

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?

- We would see that the current roles and responsibilities of the current FSA meeting the requirements and needs of a new food body. We urge caution in expanding the remit of the new body. Whilst there may be administrative and operational cost savings of a wide ranging food body; it is felt that the current roles and responsibilities 'are about right'. We would have concern that an expansion of remit would have the potential to lack focus, skills and potentially resources to deliver and communicate efficiently in its role.
- Within the consultation text there is suggestion that the new body may be able to expand its role to cover environment, sustainability and food security. We do not agree that this should be the function of a food body, whose role must remain focussed on food safety, standards and nutrition. Whilst important, such topics should remain the remit of other Government departments to form policy and standards and work with industry to attain them.

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?

- Yes, independent partnership work should continue.

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.

- Advice and communication regarding diet and nutrition to the consumer is already part of the responsibility of FSA (Scotland). Given that Scottish citizens have poorer than average dietary health and wellbeing standards than the UK as a whole; the new food body should consider specific and more targeted programmes of support and advice which can deliver improved dietary understanding to children. Specific programmes of work to this end working closely with the education department and committing improved resources to work through Education Scotland and the Curriculum for Excellence should be considered as an additional priority area to improve the health and diet of people from a young age.

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.

- The body should continue to engage with the advisory committees in which the current FSA (Scotland) gains considerable support and access to expert scientific advice. These advisory committees are established and working relationships already exist. Their usefulness should be assessed on a continual basis, and additional participation with other expert groups concerned with public health; nutrition; food standards & safety should be reviewed on a continuous basis.

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.

- It should certainly have a primary focus on issues which are pertinent and/or specific to Scotland. Whether it can deliver programmes to the wider UK will depend mainly on resource available.
- The body should be diligent to ensure there is no duplication of work activity with other UK food bodies if activities in this field are across the whole of 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.

- Yes, that role should continue, as we feel co-ordination of research is a logical role for the body.
- We are not sure of the benefit of raising the new Scottish food body's profile as an international funder of food safety and nutritional research is to the wider benefit of Scotland. Again, this would be dependent on budgets available for this role.

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.

- No suggestion.

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.

- It is our understanding that existing statutory law has all the necessary

powers required for it to function efficiently and competently under its existing remit. However, whether an expansion of powers would be necessary is largely dependent on whether the roles and responsibilities of the new food body are expanded (as per Q1).

- In specific response to the issues raised by the horsemeat issue; again it is felt that the existing legal framework can deal with these contraventions.
- However there is an argument to re-examine the level of penalties which can be applied to these contraventions to assess whether current penalties are sufficient. In particular where there have been fraudulent, deliberate and/or negligent contraventions of either food safety or food standards law. These criteria could then be measured against the health risks and the extent of the contravention to refine a matrix of penalties.
- For minor low-risk contraventions of food legislation better use of fixed penalties could be considered.

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.

- The horsemeat issue has thrown up a gap where it can be argued that detection of such activities should have been identified earlier from routine enforcement/audit activity.
- Inspection of food establishments tend to be targeted as to the nature of production undertaken by business, and are classified by the level of risk associated by the products manufactured. This approach should be reviewed to consider whether the complexity of the food i.e. number of ingredients in its make up; and the length of the supply chain for the foods involved should not play a more significant role in the degree of inspection which is applied. In short revise the strategy of inspection to take this into account.
- Furthermore this change in approach may be necessary given the use of new DNA technology in identification techniques.

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.

- With the advent of DNA testing as a method of verifying traceability of origin of foodstuffs, the food body may need to consider more extensive programmes of risk based testing than had previously been undertaken. This should be utilised for risk based random testing to serve as a deterrent to industry rather than simply an enforcement tool.

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.

- There is a need for the new body to work more closely with local authorities to ensure that food law is being interpreted correctly and

consistently across all regions in Scotland. Currently, it is felt that the food industry experiences local authorities applying different interpretations to aspects of food safety and standards legislation.

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.

- No suggestion

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.

- Relationships with industry sector bodies are essential in helping deliver improved messaging and awareness raising in relation to diet, health and wellbeing. Therefore, a closer degree of collaboration with bodies such as Quality Meat Scotland, Scottish Bakers, Seafood Scotland & Seafish, Dairy UK and Scotch Whisky Association would improve health and diet messaging.
- In order to effectively engage with consumers and public in the delivery of health and dietary advice and information there must be an effective relationship. This relationship at present is weak, and should therefore be improved. The delivery of this type of communication to the public is a difficult remit. We would however, suggest the new body gave serious consideration to using social media, smart apps, viral adverts and modern websites as primary means of delivering public messaging
- Relationships with other bodies and government departments need to be examined to establish clarity in the provision of health information in respect to food. Especially where the promotional information activities of NHS Health Scotland is concerned. We note that consumer information on healthy eating was delivered through the FSA's website but this is now delivered through the NHS Livewell site. There is definitely a role for both, but at present the roles of public messaging in this remit seem confused.

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?

- Similar points to 13 above

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.

- The new body has two main responsibilities; a) the body responsible for the drafting of legislation /legal advice/law enforcement and monitoring

for both food safety and standards. And b) science based research and monitoring , the provision of dietary and nutritional advice to government and consumers.

- This on the one hand makes it necessary to be close to government within its enforcement responsibilities but also independent in its advisory role. The model of a non-Ministerial Department should be able to fit this need.
- However it is structured; it is in our view necessary to be totally impartial, unbiased and scientifically evidence based in all the advice that it delivers either to consumers or to Government.
- The role of providing advice to Government on these issues should enable the body to assist in the development of food policy. However, the main policy maker should still be Government itself. Keeping the body independent from Government in this area of work will be a difficult position to maintain and should be clearly defined.
- The food body will need a good understanding of the Scottish food and drink sector, and needs to be able to communicate well with it. Likewise industry should be able to work with the food body in terms support services. However, the body will have to remain independent and at arms-length with industry as it should not be strategically placed such that it became a means for industry to lobby government on food issues.

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?

- Re-examine the provision of advice specifically to industry. Much of the Scottish food and drink sector consists of SME's. Food safety legislation, standards and labelling are becoming ever more complex. The provision of concise, clear and factual guidance to such businesses will be one valued area where the new body can build good working relationships with food and drink businesses which will be highly regarded and very useful.