Annual report of incidents 2009

Food Standards Agency
food.gov.uk

Foreword

The Food Standards Agency is more than just a regulator. A crucial part of our role of protecting consumers' interests in relation to food involves leading the Government response to food contamination incidents. We are also increasingly involved in the cross Government response to wider national incidents – such as flooding or fires – that call for advice on food safety.

We are often faced with the need to manage food incidents that vary hugely in complexity and nature. As the case studies in this report show, a day's work might involve sharing intelligence with local authorities during food fraud investigations, advising port health authorities following a marine pollution incident or assessing mycotoxin levels in peanut butter. These are the kinds of events that can touch the life of anybody, so our actions really do matter.

The knowledge and expertise of those outside the FSA is invaluable in helping us react swiftly and appropriately. The European Rapid Alert System for Food and Feed allows Member States to share incident data in a way that strikes a balance between protecting consumers and acting in a proportionate manner.

The five incident handling workshops we held with local authorities during 2009 brought together a wide range of stakeholders and allowed us to work on improving the means by which we prevent and respond to incidents. Our own response was also put to the test during emergency exercises we took part in alongside other Government departments and Agencies.

We are always looking to refine processes and procedures, promote best practice and improve the service we provide to our stakeholders. Regular incident reviews help ensure we learn from incidents. Whereas in the past our incident reviews have focussed exclusively on our own response to an incident, we now intend to look at others' contributions to the overall incident management process. This year we will focus on external incident reviews with food business operators, local authorities and other key stakeholders. By reviewing our Incident Response Protocol every six months we hope to ensure that lessons learned become embedded in our incident procedures.

It is now easier than ever to notify us of incidents, thanks to the online incident report form we have rolled out to local authorities and food businesses. However, we know there are still gaps in the reporting of incidents. Through this report, we hope to encourage you to promptly notify us of both incidents and any other potentially useful intelligence you may have.

Food incidents can contribute to an erosion of trust between the food industry, regulators and consumers. By reporting incidents to us in a timely manner and ensuring we are aware of them at the outset, we will be able to act swiftly to protect the public, ultimately increasing consumer confidence in food safety.

Tim Smith
Chief Executive
Food Standards Agency
May 2010

Contents

1 Executive summary

In 2009, we investigated 1,208 incidents in the UK. Where appropriate, action was taken to ensure consumers' interests in relation to food safety were protected and standards maintained.

Between 2000 and 2006 there was a steady increase in the number of incidents, due in part to legislative changes, a wider definition of food incident and increased incident reporting. Since 2006 there has been a plateau and subsequent slight decrease in reporting.

There was one high level incident in 2009, involving salmonella associated with eggs from a specific supplier in Spain, and further details regarding this incident can be found in case study 4 (page 32-33 refers).

Notification is received from a wide range of businesses, Government departments and organisations. The top three reporters of incidents to us in 2009 were local authorities (246), border inspection posts (201) and fire services (136). We continued to receive a significant number of notifications from industry (109).

The major categories of incident in 2009 were:

- microbiological incidents – 18%
- environmental contamination – 17%
- natural chemical contamination (mycotoxins, algal toxins and others) – 12%
- on-farm incidents – 12%.

Regarding the main movers in terms of incident categories, notifications covering cases of microbiological contamination have increased over the last four years (from 147 in 2006 to 218 in 2009), while the number of physical incidents

has decreased (from 139 to 56) over the same period. In contrast, the figures for numbers of incidents involving the use of an unauthorised ingredient have remained fairly constant (from 52 in 2006 to 70 in 2009). Another category of incident that has remained relatively stable over the last four years is allergens. The largest sub-category of allergen incidents in 2009 related to declaration of sulphites and we will be doing further work in future to try to establish why this is the case.

Risk assessment, management and communication lie at the heart of the Agency's incident response protocol. The Agency strives to liaise with enforcement authorities, food business operators and other key stakeholders at every opportunity in order to fashion and implement an appropriate and proportionate strategy.

In 2009 we issued 91 Alerts, of which 49 were Allergy Alerts. These alerts give consumers and enforcement officers the information that they need directly by email or SMS text message, as well as on our website. We also issued 334 notifications to the European Commission, via the Rapid Alert System for Food and Feed.

The Agency keeps its systems under regular review. For example, regular incident reviews, such as the independent review of the 2008 dioxins in Irish meat incident, have resulted in changes to procedures in order to deliver a more efficient and consistent approach.

Further developments to our incident response systems are planned in 2010, including proposed changes to our food alert system. We will also continue to analyse our incidents data to feed into our emerging risks work.

2 What is an incident?

An incident is defined as:

> ‘Any event where, based on the information available, there are concerns about actual or suspected threats to the safety or quality of food that could require intervention to protect consumers interests.[1]’

Incidents fall broadly into two categories

- Incidents involving contamination of food or animal feed in the processing, distribution, retail and catering chains. These incidents may result in action to withdraw the food from sale and, in certain circumstances, to recall, alerting the public not to consume potentially contaminated food.
- Environmental pollution incidents, for example, fires, chemical/oil spills, radiation leaks, that may involve voluntary or statutory action (such as orders made under the Food and Environment Protection Act 1985).

1 Food Incidents Task Force ‘Preventing and Responding to Food Incidents’ – April 2008

3 Why and how should you report an incident?

By reporting incidents to us at the earliest opportunity, we can work together to minimise their impact. Food business operators have a statutory obligation to report incidents. European legislation[2] lays down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

Food business operators are required, under Article 19 of this regulation, to inform the competent authorities where they have reason to believe that a foodstuff that they have imported, produced, manufactured or distributed is not in compliance with food safety requirements. In the case of the UK, the competent authorities are us and the food authorities (local and port health authorities).

Under the Food Law Code of Practice local authorities are required to notify us of food incidents. The code of practice sets out instructions and criteria that the food authorities should have regard to when engaged in the enforcement of food law. Local authorities must follow and implement the provisions of the code that apply to them.

Incidents can be reported in a variety of ways. Local authorities regularly undertake inspections of food premises and sample products from manufacturers, wholesale and retail outlets. Where breaches of food safety requirements are identified, the authority will, where appropriate, contact our Incidents Branch.

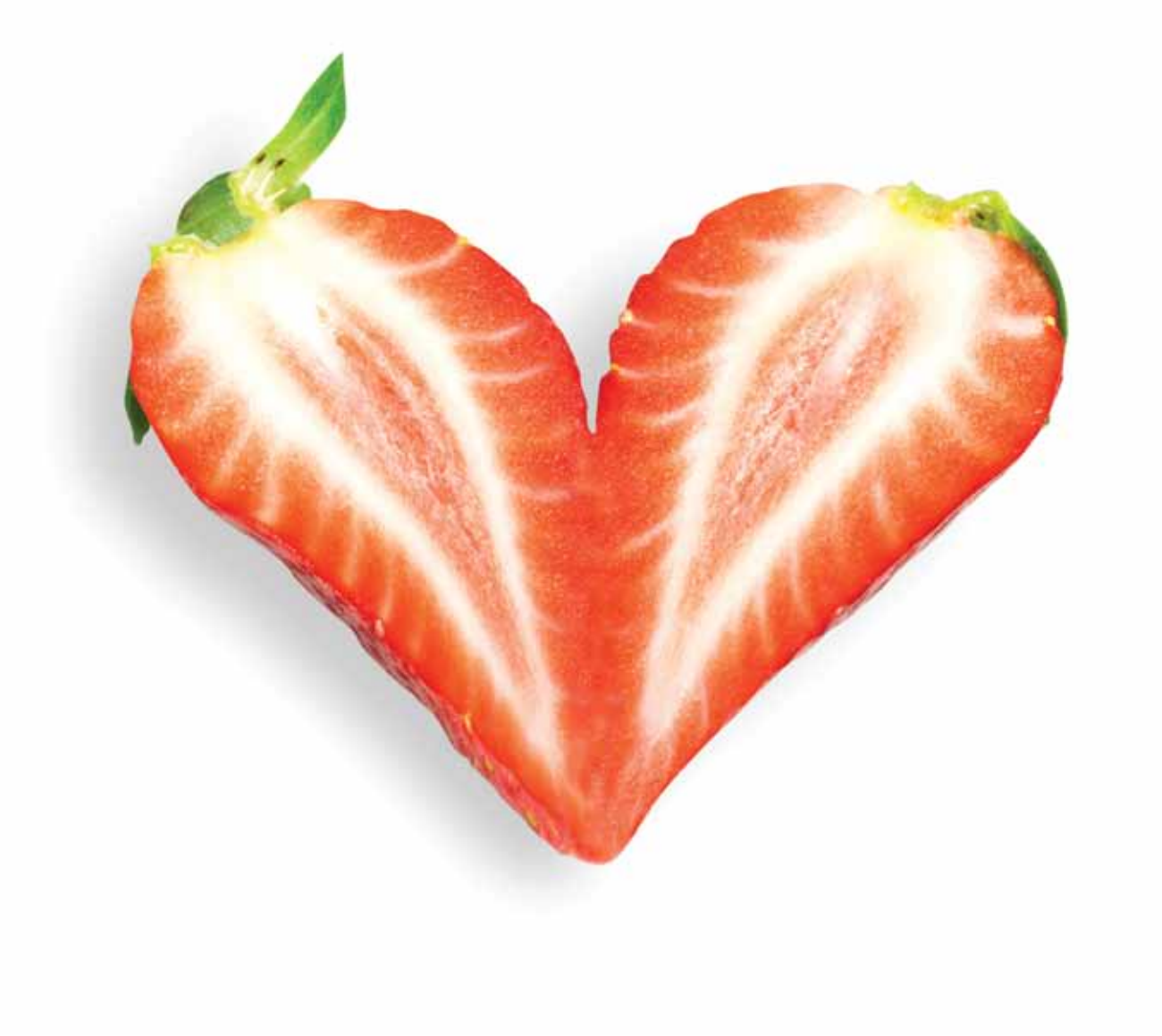
Both industry and local authorities can report incidents to us online. The online report form is available on our website at:

food.gov.uk/foodindustry/regulation/foodfeedform

Other organisations (for example, European Commission, Veterinary Laboratories Agency, Environment Agency) have tried and tested procedures in place for notifying us in the event of an incident.

2 Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002

4 What is our role?



Investigating incidents to ensure that consumer interests with regard to food safety and food standards are protected and maintained is a key part of our work.

Where the scale and complexity of an incident is such that some degree of government co-ordination and support is necessary, a designated 'lead' government department will be responsible for the overall management of the response. We are the lead government department for widespread accidental or deliberate contamination of food and feed. In addition, we have a key supporting role providing food safety and standards advice in relation to a range of other environmental incidents, such as chemical spills, oil leaks and large fires. We also have a responsibility for ensuring that any clean-up operation following an incident takes account of food safety issues.

