

## Initial consideration of consumer interests associated with exiting the European Union

### 1. Purpose of the paper

- 1.1. Although the UK Government's decision to start the process of exiting the EU in response to the June 2016 referendum could have bearing on a wide range of consumer interests in relation to food, the nature and extent of these impacts will not be known until decisions have been made, and the terms of the UK's exit from the EU are clearer. Furthermore, the Scottish Government has made clear that in light of the strong vote in Scotland to remain in the EU, it wants to protect Scotland's interests in Europe as far as possible.
- 1.2. FSS has a statutory objective to protect the interests of consumers in relation to food, including, but not limited to, those relating to safety, dietary health, labelling, descriptions, marking, presentation and advertisement of food.
- 1.3. The primary purpose of this paper is to consider how the views of consumers on issues related to EU exit should be determined by FSS and reflected in any advice FSS provides to Ministers during their decision-making process. In addition, the paper raises the potentially major impact that putting in place legislative, administrative and operational changes associated with Brexit are likely to have on FSS's Corporate Plan<sup>1</sup> work programme.
- 1.4. Although there is still considerable uncertainty about the outcome of Brexit negotiations and Article 50 of the Lisbon Treaty has not yet been triggered to formally start the process of leaving the EU, the Scottish Government has published a comprehensive paper on Scotland's place in Europe<sup>2</sup> in which, short of full EU membership, the Scottish Government establishes the preferred minimum outcome in terms of protecting Scotland's interest, as EEA and customs union membership. However it is also clear, from the Prime Minister's 17 January speech, that a complete break with the single market needs to be considered within the range of potential scenarios affecting consumers. Trade outside the European single market could be as wide as those applicable under the terms governed by the World Trade Organisation. FSS should therefore consider potential scope for change in terms of consumer impact that is likely to be represented under those terms since other scenarios will be somewhere on a spectrum from where we are currently through to a WTO option.
- 1.5. This paper quite deliberately looks at the potential impacts of an EU exit solely from the perspective of consumers and draws on some initial consumer focus group research carried out in February on behalf of FSS to establish an early indication of consumer preference and concerns.

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<sup>1</sup> Our Corporate Plan - April 2016 to March 2019, FSS 2016  
<http://www.foodstandards.gov.scot/sites/default/files/FSS%20Strategy%20Doc%20Final.pdf>

<sup>2</sup> <http://www.gov.scot/Resource/0051/00512073.pdf>

1.6. The Board is asked to:

- **Note** that the initial assessment of consumer opinion suggests a high level of satisfaction with current food safety and food standards requirements and very little appetite for change. That is not an argument for the status quo necessarily, but suggests a need for government to consider how best to prepare for consumer engagement on issues affecting the regulation of food.
- **Note** that it will be important for businesses to ensure there is an appropriate balance between opportunities to reduce burdens on business, but not at the expense of consumer acceptance and trust.
- **Note** the risks and issues set out on paragraphs 5.1 – 5.3.
- **Agree** that FSS will have a key role to play in ensuring that consumers' concerns and views are represented and considered as part of any proposals for change. In order to inform consumers fully on the issue and fulfil this role, FSS will need to engage with producers and retailers.

## 2. Background

2.1. Legal competence for food law is devolved to the Scottish Parliament by virtue of it not being a reserved matter specified in the Scotland Act 1998, as amended. However, the vast majority of food law originates from Europe and places obligations on member states to transpose EU Directives into domestic legislation, enact legislation for enforcement of directly applying EU regulations and to deliver official controls.

2.2. The scope of European food law covers 5 broad areas as follows:

### **2.2.1. Standards relating to the hygienic production of food**

These include the cleanliness and construction of establishments, the implementation of food safety management systems and restrictions on the use of certain treatments and processes.

### **2.2.2. Standards relating to food and food contact materials**

These include maximum levels for food additives and contaminants, restrictions on the use of certain food ingredients and compositional standards for certain foods and food contact materials.

### **2.2.3. Standards relating to the labelling and description of food**

These include details that require to be included on labels, the format of certain aspects of labelling, restrictions on claims that can be made about foods and a general prohibition on misleadingly describing food.

### **2.2.4. General obligations on food business operators relating to the conduct of businesses**

These include requirements to ensure that the traceability of food supplied to and from each establishment and to initiate product withdrawals, where non-compliant food has been placed on the market.

### **2.2.5. General obligations on member states regarding the delivery of official controls and the general approach to be taken by competent authorities in dealing with food that might pose a risk to consumers.**

These include general obligations on local and central government to establish risk-based programmes to monitor compliance and deal with non-compliance across the production and supply chain, from primary production and imports through to retail level.

