growers

- 2.7 Food safety measures do not begin on the farm or horticultural establishment. They begin a step earlier in the food production chain, to ensure that materials used by farmers and growers will not result in food safety hazards. Different materials - feedingstuffs, veterinary medicines, pesticides - present different risks and therefore require different controls.

##### 2.7.1 For Animal Feedingstuffs

- Strict limits are set to control undesirable substances.

- Feedingstuffs additives are subject to assessment, approval (or rejection) and conditions on use.
- All imported protein of fish and animal origin is subject to licensing controls, which have recently been made more rigorous in light of the risks from microbiological contamination. Imports from countries, with a poor record of salmonella contaminated exports, are subject to particularly stringent controls.

*The Government wants to introduce*

*Bold*

- The Processed Animal Protein Order 1989 <sup>to</sup> requires businesses processing animal protein to be registered. All processors are required to submit samples of each day's production for bacteriological testing. It is an offence to incorporate processed protein in animal foods, or allow it to leave the plant in the knowledge that a sample has yielded evidence of the presence of salmonella when tested.

#### 2.7.2 For Veterinary Medicines

- all veterinary medicines intended for use in the UK are subject to an expert assessment and licensing process to ensure that, when used in animals, they will not present a hazard to food safety by contaminating meat, eggs or milk.
- in addition, veterinary medicine manufacturing plants are inspected and licensed to ensure standards of quality and purity.

### 2.7.3 For Pesticides

- all pesticides intended for use in the UK are subject to expert assessment, and may only be approved if they can be used without presenting a hazard to human health. Possible residues left in food are therefore considered in detail as part of the approval process. Statutory conditions of use, listed on product labels, are designed to keep residues to a minimum. It is a criminal offence to break these conditions.
- approved pesticides are also subject to conditions relating to their packing, transport, sale and advertisement.

### Primary Producers (eg Farmers and Growers)

2.8 On farms or horticultural holdings, a variety of measures set standards and control the activities of food producers. Some apply across the board, others are specific to particular types of production such as dairying.

2.8.1 **Controls on the application of pesticides and veterinary medicines** restrict their supply, and *specify* the range of crops or animals on which they *should* be used. These conditions, which apply to farmers and growers, are designed to minimise residues in food.

- Milk or meat may not be obtained from livestock to which specified veterinary medicines have been administered until a minimum period has elapsed.

- For pesticides, statutory conditions of use apply which may restrict the types of crops on which the material may be used, impose minimum withdrawal periods between treatment and harvest or limit the number of treatments a particular crop may receive. The imposition of such controls contributes greatly to the reduction of residue levels. For example, limits on use of dithiocarbamates on lettuce have considerably reduced residue levels on that crop.
  
- Regular surveys of residues in foods, both of pesticides and other trace contaminants, have shown a very satisfactory level of safety in general, although a potential problem with some veterinary medicines has been detected. **The Government therefore proposes to extend the existing controls on contaminants to potential residues, including all those arising from veterinary substances, and to extend enforcement to farms.** The planned measures are outlined in Chapter 3.

#### 2.8.2 **The Health of Livestock**

can have implications for food safety, so a range of controls apply.

- Cattle are regularly tested for **tuberculosis**, which is transmissible to man. Reactor and contact animals are compulsorily slaughtered. These measures, together with pasteurisation of milk, have reduced the incidence of bovine tuberculosis in the human population in this country to a very low level. In the 1940s there were some 1500 **deaths** per year in England and Wales from this cause. A special study covering the years from 1981 to 1983

revealed only five cases in man which could possibly have been contracted in this country.

- **The slaughter and compensation provisions will also apply to deer affected by tuberculosis.**
- **The Government introduced measures to combat the new problem of salmonella in eggs as soon as the scope of it became apparent. Salmonella in eggs is an international problem, and our action against it is amongst the most comprehensive in the world.** - On farm, poultry flocks are subject to compulsory bacteriological monitoring for the presence of salmonella. - Eggs from flocks infected with invasive types of salmonella may not be sold for human consumption.
- Commercial laying flocks infected in this way are compulsorily slaughtered, after which premises must be cleansed and disinfected before repopulation.
- Specified diseases and disease organisms in animals must, by law, be reported. They include tuberculosis, brucellosis, salmonella and **bovine spongiform encephalopathy (BSE)** BSE is a newly identified disease of cattle, which causes behavioural disturbance and ultimately death in the affected animal. In view of concerns about the implications of BSE, including any possible human health hazards, **the Government set up a Working Party chaired by Sir Richard Southwood, Professor of Zoology at Oxford University, in April 1988.**

Set this para  
as separate points  
for each reader,  
and in bold.

A scheme has been  
introduced for  
compulsory slaughter  
of

- The Southwood Working Party regarded the risk to humans as remote, but nevertheless the Government acted on their recommendation that, as a precautionary measure, all cattle suspected as having BSE should be slaughtered and destroyed to take them out of the food chain.
  
- As a matter of extreme prudence, the Southwood Working Party also suggested that some kinds of offals should not be used in the manufacture of baby foods. These offals are not currently used by baby food manufacturers. But, in order to provide even more reassurance to the public, the Government will issue regulations for consultation, as required by the Food Act, to ensure that the relevant types of bovine offals from all cattle will be rejected at slaughterhouses, so that they cannot be used for human consumption. This approach also deals with a separate problem, namely ensuring that if there is any risk that there are cattle incubating the disease but not showing clinical symptoms which are not being slaughtered and destroyed, their offals will not enter the food chain either.
  
- The Working Party also recommended the formation of a consultative committee on research into BSE. This was set up jointly by the Ministry of Agriculture, Fisheries and Food and the Department of

bod



Health earlier this year, and expects to issue an interim report shortly.

- 2.8.3 Dairy farms must comply with detailed hygiene conditions, to ensure that milk is clean and safe. They are subject to licensing, registration and regular inspection by Dairy Husbandry Officers.

### Primary Food Processors

2.9 A range of processing plants and techniques fall into this category. All are subject to legal provisions, which require food to be handled hygienically. Some are subject to additional controls.

#### 2.9.1 Slaughterhouses

- must be licensed following inspection by Local Authority Officers.
- Carcasses of animals such as cattle, pigs and sheep must be individually inspected and passed as fit for human consumption by Environmental Health Officers or Authorised Meat Inspectors, while poultry carcasses are also inspected, except for farm-gate sales. These inspection measures are an important stage in the process to ensure that unfit meat does not reach the consumer.
- Carcasses are also tested for residues. Over 40,000 carcasses per annum are tested for residues of hormones, antibiotics and other substances by MAFF officers.

## 2.9.2 Dairies

- Processing of cows milk is subject to special supervision and statutory controls to ensure that the milk is handled and processed hygienically. In England, Wales and Northern Ireland cow's milk for liquid consumption must be heat-treated except when sold as 'green top' milk by specially licensed producer-retailers. In Scotland, 'green top' milk sales are not permitted.
- Following public consultations on the future of 'green top' milk, the Government have proposed that in future:
  - . untreated milk should be more fully labelled, so that the consumer knows that it has not been heat-treated and may contain harmful organisms;
  - . it should be subject to more sophisticated tests, which will have to be reflected in higher milk and dairies charges for producers; and
  - . <sup>procedures</sup> should be simplified to facilitate the issue of heat treatment orders in cases where untreated milk constitutes a threat to health.
- The pasteurisation of milk has contributed to the virtual elimination of bovine tuberculosis from the human population (as mentioned in paragraph 2.8.2) and has reduced the incidence of human food poisoning from milk-borne organisms such as salmonella and campylobacter. The Government now propose

to bring sheep and goat milk within the scope of these hygiene regulations.

### Food Manufacturing and Secondary Processing

2.10 As food moves further down the chain the variety of processes which may be applied to it increases dramatically. This stage encompasses a wide range of processing activities from biscuit baking to meat pie manufacture, from vegetable canning to the freezing or chilling of ready-cooked meals. Provisions, however, apply across the board.

2.10.1 The maintenance of hygiene standards is a crucial requirement of the food law. Manufacturers themselves apply internal quality and hygiene control standards designed to ensure they comply with the law. In addition, Environmental Health Officers have the power to enter and inspect food premises at any reasonable time, without prior notice, in order to enforce the law (see also para 2.26).

2.10.2 The use of additives in food is strictly controlled. Additives are only expressly permitted when the Government have approved their use as both necessary and safe.

2.10.3 The incidence of contaminants in food is also carefully controlled. Maximum permitted levels (statutory limits) are set for specific materials. For example, there have been statutory limits for lead in food since 1961. Dietary intakes of lead have been decreasing over a number of years. In 1954 the daily intake by a normal individual was estimated at about 0.4 mg. In 1975 the average daily intake of lead was estimated at 0.2 mg. The average person is now

estimated to have a maximum dietary intake of 0.06 mg per day.

### Food Wholesaling and Distribution

2.11 The bulk supply and distribution of foods, including their import and export, require equally careful attention to hygiene and safety standards. The storage, packaging and transport of foods, if not done correctly, can involve further food safety or hygiene risks. There are specific controls as well as the general provisions of food law in relation to hygiene standards and the protection of the consumer against food which is unfit or "not of the nature, substance or quality demanded".

2.11.1 **Food packaging materials** are subject to controls to ensure that they do not endanger human health or impair the quality of the food. The Government's surveillance and research have been highly successful in reducing migration of food packaging components into food. For example, the industry moved to solder-free welded cans in order to eliminate lead contamination from soldered cans. The industry has also cooperated with Government to reduce levels of vinyl chloride in PVC packaging.

2.11.2 **Food Labelling** must be accurate and informative so that purchasers may make informed choices about what they wish to eat or drink. Food labels are required to provide comprehensive lists of ingredients and additives.

Most prepacked foods also carry a "best before" date, until which the food should keep if properly stored. It is not, however, an expiry date on which suitability for human consumption

ceases. An alternative system of 'sell by' dates with storage instructions operates for food with an estimated shelf life of six weeks or less. By the end of 1992, the 'sell by' system will be phased out. For highly perishable foods, 'use by' dates will be introduced instead of the 'best before' system. This new system is designed to benefit consumers by giving them more useful information.

2.11.3 Under the Food Acts, Environmental Health Officers may enter food storage, wholesaling and retail establishments, without prior notice, in order to enforce food safety and hygiene legislation, which may involve seizure of unfit foods.

2.11.4 **Imported Foods** are subject to inspection and seizure if unfit for human consumption. Consignments of imported eggs are subject to systematic sampling for salmonella. Where problems arise with imported foods, action is normally taken with the cooperation of the exporting country to tackle the problem at source.

### Food Retailing

2.12 Under food law, it is an offence to sell food which is injurious to health, unfit or falsely labelled or which is not of the nature, substance and quality demanded. Food must also be correctly labelled with all the information and advice necessary to permit the purchaser to make an informed choice. Although the shop or supermarket is the most public point at which these provisions are enforced, it is of course only the last in a long line of control measures and enforcement activities. Nevertheless, it is essential that standards are maintained at this point and on occasions special action may be necessary.

- 2.12.1 *Listeria* (*monocytogenes*), first identified in [1928], is an organism widespread in the environment. An unusual feature of this bacteria is its ability to multiply at normal refrigeration temperatures, and it can therefore be a particular problem in contaminated foods eaten without further cooking or which are not heated thoroughly. The Government have given guidance to consumers on safe storage and cooking methods in the home, and on certain types of food which people particularly at risk, such as pregnant women and the elderly, should avoid. In addition, the Government intend to amend the Food Hygiene Regulations to control commercial storage temperatures. *For example, limits will be set on the temperatures in freezer cabinets in shops and supermarkets.*
- 2.12.2 In some cases, the marketing chain is radically shortened by the sale of foods at the farm gate. Occasionally this may call for special provisions and with eggs the Government have issued a consultation document on the possibility of banning the sale of cracked, ungraded eggs.

### The Catering Industry

- 2.13 Controls over the catering industry are equally stringent and encompass hygiene, safety and pest control provisions. There has been a revolution in retail catering in recent years. Standards have improved markedly, but some establishments now use a range of new techniques and processes to provide a greater variety of food more efficiently. The Government have been reviewing the existing controls, over such establishments, to accommodate these changes and provide flexibility to cope with those which will occur in the future. **We have recently published new guidelines on cook-chill and freeze catering.**

## Food in the Home

- 2.14 Consumers have a right to expect that everyone involved in food production, transport and marketing will do their utmost to ensure that when any foodstuff is taken home it will be safe, fit to eat, nutritious and wholesome. Once it gets home, however, consumers themselves have a vital role to play in ensuring that the food which reaches the plate is equally safe and hygienic. The final line of defence in the prevention of food poisoning is undoubtedly good kitchen hygiene. In order to provide straightforward advice on buying, storing, preparing and cooking food, the Government have issued a food safety booklet 'Food Safety: Food Sense'.

## Developments in Europe

- 2.15 Good progress has been achieved in setting the framework for achieving a single market in foodstuffs by the end of 1992. Reducing barriers to trade will benefit our food exports and give consumers greater choice. We support the objective of minimising obstacles to free movement of food in the Community, but not at the cost of risking our high standards. Furthermore, with increasing volumes of trade and travel between Member States, we are working for uniformly better food safety standards throughout the Community.

## **MONITORING AND SURVEILLANCE**

- 2.16 In order to check that the various controls operate effectively, continuous monitoring programmes maintain surveillance over the nutritional value and safety of the United Kingdom food supply. The principal aim is to ensure that no one is exposed to components in food which pose a risk to health.

2.17 Surveillance of possible chemical and radioactive hazards is overseen by the Steering Group on Food Surveillance. Its current area of work can be seen in Figure 1, from the list of the ten specialised working parties which carry out much of the surveillance work. The Steering Group establishes the terms of reference of the working parties, reviews their activities, allocates resources and gives directions on the major elements of their programmes of work.

2.18 The Group also extends or adapts the range of its work as circumstances require. For example, between 1984 and 1988 the Steering Group expanded its scope by appointing two new working parties on:

- . organic environmental contaminants in food
- . radionuclides in food

2.19 Reports by the Steering Group are published regularly. A list of those on sale from HMSO is at Annex 4.

2.20 Monitoring of hygiene for microbiological hazards takes place at many points in the food production and distribution chain. Since the Food Acts place the responsibility for producing safe food on the producer, manufacturer and retailer, extensive monitoring is carried out by those industries - of both ingredients and products - in order to meet their responsibilities. Substantial work is also carried out by central and local government. The officers responsible vary according to the expertise required. For example:

<u>Area monitored</u>	<u>Officers</u>
processed animal protein for feedingstuffs	: veterinary officers
animal health	: veterinary officers



on-farm milking parlours	: dairy husbandry officers
slaughterhouses	: environmental health officers, authorised meat inspectors and veterinary officers
food safety and hygiene in processing, transport and sale	: environmental health officers and trading standards officers
food safety and hygiene in imported foods	: Port Health Officers

2.21 The incidence of **food-borne diseases in humans** is closely monitored by local authorities and the National Health Service working together. Established data collection methods are coordinated centrally to ensure that individual reported cases of food poisoning are thoroughly investigated and potential outbreaks identified at an early stage.

2.22 The three established sources of information on individual food poisoning cases are:

- The statutory notification of food poisoning cases by medical practitioners, based on clinical diagnoses, to the Office of Population Censuses and Surveys (OPCS).
- Reports from the 52 Public Health Laboratories and around 350 hospital laboratories in England and Wales, based on the analysis of samples submitted to the Public Health Laboratory Service each week.
- Reports from the Division of Enteric Pathogens at the Central Public Health Laboratory, based on the more

detailed investigation of samples received from other laboratories.

The data from these sources is all collated at the Communicable Disease Surveillance Centre (see Fig 3) together with any ad hoc reports.

- 2.23 In order to establish whether a case of gastro-intestinal infectious illness is linked to a food source, outbreaks are investigated by local authority Environmental Health Officers and Medical Officers of Environmental Health. The investigations are coordinated centrally at the Communicable Disease Surveillance Centre and results of the surveillance are published weekly in the Communicable Disease Surveillance Centre's report. This system can rapidly identify outbreaks due to foodborne illness, track down the source of the food either locally or centrally as is appropriate, and provide central government with up to date information. Once a contaminated food source is identified the powers of the Food Acts can be used to protect consumers.
- 2.24 This is a sensitive system, which has permitted us to identify the sources of foodborne disease caused by imports into the UK from other countries even before the contaminated food source has been identified in the producer country. [The rapid identification of hazelnut puree as the source of the recent botulism outbreak, illustrates the effectiveness of the system.]
- 2.25 The Food Hygiene Laboratory of the Public Health Laboratory Service also undertakes surveys of different food products on sale at retail outlets. By using the 52 Regional Public Health Laboratories, it can provide national data on the microbiological quality of selected foods when there is cause for concern. In addition, Environmental Health departments of Local Authorities may initiate surveys of particular types of products or for

different micro organisms; and will take samples from manufacturers, retailers and other points in the food chain as part of their responsibilities for inspecting food under the Food Act.

## **ENFORCEMENT**

### **Food Safety and Hygiene Standards**

- 2.26 Enforcement of those parts of the Food Acts, concerned with unfit food and hygiene, and the Food Hygiene Regulations is carried out by Environmental Health Officers working for local authorities in Great Britain. Food sold, or possessed for sale, must be fit for human consumption and there are powers of immediate seizure where there is reason to suspect that the food is likely to cause poisoning. The General Regulations apply to catering and retail outlets, food manufacturing establishments and dairies which manufacture milk products such as butter, cheese, yoghurt desserts and ice-cream. Home going ships, which sail in United Kingdom waters, are also covered.
- 2.27 Other food hygiene regulations similar to those related to general premises are enforced in respect of markets, stalls and delivery vehicles, docks, wharves and warehouses. Environmental Health Officers employed as Port Health Inspectors carry out food hygiene inspection on ships, both home going and foreign, when the latter are in UK ports. These are inspected under a code of practice, which was drawn up by the Association of Port Health Authorities and the General Council of British Shipping, working with the Department of Health.
- 2.28 Enforcement of regulations governing hygiene in slaughterhouses is also the responsibility of local authorities who appoint Environmental Health Officers, meat inspectors and veterinary surgeons to carry out the work. The Ministry of Agriculture, Fisheries and Food

approves red meat and meat product plants which engage in intra community trade. The Ministry's veterinarians visit all plants to monitor standards and give advice. The Animals and Fresh Meat (Examination for Residues) Regulations are also enforced by the Ministry.

- 2.29 Dairy farms are regularly inspected by Ministry of Agriculture, Fisheries and Food Dairy Husbandry Officers in England and Wales, and by Environmental Health Officers in Scotland. Processing dairies, like other food processors, are the responsibility of Environmental Health Officers.

#### **Food Imports**

- 2.30 The inspection of food arriving at UK ports on ships is carried out by Port Health Inspectors under the Imported Food Regulations 1984. Food on trains and on aircraft is covered by the Food Hygiene (General) Regulations 1970. Local and Port Health Authorities have other powers, under the Ships and Aircraft Health Regulations, to gain entry to ships and aircraft for the purpose of investigation to prevent outbreaks of infectious disease, and in this context to examine food and water supplies.

#### **Trading Standards**

- 2.31 Other food safety issues such as food additives and non-microbial contaminants, food processes such as irradiation, food labelling and other provisions against fraud are enforced by the Trading Standards Officers of local authorities. They also enforce the provisions of the 1970 Agriculture Act and the Feeding Stuffs Regulations.

## **Pesticides**

- 2.32 The provisions of Part III of the Food and Environment Protection Act concerning the safe storage, sale and use of pesticides are enforced by the Health and Safety Executive's inspectorates. The Ministry of Agriculture, Fisheries and Food enforces maximum residue limits (MRLs) contained in regulations made under this Act, together with the other Agriculture Departments and local authorities.

## **Enforcement Powers and Procedures**

- 2.33 Inspections are carried out by Environmental Health Officers and Trading Standards Officers employed by the local authorities. As authorised officers, they have power to enter and inspect food premises at any reasonable time without prior notification. The purpose of the visit is to ensure that the food being sold in the premises is safe and fit for human consumption, is properly labelled and is being handled and processed hygienically.
- 2.34 To achieve this, the enforcement officers may not only inspect the premises but also the practices carried out in them, as well as the employees. Enforcement Officers may advise proprietors of improvements which are required or, if necessary to protect health, seek a Court order to close the business down. They may take samples of food for analysis and examination, and where they have reason to suspect that the food is likely to cause food poisoning, they may prevent the use of the food for human consumption, and seek to have suspect food condemned as unfit by a magistrate.
- 2.35 The enforcement systems in Northern Ireland differ in detail from those outlined above, but are broadly similar in practice.

## CHAPTER 3 - FOOD LAW: THE WAY FORWARD

The rapid rate of technological change in the food chain places increasing demands on the flexibility of the system. The Government announced in October 1987 that Ministers had examined responses to the Consultation Document on the Review of Food Legislation, issued in December 1984, and were considering how to adapt the law in the light of changing circumstances.

3.2 We have concluded that new legislation should be introduced as soon as Parliamentary time permits. The broad aims of this legislation will be:

- to ensure that food produced for sale is safe and not misleadingly labelled or presented in the light of modern food technology and distribution.
- to reinforce present powers and penalties.
- to ensure that European Community directives on food can be implemented, without impairing our own safety standards.
- to simplify and streamline the legislation, by combining the Acts which apply in England and Wales and in Scotland.

### Detailed Provisions

3.3 The powers of existing food legislation (see Annex 2) remain essential to the Government's principal objectives of food safety and consumer protection. We intend to carry forward into new legislation the provisions for:

- food hygiene;
- the protection of the consumer against injurious or unfit food;
- food that is not of the "nature, substance or quality" demanded by the purchaser;
- false or misleading labelling; and
- powers to make regulations on the composition, labelling and hygiene of food.

We intend to leave the main enforcement responsibilities with local authorities, who possess expertise in this sphere.

3.4 New powers are required to enable the Government to respond to developments. The Government's proposals include:

3.4.1 **Tighter controls on unfit food** and food which is not of "the nature, substance or quality demanded" by the purchaser. The aim will be to permit certain enforcement powers in the Food Acts to apply to **possession** for sale as well as sale itself, so that the powers can be exercised before the goods are put on sale. In addition, powers will be taken so that food suspected of being unfit can be detained by enforcement officers, pending investigation.

3.4.2 **New enforcement measures** to strengthen the existing system, such as extending enforcement in the food processing factory. Enforcement officers will also be able to take action against batches of food as well as single items, without having to test every item as at present.

- 3.4.3 **Provision for the registration of food premises** to assist local authorities in their enforcement responsibilities, by enabling them to identify premises more readily. Associated with this will be provision for notices to be served on premises where deficiencies need to be rectified, with powers to close them down in bad cases. We intend to enable enforcement authorities to charge for registration.
- 3.4.4 **Enhanced powers to control contaminants and residues**, such as veterinary residues in meat. These include any that might arise from bad practices on farms and in food manufacture.
- 3.4.5 **Powers for Ministers to make emergency control orders** to deal with potentially serious problems. In cases such as problems with adulterated wine imports, reliance has been placed on the cooperation of manufacturers and traders. However, extra powers are desirable to ensure the protection of the public.
- 3.4.6 **[Changes in the defences** which can be used by defendants in the courts. It is proposed that the many defences in the existing Acts should be changed to bring them more into line with other consumer protection legislation. This will be achieved by introducing a "due diligence" defence for all strict liability offences. The courts would then be free to decide on the merits of each case in the light of the relevant circumstances. It is also proposed that the statutory warranty defence as it appears in the existing Food Acts be withdrawn and replaced by a system less open to abuse.]



3.4.7 **Amendment of Provisions on Crown immunity.** In 1986, Crown immunity was removed from the National Health Service in respect of the Food Act and the Health and Safety at Work etc Act by primary legislation. This was cumbersome and we now wish to simplify procedures by enabling Crown bodies to be dealt with individually by Order in Council.

3.4.8 **Provide for the training of food handlers** so that regulations may lay down the nature of training in food hygiene to be given to food handlers. Many already receive such training through courses organised by the food industry, local authorities or other professional bodies. We intend to build on existing good practice to increase the take up. Local authorities would be able to charge for training.

