



Environment, Food and Rural Affairs Committee

Oral evidence: [Food supply networks](#), HC 771

Tuesday 18 November 2014

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Members present: Miss Anne McIntosh (Chair); Richard Drax; Jim Fitzpatrick; Mrs Emma Lewell-Buck; Iain McKenzie; Neil Parish, Roger Williams.

Questions 1-69

Witnesses: **Professor Chris Elliott**, School of Biological Sciences, Queen's University, Belfast, and Director of the Institute for Global Food Safety, **Gary Copson**, former Commander, Metropolitan Police, and **Professor Pat Troop**, former Deputy Chief Medical Officer, gave evidence.

Q1 Chair: Good afternoon and welcome. Thank you very much indeed for agreeing to speak to us about the integrity and assurance of food supply networks. Professor Elliott, would you like, just for the record, to introduce yourself and the team that you have brought today?

Professor Elliott: Chris Elliott, Professor of Food Safety at Queen's University, Belfast. On my left is Professor Pat Troop, who served as a subject matter expert in my review. On my right is Gary Copson, who is a former Commander of the Metropolitan Police, who also served as an SME.

Q2 Chair: We congratulate you on your initial interim report; we now turn to your final report and conclusions. Just as an opening question, how much lower do you think the chances are of having a contamination of food at this time?

Professor Elliott: What I would hope, Chair, is that the chances of a repeat of what happened in 2013 are substantially lower now, but taking your eye off the ball is always a danger because there will always be challenges to food systems globally and nationally. It is not the time to relax.

Q3 Chair: At the height of the adulteration with horsemeat, UK meat was tested at 1%, whereas meat across the European Union was finding traces of 4%. To what would you

attribute that change? Do you think we are less vulnerable, or is it because we are the end of the food chain?

Professor Elliott: Chair, it is always difficult to compare statistics because the sampling in the UK was much larger and much more random, whereas in Europe, it was much more targeted, so it is quite difficult to compare that data set, but it did seem to me that some member states were much more vulnerable to the fraud that was going on than others.

Q4 Chair: I know that Morrisons, which is very big in Yorkshire and takes a lot of local meat, potatoes and veg, is the only supermarket that has an integrated supply chain and, indeed, farmers are encouraged to go down the path of the Red Tractor. Are you concerned that a number of supermarkets now, or one in particular, has taken away the Red Tractor and is looking to replace it with the Union Jack, which actually does not tick the farm assured boxes?

Professor Elliott: What I could see in the UK was that the policy of the major retailers for buying red meat did change substantially. There was much more focus on buying locally, and there was much more focus on developing longer-term relationships and longer-term contracts with processors and with the farming community itself. I think that that is all very positive.

Q5 Chair: If you look at the incidents since horse-gate, we have had the kebab scandal in another part of Yorkshire and we have had fish being passed off as other varieties of fish. How aware do you think the British public are of the potential for food fraud and food crime at this time?

Professor Elliott: I think there is a much greater awareness in the British public. If we think back to why it was such a scandal at the time—nobody got ill, nobody died—it was because, for the first time, people started to realise that they did not know where their food was coming from and, quite often, they did not know what they were eating. There has been a great change in the mindset of the British public. Consumer confidence is returning, but what I am told is that it is still very, very fragile. There is an awareness now that a lot of what we eat is sourced internationally. It has taken quite a bit, in the eyes of the consumer, to regain the trust that was put in the retailers 18 months ago.

Q6 Chair: I think it was in your interim conclusions that you said that slabs of meat in cold storage and slabs of meat in transport were most vulnerable to food fraud. Do you think that is still the case as we speak today?

Professor Elliott: Not only for red meat but for food in general, I think that the more steps there are in the supply chain and the more the food quality itself is processed, the more risks you have. It is very easy to identify a good T-bone steak. Whenever you start to process that meat and it goes into ready meals and so forth, it is much more difficult to track and trace and to know that what you are eating is genuine.