- 2.3. Some or all of these obligations would, in effect, still apply to businesses in Scotland that were looking to export to Europe because we would need to satisfy standards that were at least equivalent to the those applicable in the EU.
- 2.4. Operating outside the current EU arrangements could change the application of food law in the above areas to a greater or lesser degree, depending on the terms agreed for the UK's future trading relationship with the EU upon its exit. If the final position removed all current EU obligations, the potential change could affect consumers in terms of products imported from countries outside the EU whose businesses operate under different rules and also the rules under which products could be produced for the domestic market.
- 2.5. This paper does not speculate on the potential drawbacks or benefits or any particular outcome. Its purpose is to draw together what is known at this early stage about consumers' views, preferences, aspirations and concerns across the areas of food regulation that could foreseeably be affected by Brexit. This information may be of value in advising government on the expected effect on consumers of any specific options under consideration in the coming months. It is also likely to be of use in identifying areas where more research might be required if consumer views are required in areas where there is insufficient evidence at present, or where the evidence is not robust.

## **3. Discussion**

- 3.1. The general regime of controls affecting consumers has been fairly stable and incremental over time. Since there would have been no rationale for seeking consumers' views on scenarios that could not exist within the EU single market, their views and preferences under different arrangements have not previously been sought. FSS has some insight into views and preferences where there has been change in recent years. For example during impact assessment for the EU Food Information to Consumers Regulation. There have also been specific issues raised on behalf of consumer interests, (such the petition considered by Scottish Parliament's Petitions Committee on the safety of the sweetener 'Aspartame').
- 3.2. Some issues that may be of importance to consumers, such as carcase treatments and animal growth hormones, may be technically complex and difficult to discuss with consumers until they are properly prepared through appropriate briefings or through the type of deliberative dialogue process used by Which?/Government Office for Science, which is described in paragraph 3.4 below. However, they are likely to be of interest to consumers and have been the subject of news articles recently and in the past<sup>3</sup>. By contrast, the principles enshrined in general European food law (as

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<sup>3</sup>Recent examples:

outlined in 2.2.5 above) provide fundamental consumer safeguards. The “precautionary principle” for example provides a basis for action by competent authorities to protect consumers where there is scientific uncertainty associated with a potential risk from a specific food or type of food. Other than in the context of the serious incident, these types of protection are unlikely to attract media or consumer interest or debate, as consumers have not tended to engage with them to the same extent. Establishing consumer views in areas such as these may therefore be associated with different challenges in terms of communicating the relevance of these issues, which are less tangible than those that apply more directly to product standards.

- 3.3. Published Analyses of scenarios under different trade terms relating to Brexit has centred on the overall economic consequences in terms of tariffs and fees paid by participating countries (for example<sup>4,5</sup>)
- 3.4. However, some consumer research unrelated to Brexit does provide some useful insight. In August 2015, Which? and the Government Office for Science (GOS) published a research paper *Public Dialogue on food system challenges and possible solutions* describing the findings of a joint deliberative research project<sup>6</sup>. This research was framed around the broad challenges facing food production – from obesity to security - but nevertheless looked at aspects of consumer attitudes and espoused behaviour that may be directly relevant to many of the issues and opportunities that might be associated with Brexit. In addition, in February 2016, the Food Standards Agency and FSS published findings<sup>7</sup> of research commissioned to add to the evidence base on UK consumers’ views in the context of forecast global population and supply chains.
- 3.5. Key themes from these sources that are likely to be of relevance to consideration of Brexit impacts on consumers could be summarised as:
  - 3.5.1. Price, quality and convenience needed to be balanced by consumers in terms of purchasing choice but price / value for money was identified as an overwhelming consideration, particularly for lower income households.
  - 3.5.2. An increased need for nutritious food to be affordable, and accessible and concern that price rises could create social division.
  - 3.5.3. Increasingly complex supply chains led to difficulty in making informed choices, and also to a social disconnection with food sources.
  - 3.5.4. Lack of trust in big business and in changes being driven by profit or market forces but more acceptance of change where there is a factor such as environmental protection.

