

## Scottish Food Enforcement Liaison Committee minute

Friday 06 December 2019: 10:00 for 10:30

**Venue:** Hotel Indigo Dundee, Lower Dens Mill, Constable Street, Dundee, DD4 6AD

**Tel:** 07881 281 206 or 0141 378 0384

### Attendees

William Hamilton (Chair)	Scottish Food Enforcement Liaison Committee (SFELC)
Lindsay Matthew (L. Matthew)	SFELC Vice Chair & Convention of Scottish Local Authorities
Tanja Low (T. Low)	SFELC Secretariat
Andrew Morrison (A. Morrison)	Food Safety Subcommittee Chair
Jane Couper (J. Couper)	Food Standards Subcommittee Chair
Martin Keeley (M. Keeley)	Royal Environment Health Institute of Scotland (REHIS)
Helen Henderson (H. Henderson)	East of Scotland Food Liaison Group
Andrea Carson (A. Carson)	North of Scotland Food Liaison Group
Karen Wardrope (K. Wardrope)	West of Scotland Food Liaison Group
Lorna Murray (L. Murray)	Food Standards Scotland
Rachel Mirfatahhi (R. Mirfatahhi)	Institute of Food Science and Technology (IFST)
Chris McGuigan (C. McGuigan)	Consultant in Public Health Medicine
Abbie Purkis (A. Purkis)	Food Standards Scotland
Brian Lawrie (B. Lawrie)	Society of Chief Officers of Environmental Health in Scotland (SOCOEHS)
Bruce McCall (B. McCall)	Scottish Federation of Meat Traders Association (SFMTA)
David McGhie (D. McGhie)	Society of Chief Officers of Trading Standards in Scotland (SCOTSS)
Col Baird (C. Baird)	Scottish Government
Erik Smyth (E. Smyth)	EcoAnalytes

### 1. Chairman's welcome and apologies for absence

The *Chair* opened the meeting by welcoming the Committee, guests and speakers to the December 2019 Scottish Food Enforcement Liaison Committee (SFELC) meeting in Dundee. He then ran through the house keeping arrangements.

The *Chair* welcomed the Society of Chief Officers of Environmental Health in Scotland (SOCOEHS) representative *B. Lawrie*, the Scottish Federation of Meat Traders Association (SFMTA) representative *B. McCall*, and the Society of Chief Officers of Trading Standards in Scotland (SCOTSS) representative *D. McGhie*. He welcomed guest

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speakers *K. Wardrope* (section 4.1), *C. McGuigan* (section 4.2), *C. Baird* (section 4.3) and *E. Smyth* (section 4.4).

Apologies were recorded by the *Secretariat* for Andrew MacLeod (Official Control WG Chair), Cat Hay (Food and Drink Federation Scotland), Ian McWatt (FSS), Jane White (Association of Public Analysts in Scotland; Sampling and Surveillance WG Chair), John Armour (National Farmers Union of Scotland), William MacLeod (British Hospitality Association), and Paul Bradley (Honorary Secretary).

The *Chair* advised that the meeting would be audio-recorded only to aid the writing of an accurate minute.

### 2. Minutes and matters arising

The *Chair* advised that the approved minutes for the SFELC meeting on 04 October 2019 will be available on the SFELC website ([link](#)). The Committee went through the minutes page by page, first for corrections and accuracy (A) and then matters arising (MA). There were no amendments noted.

#### Matter of Record 12.2019

The *Chair* congratulated Grainne Gilson Smith on the birth of her daughter Molly Elizabeth.

### 3. Actions outstanding

#### Action 11.2019 – The *Chair*

The *Chair* to liaise with Gordon King to organise for LA's to attend butchers meetings. *B. McCall* confirmed that four dates have been set across 2020 for these meetings. The *Chair* is to liaise with Food Liaison Group Chair's to organise LA attendance at these meetings. **ONGOING**

#### Action 09.2019 – The *Chair*, *J. Burns*, Food Liaison Group Chair's, Diet & Nutrition WG

The *Chair* to set-up a TC with *J. Burns* to discuss LA officer engagement for the Reformul8 Project, along with the Food Liaison Group Chair's and Diet and Nutrition WG. **COMPLETE**