3.5 **The Government will also take extended powers to adapt the law to technological developments.**

3.5.1 **Genetic manipulation** is a rapidly changing science and there are many potential applications in food production and processing. In agriculture, genetic manipulation experiments are being carried out to improve the resistance of crops, such as maize and potatoes, to insect attack. Yeasts are being genetically manipulated to improve the efficiency of baking and brewing processes. Improved bacterial starter cultures for cheese and yogurt manufacture are being developed.

Products from many such techniques may soon be on sale. Although they offer the prospect of improved and more efficient food production, consumers require assurances that the products of such processes are safe. The Advisory Committee on Novel Foods and Processes already screens the

use of these techniques. The new food legislation will support the work of the Committee and provide additional safeguards.

**3.5.2 Food irradiation offers benefits in reducing microbiological hazards in some foods.**

Irradiation can greatly reduce the hidden dangers from food poisoning bacteria, though it will be unsuitable for foods when colour or taste can be adversely affected. It may be possible to replace the use of ethylene oxide with irradiation to control insect and microbial infestation of herbs and spices.

The Advisory Committee on Irradiated and Novel Foods, basing its views on detailed international studies and experience, has twice concluded that food irradiation, correctly applied, would provide a food preservation treatment which

- would not lead to a significant change in the natural radioactivity of the food, and
- would not prejudice its safety and wholesomeness.

We have accepted the Committee's assessment and proposed a control framework to ensure that the process can be permitted for some foods on general sale. New provisions will therefore control novel foods, such as those produced by genetic manipulation, and new processes, such as food irradiation.

*Spell out of labeling inspection. Also deal with charge about bad food*

**3.6 The Bill will be introduced when Parliamentary time permits and will apply to Great Britain. In accordance with normal practice in the field of transferred legislation, comparable provision will be made for**

Northern Ireland by means of an Order in Council under the Northern Ireland Act 1974.

Meeting Tomorrow's Needs

3.7 The food chain is long and complex; it extends from the field to the home. Contamination can arise at any stage. Wide ranging food laws safeguard consumers at every point, including farms, factories and shops.

3.8 This protection is

- based on the best available scientific evidence;
- backed-up by detailed programmes of research, monitoring and surveillance;
- enforced by experts at both central and local government level.

3.9 Consumers are entitled to demand maximum protection. The Government have always acted decisively in the interests of their safety. We will continue to do so by adapting food law to meet tomorrow's needs.

**GOVERNMENT ADVISORY BODIES**

In the field of food safety the Government relies on the objective advice of a number of expert, independent committees including:

- The Food Advisory Committee
- The Advisory Committee on Pesticides
- The Veterinary Products Committee
- The Richmond Committee
- The Steering Group on Food Surveillance
- The Advisory Committee on Novel Foods and Processes
- The Committee on the Toxicity of Chemicals in Food, Consumer Products and the Environment
- The Committee on the Mutagenicity of Chemicals in Food, Consumer Products and the Environment
- The Committee on the Carcinogenicity of Chemicals in Food, Consumer Products and the Environment

Their terms of reference and membership follow.

## FOOD ADVISORY COMMITTEE

### TERMS OF REFERENCE

"To advise the Minister of Agriculture, Fisheries and Food, the Secretary of State for Social Services, the Secretary of State for Wales, the Secretary of State for Scotland and the Head of the Department of Health and Social Services for Northern Ireland on matters referred to it by Ministers relating to:

- (i) the composition, labelling and advertising of food;
- (ii) additives, contaminants and other substances which are, or may be, present in food or used in its preparation; with particular reference to the exercise of powers conferred on Ministers by Sections 4, 5 and 7 of the Food Act 1984 and the corresponding provisions in enactments relating to Scotland and Northern Ireland".

### MEMBERSHIP

Dr Ewan S Page (Chairman) BSc, MA, PhD, CBIM FBCS	Vice Chancellor of Reading University
Dr Margaret Ashwell BSc (Hons) PhD, MIHEo	Independent Consultant in Food Nutrition
Mr Michael J Boxall ACII, CBIM	Company Secretary, Tesco Plc
Dr Howard O W Eggins BSc, PhD, FI Biol	Director of Bioquest Ltd
Dr Tom Gorsuch, BSc, PhD, FIFST	Director of Research and Quality Control, Colmans of Norwich

Mr Tony Harrison MBE,  
M Chem A, C Chem, FRSC,  
FIFST, FRSH

Chief Scientific Adviser, Public  
Analyst, and Official Agricultural  
Analyst, Avon County Council.  
Public Analyst and Official  
Agriculture Analyst,  
Gloucestershire County Council.

Professor R Marian Hicks  
BSc, PhD, DSc, FRCPath

Science Director,  
United Bisucits (UK) Ltd  
Group Research and Development  
Centre

Mr Roger Manley, FITSA

Director of Trading Standards,  
Cheshire County Council

Miss Patricia Man FCAM,  
FIPA, CBIM

Head of External Affairs  
J Walter Thompson Group

Dr Bryan Nichols MSc, PhD

Legislation and Health Policy  
Manager, Van den Barchts and  
Jurgens Ltd

Mr Tony Skrimshire C Chem,  
FRIC

General Manager, Research  
Development and Quality Assurance,  
H J Heinz Company Ltd

Mrs Anne Stamper BSc,  
Dip Ed

Chair of Education. The National  
Federation of women's Institutes,  
Lecturer in Biology, Lewes  
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BSc, FRCP, MR Pharms,  
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Professor of Clinical Pharmacology,  
St Bartholomew's Hospital

Dr Roger G Whitehead BSc,  
PhD, MA, FIBiol, C Biol,  
Hon MRCP

Director of the Medical Research  
Council's Dunn Nutrition Unit  
Cambridge, UK and the Gambia,  
West Africa

Dr Elspeth N Young MB,  
ChB, MRCP

Senior Registrar (part-time) in  
Dermatology, Wycombe General  
Hospital and the John Radcliffe  
Hospital, Oxford.

## ADVISORY COMMITTEE ON PESTICIDES

### TERMS OF REFERENCE

Under Section 16(7) of the Food and Environment Protection Act 1985, Ministers have established the Advisory Committee on pesticides to give them advice, either when requested to do so or otherwise, on any matters relating to the control of pests in furthering the general purposes of Part III of the Act\*.

Under Section 16(9) Ministers are required to consult the Committee -

- (a) as to regulations which they contemplate making;
- (b) as to approvals (of pesticides) which they contemplate giving, revoking or suspending; and
- (c) as to conditions to which they contemplate making approvals subject.

\* The general purposes of Part III of the Food and Environment Protection Act are that the provisions of that Part of the Act shall have effect -

- (a) with a view to the continuous development of means;
  - (i) to protect the health of human beings, creatures and plants;
  - (ii) to safeguard the environment; and
  - (iii) to secure safe, effective and humane methods of controlling pests; and
- (b) with a view to making information about pesticides available to the public.



## MEMBERSHIP

### CHAIRMAN

Professor C L Berry MD, PhD, FRCPath	Dept of Morbid Anatomy The London Hospital Medical College
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### DEPUTY CHAIRMAN

Professor G R Sagar BA, MA DPhil (Oxon)	School of Plant Biology University College of North Wales
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### MEMBERS

B M Buckley MB, MSc, DPhil, FRCPI	Consultant Chemical Pathologist Department of Clinical Biochemistry Sandwell General Hospital
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(Also Chairman of the Scientific  
Sub-Committee and the Medical and  
Toxicological Panel)

Professor R B Clark DSc (LOND), PhD (GLAS), FIBiol, FLS, FRSE	Chair of Zoology The University Newcastle-upon-Tyne
---	---

Professor A D Dayan BSc (HONS), MD, FRCP, FRCPath, FIBiol	St Bartholomews Medical College MD, University of London
---	---

Professor E B G Jones BSc, MSc (Wales), PhD (Leeds), DSc (Wales), MIBiol	Portsmouth Polytechnic School of Biological Sciences
--	---

Dr Tar-Ching Aw MB, MSc (Public Health)	Institute of Occupational Health University of Birmingham
--	--

Mr J S Leahy MA (Oxon), CChem, MASC	Severn-Trent Water Authority
--	------------------------------

Professor D L Lee BSc,                      University of Leeds  
PhD, FIBiol

Dr A T Proudfoot BSc (Hons),              Scottish Poisons Information Bureau  
MB, ChB, FRCPE                              The Royal Infirmary of Edinburgh

Mr R S Tayler BSc (Agric),                  Department of Agriculture  
Postgrad Dip Agric                              University of Reading  
(Reading), NDA, CBiol,  
MLBiol (Also Chairman of the  
Application Technology Panel)

Dr K L Woods MA, MD, ScM,                  Senior Lecturer  
MRCP    University of Leicester  
School of Medicine

## VETERINARY PRODUCTS COMMITTEE

### TERMS OF REFERENCE

1. To give advice with respect to safety, quality and efficacy in relation to the veterinary use of any substance or article (not being an instrument, apparatus or application to which any provision of the Medicines Act 1968 is applicable.
2. To promote the collection and investigation of information relating to adverse reactions for the purpose of enabling such advice to be given.

### MEMBERSHIP

#### CHAIRMAN

Professor J Armour PhD,  
Dr(hc) (Utrecht), MRCVS

Titular Professor in Veterinary  
Parasitology  
University of Glasgow

#### MEMBERS

Professor P M Biggs CBE, DSc  
DVM(hc), PhD, BSc, FRCVS,  
FRCPath, CBiol, FiBiol, FRS

Director of Animal Disease  
Research, Agriculture & Food  
Research Council

Professor P G Blain  
BMed Sci, MB, BS, MRCP,  
CBiol, MIBiol

Professor of Occupational  
Health & Hygiene, University  
of Newcastle Upon Tyne

Professor J W Bridges  
PhD, BSc, CChem, MRC, Path  
FRCS, FiBiol, MIEnvSci

Professor of Toxicology and  
Director of the Robens Institute  
University of Surrey

Professor J R Brown  
PhD, MSc, BSc, FRSC, CBiol,  
MIBiol, MPS, CChem

Head of Department of  
Pharmaceutical Chemistry  
Sunderland Polytechnic

Dr R L Carter BSc,  
DM, MA, FRCPath

Consultant Pathologist  
Royal Marsden Hospital  
Surrey

Mr D S Collins MVB, MRCVS

City Veterinarian  
Belfast

Mr P J Crossman MSc,  
BVetMed, MRCVS

Practising Veterinary Surgeon  
Chichester  
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Toxicology Unit  
Medical Research Council

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MRCVS

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Royal Veterinary College

Professor J O Jarrett  
PhD, BVMS, MRCVS

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Pathology  
University of Glasgow

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MRCPath

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University of Leeds

Professor G E Lamming  
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Department of Physiology &  
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University of Nottingham

Dr P Lees PhD, BPharm

Department of Physiology &  
Chemistry  
Royal Veterinary College  
University of London

Professor A H Linton DSc,  
PhD, MSc, FRCPath

Professor of Bacteriology  
School of Veterinary Science  
University of Bristol

Dr A R Peters PhD, DVetMed,  
FRCVS, MIBiol

Senior Veterinary Officer  
Meat & Livestock Commission

Dr G J Rowlands PhD

Head of Statistics  
Institute for Research into  
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Dr A D Russell DSc  
PhD, BPharm, FRCPath, FPS

Reader in Pharmaceutical  
Microbiology  
University of Wales

Professor I M Smith PhD  
MSc, MRCVS

Department of Microbiology &  
Parasitology  
Royal Veterinary College  
University of London

COMMITTEE ON MICROBIOLOGICAL SAFETY OF FOOD (RICHMOND COMMITTEE)

TERMS OF REFERENCE

"To advise the Secretary of State for Health, the Minister of Agriculture, Fisheries and Food, the Secretaries of State for Wales, Scotland and Northern Ireland, on matters remitted to it by Ministers relating to the microbiological safety of food and on such matters as it considers need investigation".

The work of the Committee will be to look at specific questions relating to the increasing incidence of microbiological illnesses of foodborne origin, particularly from salmonella, listeria and campylobacter; to establish whether this is linked to changes in agriculture and food production, food technology and distribution, retailing, catering and food handling in the home; and to recommend action where appropriate.

MEMBERSHIP

Professor Sir Mark Richmond	Vice Chancellor Manchester University
Professor J P Arbuthnott	Professor of Microbiology Nottingham University
Dr A Bard-Parker	Microbiologist Unilever Research Laboratories
Mr D Clark	Food Technology Manager Trusthouse Forte
Mr B Denyer	Chief Environmental Health Officer City of Westminster
Professor G Glew BSc, MSc, C.Biol	Professor of Catering Studies Huddersfield Polytechnic

Mr A M Johnston BVMS,  
MRCVS, FRSH

Senior Lecturer  
Royal Veterinary College

Professor J Norris BSc,  
PhD, DSc

Director of Research  
Cadbury-Schweppes Plc

Dr R Spencer MSc, Rhd,  
FIPST

Director of Scientific Services  
Sainsbury Plc

Mrs R E Waterhouse CBE

Chairman, Consumers Association

Mr J Moffitt CBE, DCL

Farmer

## STEERING GROUP ON FOOD SURVEILLANCE

### TERMS OF REFERENCE

To keep under review the possibilities of contamination of any part of the national food supply, to review where necessary the intake of individual additives and nutrients and to recommend to Ministers responsible for food quality and safety the programme of work necessary to ensure that the food intake of the population is both safe and nutritious. To appoint expert Working Parties, acting according to such instructions as the Steering Group may give, to carry out specialist parts of the programme of work.

To consider reports made by Working Parties and to decide what action, including consultation with the Government's advisory committees and other bodies having an interest in the subject matter or the implications of the reports, should be recommended.

To submit the findings of the Working Party reports, where appropriate, to the Ministers with appropriate recommendations as to publication.

### MEMBERSHIP

Dr R N Crossett (Chairman)	Ministry of Agriculture,
BSc, BAgr, DPhil, FIFST	Fisheries and Food

Dr M E Knowles (Dep Chairman)	Ministry of Agriculture,
BPharm, PhD, CChem, FRSC,	Fisheries and Food
FIFST	

Dr D H Watson BSc, PhD,	Ministry of Agriculture,
CBiol, MIBiol	Fisheries and Food

Mr A P Patel	Ministry of Agriculture,
	Fisheries and Food



Mrs E A J Attridge	Ministry of Agriculture, Fisheries and Food
Prof B Barltrop MC, BSc, FRCP, DCH	University of London
Dr P J Bunyan BSc, PhD, DSc, CChem, FRSC, CBiol, FIBiol, FIFST	Ministry of Agriculture, Fisheries and Food
Dr G I Forbes FRACMA, FACOM, MFCM, LRCS + P, DPH, DIH, DTH + H, DMSA	Scottish Home and Health Dept
Mr A J Harrison MBE, MChema, CChem, FRSC, FIFST, FRSH	Public Analyst
Dr N T King BSc, PhD	Department of Environment
Professor P J Lawther CBE, MB,DSc, FRCP, FFOM	Consultant
Dr I F H Purchase BVSc, PhD, MRCVS, FRCPath, CBiol, FIBiol	ICI Plc
Dr J H Steadman MB, BS, MSc	Department of Health and Social Security
Mr R S Stewart	Department of Agriculture and Fisheries for Scotland
Mr L G Weir	Department of Health and Social Security
Dr J J Wren MA, PhD, MFC, CChem, FRSC, FIFST, AHCIMA	Consultant

## ADVISORY COMMITTEE ON NOVEL FOODS AND PROCESSES

### TERMS OF REFERENCE

"To advise Health and Agriculture Ministers of Great Britain and the Heads of the Departments of Health and Social Services and Agriculture for Northern Ireland on any matters relating to the irradiation of food or to the manufacture of novel foods or foods produced by novel processes, having regard where appropriate to the views of relevant expert bodies."

### CHAIRMAN

Professor Derek C Burke  
BSc, PhD, Hon LLD

Vice-Chancellor  
University of East Anglia

### TOXICOLOGIST MEMBERS

Professor R Walker BSc, PhD

Professor of Toxicology at  
University of Surrey

Professor P Turner MD, BSc,  
FRCP, Hon MPS, Hon FIBiol

Professor of Clinical  
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### MICROBIOLOGIST MEMBERS

Dr A C Baird-Parker OBE,  
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Dr J W G Smith MD, FRCP,  
FRCPATH, FFCM

Director of the PHLS.

Dr B E B Moseley BSc, PhD

Senior Lecturer in Microbiology  
University of Edinburgh.

#### NUTRITIONALIST MEMBERS

- |   |   |
|---|---|
| Professor D J Naismith<br>BSc, PhD                | Chair in Nutrition and Dietetics,<br>Queen Elizabeth College, London. |
| Dr D Southgate BSc, PhD                           | Head of Nutrition Division, Food<br>Research Institute, Norwich.      |
| Professor W P T James<br>MD, MA, DSc, FRCP (Edin) | Director of the Rowett Research<br>Institute, Aberdeen.               |

#### RADIATION SCIENCE AND TECHNOLOGY MEMBERS

- |   |  |
|---|--|
| Professor G E Adams BSc,<br>PhD, DSc        | Director of Medical Research<br>Council Radiobiology Unit at<br>Harwell.   |
| Dr A J Swallow PhD, DSc,<br>ScD, CChem, ScD | Head of Biophysical Chemistry<br>Division, Paterson Laboratories,<br>Christie Hospital and Holt Radium<br>Institute, Manchester. |

#### FOOD TECHNOLOGY/BIOTECHNOLOGY MEMBERS

- |   |  |
|---|--|
| Professor P Richmond BSc,<br>PhD, DSc, CPhys, FInstP  | Head of Norwich Laboratory, AFRC,<br>Food Research Institute, Norwich.             |
| Professor John E Smith BSc,<br>MSc, PhD, FIBiol, FRSE | Head of Applied Microbiology and<br>Department of Bioscience and<br>Biotechnology. |

#### GENETIC MANIPULATION MEMBERS

- |                                    |  |
|------------------------------------|--|
| Professor A T Atkinson<br>BSc, PhD | Currently Head of Microbial<br>Technology Laboratory at Centre for<br>Applied Microbiology and Research,<br>Porton Down. |
|------------------------------------|--|

Dr P Rodgers MA, DPhil

Currently Chairman of the  
Biotechnology Group of Society for  
Chemical Industry. Works for ICI.

GENERALISTS

Dr A N B Stott MB, ChB,  
FFOM

Former Chief Medical Officer,  
United Kingdom, Atomic Energy  
Authority.

COMMITTEE ON THE TOXICITY OF CHEMICALS IN FOOD, CONSUMER PRODUCTS  
AND THE ENVIRONMENT

TERMS OF REFERENCE

To assess and advise on the toxic risk to man of substances which are:-

1. (a) Used or proposed to be used as food additives, or used in such a way that they might contaminate food through their use or natural occurrence in agriculture, including horticulture and veterinary practice or in distribution, storage, preparation, processing or packaging of food.
  - (b) Used or proposed to be used or manufactured or produced in industry, agriculture, food storage or any other work place.
  - (c) Used or proposed to be used as household goods or toilet goods and preparations
  - (d) Used or proposed to be used as drugs, when advise is requested by the Medicines Commission, Section 4 Committees or Licensing Authority.
  - (e) Used or proposed to be used or disposed of in such a way as to result in pollution of the environment.
2. To advise on important general principles on new scientific discoveries in connection with toxic risks, to co-ordinate with other bodies concerned with the assessment of toxic risks and to present recommendations for toxicity testing.

## MEMBERSHIP

### CHAIRMAN

Professor Paul Turner  
MD, BSc, FRCP, Hon MPS,  
Hon FIBiol

Professor of Clinical Pharmacology  
St Bartholomew's Hospital  
(& member of the FAC)

### MEMBERS

Professor F Beck DSc, MD,  
ChB, KRCP, MRCS

Department of Anatomy  
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Professor C L Berry  
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Mr F M Sullivan  
BScHons

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Guy's Hospital

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FRCP

Director of Poisons Unit  
New Cross Hospital

Mr D Walker BVSc, FRCVS

Independent Consultant in  
Veterinary Matters

COMMITTEE ON THE MUTAGENICITY OF CHEMICALS IN FOOD, CONSUMER PRODUCTS AND THE ENVIRONMENT

TERMS OF REFERENCE

1. To assess and advise on the Mutagenic risk to man of substances which are:
  - (a) used or proposed to be used as food additives, or used in such a way that they might contaminate food through their use or natural occurrence in agriculture, including horticulture and veterinary practice or in the distribution, storage, preparation, processing or packaging of food;
  - (b) used or proposed to be used or manufactured or produced in industry, agriculture, food storage or any other workplace;
  - (c) used or proposed to be used as household goods or toilet goods and preparations;
  - (d) used or proposed to be used as drugs, when advice is requested by the Medicines Commission, Section 4 Committees or the Licensing Authority.
  - (e) used or proposed to be used or disposed of in such a way as to result in pollution of the environment.
2. To advise on important general principles or new scientific discoveries in connection with mutagenic risks, to co-ordinate with other bodies concerned with the assessment of mutagenic risks and to present recommendations for mutagenicity testing.



## MEMBERSHIP

### CHAIRMAN

Professor B A Bridges  
BSc, FIBiol

MRC Cell Mutation Unit  
University of Sussex

### MEMBERS

Dr J Ashby BSc, PhD,  
CChem, FRCS

Central Toxicology Laboratory,  
Imperial Chemical Industries Plc

Dr R L Carter MA, DM, DSc

The Royal Marsden Hospital

Professor D S Davies BSc,  
PhD, CChem

Department of Clinical  
Pharmacology, Hammersmith Hospital

Professor H J Evans, PhD,  
FRSE

MRC Human Genetics Unit  
Western General Hospital

Dr Margaret Fox BSc  
(Hons) PhD

Paterson Institute for Cancer  
Research, Christie Hospital and  
Holt Radium Institute

Professor J M Parry PhD,  
BSc

Department of Genetics  
University College of Swansea

Dr S Venitt BSc (Hons),  
PhD

Institute of Cancer Research  
Royal Cancer Hospital

Dr R M Winter FSc  
(Hons), MB, BS, MRCP

Clinical Research Centre  
Northwick Park Hospital

COMMITTEE ON THE CARCINOGENICITY OF CHEMICALS IN FOOD, CONSUMER PRODUCTS AND THE ENVIRONMENT

TERMS OF REFERENCE

To assess and advise on the carcinogenic risk to man of substances which are:

1. (a) used or proposed to be used as food additives, or used in such a way that they might contaminate food through their use or natural occurrence in agriculture, including horticulture and veterinary practice or in the distribution, storage, preparation, processing or packaging of food;
  - (b) used or proposed to be used or manufactured or produced in industry, agriculture, food storage or any other workplace;
  - (c) used or proposed to be used as household goods or toilet goods and preparations;
  - (d) used or proposed to be used as drugs, when advice is requested by the Medicines Commission, Section 4 Committees or the Licensing Authority;
  - (e) used or proposed to be used or disposed of in such a way as to result in pollution of the environment.
2. To advise on important general principles or new scientific discoveries in connection with carcinogenic risks, to co-ordinate with other bodies concerned with the assessment of carcinogenic risks and to present recommendations for carcinogenicity testing.