Q7 Chair: Throughout all your conclusions and recommendations together and the setting up of the Food Crime Unit, you are looking obviously at substantial resources being expended either by the police or the Crime Unit and the FSA, or by local authorities and public analysts. Do you believe that the resources will be there to follow the responsibilities that you have set out?

Professor Elliott: One of the biggest issues to face over the next number of years is how to have the necessary resourcing in place. The private sector has most definitely stepped up the amount of testing that they do and that is commendable, but there also has to be testing conducted by local authorities. There has to be the further development of the Food Crime Unit, which is close to being operational now, but is still quite small. When Gary Copson and I compared what will be required, and when we compared ourselves to the best—to the Dutch and the Danes and so forth—it was clear to us that further investment will be needed in relation to protecting our supply chains.

Q8 Chair: You have defined that food fraud becomes a food crime when it is organised activity for financial gain. Do you believe that the drivers for potential food crime are still there?

Professor Elliott: The drivers have not gone away. In fact, the drivers are increasing in severity: we are getting more global trade; we are getting massive perturbations in crop failure in different parts of the world because of climate change; I hear more and more that organised criminal gangs are taking over food production in entire countries now. We have got to be extremely aware that all of that is going on in the background, so the risk to our national food supply system is not going to get any less; it will increase in severity.

Q9 Chair: We are going to go on to consider the role of the FSA. In your earlier report, you were almost critical of the relations that the Food Standards Agency had with local authorities in this country and with its counterparts in other parts of the European Union. Do you believe that that is still the case, or do you believe that changes have taken place?

Professor Elliott: If I think about the relationship now between the Food Standards Agency and local authorities, I think it is in a much, much better place. I hear signs all the time of collaboration and co-operation. The Food Standards Agency is funding additional testing work for local authorities, so that is very positive. At a European level, DG SANCO have formed their food fraud unit. We have got someone from the FSA seconded into that, which is very positive. At the European level, they are now forming what is called the food fraud network, which is trying to gather together all of those people who, at a national level, are dealing with food fraud to share intelligence and information.

Q10 Chair: Do you think the labelling provisions will help in that regard at EU level?

Professor Elliott: Sorry, could you repeat that?

Chair: Do you think the labelling provisions will help to reduce potential food fraud and food crime?

Professor Elliott: Labelling in some ways can be very helpful, but at the same time, labelling can be a motivation for fraud. If you insist that, on a label, it gives the country of origin of a product, that is what consumers like to see, but it also gives an opportunity for fraudsters. So you have to think: the more information—the more claims—that are put on a label, the more opportunities that arise.

Chair: That is very helpful. Thank you.

Q11 Mrs Lewell-Buck: Professor Elliott, this question will come as no surprise to you at all. We are just curious as to why you changed your interim recommendation that the responsibility for food authenticity should fall under the remit of the FSA.

Professor Elliott: Whenever I looked at those people in Government responsible for food, what I really found out was that it was incredibly complex. It was not one or two Government Departments involved in it; it was a multitude of different Departments. Then when we started to introduce this concept of food crime, that brought in the Home Office and the National Crime Agency. Moving one piece of the jigsaw was not enough. What was much more important to me was to try to bring it together, to try to bring in a coherent way whereby all of those people who are involved with the integrity of food supply systems can come together. That has happened now. What I am told now is that senior civil servants meet right across Government to talk about issues of food integrity, which I think is very important. I am also told that those meetings will happen at a ministerial level. What is much more important is the coming together to discuss those issues that are happening now and all of those things that happen in relation to horizon-scanning the potential problems of the future.

Q12 Mrs Lewell-Buck: My next question is for Professor Troop. Would it improve coordination to have the remit for food safety and food authenticity under one body?

Professor Troop: There are a number of different players involved in this. For example, there are local authorities, there are the laboratories, there is the Food Standards Agency and there is that small unit in Defra. I think the key thing is that the FSA are able to demonstrate some leadership and are able to have a clear sense of direction. My understanding from them now is that they are there. They are driving this programme; they are working with local authorities; they are working across Government. As long as they are doing that, they will be able to make significant progress. There are limitations across the system—a lot of these are around resources—but, nevertheless, I think they are now in a strong position to take things forward.