#### Action 08.2019 – *L. Murray*

*L. Murray* to liaise with Official Veterinarians about potential involvement with Reformul8 Project. *L. Murray* has a meeting arranged with FSS Lead Veterinarian, Vikki Halliday, in mid-December 2019. **ONGOING**

#### Action 07.2019 – The *Chair*

The *Chair* to meet with Uber Eats to discuss LA engagement. **ONGOING**

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### **Action 06.2019 – The Chair**

The *Chair* to set up an Allergens Working Group. A suggested Chair for this WG is to be nominated. **ONGOING**

### **Action 20.2018 – The Chair**

The *Chair* to liaise with *J. Couper*, *A. Morrison* and *K. Kazimierczak* to find ways to strengthen communication links with the Horizon Scanning Group and Sampling and Surveillance Working Group. The Sampling and Surveillance WG are to progress this along. Action passed onto Sampling and Surveillance WG Chair *J. White* **COMPLETE**

### **Matter of Record 13.2019**

**The *Chair* confirmed that the Scottish Federation of Meat Traders will be renamed to Scottish Craft Butchers.**

## **4. Presentations & Current Items**

### **4.1. Specialist Cheesemakers Working Group by Karen Wardrope**

*K. Wardrope* began her presentation by giving a brief background on the Specialist Cheesemakers Working Group, which was first established as the Artisan Cheese WG in 2015, later combining with the Risky Foods WG in late 2016 following an outbreak associated with raw-milk cheese. The Guidance for Local Authority Enforcement Officers on the Production of Cheese from Unpasteurised Milk was ratified by the SFELC Committee and was first issued to LA's in December 2018, with version 2 ratified by SFELC and issued on 26 April 2019, following feedback from industry and LA's. Further feedback will be obtained from LA's who have been using this guidance in December 2019, one year on from its first issue. Workshops for this guidance were held for LA's in March 2019, following which the group reverted back from the joint risky foods WG to the Specialist Cheesemakers WG.

*K. Wardrope* added that initial feedback on the Guidance so far has been mostly positive, with the main issue being sampling, in particular the frequency of sampling being unclear. A full review of the Guidance is scheduled for April 2022, which aims to address any outstanding issues or questions. *K. Wardrope* stated that one of the main questions outstanding in relation to raw-milk cheese production, in particular soft, semi-soft and semi-hard cheeses, is around validation issue due to limited scientific evidence being available. A related issue is the potential of new unknown STEC strains being discovered, and that validation would need to include all of these strains. *K. Wardrope* stated that whilst there has been some sampling and research conducted on the prevalence of STEC strains in cattle and in particular relating to *E coli* 0157, but more information is needed on the prevalence of all STEC strains in cattle/sheep/goats and in raw milk. However, there is currently limited availability of testing for all STEC strains in labs, which is proving difficult for commercial businesses to test their samples.

*K. Wardrope* continued that it is not yet fully understood what combination of controls will decrease STEC levels within cheese to an acceptable level. Whilst generic E-coli is tested for as an indication of hygiene standards, there is no scientific evidence to suggest a correlation between generic E-coli and STEC. However, generic E-coli still requires to be tested for to provide evidence that controls are in place to minimise the potential risk of faecal contamination entering the product, which is reflected in the present guidance to ensure protection of public health. Given that STEC can still be detected in cheese for some time after production, it is important to look at the efficacy of primary production controls as an operational pre-requisite programme, minimising the chances of STEC getting into the raw milk. When you combine all of these questions, the final question to ask is what the overall level of residual risk surrounding STEC and raw-milk cheese production once all required controls have been implemented effectively.

#### Q&A

*L. Murray* asked whether the use of the OCV approach would be useful in terms of this product. *K. Wardrope* explained that, although raw-milk cheese is a processed product, it is difficult to quantify what particular log reduction can be achieved during maturation when compared to processes involved in the production of some other ready-to-eat foods, and therefore the OCV approach is difficult to apply to this sector. *L. Murray* agreed with this point, and emphasised the difficulty of developing this approach to fit due to gaps in scientific research.

