

Chief Executives Report

1. Visits and Meetings

1.1 John-Paul Marks, the Scottish Government Permanent Secretary visited Pilgrim House on Thursday 10 November. He was in Aberdeen for the 'In the Service of Scotland' event but also spent some time with the FSS leadership team and staff were also invited to attend.

1.2 The Executive Leadership team also had a regular catch up with the Food and Drink Federation (FDF) and Heather Kelman, Geoff Ogle and Julie Hesketh-Laird also met with SNP and Lib Dem MPs in Westminster to raise awareness of FSS' role and responsibilities. The Chair and CEO have also met with the Convenor of the RAINE Committee and Deputy Convenor of the Health and Sports Committee. Both have confirmed their intention to give more scrutiny to FSS. Geoff Ogle and Ian McWatt also met with SOLACE on 25 November to discuss delivery of the SAFER programme.

2. Retained EU Law Bill (REUL) and Scottish Veterinary Service (SVS)

2.1 The Executive is continuing to input to both of these issues. Julie Hesketh-Laird gave evidence to the Constitution, Europe, External Affairs and Culture Committee on 24 November. The Executive remains very concerned on REUL both in terms of the risks to consumer protection and also the resource implications. It is my view that this does not represent best value and is not the right approach to reviewing food law. A paper is being presented to the Board at today's meeting.

2.2 On SVS, again we are working with the SG programme team to understand the options for SVS and the implications that flow from whatever decision is made. The planning assumption remains that Ministers will be asked for a decision on SVS in March 2023. Again, the executive will keep the board up to date with developments

3. Regulated Products Update

3.1 As of 31 October 22, we have 407 applications progressing through the service this includes applications that have not yet been validated. Details of validated applications going through the regulated products service are published in a [public register](#).

3.2 We have 110 applications progressing through risk assessment. As expected, the number of applications in risk assessment will continue to increase in the coming months as this is the stage that typically takes longest. It can also include 'stop the

clock' periods if we need to work with applicants to address issues with the evidence provided.

3.3 We have 16 applications across the regimes where the outcome of the risk assessment is being drafted for quality assurance by the Science Advisory Committees. We continue to work with FSA to apply a continuous improvement approach looking to improve efficiency and our customer experience based on the experience of running the service. Concerted work has been undertaken in the last few months to develop the output format and publication process so that our stakeholders are clear about the nature of the assessment that has been undertaken.

3.4 Since January 2021, a total of 20 applications for GM, Novel Foods, and Smoke Flavouring products have been approved and authorised by Ministers and the legislation has come into force in England, Wales and Scotland. These include new applications, renewals and transfer of ownership requests. Statutory Instruments have been laid authorising 11 Feed Additive applications. The legislation [came into force] on 24 November for Scotland and Wales, and 25 November in England.

3.5 In October we launched consultations on eight GM applications and two novel food applications, a food additive and a flavouring application. The consultation period will close in December, prior to us considering the responses and subsequently making recommendations to Ministers. We plan to launch consultations on 11 feed additive applications in early 2023.

4. Year 2 (2022) FSS/FSA Annual Report on Food Standards

4.1 Following the successful launch in June of our inaugural annual report into food standards in the UK – [Our Food 2021: An annual review of food standards across the UK](#) – produced jointly with the Food Standards Agency (FSA), work is now underway to produce next year's report which will cover the 2022 reporting period.

4.2 As Board members will recall, FSS was commissioned in March 2021 by the Minister for Public Health, Women's Health and Sport to work collaboratively with the FSA to jointly produce an annual report on the state of UK food safety and standards, to be laid before the UK and devolved Parliaments and Assemblies.

4.3 The broad objective of the report will remain the same in Year 2; that is, to assess whether the standard of food during the reporting period was maintained, improved or declined. However, the intention is to produce a shorter, more streamlined report next year, with a core focus on addressing key issues and challenges identified in Year 1 that have continued to test the resilience of our food system. Subject to data availability, this is likely to cover the cost of living crisis, the state of play on UK import controls and changes to imported food trends, as well as any broader trade impacts, and the resource challenges faced by Local Authorities –

while acknowledging that causation may be difficult to establish and there will be a need to avoid overreaching conclusions.

4.4 The report will continue to be underpinned by data and evidence, and will not make recommendations.

4.5 In recognition of the broader resource pressures being felt across FSS, and FSA, we are currently planning to publish the report slightly later next year, in October 2023.

