

CHIEF EXECUTIVE'S REPORT

1 Chief Executive's engagements

- 1.1 Since the Board meeting in August, I have met with a wide range of key stakeholders and government officials including the Royal Environmental Health Institute of Scotland Scottish Association of Meat Wholesalers, British Retail Consortium, Chief Medical Officer for Scotland to discuss areas of mutual interest. The Chair and I held a first official introductory meeting with the Minister for Public Health and Sport, Aileen Campbell. I attended two meetings of the Cross Party Food Group at the Scottish Parliament which has now been re-established. I also attended the FSA's Parliamentary reception.
- 1.2 In September, I attended the 'Annex 5' Code of Practice pilot launch which was organised by officials from the FSS Enforcement team and representatives from all 32 local authorities from across Scotland were in attendance. Annex 5 refers to the section of the Code of Practice that guides local authority enforcement of food law. FSS is running a pilot scheme that is changing the way local authorities (LAs) risk rate businesses and assess compliance that brings together food hygiene and food standards. It is positive to note that 10 LA's have agreed to participate in the pilot and make adjustments which are promising and their support is appreciated. This pilot addresses issues raised by the Scudamore Report (which the board is considering today) as well as the Board's decisions on the principles for Official Control Delivery agreed at the June and August meetings.
- 1.3 I have also had a meeting with Nina Purcell, Food Standards Agency (FSA) Director for Wales to discuss the Regulating our Future programme which is also reviewing delivery of Official controls. Whilst there are clear overlaps and synergies with regulatory strategy, delivery of official controls and developing an effective, sustainable regulatory oversight system of controls, we recognise that we cannot work in isolation and both FSS and FSA agreed we need to work together to ensure we don't duplicate and to identify areas where we can support and align with each other's proposals. Certainly, an area of priority for us is the development of the use of third party accreditation and how that might work in practice as part of our regulatory oversight.
- 1.4 I attended the Convention of Scottish Local Authorities (COSLA) awards alongside the Chair, Deputy Chair and the Director of Operations, who gave a speech and presented the award for the "Tackling Inequalities and Improving Health" category.

2 Diet and Nutrition

- 2.1 In October, myself, alongside the Director of Policy and Evidence and Head of Nutrition, Science and Policy met with Public Health England (PHE) to discuss the UK Government's (UKG) Child Obesity Plan (COP) and to find out more about their plans with regards to reformulation. It was re-assuring to note from our discussion that their plans for monitoring and controlling the delivery of the 20% reduction in sugar are rigorous. The focus is not just on sugar reduction by product, but also overall sugar reduction by volume so manufacturers and retailers don't move sugar content between products. From suggesting a "baseline level" for businesses to aim for, I was somewhat reassured and convinced by their approach. We discussed and agreed that there are areas where FSS can lead and we also established that a form of agreement between both organisations should be set up to ensure that we work effectively in partnership

going forward. I also wrote to out of home (OOH) retailers and we have initially targeted our approach based on market share and types of products sold. Peter Midgley and I have met with McDonalds where we had a very useful discussions and we have other meetings planned with OOH retailers such as Greggs. I am also talking to retailers again following the announcements from the COP and how we might take forward specific Scottish initiatives.

3 Post European Union Referendum

- 3.1 In our capacity as an office of the Scottish Administration, with policy responsibility for food and feed safety and standards law in Scotland, we have been asked to contribute to the Scottish Government (SG) wide Post EU referendum work. Either the Deputy Chief Executive or I continue on the FSA steering group established to consider BREXIT implications.
- 3.2 We have contributed to policy analysis intended to brief ministers and help shape the Scottish Governments approach to the negotiations with the UK Government on our relationship with the EU post Brexit. This is centred around the five key Scottish interests outlined by the First Minister, namely; Democratic Interests, Economic Interests, Social Protection, Solidarity and Having Influence. We are anticipating the need to provide resources to continue to support this process as matters progress up to and after the triggering of article 50 by the UK Government.

4 Incident management

- 4.1 Since 8th August 2016 and up to 4th October 2016, 15 routine incidents have been reported to FSS. During this period, FSS has issued 4 Product Recall information notices to consumers, 3 Food Alert: "For Action" notices and 2 Allergy Alert notices during this reporting period.

5 E.coli O157

- 5.1 This has been an on-going incident since 21st July 2016. The multi-agency Incident Management Team (IMT) chaired by Health Protection Scotland concluded that, based on strong epidemiological evidence, the outbreak of illness in humans was linked to Dunsyre Blue cheese, produced by Errington Cheese Ltd. The IMT was stood down on 5th September 2016 as no new cases had been identified. IMT was subsequently re-constituted on 15th September 2016 when new cases linked to the incident were identified. We have continued to carry out a food safety investigation since we became part of the IMT and a food source was identified.
- 5.2 One of the issues from this incident has been the level of media questioning we have received. We have continued to inform the media and consumers as appropriate but this remains an on-going investigation. It is worth putting on record that the investigations we carry out are conducted in our role as a regulator and enforcement authority and on that basis, like any other enforcement body, it has not been appropriate to provide a running commentary of the investigation. Clearly, this has generated a degree of frustration for the press but it is a standard approach of any enforcement authority not to comment. Inevitably, this has led to a degree of criticism of FSS that we have not been able to respond to. At the start of any investigation we do not know what we are going to find and therefore we always operate on the basis that any investigation may require enforcement action and could lead to court proceedings.