Where the severity of the incident has led the police to set up a strategic co-ordinating centre or gold command,[3] we may send staff to that centre, or act through another organisation present at that centre. We may also provide representation at outbreak control team (OCT) meetings, during a regional or national foodborne illness outbreak.

3 For major emergencies an off-site gold command will normally be set up, for example at the local police headquarters. The group will comprise senior officers from the emergency services, senior managers from local authorities and other organisations involved in the response.

5 Achievements in 2009

Incident response

We dealt with 1,208 incidents in 2009, including one high level incident involving Salmonella cases associated with eggs from a specific supplier in Spain (see case study 4). During these incidents we work closely with a range of organisations, both within the UK and internationally. Action taken by us in 2009 to protect consumers' interests in relation to food safety included the issuing of 91 Alerts, of which 49 were Allergy Alerts. We also issued 334 notifications to the European Commission, via the Rapid Alert System for Food and Feed.

Reductions in reported DON notifications for 2009

During the summer harvest of 2008, we were made aware of 265 wheat consignments being rejected at mills as being unsuitable for further processing into flour. This was due to contamination with the mycotoxin Deoxynivalenol (DON).

To prevent a recurrence of the high volumes of notifications previously reported to the Incidents Branch from the milling industry, Incidents Branch undertook a pilot project strategy in full consultation with all stakeholders including both internal and external policy divisions and representatives from the grain merchants and milling industries.

For the 2009 harvest season it was agreed as part of the revised strategy that in future grain supply merchants will now undertake routine grain testing prior to dispatching consignments to the mills. As a result of the revised measures adopted by industry there has been a significant reduction in numbers of reported failures.

Incident prevention

Evaluation of the Agency's incident prevention strategy (IPS), in place since 2008, has shown that it has provided a solid platform from which the Agency can develop future emerging risks work, with several work streams being identified for progression as part of the Agency's new strategic plan for 2010-15. For instance:

- the **data analysis project** has provided, and still is providing, a unique factual history of food incidents from which basic trends can be identified and extrapolated to aid in horizon scanning
- a dedicated **emerging risks and horizon scanning team** has been established as a central coordination point for the collation and analysis of intelligence data
- working closely with industry and building on incident review work, a methodology for **'root cause' analysis** has been developed to enable the precise causes of incidents to be determined and reaffirmed during incident review
- projects and workshops linked to **partnership working and communications**, particularly with hard-to-reach businesses, have collectively provided mechanisms for discussion and information transfer between the Agency and industry.

Exercise programme

For us, regularly taking part in emergency exercises is vital, as it enables us to test our incident response in a safe environment. The lessons learnt from these exercises assist us greatly when faced with a real life high level incident.

During 2008, our Emergency Planning Branch commissioned an industry-wide study to review and evaluate the level of food incident resilience across the UK. The aim was to provide us with up-to-date information to support our exercise programme and identify areas where we may better support industry in preparing to respond to and manage incidents.

The study, which was completed in June 2009, was the largest study to look at food incident planning and preparedness across food sectors in the UK. The study's conclusions and options for development are now being taken forward.

While this study was being undertaken, our focus during 2009 was to increase internal resilience through training and a revision of our Incident Response Protocol, now published on our website,[4] that includes a new management framework for handling incidents. We are confident that we have the right skills and structures in place to manage food incidents.

Food fraud work programme

Food fraud is the deliberate placing on the market, for financial gain, of foods that are falsely described or otherwise intended to deceive the consumer. It includes the substitution and adulteration of foods with cheaper, often inferior, ingredients and the sale of foods that may have public health implications, such as foods that are unfit for human consumption or are knowingly contaminated.

4 Available at food.gov.uk/multimedia/pdfs/incidentresponseprotocol.pdf

The Agency's food fraud programme seeks to improve the assistance it is able to give to local authorities through raising awareness and take-up of the existing resources (both advisory and financial) that are available to assist local authorities in their investigations into food fraud activity. In addition, through our National Food Fraud Database, we produce intelligence using information gathered from various sources that is used to both assist local authority investigations and instigate new investigations.

Continued progress was made in 2009 in the development of our Food Fraud Database, a central repository for all of the information on food fraud that the Agency receives.

The success of the Food Fraud Database relies on local authorities, industry and consumers sending us information on known or suspected food fraud, which could include any illegal activity relating to food, to our dedicated mailbox (foodfraud@foodstandards.gsi.gov.uk) or answer phone (020 7276 8527).

In response to our programme over the last year to raise awareness of the Food Fraud Database and the need to share information concerning fraudulent activity, the amount of information being submitted by local authorities has increased considerably. In 2009, more than 820 records were created on the Food Fraud Database, more than twice the number for 2008. It is important that this trend continues and we would encourage local authorities, industry and consumers to routinely send us any information concerning food fraud, irrespective of how insignificant it may appear. Through the analysis of a significantly larger data set, we have been able to produce better intelligence, enabling us to provide greater assistance with local authority investigations. In turn, this has resulted in a number of successful operations. For further details of one such successful operation please see case study 3 (pages 30-31 refer).

Our food authenticity research programme helps support local authorities' and our work on food fraud, through development and dissemination of analytical methods to detect food misdescription and through authenticity surveys of the UK market. In 2009 training courses were held in new methods to detect illegal bushmeat species and common and exotic meat species, making these methods available to public analyst laboratories. We also published in 2009 the results of a preliminary study under the authenticity programme into a novel method to detect undeclared hydrolysed proteins in chicken preparations. This method is currently being validated for future enforcement

and surveillance use. Wider availability of these new methods to identify fraudulently described food should assist in fraud investigations.

Our teams leading on incidents, food fraud and food authenticity continue to work in partnership to identify opportunities where joint working will enable an issue to be resolved more quickly and effectively.

For more information on our food fraud work programme, including how local authorities can access support and advice from the Food Fraud Advisory Unit, visit our website.[5]

Incident reviews

In 2009, as part of our incident review programme we commissioned an external consultancy firm to conduct an independent review of the high level incident dealing with dioxins in animal feed and livestock that occurred in December 2008.

As part of the review, more than 200 external stakeholders were consulted. In light of the review, which focused on our response to the incident, two reports were published. The first report reviewed information regarding our current protocol for handling incidents and established a timeline of how the incident progressed, while the second one focussed on our interaction with the EU throughout the incident.

The reports identified a number of developmental issues for us that revolved around roles and responsibilities, communications and training. The reports can be found at:

- food.gov.uk/multimedia/pdfs/board/fsa090708a.pdf
- food.gov.uk/multimedia/pdfs/board/fsa090708b.pdf

We drew up an action plan addressing the various recommendations in the reports and this was endorsed by our Board in July 2009. Following the review, the specific action we have taken includes:

- revising our incident procedures, ensuring that set roles and responsibilities are more clearly delineated, clarifying interaction with trade associations during stakeholder meetings and providing clarification regarding communicating (via our website) during incidents at set times during the day[6]
- strengthening our Headquarters Incidents Unit.

Data Analysis Project

Our Data Analysis Project (DAP) was set up in 2007 to carry out a detailed examination of all the incidents data we hold, stretching back to our inception in April 2000. The aim of the DAP is to provide the evidence base to underpin the Agency's work towards delivering its strategic plan.

5 food.gov.uk/foodfraud
6 The revised protocol was published in February 2010 (available at www.food.gov.uk/multimedia/pdfs/incidentresponseprotocol.pdf)

This work has resulted in the publication of four annual incident reports[7] and a DAP trends and patterns report in 2008. All these documents are available on our website. In particular, the data analysis has helped us to formulate our emerging risks strategy (see looking ahead section).

Workshops for local authorities

In March 2009 we held two incident handling workshops for Welsh local authorities. The workshops were held to clarify roles and responsibilities during incidents and to help strengthen future working relationships.

The format of the workshops included presentations on notification procedures, risk assessment and management options, reviews, prevention and emerging risks. The workshops also included practical sessions, where attendees could work through case studies and share their experiences and expertise.

In October 2009 three more incident handling workshops were held, this time in Northern Ireland. The workshops followed a similar format.

Review of communication routes with local authorities during incidents

To ensure that communications with local authorities are as effective and consistent as possible, we reviewed our communication routes with LAs in 2009.

A formal 12-week consultation on this issue took place from September – December 2009. The main proposed changes to our communication procedures are:

- replacement of Food Alerts for Information with Product Withdrawal / Recall Information Notices[8]
- production of a table summarising possible communication routes and outlining the likely circumstances under which these would be used[9]
- use of standard templates to ensure a consistent approach (for example, letters to LAs)[10.]

We received 16 responses to the consultation. The majority of respondents were in favour of the proposal to replace the Food Alert for Information with a new Product Withdrawal/Recall Information Notice. Similarly, there was support for both the Agency table and the draft standard template to be used when issuing letters to local authorities and port health authorities.

Further details regarding the consultation can be found at:

food.gov.uk/consultations/ukwideconsults/2009/incidentsreview

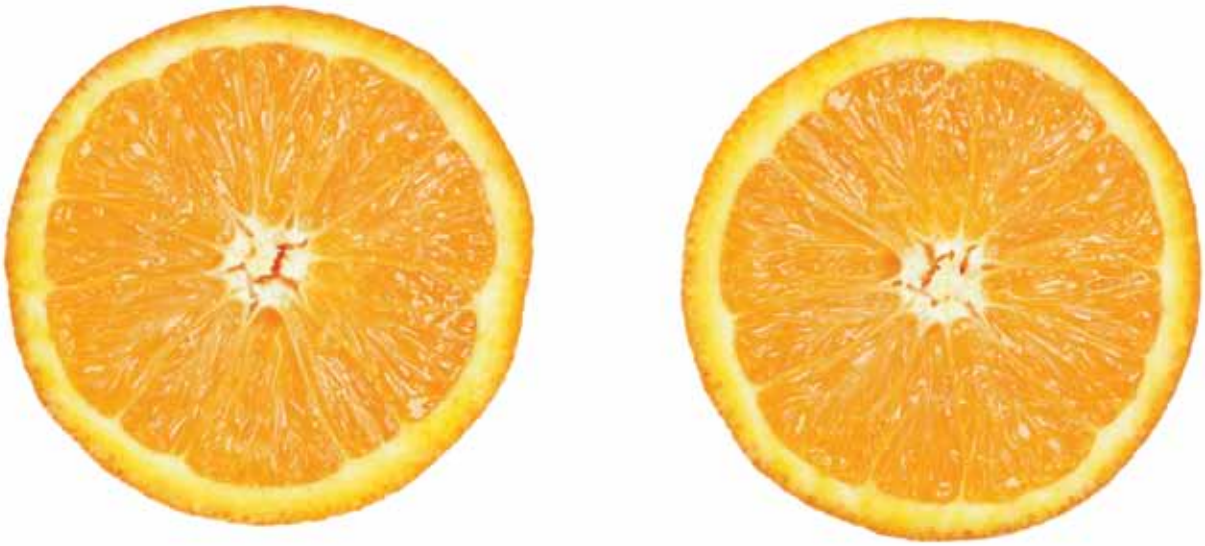
7 Covering the 2006, 2007, 2008 and 2009 calendar years

8 This is to address feedback from some local authorities that they see too many food alerts. In addition, some food business operators have expressed concerns about our use of terminology, particularly when all the actions required by them have been carried out following an incident. Food Alerts for Action (FAFAs) will remain unchanged

9 This should help ensure that stakeholders have a clear understanding of the likely action we would be expected to take under particular circumstances

10 This addresses feedback from some local authorities that there is a need for greater consistency in letters to local authorities and port health authorities

6 Looking ahead



New Operations Group

In July 2009 we announced our intention to form a new Operations Group during 2010. This took effect from 1 April 2010 when the Meat Hygiene Service (MHS) and Food Standards Agency merged.