5. Great British Statutory Instrument (GBSI) and Scottish Statutory Instrument (SSI) Update

5.1 Following a UK wide public consultation between in Q3 of 2021, Nutrition legislation is being amended to make minor technical changes to units and forms of nutrients permitted for use in the UK. This GBSI makes provisions for minor technical changes to the following Nutrition legislation: the Nutrition (Amendment etc.) (EU Exit) Regulations 2019; Commission Delegated Regulation (EU) 2016/127; Commission Delegated Regulation (EU) 2016/128; and parts of Regulation (EU) No 609/2013; as well as some England only changes to The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (England) Regulations 2003.

5.2 The Food Supplements and Food for Specific Groups (Miscellaneous Amendments) Regulations 2022 (GBSI), are due to be laid at Westminster on the 14th of December with a coming into force date scheduled for the 18th of January 2023. Following clearance from the Minister for Public Health, Women's Health and Sport the GBSI has been notified to the Scottish Parliament. The changes proposed in the regulations are necessary to secure alignment with NI in view of the NI protocol.

5.3 Simultaneously, The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) (Amendment) Regulations 2022 SSI, is being prepared. Subject to Ministerial clearance the SSI is due to be laid in the Scottish Parliament on 23 November. This SSI will amend the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004, to add calcium L-methylfolate as an alternative form of folate that may be added to processed cereal-based food and baby foods. The changes also include updates to correct legislative anomalies which occurred at the end of the EU-exit transition period to include ferrous bigylcinate (as a permitted form of iron) and zinc chloride (as a permitted form of zinc) which can be used in the manufacture of processed cereal-based foods and baby foods.

5.4 The SSI is necessary to align with the Food Supplements and Food for Specific Groups (Miscellaneous Amendments) Regulations 2022 GBSI which makes similar changes to equivalent legislation in England. As such, the same coming into force date of 18th January 2023 has been scheduled.

6. Risk Analysis Update

6.1 Details of issues undergoing risk analysis are published to an [online register](#) following initial consideration when it is confirmed that risk assessment or evidence is required, and the risk assessment stage commences. Three issues were added to the public register in the latest quarterly update in October: review of T-2/HT-2 Toxins in Foods (mycotoxins); direct supply of meat (including offal) to the final consumer (potential cold chain disruption) (Qurbani meat and offal during Eid al-Adha); country profiles - Imported Food of Non-Animal Origin (FNAO) Phase 1.

6.2 The Official Controls (Import of High Risk Food and Feed of Non-Animal Origin) Amendment (Scotland) Regulations 2022 were laid in the Scottish Parliament on 22 November 2022 and will come into force on 17 January 2023. The SSI amends the annexes of Retained Commission Implementing (EU) Regulation 2019/1793 which imposes temporary increase of official controls and emergency measures governing the entry into GB of certain food and feed from certain third countries. The SSI follows a review of the Regulation, delivered by FSS alongside FSA for rest of GB through the risk analysis process. Equivalent legislation has been made in England and Wales.

7. Vitamin D Campaign 2021/22 Evaluation

7.1 The 2021/22 campaign ran across television, social media, digital advertising and field events in cities across Scotland. We also shared information with organisations across Scotland, who in turn shared the advice with their audiences.

7.2 JRS conducted post campaign research in March 2022 to understand awareness and effectiveness of the 2021/22 campaign. Television and social media/online advertising contributed equally to overall campaign awareness, with television working particularly well for the lower socio-economic groups.

7.3 In total 37% of the audience recognised the campaign, and two-thirds of these took action as a result. This included:

- Discussing vitamin D with friends/family (31%)
- Buying vitamin D supplements for themselves/friends/family (30%)
- Looking for information about vitamin D supplements elsewhere (21%)
- Visiting the FSS website for more information about vitamin D (11%)

7.4 The survey results also identified a number of opportunities for improvement:

- The majority (60%) of respondents did not know the correct dosage level of vitamin D supplement, with only 9% correctly choosing 10 micrograms from a list of options.
- Memorability of the campaign could be improved as FSS did not necessarily stand out as a key source of advertising on vitamin D, as many other organisations also promoting vitamin D advice.
- There is a need to increase reach to specific population groups, particularly older people who were least likely to have seen online social media advertising/posts, and men.

7.5 We have taken into account the areas opportunities for improvement and the 2022/23 campaign is now live with advertising taking place online and on social media. The advertising targets specific vulnerable groups as well as the general Scottish population. We have also shared information with stakeholder organisations who have begun sharing the advice with their audiences.

7.6 To note, this year's campaign is on a smaller scale due to a smaller budget, which is why there is no TV or field activity taking place.

For queries contact:
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