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“Is chlorinated chicken about to hit our shelves after new US trade deal?” The Observer, 29<sup>th</sup> January 2017

“May is warned not to lower food standards” – The Herald, 26<sup>th</sup> January 2017

“Robertson warning over American fats” – Daily Record, 26<sup>th</sup> January 2017

<sup>4</sup> Life after Brexit, London School of Economics and Political science, February 2016

<http://cep.lse.ac.uk/pubs/download/brexit01.pdf>

<sup>5</sup> Brexit: What are the options?, BBC, 15 January 2017

<http://www.bbc.co.uk/news/uk-politics-37507129>

<sup>6</sup> <https://www.gov.uk/government/publications/food-system-challenges-public-dialogue>

<sup>7</sup> Our Food Future, February 2016. <https://www.food.gov.uk/sites/default/files/our-food-future-full-report.pdf>

- 3.5.5. A general preference for food production processes that are perceived as being ‘natural’ (i.e. minimum use of pesticides) and concern about the use of ‘chemicals’ such as poultry carcass treatments.
- 3.5.6. Concern about food waste.
- 3.5.7. A general sense of satisfaction with current food labelling arrangements.
- 3.5.8. A lack of awareness of other aspects of food regulation and the role of government in this regard. However, this is tempered by a general sense that food safety protections are in place.
- 3.5.9. Increasing interest in health and nutrition and concern about any long-term health effects associated with processed foods.
- 3.5.10. The importance of monitoring the long-term effects of food system changes in terms of food safety, impact on public health, impact on the sustainability of farming and food production; and other ethical considerations.
- 3.5.11. The need for effective independent oversight by a “consumer champion”.

The *Which? / GOS* research focused on potential solutions to the broad range of challenges facing the food system – from behavioural change through to different production processes and more technological developments. The table reproduced below from the *Which? / GOS* research report provides a useful assessment of the relative preferences of consumers in relation to some aspects of food production that may be associated with trade outside the terms of the EU single market.

	Predominately supported	Inclined to oppose, but mixed responses	Very unsure about
Reducing meat consumption	*Eat less meat Different cuts of meat	Eating insects Mechanically Separated Poultry	*Lab produced meat
Reducing waste	*Portion packs *Freshness sensors		*Irradiated wheat *Long-life bread
Supporting sustainable choices through new products / labelling	Sustainability labelling Product redesign- chickpea flour		
Farming more sustainably	*Precision agriculture Insects as animal feed	Biological controls Waste as animal feed Plant biotechnology	Meat biotechnology
Improving food safety	Roasting bags Rapid surface chilling	Lactic acid wash	Chlorine wash

Source and acknowledgement: *Food System Challenges - Public Dialogue on food system challenges and possible solutions.*, Which? and the Government Office for Science, 2015 (p 35).

#### 4. Summary of outcomes of FSS consumer focus groups in relation to issues potentially relevant to Brexit

- 4.1. FSS commissioned Kantar TNS to conduct six consumer focus groups (8 participants per group) in February 2017. Kantar TNS convened the focus groups, segmented based on age, life-stage and EU voting preference. The aims of this work were to gauge general consumer views on the food related threats and opportunities consumers are expecting as a result of Brexit. Given the breadth of the implications of Brexit on food, the research focused a selected a subset of three specific issues for more detailed discussion; labelling, regulation of production and new food technologies. In relation to each of these, the discussions explored:
- (i) how consumers view current arrangements,
  - (ii) what they want; and
  - (iii) the possibilities, post-Brexit.
- 4.2. Participants had low awareness of arrangements for regulation of production and the use of new food technologies. Engagement on the topic of unfamiliar technologies in particular, presented additional challenges in terms of the complexity of the issues involved. The outcomes of discussions on these topics were therefore significantly limited by the lack of awareness and understanding. However, some of the findings from the 2015 and 2016 reports referenced in paragraph 3.4 above provide additional evidence in these areas. Food labelling, by contrast, was general well understood by participants. One factor that could not be tested in this study is the strength of the case for specific types of change, because this will need to be developed once options have been identified as part of the negotiating process. Ideally, further consumer research should present the risks and benefits of options to consumer groups in a wider context than the safety and/or quality of the food alone.
- 4.3. The key findings from the focus groups are provided in Annex A. From this it appears that consumers' views on the current food landscape remain consistent with previous studies in terms of the importance of price and quality. The source of food was a less significant area of consideration, particularly beyond the Scottish context. Food safety and food production were areas that rarely emerged spontaneously in discussions. There is a general expectation that food is safe and that retailers would not sell unsafe food. *Eating healthily* was a consideration for most participants and was seen as an issue specific to Scotland, one that needed to be addressed as a country. However, the strength of this view needs to be treated with caution, since it could have been influenced by the time of year when the sessions were held.
- 4.4. In terms of consumer views about potential of post-Brexit issues, the key finding appears to be the general satisfaction with current arrangements and the lack of ready acceptance of the benefits of change. Taken together with the 2015 and 2016 research referenced above, it is apparent that consumer concerns heightened when they were prompted to think about the need for change towards the possibility of new food technologies and production methods. Aligned with this is a need on the part of consumers, for reliable evidence-based advice and

guidance on issues that are challenging to understand and for reassurance that there will be official and impartial scrutiny ahead of any such change.

