

Lead Food officers  
REHIS  
SFELC

ENF/15/015

14<sup>th</sup> December 2015

Dear Colleagues

### **Food Standards Scotland Position; Rare Burgers**

Following the Food Standards Agency Board discussion on rare burgers earlier this year there have been consequential discussions regarding the position of Food Standards Scotland (FSS) on this issue. This letter intends to provide clarity of the FSS position and provide direction as to the role of FSS and the Local Competent Authority in instances of enforcement related to this subject.

As indicated in the statement published on the FSS website on the 10<sup>th</sup> September (<http://www.foodstandards.gov.scot/news/fss-statement-rare-burgers>) the FSS has not changed its policy on rare burgers. Food businesses choosing to serve rare burgers are legally required to protect consumers by serving a product that is safe. This can be achieved via thorough cooking or by a combination of controls validated and verified by the food business operator that will provide an equivalent level of food safety to the assured controls outlined in the advice from the Advisory Committee on the Microbiological Safety of Food (ACMSF).

Where a food business wishes to provide rare burgers as a menu choice it is expected that they will be able to demonstrate that the product has been produced using a validated system of controls which provides an equivalent level of pathogen control to that provided through safe cooking. It is the responsibility of the food business to provide a safe product as required by EU food safety law and to demonstrate how they achieve this.

In relation to technical and scientific support to assist in individual safety risk assessments, Local Authorities are expected to have access to food examiners and other necessary technical support to help inform their position. We encourage Local Authorities to seek such expertise where necessary when establishing risks and determining the appropriate enforcement action in local circumstances.

For food businesses operating across administrative areas, it is possible that they will work with a Primary or Home Authority. Scottish Local Authorities should be mindful that the Primary Authority

scheme is not currently applicable in Scotland, however in reaching their position on such matters, Local Authorities should be mindful of the Home Authority principle.

There are no pre-market safety assessments applicable for the service of burgers, such as exist for approval of food additives or novel foods, but should there be a request from a specific sector of the industry for some form of generic approval of any specified control system for the safe sale of rare burgers, we consider that it would be appropriate for them to develop a case and present this to ACMSF in order to obtain an opinion.

The supplier of minced meat used in the production of burgers to be served rare will in many instances be a food business approved by FSS. Where the supplier has the knowledge e.g. via the customer specification, that the product will be served rare, enforcement officers should have an expectation that this will be documented in the plant HACCP plan and that they will have the necessary control points detailed and monitored accordingly. FSS operations staff i.e. Official Veterinarians in the course of their normal duties and Meat Hygiene Inspectors engaged in unannounced inspections at these businesses will proactively ask them whether they are involved in the supply of minced meat products likely to be consumed as rare burgers and assess the effectiveness of the HACCP plan according to the market they are supplying. Furthermore a letter will be issued to all such businesses by FSS requesting details of any supplying this product about the nature of the supply and the business supplied. This information will be available to Local Authorities.

The role of FSS is to provide general direction and advice to Local Authorities in relation to their competent authority functions. It is not appropriate for FSS to deliberate on individual businesses risk assessments where the Local Authority is the competent authority. FSS will however provide direction on the questions that Local Authorities should be asking of food businesses involved in the production of rare burgers which will allow them to collect information at each stage of the process that will help to inform their decision making. These will be discussed with the Scottish Food Enforcement Liaison Committee Working Group on Risky Foods to support the current flow diagrams and decision trees being developed by the group.

Local Authorities will wish to be aware that FSS is considering the possibility of commissioning a microbiological survey of minced meat from beef, lamb and venison next financial year. The survey would include STEC (various serogroups of relevance) and provide greater insight into the prevalence of the pathogen in raw minced meat products produced in Scotland. This data will be used to inform future verification sampling and risk assessment.

If you have any queries regarding this correspondence please contact me using the contact details contained in this letter.

Yours sincerely



Lorna Murray  
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Food Standards Scotland