The Operations Group will streamline and improve our approach to compliance with official food and feed controls across the United Kingdom and will support the Agency's priority to always put consumers first.

The new Group will have UK responsibility for delivery of official controls (such as dairy hygiene, eggs and shellfish) through other enforcement agencies, including the Department for Food and Rural Affairs, Animal Health, the Department of Agriculture and Rural Development Northern Ireland, and the Scottish Government's Rural Payments and Inspections Directorate. Additionally, the group will continue to work closely to support the work of local authority enforcement of food and feed hygiene (in Northern Ireland feed hygiene in DARD) and food standards.

All existing regulatory functions undertaken by previous MHS operational staff in approved meat premises will continue to be undertaken in the same way. As the MHS does not operate in Northern Ireland, the equivalent service will continue to be provided by the Department of Agriculture and Rural Development on behalf of the Agency.

Anticipated benefits of the new Operations Group include:

- providing coordinated and consistent support to UK food and feed businesses and delivery partners to help compliance with official controls and other statutory requirements
- ensuring that regulation is effective, risk-based and proportionate
- improving the sharing of knowledge, information and expertise throughout the Operations Group to provide a better understanding of which interventions are most effective in delivering compliance
- a consistent and targeted UK approach will contribute to improvements in public protection of food safety and a reduction in instances of foodborne illness
- a structure that will help deliver strategic objectives in line with external expectations and drivers – for example, the recommendations arising from the 2009 Report of the Public Inquiry into the September 2005 outbreak of E.coli O157 in South Wales and recommendations of EU Food and Veterinary Office Missions
- driving internal improvements for efficiency and effectiveness, freeing up resources to enable work on the issues that will really make a difference to food safety
- savings of approximately £2 million are forecast to be generated through the merger, mainly through back office efficiencies.

Emerging risks work

Following the publication of the Agency's new strategic plan to 2015, we are now developing a work programme for the Food Safety Group's Chemical Contaminants and Novel Foods Division in line with the main strategic priority:

> 'increasing horizon scanning and improving forensic knowledge on global food chains to identify and reduce the impact of potential new and re-emerging risks – particularly around chemical contamination'

Four key activities will form the basis of this strategy and the work programme for 2010-15. These are:

- targeted stakeholder networking to deliver intelligence on specific areas of global safety risk
- intelligence acquisition by means of data collection from credible sources and forensic analysis using techniques, such as 'root cause' analysis
- increased understanding of global supply chains, building upon work already undertaken within our department. Weaknesses identified in these global chains will be monitored for movements in residual risk
- the development of a suitable IT system, for intelligence storage and identification of emerging risks.

Workshops for local authorities

Following on from the successful incident handling workshops for local authorities in 2009 (see 'Achievements in 2009' section), we are planning further events for local authority staff in 2010.

Two incident handling workshops for Scottish local authority staff are scheduled to take place in 2010. Following this we plan to organise similar events for English local authority staff in 2010/11.

Review of communication routes with local authorities during incidents

Following the formal consultation reviewing our communication routes with local authorities during incidents (see 'Achievements in 2009' section), the Agency intends to revise its incident procedures in light of the responses received.

The main proposed change to our procedures is the replacement of the Food Alert for Information with a new Product Withdrawal / Recall Information Notice.

This proposed change will:

- increase our speed of response during incidents, on the basis that the information notice will take less time to complete and clear internally
- result in fewer alerts being issued to local authorities – some LAs have previously indicated to us that they receive too many food alerts over the course of a year which, in turn, reduces their impact
- address concerns voiced by some parts of the food industry over the terminology we have previously used, particularly when all the required actions by food business operators have been carried out following an incident.

It is proposed that this change will take effect from June 2010.

Incident reviews

In 2010 we will continue to carry out incident reviews with external stakeholders to improve our response and learn lessons for the future. Whereas historically the focus has been on our handling of the incident, in future we wish to explore with other Government departments and agencies how we collectively managed an incident, to ensure joint learning. External reviews will routinely focus on communications, roles and responsibilities, procedures and overall management, proportionality of response, root causes of incidents and how to make the process better for the future.

For further details of our incident review procedures and previous external reviews we have conducted please refer to our website at:

food.gov.uk/foodindustry/incidents/monitorprevent/reportsreviews/

Review of Principles document

The purpose of the document 'Principles for Preventing and Responding to Food Incidents' is to provide guidance on roles and responsibilities during food incidents. The guidance document was prepared by the taskforce on incidents.[11] The latest version of the guidance and accompanying factsheet published in April 2008 are available on our website at:

food.gov.uk/foodindustry/guidancenotes/incidentsguidance/principlesdoc

We plan to review this guidance and factsheet in 2010 consulting with key external stakeholders, as appropriate, and aim to publish a revised version to ensure that key stakeholders involved in incident response continue to be clear on their respective roles and responsibilities.

11 Comprising representatives from the food industry, enforcement bodies and consumer groups

Exercise programme

The exercise programme now sits with the Food Fraud and Emergency Planning branch within the remit of the Incidents Unit. This ensures the exercise programme is closely aligned with the developing requirements of incident response. The forward exercise programme for 2010 continues with the theme of enhancing our internal response, including holding a major all-agency exercise to test our revised Incident Protocol. This exercise took place in March 2010 and will be followed with additional events to evaluate a range of aspects of our response.

We will also continue to work with stakeholders in delivering our exercise programme. A small number of external stakeholders supported the all-agency exercise, and during 2010 we will hold further exercises specifically testing and developing our relationship with stakeholders.

We will continue to develop our response capabilities, for example through a collaborative project with other Government departments to provide a cell of expert advice in the event of a major air quality emergency. This project is underpinned by a series of exercises to refine and improve response to such incidents and we will take part in further exercises and training as the project develops.

Annual Report 2010

We aim, as part of our policy of openness and transparency, to publish an Annual Report of Incidents in 2011 covering the calendar year 2010. As with previous reports, we would be grateful for feedback from you on its content and what you would like to see included in future. Contact details are set out in Appendix 4 of this report.

7 Case studies

Case study 1:

Aflatoxin contamination of peanut butter

Background

In 2009 we received a number of reports regarding high levels of aflatoxins being found in peanut butter imported to the UK. Aflatoxins are natural chemical contaminants produced by certain fungi that live on foods and have been linked to an increased risk from cancer. They can be formed in various types of nuts and other foods when growing and at various points during post harvest processing, storage and transportation.

In certain cases there was poor labelling and also traceability issues with the products, so it was difficult to establish the country of origin or the importer and suppliers in the UK. In addition, some individuals were found to be bringing in the products as small amounts of personal imports, then selling them on through retail outlets.

Risk to consumers

The reported levels of aflatoxins were unlikely to pose any immediate risk of ill health, but it is important for the long term health of consumers that products are compliant with the legislation for aflatoxin limits.[12] This is because the risk increases when consumers are exposed to higher amounts regularly. There was a concern in this instance that certain sectors of the community that consumed the products regularly may have been exposed to higher amounts of aflatoxins from products such as this, sold through small, local, independent retailers, when compared with the population in general.

12 Limits for aflatoxins in foods including peanuts/groundnuts and products thereof are included in the annex to Commission Regulation (EC) No. 1881/2006 (as amended)

Action taken

- We encouraged local authorities to follow up companies or individuals in their areas supplying these type of products, and our Incidents Branch provided them with support and guidance.
- We provided assistance from the Fighting Fund[13] to local authorities to assist with their investigations.
- We issued Food Alerts for Action in March and July 2009, asking local authorities to ensure that affected products were removed from sale. A large amount of helpful feedback was received and collated to help us assess the extent of the situation and issues involved.
- We made contact with the officials for countries where the products had come from to ensure they were aware of the issue and could investigate it.
- The EU has introduced legislation[14] specifying, among other things, increased checks for aflatoxins in peanut butter from Ghana.
- We report findings such as those highlighted in this incident to the European Commission, who considers this data when proposing controls.

13 The Fighting Fund can provide financial support to local authorities in cases where there are unexpected resource implications. Decisions on the nature and extent of Agency support are made on a case by case basis and will take account of the limited Agency resources available

14 Commission Regulation (EC) No. 669/2009 effective from January 2010

Case study 2:

Unusual algal bloom affecting areas of south west England

Background

Algae naturally occurring in seawater can occasionally bloom to levels that may cause visible discolorations and/or oxygen depletion, resulting in fish kills that will be noticeable to the general public. In August 2009, we became aware of an unusual algal bloom (a 'red tide') affecting areas of Cornwall. Preliminary laboratory tests identified the algae involved as *Karenia sp*; however, further tests were required to establish whether the algae posed any danger to human health.

Risk to consumers

Some species of algae may produce potent toxins in such blooms that can be accumulated through the food chain. Filter-feeding bivalve molluscs (such as oysters, mussels, clams, etc.) are known to accumulate algal toxins and so can pose a hazard to human health if they are consumed in a contaminated state. Therefore, we conduct intensive routine monitoring for algal toxins in shellfish and potentially toxic phytoplankton species in seawater from all commercially active bivalve molluscs harvesting and relaying areas in the UK, in order to protect consumers of bivalve molluscs from such hazards.

Blooms of algae of the genus *Karenia* have been associated with the production of toxins harmful to human health, although these have generally been attributed to *Karenia brevis*, a species that has not been observed in England and Wales to date.