- 4.5. The key risks in terms of food production and standards related to the potential for Brexit to allow a reduction in regulation or a change that would imply a less safe food landscape. At the very least the expectation was that regulation of food production would stay the same and the idea of reducing standards was deeply unpopular across all groups. Opening the possibility of permitting imports from other countries (non EU) that operated to different or lower standards was also identified as a risk and, for a minority, was worrying. The possible future scenario of a two-tier system of regulations would represent a net reduction in standards and regulations and was anathema to all. Overall there was a strong desire to see absolutely no reduction in regulation or standards in the UK when it leaves the EU. Changing standards was viewed as disruptive and costly to businesses, whilst putting public health at risk.

## 5. Identification of risks and issues

- 5.1. Protecting consumers' interests in relation to Brexit may have far-reaching implications for the re-prioritisation of work within FSS. We currently have an ambitious work programme over the next two years, to meet the visions set out in our strategic plan<sup>8</sup>. Whilst it is too soon to have clarity about the detail of the work involved, exiting the EU on potential UK Government terms, is expected to require considerable focus on drafting of equivalent legislation and development of a national infrastructure to replace institutions such as the European Food Safety Authority. Depending on the final agreement on trade arrangements with the EU, there may also be requirements to increase the provision of border checking facilities for imported food. Clearly there will need to be considerable discussion between the UK and devolved Governments about how arrangements will work in future, and what work needs to be done and by whom, to prepare for that. We estimate that around 90% of all our legislation is EU legislation.
- 5.2. Processes are at too early a stage for the FSS Executive to advise on resource implications. However, it is appropriate to advise the Board that it is expected that in the absence of additional resources being made available, existing programs of work may have to be re-prioritised against advice required by Ministers and government departments to assist with securing the best possible outcome for consumers during negotiations and for putting in place the legislative and administrative arrangements to give effect to the agreed terms of trade and consumer protection following Brexit.
- 5.3. In terms of consumer views about potential of post-Brexit issues, the lack of ready acceptance of the benefits of change may be significant for FSS. There may be a key distinction between the acceptability of change driven by a need to protect the environment and change driven by trade imperatives. However, to better understand consumer views on acceptability, it would be necessary to provide fuller prior briefing to consumers on any technical food and health issues and also on the wider rationale around the drivers for any specific change. The accelerated

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<sup>8</sup> Shaping Scotland's Food Future - Our Strategy to 2021, FSS, August 2016  
<http://www.foodstandards.gov.scot/sites/default/files/FSS%20Strategy%20Doc%20Final.pdf>

pace of change that could be required in some aspects of the imported food landscape under alternative trade agreements could add to the challenges for FSS in providing evidence-based information and advice to consumers in an accessible format. FSS will have a key role to play in ensuring that consumers' concerns and views are represented and considered as part of any proposals for change. In order to inform consumers fully on the issue and fulfil this role, FSS will need to engage with producers and retailers.

## 6. Conclusion/Recommendations

6.1. The Board is asked to:

6.2. **Note** that the initial assessment of consumer opinion suggests a high level of satisfaction with current food safety and food standards requirements and very little appetite for change. That is not an argument for the status quo necessarily, but suggests a need for government to consider how best to prepare for consumer engagement on issues affecting the regulation of food.

6.3. **Note** that it will be important for businesses to ensure there is an appropriate balance between opportunities to reduce burdens on business, but not at the expense of consumer acceptance and trust.

6.4. **Note** the risks and issues set out on paragraphs 5.1 – 5.3.

6.5. **Agree** that FSS will have a key role to play in ensuring that consumers' concerns and views are represented and considered as part of any proposals for change. In order to inform consumers fully on the issue and fulfil this role, FSS will need to engage with producers and retailers.

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## Annex A

### Annex A: Key initial analysis of key findings from Kantar TNS Brexit and Food in Scotland consumer research

Kantar TNS convened six focus groups (each with 8 participants) in Edinburgh, Aberdeen and Glasgow over 1<sup>st</sup>-2<sup>nd</sup> February 2017, segmented based on age and life-stage [*pre-family, family and empty-nesters*] and on EU voting preference [*Leave, Remain*].

