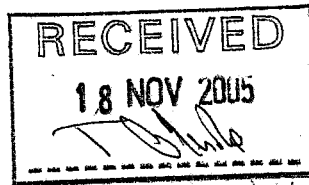




SCOTTISH EXECUTIVE

Environment and Rural Affairs Department

Pentland House
47 Robb's Loan
Edinburgh EH14 1TY



Telephone: 0131-244 6483
Fax: 0131-244 3110
countryoforigin@scotland.gsi.gov.uk
<http://www.scotland.gov.uk>

15 November 2005

Dear Sir/Madam,

Consultation paper: Country of Origin of Beef in the Food Service Sector

On behalf of the Scottish Ministers we are writing to invite comments on the enclosed consultation paper "Country of Origin of Beef in the Food Service Sector" by 28 February 2006.

This consultation paper and partial regulatory impact seeks your comments on the proposal to require the food service sector in Scotland to inform consumers in restaurants, canteens and cafés of the country or countries of origin of beef served. Information on the origin of raw beef is currently required to be provided for consumers at retail level but not within the food service sector. Some restaurants provide information on a voluntary basis. If they do not, customers have to ask if they wish to know.

The Scottish Executive has worked with a range of stake holders in identifying the issues which need to be covered in the consultation paper. Your comments on the questions contained in the paper are requested. If you wish to access this consultation online, go to:
<http://www.scotland.gov.uk/views/views.asp>.

You can telephone Freephone 0800 77 1234 to find out where your nearest public internet access point is. We would be grateful if you could clearly indicate in your response which questions or part of the consultation paper you are responding to as this will aid our analysis of the responses received.

Please send your response to countryoforigin@scotland.gsi.gov.uk or Country of Origin Consultation, Mail point R259, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY. A **Consultation Response Form** (copy attached) should also be completed and posted or e-mailed along with your response. If you have any queries please contact a member of the Food Marketing and Policy Team on 0131 244 6483.

Yours faithfully

Elizabeth Baird
Head of Food Marketing and Policy Branch



**COUNTRY OF ORIGIN OF BEEF IN THE FOOD SERVICE
RESPONDEE INFORMATION FORM**

Please complete the details below and attach it with your response. This will help ensure we handle your response appropriately:

Name: CHRISTOPHER J. RANKIN

Postal Address:

Consultation title: **Country of Origin of Beef in the Food Service Sector**

1. Are you responding as: (please tick one box)

- (a) an individual (go to 2a/b)
- (b) on behalf of a group or organisation (go to 2c)

2a. INDIVIDUALS:

Do you agree to your response being made available to the public (in SE library and/or on SE website)?

- Yes (go to 2b below)
- No, not at all

2b. Where *confidentiality is not requested*, we will make your response available to the public on the following basis (please tick one of the following boxes)

- Yes, make my response, name and address all available
- Yes, make my response available, but not my name or address
- Yes, make my response and name available, but not my address

2c ON BEHALF OF GROUPS OR ORGANISATIONS:

Your name and address as respondents *will be* made available to the public (in the SE library and/or on SE website). Are you content for your response to be made available also?

- Yes
- No

SHARING RESPONSES/FUTURE ENGAGEMENT

3. We will share your response internally with other SE policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future in relation to this consultation response?

- Yes
- No

3.19 The food service sector outlets which indicate the origin of beef have identified that there is a demand for this information in the market which they serve. The fact that voluntary provision of information on country of origin has not appeared to a greater extent in the food service sector, however, may suggest that there is not evidence of more wide-spread demand.

3.20 The main rationale for intervention in this context would be to correct an information failure, that is that consumers and food service outlets do not have the same information on which to base their decisions. Despite the complexities of the research evidence we consider that there is sufficient evidence of uncertainty amongst consumers about the source of beef in the food service sector and of interest in the source of beef to warrant consulting on a proposal to require indication of country of origin of beef in the food service sector. The consultation itself will help to establish the extent of consumer interest in this proposal.

Questions

Q1. Do you consider that the current requirements provide adequate information to consumers of beef in the food service sector? *NO -*

Q2. Do you consider that the absence of country of origin information confuses consumers about the source of beef in the food service sector? *YES*

Q3. If you consider that the current requirements are not adequate, do you favour a voluntary or compulsory scheme to indicate country of origin of beef in the food service sector?

YES, COMPULSORY
AS IN IRISH
Produce industry
also, most canned goods ✓,
are labelled as such.

YES, (1) Decided for Scotland... (2) political reasons, i.e. not supporting other regimes (3) Confidence - product service, welfare & reliability

Question

- Q4. Do you agree with the proposed approach? Please explain your reasons.
- Q5. Do you consider that the requirement should be applied to veal as well as to beef?

