

Chief Executives Report

1. Visits and Meetings

1.1 In July Geoff Ogle met with the Competition and Markets Authority on behalf of Ms Gougeon. They are undertaking a review of supermarkets and looking at the market to see if there is profiteering going on. Their conclusion is that there isn't but they are going to keep monitoring it. This was a very interesting discussion. At the meeting Geoff also talked about some of FSS concerns around the imbalance between high fat salt and sugar (HFSS) products and healthy foods; the differing socio-economic impacts and impacts that are driving food inflation. The report can be found [here](#).

2. Borders Target Operating Model

2.1 The Target Operating Model ([TOM](#)) was published in the 29 August 2023. It sets out a new approach to security controls (applying to all imports), and sanitary and phytosanitary controls (applying to imports of live animals, animal products, plants and plants products) at the border. A Ministerial statement by the Rural Affairs and Islands Cabinet Secretary is available [here](#).

2.2 FSS has been actively engaged in its development and has worked closely with the Scottish Government and the Food Standards Agency to help ensure food and feed safety standards are maintained across the UK. The [FSS-FSA annual report](#) on food standards highlighted the need for import controls on EU food and feed to be implemented as a priority. A further delay yet again adds more uncertainty for industry although it provides more time for industry to fully prepare for the changes. If yet again the UK Government contemplates further delays, then the Board may wish to consider whether it would want to call for an SPS/vet agreement with the EU which would of course help and support both importers and exporters. The Executive will keep the Board updated on progress as appropriate.

2.3 FSS will continue to engage as the various aspects of the TOM are progressed and implemented.

3. Review of import controls on High Risk Food and Feed of Non-animal Origin

3.1 In July, FSS launched a public consultation seeking comments from stakeholders on 39 proposed amendments to Retained (EU) Regulation 2019/1793 which applies a temporary increase of official controls and emergency measures governing the entry into Great Britain of certain food and feed of non-animal origin

from certain countries. The consultation closed on 28 August 2023 and comments received are being considered as the proposals are further developed.

4. Dinitrophenol sentencing

4.1 On 4 July 2023 a 32 year old male was sentenced to 37 months imprisonment after pleading guilty to a charge of culpable and reckless conduct in relation to the sale and supply of 2,4 – Dinitrophenol, commonly referred to as DNP. DNP is an industrial chemical and has gained popularity in the UK in recent years, mainly amongst body builders and those who are vulnerable with body image issues, being marketed as a fat burner. It is **not** safe for human consumption under any circumstances and it is known to have been responsible for at least 33 deaths in the UK since 2007.

4.2 This is the first conviction of its kind in Scotland following what was a complex and extensive joint investigation involving the SFCIU, Falkirk Council, Police Scotland and many other agencies across the UK. It is also a milestone case for FSS, as it is the first major investigation that the SFCIU has seen through to conviction since the unit was established. The sentence handed out sends out a clear message that there are consequences for those individuals who are prepared to put peoples' lives at risk in order to profit financially from the supply of DNP. The case will be considered under the Proceeds of Crime Act 2002 later in the year. There was significant media interest surrounding this case and it gave FSS the opportunity to again raise awareness as to the dangers of DNP.

4.3 The significant work of the unit on this investigation has assisted the Home Office in their endeavours to have DNP re-classified as a poison. This will take place in October this year.

5. Food Crime Risk Profiling Tool launch

5.1 On 7 August, the Scottish Food Crime and Incidents Unit (SFCIU) launched the [Food Crime Risk Profiling Tool](#). The tool supports Food Business Operators (FBO) to understand their risk from food crime. Once an FBO has completed the assessment, they'll receive a unique and tailored risk profile, identifying their potential areas of food crime vulnerability with specific guidance of how they can reduce this.

5.2 Since its launch, the tool has been promoted through stakeholder emails, the FSS organic social channels and cross-part political engagement. Social posts were boosted to reach a larger number of FBOs. There have been 990 views of the tool sign up page from 741 unique users. The tool page itself has had 194 views from 119 users.

5.3 Dennis Treacy is also a finalist in the 'Food Defender of the Year' category in the New Food Magazine Apples award, accepted on behalf of FSS for the Food Crime Risk Profiling Tool. [\(18\) Awards Announcement | LinkedIn](#)

6. Food crime Political Engagement

6.1 Much work has been underway to raise the profile and awareness of the Scottish Food Crime and Incidents Unit (SFCIU). FSS has contacted Clare Haughey MSP, Convener of the Scottish Parliament's Health Social Care and Sport Committee, about providing a private evidence session on food crime in response to a commitment given by FSS's CEO and Chair at the evidence session in January 2023. FSS also held a meeting with Audrey Nicoll MSP, Convener of the Scottish Parliament's Criminal Justice Committee, to update her about the Scottish Food Crime and Incidents Unit's work in tackling food crime. Audrey Nicoll MSP has confirmed that she will give further consideration to FSS providing evidence to the committee on food crime. Similar meetings on food crime have been arranged with the spokespersons on Justice of the Scottish Liberal Party, of the Scottish Labour Party and of the Scottish Conservative and Unionist Party, and with the Scottish Green Party's Spokesperson on Justice.