#### Objectives

The objective of this research was to improve understanding of consumer views on issues that may be relevant to Brexit. Participants were not aware in advance that the issues under discussion during the early parts of each focus group session, were related to Brexit so that these issues could, as far as possible, be discussed on their own merits. The specific areas of enquiry centred around the following questions:

1. What is currently on the minds of consumers in relation to food?
2. What do participants think about current food labelling requirements and what would they ideally want from labelling? If there is potential for labelling requirements to change, what would participants want to change or preserve.
3. What do participants think about current arrangements for regulation of food production and the potential for use of new technologies in the production of food? If there is potential for change to regulatory requirements for food production or for the application of new technologies, what would participants want to change or preserve?
4. What does FSS need to consider post-Brexit in relation to food generally and in particular labelling, regulation of food production and the application of new food technologies?

#### Findings

The remainder of this Annex provides a summary of the key findings from the focus group discussions

##### 1. Introduction to Scotland's consumers top line relationships with food

Participants made a number of *top of mind* associations with the food they eat and buy.

Achieving **value for money** and consuming **good quality food** was somewhat of a balancing act. Pre-Family and Family groups in particular were price-conscious but aware that the cheapest option may compromise quality and taste. At times of the pay-cycle when finances were under pressure quality may need to be sacrificed in favour of affordability. Some participants perceived prices already rising pre-Brexit. Empty-Nesters and some higher socio-economic group families were more mixed in their views in this area, some preferring to pay more for better quality food. A desire to minimise food waste was contextualised in the price related discussion and most expressed the intention not to waste food whilst admitting that sometimes this was unavoidable.

Defining quality was challenging. Often the retailer and presentation of food played a key role in this – perceived levels of quality in supermarkets denoted by 'value' range, 'mid-range' and 'special' range and priced correspondingly. There was an assumption – particularly Family and Empty Nester groups (older participants) that independent retailers offered better quality e.g. Butcher, market, fishmonger. Taste of food was linked to quality by some but others questioned whether this was perception rather than reality.

**Eating healthily** was a consideration for most participants and was viewed as an issue specific to Scotland, one that needed to be addressed as a country. Younger participants were often health conscious or ate specialist diets and felt that vegetarianism, veganism etc. was relatively common within their peer group. Family groups aimed to provide healthy food for their children but stated that this was not always simple to achieve. Children could be fussy eaters, refuse vegetables or time-pressure and the need for convenience could sometimes over-ride the desire to provide a healthy option. Empty Nesters were aware

of their own health and the need to attempt to live healthier lives, particularly if they had conditions that could be affected by their diets e.g. type 2 Diabetes. Food information and labelling was used to inform decisions based on healthier choices. There were indications that health was particularly top of mind for many due to time of year and desire to eat better and generally be more healthy. However, it could not be concluded from this research that this is a long term mind-set.

**The source of food** was a much less significant area of consideration and was most often referred to in the 'Scottish' context, rather than internationally. For some participants who valued quality over price, buying from a local producer signified higher quality, better taste, fresher produce, providing support for the local economy and demonstrating an interest in Scotland. This area may best be described as 'nice to have' rather than essential but some participants claimed to favour Scottish produce over others.

There was little to suggest that country of origin was scrutinised or widely considered by participants in the sample. There was however a negative association with countries that were perceived to be less well developed and / or regulated and in particular newer entrants to the EU were mentioned, and some concern was expressed around food from Eastern Asian countries. Linked to this were recollections of the horse-meat issue and it should be noted that this was the only context in which authenticity was referenced.

**Food safety and food production** were areas that rarely emerged spontaneously in discussions and it would appear that food safety is not an issue that participants consciously consider. Participants had confidence in the retailers who are selling food and believe that supermarkets would not be permitted to sell unsafe food. They therefore assume that the food they purchase and consume is safe and also perceived the supply chain to be regulated, but were not aware of exactly how this operated.

Instructions for the safe preparation and storage of food played a minor role in providing guidance in this area. The one aspect of food consumption where safety was more of an issue was when participants were eating out of home. The perception was that most establishments would provide safe food, but this perception could often be based on the outward appearance of the premises and staff rather than being based on factual research or evidence. The fact that every group needed to be prompted to discuss food safety led the researchers to conclude that this is an area that participants do not instinctively engage with.

Similarly, food production yielded a limited discussion primarily due to the fact that participants did not ordinarily consider how their food was produced. The principal example relating to this area was related to how poultry and eggs are labelled and the confusion around free-range. Some participants perceived that this was an area that lacked clarity and referred to media stories regarding poor welfare of poultry that was labelled as free-range.

