

**PRIORITIES AND REQUIREMENTS ANNEX A**

All sampling and analysis should be undertaken in accordance with Articles 11 and 12 of Regulation (EC) No. 882/2004 and the requirements of the Food Law Code of Practice (Scotland), including the use of accredited methods of analysis. The samples should be taken as official control samples and submitted to a Public Analyst (PA).

Where relevant and possible we would encourage samples to be tested under more than one priority to maximise value for money. We have indicated where this is possible.

FSS accepts that, once funding has been agreed and sampling starts, it might not always be possible to obtain specific products. In this case, FSS should be consulted about suitable alternative products that broadly meet the requirements of the programme. In making bids, thought should be given to what is likely to be available based on previous experience/ knowledge of food business operators.

Samples should be taken between July 2015 and March 2016, though consideration should be given to the availability of products and seasonal influences. All results of samples must be uploaded to UKFSS by 31 May 2016.

The enforcement authority should liaise with their PA as appropriate before submitting a bid and confirm that they can provide information on accredited methods. If a PA is not accredited for a particular analytical method, this will not preclude them from submitting a bid provided the analysis is undertaken by a laboratory which has an accredited method and does the work under the supervision of a PA.

The time between taking the sample and results being reported back to the authority should not exceed the agreed turnaround with the PA for control sample analysis, so that timely enforcement action on any non-compliant samples can be taken. All results must be submitted using UKFSS.

All participating authorities must take appropriate prompt follow-up action in relation to adverse findings (in line with local enforcement policies) and this must be updated on UKFSS. FSS should be contacted as soon as food is found which fails to meet food safety or authenticity requirements: Food Standards Scotland Incidents Team ([incidents@fss.scot](mailto:incidents@fss.scot) or 01224 285138).

**Submitting a co-ordinated bid**

Preference will be given to co-ordinated group bids. To encourage bids from regional/collaborative groups (such as Food Liaison Groups), FSS will attach a maximum 5% co-ordinator’s fee to the total money awarded to support this function. The coordinators fee will include sample purchase cost.

A single application should be submitted on behalf of the group and must be accompanied by a summary of what individual LAs are proposing to do as part of this group bid. It is expected that the co-ordinator will complete the bid in line with this guidance, stating which LAs are participating in the bid and how the work is to be allocated across the LAs.

**Role of the co-ordinator**

The coordinator will ensure that samples are taken, analysed and results reported according to the terms of the contract and guidance provided by FSS. A co-ordinator is expected to ensure that:

* all local authorities upload data via UKFSS
* sampling is spread throughout July 2015 - March 2016, as much as possible, and all samples and analytical results are recorded on UKFSS by 31 May 2016 unless specifically agreed with FSS
* appropriate enforcement action is taken in the case of non-compliant samples and FSS is notified of any non-compliances; this data must be submitted via UKFSS
* the invoice is submitted promptly (and on a quarterly basis), using the required procedure as set out in the finance arrangements in the contract
* FSS is provided with details of monthly accruals
* all the guidance issued with the contract is followed
* they act as the main contact with FSS about the bid and during the period of the contract, including signing the contract
* FSS’s attention is brought, in a timely manner, to any proposed changes to the bid and/or finance or requests to take alternative samples.

**Funding**

Payment for this work is made on receipt of invoices which should be submitted quarterly. Invoices shall only be paid on receipt of monthly accrual evidence.

**Priorities**

The food sampling priorities, against which enforcement authorities are encouraged to bid for sample funding, are detailed below. Please note that the numbering of the priorities does not represent any order of priority.

Information is given about the target number of samples FSS is aiming for against each priority. This target number applies to the 2015/16 programme as a whole and we do not expect that a single bid would meet this target. Where there are sub-categories of a priority, please ensure that it is clear which sub-category/sub-categories the application applies to.

Many of the priorities involve imported foods as these foods are known to pose risks. However, the fact that the food has been imported is not a criterion in itself. The country of origin of the sample must be recorded where available.