7. DG Sante Audit

7.1 DG Sante of the European Commission have confirmed that they intend to audit GB in October and November, with a focus on controls of residues of pharmacologically active substances, pesticides and contaminants in animals and animal products. Veterinary Medicines Directorate will lead. Although the plant inspections will take place in England and Wales, FSS will provide input to pre-audit documentation and the opening and closing meetings.

8. Local Authority Performance Monitoring

8.1 Food Standard Scotland has a primary responsibility to monitor the performance of, and promote best practice by, enforcement authorities in enforcing food legislation in Scotland. The overarching aim is to provide assurance that the delivery of official controls for Food and Feed is compliant with Scottish and UK legal requirements and official guidance. Current audit activity is as follows:

8.2 **Capacity and Capability:** East Renfrewshire Council - Audit file closed June 2023

8.3 Local Authority implementation of Interventions Food Law Code of Practice (Scotland)

- Inverclyde Council - Audit file closed April 2023
- Orkney Islands Council - Audit file closed June 2023
- Aberdeen City Council) - Audit report published April 2023 / Still Open
- Glasgow City Council – Audit report published June 2023 / Still Open

8.4 All audit reports are published on the FSS website: [Audit and monitoring | Food Standards Scotland](#)

8.5 A request was recently made to all 32 Local Authorities to submit a copy of their service plans for delivery of Food Official Controls in 2023/24. As required by the Food Law Code of Practice these should set out planned intervention programmes and service delivery arrangements. The intention is to use these to provide a baseline view of the delivery landscape across Scotland at the current time both as an aide to performance monitoring and to inform the Scottish Authority Food Enforcement Rebuild (SAFER) project.

9. Dietary assessment

9.1 Work to start a survey of children and young people's diets in Scotland continues. At present, we forecast that this will be in the field before the October school holidays and completed by Christmas. This is the first survey of its kind for over a decade and will provide us with detailed information on what children and young people consume. The information will be used to support a variety of policy areas, including out of home and climate change. The report will be available in summer 2024.

9.2 We are continuing to work with SG on inclusion of Intake24 in the 2024 Scottish Health Survey. This will give us detailed information on dietary intakes of around 3000 adults living in Scotland and allow comparison with results from 2018 and 2021. We will also receive more useful information on supplements use from this survey, which will support folic acid and vitamin D workstreams.

9.3 The nutrition team is also working with SG colleagues to include blood sampling in the Scottish Health Survey in 2025, to support the folic acid and vitamin D workstreams.

10. SACN 1-5 publication and Setting The Table Guidance

10.1 On 4th July, SACN published its report on '[Feeding young children aged 1 to 5 years.](#)' The report covers feeding young children from 12 to 60 months of age (1 to 5 years), and makes recommendations for policy, practice and research. It forms part of a wider piece of work considering the scientific basis of current recommendations for feeding children up to 5 years of age, of which the first part, '[Feeding in the First Year of Life](#)', was published in 2018.

10.2 [The Setting the Table nutritional guidance and food standards for early years childcare providers in Scotland](#) is currently being updated to reflect the recommendations in the report, and any other relevant recommendations, and is expected to be published early 2024. Further implications of the recommendations in the report on existing public health nutrition advice, policy and research will be considered and actions taken forward with relevant policy leads.

11. Celebrating success in public health – restricting the promotion of high fat, salt and sugar foods

11.1 Following the Ministerial Statement to Scottish Parliament on 30th May regarding the next steps with promotions policy, [a blog was published on the FSS website](#) to draw attention to the positive aspects of this statement whereby legislation to restrict promotions of high fat, salt and sugar foods is still going ahead and can be achieved quicker than if a Bill had been required.

12. New Peas Please web page and submitted report on progress with pledges

12.1 We have recently published a [Peas Please webpage](#) on the industry-specific area of the FSS website, which is also linked to the existing [Healthier Catering Guidance webpage](#). The new webpage details the FSS organisational commitments to the Peas Please initiative, benefits of being a pledger and how organisations can become pledgers. The Peas Please initiative works towards making vegetables more readily available, accessible and appealing. We are required to report on our progress towards our commitments each year and our report for 2022/23 was submitted on 3rd August 2023. The Peas Please Progress Report for 2023 will be published by the Food Foundation in a few months' time (date TBC), where our organisational traffic light rating will be confirmed against progress towards our commitments.

13. Feed Additive legislation

13.1 [The Feed Additive \(Form of Provisional Authorisations\) \(Cobalt\(II\) Compounds\) \(Scotland\) Regulations 2023 \(Scottish Statutory Instrument. No.170\)](#) came into force on 30 June and provides the prescribed form of authorisation for four cobalt compounds for ruminants with a functional rumen, equidae, lagomorphs, rodents, herbivore reptiles and zoo mammals. This provisional authorisation is for a period of three years starting on the 15 July 2023. This is to ensure the continued supply of essential cobalt compounds to the GB market and protection of animal welfare. Similar regulations providing a provisional authorisation for these cobalt compounds have also come into force in England and Wales.

