

## CHIEF EXECUTIVE'S REPORT

### 1 Chief Executive's engagements

1.1 Since the Board meeting in May 2018, the Board will be aware that Ms Jeanne Freeman has been appointed as the new Cabinet Secretary for Health and Sport and Mr Joe FitzPatrick, is appointed as the Minister for Public Health and Sport. Geoff and Ross intend to meet with them soon after the summer parliamentary recess has ended.

1.2 On the 23<sup>rd</sup> May 2018, Ross chaired and Elspeth MacDonald, Deputy Chief Executive and I attended a Brexit Roundtable discussion "Regulatory challenges of getting product to market" meeting which was hosted by Scottish Government. Michael Russell, Minister for UK Negotiations on Scotland's Place in Europe and Professor Russel Griggs, Chair of the Regulatory Review Group also attended and talked at the event. The minutes of this meeting are available [here](#).

1.3 In May and June 2018, I attended the Convention of Scottish Local Authorities (COSLA) & Scottish Government (SG) Public Health Reform Programme Board meetings. The board is responsible for ensuring the Public Health Reform programme and its related projects achieve the required outcomes. The programme board is made up of representatives from national and local government, NHS Scotland, SG Health and Social Care and Community Planning, third sector and public health experts. The board will oversee the delivery of the public health reform programme reporting to Scottish Ministers and COSLA leaders. The programme board papers are available [here](#).

1.5 Towards the end of June 2018, the Chair and I accompanied by members of the Food Standards Scotland (FSS) senior management team attended the Royal Highland Show. Over the course of two days we engaged with representatives from Quality Meat Scotland; ASDA; Aldi; Tesco; James Hutton Institute; M&S; Scottish Society for the Prevention of Cruelty to Animals; Scotbeef; Scotland's Rural College; Animal and Plant Health Agency and Moredun. I visited the UK Government stand to listen to speeches by the Secretary of State for Scotland, David Mundell and Michael Gove, Secretary of State for Environment, Food and Rural Affairs. They gave some assurance that there will be opportunities which Scotland will be able to take advantage of once the UK leaves the European Union but in the context of continuing uncertainty about the future relationship with the EU, the executive continues to monitor and assess the implications of Brexit for consumers and industry in relation to food, as we have set out in papers to the Board since the 2016 referendum.

1.6 On the 9<sup>th</sup> of July 2018, Elspeth MacDonald and I met Jason Feeney Chief Executive and Rod Ainsworth, Director of Regulatory and Legal Strategy from the Food Standards Agency to talk about our mutual interests and organisational priorities on Brexit. It was agreed that given the increasing focus on operational readiness there was advantage in now establishing more frequent meetings to discuss operational preparedness for Brexit, although we will of course continue to work closely with SG officials.

### 2 Deputy Chief Executive's engagements

2.1 At the beginning of June 2018, Elspeth met with Leslie Evans, the SG Permanent Secretary as part of a women's leadership development programme.

2.2 In July 2018, Elspeth, Ian McWatt, Director of Operations and Bill Adamson, Head of Regulatory Policy, met with the Scotch Whisky Association at Livingston to undertake a tour of a bottling plant and to discuss a number of topics of mutual interest.

### **3 Sheriff's Judgment on South Lanarkshire Council vs Errington Cheese Ltd**

3.1 On the 5<sup>th</sup> July 2018, the sheriff's judgment was published of the South Lanarkshire Council vs Errington Cheese Ltd (ECL) court case. At this stage, South Lanarkshire Council are considering their response to the judgment. While we are content that some cheeses produced by ECL at the time of the outbreak were judged unfit for human consumption, we are disappointed that this did not include all of the cheese involved in the proceedings. We are studying the judgment fully and are working with SLC and SG Legal Department to decide on the next steps. Therefore, it is not appropriate to make any further comments.