## MEMBERSHIP

### CHAIRMAN

Dr R L Carter MA, DM, DSc,      The Royal Marsden Hospital  
FRCPath

### MEMBERS

Dr A Balmain BSc, PhD              The Beatson Institute for Cancer  
Research

Professor P G Blain                  Division of Environmental and  
B.Med, Sci, MB, BS, MRCP,      Occupational Medicine  
CBiol, PhD                          University of Newcastle

Professor B A Bridges                MRC Cell Mutation Unit  
BSc FIBiol                          University of Sussex

Dr R A Cartwright BA, MB,        Leukemia Research Fund Centre for  
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**FOOD LEGISLATION**

1. Described here are the main points of the food law which provide for **consumer safety**  
**consumer information**  
and **consumer protection**

**The Food Act 1984, the Food and Drugs (Scotland) Act 1956 and the Food and Drugs Act (Northern Ireland) 1958.**

2. In England and Wales the main provisions are those in the 1984 Food Act, which was a consolidation of the Food and Drugs Act 1955 and all amendments which had been made to it. The equivalent provisions in Scotland and Northern Ireland are provided by the 1956 and 1958 Acts as amended, respectively. These Acts provide general provisions applicable to all foods, and enable detailed requirements to be imposed by regulation, (for example with regard to food hygiene). They state that food should not be **injurious** to health, unfit for human consumption or **falsely labelled** and **should be of the nature, substance and quality demanded** by the purchaser. It is an offence to sell food which does not comply with these requirements.
3. Most of the detailed provisions are contained in Regulations. These are many and various. This Annex describes the key elements of the legislation as follows:

3.1 **Additives**

These are controlled by regulations which ensure that only those additives listed in the regulations may be used in food. Additives are only listed in the regulations if the Government is convinced there is both a technical need for them

and that they are safe and effective for the intended use. In making these judgements the Government relies on advice from independent, medical and scientific experts on the Food Advisory Committee and the associated advisory committees (see Chapter 2, Fig 1). In some instances the regulations set strict limits on the levels of additives which may be used and/or the foods to which they may be added.

### 3.2 Contaminants

Controls over contaminants are set out in a number of measures (including also the Food and Environment Protection Act and the Materials and Articles in contact with Food Regulations which are described later in this Annex). Under the Food Act, the general protection that food should not be injurious to health applies. In addition, where a contaminant has the potential to become a general problem, the regulations impose specific controls.

### 3.3 Compositional Standards

From the 1940s to the 1960s the method used to limit the possibilities of food fraud was to set standards for particular products and to reserve a specific name or description for these products. For example, there are compositional standards for flour, bread and sausages. Over time, the

emphasis has changed from imposing such standards (which were unnecessarily restrictive) to providing more information on food labels. This has meant, for example, that consumers can now choose between a wide range of butters, margarines and low fat spreads rather than being restricted either to pure butter, or margarine. When the United Kingdom joined the European Community in 1973 the Community was pursuing the older style compositional standards policy. Difficulties soon arose as attempts were made to contain the varying expectations and tastes of nine (now twelve) countries in one simple standard. The Community has now abandoned this approach and changed to an information policy similar to that pursued in the United Kingdom.

#### 3.4 Labelling

Controls over labelling necessarily reflect the complexity of the range of goods to which they apply. The aims of the controls are, however, straightforward since they seek to ensure that the label contains sufficient information - understandable and readable - for purchasers to make informed choices from the range of foods available. The comprehensive listing of ingredients and additives on labels is one result of the Food Labelling Regulations 1984.

**3.5 Hygiene**

Hygienic food is food which has been prepared and handled in such a way as to ensure that when consumed it does not contain micro-organisms to an extent which may threaten health. To maintain food hygiene requires constant vigilance from the primary producer to the point of supply to the consumer, since microbiological contamination can occur or be exacerbated at any point. A wide range of regulations therefore exist to secure the Government's objectives.

**3.6 Milk and  
Dairies  
Regulations**

The production and processing of cows milk is comprehensively regulated to ensure that milk supplied in liquid form or used as raw material for manufacture is clean and safe. The high standards which the United Kingdom achieves as a result of this regime (and corresponding standards in Denmark) have been officially recognised by the Community.

**3.7 Meat Hygiene**

Some regulations made under the Food Acts relate to meat and poultry inspection and hygiene. In the case of animals such as cattle, pigs and sheep the regulations require local authorities to ensure that every single carcass intended for human consumption is inspected in detail before passed as fit. In the case of poultry, all carcasses must be inspected except for those



sold under the exemption for farm gate sales. These inspections are carried out by the local authorities' Environmental Health Officers and Authorised Meat Inspectors and Poultry Meat Inspectors working under the supervision of Environmental Health Officers or veterinary surgeons.

The Slaughterhouses Act 1974, The Slaughter of Animals (Scotland) Act 1980 and the Slaughterhouses Act (Northern Ireland) 1953

4. The 1974 and 1980 Acts require all red meat slaughterhouses to be licensed by local authorities, following inspection by Environmental Health Officers. European Community export approved slaughterhouses - which can supply meat to the European Community as well as to domestic markets - in addition to a licence are subject to further inspection and structural requirements. In Northern Ireland all slaughterhouses are subject to licensing by the Department of Agriculture for Northern Ireland.

The Animal Health Act 1981

5. This Act, applicable in England, Wales and Scotland, consolidated the Diseases of Animals Act 1950 and a number of others. It enables Ministers to make orders to prevent the introduction of disease through the importation of animals or animal products, and to prevent the spread of disease within this country. The Act's coverage includes diseases which can be transmitted from animals to man. Northern Ireland has equivalent legislation.
6. The Act gives Ministers powers to designate diseases as 'zoonoses', ie diseases which can be transmitted from

animals to man. The Zoonoses Order 1989, like its predecessor the Zoonoses Order 1975, designates the brucella and salmonella organisms in this way. The Order requires all identifications of these organisms to be reported to the Ministry of Agriculture, Fisheries and Food and provides wide powers to restrict or prohibit movements onto or off premises where these organisms are present or suspected, to require cleansing and disinfection, and where appropriate to require the compulsory slaughter of livestock. The application of these powers in relation to the problem of salmonella in eggs is described in Chapter 2.

#### The Food and Environment Protection Act 1985

7. This Act is applicable to the UK and covers  
Part I - emergency action when food may have been contaminated  
Part II - dumping at sea  
Part III - pesticides

As regards food safety, Parts I and III are the important sections.

8. Part I enables Ministers to make emergency orders to protect human health if there is an escape of substances which may threaten health through the contamination of food. The orders may be used to prevent the harvesting or distribution of food. It was these powers which were used to control the movement of sheep in parts of Wales, Cumbria and Scotland following the Chernobyl accident in 1986.
9. Part III provides powers to control the sale, supply, storage, use and advertisement of pesticides. The Control of Pesticides Regulations 1986 (and the Northern Ireland equivalent) implemented these in detailed controls over all aspects of pesticides in order to ensure that

pesticides used in the United Kingdom have been approved as safe and efficient, when used in accordance with the label instructions. They also made it an offence to use the pesticides in any other way.

10. Possible residues left in foods are considered when the pesticides are approved. The statutory conditions of use are designed to keep any residues occurring to a minimum. The Pesticide (Maximum Residue Levels in Food) Regulations 1988 set maximum residue limits (MRLs) for pesticide residues in food. Pesticides used in accordance with the statutory conditions should not result in residue levels which exceed the MRLs. These MRLs are, therefore, a measure of the correct - legal - use of the pesticide. MRLs should not be confused with safety limits, which are expressed in terms of the Acceptable Daily Intake (ADI) of a particular pesticide residue from all sources. MRLs are set with the aim that likely intakes should be well within ADIs. If the effective use of a pesticide resulted in residue levels which were at or above safety limits, approval for its use would be refused or revoked, or its conditions of use amended, on the advice of the Advisory Committee on Pesticides.
  
11. In deciding on the safety of pesticides and pesticide residues, Ministers act upon the advice of the independent Advisory Committee on Pesticides and associated Committees (See Chapter 2 & Figure 1).

**Animals and Fresh Meat (Examination for Residues) Regulations 1988 and equivalent Northern Ireland regulations**

12. These lay down enforcement mechanisms in respect of maximum residue levels prescribed for animals and fresh meat.

### The Medicines Act 1968

13. As well as controlling human medicines, this Act controls the manufacture, sale and supply of veterinary medicines including those added to feed. In the case of medicines used in food animals, Ministers only license a product if it can be used without risk to the health of the eventual consumer of the animal or its products. In some cases veterinary medicines are required to carry label conditions such as that a specified withdrawal period elapses between administration to the animal and slaughter for human consumption. In order to ensure that the medicines themselves are of the quality demanded, manufacturing establishments are licensed and inspected.

### The Agriculture Act 1970 (as amended)

14. The Agriculture Act 1970 (as amended) provides statutory powers for implementation of the European Community Directives on feedingstuffs standards. The Act makes it an offence for a feed to be sold which is deleterious to animals or human beings who consume the animal product. This general control is supplemented by the Feeding Stuffs Regulations which specify maximum levels of undesirable substances in feed intended for sale, such as mercury, cadmium and lead. All additives for use in feed are assessed by a European Community committee of experts to ensure that their use presents no hazard to target animals, the human food chain or the environment. Approval is usually conditional. Maximum limits and use only in specified feed may be prescribed.

### The Materials and Articles in Contact with Food Regulations 1987

15. Made under the European Communities Act these Regulations implement European Community Directives in United Kingdom law. Their purpose is to ensure that food packaging materials and other articles which come into contact with

food (anything from china cups to wrapping materials) do not under normal conditions of use transfer any of their constituents to the food to an extent which might threaten human health or the quality of the food.

### European Community Legislation

16. Some European Community Directives and their means of implementation in the United Kingdom have already been covered. More recent developments include:

#### **Inspection of Foodstuffs**

- 16.1 The aim of the Directive on Inspection of Foodstuffs is to harmonise the general principles of food inspection within the Community. This is essential if a single market in foodstuffs is to be achieved, and should be regarded as a first step towards uniform levels of enforcement within the Community. Other measures, such as general principles of food hygiene enforcement, are likely to follow. The directive will not change fundamentally existing food law responsibilities or practices in the United Kingdom. However it will make some detailed changes to certain provisions including the following:

- (a) It is likely to contribute to change in the emphasis of inspection in the United Kingdom towards in-factory enforcement, particularly in the additives and labelling areas.
- (b) The directive introduces the need to check food destined for other member states.
- (c) The European Commission is expected to make recommendations for a coordinated inspection programme. This would involve Ministers taking powers to coordinate the enforcement action of local authorities which at present operate independently.

## Meat Hygiene Measures

- 16.2 At present there are two categories of meat plants in the Community: export plants which meet Community requirements for structure, hygiene and inspection and may engage in intra-Community trade; and plants which produce only for the national market which are still subject to national rules. Whilst hygiene and meat inspection requirements in both types of plants are similar in the United Kingdom, the construction and layout requirements for export plants are more closely specified. In making progress towards a single market we expect that the European Commission will propose that all meat plants should operate to export approved standards by 1992 and that official veterinarians should be responsible for the supervision of meat and meat products at all stages of production and distribution. It is likely that exceptions will be permitted only for small plants serving the local market. The Minister of Agriculture has already announced that we need to move towards a unified system under which all plants are subject to the same conditions and supervision arrangements.

## Other Directives

- 16.3 Other framework directives already in the pipeline concern food labelling, food additives, foods for particular nutritional uses, and materials and articles in contact with food. The Commission has also indicated that it intends to bring forward proposals for a framework directive on hygiene. All these directives and those described above will require implementation in United Kingdom law. The Government intend that new legislation should be sufficiently flexible to permit implementation of these and other future directives under a single Act.

**NUTRITION AND DIET**

1. The Government are keenly aware of the need for sound dietary advice and information for the public. A good diet is essential to the proper growth of children and the maintenance of health in adulthood. Balance and variety are essential for a healthy diet.
2. This advice is based on a long history of nutrition research and surveillance - fields in which Britain has led the world for nearly a century. The Government continue to maintain this tradition. The Chief Medical Officer's Committee on Medical Aspects of Food Policy (COMA), which is composed of independent scientific experts, provides the Government with scientific advice about matters relating to nutrition diet and health. COMA reports on particular diet and health issues, makes recommendations for and oversees nutrition surveillance, and provides general advice.
3. In the last five years COMA has produced reports covering such topics as Diet and Cardiovascular Disease (1984), the Use of Very Low Calorie Diets in Obesity (1987), Present day practice in Infant Feeding: Third Report (1988), Third Report of the Sub-committee on Nutritional Surveillance (1988). Reports on, Sugars in the Diet, the ongoing Review of Diet and Cardiovascular Disease and the review of Recommended Daily Amounts of Energy and Nutrients for Groups of People in the United Kingdom are in the pipeline. The final report on the 1983 Dietary Survey of British Schoolchildren will be published this summer and the report on the 1987 Dietary and Nutritional Survey of British Adults is in the course of preparation. The Government also maintain a continuous watch on what people eat through the National Food Survey, which is maintained by the Ministry of Agriculture, Fisheries and Food and publishes regular reports. Nutrition experts

worldwide regard our national surveillance arrangements as second to none.

4. The Government are pledged to increase the fund of scientific knowledge about food and health and to ensure that it is translated into nutrition education for health professional and the public. Plans are being developed to take this forward into the 1990s and the next century. The Medical Research Council is conducting a review of research into human nutrition and earlier this year the Ministry of Agriculture, Fisheries and Food (MAFF) and the Department of Health (DH) set up a new liaison committee to co-ordinate the two Departments' activities in nutrition research, surveillance, education and public information.
5. The public is increasingly receptive to sound advice but in the present plethora of advice on healthy eating it is not always possible to distinguish the main message. The Government welcome what food manufacturers and retailers are doing to promote healthy eating, and wish to see these efforts continue and grow, but recognise that these need to be supplemented by a single authoritative source of scientifically based, authoritative and easily comprehensible diet and health information for the public.
6. The Health Education Authority (HEA) is very well placed to meet this need, working in collaboration with the Chief Medical Officer's Committee on Medical Aspects of Food Policy (COMA), DH and MAFF. The existing "Look After Your Heart" Campaign, run jointly by the DH and the HEA, already includes an important nutrition component and there are similar components in other of the HEA's activities on, for example, dental health, breast-feeding, pregnancy and school health. In consultation with DH and MAFF, the HEA is considering how, within its resources, it can increase its activity in the field of education about nutrition and diet.



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5. Survey of copper and zinc in food.
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PRIME MINISTER

Prime Minister  
"I Agree that there should be  
no announcement on Wednesday  
unless notice of the national  
authority and its financing  
16 June 1989 can be sorted out

FOOD IRRADIATION

Yes - but it  
must be  
sold on the TV  
CC BT  
KAT 16/6  
rollie  
media

John MacGregor has minuted to you proposing that he should announce the decision to permit food irradiation, subject to certain controls, during next Wednesday's Opposition Half Day Debate on food issues.

MISC 138 agreed on 23 March that food irradiation should be authorised in the United Kingdom under an appropriate control system. It was agreed that John MacGregor should announce this, though there was no discussion of the timing of the announcement.

Arguments in favour of an announcement next week

- John MacGregor argues that an announcement during next week's debate will enable him to seize the publicity initiative. It will certainly turn it into a debate about food irradiation, with less attention being focussed on MAFF's record to date on food safety.
- Food irradiation can help to combat salmonella and listeria. It is timely to announce it when there are renewed fears about food health (though irradiation does not help with botulism).
- The Labour Party have come out against food irradiation. They are misinforming the public that irradiation allows unfit food to be dressed up as good food. An early announcement and debate could help to prevent such stories gaining ground.

### Arguments against an announcement next week

- Food irradiation remains unpopular (see attached extract from Hansard on 25 May).
- While debate cannot be avoided, does the Government want to have a debate on an unpopular subject next week?
- John MacGregor proposes a system of controls involving licensing of irradiation premises by a competent national authority. There has been no discussion of what this would be (other food safety controls are a local authority matter); who would pay for it; or how its staff - who would need specialist training - should be recruited.

### Comment

The arguments for and against are largely political, save for the last. The proposal to operate licensing controls via a national authority would be a new step. This was not discussed in MISC 138. The Treasury may well be uneasy about a new central body with its own inspectorate (though there is much to be said for it). The proposal does not appear to have been cleared with them in advance as it should have been.

### Conclusion and Recommendation

Members of MISC 138 - particularly John Major - should have a chance to consider the proposals for the control system before any announcement is made. This probably rules out an announcement next Wednesday.



CAROLYN SINCLAIR



*CC/PU*

Ministry of Agriculture, Fisheries and Food  
Whitehall Place, London SW1A 2HH

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From the Minister

The Rt Hon Kenneth Clarke QC MP  
Secretary of State for Health  
Department of Health  
Richmond House  
79 Whitehall  
LONDON  
SW1A 2NS

16 June 1989

*Dear Secretary of State*

FOOD SAFETY: PROTECTING THE CONSUMER

*will request if required*

Thank you for your letter of 14 June in response to mine of 9 June.

I am glad that you are content with the drafting of the text of the White Paper. I have also had Sir Donald Acheson's detailed suggestions and have taken account of them in the text which I am now circulating to members of MISC 138. I am asking them to let me have their comments by 22 June, after which I hope we can proceed quickly to final clearance and publication.

I agree strongly with your views on the importance of getting the presentation right in the statements which accompany the White Paper when it is published. I have it in mind to prepare a very short summary leaflet, for publication simultaneously, which will highlight the key points. I will let you see this in draft as soon as possible. We will also be preparing a comprehensive public relations campaign to accompany it.

\* I am copying this letter to the Prime Minister, the Chief Medical Officer and the Secretary to the Cabinet.

*Yours Sincerely,*

*John MacGregor*  
for JOHN MacGREGOR



Food  
Food safety  
Pt 2.

CONFIDENTIAL

MR TURNBULL

16 June 1989

cc: Mr Ingham

MISC 138: DRAFT WHITE PAPER ON FOOD SAFETY

1 John MacGregor will be circulating the draft White Paper on Food Safety this evening. My comments are based on the draft which went to MAFF Ministers, plus my understanding of the changes which they have made (partly at the suggestion of the Cabinet Office).

2 Bernard Ingham has also seen the draft and broadly shares my reaction.

3 The paper is not bad as a description of a complicated system of controls applying across the food chain. But - especially after Chapter 1 - it is very descriptive. It reads like a text for sixth formers. About half-way through I got very bored.

4 The version I saw needed a political steer. The measures taken recently by the Government - for example, to establish the Richmond Committee - made little impact on the reader because of the way they were woven into a long descriptive text. I gather that the version now being circulated includes a list of recent measures. This may improve matters.

5 I understand that Kenneth Clarke takes the same view - indeed, he is even more critical. But for the sake of his relationship with John MacGregor, he is likely to pull his punches when commenting.

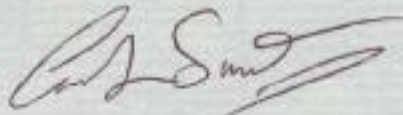
6 The MISC 138 meeting is planned for 29 June. MAFF are hoping to have the drafting sorted out before then if possible

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because of their need to get the paper to the printers early in July.

7 If the White Paper makes the same impression on you as on me, you might want to tell MAFF to recast it with an eye to:

- less history (eg references such as 'over the past century');
- more about what this Government has done to improve food safety.



CAROLYN SINCLAIR





*ceff*  
*cc BI*

Ministry of Agriculture, Fisheries and Food  
Whitehall Place, London SW1A 2HH

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From the Minister

PRIME MINISTER

FOOD IRRADIATION

*See below.*

At the meeting of MISC 138 on 22 March it was agreed that food irradiation should be authorised when further powers had been obtained through the Food Bill, and that this decision should be announced at the time of publication of the Working Party Report on the Control Framework, which I have recently received.

I had intended to make the announcement in the week commencing 26 June, but it seems to me that the Opening Speech I must make in next Wednesday's Opposition Half Day Debate on food issues presents a better opportunity. This will allow me to make a full, positive statement on the subject to the House, as well as I hope seizing the publicity initiative from the debate. I shall, of course, also have the advantage of being able to deal with the main Opposition points in advance, since these have already been set out in a press release.

The Working Party of officials recommended controls based on the following essential elements:

- the licensing of irradiation premises by a competent national authority following a detailed inspection and

evaluation of the premises, the plant and equipment and the expertise of the staff;

- continuation of the licence being dependent on compliance with detailed conditions as to operation of the facility which would be set out in the licence itself;
- the maintenance for a period to be laid down of very detailed records on the consignments irradiated (including their source and destination) and the treatment applied;
- regular inspections to verify compliance with the licence conditions by specialised staff of the licensing authority, and by Environmental Health Officers or Trading Standards Officers;
- a provision that full documentation giving details of the treatment must be supplied with the produce to the consignee;
- mandatory labelling of all irradiated food and listed ingredients.

The key elements in this seem to me to be the introduction of licensing controls operated by a national authority, the requirement for full documentation to be maintained for purposes of enforcement and the mandatory labelling of irradiated food and listed ingredients. These points should give the necessary reassurance that consumers need that the process is being properly controlled.

In my speech among the points I shall be making I shall be putting particular emphasis on the contribution to food safety and to consumer choice of permitting irradiation now in this country.

Research over a very long period has confirmed its safety and distinguished scientists working through the WHO and the FAO are satisfied not just over safety (both nutritional and microbiological) but also that irradiation offers useful benefits for consumers through the contribution it can make to reducing food-borne disease.

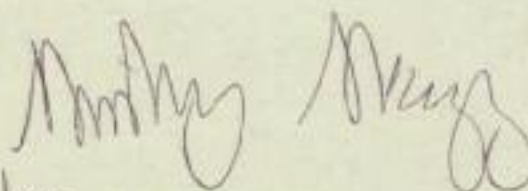
With the proper control framework as we now propose, it is surely right to offer both manufacturers and consumers this choice (which neither need to avail themselves of if they do not wish to do so) as a further contribution to food safety.

The only Opposition line of attack of any substance is the fact that there is no test yet for detecting whether a particular food item has been irradiated. On this point I propose to refer to the fact that neither the WHO and the other international agencies nor the 35 countries which have now approved it for use and the 21 in which it is already in operation have regarded a detection test as an essential control. I will also stress that our own Advisory Committee concluded that a test would simply be a useful supplement to the kind of licensing and documentary control mechanisms that are relied upon by all those countries that permit food irradiation, and which provides the essential safeguards.

The next stages in the introduction of irradiation will be the inclusion of a suitable passage in the July White Paper, the inclusion of the necessary enabling power in the Food Bill, and the publication of detailed control proposals in the form of draft Regulations (on which there would be full consultation) once the Bill has the Royal Assent. Only when all these have been completed will food irradiation be permitted as an additional tool to enhance food safety.

I am copying this to the members of MISC 138 and to Sir Robin Butler.

Minister of Agriculture,  
Fisheries and Food  
16 June 1989

  
for JOHN MacGREGOR

## Irradiated Food

4. **Mr. Morgan:** To ask the Minister of Agriculture, Fisheries and Food whether a diagnostic test for irradiated food is yet available.

**The Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food (Mr. Richard Ryder):** Work is continuing to develop tests that could be applied to particular categories of produce. Meanwhile, in those countries where food irradiation is already permitted, control of the process is carried out by licensing and documentary checks as recommended by the World Health Organisation and the Food and Agriculture Organisation of the United Nations.

**Mr. Morgan:** Can the Minister confirm that with or without the availability of a diagnostic test his Government have decided to authorise the legitimisation of the sale of irradiated food? Perhaps that is inevitable, to believe everything we read in *Vanity Fair* the Prime Minister herself believes that ionising radiation in the bath will extend her shelf life. Is it not the case that dodgy produce that has passed its sell-by date is as unacceptable to the British consumer as are Prime Ministers who have passed their sell-by date?

**Mr. Ryder:** The World Health Organisation approves of irradiation. More than 20 countries use irradiation, and more than 30 countries, including the United States and France, permit it despite there being no test available to those countries. Under those circumstances, there is no reason why we should not follow suit.

**Mr. Ashby:** Does my hon. Friend realise that the consumer finds it unacceptable not to be given the choice of choosing food that is irradiated or not? Until a test is available that can inform the consumer whether food is irradiated it should not be sold in this country.

**Mr. Ryder:** I ask my hon. Friend to be patient. Next month we shall publish a report by some of our officials who are drawing up a framework for irradiation. I will be greatly surprised if labelling does not feature among their main recommendations.

**Dr. David Clark:** As no diagnostic test currently exists, does the Minister appreciate that not only consumers but farmers, retailers and the Labour party are against irradiated food? The only people in favour are the Government's big business backers. Will the Government back down and respect the will of the British people not to market irradiated food in this country until a diagnostic test is available?

**Mr. Ryder:** I have seldom heard such nonsense. The advisory committee on irradiation and novel foods, formerly under the chairmanship of the master of Darwin college, Cambridge, and now under the chairmanship of the vice-chancellor of the University of East Anglia, concluded without doubt that irradiation is safe. All the Government's scientific advisers have shown that it is safe, as has the World Health Organisation. More than 30 countries permit it, so why not Britain?