**Compulsory Surveys-Sampling required to support EU coordinated control plans to establishing the prevalence of fraudulent practices in the marketing of certain foods**

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| **EU Compulsory Sampling – Fish species substitution**  The results of this sampling are to be submitted to UKFSS by 30 September 2015 EU Commission’s requirement that all results are submitted to the Commission by 31 October. The FSA will submit the results. | |
| Aim | To check that consumers are not being misled about the species of fish they are purchasing. We are looking for a wide range of samples, from a wide range of outlets and from ports.  The price differential between cod and haddock and species that they can be substituted by, and the difficulty consumers may have in distinguishing different fish species, drives the continuing problem of fish substitution.  When sampling from food service outlets, including takeaways, care will be needed to check the fish species at the time of ordering. Similarly when ordering non-prepacked fish. |
| Sample Type | Sampling should comprise the following products:  Processed and unprocessed fishery products but limited to white fish, including both round and flat fish and marine and freshwater species. Processed products should be sampled only if the type of fish is included on the label.  Pre-packed, or non-prepacked. Imported from third countries, EU Member States or produced in the UK. Target major species in 80% of samples and include less common species in the other 20%. |
| Sampling location/target businesses | At ports or inland. Manufacturers, retail/wholesale, takeaways, other food service, markets.  Samples should be taken from various points of the production and supply. Further details on sampling will be provided by FSS once bids have been received. |
| Sample numbers | A total of 30 samples to be taken across Scotland |

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| **EU Compulsory Sampling – Honey survey**  The results of this sampling are to be submitted to UKFSS by 30 September 2015 EU Commission’s requirement that all results are submitted to the Commission by 31 October. The FSA will submit the results. | |
| Aim | The sampling relates to requirements under EU Recommendation 2015/1558 for Member States to participate in a co-ordinated control plan with a view to establishing the prevalence of fraudulent practices in the marketing of certain foods and in particular honey, a copy of this is attached. The Recommendation requires Member States to have official control plans in place which allow sampling and testing for honey authenticity intended to detect mislabelled honey with a view to improve knowledge base necessary to strengthen the analytical capability to detect the presence of exogenous sugars or sugar products in honey. |
| Sample Type | Samples where possible should include non-branded, branded and own-label products. |
| Sampling location/target businesses | Samples should be taken from various points of the production and supply.  Further details on sampling will be provided by FSS once bids have been received. |
| Sample numbers | A total of 150 samples will be collected in the UK, with 12 samples allocated to Scotland. The breakdown of samples in accordance with the Commission recommendation can be seen in the table below.   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | **England** | **Scotland** | **Wales** | **NI** | | **UK Origin (20%)** | 25 | 2 | 2 | 1 | | **Non EU (40%)** | 50 | 5 | 3 | 2 | | **Blended (40%)** | 20 | 5 | 3 | 2 | | **Total** | 125 | 12 | 8 | 5 | |

**Recommendations for Chemical Sampling**

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| **Recommendation 1 – Tropane Alkaloids** | |
| Aim | Following EFSA opinion on tropane alkaloids in food the European Commission has published a recommendation to collect occurrence data to allow risk management measures to be put in place as well as provide evidence to set ML’s. |
| Sample Type | **Cereals and cereal derived products focusing on infant foods and food for young children.**  - Buckwheat, millet and buckwheat and millet flour, also buckwheat-derived food products (pasta, porridge, crackers and flakes) – including cereal-based baby-foods;  - Cereal-based food for infants and young children (buckwheat, sorghum and millet-based); we are aware that these are niche products and therefore likely to be sold through health food stores and the internet.  - Breakfast cereals;  - Grain milling products (wheat, maize, oats, rye, rice sorghum and millet);  - Grains for human consumption;  - Gluten free products;  - Food supplements and herbal teas;  - Legumes, lupin beans and oilseeds (soybean, linseed, sunflower and rapeseed) and derived products.  A mixture of third-country imports, EU member state imports and UK-produced. |
| Sampling location/target businesses | We are looking for a wide range of businesses and products including health food stores and the internet. |