### **4 Food Standards Scotland and Food Standards Agency UK-wide Review of Meat Cutting Plants and Cold Stores**

4.1 Phase one of the review focussed on assessing the current state of arrangements in this sector of the industry (such as regulation, guidance, audits and interventions and industry support) was completed on 7<sup>th</sup> June 2018. The joint review has moved onto phase two, which involves validation of the findings from phase one, exploring the implications these have for food businesses and working with the sector to identify and assess options for improvement, develop recommendations and prepare an implementation delivery plan.

4.2 We will continue engagement with stakeholders including six one-day stakeholder workshops being held across the UK from 31<sup>st</sup> July to 16<sup>th</sup> August 2018, to help us identify appropriate and proportionate recommendations. One of these workshops is to take place in Edinburgh on 14<sup>th</sup> August 2018. A final report and recommendations will be presented to FSS and FSA boards for their consideration in October 2018.

### **5 Codex Alimentarius**

5.1 At the end of May 2018, myself and Ian and FSS staff attended the Codex Alimentarius<sup>1</sup> Committee on Food Import and Export Inspection and Certification (CCFICS) working group meeting in Edinburgh. This was a jointly hosted event with FSA as part of the UK's contribution to the work of Codex.

5.2 Codex is a collection of internationally recognised standards, codes of practice, guidelines and other recommendations relating to foods, food production and food safety. The Codex Alimentarius Commission is an international body whose main goals are to protect the health of consumers and ensure fair practices in international food trade. More than 60 delegates from 30 countries attended the meeting including representation from Mexico, USA, New Zealand, Australia and the European Union including Belgium, the Netherlands, France, Spain and Ireland. The previous Minister for Public Health (and now Cabinet Secretary) Aileen Campbell also gave a speech at the evening reception which was very well received.

5.3 The purpose of the meeting was to discuss systems equivalence of country imports and exports and third-party accreditation. If countries can mutually recognise systems, it saves on allocation of resources. Good progress was made at the meeting on work to update two important areas of draft guidance ahead of the next meeting in Brisbane, Australia in October 2018. Overall, the feedback was very positive and hosting in Edinburgh was clearly a success.

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<sup>1</sup> Alimentarius is Latin for "Food Code".

## **6 Animal Feed**

6.1 The Invitation to Tender for Animal Feed Service Delivery was published on the Public Contracts Scotland website on 6<sup>th</sup> August 2018 and is open for a period of 6 weeks. The Invitation to Tender is available to local authorities and commercial suppliers.

## **7 Communications and Marketing**

### **7.1 #NoToUpsizing Marketing Campaign**

7.1.1 The FSS Diet and Nutrition marketing campaign #NoToUpsizing focussed on the issue of upsizing: going large; adding sides and extras; going for bigger portions – and the consequent additional, and often unintended calories we consume as a result. The campaign ran across TV, online and digital outdoor posters, supported by field marketing, public relations, social media and partnership marketing. The target audience is primarily 16-24 year old women in lower socio-economic groups, who are being directed towards our campaign website pages and a new interactive digital game.

7.1.2 Elspeth was interviewed on Scottish Television's (STV) Live at Five programme on the 20<sup>th</sup> June 2018 and she highlighted the impact upsizing can have on our waistlines. Wider coverage of the campaign has continued beyond, with newspaper articles in The Courier on the 7th July 2018 and The Press and Journal on the 14th July 2018. There is also an on-going partnership with Young Scot to claim a reusable FSS branded coffee cup.

7.1.3 The campaign landing page has had 14,199 page views to date, while the online game has been viewed 14,374 times.

7.1.4 The campaign ended on 30<sup>th</sup> of June 2018 and the campaign evaluation field work is complete. Top line results have revealed:

- 45% awareness of the campaign amongst the target audience
- Number of people more conscious of upsizing up by a third
- 68% say no to upsizing more often as a result of the campaign

### **7.2 Award Nomination for the 2017 FSS Summer Food Safety Campaign**

7.2.1 The FSS Summer 2017 Food Safety campaign – 'Pink Chicken' has been shortlisted at the Chartered Institute of Public Relations Pride Awards in the best use of social media category. We are keeping our fingers crossed for success in this category and the winner will be announced in October 2018.