Obviously, I cannot comment on the specifics here but I can assure the board our approach has been entirely consistent with our approach to other incidents. It is also important for the Board to note that no inference should be drawn at all with regards to what it might mean for this investigation.

- 5.3 In terms of the investigation itself, we issued our press notice on 15th September 2016 that led to the recall of all products. The key points in that statement are repeated below.
- 5.4 The FSS recalls have been initiated on the basis of evidence available to FSS and South Lanarkshire Council (SLC) as a result of sampling and testing of cheese produced by Errington Cheese Ltd and concerns regarding its Food Safety Management System and its ability to produce safe products, and in view of the new epidemiological information that emerged concerning the two new cases that led to the re-constitution of the IMT.
- 5.5 Errington Cheese Ltd has publically commented that *E. coli* O157 has not been found in its cheese. This is inaccurate. Some samples submitted for testing by SLC have tested positive for *E. coli* O157 and for another (non-O157) strain of *E. coli*. These organisms are considered a serious risk to public health by the Food Examiner and the Scottish *E. coli* O157/VTEC reference laboratory. In addition, further samples have tested positive for shiga toxin (stx) genes. These samples have tested “presumptive positive” for shiga toxin producing *E. coli* (STEC) and therefore are considered to be potentially hazardous to health. Potentially harmful strains of *E. coli* and the shiga toxin (stx) genes that can cause illness in humans were found in a number of different batches of different cheeses produced by Errington Cheese Ltd. Accordingly, FSS is not satisfied that the controls and production methods used by the business are producing safe food. Furthermore, the reliance on a limited number of negative test results as evidence that the food is safe provides insufficient assurance, as it is clear that multiple samples across different cheese batches have had positive results.
- 5.6 Throughout this incident FSS has taken a proportionate approach based on the evidence and we took the view that all of the evidence justified a full recall of Errington Cheese Ltd. products to ensure the protection of public health.
- 5.7 Finally, the Board will be aware that the Procurator Fiscal (PF) continues to carry out its own investigation and we are supporting the PF as necessary. A lessons learned exercise will also be conducted was the incident is formally closed.
- 5.8 The Board will also want to be aware of a parallel but entirely unrelated incident involving unpasteurised cheese, this time from Connage Highland Dairy in Highland Council’s area. The Food Business Operator (FBO) in this case identified *E. coli* O157 through their own sampling programme, co-operated fully with the Local Authority and initiated a product recall themselves. We are continuing to work with the FBO and Highland Council and welcome the proactive approach shown throughout this incident. I commend the Food Business Operator for their approach and how they have handled this incident.

6 Communications, Marketing and Events

6.1 Healthy Eating Social Marketing Campaign

- 6.1.1 The Healthy Eating Social Marketing Campaign¹ was launched on 5th September 2016, aimed at motivating behaviour change when it comes to consumption of unhealthy snacks and treats. The campaign was developed based on bespoke qualitative research commissioned to gain insight into snacking knowledge, behaviours and attitudes amongst the target audience (parents of children aged 2-15). Its aim is to encourage the target audience to reflect on their own and their children's consumption of unhealthy snacks and treats and to take steps to cut back and swap for healthier options.
- 6.1.2 The campaign included TV, outdoor and digital advertising and a radio partnership with Bauer media, supported by public relations, social media, field marketing, and a press partnership with the Scottish Sun and partnerships marketing. All campaign activity directed the target audience towards new campaign pages on the website. A campaign toolkit and printed items including posters and leaflets was distributed to partners including several multiple retailers, NHS Health Boards, LA's and other public sector bodies.
- 6.1.3 The campaign received a number of complaints from people with Type 1 diabetes or those with family members with Type 1. 13 complaints were sent to the Advertising Standards Authority (ASA) and 35 complaints sent direct to FSS. The ASA did not uphold those complaints and we responded individually to any complaints received by FSS. Prior to the ASA adjudication and in response to the complaints we added a supertitle to the female variant of the TV advert, referring to Type 2 diabetes as one of the potential health consequences of poor diet and the cumulative impact of unhealthy snacking and our culture of treating and rewarding. We were also challenged on whether the adverts were shown to anyone with Type 1 diabetes and I can confirm that they were.
- 6.1.4 It is important to note that this is one strand in a multi-channel, integrated campaign approach. However given 50% of all the sugar we consume comes from unhealthy treats and snacks, it's important for every member of society to consider cutting down on snacking and swapping for healthier alternatives including those with Type 1 or Type 2 diabetes.
- 6.1.4 The campaign is currently being independently evaluated by TNS-BMRB with results expected in November 2016.