The *Chair* asked if there are any soft raw-milk cheeses being produced in Scotland at present. *K. Wardrope* expressed that there are semi-soft, but not soft raw-milk cheeses. The *Chair* then asked if it is possible for a small business to conduct challenge-testing, and how valuable is challenge-testing if not conducted in the environment that the cheese has been matured in. *K. Wardrope* responded that it is difficult to know the true reliability of artificial testing, as it could be argued that challenge-testing in an artificial environment starts at a higher level than testing in the production environment. *R. Mirfatahhi* stated that guidance surrounding E-coli and STEC is currently being worked on, with *K. Wardrope* adding that the working policy on STEC, which states that no level of STEC is acceptable in a ready to eat food, is due to be finalised next year.

#### **4.2. Factors Affecting Variations in Campylobacter Disease Rates in Scotland by Chris McGuigan**

*C. McGuigan* started his presentation by giving a brief overview of the main research aims of factors affecting variations in Campylobacter disease rates in Scotland. A case-case analysis was done alongside a case-control analysis to determine why such cases are reported more often in more affluent areas, whilst hospitalisation rates are higher among the more deprived areas. Further aims were to look at what the main risk factors are and whether there are differences in these between the least and most deprived areas, along with what can be done with the overall results.

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Results of the case-control analysis found that foreign travel, which was more common in the more affluent areas, was a significant factor affecting Campylobacter rates, in particular travel to Asia and Turkey. GP's also cited recent foreign travel as a very important consideration when requesting a stool sample. Additionally, there appeared to be a predominance of hospital admissions for those who live in more deprived areas that are in close proximity to a hospital.

*C. McGuigan* stated that the results from the case-case analysis found significant differences in the types of cases between affluent and deprived areas. These differences included factors such as travel within Scotland and raw chicken being cut up in the kitchen being common risk factors in affluent areas, whilst risk factors such as the use of antacids, long-term bowel conditions and contact with birds/poultry were more common in most deprived areas. The overall case-control analysis found that some of the most common overall risk factors were ethnicity, use of proton pump inhibitors (PPI's) and chicken eaten outside the home, whilst overall protective factors included contact with cats and raw chicken handled in the kitchen.

*C. McGuigan* continued to state that foreign travel could account for explaining why Campylobacter rates are higher amongst more affluent areas, as this is more commonly associated with a higher income. Additionally, a higher proportion of the more deprived areas were close to a hospital, which could partly explain the excess of hospitalisation rates for this population. The case-case analysis illustrated that risk factors vary with deprivation level, and *C. McGuigan* concluded that further education is needed in terms of some of the main risk factors, such as the production of chicken liver pâté at home.

### Q&A

*The Chair* asked whether the use of PPI's amongst the elderly is a factor affecting the significant increase of hospitalisation rates amongst people over the age of 65.

*C. McGuigan* stated that the elderly population tend to have more health conditions, and therefore are prescribed more medication, including PPI's, which therefore puts them more at risk of contracting Campylobacter disease.

*B. Lawrie* noted that South Ayrshire, which is the more affluent area of Ayrshire, had less reported cases of Campylobacter disease than less affluent areas such as North and East Ayrshire, which is the opposite to the rest of Scotland. *C. McGuigan* stated that higher Campylobacter rates have been reported in more affluent areas across Scotland, as well as throughout Western World countries such as Australia and New Zealand. *B. Lawrie* further stated that the possibility of increased Campylobacter rates in the elderly could be attributed to the possibility of older people being more likely to cook meats from their raw state. *L. Murray* added that older people are more likely to buy a whole raw chicken and prepare it at home, which increases the risk of cross-contamination, whereas younger people are more likely to buy chicken legs or thighs which have been semi-prepared, and therefore lowers the risk of cross-contamination.

*M. Keeley* suggested that hospitalisation rates could differ from reported cases of *Campylobacter* disease, as ill health is more likely to increase with age in the more deprived areas.

