Food (Scotland) Bill

The Royal Society of Edinburgh

1. The Royal Society of Edinburgh (RSE), Scotland’s National Academy, welcomes the opportunity to contribute to the call for evidence by the Health and Sport Committee of the Scottish Parliament on the Food (Scotland) Bill. In preparing this response the RSE has drawn on the expertise within its Fellowship in those areas of research covered by the Bill, which has included people involved in the establishment of the Food Standards Agency in Scotland.

2. The RSE has also previously submitted a response to the Scottish Government when it consulted on the establishment of what was then termed a “New Food Body” in May 2013. The current Bill, which aims to establish a new body, Food Standards Scotland (FSS) is broadly in line with the earlier consultation proposal.

3. Ensuring the safety of food is one of the most fundamental issues to all in society and putting in place the best structure to ensure this is one of the most important duties of government. This Bill is therefore one that the Committee should scrutinise very closely.

4. The food and drink sector is significant in the health of the nation. It is also a major part of the Scottish economy, being a major export earner (with food exports of £5.3 billion in 2012). Delivering an increasingly coordinated approach to build on Scotland’s food quality and provenance is vital to supporting and enabling this export market to grow.

5. The RSE is of the view that there is significant merit in the Bill as it seeks to bring enhanced coordination to the issue of food safety. We would also wish to draw some issues to the attention of the Committee in its scrutiny process and would be very happy to provide a witness to the Committee in its Stage One exploration of the Bill.

6. There are three main objectives of the Bill and these will be addressed in turn.

To protect the public from health risk associated with food consumption

7. The Food Standards Agency in Scotland (FSA) has since its inception played a valuable role in protecting the public from health risks and so the RSE is of the view that the new body should, at a minimum, perform all of the existing functions of the FSA.

8. We agree that, if established, the FSS should perform a comprehensive whole food chain approach to safety, from the farm, through the distribution chain, to the shop, to the restaurant or domestic kitchen.

9. The links between agricultural practices and food safety are already well recognised in Scotland, so the new body should seek to develop this understanding further.
10. The organisation should adopt a risk-based approach to monitoring – those premises deemed on the basis of evidence to be low risk should be visited less regularly.

11. The enforcement powers of the body need to be closely linked with other statutory agencies, such as the local authorities, procurator fiscal services and other relevant regulatory bodies.

12. The FSS should concentrate on Scotland-wide issues to do with food safety. Local inspection of premises should remain a local government function. The Scottish Parliament should ensure that these local government services are resourced sufficiently.

To improve diets

13. There is much documented evidence that many health problems in Scotland are related to diet. The RSE views it as reasonable that the FSS should play a role in promoting a healthy diet, providing that it is sufficiently resourced to fulfil that role and that it is well connected to researchers on the aspects of diet that impact upon good health and to the scientific advisers to the Scottish Government. A regular programme of engagement with the Chief Scientific Adviser, the Scottish Science Advisory Council and the Chief Medical Officer would be useful.

14. The FSS also has an important role to play in advising the Scottish and UK Governments on clear and effective labelling of food products to ensure that people can make informed choices about healthy food choices.

15. The question should also be considered as to whether FSS should also play a role in advising the Scottish Government on the role of alcohol in diet. The Scottish Government, over several administrations, has recognised the importance of this in the health of people in Scotland. It may be that FSS could play a supportive role in this regard. High alcohol consumption is not only related to conditions such as liver disease, but also in many cases to other aspects of unhealthy food consumption that lead to obesity and to other health complications.

To protect other interests of consumers related to food

16. The issue of “food fraud” has clearly moved up in the public’s mind following the issue of horsemeat being sold as beef, although there are other examples that didn’t attract the same media attention. Food fraud is a different issue from food safety; however it is right that the consumer receives the type of food that they believe they are buying. The new FSS should have a role in monitoring and, where necessary, taking action against, retailers found to be selling incorrectly labelled products. Retailers and food producers themselves have a responsibility to ensure that they are carrying out due diligence in the sourcing of their products.
17. In relation to the issue of alcohol, fraud is also a potential issue here, with the risk that fraudulent products are not simply being mis-sold, but may also have contents with significant risk to health, such as methanol.

Research and analysis

18. Key to the success of Food Standards Scotland will be access to the best available research and well-resourced public analyst services. Much of the current research funding comes from UK Government sources – it is important that the FSS is able to access this. Strong links need to be developed with the Scottish Funding Council, the UK Research Councils, key universities and research institutions.

19. The monitoring of food safety also depends upon well-resourced and well-staffed public analyst laboratories. There may be a case for Scotland having a single laboratory to support the work of FSS and one with its own research facility, but linked to key researchers in universities in Scotland, the UK and internationally. The FSS should use the best research, whether generated in Scotland, or sourced from elsewhere, to advise the Scottish Government and Parliament on challenges to be faced in food safety.

20. As well as testing locally sourced food products, the international transport involved in the modern food industry requires that the FSS should also develop a programme of testing imported food products: for pathogens; pesticides not permitted for use in the UK or EU; and also for antibiotics or growth promoters in imported meat.

21. Research capacity requires to be directed towards specific pathogens are recognised as having a high level of incidence in Scotland, such as Campylobacter.

22. Research and laboratory support should also be directed to veterinary science where there is a direct relationship from animal to human health through the food chain.

23. The new body should also at an early stage undertake a review of the number of public analysts available in Scotland, whether working directly for FSS or for local authorities and advise the Scottish Government on the sufficiency of available, qualified individuals. Links should be built with organisations such as the Royal Society of Chemistry, who provide the statutory qualification as a public analyst (MChemA). As well as the availability of public analysts a study should also be undertaken on the effect of funding pressures on the number of analysts employed in local government.

Accountability and Governance
24. It is important that the new body has firm accountability to the Scottish Government and the Scottish Parliament. It should provide a public annual report to the Parliament on its activities and on food safety developments, including on nutrition. The Chief Executive of the organisation should have an annual evidence session at the Health and Sport Committee (or any successor) and the Cabinet Secretary for Health should have regular planned meetings with the body.

25. The independence of the FSS from the food industry is critical. The Chair and board members should not be perceived to have any current or recent commercial links with the industry.

26. On governance, the proposed minimum board size of 3 appears too small to maintain scrutiny of the operations and allow for rotation of board members. We would suggest that a minimum of 5 would be more appropriate.

27. The FSS should have the power to establish advisory committees on specific issues, but where such committees already exist at a UK level, rather than duplicate, the body should seek to access advice that has already been developed there.

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