

A Survey of Fish Authenticity in the Scottish Public Procurement Sector

Introduction

This survey was commissioned by Food Standards Scotland (FSS) to assess the potential for fraudulent labelling of fish products supplied to Public Sector organisations in Scotland. The survey was initiated in 2014 following public concerns relating to the authenticity of fish products sold in Scotland. Previous Local Authority (LA) sampling programmes had also identified products sampled from producers and retailers in Scotland which had been mislabelled. In the 2 year period prior to the commencement of this survey approximately 6% of samples of fish products tested for substitution were found to contain undeclared species.

Fish mislabelling undermines basic consumer rights and has the potential to cause significant reputational harm to the industry. Accurate labelling is essential to enable the traceability of the fish supply chain and ensure product safety. It also helps to protect the sector from the economic impact of fraudulent practice, and assists in preventing illegal, unreported and unregulated fish products from reaching the consumer.

The survey represents FSS's first focussed investigation of authenticity in the fish supply chain, and targeted the supply of products to the public sector in order to address recommendations made in the report of the Scottish Government's Expert Advisory Group on 'Lessons to be Learned from the 2013 Horsemeat Incident' (known as the Scudamore report). Recommendations 13 and 18 of the Scudamore report have underpinned a programme of work taken forward by FSS to enhance intelligence on the authenticity of the food chain and support public sector organisations across Scotland in the procurement of foods which are safe and authentic.¹

¹<http://www.foodstandards.gov.scot/sites/default/files/Board%20Meeting%20-%202015%20September%2016%20-%20Scudamore%20Paper%20150906%20Final%20Sept%204.pdf> **Recommendation 13:** FSA Scotland should work with Scotland Excel to develop a standard operating procedure and guidance for all authorities with responsibility for procurement and their contract management in Scotland.

Recommendation 18: The New Food Body could implement additional surveys across a range of foodstuffs, such as the survey on the authenticity of meat products as an example based on risk assessment and general intelligence.

Public procurement is defined as public sector spending on goods and services, and covers a wide range of organisations and institutions in Scotland, including hospitals, nursing homes, schools, nurseries, universities and colleges, police, fire services and prisons. Several organisations are responsible for public procurement in Scotland and although established guidelines have been in place to govern how goods and services should be purchased by these organisations, these were not originally developed to take account of potential issues relating to food authenticity. In response to recommendations made in the Scudamore report, FSS has worked in collaboration with public sector procurement bodies to develop guidance on product specifications for verifying safety and authenticity, as well as procedures for timely reporting and investigation of incidents, and both of these initiatives are aimed at preventing non-compliant products from entering public sector food supply chains². FSS has made a further long-term commitment to develop a system for alerting public procurement bodies on the nature and extent of safety and authenticity issues identified through food sampling programmes and sharing intelligence on non-compliant suppliers. Although this work is not due to be completed until 2017, FSS has undertaken to support surveillance activities which are aimed at addressing evidence gaps on the safety and authenticity of public sector supply chains and to inform future risk assessment and testing regimes.

Survey Methodology

For the purposes of this survey, sampling focussed on fish species mislabelling in products supplied to schools and large hospitals. Sampling was carried out by 26 LAs from 214 premises located across Scotland. White fish products were targeted as these were known to be most commonly used in school and hospital catering in Scotland, and were considered to be vulnerable to substitution due to similarities in the texture and flavour of different species after cooking. Previous surveys had also identified that haddock and cod was at risk of substitution with cheaper fish such as whiting. Fresh and frozen products were targeted in the survey, and sampling included both coated (breaded/battered) products as well as unprocessed fish.

²<http://www.foodstandards.gov.scot/public-sector-incident-protocol-0>

Sampling was carried out between March 2014 and February 2015 and was co-ordinated and distributed across the 26 participating LAs by the four Food Liaison Groups (FLGs) representing North of Scotland, West of Scotland, Lothian and Borders, and East of Scotland. The survey planned to collect a total of 300 samples of fish/fish products supplied to the kitchens of schools and hospitals. LAs which lacked hospitals in their areas were permitted to include care homes in their sampling programmes. This resulted in 9 samples being taken from care homes located in two FLG areas.

