



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

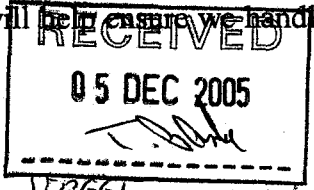
Elizabeth Baird

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: Mr J-M GAUFFRE

Postal Address: LA GARRIGUE RESTAURANT 31 JEFFREY STREET
EDINBURGH EH1-1DH

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

Section 4 - NATURE OF PROPOSAL

4.1 The proposal is that the food service sector should be required to give customers the information on country of origin of beef served. We are not seeking to impose additional information requirements on the supply of beef into the food service sector but would we looking to the food service sector to pass on the information which should be already available to them.

4.2 The Beef Labelling Regulations require certain information to be provided to the food service sector. In principle outlets should be in possession of the information which they would need to pass on to customers. In practice, we understand that the information may sometimes be held by the supplier and not passed on to the food service sector outlet. In those cases the information is available from the supplier on request, which may imply an additional administrative effort for both parties.

4.3 There are a number of questions about how one might design a requirement to inform customers of the origin of beef. We set out considerations applying to these various questions, then summarise the nature of our proposal against that background.

4.4 *Even if your answers to Questions 1-3 indicate that you do not support the introduction of a requirement to provide information on country of origin of beef, please give us your views on these proposals. Doing so will not be regarded as any diminution of your opposition to the principle but will ensure that we are informed about all points of view.*

What do we mean by “beef”?

4.5 The Beef Labelling Regulations require information in relation to fresh, chilled or frozen beef and veal. As mentioned above, they do not require information to be conveyed in relation to processed beef (eg corned beef) or products containing beef (eg pies, sausages and burgers). Minced beef would, however, fall within the scope of the proposal. Our proposal therefore cannot extend to beef which is supplied into the food service sector as processed beef or as products containing beef for the practical reason that the food service sector would not receive information on country of origin. Where the outlet itself makes dishes such as pies from beef supplied to it, it would have the country of origin information and should provide it to the customer.

4.6 The discussion in section 3 rests on evidence relating to beef. However, the Regulations apply also to veal. It would be consistent to treat all bovine meat in the same way. The consultation seeks views on whether the food service sector should be required to provide country of origin information about veal as well as beef. For simplicity the paper will continue to refer to beef only.

4.7 **Recommendation:** We propose that the requirement should apply to those products for which the food service sector would be able to receive country of origin information under the terms of the Beef Labelling Regulations. The effect would be that meals produced by them using fresh, chilled or frozen beef would be subject to the requirement, but meals using products supplied to them in processed form would not.

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?

I will be in favour of a compulsory scheme, as it will clearly help our clientele to make an informed decision, and stop people assuming that because they are dining in a Scottish restaurant they are served Scottish Beef -

An outlet would of course be free to give more detailed explanations related to individual dishes if the beef used came from different source countries and this information would be of interest to the establishment's customers. Country of origin information could be presented to the customer in a number of ways indicated below.

- 4.15.1 On menus (either in the details given on individual dishes or a general note relating to all beef dishes). For establishments which change their menus frequently and/or print inexpensively, eg a sheet of paper inside a durable folder, it would not be too onerous to print details on the menu.
- 4.15.2 Many restaurants have printed laminated menus which they intend to last for some time and cannot be sure of the source of their beef supply at the time of going to print. We suggest that it would be sufficient for them to display the information on a blackboard or poster or, if appropriate, to make a general statement on their menu about the source of beef.
- 4.15.3 Some catering may involve supplying trays to patients in hospital beds or delivering food to individual meeting rooms in an office building. Solutions in these cases may be: to indicate the source of beef on the menus, eg in hospital where the individual patient would see it; to provide a card on the trays or trolleys indicating the source of any beef used, or to fix posters in relevant places in the building stating policy.

4.16 **Recommendation:** We propose that the method of presenting the information should be left to the judgement of the premises, subject to the requirement that it is clearly visible to the customer.

Summary

4.17 In summary we propose that

- the requirement, if introduced, would apply to dishes made from fresh, chilled or frozen beef, but not to the use of beef supplied to the food service sector in the form of processed beef or products containing beef;
- the requirement would apply to all food service sector outlets;
- if the beef came from animals which were born, reared and slaughtered in one country, that country should be stated as the origin;
- if the label codes indicated that the beef was Scotch or Scottish this information should be given to the consumer rather than a statement that the beef was of UK origin, but we invite views on whether this should be mandatory or voluntary;
- if the beef came from animals which had moved through a number of countries or the establishment used beef from a variety of source countries, the origin would be indicated as: a list of named countries; EC; non EC; or mixed EC/non EC; as appropriate; and
- the information would be conveyed by the means preferred by the outlet (eg menu, poster or blackboard) provided that it was clearly visible to the customer.

Question

Q4. Do you agree with the proposed approach? Please explain your reasons. *NO -*

Q5. Do you consider that the requirement should be applied to veal as well as to beef?

YES, PORK & POULTRY TOO -

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.

Too flexible and open to abuse - A food outlet who uses beef from other sources than Scotland in Scotland do so because of cost. Whether the menu is dominated or not, does not make any difference. Do these establishments change their prices when they use Argentinian beef? To use Scottish beef is a financial, and political decision. Will either do it or not.

Outlets who use Scottish Beef on their menu should inform the guest if cheap is much better

- 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

- Q6. Do you agree with the proposals for monitoring and enforcement? *Scottish Govt already met Scotland should regulate it - E.H.O. have already been made to do and*
- Q7. Do you agree that a civil action would be appropriate? *if deliberate yes.*

Other foods with Scottish identity

it may confuse the issue

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.

a short term issue (delivery, shortage etc.) and this should be reflected on the price -

Section 5 – CONCLUSION

This proposal, if introduced, would be a major change in policy away from the current exemption of the food service sector from any requirement actively to inform consumers of the source of beef – or any other product – which they serve. We are aware of evidence of interest from consumers in having such information. We are also aware that any proposal to regulate must be well founded. We are therefore very keen to receive responses to this paper and to the accompanying partial regulatory impact assessment to provide us with further information on the extent of consumer interest in the proposal and to establish whether all concerned consider that such regulation would be justified.

When it comes to contact catering, conferences, large hotels etc... the cooperation responsible should offer two or three prices to the client relevant to the origin of the products, therefore giving the client the choice -

- Please do not ignore Pork, Lamb and poultry, as the health implications of those products are may be more relevant than those of beef.