#### **4.3. Diet and Obesity – Price Promotions by Col Baird**

*C. Baird* began his presentation by informing the committee of the alarming statistic that approximately two thirds of people in Scotland are overweight or obese, which represents a clear public health issue. This was emphasised by the fact that Scotland has consistently failed to meet the Scottish dietary goals for sugar, which were set in 1996. As a result, a delivery plan was set in July 2018 with two main aims; to halve childhood obesity in Scotland by 2030, and to significantly reduce diet-related health inequalities. *C. Baird* emphasised that tackling the obesity crisis is a multifaceted and complex issue, and therefore needs to be looked at from various angles. The ‘restricting food promotions’ policy focuses on promotions as part of the wider spectrum for tackling obesity, looking to halve the number of calories consumed through discretionary foods per person per day, which is currently 379 calories on average.

The consultation came to a close in January 2019, and looked at food categories typically high in fat, sugar and salt, yet provide little to no nutritional benefit. These categories included food items such as confectionary, cakes and pastries, with the consultation looking to target such foods that are sold to the public in the course of a business, with scope to potentially explore online restrictions also. The consultation looked specifically at price promotions, such as multi-buys and meal-deals, as well as other forms of promotion such as placement at checkouts and promotion of value. Restrictions on such promotions of discretionary foods would be enforced by LA’s, who would provide guidance to industry and have the power to issue compliance notices and fixed penalty notices. A range of responses were received from individuals and organisations, both industry and non-industry, with the main view on enforcement issues being funding. The majority of organisations were in agreement that LA’s have the appropriate knowledge to enforce these restrictions, but the majority of individuals disagreed, stating that organisations would be better suited as LA’s are already overstretched.

*C. Baird* stated that a case for mandatory action has now been made, with ministers hoping to introduce a Bill within the next year, targeting discretionary foods and soft drinks with added sugar, by restricting promotions such as multi-buys and positioning of products at checkouts and front of store. A possible alignment with UK Government is currently being explored in terms of this consultation, where it is in Scotland’s best interests to do so. In the meantime, LA’s are currently working alongside Scottish Government to calculate funding estimates for this to be enforced. It is envisaged that following the passage of the Bill, a further consultation will be required to inform any implementation regulations.

#### Q&A

*The Chair* asked whether this consultation is perhaps under threat of being prioritised below other more pressing issues relating to EU exit. *C. Baird* emphasised

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that if the UK Government did decide to discontinue this Bill for any particular reason, then Scottish Government would still aim to pass this Bill in Scotland within the suggested timeframe.

*B. Lawrie* stated that he had seen a consultation on energy drinks, and asked if there is scope within the restricting foods promotions consultation to work with energy drinks. *C. Baird* responded that it is a matter of waiting to receive responses from the energy drinks consultation, and then look to see if this policy can be progressed.

*K. Wardrope* asked whether there are intentions of who would be enforcing these restrictions, as traditionally trading standards are responsible for promotions. *C. Baird* stated that in terms of legislation, it will be LA's. *L. Murray* added that a joint approach with LA's and trading standards might occur, with *M. Keeley* stating that since this involves food businesses, and this is a health matter with diet and nutrition being key to public health, registration and delivery is all set up based on food law, with more work being done predominantly by EHO's, with trading standards being involved with regards to input.

#### **4.4. Cleaning and Disinfection Products from EcoAnalytes by Erik Smyth**

*E. Smyth* started his presentation by explaining that EcoAnalytes is a Scottish manufacturer that utilises electrolysed water to provide disinfection and cleaning products. They work with local schools by commercialising green technology to have a positive impact on carbon footprint, as well as people's health and wellbeing. There are two brands produced; DEW products which are ready-to-use sprays, and Ew products which come in a concentrated form. EcoAnalytes products have a shelf life of around 2 years, and can be used for up to 6 months after opening.

All disinfection products are pH neutral, with Hypochlorous Acid as its active ingredient, whilst all cleaning products have a pH of around 11, with Sodium Hydroxide as its active ingredient. *E. Smyth* added that the disinfection products contain the same active ingredient our body's produce when fighting an infection, which works alongside a small electrical charge that destroys the outer membrane of micro-organisms, enabling the active ingredient to enter and destroy the entity very quickly. The results of laboratory tests have found that the Ew range kill 99.995% of bacteria, viruses, fungi and spores in around 30 seconds, which is more effective and faster than other household brands. To demonstrate this, EcoAnalytes has partnered with Hygiene International to provide instant readings of before and after the use of Ew treatment through monitoring ATP. EcoAnalytes also promotes that none of their products contain alcohol, meaning they won't dry your skin out when used, and so can be used by people with skin conditions such as eczema.

