Friday 25th October 2019

Scottish Craft Butchers - Foods Pre Packed For Direct Sale Labelling

Attendees
Gordon King – SCB Executive Manager
Scott Jarron – SCB President
Bruce McCall – SCB Member Services Manager
Sandy Crombie – SCB Member business owner
Stephen Hendry – Food Standards Scotland
Siobhan Watt – Food Standards Scotland

Background
Stephen gave an overview of why the work had come about and the approach proposed in Scotland. The inquest into the death of Natasha Ednan-Laperouse from an allergic reaction to sesame seed, prompted a review into ways in which information about food sold prepacked for direct sale (PPDS) could be improved. This led to a consultation on options covering a non-regulatory and three regulatory approaches. Following consultation, the Food Standards Scotland Board considered the outcome and provided advice to Scottish Ministers that Scotland should work towards introducing requirements for food sold PPDS to carry the name of the food and full ingredients information. This was felt to provide greater certainty to consumers on what is in PPDS food i.e. covering the 14 allergens listed in food law and other ingredients to which consumers may also be allergic or intolerant. The Board recognised that further work is needed to assess the benefits, impacts, enforcement practicalities and any unintended consequences for all sectors. Scottish Ministers have asked FSS to assess with stakeholders how full ingredients listing can be achieved accurately and in ways that will give consumers the greater certainty sought.

In Scotland, FSS is carrying out an initial round of informal discussions with key stakeholders to gather views prior to making any changes to the food information/labelling rules.

Discussion Points

Consultation

Sandy – had seen and responded to the Allergen Consultation. He felt that they currently deal with allergens effectively in the business and that full labelling wouldn't be as good. E.g. there is a risk that the writing would end up being too small and there would be too much information on the packet.

Stephen – mentioned that through food allergy events and the consultation responses there was a strong demand from consumers, especially from those who are allergic or intolerant to foods which are not on the list of 14 substances and products in the EU Food Information to Consumers Regulation.

Gordon – asked if there was a way of finding out how many of those who had answered the consultation had an allergy themselves, as it he felt this may have skewed the results.

Scott added that he would like to see a list of stakeholders as he wasn't sure how widely the consultation had been circulated. He suggested speaking to Scotland Food and Drink and the fish sector would be useful from the small business interest.

Business concerns & costs

Scott – felt that this proposal is going to be hard to do financially, particularly for small businesses. He felt that Pret a Manger as a large business found a loophole that they shouldn't have used and that smaller businesses are being penalised as a result. He also feels like there is no support (financial) to small businesses. Ninety percent of the SCB's membership are small businesses.

Stephen – explained that we are looking for what type of support businesses would need to be able to accurately label foods sold prepacked for direct sale.

Scott – felt that while this is a tragic case, had the person with the allergy checked what was in the product the situation could have been avoided. He also felt it is unfair to put that burden on industry and not on the consumers to check.

Bruce – noted that there are currently already a lot of recalls for incorrect labelling.

Sandy – explained that the management of allergens takes up a lot of time already especially with product development. Full labelling is going to be very difficult and expensive to implement. They want to be in a position that they are able to manage labelling themselves rather than have to pass it out externally to a 3rd party/company. He also feels that there is going to be issues with the size of labels and fitting on information. Bruce gave an example of the volume of information involved with a full ingredients list.

Scott – highlighted in his business that they do so many different types of products (about 3000 types) and was concerned that they don't have the storage or the machinery or money to do all this and they foresee issues with future complaints about the increase in packaging to accommodate for the size of the label.

Sandy – Highlighted that there may be more unintended consequences, and it was important to try and work out what they could be. With adding more information to labels, there is more room to get this wrong and less easy for consumers to see the important information they need. It is likely that the trade would stop prepacking food but this would slow down the amount of business possible at busy periods affecting profits.

Bruce – there needs to be more consumer education on what to do when they are out and getting food.

Scott – a sensible approach needs to be taken. Government need to work with small businesses and they need to be given financial help. Also sees merit on having full information available but queried why it needed to be on the labelling. He added that the Pret a Manger type operation is completely different to the SCF trade. With a typical butcher. consumers deal with experienced staff who are fully aware of the ingredients in their products.

General points included a worry about this new regulation change going even further and eventually adding nutrition labelling. There is also a feeling that the liability for safety is all on the producer, even though consumers can do things to help themselves. The SCF mentioned that very few customers look at labelling anyway.

Labelling systems

There was a discussion on the scales used to price and generate labelling for products sold to consumers in the butchery trade.

Sandy – mentioned that having allergens up front and on the top of the product is the most practical approach and he showed example labels with written allergen information on them. He highlighted that getting the right software is the key to operating a scales system.

Bruce – Scales are a big capital investment which, ideally, would be in service for 10 years. He was concerned that current ones won't be fit for purpose if more information needed to go on labels.

Scott – estimated that a scale system could range from £5000 - £10,000 per machine per shop with additional software costs of £20,000 -£30,000. He also emphasised that the size of businesses needs to be taken into account.

Enforcement/compliance matters

Gordon – was concerned that EHOs may interpret that clear labelling needs to be on the top of the product, not at the bottom. He added that this will be a slippery slope and eventually everything will require a label, even packaged at the consumer request.

Sandy – Felt it was unfair that a caterer doesn't need to have to comply with these possible changes because caters' products are cooked and wrapped before the customer sees them.

Scott added that the takeaway operation in his shop is an important part of the business. He felt that catering activity was similar to what his business does.

Stephen – Clarified that the proposed changes involved food sold prepacked for direct sale and not food sold loose or wrapped at the consumer's request.

Gordon – asked if there would there be a delay in implementing these regulations if they weren't ready?

Bruce – asked why the EHO didn't pick up on Pret not labelling properly? i.e. a big company being let off.

Scott – Picked up on a general feeling about consistency of enforcement and that the butchery sector is being victimised. They have been doing it right for years and offer a high standard of service from those who know their products which he felt reduced the risk to consumers. The best way to roll out is to go to big businesses first and allow for an exemption for small businesses. It's recognised that it is important to have that information at hand. He added that he can't support the new proposal without a lot more support from Government and particularly financial support for small businesses. Bruce expressed a concern that members could be placed at a competitive disadvantage and wondered if the Local Authorities have the resources to enforce this properly.

Gordon – mentioned a lack of willingness with FSS to engage with the trade generally e.g. FSS invited to the Scottish Food Enforcement Liaison Committee on 4th October but cancelled their attendance.

Bruce – suggested that a pilot could be done to give a better indication of cost

Stephen – wasn't in a position to make a comment on enforcement arrangements at Pret a Manger. He noted the SCF's risk based argument that there is a better standard of service and knowledge in small businesses which benefits consumers. He also noted the concerns of smaller businesses being wiped out and the preference that any new system should be tailored to business size. He explained added that a pilot project is of interest to FSS to identify issues such as the support needed and

unintended consequences ahead of introducing new labelling rules. FSS does intend to contact more key stakeholders at this stage and would welcome suggestions on groups, particularly those representing small businesses.

Actions:
FSS to send information on the consultation held earlier this year
FSS to send a list of stakeholders included in initial discussions on the next steps for improving information on PPDS foods in Scotland.