Action taken

- Following our discussions with the Centre for Environment, Fisheries and Aquaculture Science (Cefas), the official control laboratory for marine biotoxins appointed by us, they arranged for further seawater and shellfish samples to be collected and conducted further testing to establish whether this algal bloom posed a risk to public health. As a precautionary measure, we advised local authorities in the region affected by the bloom to temporarily close all shellfish production areas until results were known. There was no evidence to suggest restrictions were necessary for fish caught in the area.
- At this time, we also recommended closure of several shellfish beds in the Cornwall area that were unrelated to the algal bloom. Results from the routine monitoring delivered by Cefas had revealed the presence of toxins produced by other algae sometimes seen in England and Wales at the time of year and therefore shellfish beds in the affected areas had been closed according to statutory requirements.
- The algae causing the red tide was found not to produce any toxins affecting human health. The shellfish production areas that were closed as a precautionary measure were re-opened as soon as it became apparent that there was no immediate risk to public health.

Case study 3:

Food fraud prosecution by Kirklees Council

Background

In late 2007, we received intelligence that an unapproved meat cutting plant was being operated in Dewsbury. It was alleged that three individuals were behind the operation, including one who was subject to a Prohibition Order under the Food Safety Act 1990 which prohibited involvement in the management of a food business. Illegally produced meat was being supplied to customers across the north of England.

Risk to consumers

The production conditions at this meat cutting plant were extremely un-hygienic. Fresh meat production should be undertaken in premises that are approved under food hygiene legislation and under the supervision of the former Meat Hygiene Service (now part of the Agency).

By operating illegally, the individuals sought to circumvent that supervision and the controls that exist to ensure that the structure, equipment and operations at the premises were compliant with the food hygiene rules that are in place to protect consumers. The criminal activity could have put many lives at risk.

Further information regarding this case study is available via Kirklees Council's website at:

www.kirklees.gov.uk/news/onlinenews/newsdesk/fullstory.aspx?id=1507

Action taken

- As the premises was unapproved, the intelligence in relation to the alleged illegal activity was shared with the

relevant enforcement authority, Kirklees Council. We worked with Kirklees Council to identify an investigation strategy that would enable sufficient evidence of the illegal operation and those responsible to be gathered with a view to taking action against the operators. The Agency also provided the Council with financial and investigative support to assist them in taking forward this major food fraud enquiry.

- Surveillance of the premises was undertaken in late 2007 and early 2008, which recorded illegal activity taking place and non-compliance with food hygiene requirements.
- In March 2008, having secured sufficient evidence, a warrant was obtained and officers from Kirklees Council, the Agency and West Yorkshire Police carried out a raid on the premises. Major hygiene deficiencies were identified and recorded. The premises was closed down and evidence was secured as the basis for a prosecution.
- Further enquiries in support of a prosecution took place in 2008 before Kirklees Council charged three individuals with offences relating to the operation of unapproved premises, breaching the conditions of a Prohibition Order and food hygiene breaches.
- On 29 September 2009 at Leeds Crown Court all three defendants pleaded guilty to allegations of placing food on the market from unapproved premises and participating in the management of a food business when prohibited by a court order (or aiding and abetting another in the breach of a court order). Two of the defendants also pleaded guilty to nine offences under food hygiene legislation relating to un-hygienic equipment, structures and operations at the premises.
- Sentencing took place at Leeds Crown Court on 23 October 2009 with two defendants receiving prison sentences totalling seven years and an indefinite prohibition from being concerned in the management of a food business.

Case study 4:

Salmonella cases associated with eggs from a specific supplier in Spain

Background

In the autumn of 2009, the Health Protection Agency (HPA) identified an increase in the number of reported human cases of a certain type of *Salmonella*. Investigations in the UK and Spain found that some of the cases were associated with the consumption of eggs from a specific supplier in Spain.

Risks to consumers

Between 1 September and 31 December 2009, the HPA received reports of 489 cases of *Salmonella* Enteritidis phage type (PT) 14b NxCpl in England and Wales. Of these, 155 cases were associated with 16 outbreaks linked to a care home for the elderly and a number of different catering establishments, some of which were known to have used eggs from the supplier in Spain.

Action taken

- We worked with several UK organisations, including the HPA, local authorities, the Egg Marketing Inspectorate, Defra, DARD and Public Health Wales to identify the source of the cases' illness and to ensure that appropriate action was taken to protect public health.
- We also worked in close co-operation with the Spanish authorities. Notifications were issued via the European Commission's Rapid Alert System for Food and Feed (RASFF) to keep the Spanish authorities informed of the UK investigations. After finding *Salmonella* Enteritidis in samples from a particular flock at an egg production premises in Spain, the Spanish authorities ensured that eggs laid by the affected flock intended for human consumption would be heat treated to destroy any Salmonella and would not be sold as shell eggs.
- Letters were sent to the UK distributors that had already received potentially affected eggs and to all UK local authorities to keep them updated on this incident and to inform them that the eggs should be sent for heat treatment or disposal.
- We also published information on our website about this incident and to remind caterers and other food businesses how to cook and prepare eggs safely.

8 Appendices

Appendix 1

Statistics

Total number of incidents

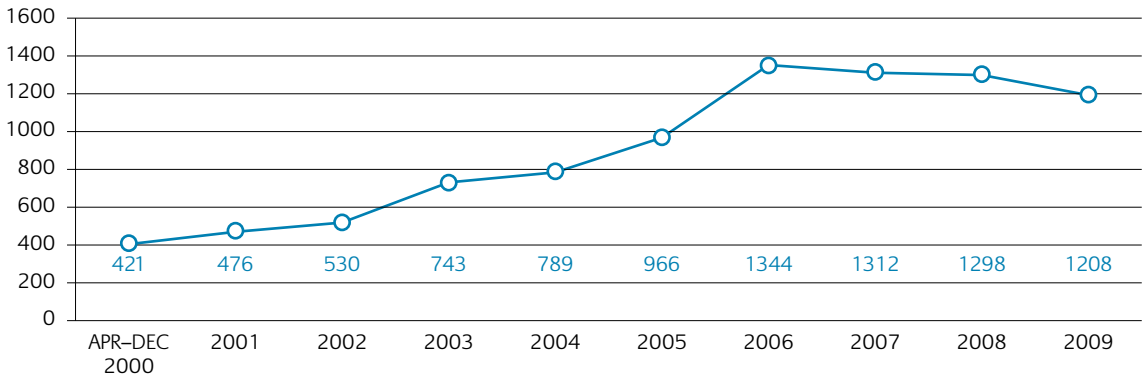
In 2009, 1,208 incidents were investigated by the agency. This is a slight decrease from the 2008 figures where the number stood at 1,298, with the total number of incidents remaining relatively constant for the past four years.

Figure 1 shows an increase in the number of incidents occurring per year to 2006 as Agency procedures developed, followed by a plateau and very slight decline in numbers to 2009.

The initial increase in recorded incidents may in part be attributed to the following, but definitive statistical conclusions cannot be drawn without further data:

- a continual improvement in our reporting and recording systems for incidents
- a wider definition of an incident
- the implementation of European Commission (EC) 178/2002 ('General Food Law') in the UK on 1 January 2005
- improved engagement with stakeholders such as local authorities, industry, the emergency services and other Governmental departments and agencies.

Figure 1: Recorded Incidents April 2000 – December 2009



With regard to the composition of these incidents in terms of severity and impact on consumers, this year has seen a decrease in the number of high incidents, with only one such incident recorded for 2009 compared with 14 in 2008.

The high incident was reported in the microbiological contamination category and involved the contamination of eggs with salmonella originating from Spain. Details of this incident are discussed further in case study 4 (page 32). In common with the previous years, microbiological incidents contribute the most to incidents recorded as high-risk.

Table 1: Low, medium and high incidents 2006-2009

Year	Low	Medium	High	Total
2006	1,165 (86.8%)	167 (12.4%)	11(0.8%)	1,343
2007	1,185 (90.3%)	111 (8.5%)	16 (1.2%)	1,312
2008	1,176 (90.6%)	108 (8.3%)	14 (1.1%)	1,398
2009	1,135 (94.0%)	72 (5.9%)	1 (0.1%)	1,208

Table 2: Incidents by category

Category	2006	2007	2008	2009	Total incidents since April 2000
Allergens	61	86	84	86	403
Animal feed (on market)	9	10	13	10	50
Biocides	2	0	1	2	10
Counterfeit product	6	3	6	7	33
Environmental contamination	376	226	186	211	2,786
Food contact materials	15	26	35	50	153
Illegal import/export	16	17	7	14	69
Irradiated ingredient	14	23	10	6	65
Labelling/documentation	93	82	126	77	440
Microbiological contamination of foods	147	163	186	218	1,187
Natural chemical contamination	169	215	230	150	995
On-farm	99	160	139	144	980
Pesticides	20	35	16	28	155
Physical contamination	139	123	110	56	653
Process contaminants	15	21	14	19	102
Radiological	11	14	6	7	80
TSE	10	8	4	9	41
Use of an unauthorised ingredient	52	46	66	70	404
Veterinary medicines	78	45	47	36	409
Water quality	12	9	12	8	72
Total	1,344	1,312	1,298	1,208	9,087*