*E. Smyth* informed the committee that because all EcoAnalytes DEW products are safe, they can be refilled using the reusable plastic containers at any refill station, which are based in schools and businesses, amongst other places. This therefore significantly reduces carbon emissions, travel pollution and saves money. Organisations, businesses and individuals are all welcome to participate in this refill scheme, allowing them to generate a profit of 30% or more through saving money on

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factors such as packaging. Schools are also encouraged to participate, in which all products, along with the refill station, are delivered to the school free of charge. The products are then distributed by the school, and customers are encouraged to refill their products at the refill station, with 30% of the net sales going to school funds. This scheme reaps many benefits, including reduced carbon footprint, reduced use of harsh chemicals, generates income for the school, and also saves money for the families that choose to participate.

*E. Smyth* stated that an electrolysed water trial will be taking place soon at a local primary school, in which existing cleaning products will be replaced by the EcoAnolytes DEW range, with classrooms also being fogged to address any complex surface cleaning requirements. The effectiveness of these products will be measured against school attendance, as well as monitoring improvements in allergies, asthma and skin conditions amongst the pupils.

### Q&A

*L. Matthews* asked if there are any worries that food businesses might top this product up with water, given it is a colourless, odourless liquid. *E. Smyth* responded that the use of dipsticks can determine the levels of chlorine within the product.

*L. Murray* asked whether the scope for use of these products could be widened to food businesses and other public establishments. *E. Smyth* stated that as they are a new and small company, the primary focus is currently on commercial success. There are currently trials undergoing with some larger fish and salmon companies to test for the removal of listeria, with positive feedback for these products so far. However the main focus at present lies with consumers, but there is definite room for growth to larger food businesses.

## **5. Intelligence gathering – Consultations, Horizon Scanning and Safe spaces**

Nil.

## **6. The SFELC Executive update**

*M. Keeley* informed the committee that the SFELC Executive met on 05 December 2019 to discuss the work plan and FSS update (details of these can be found in the relevant sections). Future meeting dates were allocated and any unassigned items were added to the agenda of appropriate future meetings (these dates can be found in the relevant section). *M. Keeley* then gave a brief overview of points discussed at the TSE meeting:

- Reminder for Food Liaison Group Chairs, Subcommittee Chairs and Working Group Chairs to fill in all details of the highlight reports on what has been done as well as the section that is copied into the Monthly Enforcement Report



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- *M. Keeley* provided an update on the National Food Crime WG, in which items on intelligence were discussed, and issues were raised surrounding funding and the uptake of the intelligence database (IDB)

### 7. Committee work plan

#### **07 February 2020 – Edinburgh**

- Annual Report (THE CHAIR AND HONORARY SECRETARY)
- Cheesemakers guidance review (KAREN WARDROPE)
- SND and SFEAR (PAUL BIRKIN AND JACQUIE SUTTON)
- Sampling Programme Update Report (JANE WHITE AND FAITH CHUNG)
- Brexit (GRAEME CORNER)
- Allergens Working Group (LYNSEY SCULLION?)

#### **03 April 2020 – Glasgow**

- Food Standards Project Working Group Guidance update (CAROL ANN WALKER?)
- Food Recalls (RYAN BRUCE? AND IZZY CHILDS?)
- Allergens Policy (STEPHEN HENDRY? AND CALLUM YULE?)

#### **19 June 2020 – Aberdeen**

#### **02 October 2020 – Dundee**

#### **04 December 2020 – Stirling**

#### **05 February 2021 - Edinburgh**

#### **UNASSIGNED ITEMS**

- Tactical Update (ROSS CLARK?)

### 8. Food Standards Scotland update

*L. Murray* updated the Committee on the new Official Control Regulation 625, which will come into force on 14 December 2019 and will replace Regulations 882, 854 and 669. An enforcement letter is being prepared and will be sent to all LA's advising on what this regulation will replace, and what this means going forward. A number of fixing instruments will be implemented further down the line following this new regulation.