6.2 Summer Food Safety Campaign – Pink Chicken

- 6.2.1 The Summer Food Safety campaign "Pink Chicken" won two awards and a commendation at the Scottish Creative Awards which were held on 6th October 2016.
- 6.2.2 The campaign won awards for Advertising Strategy and Integrated Campaign, and was commended for Integrated Strategy. Winning in three categories is particularly notable given the strength of the competition we were up against. The campaign

¹ <http://www.foodstandards.gov.scot/nutrition-health/lets-change-our-future>

was a real team effort with input from across FSS and a huge amount of talent and hard work from our agencies – especially The Union.

6.3 Food in Scotland Consumer Tracking Survey

6.3.1 Wave 2 of the Food in Scotland Consumer Tracking survey - which tracks knowledge, behaviour and attitudes towards food matters and FSS over time, was conducted in June 2016. This second wave included a healthy eating module. The survey is undertaken amongst a robust, representative sample of the Scottish population by TNS-BMRB.

Key findings from the survey included:

- Good knowledge of healthy eating practices but this is not matched by behaviour as low numbers following the guidance from the Eatwell Guide (average of 2 out of 11 practices being followed);
- Concern around sugar in food and drinks is increasing;
- A quarter believe the onus for making food healthier lies with others e.g. government;
- There is a significant increase (9%) in the number of respondents concerned about people in Scotland having a healthy diet;
- Widespread, and increasing, acknowledgement of the need to change children's diets;
- Significant increase (8%) in number of people worried about them or their children getting [type 2] diabetes as a result of poor diet in later life;
- There is acknowledgement of personal poor diet but confusion over what constitutes a healthy diet.

6.3.2 These questions will be repeated in Wave 4 of the survey in June 2017.

6.4 Launch of Scottish Food Crime Hotline

6.4.1 On the 25th August, I participated in a media and stakeholder event in Edinburgh to launch the new Scottish Food Crime Hotline in partnership with Crimestoppers which was attended by the Minister for Public Health and Sport, Aileen Campbell, Chief Executive of Crimestoppers, Mark Hallas OBE, Police Scotland Chief Superintendent, Ricky Mason. I am pleased to report that we received a good amount of media coverage, and a communications strategy for continuing to raise the profile of the Hotline and the Scottish Food Crime and Incidents Unit is in development. This is an important initiative and relies on its success through the participation of key partners ranging from industry bodies through to Trading Standards and Environmental Health.

6.5 Fresher's Fairs

6.5.1 During the month of September, an FSS student road-show attended six Fresher's Fairs at Universities across Scotland. Key messages being communicated at this 'teachable moment' in young peoples' lives, when many are moving away from home and cooking for themselves for the first time, included basic kitchen hygiene practices and easy, healthy recipes based on the Eatwell Guide. Feedback from both students and the Universities was very positive and the team also put up 'student savvy safety tips' posters in halls of residence and communal areas.

6.6 Scottish Learning Festival

6.6.1 On 21st and 22nd September, FSS attended this two-day annual education event with a stand and materials for teachers. Visitors to the stand were particularly enthusiastic about using Cookin Castle in their classrooms. The FSS Communications and Marketing team will be monitoring to see if there has been any increased uptake by schools over the next couple of months following the event. Teachers were also very interested in hearing more about the resources we have available to help teach the principles of the Eatwell Guide to schoolchildren. Teachers were shown the concepts of the interactive digital version of the Eatwell Guide that is currently in development, and will be available before the end of the calendar year.

7.1 Field Operations

7.1 An adjustment has been made to the structure of field operations following the resignation of our Head Veterinarian. This led to a review of workload and activities of the veterinary and field management teams resulting in the two branches merging and being led by the Head of Field Operations. We now have 3 operational areas instead of 4 with each being managed by an Operations Manager and a Veterinary Manager. This adjustment led to 2 team members being transferred to Investigations Team and Corporate Services.

7.2 Following a £10M investment at Brechin slaughterhouse by Tulip, Scottish Pig Producers and with grant assistance from Scottish Government, the new pig slaughter facility has formally opened. This is a state of the art facility capable of processing 10,000 pigs per week and has seen the installation of a new gasification carousel and online processing systems.

7.3 Work is underway to develop the commodity strategies and contract specifications for the forthcoming tender of official controls delivery for shellfish and meat. These are the two largest contracts for FSS and focus is on meeting regulatory requirements whilst seeking efficiencies through identifying flexibilities in how officials are deployed and compliance can be secured. FSA are due to go out to tender for their meat official controls contract and we are plugged in to the process to ensure any efficiencies in specifications are shared.

8 Exercise Kestrel

8.1 Exercise Kestrel, a multi-agency exercise to demonstrate the arrangements in response to an Off Site Nuclear Emergency at Hunterston B power station in Ayrshire took place on the 21st September 2016.

8.2 FSS staff from Food Protection, Science & Surveillance (FPSS), Scottish Food Crime & Incidents Unit (SFCIU), Enforcement Delivery and Communications branches supported the exercise play remotely, liaising with a wide range of organisations at the Strategic Coordinating Centre in Prestwick. The Scottish Government Resilience Room (SgoRR) was established for the purposes of the exercise and FSS was represented in these meetings. A post-exercise report will be produced in due course.

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