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| **Recommendation 2 – Chlorate & Perchlorate** | |
| Aim | Monitoring carried out by some Member States has identified appreciable levels of chlorate in a wide variety of foods. The source of the chlorate was not certain, but could be from illegal use of chlorate as a herbicide (prohibited in the EU) or from chlorinated washes, the application of chlorine dioxide for disinfection of wash water, or environmental contamination, including the use of fertilisers contaminated by chlorate.  In relation to chlorate the aim is to monitor and act on chlorate in relation to public health protection, but also to gather occurrence data that the European Commission has requested. Some data were submitted on 31 December 2014 with more still being gathered in 2015.  The European Commission has also asked for occurrence data on perchlorate, which is an environmental contaminant. The data is needed to support risk assessment and comprehensive data is needed.  All samples taken should be tested for both chlorate and perchlorate |
| Sample Type  Sub-categories | Similar sampling is being undertaken by other member states so the focus is mainly on UK produce. However, with a few imported samples – at least  one sample from each sub-category, where possible, would be desirable.  A mixture of fresh, dry and frozen samples should be taken *where possible.* For chlorate sampling it would be helpful to have a mixture of washed and unwashed samples where possible.  1. Fresh Herbs  2. Leaf Vegetables  3. Fruiting Vegetables (eg tomatoes and cucumber)  4. Root Vegetables  5. Brassica Vegetables (eg Cauliflower and broccoli)  6. Prepared (ready to eat) salads  7. Berries |
| Sampling location/target businesses | Inland – farms, farm shops, retail/wholesale outlets for all sub-categories – and at the ports and retail/wholesale for imported varieties. |

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| **Recommendation 3 – Dioxins, furans and PCBs** | |
| Aim | The European Commission has adopted several measures as part of an overall strategy to reduce the presence of dioxins, furans and PCBs in feed and food, including setting the levels at which monitoring authorities should consider investigative action. Free range and organic hen eggs have been identified as being at higher risk of exceedance due to localised environmental contamination following a series of Rapid Alerts from a number of European member states. This sampling is being carried out in line with section 2(a) of Commission Recommendation 2013/711/EU, a copy of which can be found at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:323:0037:0039:EN:PDF> |
| Sample Type | Hen eggs produced in the UK. |
| Sampling location/target businesses | Smaller producers should be targeted as these are considered to be at higher risk. |

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| **Recommendation 4 – Smoked foods – Polycyclic aromatic hydrocarbons** | |
| Aim | PAH limits for smoked meat and meat products and smoked fish and fishery products were lowered from 1 September 2014 (Commission Regulation 835/2011). However, a derogation is in place for traditionally-smoked, small-scale and artisanal products traded nationally (ie within the Member State). We need to sample such products to determine the extent to which the derogation is necessary and demonstrate to the Commission that the granting of the derogation has not led to a loosening of controls. |
| Sample Type | Traditional (direct hot-smoked), small-scale products.  . |
| Sampling location/target businesses | Only small-scale or artisanal UK-based producers should be targeted. |

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| **Recommendation 5 – Acrylamide – chips/fries, crisps and bakery products** | |
| Aim | To gain data on acrylamide levels and promote understanding and awareness of acrylamide, particularly among smaller businesses. Acrylamide remains an important topic of discussion in Europe. |
| Sample Type | 1. Suggest ready-to-eat chips/French fries from chip shops and restaurants (excluding the larger fast food restaurant chains such as KFC, McDonalds and Burger King where their French fries are consistently fried according to set company protocols).  2. Focus on the crisps cooked on the premises, e.g. those prepared and cooked on the premises. also potato crisps from smaller manufacturers.  3. Bakery products which have been well baked/well fired. |
| Sampling location/target businesses | The emphasis is to sample ready-to-eat chips/French fries mainly from independents as retail chains such as KFC, McDonalds and Burger King who tend to consistently produce their chips/French fries in accordance with set protocols e.g. frying time, temperature of oil etc.  Samples to be taken at retail for chips/French fries and bakery products and potato crisps produced by large and small FBOs on their premises. |

