

To: Heads of Food Service.  
Lead Food Officers

10 November 2022

FSS/ENF/22/015

Dear Colleague

### **Listeria monocytogenes in smoked fish**

Food standards Scotland and the Food standards Agency have been dealing with an on-going incident linked to a salmon smoking processing establishment in Scotland. This incident has presented 14 confirmed *L. monocytogenes* cases over a 21 month period. All individuals affected are considered to be in a vulnerable group. 3 cases have been confirmed as deceased (2 of which had *L. monocytogenes* reported as a contributory cause of death). All cases had underlying health conditions. The key challenge associated with this incident is that products placed on the market by the company have all been found to be within the statutory maximum permitted level as prescribed by legislation.

Legal microbiological criteria for *L. monocytogenes* are defined in EURL 2073/2005, with a limit of 100 cfu/g for foods placed on the market, which applies for the duration of the product's shelf-life. Businesses which produce foods that are capable of supporting the growth of *L. monocytogenes*<sup>1</sup> are expected to demonstrate, to the satisfaction of the competent authority, that the product will not exceed the limit 100 cfu/g throughout the shelf-life. If they are unable to demonstrate this, EURL 2073/2005 requires them to demonstrate absence in 25 g before the food has left their immediate control. This regulation recognises that *L. monocytogenes* may be found in food producing environments and can survive and grow in certain foods, even in chilled conditions. Controls are therefore focussed on good hygiene practice to minimise the risks of contamination and in ensuring shelf life does not allow the pathogen to reach levels which may be capable of causing illness.

It is important to note that whilst consumption of foods with levels of *L. monocytogenes* lower than 100 cfu/g are considered to present an extremely low risk of listeriosis in the general population,

<sup>1</sup> Products with pH ≤ 4.4 or aw ≤ 0.92, products with pH ≤ 5.0 and aw ≤ 0.94, products with a shelf-life of less than 5 days are considered NOT to support the growth of *L. monocytogenes*

epidemiological data has indicated that doses as low as 8 cfu/g are capable of causing illness in vulnerable consumers who may be more susceptible to foodborne disease. The groups who are most likely to suffer serious health consequences from listeriosis are pregnant women (and unborn and newly delivered infants), those aged over 65 and those who are considered immunocompromised due to a medical condition or treatment.

Food law is written on the basis of reducing risk as far as is reasonably practicable. It does not equate to an absence of risk, but an acceptance that residual risk will remain. Listeria is ubiquitous in the environment, and there is no stage in the production of cold smoked salmon that can eradicate the organism. Therefore, it is virtually impossible to reduce the risk to zero.

The Food Scotland Act places responsibility on FSS to 2(1)(a) to protect the public from risks to health which may arise in connection with the consumption of food, and 3(1)(c) to keep the public adequately informed about and advised in relation to matters which significantly affect their capacity to make informed decisions about food matters. Similar responsibilities are placed on FSA in the Food Standards Act 1999.

Given this product is compliant with the microbiological regulatory limits yet still has presented significant risk to vulnerable consumers it is considered critical that interventions by food safety authorities ensure both effective enforcement of food safety controls as well as public health messaging which enables consumers to understand the risks. Dissemination of this messaging to organisations and groups with responsibility for the care of vulnerable consumers is particularly important to ensure they are able to protect those in their care from the serious consequences of listeriosis. FSS has published guidance for healthcare and social care organisations on reducing the risks of listeriosis to vulnerable groups: [Listeria Guidance.pdf \(foodstandards.gov.scot\)](#). We have also worked with NHS Inform to ensure guidance for eating well in pregnancy takes account of foods which present a risk of listeria, including smoked fish: [Eating well in pregnancy | Ready Steady Baby! \(nhsinform.scot\)](#)

FSS would like to take this opportunity to remind Local Authorities of these resources as well as FSS advice that has been produced in response to the outbreak: [Vulnerable consumers advised of ongoing risk of Listeria associated with ready to eat smoked fish | Food Standards Scotland](#) This advice recommends that vulnerable consumers thoroughly cook smoked fish before consumption. The FSA and FSS are now in the process of reviewing this interim advice via our risk analysis process, with risk management options being assessed following a risk assessment. This will help us to better target future advice to vulnerable consumers on the Listeria risks associated with smoked fish. Businesses catering specifically for vulnerable groups (e.g. care homes), should therefore be aware of this advice. Local Authorities are asked to highlight this advice and guidance during interventions at these businesses and to ensure they are implementing it effectively.

FSS and FSA will be continuing to inform consumers of the risk via a targeted communication plan.

Local Authorities with businesses in their area that process smoked fish are reminded that the FSS has an online tool that can assist the business in controlling hazards and achieving compliance. The link to this tool is below :

Safe Smoked Fish Tool | Food Standards Scotland

Yours sincerely

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