Q13 Chair: Are you suggesting possibly they were a little bit absent earlier?

Professor Troop: I think there wasn't as much clarity. The fact is that now it is very clear that they are in the front seat and they are the ones who are required and expected to drive it, and they have now taken that on. They have run and developed things like training programmes for local authorities. Local authorities are really stretched, so I do not think it is straightforward, and they have given them nearly £2 million to do some additional testing. So I think they are now driving this programme, although they will get very

stretched because they still have food safety to manage. There is a limit to how much resource they can divert into this without putting at risk local safety measures.

Q14 Jim Fitzpatrick: Good afternoon. Professor Elliott, your review made comments about the lack of proper co-ordination across Whitehall and then recommended the creation of a national food safety and food crime committee and an authenticity assurance network to monitor arrangements. The Government have come up with their suggestion of a committee across Government, chaired by a Defra Minister, which would meet twice a year and be advised by officials to do the job. Does their suggestion meet what you suggested ought to be put in place? It looks as though it is not quite going as far as you wanted it to go, or is that not fair?

Professor Elliott: I think the first thing to say is that I really welcome the formation of that committee because it is bringing everybody together. That can only be beneficial. Meeting twice a year is reasonable, but my other recommendation was that, at the time when there is a crisis, those people can be gathered around a table in exactly the same way as COBRA and those people will know each other, can come together and work together quickly.

Q15 Jim Fitzpatrick: The way the Government describe it, it looks as though it is going to be an exchange network rather than a horizon-scanning and monitoring exercise. Do you think it will address the questions properly, while recognising that if there is a crisis, if you have got something in place, it will be quicker to bring it together to address that particular crisis?

Professor Elliott: In relation to the responsibility for horizon scanning, that is very much the function of the Food Crime Unit within the FSA. It has to be the FSA that will bring that information to that cross-governmental committee.

Q16 Jim Fitzpatrick: So the cross-governmental committee in itself will not have a major role in improving authenticity. You expect it to monitor what the FSA and the food crime agency will be doing on the ground, and make sure it delivers in terms of reducing the risk and improving the authenticity of products?

Professor Elliott: I think it is about bringing it all together, so we will have a functioning unit within the FSA to do that horizon-scanning, the intelligence gathering. That has to be linked up with the appropriate law enforcement agencies. It has to be linked in with the National Crime Agency if the cases are serious enough. What is going on also has to be brought to the attention of people right across Government so that everybody knows what is being investigated at any given time.

Q17 Jim Fitzpatrick: Do you see the frequency of meetings—twice a year—as a problem at all? Would you expect it to have sub-committees and to delegate responsibility to monitor activity in between those meetings?

Professor Elliott: When I originally talked about this concept with Owen Paterson we talked about two or three times a year, so I think they are delivering on what we talked about.

Jim Fitzpatrick: That is very helpful, thank you. Thank you, Chair.

Q18 Chair: Do you know if the group has met so far?

Professor Elliott: As far as I understand, it is meeting within the next two weeks. I do not know the precise date. Gary tells me it is 11 December.

Chair: That is very helpful. Thank you very much indeed.

Q19 Iain McKenzie: Good afternoon, panel. I have just a quick two-part question before I get to my other questions. I would like to ask all the panel: do you think that the City of London Police was the best placed to police the investigation into the horsemeat scandal? If it was, why were there no prosecutions?

Professor Elliott: Can I defer to Gary?

Gary Copson: The City of London Police is the force that stepped forward because they had the national fraud intelligence unit and this was regarded as a fraud. Whether it was the best police agency to deal with it is a different question. From my experience, I would say no. As to why there have not been any prosecutions, I was asked the same thing when the three of us were before your Select Committee on the last occasion and I was happy then to defend and protect the City. I have had the intelligence presentations and I have spoken on a number of occasions to them, and I think the best thing you can do is to ask them yourselves why there have not been any prosecutions.