5. **Mr. Sumberg:** To ask the Minister of Agriculture, Fisheries and Food what representations he has received regarding the proposed introduction of food irradiation in the United Kingdom; and if he will make a statement.

**Mr. MacGregor:** As my hon. Friend the Parliamentary Secretary said, the Government accept independent scientific advice that food irradiation, properly applied, is safe, and that moreover it offers consumers real health and economic benefits. I have just received the report from officials on the framework of controls that would be necessary if we were to remove the present prohibition. I will announce a decision as soon as consideration of their report has been completed. A number of organisations and individual bodies have drawn attention to specific matters relevant to the controls, and they too will be taken into account in our consideration.

**Mr. Sumberg:** I hope that my right hon. Friend will move cautiously. There is widespread public concern that irradiation will merely mask unsafe foods. After all, we have lived happily for generations without it, and can do so in the future. There is a danger that 30 years hence we shall all be back here saying that we should not have taken such a step because there has been damage to life and health.

**Mr. MacGregor:** The advice of scientists from 54 countries, based on their consideration of the matter over a long period, is that they believe irradiation is safe. It is important of course that food is not unfit for consumption before it is irradiated. Irradiation can do nothing for food that has already deteriorated, any more than can pasteurisation.

Provided that there is a proper framework of controls, irradiation will help to ensure the safety and wholesomeness of food, and it has a contribution to make to the reduction of food-borne illnesses. Irradiation has been shown to be effective in significantly reducing the organisms that cause illnesses such as salmonella and listeria. When I present the working party's report on the framework of controls, I hope that we shall then have an informed debate.

**Mr. Martyn Jones:** Does the Minister accept that, leaving aside the probable dangers of irradiation in terms of the creation of free radicals which may well create chemicals within food which are dangerous to human health, irradiation is dangerous because it is impossible to detect whether the food was unfit before it was irradiated? The only way of detecting whether food is of sufficient quality at present is by examining the bacterial load on that food. We have no means of detecting the original bacterial load before the bacteria have been killed by irradiation.

**Mr. MacGregor:** The advisory committee on irradiated and novel foods consists of top level experts specialising in radiological protection, biochemistry, microbiology, toxicology and nutrition. They have thoroughly examined all aspects of the subject and have come to the clear conclusion that it will not prejudice the safety and wholesomeness of food and that it has certain advantages. The hon. Member for South Shields (Dr. Clarke) may be correct in what he said about the Labour party, but I can assure him that he is not correct in what he said about the responses of many consumer organisations, farmers, consumers and others outside the industry.

**Mr. Greg Knight:** Is my right hon. Friend aware that every winter an advertisement on television shows a young boy who eats a bowl of porridge and then starts to emit a red glow? Is he aware that many Members of the public

feel a similar result may occur when they eat irradiated food? It is absolutely necessary that there is public confidence in this matter. Will my right hon. Friend assure the House that he will take whatever steps necessary to bring about that confidence?

**Mr. McGregor:** Yes, indeed. We have already received a report from the advisory committee on irradiated and novel foods. There have been many conferences in many countries, and as my hon. Friend said, irradiation is practiced in more than 20 countries and is available in more. It is important to have a proper framework of control in general and to deal with the problem of unfit food. Labelling will also be necessary so that consumers can exercise free choice. I hope that when we publish that report we will have a very thorough debate, which I believe will show that irradiation, properly controlled, can play an important part in food safety.

**Dr. David Clark:** Does the Minister appreciate that a great weakness of the irradiation of food is that it allows unfit food to be dressed up as good food? Is he aware that in this country imported seafood has been found to be unfit for consumption, exported to Holland, irradiated and re-imported to Britain and put on the market?

**Mr. MacGregor:** Such matters will be an important aspect of the framework of controls that we shall set up. I urge the hon. Gentleman to await the publication of the working party report and the Government's conclusions on it.

### EC Price-fixing

6. **Mr. Latham:** To ask the Minister of Agriculture, Fisheries and Food what response he has received on the outcome of the recent price-fixing negotiations in Brussels.

**Mr. MacGregor:** The price settlement was very satisfactory for the United Kingdom. The green pound devaluations and reductions in the milk co-responsibility levy which I secured have been particularly welcomed in the House and elsewhere.

**Mr. Latham:** Is my right hon. Friend aware that he is entitled to gentle if not ecstatic congratulations on that generally satisfactory outcome? Is it not particularly good that there has been a step towards reducing the milk co-responsibility levy and will he press for further progress in that regard?

**Mr. MacGregor:** Yes, I agree with my hon. Friend. One of the major breakthroughs in this year's price negotiations was that we achieved a reduction in the milk co-responsibility levy across the board, and elimination of it in less favoured areas. We also secured a commitment that that would be the first stage in further developments towards phasing it out. It is particularly satisfactory that many other Ministers now recognise that the milk co-responsibility levy does not necessarily have a part to play in the CAP reforms. I hope to extend that to cereals. I assure my hon. Friend that I will be pressing for further progress in future price negotiations.

**Mr. Kirkwood:** Will the Minister give us an assurance that the recent changes in interest rates will be taken into account in future price-fixing negotiations, as they are creating adverse financial conditions for farmers in my constituency? Returning to headage payments, is the

Minister aware that 884 farms in my constituency and in Tweeddale, Ettrick and Lauderdale are in receipt of hill livestock compensatory allowances, and the headage payments restrictions would adversely affect them. We welcome the Minister's support, and hope that he will strengthen his resolve to ensure that those arrangements are not interfered with.

**Mr. MacGregor:** The next price negotiations—I am almost tempted to say thank goodness because they take so much time—will not begin for another nine months or so. It would not be right for me to comment on what general aspects of agriculture we shall be considering then. The draft proposals for the hill livestock compensatory allowances are only at an early stage of consideration and I am sure that there will be long negotiations on them. I have made clear my position on headage payments limits, but I must point out that one of the difficulties facing us is that a number of other member states are trying to skew the many elements of the common agricultural policy far more towards very small farmers. That is not in the interests of agriculture in the Community as a whole. However, it is one of the factors that they will be taking into account in looking at the limitations, so I shall have quite a battle. I am clear that it would be a mistake to extend the system any further. I voted against the beef regime recently because I disliked the limitation on headage payments there.

**Mr. Knapman:** Will my right hon. Friend inform the House what effect the devaluation of the green pound will have on farmers' incomes?

**Mr. MacGregor:** I am glad to say that the changes in the green pound this year will, of themselves, add about £155 million to farmers' incomes, but will have a negligible effect on the retail prices index.

**Mr. Ron Davies:** That, of course, will not do anything to offset the 20 per cent. loss in farm incomes from which farmers have suffered since 1983. Can the Minister tell us whether, when he was in Brussels, he discussed the pricing of organic produce? Can he tell us especially whether he tried to convert his colleagues in Brussels to the view advanced in Britain by his right hon. Friend the Secretary of State for the Environment, who said a couple of weeks ago that he regarded the production of organic food as another means by which farmers rip off consumers?

**Mr. MacGregor:** That is not what my right hon. Friend said.

**Mr. Ron Davies:** Yes, it is.

**Mr. MacGregor:** In answer to the hon. Gentleman's question, we did not discuss the pricing of organic produce in Brussels and we have not done so before. The increase in organic production has a part to play—although in my own view, it is not a major part—in the development of agriculture and it is important to allow it to develop because I know that some consumers especially want organic food. It is important that organic produce should be defined correctly and I am sure that the hon. Gentleman will welcome our recent announcement about an agreement on standards for organic produce, which is an essential first step in the development of organic produce.



DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Richmond House, 79 Whitehall, London SW1A 2NS

Telephone 01-210 3000

From the Secretary of State for ~~XXXXXX~~ Health

The Rt Hon John MacGregor MP  
 Minister of Agriculture, Fisheries & Food  
 Ministry of Agriculture, Fisheries & Food  
 Whitehall Place  
 LONDON  
 SW1A 2HH

15 June 1989

*D. John,*

Thank you for sending me the draft White Paper on Food Safety for my comments. I think the actual drafting of the text is fine. Sir Donald Acheson has some detailed suggestions to make and I have asked him to send them to you direct.

Presentation of the White Paper and the eventual Bill is going to be tricky. The White Paper impresses with its detailed description of the existing system of law, regulation, advisory committees and research. The first part of the White Paper faces the reader with a mass of detail on this which is hard to read but impressive in the general picture it paints of a formidable armoury of controls.

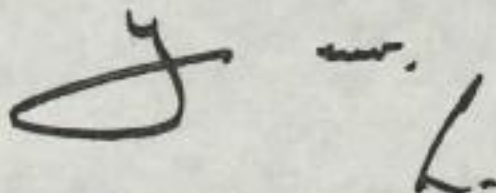
The White Paper then gets on to our proposals for a change in the law. It does as well as can be expected on this. The Food Bill began life as a worthy measure to up-date and consolidate the law on this subject. It has now become the object of more political attention and we have beefed it up as much as we can with good and worthwhile proposals to strengthen various powers. It is not possible to make it sound sensational in the language of a White Paper.

Everything therefore depends on the statements that are issued and made when we issue the White Paper. I am sorry to offer such an obvious opinion and I am always a little resentful when colleagues offer such advice to me in my field. Obviously you will point out that our proposals fill up every loophole in a range of law and regulation that we intend to use to the full. We must make a positive assertion about our commitment to research and our readiness to assemble the best independent scientists on our advisory committees. We must find something positive to say on the shortage of Environmental Health Officers. Every statement we make should start and end with our serious concern and our belief that the safety of the consumer is paramount.

E.R.

I am content that the White Paper makes a solid and respectable backdrop to all that for both of us.

I am copying this letter to the Prime Minister, the Chief Medical Officer and Sir Robin Butler.

A handwritten signature in black ink, appearing to be 'K. Clarke', written in a cursive style.

KENNETH CLARKE

CONFIDENTIAL



hite 811

10 DOWNING STREET

LONDON SW1A 2AA

*From the Principal Private Secretary*

12 June, 1989.

*Rev Shirley,*

**UNTREATED MILK**

The Prime Minister has seen the Minister of Agriculture's letter to the Secretary of State for Health of 9 June. She was content with his proposal that there should not be a ban on sales of untreated milk, but that there should be stricter labelling and testing requirements. She was also content for the announcement to be made on Tuesday, 13 June.

I am copying this letter to the Private Secretaries to the members of Misc 138 and to Sir Robin Butler.

*Yours sincerely*

*Andrew Turnbull*

Andrew Turnbull

Mrs. Shirley Stagg,  
Ministry of Agriculture, Fisheries and Food.

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*M*



CONFIDENTIAL

celu.



Ministry of Agriculture, Fisheries and Food  
Whitehall Place, London SW1A 2HH

Prime Minister

Consult with the  
decision not to ban?  
If so, consult with an  
early announcement  
i.e. before the Euro elections?

From the Minister

The Rt Hon Kenneth Clarke QC MP  
Secretary of State for Health  
Department of Health  
Richmond House  
79 Whitehall  
SW1A 2NS

CRS  
7/6

9 June 1989

New Secretary of State. Yes me

UNTREATED MILK

I am writing to you about the conclusions to be drawn from the recent consultation exercise on untreated milk.

We have received over 1200 replies. Some of these have come from bodies concerned about public health, including the enforcement authorities, and have supported the proposed ban, some have come from producers who have, predictably, opposed it. But the great majority are from consumers who prefer untreated milk and say that it is not for Government to decree that they shall not be allowed to drink it. Many of these go on to argue with justification that we do not ban smoking and alcohol which represent a greater threat to public health, and a considerable number also point out that a ban would be entirely at odds with the Government's general policy of deregulating and allowing the consumer to choose.

The subject was also considered by the Richmond Committee at its meeting on 8 June. I understand that they endorsed your official's view that unpasteurised milk represents a health risk, but that they also recognise the political pressure against a ban.

My own conclusion in the light of all these considerations is that, although it was right to air the subject, we should not proceed with a ban. Instead, we should think in terms of stricter precautions to ensure that the consumer is aware of the risk, and that the risk itself is minimised. I therefore envisage first a new labelling requirement to make it clear that the milk has not been heat treated

/and may contain ...

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and may contain harmful organisms, and second a new Ministry testing regime based on the plate count and coliform test rather than on the less sensitive methylene Blue test. In addition, I think we should streamline the procedure for issuing heat treatment orders under the Milk and Dairies (General) Regulations, and I suggest our officials should consider together whether your Chief Medical Officer might issue a warning to vulnerable groups in the same way as he warned about soft cheese in February.


I believe such a package would represent a reasonable compromise in the light of the consultation process, and I hope you are able to support it. I am advised by my legal people that under the existing legislation we shall have to go out to consultation on our revised proposals; but we shall of course do this very rapidly.

... I attach a draft reply to an inspired PQ (which deals also with certain other matters raised in the consultation paper). I should be grateful to receive any comments by close of play on Monday 12 June so that the announcement can be made on Tuesday.

You and I agreed that I should talk to the CMO about this in view of his earlier letters, and I have arranged to see him on Monday morning.

\* I am sending copies of this letter to other members of MISC 138 and to Sir Robin Butler.

Yours sincerely

  
JOHN MacGREGOR  
(Approved by the Minister and signed in his absence)

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## DRAFT ANNOUNCEMENT ON UNTREATED MILK

My Rt Hon Friends the Secretaries of State for Health and for Wales and I are grateful to the very large number of individuals and organisations - over 1200 in all - who responded to our consultation paper on untreated milk.

The proposal for a ban on sales of untreated milk was supported by the enforcement authorities and by a number of other organisations, mainly those concerned with public health. Organisations and individuals representing producer interests were opposed to a ban. But the main volume of correspondence came from organisations and individuals representing consumers, the overwhelming majority of whom were also opposed to a ban. Their arguments were:

- they preferred to drink untreated milk, "in spite of the additional health risks which this might involve; and
- in accordance with the government's general philosophy, they should be allowed to decide for themselves whether or not to continue drinking untreated milk.

Having carefully considered the representations which have been made - and in particular the large number received from individuals - my Rt Hon Friends and I have concluded that the consumer view should prevail. We therefore propose to continue to allow sales of untreated milk. But we recognise that this would continue to present a degree of public health risk, which we are anxious to do what we reasonably can to minimise. We are accordingly proposing that in future:

- untreated milk should be more fully labelled, so that the consumer knows that it has not been heat-treated and may contain harmful organisms;

- it should be subject to more sophisticated tests, which will have to be reflected in higher milk and dairies charges for producers; and
- the procedure under Regulation 20 of the Milk and Dairies (General) Regulations 1959 should be simplified to facilitate the issue of heat treatment orders in cases where untreated milk constitutes a threat to health.

Proposals for regulations will be issued shortly to interested parties in the usual way and will indicate the time scale for the various changes proposed. I recognise that new labelling requirements in particular cannot be introduced overnight.

The consultation document also sought views on untreated cream and on cheese made from untreated milk. In both cases there appears to be a need for more informative labelling and I shall be considering this in the light of our Community obligations. Action on goat and sheep milk must await the necessary primary legislation, but prima facie there is a case for making these milks subject to the same rules as cows milk.

dti

the department for Enterprise

*NOTED  
AT 25/5  
cc/p.*

The Rt. Hon. Tony Newton OBE, MP  
Chancellor of the Duchy of Lancaster and  
Minister of Trade and Industry

Rt Hon John Macgregor MP  
Minister of Agriculture Fisheries  
and Food  
Ministry of Agriculture Fisheries  
and Food  
Great Westminster House  
Horseferry Road  
LONDON SW1

Department of  
Trade and Industry

1-19 Victoria Street  
London SW1H 0ET

Enquiries  
01-215 5000

Telex 8811074/5 DTHQ G  
Fax 01-222 2629

Direct line  
Our ref  
Your ref  
Date

215 5147

25 May 1989

*John*

POLICY DOCUMENT ON FOOD SAFETY AND CONSUMER PROTECTION

Thank you for copying me your minute of 15 May to the Prime Minister, enclosing your suggested outline for the White Paper on food safety and the Food Bill.

I am content with the outline and agree that it is important to publish the White Paper before the Summer Recess. I have one comment: I would like to see a reference in the section dealing with the Food Bill to the importance of better regulation which is simpler and more effective than at present and takes due account of the needs of business.

I am copying this to recipients of your minute.

*lve.  
Tony*

TONY NEWTON

SBIABH



Food Safety PTZ





copy  
(1/10)

Ministry of Agriculture, Fisheries and Food  
Whitehall Place, London SW1A 2HH  
01-270 8709/8667

From the Minister's Private Office

*Prime Minister*<sup>2</sup>  
It has all come out for hand -  
to the end!  
-  
19 May 1989  
*mt*

Dominic Morris Esq  
Private Secretary to the Prime Minister  
10 Downing Street  
LONDON  
SW1A 2AA

19 May 1989

*Dear Dominic,*

On 14 April I sent you and Private Secretaries to members of MISC 138 the agreed text of the Government's "food safety leaflet".  
... You may be interested to see the enclosed printed version of the leaflet, which will be launched by Mr Ryder and Mr Freeman on Monday at the Good Housekeeping Institute. 10 million copies have been printed initially, and will be distributed through major supermarket chains, doctors' surgeries, Citizens' Advice Bureaux, etc.  
\* I am copying this to Private Secretaries of members of MISC 138 and to Trevor Woolley.

*Yours ever*  
*Stephen*

STEPHEN LAMBERT  
Private Secretary

## Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

Food Safety; A Guide from HM Government

Signed B. Walsh Date 8/8/16

**PREM Records Team**



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ce PU

JD

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

19 May, 1989.

Dear Shirley,

POLICY DOCUMENT ON FOOD SAFETY AND CONSUMER PROTECTION

The Prime Minister has seen the outline of this document attached to your minute of 15 May. She sees the objectives of the document as being to demonstrate that the Government has a coherent strategy for dealing with food safety and to secure credit for the measures which the Government has taken in the past few months. She hopes that when the document is written up, it will give a forceful account which will reassure the public that adequate steps are being taken.

The paper was referred to as a "policy document". It is not clear whether this was intended to indicate something other than a White Paper. There are, however, advantages in the latter, as it would have the status of a formal statement of Government policy which could be referred to in later discussion.

I am copying this letter to the Private Secretaries to the members of Misc 138 and to Sir Robin Butler.

Yours sincerely  
Andrew Turnbull

Andrew Turnbull

Mrs. Shirley Stagg,  
Ministry of Agriculture, Fisheries and Food.

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2

Prime Minister  
Agree (write making the points  
in para 4?)

AT 18/5

MR TURNBULL

18 May 1989

✓  
as mb

POLICY DOCUMENT ON FOOD SAFETY & CONSUMER PROTECTION

- 1 John MacGregor has circulated the outline of a White Paper or similar document on food safety and the Food Bill.
- 2 His proposals cover the ground agreed in MISC 138. But the presentation is plodding. It does not meet the political need:
  - to secure credit for the measures which the Government has taken since last December (mostly tucked in brackets in Section 3);
  - to present a coherent strategy for dealing with food safety. Here again there should be more emphasis on what is new (the Richmond Committee, the proposals on irradiation).
- 3 We will need to ensure that the text of the White Paper is less dull. Richard Wilson's informal group of officials will keep a watch on the drafting.
- 4 It would be helpful if you could write saying that the Prime Minister hopes that the draft will be punchy as well as reassuring, and will highlight the new measures which the Government has taken, and is proposing, in this field. Above all, it must not be boring.

Richard  
Wilson  
agrees.

CAROLYN SINCLAIR

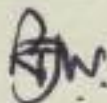
From: R T J Wilson  
May 18, 1989

MR TURNBULL

P 03446

## POLICY DOCUMENT ON FOOD SAFETY AND CONSUMER PROTECTION

1. Mr MacGregor's <sup>will AT?</sup> minute of 15 May outlines the policy document on food safety which he was asked by MISC 138 to prepare.
2. I have no major comments. The outline seems to cover the ground. A great deal will however depend on how it is written up. As set out here the approach could prove rather pedestrian, with the Government's proposals for the Food Bill not being reached until the sixth out of seven sections. Recent developments such as the measures to deal with salmonella are only referred to in parenthesis. And I imagine the Prime Minister will want to look closely at what is actually said about "The EC Dimension" and about legal defences (where they are still sticking to the idea of introducing "due diligence" in place of the statutory warranty).
3. On a minor point, Mr MacGregor carefully refers to the publication as a policy document rather than a White Paper even though he intends it to be similar in format to "Working for Patients". I would have thought that there would be advantage in calling it a White Paper straightforwardly so that it had the status of a formal statement of Government policy which could be referred to in later discussion.



R T J WILSON



Ministry of Agriculture, Fisheries and Food  
Whitehall Place, London SW1A 2HH

From the Minister

PRIME MINISTER

POLICY DOCUMENT ON FOOD SAFETY AND CONSUMER PROTECTION

*record attached*  
At the meeting of MISC 138 on 2 May I was asked to circulate proposals for a White Paper or similar document on food safety and the Food Bill.

I attach a proposed outline. The aim will be to produce a paper which not only sets the Food Bill in context but presents a picture of a coherent and comprehensive policy on food safety and consumer protection. The message should be reassuring and show how we are adapting to technological advances in the food chain.

I envisage a paper similar in format to the Health Service White Paper 'Working for Patients', though shorter than the full version of it.

The timetable is very tight. To be sure that the paper is available before the Summer Recess we shall need to publish it during the week beginning 17 July. My officials have started work on drafting so that I shall be able to circulate a draft to MISC 138 early in June.

I am copying this minute to members of MISC 138 and to Sir Robin Butler.

Ministry of Agriculture,  
Fisheries and Food

15 May 1989

*John MacGregor*  
JOHN MacGREGOR

**POLICY DOCUMENT ON FOOD SAFETY AND CONSUMER PROTECTION  
PROPOSED OUTLINE**

**1. INTRODUCTION**

Government's objectives, reflecting concern for consumer:

- To ensure safety of food through regulation of food composition (e.g. additives), and protection against contamination (microbiological and other contaminants).
- To enable consumers to exercise informed choice and to protect them against fraud and misleading claims (public education, nutrition labelling)
- To provide framework for assurance of public confidence in food supply (adequate enforcement).

Government's role to achieve these objectives by promotion of a food industry with the minimum regulatory controls commensurate with need for safeguards against adulteration, contamination, unauthorised additives, false or misleading claims adverse developments in biotechnology.

Scientifically-based approach.

Role of Government within EC framework.

Role of others:

- local authorities'
- scientific institutions
- food manufacturing industry
- wholesalers and retailers
- consumers

**2. PRESENT LEGISLATIVE AND ADMINISTRATIVE FRAMEWORK**

Description of principal features of existing food legislation.

- Food Act 1984
- Food and Environment Protection Act 1985
- Animal Health Act 1981

Description of present surveillance and enforcement \*

- Advisory Committees
- Surveillance System
- Liaison between Government Departments, local authorities and others.
- \* Descriptions of administrative organisation and committee structure might be presented in diagrammatic form, possibly in annexes.

### 3. OPERATION OF EXISTING ARRANGEMENTS THROUGHOUT THE FOOD PRODUCTION AND DISTRIBUTION CHAIN

- Animal feedingstuffs
- On farm (production and storage)
- Slaughterhouses and meat plants
- Dairies
- Food manufacturing/processing
- Food wholesaling/distribution
- Food retail
- Catering industry
- In the home

For each heading, summarise present specific administrative arrangements and achievements, and put up markers on the extent to which change is necessary and solutions envisaged in the Food Bill.

(This section will for example, describe the measures taken to tackle salmonella, the milk and dairies regulations, the food safety campaign leaflet, etc.).

### 4. THE EC DIMENSION

Fuller examination of EC dimensions:

- Harmonisation
- Inspection directive
- Meat inspection directive
- Proposals on Zoonosis control
- 1992

## 5. MEETING CHALLENGES - ADAPTATION TO CHANGE

The consultations since 1984.

Changes in dietary habits (wider variety, including 'exotic' foods, convenience food).

Novel foods (e.g. genetic manipulation).

Novel technologies (irradiation, cook-chill).

The Richmond Committee on Microbiological Safety of Food.

The relationship between the 1984 Food Act and the Food Bill.