All samples were analysed by one of the four Public Analyst laboratories in Scotland³ using an accredited method based on Polymerase Chain Reaction (PCR).

Results

In total, 272 samples were taken during the period of the survey. However, following analysis of the data, it was revealed that the North of Scotland FLG included 8 samples which, when traced back, had originated from the same batch and supplier. This reduced the number of unique samples (i.e. representing unique batches) to a total of 264. The sampling was distributed across each FLG as shown in Table 1:

Table 1. Breakdown of sampling undertaken in each premises type in the four FLG areas

Food Liaison Group	Number of samples			Total number of samples
	Schools	Hospitals	Care homes	
North of Scotland	26	13	0	39
West of Scotland	70	19	2	91
Lothian and Borders	27	35	0	62
East of Scotland	42	23	7	72
TOTAL	165	90	9	264

The details of the types of samples taken at each premises type are provided in Table 2.

³ Glasgow Scientific Services, Edinburgh Scientific Services, Aberdeen Scientific Services, Tayside Scientific Services.

Table 2. Breakdown of samples taken at each premises type

Premises	Number of products labelled as cod		Number of products labelled as haddock		Number of Products labelled as Whiting		Number of Products labelled as Pollock		Other Species*
	Plain	Coated	Plain	Coated	Plain	Coated	Plain	Coated	
Schools	1	5	10	96	8	3	8	22	12
Hospitals	1	0	35	37	9	0	0	0	8
Care Homes	0	0	5	2	0	0	2	0	0
TOTAL	2	5	50	135	17	3	10	22	20

*Other species included coated Salmon and Mackerel products and plain Coley

Out of the 264 unique samples taken, 15 (5.7%) were deemed unsatisfactory due to the presence of an undeclared fish species. Tables 3 and 4 show how the failures were distributed across the three premises types, and four FLG areas. The failed samples were identified in fish supplied to 5 schools, 6 hospitals and 1 care home and were attributed to 7 different suppliers.

Table 3. Summary of sampling results at each premises type

Premises Type	Number of Samples Taken	Number of Unsatisfactory Samples	% Unsatisfactory Samples
Schools	165	5	3.0%
Hospitals	90	8	8.9%
Care Homes	9	2	22.2%

Table 4. Summary of sampling results obtained by each Food Liaison Group

Food Liaison Group	Number of Samples Taken	Number of Unsatisfactory Samples	% Unsatisfactory Samples
North of Scotland	39	2	5.1%
West of Scotland	91	4	4.4%
Lothian and Borders	62	5	8.1%
East of Scotland	72	4	5.6%

The results indicated that the highest number of failures were identified in hospitals (Table 3), where 8 out of 90 samples taken (8.9%) were found to be mislabelled.

Table 5 presents the failures for each of the types of products sampled, and Table 6 details the labelling failures identified.

Table 5. Summary of results for each type of product

Type of product (Species defined on the label)		Number of samples taken	Number of Unsatisfactory Samples	% Unsatisfactory samples
Haddock	Plain	50	8	16%
	Coated	135	1	0.7%
Cod	Plain	2	0	N/A
	Coated	5	0	N/A
Whiting	Plain	17	4	29%
	Coated	3	0	N/A
Pollock	Plain	22	0	N/A
	Coated	10	0	N/A
Other*	N/A	20	2**	10%

*Other species included coated Salmon and Mackerel and plain Coley

**Plain Coley found to be Haddock

Table 6 Breakdown of mislabelling issues identified

Type of Mislabelling	Number of Failures
Haddock Labelled as Whiting	4
Whiting Labelled as Haddock	8
Haddock Labelled as Coley	2
Cod Labelled as Haddock	1

Overall, the most common issue was the labelling of plain white fish products as haddock, which were identified as whiting, with 8 out of 50 samples (16%) failing for substitution (Tables 5 and 6). These failures were identified in unique batches of fish taken at 2 schools, 4 hospitals and 1 care home which were spread across 5 different LA areas. LA investigations identified that the issues involved 5 separate suppliers⁴.