Q20 Iain McKenzie: Professor Elliott, how do you feel about it? Was it the best placed to police the investigation?

Professor Elliott: My belief at the time was that there were not that many police forces making themselves available to undertake the investigation, so at least there was a police force that came and stepped forward. But it does seem to me that, probably right across the UK, there was not the expertise within law enforcement to deal with something pertaining to food fraud. I will give an example of that because one of the things I did was to write to all of the 43 police forces across the UK to ask what information they had on food fraud and food crime. They all reported back to me, “Zero”. When I tried to find out why that was, it was because on their databases they do not have the word “food”. That is the starting point. That is about a change in mentality and in thinking about this, as there is no such thing as a food criminal; there are criminals who are involved in food, and they are involved in many other things. I do not think we can blame the City of London Police for that; I think there was a similar picture right across the country.

Q21 Iain McKenzie: Professor Troop, do you believe that the City of London Police stepped forward? Did all others step back?

Professor Troop: I am really not qualified to say that; that is not my aspect of the work. I would turn to my colleagues for that. What I would say is that I do know now that the Food Standards Agency is working with major law enforcement agencies nationally. They are working with local authorities who are then working with local police and, at a local police level, they have had quite a number of successes. I think they have got pretty positive relationships with the agencies nationally now and, with the intelligence that they are developing, I think they are beginning to move quite a long way. One would hope that, should anything happen in the future, the network that they have got—the understanding and intelligence that they are bringing to that—will mean that they will be able to move much more quickly.

Q22 Iain McKenzie: Going back to Mr Copson, following your reply to that question, how do you think that the national Food Crime Unit can produce better results in the future?

Gary Copson: We did set out in the final report a roadmap for progress for the development of a Food Crime Unit, and I have seen and heard nothing that would cause me to want to write that differently. The signs now are that the FSA are embracing that challenge; they are making the first steps along that roadmap. I think the danger, as Professor Troop was alluding to, is that, over the next three to six months, expectations could be raised to the point where they are stretched and they are unable to meet the demand that develops.

They have had a number of engagements with law enforcement at level three—the regional and close-to-national level—but the underpinning at level one and level two has not been put in place. The FSA understands and acknowledges that. They have made some funds available from their own resources to start moving along that roadmap, but if Parliament wants them to move more quickly, then it is realistic that they are going to have to have some help in funding it at a higher level.

Having said that, I have heard that there is an expectation that it might be fully operational by the end of this calendar year. I think there are significant dangers in that because if they try to run too fast, there are a number of pitfalls that they could easily fall into. My definition of fully operational would be that the Dutch food crime unit, which is certainly the most advanced and sophisticated that we came across in our research, could come to the UK and could ask for support in a joint investigation into organised crime, and the Food Crime Unit could step up to meet that requirement. I think that we are looking at three to five years before that will be possible. That is not to say that nothing is possible in the meantime, but a very good interim position would be that perhaps in six to nine to 12 months it would be possible to have the capability to grip a crisis like the horsemeat crisis without ending up looking around in the hope that someone is going to step in and do some kind of investigation.

Q23 Iain McKenzie: Which is a very good link to Professor Elliott and the question I was going to ask you. You recommend that the unit be based on the Dutch model. How

effective do you believe that the Dutch model is in identifying the criminals involved in these various incidents with meat fraud?

Professor Elliott: As Gary said, we looked at the different models that have been developed across Europe. There are a lot of them now: Germany, Italy, France, Denmark and Holland all have these types of units. What we could see in Holland was, first of all, it was the longest established. It had been established because of particular issues in their own food supply system—their own scandals. I met with them quite recently and they were telling me about one of their particular investigations. They were phone tapping and doing covert surveillance. What they were saying was it was a major criminal organised gang that was bringing food into a port in Rotterdam and—

Q24 Iain McKenzie: So would you recommend that these powers be equally obtainable by the Food Crime Unit? The Dutch unit has got a full range of police powers. Are you saying that that should be replicated in the Food Crime Unit?