## 2. Food information and labelling now and post-Brexit

Participants claimed that they were accessing food labelling and information. All groups could discuss to some extent the types of information they were using, suggesting that there is a degree of familiarity with labels and information on food packaging. *Use by* and *Best Before* dates are highly recognisable and were used by all at some point. These dates were used mostly for meat, fish, dairy and bread and signified a number of things to participants. In particular: freshness, safety and value for money (in the context of aiming for longest use by dates available to minimise food waste)

The ability to judge food oneself by look and smell was being used as a method for ascertaining safety and freshness by some participants. There was also low level dissent relating to dates on foods as a minority questioned how accurate these are and whether they are used by retailers to encourage more frequent purchases.

**Nutritional colour-coded labels** were also reported to be widely used. In particular, these were useful for more health conscious participants and for some families who would place greater emphasis on nutritional information for food their children would be eating. Calorie content was useful to participants trying to

maintain or lose weight. Sugar, salt and fat were useful indicators for families and others who were trying to achieve a balanced or healthy diet and for participants who had specific health related dietary requirements e.g. Diabetes, salt intake. Colour coded front of pack labelling (FoP) was reported as particularly useful for on-the-go food like sandwiches to compare and judge healthiness.

The overall view was that colour coded FoP information was useful and relatively easy to understand. It was regarded as quite new information, but seemed to be building familiarity. However, awareness was not universal with some older participants purporting to be unfamiliar with the system. Colour coding also seemed to be straightforward to understand. There was some criticism of the numerical calculations insofar as some participants questioned whether they accurately reflected the individuality of the population and others expressing frustration at the 'portioning' of information as opposed to, for example, whole pack information. There was also some confusion around numerical calculations when not paired with corresponding colour.

Cooking instructions were considered important from a safety perspective. Allergen information was used by those for whom it was necessary, however all participants perceived this as a vital piece of information to include even if not relevant to them.

Detailed ingredients were used infrequently or not at all. Meat or fat percentages were used by some as an indicator of healthiness, quality or value for money.

Information around source and country of origin was considered less clear and consistent.

Indications of Scottish provenance were popular, as was additional information about the region of Scotland. However this was a 'nice to have' rather than a necessity. There seemed to be an assumption that fruit in particular will originate outside the UK and this was not a major consideration when purchasing.

In summary, food information was well used and liked by participants who felt that it was helpful in determining safety, healthiness and quality. In particular the *standardisation of information* was highly valued by participants due to their ability to quickly find the information they require. There was a strong sense of familiarity with food information and labelling and standardised information presented in a consistent format was both reassuring for participants and made comparison of products easier. Current standardisation of labelling was seen as denoting that this is an official 'system', providing evidence that the food has been tested or assessed and engendering trust that the food has been produced according to an official system.

Participants had great difficulty in identifying opportunities for labelling and information in post-Brexit Scotland. The general perception was that consumer needs were currently being met by labelling in its current format. The possibility of better reflecting the needs of Scotland's consumers was not seen as motivating enough to warrant changing the current format or content of food information. Indeed, participants questioned whether the needs of Scotland's consumers were really any different from those of the rest of the UK or Europe in terms of desiring safe food and the ability to understand the nutritional content of their diet.

Generation of opportunities for change was therefore very limited. Young participants suggested that more emphasis could be placed on the particular food in the context of eating a healthy and balanced diet. They felt that achieving a healthy diet was an important aim for Scotland's population. They also suggested that labels could attempt to demonstrate longer-term health impact of certain foods.

Other potential suggestions related to the production process included:

- Indicating when the food had been picked or slaughtered and then packaged, to provide a 'freshness indicator'
- Increased incidence / prominence of country of origin information, particularly if the food was Scottish or British which appealed to some participants' (mainly older) sense of national pride in self-identifying as either Scottish or British.

- Greater incidence / prominence being given to largely unfamiliar symbols such as Red Tractor / MSC Fisheries Standard. There were low levels of awareness or mentions of this type of information and there could be an opportunity for greater awareness-building of what the symbols actually signify.

If labels were to change the consensus was to aim for greater standardisation rather than greater diversity, including standardised formats across all retailers, greater simplification of layout and more information on pack fronts rather than back of pack.

The overall desire was for a continuation of the current labelling and information standard in post-Brexit Scotland and there were no discernible differences of views from Remainers or Leavers in the context of labelling and information. Participants suggested that they imagined much informed work had already been completed to get labels and information to where they currently are and that this was a sign of progress in the food industry. Introducing different labels, and in the worst case scenario reducing the amount of information, was considered a regressive step.