## 6. THE FOOD BILL

Explain purpose and scope of Food Bill in context of existing powers:

- to update and streamline food legislation (e.g. by combining English, Welsh and Scottish provisions)
- to demonstrate clear and effective strategy on food safety and consumer protection
- to introduce suitable controls for novel foods and food irradiation
- to provide for better enforcement
- to provide clear, understandable rules for food industry in run-up to 1992

Provisions of the Food Bill:

- Tighter controls on unfit food (powers to apply to possession for sale as well as sale, detention of food pending investigation)
- strengthened enforcement measures (registration of food premises, action against batches)
- emergency control orders
- changes in legal defences ('due diligence' rather than 'statutory warranty'.)
- amendment of Crown Immunity provisions
- training of food handlers.
- Points picked up from Chapter 3.

## 7. CONCLUSIONS

Coherent and comprehensive strategy on food safety and consumer protection. Capacity for adaptation in face of change (hence Food Bill). Sound basis for progress with confidence into 21st Century.

## ANNEXES

Formal relationship and liaison between Government Departments, local authorities and others (e.g. PHLS) (diagrammatic style of presentation).

Advisory Committee structure (organogram/flow chart style of presentation).

Membership and terms of reference of main committees.

(Possibly) List of relevant legislation.

(Possibly) Tables showing evolution of food-borne disease situation.

(Possibly) Tables showing evolution of situation with regard to chemical contaminants.

(Possibly) Bibliography on food labelling and dietary education.

(Possibly) Information showing evolution of variety of foodstuffs available.





RJ

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Principal Private Secretary*

15 May 1989

**EUROPEAN COMMUNITY INSPECTION DIRECTIVE**

The Prime Minister has seen your letter to me of 12 May and has noted it without comment.

I am copying this letter to Richard Wilson (Cabinet Office).

(ANDREW TURNBULL)

Mrs. Shirley Stagg,  
Ministry of Agriculture, Fisheries and Food.

KK



Ministry of Agriculture, Fisheries and Food  
Whitehall Place, London SW1A 2HH  
01-270 8709/8667

*Prime Minister  
This should be further  
information you requested*

*gt  
145*

From the Minister's Private Office

Mr A Turnbull  
Principal Private Secretary to  
the Prime Minister  
10 Downing Street  
London  
SW1A 2AA

*16* May 1989

*New Andrew*

**EUROPEAN COMMUNITY INSPECTION DIRECTIVE**

Thank you for your letter of 3 May recording the Prime Minister's request for further information on how this Directive may be implemented in the UK.

As indicated in my Minister's minute of 2 May, the Directive has yet to be finally agreed and it now seems likely that this will be achieved at the Internal Market Council on 12 June. We can expect it to be formally notified a few days after that.

This Directive is part of the Commission's programme for achieving the Single Market by 1992 and it was listed in the annex to the White Paper published in 1985. Because the inspection of foodstuffs is required by all Member States to differing degrees in their national legislation, there is in this sector a technical barrier to free movement of foodstuffs between Member States. The Commission recognised the need to harmonise in this area so as to ensure that Member States can have confidence that foodstuffs they receive from other Member States have been subject to inspection and thus consumer interests have been properly protected.

This Directive sets down the general principles for the inspection of foodstuffs in the Community intended to protect the Community consumer and achieve fair trading. It also sets out the parameters for food inspection in two dimensions by indicating that the whole food chain shall be subject to inspection and that inspection

/shall not only ...

shall not only cover food safety/food hygiene, but also food composition, food labelling, food packaging materials as may be appropriate. In setting these parameters the Directive only goes slightly wider than the parameters already existing in UK food law and, even then, it extends into areas that we had already mostly earmarked in our public consultation on food legislation as being desirable extensions for UK food law, extensions which were generally supported by the interests consulted. Furthermore the Directive provides for the inspection to be carried out at the most appropriate stage in the food chain thus giving a flexibility which is important for the most effective deployment of resources.

Therefore the Directive is unlikely to become a vehicle for a major extension of regulation but rather one for the better use of inspection resources. The preamble to the Directive indicates that there is no intention to disturb national inspection systems of proven worth and we would regard the UK system as being in that category. The major areas which are within the scope of the Directive but not currently within that of UK food law are the inclusion of exports in inspection arrangements and the in-factory inspection of labelling and compositional matters. The first of these is simply achieved and is indeed already often undertaken by inspectors at the request of food manufacturers in order to satisfy remarshalling for importing countries. The second is also a sensible remarshalling of forces since the advance of food technology is such that rules can be more effectively enforced (and the consumer better protected) by examinations or inspections at the production stage in the factory rather than relying on sampling at retail level and subsequent chemical analysis.

To a large extent therefore the Directive does not more than confirm a situation that already exists in the UK. Being a directive it does allow the UK to implement it in a way that best suits our system so long as the objectives of the Directive are achieved. The Food Bill will provide for the necessary extensions of food law to the areas that it does not currently cover. It will be for discussion with local authority and enforcement representatives and other interested parties exactly what arrangements will operate on the ground to cover these inspections. Officials of the Department have initiated these discussions but they are at present only at a preliminary stage.

\* I am copying this letter to the Private Secretaries to members of MISC 138, to the Chancellor of the Duchy of Lancaster and Minister for Corporate Affairs and to Sir Robin Butler.

*Smiley*  
*Shirley Stagg*  
**SHIRLEY STAGG (MRS)**  
Principal Private Secretary

Food:

Food Safety: Pt 2.





Foreign and Commonwealth Office

CONFIDENTIAL London SW1A 2AH

9 May 1989

Dear Shirley,

Health and Safety Issues on Agriculture, Fisheries and Food in relation to the Single European Market

As the Foreign Secretary told Mr MacGregor yesterday, in accordance with the remit given by MISC 138 on 27 April, he invited the Secretary General of the European Commission, David Williamson, to call on him on 5 May.

The Foreign Secretary said that there was considerable concern in the United Kingdom over animal, plant and fish health and food safety, which were of fundamental importance to us. This had been a serious concern at the time of the negotiation of the Single European Act. There could be no question of our implementing arrangements in the completion of the Single Market which put seriously at risk our health standards.

Particular points of concern to us were:

- (i) the use of geographical limitations to control the movement of animals and plants was an important one. There had been a recent instance where the movement of horses from Spain to France had been stopped because of equine fever in Spain. That was a wholly sensible approach and of particular application to an island country like Britain.
- (ii) there were certain issues where the ability to maintain our existing standards and controls was not negotiable, eg rabies.
- (iii) on animal health, eradication of the most serious diseases was the top priority and an essential pre-requisite to the relaxation of controls.
- (iv) on plant health, we did not believe it made sense to concentrate controls in the hands of the exporters who, by definition, would have no interest in ensuring that the controls were rigorously applied.

Mr Williamson said that he fully recognised the extent of our concern. It was accepted within the Commission that our controls to prevent the spread of rabies would need to be maintained so long as rabies continued to exist in Europe.

CONFIDENTIAL



CONFIDENTIAL

This would in practice mean that we should keep our controls indefinitely. He thought it ought to be perfectly possible to design a safeguard clause enabling member states to take emergency action. The concept that the Community would include zones where higher health standards applied was already accepted. Sir David Hannay, who was present, pointed out that this effectively meant that the UK would be recognised as a zone of higher health.

Mr Williamson said that putting the onus on the exporter to ensure compliance with health standards was designed to prevent protectionism by importing countries. He accepted that this aspect of the arrangements should be looked at carefully but thought that it could be made effective if adequate penalties were applied in the event of abuse.

The Foreign Secretary offered to send Mr Williamson a paper covering our concerns. Mr Williamson said this would be very useful. Our officials will be in touch with yours. The Foreign Secretary believes it would still be worthwhile Mr MacGregor speaking to Mr Williamson as well to reinforce the significance of our message.

I am copying this letter to the Private Secretaries to members of MISC 138 and to the Cabinet Secretary.

Jaw,  
*Stephen Wall*  
(J S Wall)  
Private Secretary

Miss Shirley Stagg  
PS/MAFF

CONFIDENTIAL



File DAS

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

3 May 1989

Dear Shirley

EUROPEAN COMMUNITY INSPECTION DIRECTIVE

The Prime Minister has seen your Minister's minute of 2 May setting out the position on the Inspection Directive. She is anxious that a Directive whose purpose is to achieve a single market in foodstuffs does not, in its implementation, become a vehicle for a major extension of regulation.

She has asked for a further explanation of how it is proposed to extend inspection to cover all stages of the production and distribution cycle.

I am copying this letter to the Private Secretaries to members of MISC 138, to Peter Smith (Office of the Chancellor of the Duchy of Lancaster), Andrew Heyn (Office of the Hon Francis Maude, Minister for Corporate Affairs) and Sir Robin Butler.

Your sincerely

Andrew

ANDREW TURNBULL

Mrs. Shirley Stagg  
Ministry of Agriculture, Fisheries and Food

M



Ministry of Agriculture, Fisheries and Food  
Whitehall Place, London SW1A 2HH

*Prime Minister*  
*This is a directive which has the power to do good, but for better it does, will be in the way it is implemented MAFF are aware of the pitfalls*

*AT*  
*2/15*

From the Minister

PRIME MINISTER

EUROPEAN COMMUNITY INSPECTION DIRECTIVE

Following MISC 138 this morning I thought you might like an immediate note on the Inspection Directive.

The Official Control (Inspection) of Foodstuffs Directive is one of a number of "framework" Directives laying down general principles for achieving a single market in foodstuffs. As I mentioned this morning one of the difficulties is that although these are the responsibility of my Department, they are being dealt with by the Internal Market Council.

A "common position" was reached on the Inspection Directive on 22 December 1988, with the UK voting in favour. It has since undergone a second reading in the European Parliament.

The Commission has accepted the Parliament's suggested amendments which involve a Commission study of a number of aspects of food inspection, including training standards and the possibility of establishing a Community inspection service. The Directive is on the agenda of tomorrow's Internal Market Council and in view of the fact that the European Parliament's amendments have no direct impact on Member States, the Presidency may press for a vote. Otherwise it will go to the June Internal Market Council for final adoption, probably as an "A" point. Francis Maude will be representing the UK and if a vote is taken will be maintaining a Parliamentary scrutiny reserve as the amended proposal has not yet cleared scrutiny procedures.



The aim of this Directive is to harmonise the general principles of food inspection within the Community in preparation for the Single European Market. It is therefore intended to facilitate the movement of trade within the Community and build up mutual confidence in Member States' different enforcement systems.

As it stands it does not provide for a Community inspectorate of any kind. The preamble makes clear that it is primarily for Member States to lay down their own inspection programmes and that it is not the intention of the Directive to interfere with systems of proven worth. However, the Directive will call for some changes in current UK arrangements, in particular:


- i) the need to inspect products intended for consumption in other Member States in the same way as those intended for consumption on the domestic market;
- ii) the need to ensure that products destined for third countries are not excluded from inspection on the grounds that they are to be exported;
- iii) inspection to cover all stages of the production and distribution cycle (a change in emphasis from retail to in-factory inspection);  
*how?*
- iv) the need for authorised officers to have the power to inspect and copy or remove documents;
- v) Member States to draw up annual forward inspection programmes and provide the Commission with annual inspection statistics; and
- vi) the Commission to make an annual recommendation for a co-ordinated inspection programme.

We shall clearly have to watch that items v) and vi) do not lead to pressures for a full-scale Community inspectorate; the Commission are now also likely to study this possibility following the intervention of the European Parliament.

We have to decide on our arrangements for implementing the Directive within a year of its formal notification and bring these into operation within two years. Our intention is therefore to implement the Directive in the Food Bill (and Regulations made under it) so that food industry and enforcement interests will have a single, updated, legislative framework within which to operate.

† I am copying this to members of MISC 138, Tony Newton, Francis Maude and Sir Robin Butler.

Ministry of Agriculture,  
Fisheries and Food  
2<sup>nd</sup> May 1989

  
JOHN MacGREGOR

EUROPEAN COMMUNITIES  
THE COUNCIL

Brussels, 30 January 1989

4457/89

RESTREINT

AGRILEG 29  
PRO-COOP 10

COMMON POSITION

ADOPTED BY THE COUNCIL ON 23 JANUARY 1989  
WITH A VIEW TO ADOPTING A COUNCIL DIRECTIVE WITH  
REGARD TO THE APPROXIMATION OF LAWS ON THE  
OFFICIAL CONTROL OF FOODSTUFFS

*Handwritten notes:*  
4457/89  
16/2

4457/89

cc ~~Mr Cockbill~~  
Mrs Morris  
Mrs Cox  
Mr Smith  
Miss Reed  
Mr Atwood  
Mr Craft

Dr Wood  
Mr Otley  
Mr Kingcott  
S/F 0092  
3 spare

NO/00

EN

Miss Reed  
Miss Hallin

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

In co-operation with the European Parliament <sup>(2)</sup>,

Having regard to the Opinion of the Economic and Social Committee <sup>(3)</sup>,

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(1) OJ No C 20, 27.1.1987, p. 6 and OJ No C 88, 5.4.1987, p. 14.  
(2) Opinion published in OJ No C 345, 21.12.1987, p. 80 and Decision of  
(not yet published in the Official Journal).  
(3) OJ No C 347, 22.12.1987, p. 1.

Whereas trade in foodstuffs is one of the most important aspects of the common market; whereas all the Member States must endeavour to protect the health and economic interests of their citizens; whereas the protection of health must be given unconditional priority and whereas, therefore, official control of foodstuffs must be harmonized and made more effective;

Whereas, however, the differences between national legislations with respect to this type of control are such as to represent barriers to the free movement of goods;

Whereas it is therefore necessary to approximate these legislations;

Whereas, first of all, the general principles governing the carrying out of such control must be harmonized;

Whereas specific provisions, in addition to the general principles, may, if necessary, be adopted subsequently;

Whereas the subject of this Directive is verification of the compliance of foodstuffs with legislation on foodstuffs; whereas such legislation contains

provisions on health, rules on composition and rules on quality design; to protect consumers' economic interests as well as provisions on consumer information and fair commercial transactions;

whereas, at the same time as foodstuffs, materials and articles intended to come into contact with such foodstuffs should be controlled;

whereas for the purposes of the completion of the internal market, foodstuffs intended to cross intra-Community frontiers must be inspected with the same care as those intended for marketing in the Member State of production;

whereas inspection must therefore be based in principle on the provisions in force in the Member State of production; whereas, however, such a principle should not apply where it has been established to the satisfaction of the inspecting authority by appropriate means, including the submission of commercial documents, that the product in question is intended for consignment to another Member State and that it complies with the provisions in force in that Member State;

whereas, to be effective, inspections must be carried out regularly; whereas they must not be limited as to the subject, stage or moment at which it is convenient to carry them out, and whereas they must take the most suitable forms to guarantee their effectiveness;

Whereas in order to ensure that inspection procedures are not evaded, it is necessary to provide that Member States shall not exclude a product from appropriate inspection on the grounds that it is intended for export outside the Community;

Whereas the inspectors must be granted adequate powers;

Whereas although, on the one hand, undertakings should not have the right to oppose the inspections, on the other hand their legitimate rights must be preserved, in particular the right to manufacturing secrecy and the right of appeal;

Whereas the authorities made responsible for the control of foodstuffs may differ from one Member State to another; whereas it is, therefore, desirable to publish a list of the competent authorities in the field in each Member State, with an indication of the territories for which they are competent, and approved laboratories for the analyses to be carried out in connection with such control;

Whereas official controls should contribute effectively to the prevention of food law infringements; whereas to that end programmes should be drawn up on the basis of appropriate criteria;

Whereas, although it is primarily for Member States to lay down their inspection programmes, it is necessary, with a view to the completion and operation of the internal market, to arrange also for co-ordinated programmes at Community level;

Whereas simultaneous implementation of national programmes and co-ordinated programmes will provide experience which is still widely lacking at present; whereas, in the light of that experience, it may prove necessary to revise this Directive to improve the arrangements which it introduces;

whereas Member States should be allowed a certain degree of freedom as to the practical means of carrying out inspections so as not to interfere with systems already proven worth which are best suited to the particular situation in each Member State;

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive lays down the general principles for the performance of official control of foodstuffs.
2. For the purposes of this Directive, "official control of foodstuffs" - hereinafter called "control" - means an inspection by the competent authorities of the compliance:



- of foodstuffs;
- of food additives, vitamins, mineral salts, trace elements and other additives intended to be sold as such;
- of materials and articles intended to come into contact with foodstuffs,

with provisions aimed at preventing risks to public health, guaranteeing fair commercial transactions or protecting consumer interests, including provisions on consumer information.

3. This Directive shall apply without prejudice to the provisions adopted in the context of more specific Community rules.
4. This Directive shall not apply to metrological control.

#### Article 2

1. Member States shall take all necessary measures to ensure that control is carried out in accordance with this Directive.
2. Member States shall ensure that products intended for consignment to another Member State are inspected with the same care as those intended for marketing on their own territory.

Article 3

Member States shall not exclude a product from appropriate control on the grounds that it is intended for export outside the Community.

Article 4

1. Inspections shall be carried out:
  - (a) regularly;
  - (b) where non-compliance is suspected.
2. Inspections shall be carried out using means proportionate to the end to be observed.
3. Inspection shall cover all stages of production, manufacture, import into the Community, processing, storage, transport, distribution and trade.
4. As a general rule, inspections shall be carried out without prior warning.
5. The competent authority shall, in each case, select the stage or stages which it considers the most appropriate for its examination from those listed in paragraph 3.

Article 5

Control shall comprise one or more of the following operations in accordance with the conditions laid down in Articles 5 to 9 and in the light of the examination to be carried out:

- (1) inspection
- (2) sampling and analysis
- (3) inspection of staff hygiene
- (4) examination of written and documentary material
- (5) examination of any verification systems set up by the undertaking and of the results obtained.

Article 6

1. The following shall be subject to inspection:

- (a) the state and use which is made at the different stages enumerated in Article 4(3) of the site, premises, offices, plant and plant surroundings, means of transport, machinery and equipment;
- (b) raw materials, ingredients, technological aids and other products used for the preparation and production of foodstuffs;
- (c) semi-finished products;

- (d) finished products;
  - (e) materials and articles intended to come into contact with foodstuffs;
  - (f) cleaning and maintenance products and processes and pesticides;
  - (g) processes used for the manufacture or processing of foodstuffs;
  - (h) labelling and presentation of foodstuffs;
  - (i) preserving methods.
2. The operations enumerated in paragraph 1 may, where necessary, be supplemented by:
- interviews with the head of the inspected undertaking and with persons working for that undertaking;
  - the reading of values recorded by measuring instruments installed by the undertaking;
  - inspections carried out by the competent authority, with its own instruments, of measurements taken with the instruments installed by the undertaking.

Article 7

1. Samples of the products enumerated in Article 6(1)(b) to (f) may be taken for the purposes of analysis.

Member States shall take the necessary steps to ensure that those subject to inspection may apply for a second opinion.

2. The analyses shall be carried out by official laboratories.

Member States may also empower other laboratories to carry out these analyses.

Article 8

Persons who, in the exercise of their activity, come into contact, whether directly or indirectly, with the materials and products referred to in Article 6(1)(b) to (f) shall be subject to the hygiene inspection referred to in Article 5(3).

The purpose of this inspection shall be to check that the health standards concerning personal cleanliness and clothing are respected. It shall be carried out without prejudice to medical examinations.

Article 9

1. Inspectors may take note of written and documentary material held by the natural and legal persons at the various stages enumerated in Article 4(2).
2. Inspectors may also make copies or take extracts of written and documentary material submitted to them for examination.

Article 10

Where inspectors discover or suspect an irregularity, they shall take the requisite measures.

Article 11

1. Member States shall ensure that inspectors have the right to carry out the operations provided for in Articles 6 to 10.
2. Member States shall prescribe that the natural and legal persons concerned shall be obliged to undergo any inspection carried out in accordance with this Directive and to assist inspectors in the accomplishment of their tasks.

Article 12

1. Member States shall take the measures necessary to ensure that natural and legal persons concerned by the inspection have a right of appeal against measures taken by the competent authority for the purpose of inspection.

2. They shall prescribe that inspectors shall be bound by professional secrecy.

Article 13

1. The competent authority or authorities of the Member States shall draw up forward programmes laying down the nature and frequency of the inspections to be carried out regularly in accordance with Article 4(1)(a) over a specific period.
2. By 1 May of each year the Member States shall send to the Commission all the necessary information on implementation during the previous year of the programmes referred to in paragraph 1, specifying:
  - the criteria applied in drawing up these programmes;
  - the number and type of inspections carried out;
  - the number and type of infringements established.
3. By 16 October of each year, and for the first time in 1991, the Commission shall transmit to the Member States, after having consulted them within the framework of the Standing Committee for Foodstuffs, a recommendation concerning a co-ordinated programme of inspections for the following year. This recommendation may be subsequently adjusted as required during implementation of the co-ordinated programme.

The co-ordinated programme shall set out in particular the priority criteria to be applied in its implementation.

The information provided for in paragraph 2 shall contain a special, separate section on implementation of the co-ordinated programme.

- 4 Five years after notification of this Directive the Commission shall transmit to the Council a report on the application of this Article, accompanied, if necessary, by any appropriate proposals.

#### Article 14

Each Member State shall communicate to the Commission the names of:

- the competent authority or authorities and the extent of their territorial responsibility and functions;
- the official laboratories or laboratories authorized by the competent authorities, which are responsible for carrying out analyses in connection with the control.

These lists shall be published in the "C" series of the Official Journal of the European Communities.



Article 15

Member States shall adopt and publish, not later than twelve months after notification of this Directive, the laws, regulations and administrative provisions necessary to comply with this Directive not later than twenty-four months after its notification <sup>(1)</sup>. They shall forthwith inform the Commission thereof.

Article 16

This Directive is addressed to the Member States.

Done at Brussels,

For the Council  
The President

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(1) This Directive was notified to the Member States on



10 DOWNING STREET

Prime Minister

A thought provoking paper.  
The idea of a White Paper to place  
the Food Bill in a wider context  
is a good one.

There is a lot of logic in  
merging MAFF with DTI but  
it would create a monster. The  
European demand on the Secretary of  
State would be enormous. ✓

A change in culture has  
been achieved at DTI by  
successive SdS, starting with  
Lord Joseph. It could be achieved  
at MAFF with the right Ministers.  
But you should not underestimate  
the possible political costs.

AT

2814

M

MISC 138 - FOOD BILL

John MacGregor and Kenneth Clarke have circulated a paper describing the contents of the Food Bill. This is an opportunity for a Second Reading debate. Further detached papers will be required on certain aspects, such as enforcement.

Food Bill

The key elements in the Bill are summarised in para. 7 of MISC 138/89/11:

- (1) tighter controls applying to possession for sale as well as sale;
- (2) new enforcement measures, including extending enforcement in the factory;
- (3) improved powers to control food produced by genetic manipulation; irradiated food; and food contaminants, including those arising from farming practice;
- (4) powers for Ministers to make emergency control orders with or without the co-operation of manufacturers and traders;
- (5) changes in the defences which can be used in Government. The proposal is to move more into line with other consumer protection legislation by introducing a "due diligence" defence for all absolute offences;
- (6) a power is proposed which would enable Crown Immunity (from Food Act legislation) to be taken away selectively from certain buildings, if Ministers so decide;

Such as ?

- (7) regulations prescribing training in food hygiene for food handlers.

Apart from this, the Bill will streamline the existing legislation, putting more provisions into subordinate legislation, and extending the Bill to Scotland to replace the various Scottish Acts which govern food safety measures.

#### Baby food scare

Neither the proposed Bill or the existing Food Acts would allow us to specify the design of food containers in the way suggested by some in response to the current scare about baby food. Attempts have been made to poison pet food. Tamper-proof packaging can pose problems for the old. If we were to go down this road, another legislative peg would need to be found; or the Food Bill altered to provide a peg.

#### Comment

The Food Bill will be an important weapon in our armoury against food-borne disease. But it is going a bit far to claim, as the paper does in para. 2, that:

...the Bill will provide the Government with the opportunity to demonstrate a clear and effective strategy on food safety and consumer protection."