Professor Elliott: Gary talks about this three to five-year development of the unit. Those are the capabilities that the unit will have to have to operate on equal terms with those units that are being set up right across Europe to deal with this problem.

Q25 Iain McKenzie: So in that three to five-year term, would you say that the Food Crime Unit will still be reliant on the police to offer support and additional resources?

Professor Elliott: They will have to work with the police forces. The Food Crime Unit or the FSA has already engaged with several national police forces, and they are conducting investigations into organised crime. I think that is a very good step forward.

Q26 Iain McKenzie: How would you ensure regular and targeted information sharing between the police and the Food Crime Unit?

Professor Elliott: The issue of information sharing is probably one of the most complex that we came across. There is a lot of information available at the industry level; there is information available at the FSA; there is information available with police forces; there is information available internationally. How do you try to bring all of that together and start to share information? Now, at the level of the food industry, there are mechanisms up and running where the food industry will share information with each other. They are now in the position where they are passing that information to the FSA, which they were not doing before. The food fraud network that I talked to you about that is being developed in Europe is now filtering information to the FSA as well. What becomes of paramount importance is that the FSA can connect with the most appropriate law enforcement agencies to start to investigate those things that seem to be most serious.

Q27 Iain McKenzie: Let me throw this question up to all of the panel again. The Government have indicated that they will review the success of the unit after two years. What would you say are the criteria that can be used to determine the success of this unit?

Gary Copson: What we have seen elsewhere, both in the development of food crime units across Europe and also closer to home in the Environment Agency and the serious environmental crime team, is that over a number of months, and perhaps the first 12 months to two years, they will discover information that was previously not being sought; they will have successes that were previously not imagined; and those will build into business cases for further investment. If you were to give me a magic wand and say, “How should the Food Crime Unit be set up?” I would not say, “Let’s spend £20 million tomorrow” because we could not spend it wisely tomorrow. This is something that needs to grow incrementally over two to three years, and then continue to grow to the point where, I would like to think, in five years we could stand on equal terms with the Dutch.

Q28 Iain McKenzie: What does the panel think about the initial £2 million funding for the unit that will come from the FSA? Does this FSA funding necessarily have the capacity to expand the unit beyond this first phase?

Professor Elliott: The investment of the £2 million is very welcome because it does allow the unit to be set up. Now there are something like 25 people working within the Food Crime Unit, with the expectation that that will increase to about 35. It is my belief that when the unit becomes more functional, more operational, they will find more problems. As Gary said, they will have to go back and bid for additional funding. A very important point that Pat Troop made is that what we do not want the FSA to do is rob Peter to pay Paul. We cannot take money from defending the population in relation to issues about food safety to protect us from food fraud, because the most important aspect of the work of the FSA is still food safety. We have got to be very, very careful to ensure that that is not allowed to happen.

Gary Copson: What the FSA has recognised in recent weeks is that they currently do not have the skills and expertise to set up a food crime unit as envisaged. They are now determined that they will, over a number of months, go out to improve that skill and expertise.

Q29 Iain McKenzie: Chair, if you will indulge me for one final question, how do you think the public will measure the success of this Food Crime Unit? Prosecution?

Professor Elliott: It is one of those strange things, because one of the great measurements is: will there be another scandal? The answer is that we hope that there will not be. There will be consistent challenges; there will always be vulnerabilities in food supply systems that criminal elements will try to penetrate. It is like any form of law enforcement. As I said when I talked about the strategy, it is about prevention. Prevention of criminal activities is the most important benchmark. At some point, the FSA and their investigations will undercover serious criminal activity and, when those are uncovered, what we have to see are arrests being made, prosecutions and the appropriate penalties associated with those prosecutions.