**In total, 9,087 incidents have been notified to the Agency since April 2000.*

Figure 2: Incidents by category 2009

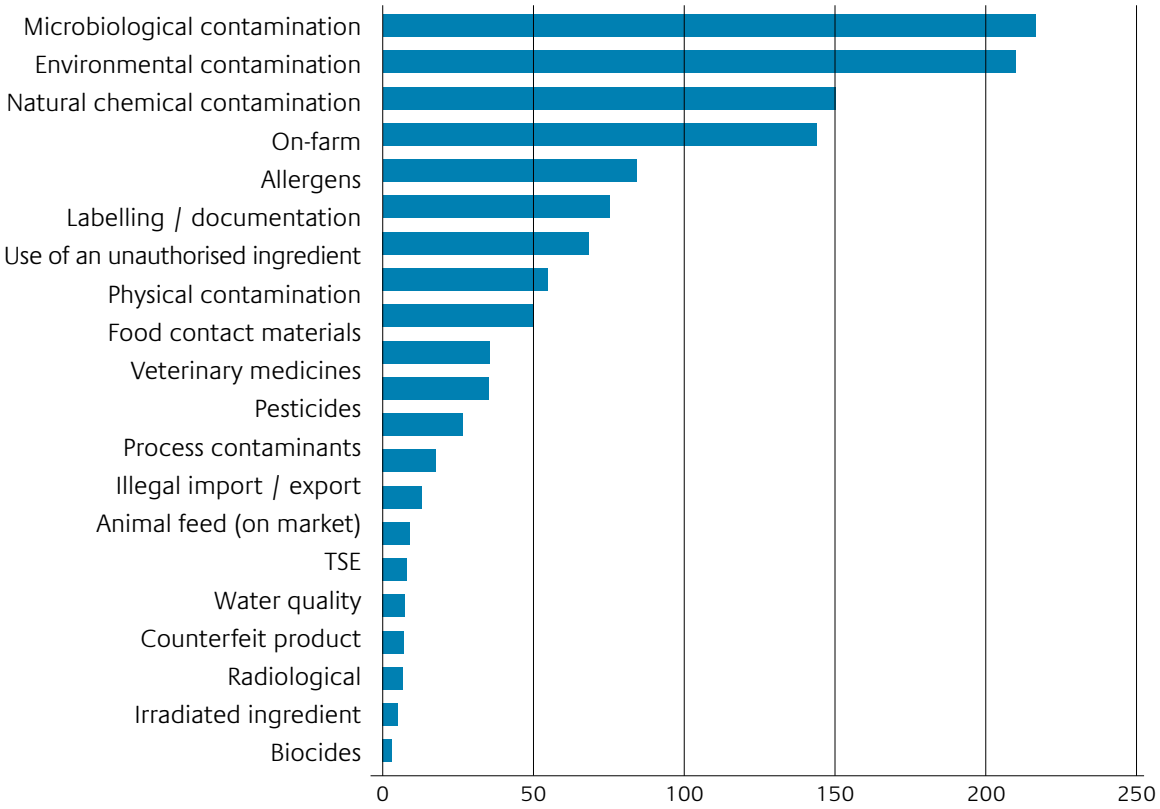
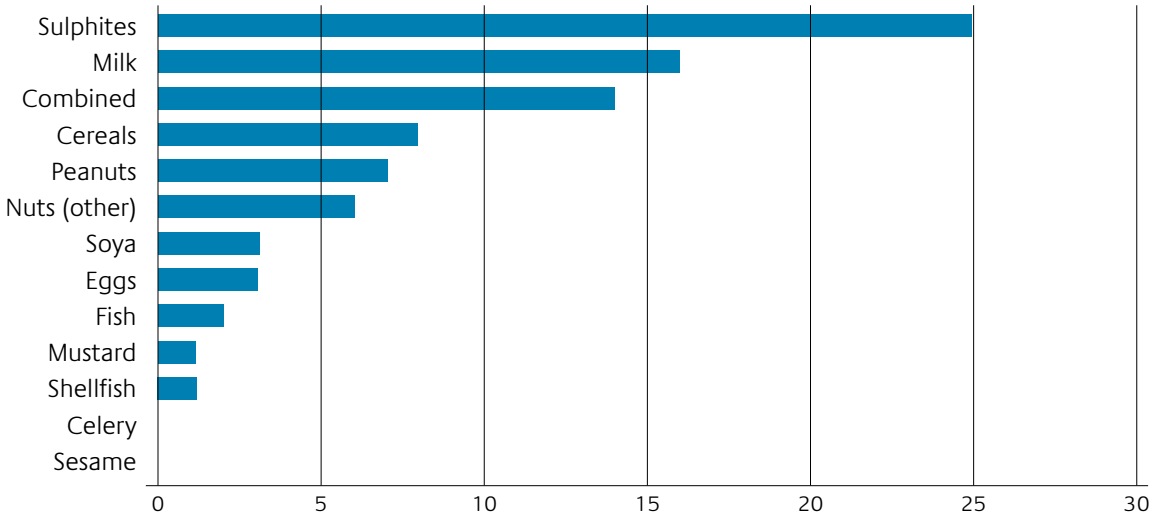


Figure 3: Allergen incidents 2009



Sulphites are generally added to foods as preservatives and form a category of allergen by themselves. The 'combined' category includes incidents where two or more allergens are involved.

Detailed analysis of incident categories

Allergens

The total number of allergen incidents in 2009 stands at 86, an increase of only two incidents compared with 2008.

Environmental contamination

The total number of environmental contamination incidents increased by approximately 13% from 2008 to 2009, showing the first increase since the 2004-2005 period.

Table 3: Source of environmental contamination incidents 2009

Category	Number of incidents
Organic	114
Inorganic	18
Sewage	2
Other	77
Total	211

The pattern of reporting of environmental contamination incidents is largely driven by the reporting of fires by the blue-light services. Hence, notification levels are influenced by season with peaks historically being seen during the summer months with wet and dry periods of weather having a secondary affect on the overall number of incidents.

We categorise environmental incidents as organic contamination, inorganic contamination, sewage contamination or other contamination (chemicals / compounds that are not easily classified as organic or inorganic). Both the organic and inorganic sub-categories can be divided further: organic into polycyclic aromatic hydrocarbons (PAHs), gas, oil, diesel, dioxins and other (organics that cannot be grouped as above). Inorganic can be divided into lead, copper, cadmium, mercury, tin and other (inorganic compounds). Fires are a main source of organic contamination. Chemical spills or leaks are the major source of inorganic contamination.

In general, fires, spills and leaks do not have a direct impact on food safety; however, this can only be determined by assessing each and every one.

Food contact materials

The number of reported food contact material incidents have increased steadily from 15 in 2006 to 50 in 2009. Most of this increase has been in incidents relating to plastic packaging and utensils. They have increased from 5 in 2006 to 35 in 2009.

Labelling / Documentation

This category shows a decrease in reported incidents year on year by 39%. Problems with labelling and packaging accounted for 86% of the incidents in 2009. Other causes of incidents included premises or processes being unauthorised, fraud and human error.

Microbiological contamination incidents

2009 saw an increase in microbiological contamination incidents.

The most common cause of microbiological contamination is bacteria in food. However, the cause cannot always be identified, particularly if foods are temperature abused. Microbiological incidents without an identifiable cause increased from 35 in 2008 to 78 in 2009.

Table 4: Source of microbiological incidents 2008 vs 2009

Source of microbiological contamination incidents	2008	2009
Microbiological contamination of foods	186	218
Microbiological contamination on farm	49	56
Algal toxins and scrombrotoxin	11	3
Microbiological incidents involving bottled water	2	3
Microbiological incidents involving animal feed	2	9
Total	250	289

Table 5 shows the changing composition of bacterial contamination incidents in foods. Notable changes year on year relate to the subcategory 'unknown'. As mentioned earlier, this category mainly contains incidents relating to foods which have been temperature abused at some stage during the distribution chain.

In 2009, there were more incidents relating to *Escherichia coli* 0157 and other VTEC and to Bacillus spp and Listeria spp than in 2008. There were fewer incidents relating to Salmonella spp.

Table 5: Identified bacterial contamination incidents in foods 2008 vs 2009

Type of bacterial contamination	2008	2009
Salmonella spp.	48	41
Listeria monocytogenes	27	33
Escherichia coli 0157 and other VTEC	10	20
Bacillus spp.	5	15
Listeria – other	7	11
Enterobacter spp.	7	4
Staphyococcus aureus	2	3
Clostdridium perfringens	1	2
Campylobacter spp.	0	1
Clostridium botulinum	1	1
Yersinia enterocolitica	1	0

Table 6: Natural chemical contamination incidents		
Source of natural chemical contamination incidents	2008	2009
Aflatoxins	167	99
Other mycotoxins	14	15
Algal toxins	11	14
Histamine	13	13
Erucic acid	1	1
Other	24	8
Total	230	150

Natural chemical contamination

When compared with 2008, this category has declined by 35% in 2009.

Table 6 shows the main contributor is a decline in the number of mycotoxin incidents, which in turn is driven by a reduction in the detection of aflatoxins.

On-farm

In 2009, poisoning (mainly involving heavy metals, e.g. lead) and botulism accounted for 75% of on-farm incidents. No incidents relating to sewage or anthrax were reported.

Table 7: On farm incidents 2008 vs 2009		
On-farm incidents	2008	2009
Poisoning	69	52
Botulism	48	56
Other	21	36
Sewage	1	0
Anthrax	0	0
Total	139	144

Physical contamination

Reported physical contamination incidents increased by 49% from 2008 to 2009.

In 2008, the largest sources of physical contamination were metal and glass. They were responsible for over 35% of reported incidents in this category. However, in 2009 metal and glass only accounted for approximately 20% of such incidents with 6 and 5 reports respectively. However, the highest single source in 2009 was plastic with 11 reports.

Use of unauthorised ingredients

This category shows a slight increase in the number of incidents from 66 in 2008 to 70 in 2009. More specifically, the category saw an increase in the number of genetically modified (GM) related incidents from 6 to 16 during the period of 2008-2009. Table 8 shows the breakdown of incident data for 2008-9.

Table 8: Unauthorised ingredient incidents

Source of unauthorised ingredient	2008	2009
Colours	25	25
• Sudan I	1	4
• Sudan IV	2	4
• Orange II	0	1
• Rhodamine	2	1
• Bixins	1	1
• Acid Red 52	0	0
• Erythrosine	0	0
• Tartrazine	1	0
• Other	17	14
GM	6	16
Novel foods	4	8
Other	31	21
Total	**66**	**70**

Veterinary medicines

Compared with 2008, 2009 saw a decline of 23% in the number of incidents relating to residues of veterinary medicine particularly nitrofurans and chloramphenicols.

Table 9: Veterinary medicine incidents

Source of veterinary medicine incidents	2008	2009
Nitrofurans	15	10
Chloramphenicol	7	2

Table 10: Incidents by notifier 2006-2009

Category	2006	2007	2008	2009	Total incidents since April 2000
Agency survey	5	4	7	16	67
Border Inspection Posts	203	254	232	201	979
Customs & Excise	1	1	1	2	7
DARD	6	39	33	34	119
DEFRA	26	19	22	27	175
Environment Agency	26	23	20	20	352
EU Member States	94	93	87	82	595
European Commission	4	5	40	44	101
Fire services	263	158	129	136	1,951
General public	14	12	9	5	69
Government Offices of the Regions	3	0	0	0	42
Health Protection Agency	18	20	24	15	106
Industry	104	132	163	109	702
Laboratories	7	8	19	42	93
Local authority	267	259	323	246	1,983
Maritime and Coastguard Agency	5	4	4	0	42
Meat Hygiene Service	3	5	3	7	19
NHS	5	1	2	2	20
Nuclear power stations*	5	6	4	1	42
Police	12	10	8	7	114
Scottish Agricultural College	21	15	13	8	60

**Breaches of regulatory discharge limits that are not directly related to food safety levels.*

Table 10: Incidents by notifier 2006-2009					
Single Liaison Body	121	103	28	69	321
Veterinary Laboratories Agency	79	110	93	82	771
Veterinary Medicines Directorate	46	26	12	7	241
Other	6	5	22	46	116
Total	1,344	1,312	1,298	1,208	9,087*

NB: While every attempt has been made to try to ensure that the data in this table is correct, minor errors in categorisation may be present.