How should the requirement be monitored and enforced?

4.18 As non pre-packed food sold to the consumer in the food service sector is currently exempt from the scope of particulars of origin under the Food Labelling Regulations, any false claim made at present would be a trading standards issue. However, enforcement responsibility in relation to all other aspects of food labelling, including enforcement of the Beef Labelling Regulations in the retail sector, rests with food authorities. In practice in Scotland this function is carried out by Environmental Health Officers. It would be consistent therefore for this new requirement to form part of the responsibilities of Environmental Health Officers.

4.19 We also need to address the question of how active any monitoring and enforcement should be. Any statutory requirement is fully effective only if it is capable of being monitored and enforced.

4.20 In terms of routine monitoring of compliance, an additional check would be incorporated into the periodic food standards inspections conducted by Environmental Health Officers. This would not involve establishing any new programme of inspection visits.

4.21 Enforcement must be proportionate to the issues involved. While misrepresentation of goods is a serious matter, this is not about food safety or public health issues. We therefore propose that the responsibilities of the enforcement officers would be to investigate complaints or reasonable evidence giving rise to suspicion rather than active monitoring.

4.22 Minor breaches may often be resolved by the provision of advice to the food service outlet by the Environmental Health Officer service or Quality Meat Scotland.

4.23 For more serious matters we need to consider the nature of penalties.

- 4.23.1 One option is for penalties for failure to inform the consumer or misrepresentation of beef offered by the food service sector to be in line with those already in place for failure to comply with the Food Labelling Regulations. This constitutes an offence and the offender is liable on summary conviction to a fine not exceeding level 5 on the standard scale which currently stands at £5,000. The local authority would prepare a case and submit it to the Procurator Fiscal who would decide whether court action should be pursued. Although this approach would provide consistency with the existing provisions of the Food Labelling Regulations, we do not consider that a criminal penalty is justified in this case as the breach would be less serious than matters concerning food safety and public health.

- 4.23.2 Our preferred option would be to introduce scope for civil action. The effect of this would be to allow the local authority to impose a fine in respect of failure to comply. This would avoid the stigma of a criminal offence, but may not be a simpler procedure. There would have to be provision for the person concerned to appeal to the sheriff if he/she considered the fine unjustified. The standard period to lodge an appeal would be 21 days. If the person did not appeal but did not pay the fine either, there would have to be provision for the local authority to sue in a civil court for payment.

Question

- Who enforces this could be a problem!*
- Q6. Do you agree with the proposals for monitoring and enforcement? *YES*
- Q7. Do you agree that a civil action would be appropriate? *YES*

Other foods with Scottish identity

4.24 The present proposal relates to beef only. Consumers are likely to be interested in the source of other foods. Some food service sector outlets already indicate the origin (whether by country or district) of foods when they expect the origin to matter to consumers. This may go beyond beef and include, for example, fish, other meats, dairy produce and soft fruit.

4.25 For many products country of origin information would not be as readily available as for beef. Several products, eg fish, are, however, required to be accompanied by origin information at wholesale level. That information is therefore available for retailers and the food service sector to provide to consumers at point of sale if they wish.

4.26 We mention the possible interest in other products, as we would not want to do anything in our proposal to conflict with the provision of information, on either a statutory or voluntary basis now or in the future, on other types of food.

7. "Test Run" of business forms

7.1 No new forms are required.

8. Competition assessment

8.1 We considered the effect of the proposal on the market against the following 9 questions which form the competition filter test. A "yes" answer would indicate a possible competition concern.

Competition filter test questions	
Question	Answer Yes/No
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	No <i>NO</i>
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	No
Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	No
Q4: Would the costs of the regulation affect some firms substantially more than others?	No
Q5: Is the regulation likely to affect the market structure, changing the number or size of firms?	No
Q6: Would the regulation lead to higher set-up costs for new or potential firms that existing firms do not have to meet?	No
Q7: Would the regulation lead to higher ongoing costs for new or potential firms that existing firms do not have to meet?	No
Q8: Is the sector characterised by rapid technological change?	No
Q9: Would the regulation restrict the ability of firms to choose the price, quality, range or location of their products?	No

8.2 As the regulation would apply equally across the food service sector, competition between outlets should not be adversely affected, subject to assumptions stated in section 6 above being correct.

8.3 Food service sector companies operating in Scotland would be affected whereas those operating only in other parts of the UK would not. However, we aim to keep the costs to a minimum so that this effect should be negligible.

8.4 As food service sector outlets compete with others in their locality and do not compete with those in other countries, the fact that this proposal applies to Scotland only would not have an impact on competition between countries.

COUNTRY OF ORIGIN OF BEEF IN THE FOOD SERVICE SECTOR

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Yes No