My separate note on a strategy for food safety suggests that we need more than just the Food Bill to achieve this. If, as the MISC 138 paper suggests, the Bill is criticised for not going far enough to protect consumer interests, we need to be able to point to other measures which the Government is taking to improve food safety.

## CONCLUSION AND RECOMMENDATIONS

There are three areas in the Food Bill which need to be probed, and which could be the subject of further MISC 138 papers:

- (i) trade reaction to the introduction of a "due diligence" test, accompanied by the removal of the warranty defence. This is likely to be one of the most contentious parts of the Bill. The approach looks reasonable provided it is workable;
- (ii) Arrangements for enforcement. This has two aspects: funding and manpower, and the suitability of leaving enforcement in local authority hands. The EC Inspections Directive may in any case oblige us to exert more central control than we are used to doing in this area. MISC 138 should have an early paper looking at the present arrangements for enforcement, and considering the case for change;
- (iii) Crown immunity. Kenneth Clarke will be writing shortly to seek views on the continued application of immunity to Government buildings, such as prisons. DoH and MAFF will tend to favour the ending of immunity. If it were decided that the provisions of the Food Act should apply to prisons, there might be an interesting interaction with the present sanitary arrangements.

CAROLYN SINCLAIR

8/2/89

PRIME MINISTER

Ref: P 03430

FOOD BILL  
MISC 138 (89) 11

## DECISIONS

The Minister of Agriculture and the Secretary of State for Health are seeking broad endorsement of the proposed contents and handling of the Food Bill to be introduced next session. You may wish to use this as an opportunity to have a Second Reading discussion on the proposals and to consider how far you wish further work to be brought back to this Group.

2nd  
Reading

2. In discussion you may wish to run through the following points:

i. general approach. Perhaps the central question is whether the Bill will demonstrate that the Government has a competent, effective approach towards food safety. The paper says that the Bill 'for the most part will retain existing provisions without major changes although more will be put into subordinate legislation' (paragraph 3). You may wish to ask what difference the Bill would have made to Government handling of recent matters of public concern, such as salmonella in eggs, listeria in quick-frozen dishes, cryptosporidia in water and pesticide residues.

Legislation  
Provisions

Any  
difference?

ii. enforcement. Enforcement of the Food Acts is carried out by local authorities, with functions divided between two separate inspectorates, the Environmental Health officers and the Trading Standards officers, who operate at district and county level respectively. The paper refers to shortages of both (paragraph 10 iii). You may wish to ask whether the enforcement machinery will be adequate for the tasks placed on it in the Bill and whether its co-ordination is satisfactory. This might be an area for a follow-up paper.

which will  
the remain  
divided

iii. European Community. The EC Inspections directive is

likely to emerge in its final form this summer. The paper says that it "may involve a greater degree of central Government supervision and/or co-ordination" (paragraph 6). You may wish to ask what lies behind this. Will the Bill implement the directive? and what difference will it make to present arrangements?

iv. Consumer interests. The paper envisages pressure for additional consumer safeguards, for instance on American lines (paragraph 10 i) and says that Lady Oppenheim-Barnes may become a focus for opposition on parts of the Bill. You may wish to ask what arguments the Minister plans to use to defend the Bill against consumer criticism.

v. Industry interests. One key proposal is that the offences should be defined so as to give defendants a "due diligence" defence (paragraph 10 ii). It is important that this should both set rigorous standards for food supplies but not be unduly burdensome on, say, small shopkeepers. You may wish to ask how the defence will work in practice and whether the Home Secretary has been consulted.

vi. Richmond Committee. The paper refers to the need for the Bill to take account of any new gaps in the law identified by the Richmond Committee (paragraph 5). But the first report of the Committee is likely to be out around the time the Bill is published. You may wish to ask whether there is any risk of the Committee coming forward with proposals which undermine the Bill.

vii. presentation. The Bill is not going to provide a radical shake up of Food Law. There may therefore be a need to set it in the context of Government policy on food safety and damp down expectations. You may wish to discuss whether a White Paper during this summer would be useful for the purpose.

3. In concluding the discussion you will wish to decide whether

you are broadly satisfied with the proposals or whether you want more papers to be submitted to the group on particular aspects to make sure that the Bill develops on the right lines.

#### BACKGROUND

4. The Food Act 1984, which applies to England and Wales, was a consolidation of earlier legislation. It provides that food should not be injurious to health or unfit for human consumption or falsely described. It also provides regulation-making powers on food composition, labelling and hygiene. Similar legislation applies to Scotland and Northern Ireland.

5. The Minister of Agriculture proposes that the Bill should re-enact the main provisions of the current law, subject to some amendments. In addition, he proposes a number of new provisions, including the following:

- extending controls to possession for sale as well as sale;
- extending enforcement powers to the factory
- enabling action to be taken against batches of food as well as individual products;
- providing for the registration of food premises;
- enhanced powers for controlling new processes, including food irradiation, and novel foods;
- empowering Ministers to make emergency control orders;
- changes to the statutory defences available to a defendant;
- and changes to Crown immunity, enabling the Act to apply by Order in Council to individual Crown bodies.

#### MAIN ISSUES

##### General approach

6. Food safety law has traditionally been focussed on the fitness of what is on sale to the public, and it has been regarded as an essentially local matter, with the Government simply providing a framework of statutory criteria, and enforcement being carried out by local government. As scientific



knowledge and production methods have developed, the Government has set up elaborate advisory committees to establish the criteria, but the basic legislative framework has remained the same.

7. The present proposals which are the outcome of a 5-year consultative exercise take the existing legislation as their starting point. The new Bill will be a substantial tidying up and refurbishment rather than anything radically new in concept. You may wish to satisfy yourself that this is the right approach by asking, for instance, about:

i. recent scares. It might be useful to know what difference the Bill's provisions would have made to recent scares, eg about salmonella in eggs, listeria, pesticides and cryptosporidia in water. Will the Bill be seen as relevant to current concerns?

ii. regulations. There is already a substantial body of regulations on food safety. The paper says that "the majority" of new measures will be contained in further regulations made after the Bill receives Royal Assent. You might ask whether anything more can be done to slim down this regulatory framework so as to concentrate on essentials and be accessible to those affected. One of the principles underlying the Bill will be "to ensure that food is safe": is this something which the Government can do, as opposed to requiring food suppliers to ensure that food is safe?

iii. food chain. Some of the new provisions seem to be directed to monitoring and regulating the whole food production chain rather than food at the point of sale. This appears to be an important change of emphasis which will presumably require an expansion in regulation, monitoring and enforcement. You may to check that the machinery and resources will be available to back this up.

#### Enforcement

8. Enforcement of food safety requirements is the

and the  
household

2

responsibility of environmental health officers, who are employed by district councils, and trading standards officers who are employed by county councils. Their responsibilities have grown up piecemeal, and they deal with a wide range of other matters besides food safety. There seems to be little national co-ordination of their priorities.

9. You may wish to ask whether this enforcement machinery will be adequate to the task being placed on it in the Bill. The environmental health officers claim that they are already several hundred under strength and training programmes are being run down. They are a vocal lobby and may well launch a campaign during the passage of the Bill to the effect that the Government is creating new requirements without the necessary resources. You may wish to ask for a paper on enforcement machinery, to be prepared in consultation with the Secretary of State for the Environment.

#### Europe

10. There is a strong European Community dimension to the question of enforcement: see paragraph 6. The EC Inspections Directive, which we understand to be likely to be finalised in June, will require member states to inspect food destined for other EC countries with the same care as food destined for the domestic market. The directive will also require inspections to be carried out both when indicated and on a regular basis, and for regular reports to be made to the Commission. All this appears to have a very centralising thrust, and there must be some question whether a highly localised enforcement system that is distributed between two tiers of local government is capable of meeting it. Mr MacGregor touched on this during the discussion of European issues in MISC 138 yesterday. His paper on Single Market issues (MISC 138(89)8) said that "the UK, with decentralised systems of enforcement and a distinctive legal system, has frequently found itself in a minority in the Council" on food safety issues. You may therefore wish to probe with Mr MacGregor whether the EC Inspections Directive will require a more centralised system and, if so, how he proposes to deal with

the directive.

#### Defences

11. The Minister of Agriculture proposes that the offences in the Bill should be modified by a due diligence defence (which is well precedented in consumer protection legislation), so that a defendant would not be convicted if he could show that he had exercised all due diligence and taken all reasonable precautions to prevent the commission of the offence. This will be welcome to the industry to the extent that many of the existing offences are absolute. However, some are modified by a warranty defence, which allows a defendant to escape conviction if he can show that his supplier provided a warranty that the food was of the required standard. The Bill will take this away, because it is often impossible to bring a prosecution against anyone in the food chain in circumstances where, say, the original supplier is based abroad.

12. Retailers are complaining that a due diligence defence will make it necessary for them to undertake rigorous checks on all their products to ensure that they are safe and that this will involve them in a good deal of unnecessary expenditure. You may wish to check that the burden on small shopkeepers will not be unacceptable and remind Mr MacGregor of the need to clear his final proposals with the Home Secretary.

#### Richmond Committee

13. The Richmond Committee on the Microbiological Safety of Food, on which the Ministry of Agriculture and the Department of Health both have an assessor, have announced that they are aiming to submit their first report towards the end of this year and that they do not intend to make any interim statements before then. Their first report is therefore likely to come out at around the time of introduction of the Food Bill. You may wish to ask the Minister of Agriculture and the Health Secretary whether they expect the committee to come forward with proposals which might cast doubt on any of the main components of the Bill.

Presentation of the Bill

14. The Government has already announced that it is preparing a large new Bill, and the main proposals are public. There is nevertheless a risk that consumer lobbies and the Government's critics will claim that the Bill is insufficiently far-reaching. You may wish to consider whether some further steps should be taken to prepare the ground. One possibility might be to publish a White Paper before the Summer Recess. This might describe the main components of the Bill and set the Bill in the context of the Government's overall policy on food safety. A comprehensive White Paper might also be useful in damping down the pressure for instant new initiatives in response to every scare-story that appears. On the other hand, a White Paper might provide a focus for fresh controversy and encourage a head of steam to build up against some of the Bill's proposals.

*See the background paper which favours a White Paper*

15. You may wish in any event to make the point that the Food Bill represents only one part of the Government's strategy on food safety and that it will be important not to claim too much for it. You may also wish to emphasize that the Government's responsibilities on food safety should not be overstated: it is the industry, not the Government, which is responsible for providing safe food; the Government's main responsibility is to set a proper legislative framework (and hence the Bill) and to provide suitable arrangements for the enforcement of the law.

16. Paragraph 12 of the Memorandum suggests that the Bill might be introduced in the Lords. This is a matter which the Minister of Agriculture will need to pursue separately with the Lord President and the Lord Privy Seal.

## HANDLING

17. You will wish to invite the Minister of Agriculture to introduce the Memorandum and to ask the Secretary of state for Health whether he has any general comments to add. The Secretary of State for the Environment will be able to comment on the responsibilities of environmental health officers and trading standards officers. The Chief Secretary may wish to put on

*New Government will represent DoE*

record that the resource implications of the Bill will need to be discussed in the Public Expenditure Survey and that he does not accept the proposition in paragraph 10(iii) of the Memorandum that there is unlikely to be scope for offsetting savings within Departments' existing budgets.

*R.T.J.*

R T J WILSON  
Cabinet Office  
28 April 1989

# CONFIDENTIAL

PRIME MINISTER

26 April 1989

## A STRATEGY FOR FOOD SAFETY

The Government needs a convincing strategy for food safety. Although the subject is temporarily out of the headlines, fears about the safety of what we eat and drink are constantly fanned by womens' magazines and radio and television. Once mothers have become worried, they do not forget. And experience in the USA (where the latest apple scare came from) suggest that this issue will not go away. It is an aspect of growing consumer power in an affluent society.

There is a solid basis for public concern. The incidence of food poisoning has been growing steadily during the 1980s, (see Annex A). Like the figures for recorded crime, an increase in cases of food poisoning probably reflects a greater readiness to report tummy upsets. But this is unlikely to be the whole explanation.

The problem goes wider than food poisoning. Worries about the effect of chemicals and biotechnology are an important strain in "green" thinking. Well-founded concern about nitrates or certain pesticides is jumbled up with less rational dislike of Bovine Somatotropin (BST) in milk, and food irradiation. There is no evidence that the last two, properly used, cause any harm to human health - and irradiation can bring positive benefits - but "concerned mum" seldom makes the distinction. Nor do the green pressure groups, who dispute the scientific evidence.

This paper considers the steps which the Government could take to convince the public that it has a strategy for dealing with problems under the food safety heading. It looks at several options, including a White Paper, and the abolition of a separate Ministry for Agriculture.

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The role of Government

First, what the Government should not do.

The Government cannot ban germs or risk. It must not strangle the food and catering industries with a plethora of regulations. It should not launch battalions of Government inspectors to clutter up farmyards, and peer into every fridge and pot.

The Government should also avoid plunging into emotionalism (as the Greens tend to do in Europe). Its starting point must always be the best scientific knowledge available. It has a duty to bring this to people's attention. There may be circumstances where public emotions run so strongly that a policy based solely on scientific considerations will not carry the day. But the rational view must be asserted clearly by the Government during any debate.

What the Government should do is to convince the public that it has a strategy:

- for dealing with unforeseen dangers, be they new forms of food borne disease, or newly discovered effects of agricultural or food industry practices;
- for enforcing good standards of hygiene at all points in the food chain;
- for ensuring that new developments in the chemical and biotechnology industries are properly regulated.

As always, there is a balance to be struck between safeguarding the consumer and regulating business out of existence. In political terms, however, the need now is to make it clear that considerations of public health - that is, the interests of the consumer - come first. The initial handling

of the egg scare left the impression that producer interests dominated the Ministry of Agriculture.

An effective strategy for food safety must ensure that the Government gets credit for putting the consumer first.

#### Elements in a strategy for food safety

There are a number of bits and pieces which need to be fashioned into a coherent strategy:

- the Food Bill;
- the Richmond Committee on Microbiology
- the tighter controls on the food chain and imports which have followed the scare about eggs;
- the proposals on food irradiation;
- the food safety campaign;
- the new regulations on food storage in retail outlets;
- the existing network of joint MAF/DoH scientific committees;

#### TOWARDS A STRATEGY FOR FOOD SAFETY

Possible options for pulling these elements together are:

- A series of Ministerial speeches presenting the elements as a coherent strategy.
- A White Paper covering the same ground. This would provide a context for the Food Bill (which on its own cannot be presented as the solution to food safety problems).



A campaign of speeches

It is unlikely that this would do the trick by itself. The recent campaign of speeches by environment ministers has been useful. But it has probably had less impact than the series of well-produced booklets describing what the Government has done in the environmental field. Neither are seen as a substitute for a Green Bill, now planned for 1989-90.

A further problem with speeches is that responsibility for food safety is split between the Minister for Agriculture and the Secretary of State for Health. The Secretary of State for the Environment also has a role because Environmental Health Officers are employed by local authorities.

Speeches by John MacGregor would be greeted with suspicion. The Ministry of Agriculture are widely seen as putting producers, not consumers, first.

Speeches by Kenneth Clarke would be better. But how much time could be given to this issue over the next few months when the NHS reforms are a major pre-occupation?

← A speech by you would have greatest impact. But you cannot go on speaking about food safety. One speech would arouse expectations that something more was going to happen.

A White Paper pulling together existing threads

The arguments for a White Paper are:

- A White Paper would help to ensure that the Government got full credit for the new measures introduced since the egg scare - the Richmond Committee, tighter controls on the production of animal feeding stuffs, on poultry

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flocks, on imports etc. At present information about these is scattered through Hansard in a number of unrelated PQs. It is quite hard for the secretariat of MISC 138 to produce a composite list!

- A White Paper would help to put the Food Bill in context. The thrust of the Bill is not something which can be readily grasped by commentators. It replaces a framework of regulation designed in the 1950s with something more up-to-date; and extends some legislation to cover Scotland as well as England and Wales. By itself it will not be seen by the media as a credible strategy for food safety. The answer is that such a strategy is not a single piece of legislation, but a number of measures designed to fit together. A White Paper could explain this.
- A White Paper would enable the Government to explain the rationale for legalising the sale of irradiated food. This is likely to be contentious.
- A White Paper would be a document of record, describing the existing Government machinery for dealing with food safety. This should include a description of the framework for regulating and monitoring the effects on food and drink of the chemical and biotechnology industries.

MAFF officials are nervous about such a White Paper. They are feeling overwhelmed and probably dread writing it. But they are also worried that it will arouse unrealistic expectations that the Government can "solve" food safety problems.

Richard Wilson tends to favour a White Paper.

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The case for going further

The debate in Parliament on the Food Bill is bound to generate calls for new machinery to deal with these matters - eg a food safety agency on US lines. Sally Oppenheim Barnes could be expected to argue for this; or at least for stronger consumer representation on the various MAFF/DoH committees which monitor aspects of food safety. The current baby food scare is prompting calls for a separate Ministry of Food.

Creating a new agency, to which the food safety responsibilities of MAFF and DoH would be transferred, looks like tinkering. It is doubtful whether such an agency would be more effective than the present arrangements as long as MAFF remains a bastion of producer/processor interests.

But there are strong arguments.

- for dissolving MAFF on wider grounds, one of which would be to ensure that consumer interests are given more weight;
- for looking at the enforcement arrangements for food safety measures.

Arguments for dissolving MAFF

- It is anomalous that three industries - farming, fishing food and drink - should be represented by a different Department from the bulk of manufacturing and service industries.
- More significantly, MAFF have not undergone the changes in attitude which have happened in the DTI. MAFF officials still think of themselves as "sponsors" of their industries within Whitehall, and live in

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a world of subsidies and special pleading. Such an approach has largely been abandoned in the DTI, particularly under David Young.

- The DTI has strong sections working on consumer interests and competition policy. It also has a tradition of arguing for trade liberalisation. This means that issues affecting a particular industry are looked at from a number of angles, not simply from the point of view of that industry.
- MAFF's attitude to a range of problems - the statutory marketing boards, near-market R&D, the future of ADAS - show how out of tune it is with the Government's economic policies.
- MAFF are beginning to realise that food safety is an important political issue which will not go away. But the Select Committee Report on Salmonella pointed up the initial weaknesses in their response. It is not clear that the leopard has, or can, change its spots.

## What could be done with MAFF's responsibilities

- The bulk of these could go to DTI who would take over responsibility for the farming, fishing, food and drink industries, and negotiate in Brussels. The Chief Veterinary Officer and his section could also go to DTI. The Policy Section on animal health could either go to DTI (with the vets) or to DoH.
- MAFF's research responsibilities could go to DTI. This would bring a number of benefits. DTI would take a much tougher view of what constituted "near market" research. In the case of other types of research, they would insist on collaborative ventures in which

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they provided no more than 50% of the money. More generally, they would look critically at proposals for agricultural research as opposed to spending the same money on other types of basic research which could bring benefits to other industries.

- MAFF's small section on food safety could go to DoH.
- MAFF's responsibilities for environmental matters could go to DOE (this would be popular with environmentalists who regard MAFF with suspicion).
- ADAS' advisory services could be privatised; or given to an agency responsible to the Secretary of State for Trade and Industry.

Such changes could make it easier than it is at present to implement the Government's policies of treating agriculture more like other industries, and of concentrating spending on R&D on basic science. In the field of food safety, a dialogue between DTI and DoH would give more weight to consumer interests because DTI is geared to doing this anyway.

This would not be mere tinkering. Like the abolition of the old Civil Service Department, it would be a recognition that a change of attitudes is not possible without a change of framework. MAFF strike the rest of Whitehall as living in a different world from most other Departments.

The main argument against dissolving MAFF is political. It would be seen by farmers as a reduction in their influence on the Government (though a few far-sighted ones might see that they could benefit from the kind of management help now being given by the DTI's market divisions).

Presentation could help. DTI could be re-christened the Department for Trade, Industry and Agriculture. Agriculture

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could have its own Second Permanent Secretary, and Cabinet Minister, within the Department. Such arrangements might make it easier for the territorial Departments to make similar changes.

### Enforcement

Traditionally the enforcement of food safety regulations in this country has been left to Local Authorities. The latter employ around 5,200 qualified Environmental Health Officers (EHO), supported by at least as many administrative, technical and scientific staff. Regulations on labelling and composition are the responsibility of local Trading Standards Officers. The split in responsibility has been criticised by the Food and Drink Federation who favour a unified food inspectorate.

EHOs have a wide range of responsibilities. DOE interests, chief of which is housing, take up a good deal of their time. Perhaps 30 per cent is spent on MAF/DoH interests such a food hygiene and communicable disease.

The measures taken to combat salmonella in eggs, the new proposals on food irradiation and the move towards harmonized food law in Brussels (where an EC Inspections Directive is on the point of being adopted), prompt three questions:

- (1) Can EHOs/Trading Standards Officers cope effectively with their present and new tasks?
- (2) Do we want to leave these important issues in Local Authority hands (the MISC 138 paper on food irradiation suggested that controls administered by a central authority were likely to command more public confidence)?
- (3) Even if the answer to (2) is yes, will this be possible as EC food law is harmonised?

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It is difficult to answer these questions because we have no clear overall picture of the effectiveness of EHOs and their staff. There is some evidence that they may be understaffed, but it is not conclusive. This is important because it is EHOs and their staff who would be charged with checking for cracked (and perhaps dirty) eggs.

The Audit Commission have not done an overall study of EHOs. But their audits of individual district councils suggest considerable scope for tightening up management, and using time effectively, in local Environmental Health Divisions.

MISC 138 should have an early paper on the subject of enforcement. The Audit Commission should be asked as soon as possible to do a crash study on the effectiveness of the current enforcement arrangements.)

### Conclusions

- The Government needs to show that it has a convincing strategy for handling (not necessarily solving) food safety issues as they arise.
- Such a strategy should put the consumer first, while taking account of producer and other interests.
- A White Paper is the minimum needed to present such a strategy. It could pull together the various measures proposed or enacted in addition to the Food Bill.
- There is a case for organisational change to underline a new approach to food safety problems. The dissolution of MAPF, and the transfer of its responsibilities to other Departments, would make a lot of sense in this and other contexts.

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Enforcement needs to be considered in parallel with changes in the regulating regime. A crash study by the Audit Commission of the existing arrangements would be a helpful first step.