**In total, 9,087 incidents have been notified to the Agency since April 2000.*

Local authorities

Local authorities were responsible for reporting 20% of incidents recorded in 2009.

Figure 5 shows how the numbers of reports from local authorities have changed since 2000. The increase up to 2006 was due in part to legislative changes, a wider definition of food incident and increased incident reporting.

In 2009, over a third of incidents reported by local authorities were microbiological in origin. Just under a third were related either to natural chemical contamination or to allergens.

Figure 5: Total incidents reported by local authorities April 2000 – December 2009

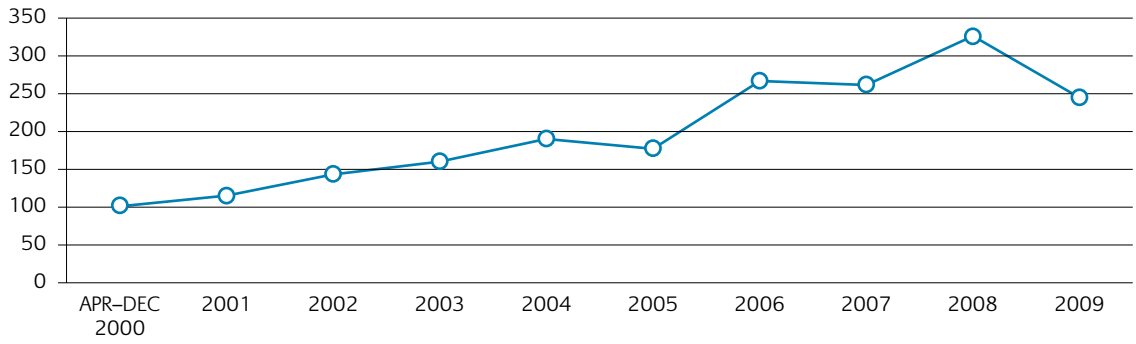
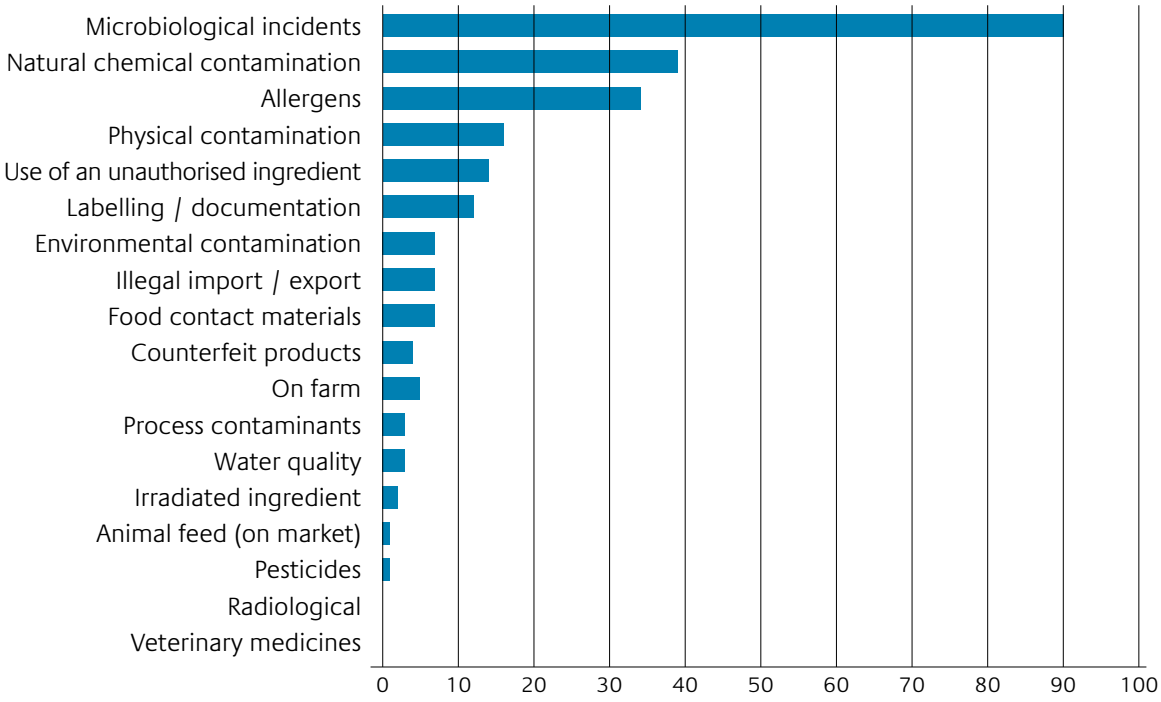


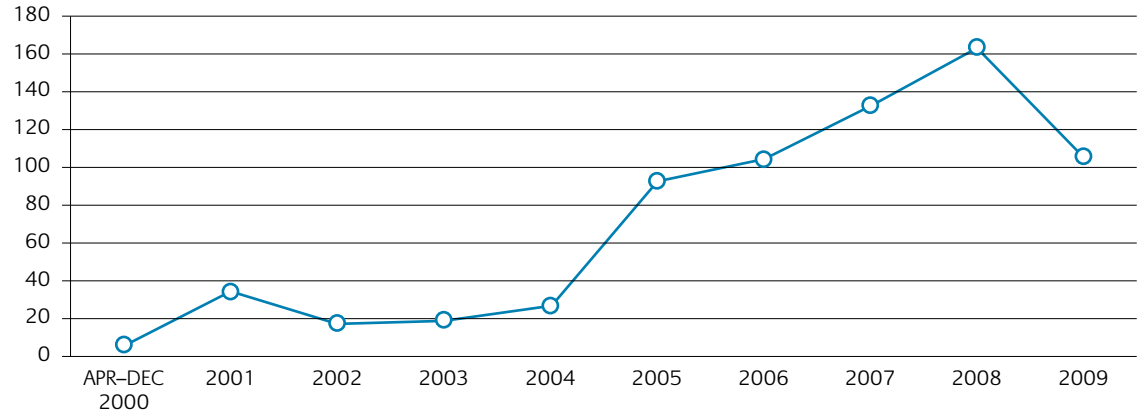
Figure 6: Incidents from local authorities by type 2009



Industry

A decline in the number of reports from industry is shown in 2009 for the first time since 2004.

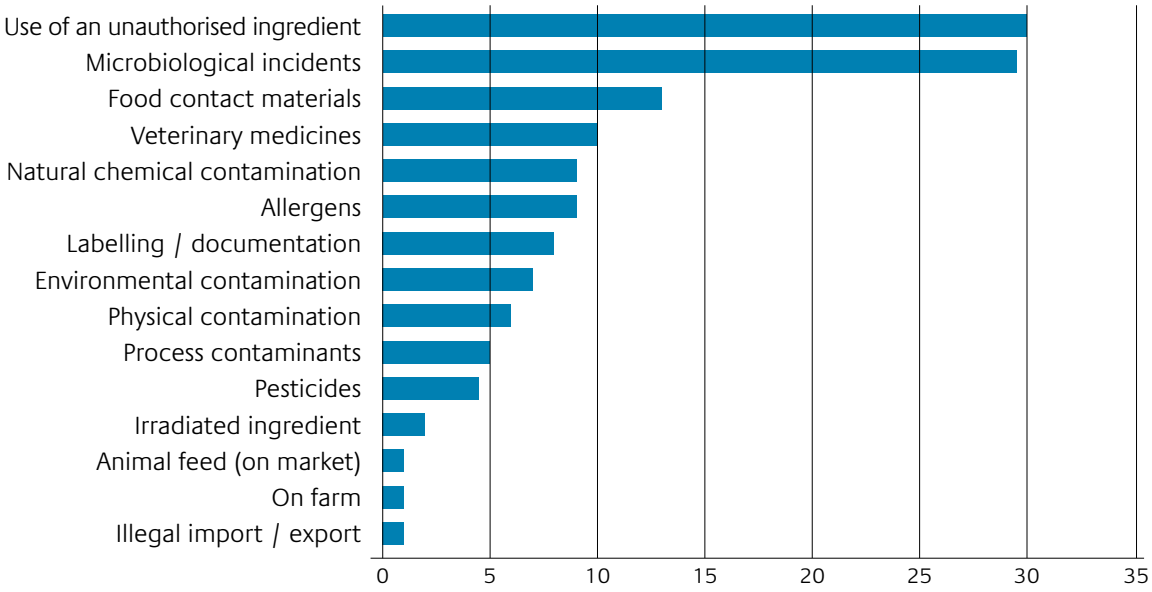
Figure 7: Notifications from industry April 2000 – December 2009



European Commission

Almost half of incidents reported by these stakeholders are either related to unauthorised ingredients or to microbiological contamination.

Figure 8: Incidents notified from EU Member State and Third Countries

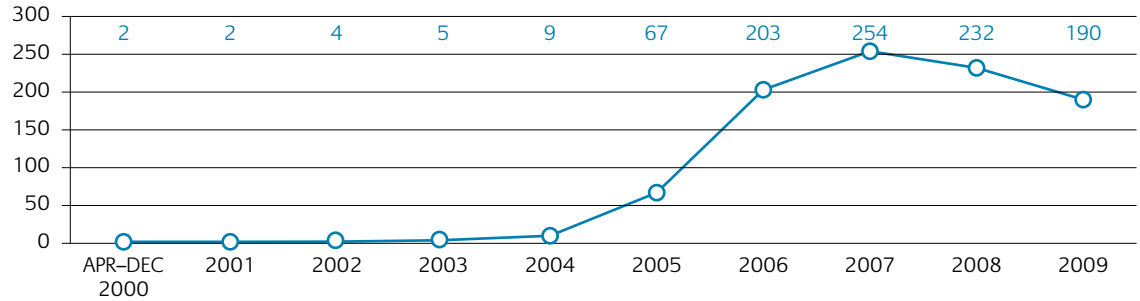


Border Inspection Post (BIP) rejections

BIP rejections have decreased slightly in number between 2007 and 2009 after increasing sharply between 2004 and 2006.

As with the 2008 figures, the main category for border rejection notifications is natural chemical contamination incidents, standing at 41% of notifications for 2009.