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| **Recommendation 6 –Minced meat compositional standards and labelling** | |
| Aim | Analysis of retail fresh and frozen minced meat composition in order to test whether and to what extent minced meat on sale is consistent with labelling/presentation required by the Provision of Food Information to  Consumers Regulations (1169/2011), Annex VI, Part B.  Minced meat must either comply with the (Annex VI) provisions or be sold under a ‘national mark’. In both cases an indication of the maximum fat content and collagen/meat protein ratio should be given.  This is a consumer protection issue to check that they are not being misled about the quality of minced meat. It is important to check for variation from the stated values on the label.  Speciation of fresh/frozen minced meat to determine whether there is widespread deliberate or adventitious contamination from one species to another. |
| Sub-categories | The minced meat samples should be tested under the following sub-categories:  1. Compositional standards and labelling  2. Meat species substitution  All samples of fresh minced meat should also be tested for microbiological parameters relevant to the criteria defined for such products in Regulation (EC) No. 2073/2005 |
| Sample Type | Prepacked minced meat, predominantly beef, but also including pork, lamb and poultry. A range of fresh and frozen, value and high-end products.  The FIC provisions set out composition and labelling requirements for minced meat and lean minced meat. However the market has changed as a result of FIC, so that ‘lean’ as a descriptor is now used less frequently, having been replaced by an indication of the typical fat levels of the product on the packaging (for example, 5% fat, 15% fat, 20% fat).  Samples to be collected on the basis of between 1 and 3 samples of prepacked fresh minced beef from each retail outlet where sampling takes place, representing the range of products on sale in that outlet. Where a range of frozen minced beef also is stocked, between 1 and 3 of these also. Resulting overall sample should be fairly evenly split between lower (<8% ) and standard (8%-20%) fat levels. |
| Sampling location/target businesses | Retail/wholesale only. Multiple chains and smaller outlets including independent butchers.  Sample domestically produced and imported product as available. |

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| **Recommendation 7 - Raw chicken products and preparations - added water** | |
| Aim | Market intelligence suggests continuing problems with mislabelling of chilled and frozen chicken products and preparations in relation to product name, added water, meat content and proteins from different meat species (eg pork or beef proteins).  The mislabelling is of particular concern to consumers who avoid particular meat species.  The EU Food Information to Consumers Regulation (1169/2011) requires for meat products and preparations labelling in the name of the food of:  - added water if above 5% (see point 6 of Annex VI, Part A of EU Reg. 1169/2011)  - added proteins of different animal origin (see point 5 of Annex VI, Part A of EU Reg. 1169/2011).  These provisions take forward what was previously national legislation and came into force on 13 December 2014. |
| Sample Type | Chilled and frozen raw chicken products and preparations. Applies to chicken that looks like a cut, joint, slice etc of pure meat.  Fresh and frozen raw chicken (ie chicken not claimed to be a product or preparation).  A range of imported (third country and EU Member States) and UK produced samples. |
| Sampling location/target businesses | A range of outlets including major and smaller retailers, butchers, wholesalers, markets etc |

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| **Recommendation 8 – Allergens “free from” claims** | |
| Aim | |  | | --- | | There is some limited evidence from incidents of prepacked foods containing the allergen it is labelled free from and there is a trend to see ‘free from’ statements on menus. However, during training delivered by FSA officials it was apparent that there is a misunderstanding that ‘free from’ could describe omission of an allergen, but that they have not considered the need to check and manage cross-contamination within the kitchen.  Foods sampled should be tested for the allergen that they are claimed to be free from. | |
| Sub categories | 1. Prepacked and labelled as ‘free from’  2. Food service, or situations such as bakeries/deli counters serving non-prepacked food, where ‘free from’ such as gluten free are on the menu or stated directly to the customer upon ordering. |
| Sample Type | 1. Prepacked foods, imported and UK produced, labelled as ‘free from’.  2. Menu items or non-prepacked products stated to be ‘free from’ either  on the menu or directly to the customer on ordering. |
| Sampling location/target businesses | A range of food businesses selling relevant products |

