

CONSULTATION QUESTIONS

1: Should the scope of the new food body extend beyond the current scope of the FSA in Scotland? If yes, what specific extensions of scope would you suggest, and why?

SFMTA would support extending the scope of the New Food Body beyond the current scope of FSA if in doing so the new organisation would deliver a more efficient and relevant service. Although remaining consumer focussed the New Food Body should also support the food industry since ultimately that affects consumers.

Scope and responsibilities should include Animal Health, Water Quality, Dairy and Eggs. Food Fraud, genetically Modified Foods, cloned etc. should fall under the remit of this body. NFB should take on core responsibilities but add alcohol and obesity for example.

Resources and skills would have to be in place before NFB takes on extended functions and there would have to be cross border awareness of what the concerns of the rest of the UK are on Scottish actions / decisions.

With regard to scope and responsibility the NFB should not be asked to do more than they can reasonably be asked to, services should not be diluted and there should be an underlying cognisance of better regulation and cost effectiveness.

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Provenance – SFMTA would support the New Food Body being involved in this area and feels it sits well with the food standards remit and helps to support the Scottish economy and Scottish producers by promoting their produce.

Sustainability – SFMTA recognises that this is an overarching consideration for every policy area and the New Food Body should consider sustainability issues.

Food Security – SFMTA would support the New Food Body being involved in this area. The New Food Body should establish links with emergency and contingency planning organisations. The New Food Body will want to be satisfied that for food there is a security of supply and the supply chain is protected from terrorism.

2: Should the new food body and the Scottish Government continue the arrangements for independent and partnership work on diet and nutrition set out in Annex A? If not, what changes would you suggest, and why?

SFMTA agrees the arrangements in Annex A should continue. The relationship that FSAS and NHS HS have with Scottish Government is complex and would benefit from clarification but necessarily changes. No clear distinction currently between the existing bodies. NFB should be the organisation that is going to engage with industry.

The biggest challenge in diet and nutrition is to change behaviour. NFB should work with consumers and industry to promote habit changes

Research the social science, education and communication roles. Analyse return on investment and consider what Scotland could do differently. Labelling should be UK wide but marketing can be different.

3: Are there any additional roles, responsibilities or functions in respect of diet and nutrition that you think the new food body could take on to help deliver an improvement to the health of the people in Scotland? Please give details and reasons.

- SFMTA feels the areas suggested in the consultation document are the appropriate functions for the New Food Body.

4: What steps do you think could be taken to ensure the new food body is able to access the best available independent expert advice it needs to underpin its work on food safety and public health nutrition in Scotland? Please give reasons.

To avoid unnecessary duplication and expense SFMTA recommends that the New Food Body links into existing agencies, scientific committees etc. in the UK. SFMTA would want the New Food Body to establish links with international organisations and be aware of developments at an international level. SFMTA also recognises that a great deal of expertise exists within Scotland and the New Food Body should establish effective links to these research facilities and academic institutions. This would be particularly beneficial in light of the incidence of VTEC in Scotland and the work that has been carried out in Scotland over a number of years. At the same time research in Scotland should not be commissioned just for the sake of basing it in Scotland.

5: Do you consider that the new food body should focus its research and surveillance activities on issues that are particularly pertinent to Scottish citizens or should it also

contribute to science and evidence programmes on wider issues which have relevance to the UK as a whole? Please give reasons.

SFMTA suggests that the New Food Body should access national scientific advisory committees etc and also contribute to UK wide research. SFMTA recommends establishing good working relationships with HPS and HPA in respect of research and surveillance. SFMTA would recommend that the level of research and surveillance activities is maintained at a level such that a skills and investment gap does not develop within the UK.

6: Do you agree that the new food body should be responsible for the coordination of all Scottish Government funded research on food safety and public health nutrition? What steps could be taken to raise the profile of the new food body as a research funder across the UK and beyond? Please give reasons.

SFMTA supports the New Food Body being responsible for food safety research, but would suggest the New Food Body works in partnership with the NHS on public health nutrition research.

In respect of the profile as a research funder, SFMTA would recommend using existing links to academic institutions and international network for overseas research. Experience suggests that researchers are not shy when it comes to finding funding.

7: Do you have any further suggestions for how the new food body could establish a strong independent evidence base for food safety, food standards and nutrition policy? Please give reasons.

While an evidence base is essential the source is unimportant. NFB might need to commission Scottish specific research but maintaining links with UK and EU to keep information flow would be prudent. NFB should create ad hoc groups to address particular issues. It would also be important quick turn around with ad hoc groups to deal with things on an as required need.

The NFB should continue to engage with current FSA Committees. These need to continue with Scottish input and Scotland's NFB needs access to UK information. As part of the buy in Scotland should offer a base and secretariat for some of these UK wide committees.

SFMTA would recommend that the New Food Body works with industry organisations like SFMTA and local authorities through the Scottish Food

Enforcement Liaison Group when developing policy and guidance on food safety and standards. In the past, SFMTA has successfully worked with the FSA in Scotland in developing guidance at the time of Butchers Licensing and with the introduction of Food Hygiene Information Scheme and guidance on avoidance of cross contamination. SFMTA would welcome this type of relationship with the New Food Body.