Figure 9: Border rejection notifications April 2000 – December 2009



Food Alerts

In 2009, 91 Allergy and Food Alerts were issued, of which seven were updates. Of the remaining 84 Alerts, seven required action. The table below shows the comparison between 2008 and 2009.

Figure 10: Food Alerts 2008 vs 2009

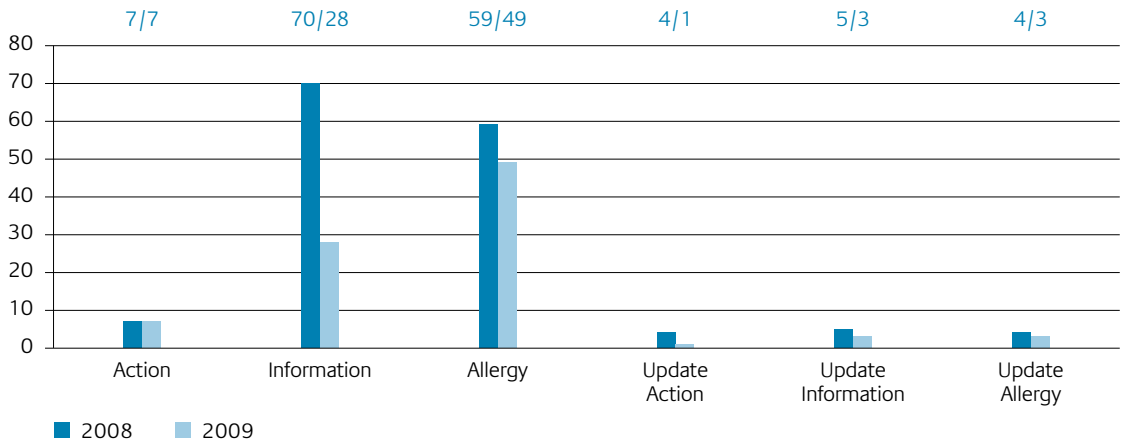


Table 11: Food alert categories*		
	2008	2009
Allergen alerts	59	49
Microbiological contamination	25	14
Physical contamination	28	14
Use of unauthorised ingredients	11	3
Natural chemical contaminants	3	1
Process contaminants	1	2
Labelling / documentation	5	1
Food contact materials	4	0
Total	136	84

**Excludes updates*

Appendix 2

Who tells us about incidents?

The list below shows the wide range of organisations that notify us of incidents:

Food business operators	British Nuclear Group
European Commission	Department of Health
Members of the public	National Health Service
Maritime and Coastguard Agency	Border Inspection Posts
Scottish Agricultural College	Fire service
Veterinary Laboratories Agency	Member States
Department for Environment, Food and Rural Affairs	Police
Department of Agriculture and Rural Development	Laboratories
Local authorities	Health Protection Agency
Environment Agency	Customs and Excise
Scottish Government	Health Protection Scotland
Marine Scotland	

Notifying Organisations

Local authorities

Local authorities regularly undertake inspections of premises and sample products from wholesale or retail outlets. Where breaches of food safety requirements are identified, the authority will contact the Incidents Branch using our incident report form.

Local authorities provide information to us under the Single Liaison Body (SLB) system. We are the SLB for the UK as designated under Article 35 of Regulation (EC) No 882/2004.

The Single Liaison Body:

- assists and coordinates communication between EU Member States on food issues
- forwards complaints and requests for information to member states

- receives incoming requests for assistance and directs these to the appropriate originating authority (local authority)
- resolves difficulties in communication and liaison

Food business operators

Food business operators are required by law (Article 19 of Regulation (EC) No. 178/2002) to inform the competent authorities where they consider or have reason to believe that a foodstuff is not in compliance with food safety requirements. In the case of the UK, enforcement authorities (local and port health authorities) and us are the competent authorities.

The European Commission

The European Commission operates the Rapid Alert System for Food and Feed. The RASFF is a network of member states, the European Commission and the European Food Safety Authority. Whenever a member of the network has any information relating to the existence of a serious direct or indirect risk to human health, this information is immediately forwarded to the Commission using a rapid alert form. The Commission then immediately transmits this information to the members of the network.

Members of the public

Occasionally, we will receive notification of food incidents and quality issues from members of the general public, although we stress that the public should always contact their local authority first. To find your nearest local authority, use the search facility on our website at:

food.gov.uk/enforcement/enforceessential/yourarea/

Emergency services

Notifications are regularly received from the police, fire service and the Maritime and Coastguard Agency. These notifications usually relate to fires, oil or sewage spills or chemical leaks where there is the potential for contamination in the food chain.

Other Government departments/agencies

Notifications may be received from many Government departments or agencies: for example, the Department for the Environment, Food and Rural Affairs, the Environment Agency, the Health Protection Agency, the Veterinary Laboratories Agency and Government Offices for the Regions.

Organisations in devolved countries

Both the Scottish Agricultural College and the Department of Agriculture and Rural Development for Northern Ireland supply notifications to us.

Border Inspection Posts

Border Inspection Posts (BIPs) are EU approved entry points for products of animal origin, originating in countries outside the EU. BIPs in the UK routinely sample incoming consignments of foodstuffs to ensure compliance with legislation. Adverse results are notified to us and action is taken to ensure that the incoming consignment is destroyed or re-exported where permissible.

Border Rejection Notifications are sent by us to the European Commission via RASFF for circulation to all member states. Information circulated in this manner is used by BIPs to determine which incoming consignments to sample. Following the rejection of a consignment at a BIP, the responsible manufacturer or exporter can expect to have further consignments sampled to ensure compliance with legislation.

Miscellaneous organisations and facilities

Groups such as the Anaphylaxis Campaign and Allergy UK will notify us if they become aware of any issues relating to food allergies. Nuclear power stations and independent laboratories will also notify the Agency of incidents.

Appendix 3

How do we manage an incident and what action do we take to protect consumers?

How do we classify an incident?

We classify all incidents using a combination of the severity of the incident and the complexity of the investigation. A number of parameters contribute to these high-level criteria. But the overall assessment or output is simply high, medium or low.

Severity	Complexity
Extent of health effects	Numbers of reports received
Numbers and/or groups of consumers affected	Numbers of products/locations
Public health risk assessment	Number of agencies involved
Perceived risk by consumers	Traceability
Perceived risk by the media	

Each heading contains a range of scores and is weighted to produce a final score that equates to high, medium or low. The system enables rapid and consistent categorisation of incidents, once notified, and as they develop. This allows incidents to be effectively scoped, resourced and managed. The system is not designed as a risk assessment tool, but a means to aid us in planning and management decisions.

Low

These are minor incidents, with localised effects and few, if any, food safety implications. Examples of such incidents include barn fires, vehicles in rivers, or minor oil spills.

Medium

These include incidents involving evidence of illness, impact on vulnerable groups (babies, pregnant women or the elderly) and breaches of statutory limits (for example, for mycotoxins). In some cases the public or the media are likely to express some concerns.

High

These are severe incidents with the potential to cause serious illness or deaths. They are complex, with a large number of products affected and a high level of resources required to manage. They are widespread and likely to generate a high level of concern among the public and the media.

How do we manage incidents?

We have set procedures (contained in our Incident Response Protocol) that we follow for all incidents. The protocol covers, among other things, incident notification, the roles and responsibilities of our staff during an incident, incident classification, record-keeping procedures, incident closure and review procedures. The protocol is reviewed on a regular basis and, where appropriate, updated in the light of review findings.

All incidents are recorded on our incidents database. The incidents statistics included within the annual report come from this database.

Once an incidents notification is received by us, it is immediately circulated to the relevant internal policy division for a risk assessment.

Risk assessment

We have a wide range of scientific and policy experts at our disposal during incidents. These experts provide advice on risks to human health, risk to the food chain and applicable legislation during incidents. This advice is used to formulate risk management options and determine a risk management strategy during each incident.

We also have access to various independent scientific committees that comprise individuals with recognised expertise within their field. These committees provide independent, expert advice to the Agency on research and policy when requested. Further details regarding the work of the committees are available via our website:

food.gov.uk/science/ouradvisors/

Risk management

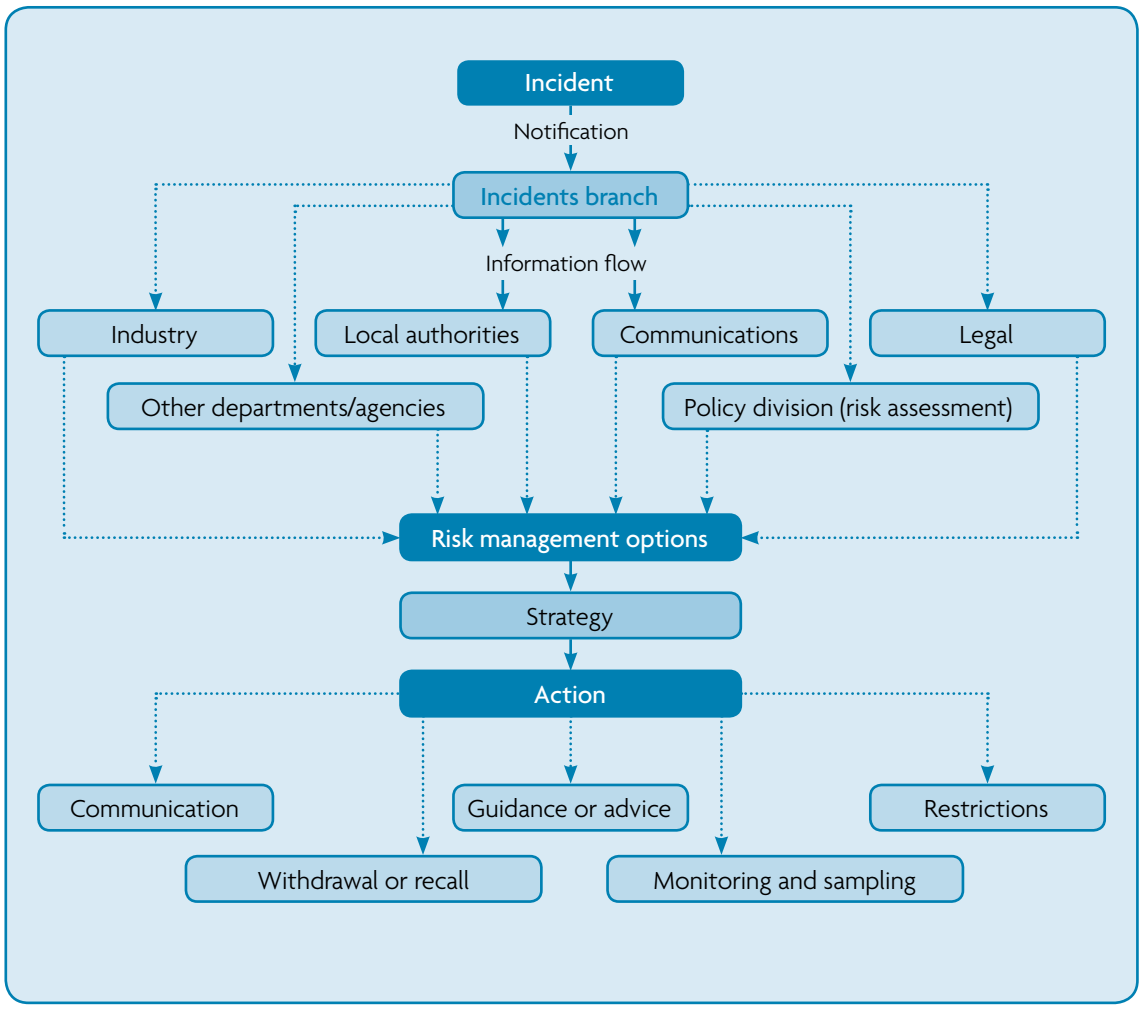
Risk assessment is used to inform the risk management options during each incident. The Agency will liaise with the relevant local authorities, industry, other Government departments and agencies in order to arrive at an appropriate risk management strategy.