The proposition for a domestic label and an international / export label was roundly rejected for the following reasons:

- It would be too confusing to introduce an additional label.
- Current labels are working well.
- Participants are becoming more and more familiar with current labels.
- This would be likely to cost businesses to do this and would therefore push food prices upwards.

### **3. Regulation of food production now and post-Brexit**

Unlike the labelling discussion, which was well-informed due to participants' regular interaction with labels and food information, the discussion around the regulation of food production was based on much lower levels of knowledge and understanding of the current situation in the UK. There was very limited awareness of what was involved in regulation, or indeed who was responsible for this in the UK. However it is worth noting that participants generally felt that they were well protected in relation to food production.

Participants based their sense of feeling protected on an assumption that 'lots of work must go on behind the scenes' and that this would be of a high standard. This was seen as part of living in 21<sup>st</sup> century **UK** – a well regulated and safe country. This sense of security and protection was not spontaneously associated with being an EU member. Additionally, the perceived low incidence of issues was taken by participants as an indicator that regulations are currently in place and fit for purpose. Confidence was also inferred by participants where firms involved are based in the UK, which was seen as reflecting the scrupulous culture of this country (which participants contrasted with their perceptions of other countries).

Participants could relate to regulation in terms of hygiene inspections in restaurants, cafes and take-aways and in infrequent incidents covered in the media, product recalls and historically horse meat and vCJD. During further consideration some participants were able to articulate some specific examples of how they felt protected by the regulation of food production. However, much of this discussion seemed to be based on assumption and at times came from a small subset of more informed participants, of different ages, who were more engaged with food issues in general. Protective measures identified included:

- Company procedures e.g. hairnets and avoiding cross contamination.
- Inspections of farms, slaughterhouses, factories and out of home eating establishments.
- A presumption that every stage of the production process from farms to out-of-home eating establishments was inspected and regulated, often with businesses themselves needing to perform their own checks and balances.

Whilst the confidence in UK food businesses appeared to be sound, the checks above were considered necessary to ensure compliance and safety and were seen as enabling:

- Traceability of meat and poultry.
- Recourse and apportionment of blame for any issues uncovered that affect participants.
- Closure of non-compliant businesses.

In the context of the UK's relationship with the EU, the general consensus was that the UK will have very high, or even the highest, standards in the EU. Participants, who had perhaps consumed recent media coverage of USA regulations, were also of the opinion that the UK had more stringent regulations than America and some expressed concerns around relaxing regulation to facilitate trade with the USA.

However, non-compliance with regulations was also assumed in respect of other countries, including newer members of the EU and participants questioned whether all countries in the EU had the resource and / or desire to adequately enforce regulations. It is worth noting that this view was expressed in sessions with both Remainers and Leavers.

In this context leaving the EU presented a number of potential opportunities and risks. The key opportunity identified was for the UK to continue to operate to its current high standards. Some, mostly Leavers, felt that this would actually represent potential differentiation for the UK as they assumed that UK businesses were already exceeding EU regulatory requirements and that this could potentially help the UK on the international stage. A minority of participants regarded leaving the EU as an opportunity to increase regulations in the UK in order to establish an 'ultra-high' standard that would set the UK apart from European countries and potentially increase trade. However others countered this with the potential cost to businesses. Participants recognised that leaving the EU could also provide the opportunity to review current regulatory standards and ensure that they were fit for purpose.

The key risks identified were related to the potential for Brexit to allow a reduction in regulation or a change that would imply a less safe food landscape. At the very least the expectation was that regulation of food production would stay the same and the idea of reducing standards was deeply unpopular across all groups. Opening the possibility of permitting imports from other countries (non EU) that operated to different or lower standards was also identified as a risk and for a minority of participants was worrying e.g. USA, China, South America.

The possible future scenario of a two-tier system of regulations for domestic and export markets was anathema to all, which would represent a net reduction in standards and regulations. Although domestic food may be cheaper, the implication of a two-tier system for participants was that food would be less safe and of a lower quality. For some, particularly but not exclusively Remainers, the notion of sending the UK's 'best' produce overseas and retaining the 'less good' produce for domestic consumption provoked strong negative reactions. Some suggested that, if anything, the UK should do the opposite. Learning that two-tier systems operated in some countries around the world was genuinely surprising and provoked a negative response towards countries that were doing this.

There were numerous negatives associated with a two-tier system including:

- Risks to public health, where cheaper food was not seen as worth the implied risk.
- Under the current system it is still possible to eat cheap and 'safe' food e.g. Supermarket *Basics* ranges.
- More deprived parts of the population may be forced to eat less well regulated food if they cannot afford the 'export standard' food.