SFMTA is aware that the recent food fraud incidents have highlighted the need for accurate reporting abilities. The New Food Body will need to consider how it can capture information on official controls and sampling activity carried out by other organisations, which will provide the New Food Body with the ability to independently report on enforcement and surveillance activity as and when required.

8: Do you consider that the new food body would require any further statutory powers, in addition to those that the FSA already has, to equip it to deal effectively with incidents such as the recent horse meat substitutions, and to prevent such incidents happening? Please give reasons.

SFMTA would support additional enabling powers being available to the New Food Body. The landscape of power is patchy and there is an over emphasis on abattoirs despite risks to food safety being greater elsewhere.

Current sanctions for food standards have recent been proven to be inadequate and is in need for proportionate measures that will produce robust results. A range of Notice procedures similar to those available for food hygiene should be considered. Notice procedures would enable the enforcer to be clear about the nature of a contravention and the timescale for compliance. They should divert effective measures from the courts as far as possible but provide safeguards through appeals procedures. This when linked with retaining experienced staff should deliver better regulation without the need for greater number of inspections.

SFMTA notes an apparent gap in that there were no powers available to enforce Protected Geographic Indications (PGI). SFMTA would recommend that the New Food Body adopts the principle that definitive legislation should be used to enforce food issues and that powers are available to enforce PGI offences.

SFMTA believes that only by having adequate resources available to deliver effective official controls, will local authorities be in a position to mitigate against the threat to consumers and reputable food businesses from incidents such as the recent food frauds.

9: Do you have any further comments about how the new food body might ensure that it can deal effectively with contraventions of food standards and safety law? Please give reasons.

SFMTA believes there is a lack of options available to deal with food standards contraventions. SFMTA would suggest the New Food Body consider options that would fill the gap between informal action and reporting contraventions to the Procurator Fiscal.

10: Should the new food body take on any roles and responsibilities not currently fulfilled by the FSA in Scotland? If yes, please give details and reasons.

SFMTA believes the establishment of the New Food Body provides an opportunity to take stock of the roles and responsibilities of all organisations involved in food and feed official controls. SFMTA would suggest that responsibility for Animal Health is switched to the New Food Body.

11: Please tell us your views about these suggestions for changes to the delivery of official food and feed controls. Do you think that the new food body should work in a different way with local authorities? Please give reasons.

SFMTA believes the existing partnership between local authorities and FSA works well and the successful partnership approach in Scotland should be building block for the New Food Body. In respect of the bullet points in paragraph 48 SFMTA comments as follows:

Approval of food and feed establishments – SFMTA agrees with the consultation proposal as it will ensure consistency within the approval process. SFMTA supports delivery of official controls remaining with local authorities for establishment where they currently deliver these controls.

Food standards and FSA ops – SFMTA agrees that food standards should be delivered by the New Food Body where they also deliver food hygiene official controls. SFMTA supports this proposal as it removes an area of dual enforcement. Consistency of interpretation is a concern throughout the food industry and this should be addressed with the NFB taking the lead.

Delivery of official controls relating to the supply and manufacture of materials and articles in contact with food, food additives and processing aids – SFMTA agrees with this proposal as it will provide consistency and address any gaps in the current arrangements.

12: Do you have any views on how the new food body should assure delivery of official controls and meet the relevant EU obligations? Please give reasons.

SFMTA recognises the benefits of the current audit arrangements and would recommend the existing arrangements are not only retained but formalised.

13: Are there any additional or alternative relationships that you would suggest that would help the new food body achieve the Scottish Ministers' objective of longer, healthier lives for the people of Scotland? Please give details and reasons.

SFMTA believes the existing partnership approach adopted by FSA has worked well and recommends the New Food Body builds on these existing arrangements.

- Since a considerable number of Scottish food businesses have trade with the rest of UK relationships need to be strong with industry and consumers UK wide. The New Food Body will also need to develop a relationship with the UK FSA which will be the central competent authority in the UK and keep a line of communication to EU

14: Do you have any suggestions about how the new food body can engage effectively with consumers, both in developing policy and providing information and advice?

There are representative bodies for consumers in Scotland who should be consulted and any citizens panels as part of the New Food Body should be set up to be independent and transparent. There is a difference between the opinions of consumers and lobbyists.

15: Do you agree with the suggested approach to ensuring the new food body's independence from Government and the food industry? Do you have any further suggestions for how the new food body could best establish and maintain its position as an arms length part of Government? Please give reasons.

SFMTA agrees with the approach to ensuring the New Food Body's independence from Government and the food industry. SFMTA believes this is important for the delivery of Scottish Government's aim to protect public health and maintain consumer confidence. It is also in the consumers' interest to develop relationships with the food industry in Scotland and their representative organisations. SFMTA would recommend the existing liaison arrangements are continued as these can deliver a means of communicating effectively with Government and food industry without compromising the independence of the New Food Body.

The way SFAC currently operates inviting opinions from the floor should be continued. Ad hoc industry consultation panels and Food Hygiene Information Scheme style steering groups should be part of the NFB.

How Scotland feeds into EU consultations and lobbying requires to be formalised.

16: Do you have any further comments, or suggestions, on the creation of a new food body for Scotland that are not covered by any of the previous questions?

CommentsNone