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| **Recommendation 9 – Allergens - Ground Almonds** | |
| Aim | |  | | --- | | The majority of deaths due to food allergy can be attributed to non-prepacked food purchased mainly from restaurants and takeaways. On average there are 10 deaths a year.  Where businesses do not understand food allergies or do not know what allergens are present in their food, this presents a high likelihood of harm to the consumer and potential loss of life. There have been a number of deaths during 2014 where ground nut powders have been used, particularly in Asian cuisine; dietary requests were misunderstood or almond/peanut powder blends have been used.  On 13 December 2014, the EU Food Information for Consumers Regulation (No. 1169/2011) requires businesses to provide allergen ingredients information to their customers. The sampling will ascertain whether the request was understood and businesses provide safe meals for their customers. This will include looking at whether peanuts have been added as an ingredient or there has been cross contamination. | |
| Sub categories | |  | | --- | | 1. Meals or dishes that have been made with ground almond powder (non-prepacked) - (could also be tested for meat speciation – see priority 18.1)  2. Ground almond powders (prepacked) | |
| Sample Type | 1. Non-prepacked food prepared with almond powders or ground almonds and where the business states that no peanuts have been used.  2. Prepacked almond powders/ground almonds where peanuts/other nuts are not listed in the ingredients and there is no precautionary allergen labelling.  Meals sampled should be those where almond powder/ground almonds have been used, such as Asian curries. Check whether peanuts (or other nuts) have also been used. If not the meal should be tested for peanut.  Prepacked almond powders are likely targets for substitution, with peanuts used to bulk out the more expensive almonds. Recent crop failures may have exacerbated this problem. It is also possible that almond powders could have been cross-contaminated where they are produced in facilities also handling peanuts.  When sampling the almond powders/ground almonds check whether peanuts are listed in the ingredients or whether there is a precautionary allergen labelling for peanuts, or other nuts. Where there is no mention of peanuts/other nuts, test for the presence of peanuts. |
| Sampling location/target businesses | 1. Sampling from restaurants, takeaways etc. Focus on Asian cuisine where almond powder/ground almonds are commonly used.  2. Retail and wholesale. |

**Recommendations for microbiological sampling**

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| **Recommendation 10 – Microbiological Quality of Smoked Foods (link to samples taken for recommendation 4)** | |
| Aim | Recommendation 4 is determining PAH limits for smoked meat and meat products and smoked fish and fishery products. To maximise value obtained from the sampling of these products, a full micro suite should be undertaken on these samples with a key focus on *Listeria monocytogenes* contamination. |
| Sample Type | Traditional (direct hot-smoked), small-scale product sampled for Recommendation 4 (PAH’s in smoked foods) should be analysed for microbiological quality. |
| Sampling location/target businesses | Only small-scale or artisanal UK-based producers should be targeted. |

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| **Recommendation 11 – Microbiological Quality of cooked sliced meats and cheeses** | |
| Aim | Listeria continues to be a high focus area, but activity has been concentrated at higher risk premises. Small independent retailers often source pre-packed cooked meat products and soft cheeses from smaller scale suppliers without fully understanding the risks associated with these products and the importance of temperature control and adequate stock rotation. These premises are also relied on more by vulnerable groups such as the elderly or those that are more economically disadvantaged or without transport and are less likely to have advice or engagement with officers due to their lower inherent premises risk. |
| Sample Type | Soft cheeses  Cooked sliced meats |
| Sampling location/target businesses | Small independent retailers, farm shops and delis. |