The strategy will take into account:

- risk assessment
- risk communication
- proportionality
- legislation
- the precautionary approach.

Once a strategy is decided upon by ourselves in consultation with key external stakeholders, it will be disseminated to teams within the Agency, local authorities, industry and others as appropriate. Above all, during incidents ensuring that food safety is protected and food standards are maintained is paramount.

Our incident handling strategy is illustrated in the following process diagram.


Incident
Notification
Incidents branch
Information flow
Industry
Local authorities
Communications
Legal
Other departments/agencies
Policy division (risk assessment)
Risk management options
Strategy
Action
Communication
Guidance or advice
Restrictions
Withdrawal or recall
Monitoring and sampling

What will we do with the information once received?

We will use the information received to inform our risk assessment which, in turn, will be taken into account when considering our risk management and risk communication options. Dialogue between industry, us and local authorities is encouraged at all stages to ensure our risk management advice is proportionate and practical.

We may, in the light of the information received, issue a food alert to local authorities, who enforce food law. These alerts are used during incidents where, for example, the distribution of a product is wide and will potentially involve many local authorities.

These alerts are also simultaneously published on our website to alert consumers and may be picked up by the national media. However, we only issue food alerts for a fraction of the incidents we deal with – in 2009, there were 35 Food Alerts issued out of a total of 1,208 incidents. The following section provides further information regarding food alerts.

What actions can we take to protect consumers' interests?

There are a number of different actions that we can take to protect food safety and consumers.

Food Alerts and Allergy Alerts

Alerts are our method of informing local authorities about problems associated with food and, in some cases, they provide details of specific action to be taken.

There are three categories of Alerts:

- Food Alerts for Information are issued to bring an incident to the attention of local authorities
- Food Alerts for Action are issued when an incident requires enforcement action from them
- Allergy Alerts are issued in cases where foods have to be withdrawn or recalled, if there is a risk to consumers, because the allergy labelling is missing or incorrect or if there is any other food allergy risk

Food Alerts and Allergy Alerts are often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor. Alerts are also copied to Consultants in Communicable Disease Control, Trading Standards Officers and food trade organisations, to alert them to current food issues.

During 2009 we issued 35 Food Alerts (excluding updates), seven of which required action from local authorities; 49 Allergy Alerts were also issued.

Rapid Alert System for Food and Feed

The purpose of the Rapid Alert System for Food and Feed (RASFF), established in 1979, is to provide EU member states with an effective tool for the exchange of information on measures taken to ensure food safety.

We use the European Commission's RASFF system to:

- obtain information about matters that we need to act on
- inform the Commission and other Member States of matters that they need to act on

RASFFs are divided into 'border rejections' 'market notifications' and 'news' notifications. This system automatically alerts border inspection posts (sea ports and airports) enabling them to target their checks on imported food. The Commission also has a procedure in place to alert third countries (outside the EU) about problems affecting food and will, where appropriate, contact third countries via their embassies.

On 16 July 2009, the European Commission launched its RASFF portal which is a publicly available online searchable database of RASFF notifications at:

www.ec.europa.eu/food/food/rapidalert/rasff_portal_database_en.htm

Publish advice/guidance

We issue statements and precautionary advice, where necessary, to consumers and farmers, informing them about issues affecting the human food chain and advising of action they should take.
We aim to issue advice, where necessary, within hours of being notified of an incident. However, in some cases we may need to seek further advice, for example, from our scientific advisory committees, which may add some extra time to the process. This advice, which is placed on our website (food.gov.uk), is reviewed as new information comes to light. During a high-level incident, we may also decide to open a hotline to deal with calls from the general public about the emergency.

Where food is imported, the Agency will issue advice and instructions to local authorities and port health authorities at sea ports, airports and border inspection posts, and will work with them to identify consignments.

A temporary closure notice to close shellfish harvesting areas may be issued by local authorities, on our recommendation. This measure is applicable where an incident is localised.

We also issue guidance. For example, the Food Incidents Task Force, set up by us in the wake of the 2005 Sudan I incident (involving an illegal colour in 650 food products), published draft guidance in 2006 for preventing and responding to food incidents. The finalised guidance was published in 2007 and updated in April 2008. At the time of going to press we are again reviewing this guidance.

In relation to remedial issues (for example, the clear-up operation following environmental contamination incidents), where lead responsibility jointly rests with Defra and the Environment Agency, we will participate in the process and provide advice. This ensures that any remedial strategy takes full account of food safety issues.

Voluntary restrictions

These are measures agreed verbally and in writing with a producer or product purchaser. For example, 14-week movement restrictions may be placed on potentially affected livestock following an on-farm lead poisoning incident.

Statutory restrictions

Subject to Ministerial approval, we may implement an order under the Food and Environment Protection Act (FEPA) 1985 to ring-fence an area. This restricts the sale or movement of food or agricultural produce. This order will be periodically reviewed as new details come to light. The FEPA order itself will contain prohibitions regarding the use of affected food throughout the UK. A FEPA could be activated, for example, following a large-scale oil spill. There were no FEPA orders issued by us in 2009.

In contrast to those powers under FEPA, provisions in the Food Safety Act 1990[15] will be used to deal with emergencies on a narrower scale in relation to a particular class of food.

The Food Safety Act 1990 empowers the designating authority to make emergency control orders in relation to commercial operations regarding food, food sources (including imported food) or contact materials of any class or description that involves or may involve imminent risk of injury to health. Powers under the Food Safety Act are different from the powers in FEPA, in that it is not necessary under FEPA for there to be an imminent risk of injury to health before an order can be made.

By notifying us promptly of an incident, external stakeholders can ensure that, where necessary, action will be taken by us to protect food safety.

Sampling and analysis

We may decide to initiate a sampling and analysis programme to complement any sampling and analysis being carried out by other departments/agencies. Analysis will be carried out by the most competent laboratory available. Our sampling programme will be reviewed as new information comes to light.

How do we learn from experience?

All incidents notified to us are reviewed. Routine reviews of incidents may generate lessons learned, which will be recorded and shared within our department. Lessons are recorded on a rolling basis and combined, where appropriate, with lessons learned from exercises carried out to test our responses to emergency scenarios.

A number of incidents, a maximum of six each year are selected, for a wider, formal internal and/or external review.

We also hold quarterly incident review meetings with external stakeholders. These meetings may concentrate on particular incident types (such as on-farm incidents). They may also be used to review trends, statistics or procedures.

15 Parallel legislation applies in Northern Ireland – The Food Safety (Northern Ireland) Order 1991

Appendix 4

How can you get in touch with us?

Incidents Branch

The Incidents Branch acts as the central hub for our incident work. It maintains the official audit trail for the investigation, co-ordinating the logging, collation and distribution of information required during the investigation. The Branch arranges the issue of food alerts to local authorities, other Government departments, trade organisations and other interested parties and RASFF notifications to the Commission.

We have offices in Scotland, Wales and Northern Ireland that take responsibility for co-ordinating incidents in their areas. Any issues relating to food in these areas will be led by the devolved office concerned.

The Incidents Branch can be contacted as follows:

Address:

Incidents Branch
Operations Group
Food Standards Agency
Aviation House
125 Kingsway
London
WC2B 6NH

Tel: (020) 7276 8448
Fax: (020) 7276 8788/8446
Email (all incidents):
foodincidents@foodstandards.gsi.gov.uk

Food incidents should be reported using an incident report form located at:

food.gov.uk/foodindustry/regulation/foodfeedform

Out of office hours contact should be made through the Defra duty office:
Tel: (020) 7270 8960,
Fax: (020) 7270 8125.

The Defra duty office will contact the appropriate officer on-call in the Incidents Branch.

FSA Scotland

6th Floor
St Magnus House
25 Guild Street
Aberdeen
AB11 6NJ

Tel: (01224) 285 194/196
Email:
andrew.morrison@foodstandards.gsi.gov.uk
or neil.leitch@foodstandards.gsi.gov.uk

Out of hours telephone: 07881 1516867

FSA Wales

11th Floor
Southgate House
Wood Street
Cardiff
CF10 1EW

Tel: (029) 20 678 902/961
Email:
wales.foodincidents@foodstandards.gsi.gov.uk

Out of hours telephone: 07789 926573

FSA Northern Ireland

10a-10c Clarendon Road
Belfast
BT1 3BG

Tel: (028) 9041 7700
Email:
incidents.ni@foodstandards.gsi.gov.uk

Out of hours telephone: 07884 473022

Appendix 5

Glossary of terms

BIP	Border Inspection Post
DAP	Data Analysis Project
DARD	Department for Agriculture and Rural Development
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EC	European Commission
EMI	Egg Marketing Inspectorate
FAFA	Food Alert – For Action
FAFI	Food Alert – For Information
FEPA	Food and Environment Protection Act (1985)
GM	Genetically modified
HPA	Health Protection Agency

IB	Incidents Branch
Incident Response Protocol	A guide for our staff to the procedures that should be followed during incidents
IPS	Incident Prevention Strategy
LA	Local authority
MHS	Meat Hygiene Service
NHS	National Health Service
PAH	Polycyclic Aromatic Hydrocarbons
PHW	Public Health Wales
RASFF	Rapid Alert System for Food and Feed
SLB	Single Liaison Body
VLA	Veterinary Laboratories Agency

For more information and advice about food,
visit the Food Standards Agency's websites:

food.gov.uk
eatwell.gov.uk

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