

**ITEM No ...3.....**

**REPORT TO: COMMUNITY SAFETY & PUBLIC PROTECTION COMMITTEE – 18 FEBRUARY 2019**

**REPORT ON: CONSULTATION RESPONSE – THE FOOD STANDARDS SCOTLAND – GUIDANCE ON FOOD TRACEABILITY, PRODUCT WITHDRAWALS AND RECALLS**

**REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES**

**REPORT NO: 64-2019**

**1. PURPOSE OF REPORT**

1.1 To seek Committee's approval for the Council's proposed response to the Food Standards Scotland's consultation on – Guidance on Food Traceability, Product Withdrawals and recalls within the UK Food Industry.

**2. RECOMMENDATIONS**

2.1. It is recommended that Committee approves the attached response and remits the Executive Director of Neighbourhood Services to submit this to the Scottish Government accordingly.

**3. FINANCIAL IMPLICATIONS**

3.1. There are no financial implications arising from this report.

**4. MAIN TEXT**

**4.1. BACKGROUND**

4.1.1. Food Business Operators (FBO's) are legally obliged to ensure that food placed on the market is safe. In the event of a food safety incident, FBO's must withdraw the affected food and where it has reached the consumer, effectively and accurately inform them of the recall. There is also a legal requirement for FBO's to notify the relevant authorities if unsafe food has been placed on the market. Requirements for food enforcement authorities on handling food safety incidents are set out in the Food Law Code of Practice and associated Practice Guidance.

4.1.2. Food Standards Scotland (FSS) and the Food Standards Agency (FSA) have jointly developed new UK Guidance on Food Traceability, Product Withdrawals and Recalls within the UK Food Industry which will replace the existing Guidance Notes produced in 2007.

4.1.3. FSS are now consulting on the new Guidance which aims to promote clarity and consistency for FBOs and food enforcement authorities across the UK.

4.1.4. Food Standards Scotland are consulting separately on this document, however the responses will be considered along with those from England, Wales and Northern Ireland in producing the final version of the joint Guidance.

**4.2. Consultation Response**

Food Standards Scotland has invited responses to the consultation and Appendix 1 sets out the proposed responses to the consultation questions posed. A copy of the full consultation document is available on the Food Standards Scotland website at:  
<https://consult.foodstandards.gov.scot/food-crime-and-incident-unit/guidance-on-food->

safety-traceability-product-withd/

5. **POLICY IMPLICATIONS**

- 5.1 This report has been subject to an assessment of any impacts on Equality and Diversity, Fairness and Poverty, Environment and Corporate Risk. A copy of the Impact Assessment is available on the Council's website at [www.dundee.gov.uk/ia](http://www.dundee.gov.uk/ia).

6. **CONSULTATIONS**

- 6.1 The Council Management Team have been consulted in the preparation of this report and agree with the content.

7. **BACKGROUND PAPERS**

- 7.1 Consultation Document.

Elaine Zwirlein  
**Executive Director of Neighbourhood Services**

Tom Stirling  
**Head of Community Safety & Protection**

18<sup>th</sup> February 2019

Guidance on Food Traceability, Withdrawals and Recalls within the UK Food Industry

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Introduction

1. Please note that Food Standards Scotland may publish details that you supply in legitimate pursuit of the functions of the organisation. Do you agree to the publication of your personal details and response?

(Required) [Yes, all of my response and name/organisation can be published.](#)

2. What is your name?

Name

[Lindsay Matthew](#)

3. What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

[lindsay.matthew@dundeecity.gov.uk](mailto:lindsay.matthew@dundeecity.gov.uk)

4. What is your organisation?

Organisation

[Dundee City Council](#)

Consultation Questions

Questions to be posed in relation to the consultation on the Guidance on Food Safety, Traceability, Product Withdrawals and Recalls within the UK Food Industry.

5. Does the guidance clearly distinguish between the legal requirements and best practice advice?

Please provide details

[Yes, very clearly using boxed text. Whilst comprehensive, the guidance at 66 pages is lengthy and may be more user-friendly using web-based format. Summary guidance would be welcome for both local authorities and businesses.](#)

6. What, if any, barriers do you foresee in implementing the guidance?

Please provide details

Time and resources will require to be made available, particularly in smaller less complex businesses. Larger more sophisticated businesses should already have a good understanding of the traceability requirements and their responsibilities.

7. What changes to your business will implementation of this guidance require you to make, if any?

Please provide details

We are not a food business and this feedback should come from businesses - it is likely that better record keeping will be required - the template at Annexe C will help.

8. What effect will this guidance have on your business' ability to deal with food withdrawals and recalls?

Please provide details

We cannot answer as a business but our opinion as a competent authority is that businesses that keep accurate traceability records would inevitably be better able to deal with food withdrawals and recalls.

9. What are your views on the best practice advice and supporting templates provided in the guidance?

► In particular, we welcome your views on:

- Is it reasonable for FBOs to keep traceability records of pre-packed foods for the shelf life of the product plus 12 months? This depends on the nature and complexity of the business. This answer needs to be categorised by the various food business types e.g. importers, distributors, wholesale, catering, retail, etc.

- Is the risk assessment advice and example helpful for businesses? This would be for business to answer but does seem to outline points to be considered in carrying out the risk assessment.

- Is the food business recall notice template helpful and easy to complete and will it accurately and effectively inform consumers? If not, please provide details and recommendations for improvement? This looks straight forward but the views of food businesses should be carefully considered.

- Will you use the consumer recall notice template? If not, please explain why. As a competent authority, we would be advising food businesses to use it.

- Are the key principles for consumer recall notifications achievable? The key principles need to be more clearly listed - Annex K is 5 pages long and the principles don't stand out. They should be achievable provided that the business has accurate and systematic traceability records and this will be more achievable for some businesses than others.

- Are there any other factors that should be considered when communicating food recalls with consumer? Guidance should be given regarding where point of sale notices should be displayed. Some manufacturers are slow in getting point of sale notices out to retailers. Some smaller manufacturers might be reluctant to instigate a product withdrawal due to punitive sanctions by larger retail customers.

•Would you like to see two different consumer recall notice templates – one for food recalls and one for allergy alerts? If so, how would you like these distinguished? [Yes, this would be useful and perhaps colour coding to differentiate](#)

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10. What additional tools will assist you in effectively implementing the guidance?

Please provide details

[Online training](#)

[Seminars for stakeholders](#)

11. Do you agree with our assessment that there will be minimal costs/impact to businesses associated with implementing the guidance?

Please provide details if you do not agree

[It depends on the nature of the business - the outcome of this consultation will inevitably illustrate potential costs and impacts to business.](#)

12. What information would you like to see in a 'Quick Reference Guide' summary document, which accompanies the guidance?

Please provide details

[The key business responsibilities.](#)

13. How would you like the 'Quick Reference Guide' summary document presented?

Please provide details

[Question and answer format would be a useful format on FSS website.](#)

14. Will implementing this guidance provide greater assurances that UK businesses can effectively manage withdrawals and recalls?

Please provide details

[It should do if businesses adhere to their responsibilities.](#)

15. Please provide any additional comments

Please provide details

[None.](#)