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| **Recommendation 12 – Microbiological Quality of Ready to Eat Salad Vegetables and Berries (link to samples taken for recommendation 2)** | |
| Aim | Previous outbreaks have been linked to microbiological contamination of ready to eat salad vegetables, herbs and berries. This would give a current picture of any microbiological contamination of locally produced produce.  A full micro suite should be undertaken on these samples. |
| Sample Type | The following UK produced produce should be prioritised.  1. Fresh Herbs  2. Leaf Vegetables  3. Prepared (ready to eat) salads  4. Berries  Samples collected for chlorate and perchlorate analysis under recommendation 2 can be analysed for microbiological quality. |
| Sampling location/target businesses | Farmers markets, farm shops, wholesalers and local independent shops should be targeted. |

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| **Recommendation 13–Cross-contamination controls in butchers and catering establishments** | |
| Aim | The Scottish Government VTEC Action Plan makes the recommendation that ‘FSS and LAs should ensure that food surveillance programmes include microbiological sampling at food premises producing ‘at risk’ RTE foods, to evaluate the effectiveness of cross contamination controls undertaken at butchers and catering businesses’ . There has long been an association with cross contamination of salads from raw ingredients. This has particularly been shown from takeaway premises and in particular kebab shops where salad is often stored beneath raw meat. |
| Sample Type | 1. Ready to Eat foods in butchers shops e.g. cooked sliced meats, pies.  2. Swabs of Utensils/equipment used for ready to eat foods in butchers shops.  3. Salads from catering establishments to pick up issues in the preparation of the salad as well as cross contamination. |
| Sampling location/target businesses | Butchers shops  Smaller catering establishments which handle raw and ready to eat foods and may have limited kitchen/preparation space. |

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| **Recommendation 14–Microbiological risks in vacuum and modified atmosphere packaged chilled foods** | |
| Aim | Over the past year, Food Standards Scotland has been required to deal with several incidents where food business controls with regard to *C. botulinum* and/or *Listeria monocytogenes* in ready to eat foods have been found lacking.  Sampling is required to gather further information on the application of controlling factors for *C. botulinum* in vacuum and modified atmosphere packaged foods produced in Scotland, and how food businesses have taken into account additional risks associated with the growth of *L. monocytogenes* in these products. |
| Sample Type | Chilled vacuum or modified atmosphere packaged ready to eat products which have been given a shelf-life of greater than 10 days. Sampling should be focussed on cooked meats (whole joints or sliced) and smoked fish (whole or sliced).  Samples should be tested for the following parameters:   * Water activity * pH * Salt in aqueous * *Listeria monocytogenes* presence and enumeration.   Information on the following will also need to be collected on each sample:   * The controlling factor being applied by the food business with regard to *C. botulinum*. * Whether the enforcement officer is satisfied with the evidence provided by the food business with regard to shelf-life determination. |
| Sampling location/target businesses | Approved establishments |

**Sampling priorities recommended by the SFELC Sampling and Surveillance Working Group**

In addition to the sampling priorities highlighted above, a series of recommendations for food sampling and surveillance activities in 2015/16 were made by the Scottish Food Enforcement Liaison Committee’s (SFELC’s) Sampling and Surveillance Working Group. These recommendations were published in the annual Local Authority Food Sampling in Scotland report (July 2013-June 2014) which was approved by SFELC in December 2014 and circulated to all Scottish Local Authorities in February 2015. In this report, Authorities were encouraged to prioritise the following areas in sampling plans organised at local and regional level during 2015/16:

1. Histamine levels in cheese.

2. Microbiological quality of imported ready to eat foods with a particular focus on *Listeria monocytogenes*.

3. Microbiological quality of herbs and spices used by caterers

4. Meat substitution and use of additives by caterers

Food Standards Scotland expects these areas to be addressed as part of Local Authority food surveillance activities and funded through their own sampling budgets. Therefore, groups wishing to apply for funding towards additional sampling in these areas will only be considered if applicants clearly describe how this will add value to the work they are already undertaking to address these recommendations.