A two-tier approach was seen as contrary to an objective of improving nation's health / diet, which could:

- Encourage businesses to cut corners
- Devalue regulation of food production
- Would be difficult to monitor and harder to enforce.
- Would add another layer of bureaucracy

Overall there was a strong desire to see absolutely no reduction in regulation or standards in the UK when it leaves the EU. Changing standards was seen as disruptive and costly to businesses, whilst putting the nation's health at risk.

#### 4. New technology and food production now and post-Brexit

This topic area was also discussed with relatively low levels of spontaneous or unprompted awareness of the current situation as a member of the EU. Older and more food-engaged participants were slightly more informed than others but levels of awareness of technology and methods of production were limited. In some groups one or two more informed members provided the majority of the initial, unprompted feedback. This section of the discussion more than any other, resulted in participants wishing to defer to the 'experts' or 'authorities' and for some, providing comment was challenging. This highlights the need to consider establishing a greater level of knowledge and awareness around food production technology and the implications for the public. There was, for instance, uncertainty around whether GM food is available currently in Scotland

Participants mentioned a number of areas that they thought might be relevant to the discussion:

- Mass production of tomatoes in Spain under tents / hydroponic production
- Growing Scottish strawberries in poly-tunnels
- Hybrid varieties
- Production of 'fatless' steaks
- Artificial meat – meat grown in a lab

Groups were prompted with: GM, cloning and intensive farming / pesticides / herbicides. However, even with prompting most participants felt challenged in terms of commenting meaningfully and were uncertain about the extent to which specific technologies were restricted.

Some participants identified the key concerns as long-term and unknown health risks (e.g. Cancer), environmental and eco-system impact, animal welfare and increased antibiotic resistance in humans

Some potential advantages of new technologies were mentioned, including; increased food production to alleviate hunger internationally, cheaper mass produced food and the potential to preserve parts of the environment or 'at risk' species of fruit / vegetables. These relatively broad advantages and risks and were based on either assumptions or limited information that had been gleaned from media coverage or through word of mouth.

Leaving the EU and not being subject to the same restrictions/ scrutiny of some of the technology discussed was, in general, worrying for participants. This was due in part to their lack of knowledge but also potentially to fear of changing a system that, as far as they were aware, was working. Some participants struggled with the prospect of permitting technologies that were currently restricted based on the assumption that they had been restricted for sound reasons. In the context of international trade post-Brexit, there were some concerns expressed about the methods of production that may be employed by other nations including USA and China. Overall a reduction of restrictions was taken, on initial consideration, to signify a reduction in standards. There was also some concern expressed about the potential for this to open the door for big business to lobby the UK government.

When presented with a potential scenario of importing goods from markets which use currently restricted methods, participants tended to want to defer the decision making and discussion to government. They expected there to be research performed into the safety of these methods.

Participants considered that this research needs to be robust and reliable, with the public's (not business's) interests at its core. There was, amongst some younger participants and some Leavers, a certain openness to exploring technology in food production on the basis that technological advances often signify progress and could have advantages, including greater and cheaper access to food. There was an assumption that any change to the way the UK's food is produced would be clearly labelled on packs and would be heavily

publicised to ensure the public is sufficiently informed of the changes. Overall there was little to suggest, given limited information and time in the session, that the general public felt able to contribute to the decision making process

## **5. Implications for Food Standards Scotland**

The other key issue that was identified relating to leaving the EU was price and availability and the uncertainty around this in relation to trading with countries after exiting. This was not regarded as an issue specifically for FSS but one that was a concern. It would appear that this, along with the other issues discussed, was not something that was 'top of mind' during the referendum campaign nor when the participants were casting their votes. The researchers identified a preference, on balance, for regulation and labelling to remain as close to the current situation as possible. There was potentially more scope for change to restrictions in technology but only following rigorous research and investigation. Participants felt that knowing that there is an organisation responsible for food in Scotland is reassuring but that participants were not always aware of FSS's role. Some participants felt that they wanted to hear more, publicly, about what FSS does in relation to the issues discussed and that clearer communication and greater visibility would help.

Participants expect FSS to keep the public informed about the implications of leaving the EU as FSS are the experts in relation to food. This was brought into particular focus when participants realised that they did not have a comprehensive knowledge base of how food is regulated. They expected FSS (and FSA) to work closely with the Scottish and UK Governments to ensure that the public is protected after leaving the EU. They also saw a potential opportunity to focus more closely on the health of the nation by placing more restrictions on things like hidden sugars in food and there appeared to be some desire to address the issue of Scotland's diet.