14. Call for Evidence Issued Re T-2/HT-2 Mycotoxins

14.1 The EU is currently considering introducing Maximum Levels (MLs) of T-2/HT-2 mycotoxins in relation to various foodstuffs and this is of particular concern to oat producers and oat product manufacturers in Scotland. FSS continues to work with FSA and industry stakeholders on the potential for similar MLs to be considered for GB. A joint [call for evidence](#) was issued by FSS and FSA on 18 July 2023 seeking the submission of occurrence data to inform our understanding of the levels of T-2 and HT-2 mycotoxins in food. The call for evidence will close on 31 October 2023 following which a full risk assessment will be undertaken.

15. Ultra-processed foods

15.1 The presentation of research findings from Australia and China on ultra-processed foods and the increased risk of adverse health outcomes presented at a conference in Amsterdam generated some media interest and calls for warnings on food labels. The Australian study, which ran for 15 years, involved over 10,000 middle aged women and found an association between a higher intake of ultra-processed food and cardiovascular disease and hypertension. The literature review carried out by a Chinese University identified 10 studies involving over 325,000 participants and over 38,000 cases of cardiovascular events. The relationship between the consumption of ultra-processed foods and cardiovascular events was described as 'non-linear'. Moderate consumption of these foods was linked to a lower risk of cardiovascular issues whereas the increased risk was significant for heavy consumption of ultra-processed foods. The Scientific Advisory Committee on Nutrition (SACN) reviewed this area and published a position statement in June [SACN statement on processed foods and health - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/scientific-advisory-committee-on-nutrition-publishes-position-statement-on-processed-foods) noting that the evidence considered consistently reported that the increased consumption of ultra-processed foods was associated with an increased risk of adverse health outcomes but that there are uncertainties around the quality of the evidence available at that time. FSS will also monitor the evidence base as it evolves and liaise with SACN as required.

Processed foods are those which have been prepared by a variety of methods and contain a number of ingredients. It defines foods by how much processing they have been through and not the nutrients they contain. There is no universally agreed definition of a processed food, however the NOVA classification is the most commonly used classification system. NOVA groups food and food ingredients into four categories based on their level of processing and not their energy or nutrient content. The term 'ultra-processed foods' is specific to the NOVA classification system. As far as we are aware, there is no specified number of ingredients which would result in this classification. Many commonly consumed foods undergo some degree of processing in their production to ensure safety or extend the shelf life, For example, cooking and using preservatives. Consumers can check the ingredients list on prepacked food to see what a food has been made from along with any additives that have been used. It's important to note that under the Regulated Products legislation (either EU or more recently GB), safety assessments must be carried out on food additives before they can be authorised for the GB market. Descriptions of the ingredients can also show processed products e.g. 'skimmed milk powder'. This is an issue we are likely to come back to the Board on as it will be important for us to be clear on our views in relation to both diet and food safety.

16. New digital agency and embarking on the new web research phase

16.1 Following a successful tender process, FSS has appointed the [Union](#) as their digital marketing services agency. The migration of all FSS digital assets, including the website, is in progress and due to be completed by 31 October 2023.

16.2 As part of this contract, there is a priority project to replace the existing content management system and refresh the FSS website structure and design. This

aims to improve the website's resilience, meet legal accessibility standards and enhance the user experience. Initial work to assess the project requirements has started with a Discovery workshop for internal stakeholders planned for the start of October. Research requirements for external stakeholders and users will be scoped following the outcome of the workshop.

17. COSLA Conference and Awards

17.1 FSS are sponsoring the COSLA [conference](#) and awards taking place 28-29 September, the awards are on 28th and we're sponsoring the Innovation category. Ian recently took part in the award judging and Geoff and Heather plan to attend the award ceremony.

17.2 As part of the sponsorship we have an FSS stand at the exhibition, this will promote FSS generally with some focus on LA resources/ guidance and some light touch messaging on the SAFER Programme of work. Comms and enforcement colleagues will be present on the stand for the duration of the conference.

18. Cross-Party Groups

18.1 FSS gave a presentation on the SAFER initiative at a meeting of the Cross-Party Group on Food. FSS also gave a presentation at the Cross-Party Group on Older People, Age and Ageing on the risks of food borne illness to older people.

19. Parliamentary events

19.1 FSS will be sharing the findings of the joint FSA/FSS Annual Report on food standards across the UK at a parliamentary event on 9 November 2023. The event is being sponsored by Emma Harper MSP, and will feature an input from Jenni Minto MSP, the Minister for Public Health and Women's Health.

19.2 FSS will also be holding a parliamentary exhibition between 12 and 14 December 2023 sponsored by Paul O'Kane MSP.

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