CAROLYN SINCLAIR

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# FOOD POISONING (E&W)

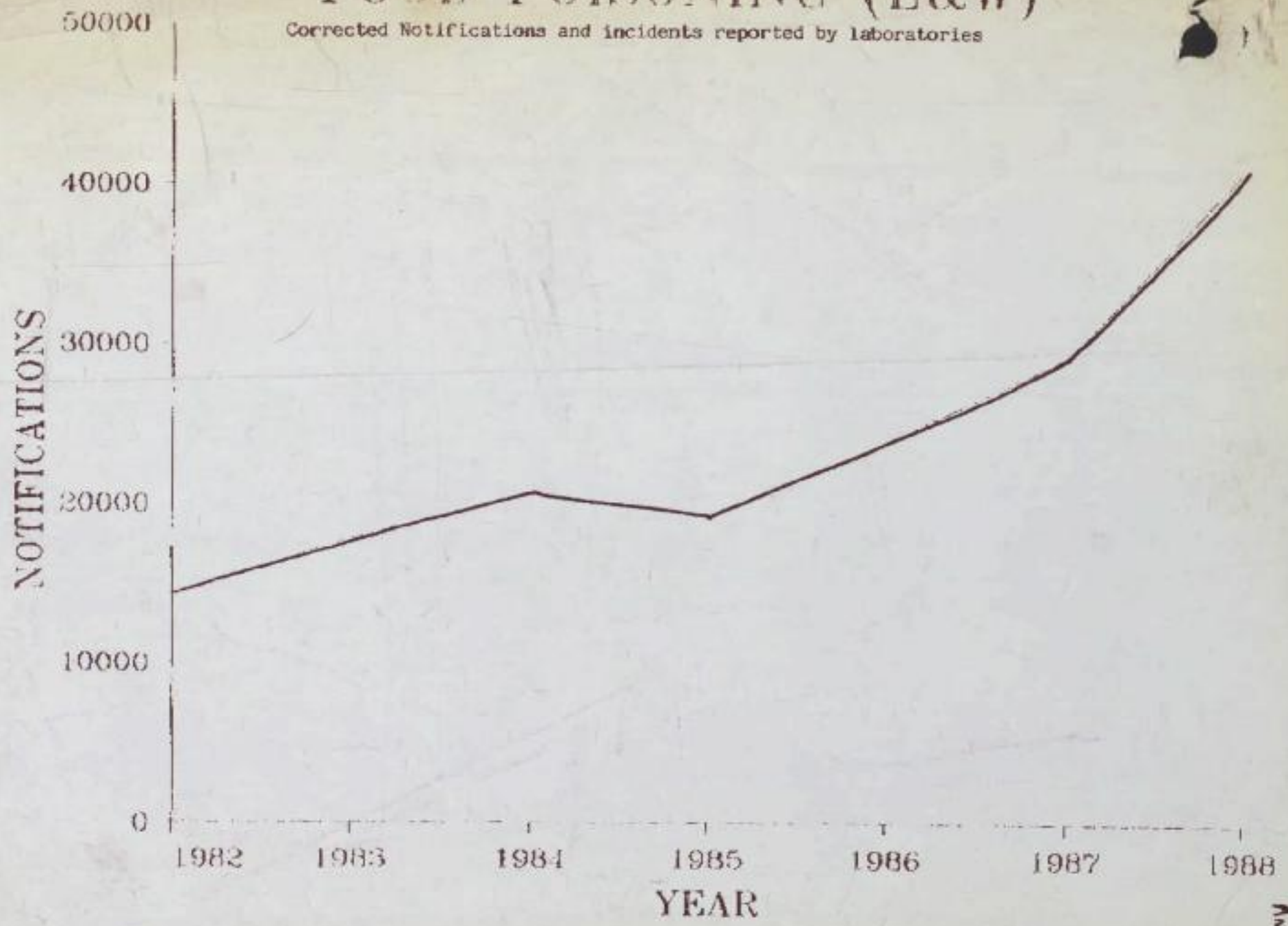
Corrected Notifications and incidents reported by laboratories

ADMIN 1



E MAR '89 14:45

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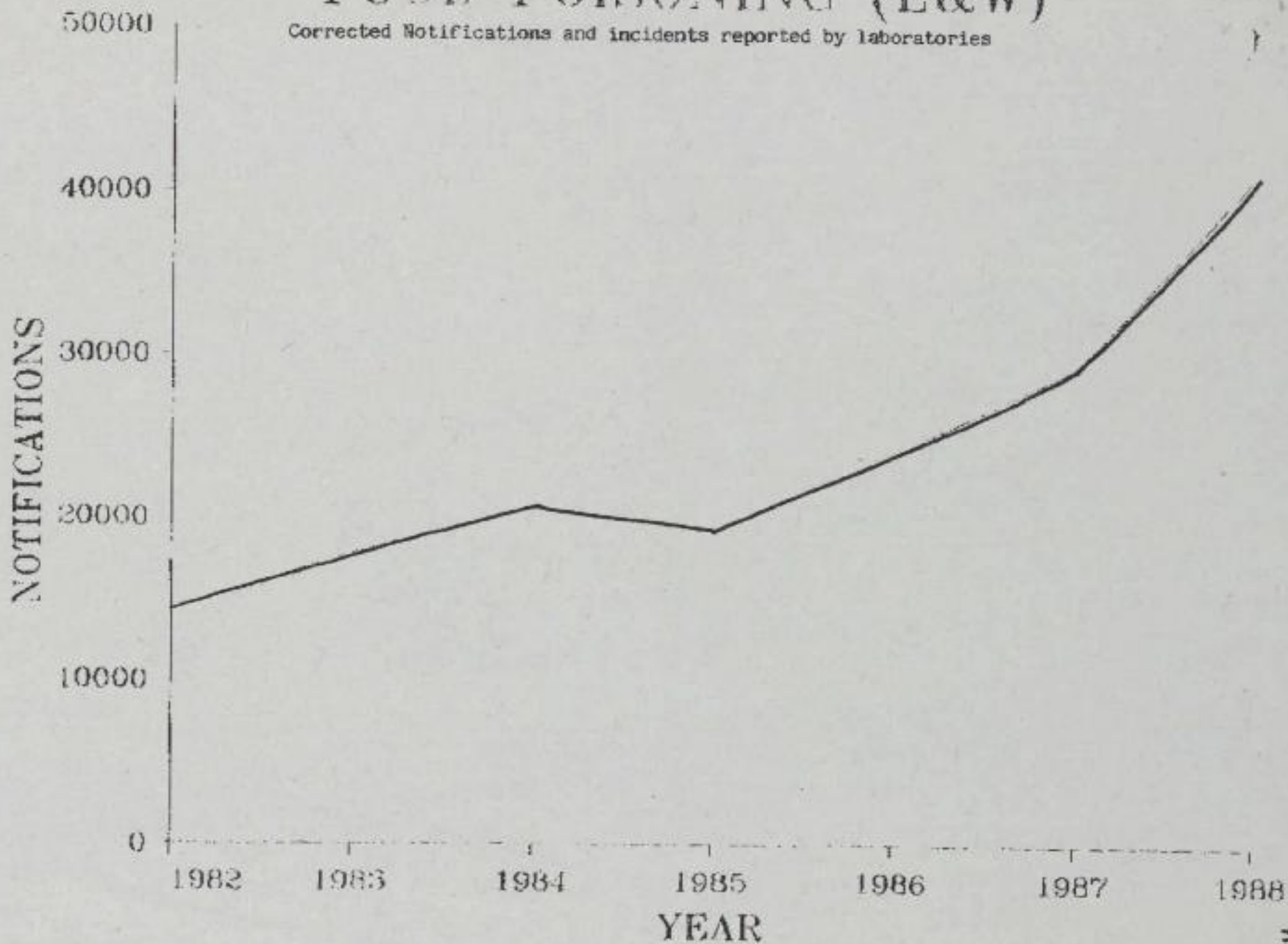
Source: Annual Reports of the Registrar General and Chief Medical Officer

PAGE .002

ANNEX A

# FOOD POISONING (E&W)

Corrected Notifications and incidents reported by laboratories



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8 MAR '89 14:45

PAGE.002  
AMW

Prime Minister  
 Before getting into the specific  
 problems of animals, plants etc, you  
 need to clarify how food and  
 agriculture fit into general  
 problem of frontier issues. You  
 will need to look at Prof. Sae's  
 report of discussion - OD(E) - Pg A.

At 26/4

PRIME MINISTER

HEALTH AND SAFETY ISSUES ON AGRICULTURE, FISHERIES AND FOOD IN  
 RELATION TO THE SINGLE MARKET  
 (MISC 138(89) 8)

- Pg B

1. The Minister of Agriculture's paper seeks agreement about what aims the UK should pursue in Community negotiations on a number of issues. You may find it helpful to divide the issues into two groups.

2. First, animal, fish and plant health. The key proposal in Mr MacGregor's paper is that the UK should press hard for the retention of controls, including where necessary frontier checks, to safeguard animal, fish and plant health. His proposals need to be considered in the context of our objectives more generally in Community negotiations on frontier issues. You may wish to use this meeting as an occasion for establishing how the MAFF issues fit into our overall approach to frontier issues generally; and to give a steer on the importance which you attach to the various MAFF points. The best way forward may be to ask for the MAFF issues to be considered alongside the UK's other objectives on EC frontier issues, taking account of this discussion. The machinery for this is OD(E) which has already been examining frontier issues generally.

3. Second, harmonisation of the law on food. While supporting the general direction of the Commission's harmonisation programme, the Minister of Agriculture is also seeking agreement

that the United Kingdom should press for provisions which would allow us to take rapid action, on both home supplies and imports, where food safety requires it. You may wish to explore the implications with a view, here again, to giving a steer to OD(E).

## BACKGROUND

4. The Group noted at its second meeting (MISC 138(89) 2nd meeting, item 1), that a shift to an arrangement under which the farming industry would be required to meet the costs of compensation in respect of compulsorily slaughtered animals would place British farmers at a disadvantage compared with their overseas competitors. This was because very few other countries followed a policy of slaughtering potentially infected animals. In summing up the discussion, you noted that the United Kingdom's sea barrier had been of assistance in controlling the spread of disease from overseas; and you indicated that a guiding principle in the negotiations in the run-up to 1992 should be that every effort should be made to minimise the risk of disease being introduced to this country through the importation of contaminated products. You invited Mr MacGregor to circulate a paper setting out proposals for the handling of negotiations on the single European market.

5. Mr MacGregor's paper naturally focuses on his preoccupations on animal, fish and plant health. However, this forms part of the wider question of the handling of Community negotiations on frontier issues, on which the Foreign Secretary has minuted you today. The Foreign Secretary's minute records OD(E)'s

conclusion that we should concentrate our efforts on preserving our ability to use points of entry into the United Kingdom to conduct essential checks on, for example, terrorism, drug smuggling and illegal immigration by non-EC nationals. His minute also says that we cannot be absolutely sure how far the Treaty of Rome leaves scope for member states to maintain such checks at the frontier: most other member states, particularly those with land frontiers, take a somewhat different view. OD(E) consider that we have strong practical arguments in our favour, which we must use to persuade other member states that the checks we wish to retain are legitimate and genuinely necessary, and that because we are an island it makes sense for us to conduct them at the water's edge.

*Charles has suggested we work out an explicit bottom line for those controls we consider essential.*

6. A particular concern of Mr MacGregor is that since 1986 the Commission have used a European Court judgement to base animal and plant health legislation exclusively on Article 43, rather than on Article 100a. Though both rely on majority voting, Article 100a contains an explicit safeguard clause providing for national measures in cases of necessity. There is still the general safeguard in Article 36; but MAFF believe that as new Community rules are established for animal health the UK's aim must be to ensure that those rules themselves contain provision for member states to take national action in cases of necessity. The exercise of any such power will, however, have to be justified under Community law as appropriate and proportional to the risk.

## MAIN ISSUES

7. The Minister of Agriculture's memorandum sets out five main areas of concern. Of these, the Commission's proposals on animal, fish and plant health are directly related to the wider negotiations on frontier issues. You may wish to deal with this group of issues first. The remaining two issues - meat hygiene and food safety - are harmonisation matters which are not primarily related to frontier controls.

Animal Health

8. Our island position has enabled us to maintain a relatively high degree of freedom from animal disease. The most serious potential threat relates to rabies, because of its serious effects on humans. Other diseases which are of concern to us on economic rather than public health grounds, include foot and mouth disease, classical and African swine fever, and Aujeszky's disease in pigs. The Commission are seeking to dismantle controls at national frontiers and to replace these with Community-wide controls which, depending on the nature of the disease, would apply to movement between regions of differing health status or movements between herds. The Commission envisage that checks would be mainly at the point of destination; but there is clearly a risk that such checks will not be conducted with the necessary rigour.

9. The Government's line has been that:

- i. the first priority is to eradicate the most serious diseases. Relaxation of controls is secondary to that;

ii. while we accept the Commission approach based on movement controls between regions, for diseases such as foot and mouth disease the British Isles should constitute such a region;

iii. so long as rabies is endemic elsewhere in the Community, it will be necessary for the United Kingdom to retain border checks on travellers, backed by quarantine.

10. You may wish to endorse this approach and confirm that the control of rabies is especially important, since this is a disease which directly affects humans.

#### Fish Health

11. The main threat to fish health concerns two especially virulent diseases, infectious haematopoietic neurosis (IHN) and viral haemorrhagic septicaemia (VHS). Both are established on the continent and, if they took a hold here, could devastate our salmon and trout farming industries and our wild salmon and trout populations.

12. There are at present no Community controls on fish health or hygiene, but the Commission are discussing new harmonisation measures to regulate trade in live fish and their products. The Commission are proposing, in particular, that trade within the Community would be regulated by the health certificates to stop movements of fish from infected zones to disease-free zones. As with animal health, you may wish to emphasise that it will be important for the United Kingdom to press for controls to be

allowed at the place of entry.

#### Plant Health

13. The United Kingdom does not have a clear lead over other member states in freedom from plant disease, but it is nonetheless important to seek to keep out those major diseases from which we are currently free (in particular, rhizomania in sugarbeet and ring-rot and Colorado beetle in potatoes). The Commission has suggested that controls should be focused on the export country; but the Minister of Agriculture proposes that we should seek long-term arrangements which would allow at least some degree of checking of imports, though not necessarily at the frontier; and no reduction in existing controls until the long-term arrangements have been settled. You may wish to confirm this approach.

#### Meat Hygiene

14. The Commission are likely to propose that all meat processing plants (except for small plants serving a local market) should comply with export approved standards by 1992. At present, only 99 of the 937 slaughterhouses in the United Kingdom are export-approved, though these account for nearly 40% of meat produced. MAFF estimate that some 250 slaughterhouses will be unable to meet the Community requirements and will consequently be forced to close. They point out, however, that there is still a good deal of surplus capacity in the industry and that some rationalisation is desirable.



15. The Minister of Agriculture emphasises that we will need to ensure that the rules are properly enforced in other member states; and Annex 2 to his memorandum suggests that meat processing plants might need to be given a period beyond 1992 to meet the new Community standards. You may wish to endorse the first of these propositions; but you may wish to give a steer on whether we should seek to negotiate a period of grace for our slaughterhouses before they are required to meet the proposed new standards. In particular it might be useful to know more about why the slaughterhouses will have to be closed down: for instance, whether it is because they are old-fashioned.

#### Food Safety

16. We have to strike a balance here between our interest in ensuring that other member states cannot obstruct our food exports and the need to protect the UK consumer. The Minister of Agriculture is concerned to ensure that we retain discretion to act urgently and effectively wherever specific threats to consumer safety arise. You may wish to probe the scope for securing this.

#### NEGOTIATING TACTICS

17. Since decisions in all these areas can be taken by majority vote, we need to negotiate in a way which:

- a. induces the Commission to build provisions into its proposals to meet our needs; and
- b. maximises the scope for tactical alliances with other member states.

You will wish to explore with the Foreign Secretary and the

Minister of Agriculture how best to present our case to meet these objectives. You may also wish to invite the Foreign Secretary to comment on how the handling of these issues fits into the general strategy for handling the Community negotiations on frontier issues.

18. The Minister of Agriculture suggests that the group of national co-ordinators on frontier controls, set up after the Rhodes Summit, might be used to take forward the various MAFF preoccupations. Our understanding is that there is no difficulty about using the co-ordinators to register the MAFF dimension to frontier control and that this is, in fact, already in hand; but that the co-ordinators can only ensure that all the relevant areas, including this one, are properly considered, and they are not a forum for substantive negotiation on the issues themselves. You may wish to ensure that the handling of the MAFF issues is further considered alongside the other issues on frontier controls. OD(E) is the machinery for this.

## HANDLING

19. You will wish to invite the Minister of Agriculture to introduce his paper. The Foreign Secretary will have comments, both on the substance and on the handling of frontier issues more generally. The Attorney General will be able to comment on the legal aspects. The Home Secretary will be represented by Mr Renton.

R T J WILSON  
Cabinet Office  
26 April 1989

RJW.

CONFIDENTIAL

PRIME MINISTER

24 April 1989

MISC 138 - FOOD SAFETY AND THE SINGLE MARKET

John MacGregor has circulated a paper explaining

- (i) how the abolition of frontier controls could affect our ability to keep out animal, plant and fish diseases;
- (ii) how the growing harmonisation of food law within the EC limits the ability of member states to take urgent unilateral action on public health/consumer protection grounds.

FRONTIER CONTROLS

*a copy is in the folder.*  
This part of John MacGregor's paper needs to be read in conjunction with Geoffrey Howe's minute to you reporting a recent discussion in OD(E) on frontier controls on people.

In two important areas - movement of people, and movement of plants and animals - the legal position is not what we thought it was when we signed the Single European Act in 1985.

(a) Movement of people

When we signed, we did not believe that the Treaty provisions taken as a whole constituted a decision to abolish all controls at internal Community frontiers. We believed that we would be free to maintain those controls which we consider essential to combat terrorism and drug trafficking, and to control immigration by non-EC-nationals.

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The Commission, and several other member states, do not accept this legal view. They consider that the Single European Act makes frontier checks after 1992 illegal.

Against this background OD(E) concluded that:

- We should try to persuade the other member states that a distinction should be made between EC and non-EC nationals. Such a distinction requires checks to be made to identify the non-EC nationals.
- We should emphasise the practicality, for the UK, of checking at the point of entry. We should argue that member states should be free to adopt those methods of controlling drugs, terrorism and third country immigrants which are most effective for them.
- We should balance this by demonstrating our readiness to dismantle other controls at the frontier as far as possible.

The emphasis on persuasion reflects the stark reality that if after 1992 we were taken to the European Court for failing to remove all frontier checks, we might well lose.

It is argued that the best way of avoiding this is to get other member states to share our concerns about third country immigration in particular. This will create a political climate of understanding which will reduce the chances of our being taken to the European Court by the Commission and/or another member state.

There are two weaknesses in this argument.

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First, member states who share our worries about third country immigrants will not necessarily feel that it is essential for us to maintain frontier controls to deal with the problem. They will have to deal with it in other ways, because long land boundaries make it impossible for them to rely on frontier checks. It would hardly be surprising if they thought we should deal with it in other ways too.

Second, the discomfort of the legal position is real. There is nothing to stop an individual taking us to Court after 1992 for failing to remove all frontier checks.

(b) Movement of animals and plants

Prior to the Single European Act, measures on animal and plant health had to be adopted unanimously. This was because they were based on Article 43 and Article 100 of the Treaty. The latter article requires unanimity.

The Single European Act extended majority voting much more widely. Article 100 was modified by Article 100A in that Act. We accepted the extension of majority voting to measures on animal and plant health. But we thought we had secured a safeguard in Article 100A which would allow us to take swift national action on health grounds without getting prior permission from the Commission.

Subsequent action by the Commission, upheld by the European Court, has made this safeguard worthless. It has been accepted that animal and plant health legislation can be based on Article 43 of the Treaty alone. The safeguards in Article 100A therefore do not apply.

As John MacGregor's paper says, the combination of majority voting in this area, and the absence of a safeguard allowing swift national action in emergency, has made us much more reliant than we had expected on persuading the Commission and member states to adopt solutions which take account of our island status and relative freedom from animal disease.

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John MacGregor's paper concludes that we should press hard to retain controls including frontier checks for as long as is necessary to safeguard our interests in animal, plant and fish health.

Comment

The issue at stake is practical, but so important that it raises a question of principle.

Controls on people, animal and plants at the point of entry are very effective for an island. No doubt continental countries would rely on similar controls if their long land boundaries did not make this impossible. Frontier controls are cheap, and relatively effective.

The Commission accept that after 1992 Member States will need to carry out certain checks on public policy grounds. They argue that since most continental countries rely on systems of internal checks, we should do so too. All frontier checks could then be abolished.

We argue that what matters is ends, not means. If we can carry out essential checks more effectively at the frontier than elsewhere, why should we not be free to do so? Our willingness to dismantle real barriers to trade can hardly be in doubt - UK markets are already among the most open in the EC.

John MacGregor's conclusions are more combative than those of OD(E). But at the end of the day the question will be the same. What will we do if we fail to persuade the Commission and other member states to allow us to continue to operate frontier checks in certain key areas?

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Conclusion

- We cannot allow the dismantlement of frontiers to be made a litmus test of our commitment to free movement of people and goods in the EC.
- We should try a practical approach designed to persuade others to accept that some frontier checks should remain in the UK after 1992.
- But this policy should not be pursued at the cost of subordinating some interests to others - eg giving way on animal or plant health in order to be able to keep frontier checks on immigrants and drugs.
- The possibility of the European Court ruling against us if we retain some border controls after 1992 is real. We need to consider now what we would do in those circumstances.

HARMONISATION OF FOOD LAW

This is the second issue raised in John MacGregor's paper.

The steps taken to combat salmonella in eggs pointed up our limited ability, under EC rules, to extend special measures to imported food. In part this is because such measures do affect intra-Community trade. The Commission, and other member states, are always on the alert for covert barriers to trade masquerading as public health defences.

A second factor is the increasing harmonisation of food law within the EC. This is part and parcel of the single market programme. We are not opposed in principle to harmonisation in this area; and we cannot claim that UK standards on food safety are generally higher than elsewhere in the EC (though in the case of eggs we are taking more steps to combat salmonella than other countries).

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But we need to ensure that where rules and standards are harmonised, we remain able to act quickly on grounds of consumer safety. The Commission and other member states need to be informed of any unilateral action. That should not turn into a stately bureaucratic dance while people's health, or even lives, are at risk.

Conclusion

- Agree with John MacGregor that we should work in Brussels to secure provisions which allow member states to take rapid action on food safety grounds.
- If we do not succeed, we may in extremis have to take such action anyway on public health grounds, and argue about it afterwards.



CAROLYN SINCLAIR

CONFIDENTIAL



Prime Minister  
Three months ago almost  
any one of these stories could  
have been blown up into a  
crisis. So much for media  
fashion.

CONFIDENTIAL AND PERSONAL

P 03223

AT  
21/4

MR TURNBULL

mt

MINISTERIAL GROUP ON FOOD SAFETY (MISC 138)

1. I held a further informal meeting this morning with senior officials from the Treasury, the Department of Health (DOH) and the Ministry of Agriculture, Fisheries and Food (MAFF) to review current issues on food safety.

Meeting of MISC 138 on Thursday 27 April

2. The Minister of Agriculture will be circulating on Monday a paper on food safety and animal and plant disease aspects of the single European market for discussion at the meeting on Thursday 27 April. (The Foreign Secretary and the Home Secretary will attend the meeting.)

Meeting of MISC 138 on Tuesday 2 May

3. The Minister of Agriculture will be circulating on Monday a paper on the Food Bill for discussion at the meeting on Tuesday 2 May.

4. The Minister of Agriculture has already circulated a draft response to the Agriculture Committee report on salmonella in eggs. If this is not cleared in correspondence, it could be discussed at the meeting on 2 May.

Current Developments

5. Current developments include the following.

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i. I understand that MAFF hope to issue next week the consultation document on cracked eggs which the Minister of Agriculture circulated in draft earlier this week.

You saw  
the text

ii. The design work on the kitchen hygiene leaflet is now complete, and it is on course for publication in mid-May. DOH plan to prepare translations for ethnic minorities.

iii. MAFF are preparing the ground for an announcement in May that (as agreed at MISC 138's previous meeting) the Government propose to authorise food irradiation once new powers planned for the Food Bill are in place.

iv. I understand that the Social Services Select Committee are still considering whether to widen their inquiry into the risks of listeria associated with cooked-chilled catering in hospitals into a more general inquiry into listeria.

v. Discussions continue with major retailers about the proposed regulations to prescribe a maximum temperature for the storage of pre-cooked chilled foods. It is hoped that these will be completed in time for the statutory three month consultation period to begin in June. This is with a view to the draft regulations being laid in the Autumn.

vi. A study by the Camden Research Association into microwave ovens has validated Government advice that listeria is killed at temperatures of around 70° C and is broadly reassuring about the safety of microwave ovens, provided they are used correctly. MAFF are considering the

Mr S and  
Sainsbury have  
been lobbying  
hard on this.

CONFIDENTIAL AND PERSONAL

CONFIDENTIAL AND PERSONAL

timing and form of an announcement of the results of this study.

vii. The Richmond Committee on the Microbiological Safety of Food held its first meeting on 14 April. It announced afterwards that it aimed to submit its first report towards the end of this year and that it did not intend to make any interim statements before then.

viii. The Badenoch group on cryptosporidia is expected to produce an interim report in June or July. I understand that the Department of the Environment have advised water authorities that until then there is no need for any routine monitoring for cryptosporidia or for any changes to water treatment procedures.

ix. The Guardian recently carried a prominent report about fears in the USA that the growth regulator ALAR, which is used mainly on apples, was carcinogenic. MAFF Ministers have reassured the public that, as the United States Surgeon General had already advised, there are no health risks associated with eating apples which have been treated with ALAR; and the Advisory Committee on Pesticides confirmed this advice at a meeting yesterday.

x. The Food Advisory Committee will shortly be considering a report by the Committee on Toxicity on aluminium in baby food. The report broadly suggests that, while further data are needed, at present there are no grounds for the Government to take action.