### **7.3 Food in Scotland Consumer Tracking Survey – Wave 6**

7.3.1 The field work for wave 6 of the Food in Scotland Diet and Nutrition Consumer Tracking Survey focussed tracking survey is complete. Top-line results have revealed:

- 63% awareness of FSS, up 4% from wave 5.
- Amongst those aware, 81% trust FSS to do its job. Up 3% from wave 5.

7.3.2 A presentation of the results of wave 6 by our independent research agency Kantar TNS is scheduled for 29<sup>th</sup> August 2018.

## 8 Food Law Code of Practice (Scotland) Review 2018

8.1 A [consultation](#) on the proposed changes to the Food Law Code of Practice (Scotland) (“the Code”) opened on 29<sup>th</sup> June 2018, and will run until 21<sup>st</sup> September 2018.

8.2 The main categories of change to the Code are:

- Changes to reflect updates to legislation and practice since the last Code publication in 2015.
- Alignment with FSS Regulatory Strategy.
- Amendments to reflect FSS Strategy to 2021 and the Scottish Government’s approach to Better Regulation as set out in the Scottish Regulators’ Strategic Code of Practice.
- To reflect the creation of the Scottish Food Crime and Incidents Unit (SFCIU).
- To reflect the introduction of the Scottish National Database (SND) and to update the requirements of information to be supplied to FSS.
- To update the responsibilities of the Lead Food Officer to reflect the aforementioned points.

8.3 This update will prepare the Code for future planned updates in 2019 and 2020 to include a new Food Law Performance Rating System and any changes that may be required as a result of the UK exit from the European Union.

## 9 FSS issues warning on the dangers of DNP

9.1 The FSS Scottish Food Crime and Incidents Unit (SFCIU) has seized a quantity of powder believed to be the potentially deadly substance DNP. DNP or 2,4-Dinitrophenol, is an industrial chemical that has become popular amongst some people wanting to lose weight rapidly, including body builders and people with eating disorders. DNP is usually sold online or via social media, as tablets or capsules. It’s highly dangerous and not something which should be consumed. DNP is poisonous to humans and can lead to severe health problems, including blindness, high body temperature and even death. It is illegal to sell for human consumption and doing so could lead to a criminal prosecution.

9.2 The media coverage of this story required careful handling as we wanted to raise awareness of the dangers of DNP and encourage people to use the Scottish Food Crime Hotline if they have intelligence or concerns about food crime. However, we also needed to ensure that we didn’t jeopardise any future legal action. The combined efforts by the SFCIU and the Communications and Marketing teams ensured we received extensive media coverage to highlight the dangers of DNP, while protecting the integrity of the on-going investigation.

## 10 Brexit

10.1 Brexit increasingly takes up a significant amount of resource, and we expect this to accelerate again into the autumn. The regulatory policy team is working closely with Scottish Government and with Defra, Department of Health and Social Care and Food Standards Agency on developing the detail of the ‘fixing’ legislation. Attention is also focusing much more on operational readiness, and whilst the UKG has now published the White Paper setting out its ambitions for the future relationship, there has been public

debate about the need also to plan for no deal being reached, and it is important that we are working to ensure we are prepared for whatever outcome is reached in the negotiations. There are implications for consumers, food businesses and for regulators, and the continuing uncertainty mean that planning is more complex, as we remain unclear on the future relationship. Non-tariff barriers – such as regulatory requirements – are highly relevant in relation to the food supply chain, so we are working closely with colleagues across governments to ensure that all relevant issues are being considered. Of greatest concern is the tariff issues on imports which may delay perishable products and in turn lead to food safety risks.

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14<sup>th</sup> August 2018