It was interesting to note that the second most common failure type was fish labelled as whiting which was identified as haddock (4 samples), suggesting that substitution between these two species is a particular issue.

⁴ Three different premises received mis-labelled product from the same supplier.

Investigation of non-compliant samples

It is the responsibility of LAs to carry out any enforcement action on business failing to comply with labelling legislation. For the purposes of this survey, all samples which were found to be unsatisfactory due to the presence of undeclared fish species were investigated by enforcement officers. Actions taken included further inspections of the relevant suppliers, and additional sampling of implicated products. Review of supplier invoices by LAs did not indicate a direct financial motive. These investigations suggested that products had been mislabelled due to failure of the food business' quality control systems. Whatever the cause of these failures, it is essential to recognise that customers have a right to expect that any product supplied to them is as described and that failures in this respect are not acceptable.

Subsequent re-sampling identified no further issues with any of the supply chains involved. However, FSS wrote to each of the LAs that investigated failed samples to confirm that they were satisfied that steps taken by the businesses involved were sufficient to prevent future non-compliance. FSS also contacted individual suppliers directly to request further details regarding the issues that were identified.

Responses received from suppliers provided a useful insight into the circumstances which could lead to the mis-labelling of white fish and the steps that had been taken after the survey to prevent future issues. One of the key issues highlighted was the difficulty in distinguishing between white fish during processing, which could lead to occasional instances where fillets were incorrectly packaged by staff. The finding that six of the failures were haddock which had been labelled as whiting or coley (a less expensive fish), supported the contention that the issues resulted from human error, rather than deliberate fraud.

One of the businesses reported improvements that had been made to their quality systems including a requirement for their suppliers to clearly label deliveries of block fillets, staff training to improve separation of different white fish species during further processing (e.g. smoking), and improved labelling of customer orders. It was also noted that the findings of this report should be communicated to both fishermen and processors in order to minimise the inadvertent mixing of different species during processing and packaging at different points in the supply chain.

Considerations for public procurement

FSS and public procurement leads in Scotland have established specific liaison and information sharing arrangements as part of their response to the response to the Scudamore Expert Advisory Group recommendations⁵. FSS has advised the relevant procurement bodies about the individual samples taken and the results and has asked those with failed samples for their views on:

- The impact of the failures on their respective bodies;
- Any possible indirect commercial motivation for supply of such products (e.g. to fulfil orders in order to protect contracts);
- Any steps they consider necessary to reduce the risk of recurrence

FSS will discuss the responses to these requests with the relevant public procurement leads to establish whether there are any good practice steps that can be identified in terms of procurement, contracts management or surveillance sampling.

Conclusion

Over 94% of samples were found to be compliant with labelling legislation, and enforcement investigations indicated that cases where products were mislabelled were not a result of deliberate food fraud. However, the findings support the need for tighter specifications for the labelling of fish products supplied to public sector procurement bodies, in order to protect the recipients of these foods from misleading claims. Continued work between FSS, relevant public procurement bodies and LAs across Scotland aims to promote and increase understanding of the importance of meeting labelling requirements in terms of statutory and contractual labelling obligations. This will be taken forward in the context of a wider FSS regulatory strategy that will outline our overall approach to supporting business compliance with food and feed law. This will include a review of enforcement action, penalties and

⁵<http://www.foodstandards.gov.scot/sites/default/files/Board%20Meeting%20-%202015%20September%2016%20-%20Scudamore%20Paper%20150906%20Final%20Sept%204.pdf> **Recommendation 13:** FSA Scotland should work with Scotland Excel to develop a standard operating procedure and guidance for all authorities with responsibility for procurement and their contract management in Scotland.

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appropriate sanctions in this area, to ensure they are sufficiently dissuasive and provide an incentive for suppliers to invest in adequate control systems.

The most prevalent issue identified in this survey was the substitution of haddock and whiting in fish products. This corresponds with trends picked up through LA sampling programmes targeted at retailers and caterers in Scotland. FSS has continued to highlight the need for on-going surveillance in this area, with appropriate enforcement action in the event of unsatisfactory results which could be indicative of food fraud.