A review of public analyst laboratories is currently ongoing. Discussions are being held with laboratories in Scotland to consider what sustainable models will look like in the future, with additional support to be provided for public analysts. FSS are also looking to fund a programme of feed sampling. This will allow sampling to be

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resumed again, and will maintain analyst competence in agricultural areas. Additionally, the majority of responses have been received for the sampling audit survey, with the intention of a report being created once all responses have been collated.

*L. Murray* stated that an email was put out to all LA's asking for contingency plans surrounding a potential no-deal EU exit. Responses have been received from 26 LA's, with further confirmation from those who did not respond that they did not feel a contingency plan was required for EU exit. The intention is to prepare a submission to the Minister as to what these potential consequences may be following an EU exit.

### 9. Sub – Committees: including working groups

Nil.

### 10. Food Liaison Group

#### West of Scotland FLG

*K. Wardrope* informed the committee that the matter of pink duck was discussed at the FLG meeting in November, and the issue was raised that a lot of food premises across Scotland prepare and sell undercooked duck, despite advice from FSS advising against this as duck should not be undercooked. *K. Wardrope* suggested that this issue could benefit from being looked at on a national basis by the Risky Foods WG.

#### Action 12.2019

**The Chair to contact Lorna McCoull to evaluate duck and pork risky food situation.**

### 11. Update by Non-Enforcement member(s)

*R. Mirfatahhi* stated that IFST head office have been in discussion with FSS regarding food safety registers, enquiring where the getting staff members registered on IFST registers. *L. Murray* advised that this is currently being taken forward.

#### Action 13.2019

**L. Murray to contact Elena Gafenco in relation to IFST registered members**

### 12. SFELC Elections

#### SFELC Chair

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*M. Keeley* announced that there was one nomination received for Chair of SFELC from Andrew Morrison. This nomination was dually nominated by Billy Hamilton and seconded by Lorna Murray.

### **Matter of Record 14.2019**

**The New Chair of SFELC Andrew Morrison was elected.**

#### **Feed Safety Sub – Committee Chair**

*M. Keeley* announced that there was one nomination received for Feed Sub-Committee Chair from David McGhie. This nomination was dually nominated by Martin Keeley and seconded by Brian Lawrie.

### **Matter of Record 15.2019**

**The New Chair of Feed Sub-Committee David McGhee was elected.**

### **Matter of Record 16.2019**

**The Chair W. Hamilton welcomed the new Chair A. Morrison and wished him the best of luck.**

### **Action 14.2019**

**Secretariat to send out election forms for the SFELC Food Safety Sub-Committee Chair and P. Bradley to present at the February SFELC meeting.**

### **Action 15.2019**

**The Chair, L. Murray, J. Scott and D. McGhee to discuss the Feed Sub-Committee role.**

## **13. Review of action points**

*Secretariat* ran through the Actions and Matters of Record raised throughout this meeting (in bold red and bold green).

Full details of all actions completed prior to this meeting are available in the actions document in KHub, "SFELC - Complete set of meeting papers". Then "appropriate meeting", then "Item 03 – Action Points and Matters of Record". ([link](#))

Additionally actions for the SFELC Executive are noted in the TSE actions log in KHub, "SFELC Executive (formerly Resources Working Group) > Library > TSE – Papers - year month > Item 02 – TSE – Action points and Matters of Record". ([link](#))

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### Matter of Record 17.2019

The Committee thanked William Hamilton for all of his hard work and dedication, and wished him all the best for the future. Some of the most paramount pieces of work he carried out were: Less Than Thoroughly Cooked Burgers, Cheesemakers Guidance, OCV, FLRS and SND. His ability to readily adapt to changing times was praised.

### Matter of Record 18.2019

The Chair thanked the Secretariat and L. Murray for all their support throughout his time as Chair

### 14.AOCB

Nil.

### Forthcoming meetings

07 February 2020 – Edinburgh

03 April 2020 – Glasgow

19 June 2020 – Aberdeen

02 October 2020 – Dundee

04 December 2020 – Stirling

Please advise Tanja Low on SFELC@fss.scot if you are aware of other events that SFELC delegates may attend that clash with these dates.