

To: Lead Food Officers
cc: REHIS, COSLA, SFELC

27 January 2017

FSS/ENF/17/003

Dear Colleague

Recommendations arising from an audit by the EU Commission to evaluate the system of official controls relating to microbial safety of primary production of food of non-animal origin (FNAO) having particular regard to sprouted seeds approved establishments, retail and internet sales.

I refer to the European Commission audit (2015-7456) evaluating the system of official controls relating to microbial safety of primary production of food of non-animal origin (FNAO) in the UK that was published in April 2016. The link to the report is at: http://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=3606 . The audit identified some shortcomings and there were two recommendations I hope can be addressed by this letter and may require your action if relevant to establishments in your area.

Recommendation 1

Ensure that official controls verify the implementation of all legislative requirements laid down by Regulation (EC) No 2073/2005 for sprouting establishments.

During the audit, it was noted that official controls relating to seeds for sprouting did not cover the legal requirements adequately with regard to the required microbial analyses and traceability systems.

Local Authorities are reminded of the requirement to approve establishments producing seeds for sprouting and are requested to review and fully implement the guidance given previously: <http://www.foodstandards.gov.scot/fssenf15008>

The Commission has requested that Member States submit their lists of approved establishments for this sector and so we would be grateful if officers review the list of approved establishments

and update us if there are any amendments. <https://www.food.gov.uk/enforcement/approved-premises-official-controls/sectorrules/establishments-approved-for-producing-sprouts>

Please advise Doreen Tawse (Doreen.tawse@fss.scot) of any updates to the list for Scotland by Friday 17 February 2017.

Please have particular regard to the requirement for approval and official control checks to include all sampling requirements in accordance with Regulations 209/2013 amending 2073/2005 (including Shiga toxin producing E-coli, STEC testing) and traceability checks in accordance with Regulation 208/2013 for FBOs.

Recommendation 2

Ensure that official controls cover sales of seeds for sprouting by retailers and internet operators as required by article 10 of Regulation (EC) No 882/2004.

The auditors noted that official control systems do not cover sales of seeds for sprouting by retailers and internet operators.

To address this recommendation, local authorities are reminded of the need to ensure official control checks cover sales of seeds for sprouting at relevant retailers and internet sellers. The scenario in Annex 1 to this letter below should provide some useful guidance for this.

Please do not hesitate to contact me if you have any queries on this issue.

Yours sincerely



Jacqui Angus
Senior Enforcement Manager
Food Standards Scotland

Ayden Sprouts Ltd imports mung beans and several other types of seeds for sprouting from third countries, packages the seeds into retail packs, supplies them to retail outlets such as garden centres and sells them on a website to consumers. The seeds are stored, packaged and distributed at ambient temperature. The packaged seeds are sent to purchasers through Royal Mail. Ayden Sprouts is not approved or registered as a food business.

Approval or Registration

Ayden Sprouts does not require approval under Regulation (EU) No 853/2004 but the business does need to be registered with the local authority as an importer, distributor and retailer.

Import controls

Ayden Sprouts needs to be able to hold certification for each consignment of seeds according to the certification requirements provided for in EU Regulation No.211/2013. The original certificate must accompany the consignment until it reaches its destination as indicated in the certificate. Once Ayden Sprouts has packaged the seeds for sale at retail, then the requirement for the import certificate to accompany the product no longer applies.

The Q&A document on sprouts and seeds for sprouting has been produced by FSS and the FSA for FBOs and LA officers and is attached to previously issued enforcement letter:

<http://www.foodstandards.gov.scot/fssenf15008>

Traceability

Enhanced traceability requirements apply to the supply of seeds for sprouting and sprouts under Regulation (EU) No 208/2013. (These can be found in the above linked Q&A document). Ayden Sprouts must therefore retain the required enhanced traceability records for each batch of seeds (including each separate batch of seeds they have used in producing seed mixes) to facilitate the withdrawal or recall of the seeds should they be implicated in a foodborne disease outbreak or contamination incident.

Microbiological controls

Sampling and testing requirements have been introduced for sprouts and seeds used for the production of sprouts. However this only applies to establishments producing sprouts which Ayden Sprouts does not do so these requirements do not apply.