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CONFIDENTIAL AND PERSONAL

xi. The Committee on Toxicity will submit a report to the Food Advisory Committee next week on the use of potassium bromate in bread-making. The European Commission are already proposing to ban the use of this chemical, and it may well be that the Food Advisory Committee will take a similar view. The bread industry are claiming that a ban on this chemical would lead to an increase in bread prices. The issue is not expected to come to public attention for some weeks.

6. I am copying this minute to the Private Secretaries to members of MISC 138 and to the Chief Medical Officer and the Chief Veterinary Officer, to Ms Sinclair (No 10 Policy Unit) and Mr Woolley (Cabinet Office).

*RTJ*

R T J WILSON  
21 April 1989

CONFIDENTIAL AND PERSONAL



SH

10 DOWNING STREET

*From the Principal Private Secretary*

19 April 1989

*Dear Stepha.*

**FOOD SAFETY LEAFLET**

The Prime Minister has seen the proposed text of the Government's food safety leaflet attached to your letter to Dominic Morris of 14 April. She noted it without comment. I have already communicated to you one minor drafting proposal on page one.

I am copying this letter to the Private Secretaries to Members of MISC 138 and to Sir Robin Butler.

*Yours sincerely*

*Andrew Turnbull*

**ANDREW TURNBULL**

Stephen Lambert, Esq.,  
Ministry of Agriculture, Fisheries and  
Food



Ministry of Agriculture, Fisheries and Food  
Whitehall Place London SW1A 2HH

✓  
afu  
BT

From the Minister's  
Private Office

Mr Dominic Morris  
Private Secretary to  
the Prime Minister  
10 Downing Street  
London SW1A 2AA

14 April 1989

pub

Dear Dominic

Prime Minister  
This is the fact of the  
leaflet; the artwork is  
being prepared. Bernard  
is happy subject to one  
or two changes which I have  
filled in  
To note.

AT 15/4

... You and copy recipients will be interested to see the attached text of the Government's "food safety leaflet", which has been cleared with the Chief Medical Officer and is now being sent for printing. We are aiming to publish this in mid-May. It will receive a wide distribution.

+ I am copying this to Private Secretaries to members of MISC 138 and to Trevor Woolley.

Yours

Stephen

S D Lambert  
Private Secretary

## FOOD SAFETY

### INTRODUCTION

The food we eat is one of the keys to good health. We rightly expect that the food on our plates shouldn't make us ill. But the risk of bacteria in food must be taken seriously.

Food poisoning can make you feel anything from a bit off-colour to so seriously ill that you need medical attention. In a few rare cases, people can die from food poisoning.

It's important to keep food safety in perspective. Most of us eat without any ill effects. But it is also important to guard against the risk of contaminating food wherever possible and using commonsense in the way we prepare and cook our food.

This guide outlines the ways in which we can all help guard against food poisoning.

### BACTERIA AND THE FOOD WE EAT

Bacteria are everywhere. They are often thought of as bugs or germs and the human body is remarkably well equipped to deal with them.

Some bacteria are useful - most cheeses rely on bacteria for their production. There are only a few types of bacteria which cause illness, but it makes sense to minimise the risk of becoming ill by preventing harmful bacteria from growing on food.

K Bacteria can get into our food at any stage from production to eating. ~~safe~~ After ~~that~~ it is up to us, the consumers, to handle and prepare food properly.

The food industry takes a responsible attitude to food safety. To reduce the risk of food poisoning it is necessary to have controls at all points from the farm to the consumer. To ensure the highest possible standards the Government, the European Community and local Environmental Health officers impose a series of checks from producer to seller.

The consumer is the last link in the chain and there is a lot we can all do to keep our food safe from the time we buy it to the time we eat it.

## Buying Food

Commonsense will tell you if the shop or shelves look dirty, or if staff behaviour is unhygienic - dirty hands and nails, constantly touching mouth or hair, eating or smoking. Check the dates on the goods and ensure that they are still current. Avoid packs that look damaged. Beware of chilled or frozen food displays which are overfilled or look poorly cared for. Do not buy dirty eggs or eggs that show any cracks.

## Taking food home

Pack fresh foods separately and in particular, ensure fresh meat is wrapped and cannot contaminate other foods.

Take chilled or frozen food home as quickly as possible. A warm car, office, or just carrying it around for an hour can raise the temperature of the food considerably and allow bacteria to grow. If possible, take an insulated container. Put perishable goods in the fridge or freezer as soon as you get home.

## Store it safely

Keep your cupboards, fridge and freezer clean - spilt food, drips and broken packets can spread bacteria and attract flies, ants and mice. Use cupboard stocks efficiently, using older packs first. Follow instructions on packets. Use food within recommended dates. Contaminated food does not always look or smell "off". If in doubt, throw it out.

Fridges cannot kill bacteria but they can slow the growth of most common bugs. Make sure the fridge is cold enough - and stays below 5 degC or 41 degF - buy a fridge thermometer to check. Leaving a fridge door open warms the internal temperature, so does putting warm food straight into it. Defrosting fridges regularly will keep them cooler and will use less energy.

Different types of food such as raw meat, fish, dairy products and cooked food should be kept separately to avoid contamination from one to another. Put fresh meat and defrosting foods on a plate, covered, at the bottom of the fridge - if it drips onto other foods it can pass on food poisoning bacteria. Do not let meat drip into fresh vegetables and salads in the crisp box.

Freezers kept at the correct temperature -minus 18 degC or 0 degF - stop bacteria multiplying but do not kill them. Note storage or freezing instructions when stocking a freezer and try to defrost the freezer when stocks are low. While defrosting keep any remaining stocks as cold as possible - in an insulated box, or wrapped in plenty of newspaper or old blankets.



### Commonsense in the kitchen

Cleanliness is the key. Keep your kitchen clean and dry. Don't allow pets near food or worktops. Wash hands in warm water with soap before touching food - and always after touching pets, dirty nappies or going to the toilet, and cover up cuts and grazes.

Keep worktops, chopping boards and utensils clean with hot soapy water. Dry them thoroughly after washing preferably with disposable paper towels. When you are preparing food, wash utensils and worktops between stages - don't use the same knife or chopping board for raw meat, cooked food and fresh vegetables without washing them between times. Ideally, keep one chopping board for raw meats and another for other foods. Wash vegetables, fruit and salads thoroughly whether home grown or shop bought.

Keep your tea towels and dish cloths clean.

### Preparation and Cook sense

Follow package instructions carefully on prepared or cook/chill foods. When required thaw frozen food completely before cooking - in the fridge or microwave is best. A warm room may hurry up defrosting but it also helps bacteria to grow.

Cook meat thoroughly - if possible use a meat thermometer which penetrates the joint to check that temperature at the centre has reached 70 C. This is especially important for large joints or poultry. When cooking foods from frozen, ensure they are similarly cooked right through. Poultry should always be defrosted completely and thoroughly before cooking.

The Government's Chief Medical Officer has advised until further notice that everyone should avoid eating raw eggs and homemade uncooked egg dishes such as mayonnaise, mousses, ice-cream and raw eggs mixed with drinks.

If you are sick, elderly, pregnant or preparing food for toddlers and babies then any eggs in the meal should be thoroughly cooked until the white and yoke are solid. For healthy people there is very little risk from eating eggs cooked however you prefer them. Food made with pasturised eggs is alright for everybody.

Everyone can eat hard cheeses such as cheddar and cheshire types, processed, cottage and cheese spreads. However, certain soft cheeses such as the brie, camembert, and some blue veined types can sometimes be contaminated by high numbers of listeria bacteria. Pregnant women and those particularly susceptible to infection are advised to avoid these types of cheese.

### Good practice with microwaves

Follow manufacturers' instructions for reheating or cooking frozen or chilled foods in a microwave and particularly observe the standing time to ensure that food is cooked through to a consistent temperature.

Re-heating food

Cooked food should not be left to cool for more than one hour before putting it into the fridge or freezer. Never keep it in the fridge for more than one or two days before eating. Food should never be reheated more than once and then only until it is piping hot right through.

Special advice has been issued to pregnant women and those particularly susceptible to infection about the need to reheat certain foods to minimise the risks of listeriosis. Retail cooked and chilled meals and ready to eat cooked poultry should be reheated until it is piping hot.

Fighting infection

Over 44,000 cases of food poisoning were reported last year but many cases go unreported.

Salmonella and listeria may have hit the headlines, but other common bacteria can also cause food poisoning.

Most bacteria, however, can be prevented from contaminating food, or killed, if you follow the food safety guidelines in this booklet.

Symptoms of food poisoning may appear in an hour or as long as five days later. Common signs are stomach pain and/or vomiting and diarrhoea. If symptoms are painful or persistent, consult your doctor, especially if you are elderly, pregnant, or the sufferer is a child or an infant.

If you are only mildly ill, rest and take plenty of fluids until you feel ready to take solid food again. Try not to prepare food for other people while you are suffering from vomiting or diarrhoea.

If you or your doctor thinks the infection was related to a particular food stuff, shop or eating place, the Environmental Health Officer at your local Council offices should be contacted - you could be part of an outbreak and prompt action may safeguard others.

Food sense - other information

Following this Food safety guide will minimise the risks to you and your family from food poisoning. If you would like further information on other food matters, these leaflets and booklets below are available. They can be obtained free of charge from

.....

Food Additives the Balanced Approach  
 Look at the Label  
 Government Food & Nutrition  
 Government Food Surveillance

Handwritten captions

"Cats are such clean pets"

All pets can spread bacteria through saliva, dirty paws and faecal contact to food or worksurfaces.

"I froze it to kill the germs"

Bacteria can survive freezing and care must be taken during defrosting and cooking.

"It's out of our garden. It must be safe"

Food can be contaminated at any stage from pests, bacteria, manure.

"It all goes in the stockpot"

Repeated heating and cooling of food, especially meat stock, allows bacteria to grow.

"The cook's never allowed to be ill"

If you are suffering from food poisoning, try to avoid preparing food for others.

"At least I know they are my own germs"

Germs are not selective in who they make ill

"It seems a crime to throw food away"

It's much worse to serve food which could make your friends and family ill.

"But we keep everything in the fridge"

Bacteria can multiply in the fridge and contaminate other food if it isn't stored correctly.



Ministry of Agriculture, Fisheries and Food  
Whitehall Place London SW1A 2HH

*ufo*  
*cc BT*

From the Minister's  
Private Office

Mr Dominic Morris  
Private Secretary to  
the Prime Minister  
10 Downing Street  
London SW1A 2AA

14 April 1989

*Dear Dominic*

... You and copy recipients will be interested to see the attached text of the Government's "food safety leaflet", which has been cleared with the Chief Medical Officer and is now being sent for printing. We are aiming to publish this in mid-May. It will receive a wide distribution.

*→ AT*

\* I am copying this to Private Secretaries to members of MISC 138 and to Trevor Woolley.

*D. Lamb*

*Yours*

*Plus seems better - and more comprehensive (from shop to mouth, as it were) than previous efforts.*

*Stephen*

S D Lambert  
Private Secretary

*I was a little (know as X or P) I would prefer it to read:*

*"Bacteria can get into your food at any stage from production to sale and from purchase to eating."*

*"After purchase it is up to us, the consumers, to handle it before food preparation."*

*[Signature]*  
*18/4*

## FOOD SAFETY

### INTRODUCTION

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*Handwritten: X*  
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MR TURNBULL

6 April 1989

FOOD SAFETY AND FRONTIERS

The next meeting of MISC 138 has been postponed from 13 April to (probably) 2 May. This is to allow OD(E) to take a paper from Douglas Hurd on frontier controls on people before MISC 138 considers John MacGregor's note on frontier controls on plants, animals and food stuffs.

Geoffrey Howe will send the Prime Minister a report after the OD(E) meeting on 13 April. You may find it helpful to have this note on the interaction between the two papers.

Frontier Controls on People

The Home Office paper carries the unpalatable message that our legal view of our ability to maintain essential frontier checks after 1992 is not shared by the Commission, nor by several other member states. We run a real risk of challenge in the European Court if we maintain our position that some frontier checks will remain necessary to control immigration by non-EC nationals. We might well lose.

Frontier controls on plants, animals and foodstuffs

The draft paper for MISC 138 points out that here to the legal position is not what we thought it was when we signed the Single European Act.

When we signed, we thought we had built in a safeguard which would allow us to adopt national measures on grounds of human, animal or plant health. But the legal basis on which animal and plant health proposals are now being adopted in the EC has changed, and that safeguard does not apply. We have challenged the legality of this approach, but it has been upheld in two cases by the European Court.

# CONFIDENTIAL

## Conclusions

The legal goal posts have moved. In two important areas we do not retain the ability to take national measures which we thought we had safeguarded when we signed the Single European Act.

Douglas Hurd argues that since we might well lose if taken to the European Court on frontier checks on people, we must do what we can to minimise this risk. In particular:

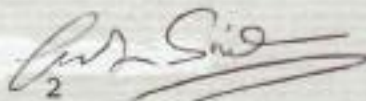
- we should do all we can to persuade other member states that it is sensible to maintain immigration controls over non EC-nationals. UK geography makes it sensible to do this at frontiers.
  
- We should show our readiness to reduce frontier controls to the minimum necessary to maintain effective immigration control over EC nationals.

There is a tension between this approach and MAFF's desire to maintain our traditional defences against the import of plant, animal and food-borne diseases. This has been given added impetus by the Prime Minister's concern that we should not tighten up controls on food safety here, only to import problems from less well-regulated countries. There is no doubt that MAFF is using the tenor of discussions in MISC 138 to try to claw back ground they have been under pressure to concede as part of our overall policy to 1992.

The more strident our efforts to maintain freedom to impose frontier controls on plants, animals and food, the more the Home Office will worry that we are jeopardising the more important goal of avoiding legal challenge on frontier controls on people.

In fact, both areas are of great importance to us. We cannot subordinate one to the other.

The implications of all this are wide-ranging, and will need to be brought out in the briefing for MISC 138 (for which I shall be providing a note).

  
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EAMARK

file

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

6 April 1989

Dear Shirley,

## WORK PROGRAMME OF MISC 138

The Prime Minister has given some thought to the future work of MISC 138. She hopes that from now on the Group will be able to spend less time dealing with day to day issues and more to longer term issues. In particular, the Group is due to take a paper on the European dimension, including the extent of cross-frontier control that is allowable under the Single European Act. We hope to arrange a meeting to take this before the end of the month.

She notes that the Group may also need to consider the Government's reply to the report of the Select Committee on Agriculture on salmonella in eggs, if this cannot be settled in correspondence. And she thinks it important to make early progress with such issues as the Food Bill.

Before getting down to examining specific parts of the Bill, she believes the Group should consider a paper setting out the general shape of the Bill, the ground to be covered and the broad policy principles underlying it. In particular, she is anxious to ensure that the Bill responds to recent concerns as well as tackling the long-standing problems which have already been identified.

BF | She would be grateful if your Minister could put in hand the preparation of such a paper, to be ready for discussion in the first week of May.

I am copying this letter to the Private Secretaries to members of MISC 138 and to Sir Robin Butler.

Your sincerely  
Andrew Turnbull

ANDREW TURNBULL

Mrs Shirley Stagg  
Ministry of Agriculture, Fisheries and Food

03406

MR TURNBULL

From: R T J Wilson  
6 April 1989

cc Mr Langdon  
Mr Mundy

WORK PROGRAMME OF MISC 138

1. We spoke about your draft letter to Shirley Stagg of 5 April. It seems pretty good to me except that it might be useful to include a reference to the Government's reply to the Select Committee on Agriculture.

2. Arranging the meetings is, however, proving troublesome. We have found a slot on 2 May which all members of MISC 138 can manage but which is not convenient for the Foreign Secretary and the Home Secretary. I suggest that we reserve this meeting therefore for the paper on the Food Bill, plus the reply to the Select Committee if it cannot be cleared in correspondence. That still leaves a need to find a meeting for the item on Europe. Of the slots which we have been offered so far the one for 10 May gets the best turnout, but even then Mr Clarke has a WHO conference which he wishes to attend. I have asked the MAFF Private Office if there is any objection to their European item being delayed this long. But I wonder whether there are any other earlier slots which we could explore (for instance on Thursday, 27 April)?

3. It may <sup>be</sup> necessary for the paper on Europe to be taken at a later meeting than the paper on the Food Bill. You may wish to redraft your first paragraph to reflect this, perhaps on the lines of the following, which incorporates the point about the Select Committee:

"The Prime Minister has given some thought to the future work of MISC 138. She hopes that from now on the Group will be able to spend less time dealing with day-to-day issues and more to longer-term issues. In particular the Group is

Single

due to take a paper on the European dimension, including the extent of cross-frontier control that is allowable under the European Act, when a convenient meeting time over the next month or so can be arranged. She notes that the Group may also need to consider the Government's reply to the report of the Select Committee on Agriculture on salmonella in eggs, if this cannot be settled in correspondence. And she thinks it is important to make early progress with issues such as the Food Bill.

"Before getting down..."

RJW.

R T J WILSON

POST OFFICE  
K 4487  
- 5 APR 1989  
FILING INSTRUCTIONS  
FILE NO .....



Mr Langdon Cds,  
Anybody to add?  
AF

10 DOWNING STREET

LONDON SW1A 2AA

5 April 1989

From the Principal Private Secretary

It may also need to take the Government reply to  
the Agriculture Select Committee's report on ~~the~~ <sup>if this cannot be settled in</sup>  
~~in 1989~~ <sup>concordance.</sup>

or early next month

WORK PROGRAMME OF MISC 138

SEE  
REDRAFT

The Prime Minister has given some thought to the future work of MISC 138. It is due to take a paper later this month on the European dimension, and in particular the extent of cross-frontier control that is allowable under the Single European Act. Thereafter, the group should be able to spend less time dealing with day to day issues and more to longer term issues such as the Food Bill.

and policy

Before getting down to examining specific parts of the Bill, she believes the group should consider the paper setting out the general shape of the Bill, the ground to be covered and the broad principles underlying it. In particular, she is anxious to ensure that the Bill responds to recent concerns as well as tackling the long-standing problems which have already been identified.

a

She would be grateful if your Minister could put in hand the preparation of such a paper to be ready for discussion either in the last week of April or the first week of May. *in the first week of May*

I am copying this letter to the Private Secretaries to members of MISC 138 and to Sir Robin Butler.

(ANDREW TURNBULL)

Mrs. Shirley Stagg,  
Ministry of Agriculture, Fisheries and Food.



10 DOWNING STREET

Andrew

We spoke. You may like to  
glance at this to get an idea  
of MAFF's thinking so far. May  
I have back, in due course, please?

Ch

—

4/7

See MAFF letter to Caroline Sinclair of  
4 March. (Part 1).



PRIME MINISTER

FOOD SAFETY

The next meeting of MISC 138, currently scheduled for 13 April, is to take a paper from MAFF on the European dimension, and in particular the extent of cross-frontier control that is <sup>allowable</sup> ~~liable~~ under the Single European Act.

Beyond that, MISC 138 will need to alter its focus, spending less time on fighting day to day issues and more on strategy. In particular, it will need to work on the Food Bill for the next session.

Both Richard Wilson and I detect some reluctance on the part of MAFF to show their hand on the Food Bill. Such material as we have seen indicates that MAFF have in mind putting forward the ideas which have emerged from work over the past two or three years. It is less clear whether this responds adequately to recent events. We both think it is desirable for MISC 138 to take a paper which would set out the general shape of the Bill, the ground to be covered and the broad principles underlying it. Without that we will end up taking a series of separate issues, e.g. irradiation, powers to serve detention notices on contaminated food etc. without any sense of how the measures hang together.

Agree I commission a paper on the fundamentals of the Food Bill to be taken towards the end of the month? This should respond to recent concerns on food safety.

AT

Yes not

ANDREW TURNBULL

4 April 1989

EL3DLJ

CONFIDENTIAL



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AT  
214

ECPT

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon John MacGregor OBE MP  
Minister of Agriculture, Fisheries and Food  
Whitehall Place  
London  
SW1A 2HH

3<sup>rd</sup> April 1989

Dear John,

REVIEW OF ANIMAL HEALTH LEGISLATION

Thank you for sending me a copy of your minute of 20 March to the Prime Minister.

This is to confirm that I am generally content with the arrangements you propose for this review. I agree that it will be necessary for the review to consider options for alternative means of funding compulsory slaughter schemes, even if we have ruled out the possibility of primary legislation in the next Session. Of course I accept that the possibility of distortion of competition with other Member States is an important consideration but I hope that it will not be used as an excuse to block all progress in this area. We should, in my view, give at least equal weight to the importance of avoiding the imposition of substantial contingent liabilities for compensation expenditure on our taxpayers.

I am glad to note that you intend that the report should be cleared with my officials before being circulated to MISC 138.

I am copying this letter to the Prime Minister and other members of MISC 138 and to Sir Robin Butler.

Yours Ever,  
John

JOHN MAJOR

Food Safety Jan 89

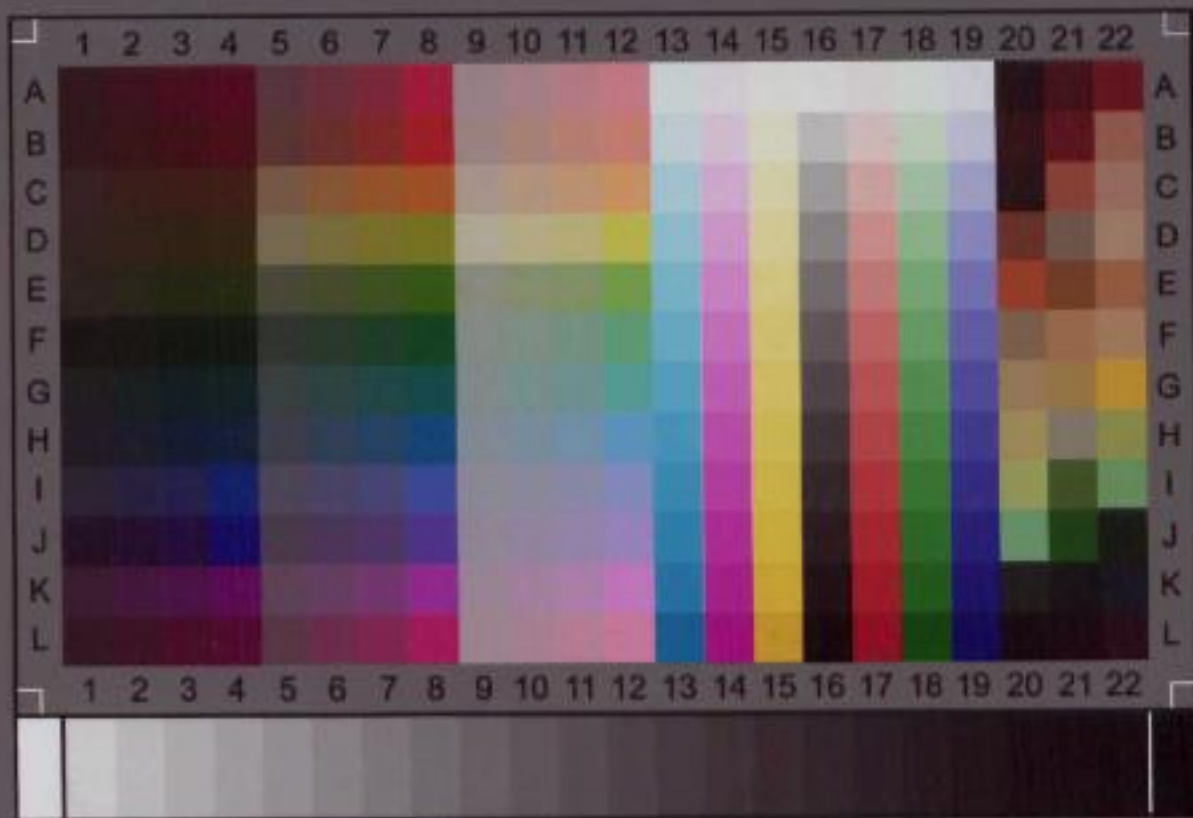


PART 1. ends:-

AT to G. Hawley 30.3.89

PART 2. begins:-

CST to SS/MAFF 3.4.89.



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