Q30 Chair: Just before we leave the crime unit, being half Danish I was intrigued as to why you used the Dutch model as opposed to the Danish model. I see that the Dutch

actually use criminal law. Is it your recommendation that the crime unit would work applying criminal law rather than civil law? I may have missed this, but will it have the power to raise fines and will those fines raised be used to offset the cost of the FSA? Will you have regional offices like they do in Denmark, and possibly Holland as well, where you have more than one office, so it would not be centralised?

Professor Elliott: In answer to your first question, whenever serious criminal activity is uncovered, it has to be dealt with as a criminal case and prosecuted in that way. With the Dutch model that we looked at, they were able to recoup and retrieve, I think, 30% of all of those funds that were seized, and fines that were made went back to support their activities.

Gary Copson: There is also an issue, Chair, about levies on the food industry to fund these activities. We were given to understand that there are provisions in European law to enable this to happen.

Q31 Chair: But this wouldn't be taking it from the food industry; it would be taking it from the criminals.

Gary Copson: Both happen. In Denmark and Holland, both happen and, we believe, also in France, Germany and Italy. So there are two funding streams: one is around the regulation, which comes from industry—but the UK has chosen not to enact those provisions—and the other is around criminal seizure. The Environment Agency's serious environmental crime team, which I mentioned earlier, is a useful model in this too. It has been in existence now for a number of years and the level of criminal seizures is starting to become significant. But there is a lag. It will take three to four to five years before those moneys start to be reinvested.

Q32 Chair: And just to convert a nod into something on the record, you do plan to have regional offices; it will not be a centralised crime unit. Is that correct?

Professor Elliott: Absolutely. The FSA is already working towards regionalisation.

Q33 Chair: The Danish unit is based in the Danish Veterinary and Food Administration, and I think you said that it does work closely with their equivalent to UK trading standards and environmental health offices. Is why you rejected that—because you felt that there was duplication? Is what the Danes have done not a rather neat solution?

Professor Elliott: It was not so much that we rejected what we saw in Denmark—we were very positive about what we saw—but in really dealing with the issues of serious crime, the Dutch were much better equipped. What the Danes tend to be doing is visiting individual shops and finding problems there, whereas the Dutch were going out to look for people much higher up, if you excuse the pun, in the food chain.

Gary Copson: The Danes seemed to me, when we visited, to be like a turbo-charged trading standards unit, whereas the Dutch were operating at a higher level altogether.

Chair: That is helpful to know. Thank you very much.

Q34 Neil Parish: Good afternoon. Are your recommendations on sharing information and earning recognition a response to insufficient funding for food sampling, or would your recommendations have been different if there had been more funding available? That is for Professor Elliott in particular.

Professor Elliott: In relation to information sharing, I did find out that lots of individual food companies had their own testing plans in place. In fact, the best example of that was Sainsbury's, who were untouched by horse-gate and were the only retailer carrying out DNA testing of meat. What the retail industry has now done is set up a testing club, so they all pay money into a kitty and then the testing is done. The results for all that testing are being shared right across the sector. That is a very smart way to use money. It is not about replication.

Q35 Neil Parish: Professor Elliott, you made a statement to the Chairman earlier in which you said that in some countries there was a criminal element actually controlled the food processing industry. Is that inside or outside Europe? Wherever it is, are we doing enough tests for the food coming from there?

Professor Elliott: I hear quite a lot of information about drug cartels, particularly in Central and South America, starting to dominate the food industry. More alarmingly, I hear about the same thing happening in Europe. Two weeks ago, I was at a food fraud conference in Italy. They were talking there about the mafia penetrating their food industry. They have talked about it for a long time in their olive oil industry, but now they are talking about the ham industry, the cheese industry, the pasta industry. So, in Italy, they have their own 200-strong food police force, which is investigating 24/7 serious organised crime in their food industry.

Q36 Neil Parish: Thank you for that answer. So we need to be concerned. There has been an increase in funding of £679,000 made available to local authorities for food sampling. What kind of impact could this have nationally, because it is not a great deal of money when you deal with it nationally?

Professor Elliott: The food industry itself has stepped up its testing enormously. I met with one large processing company two days ago and their testing programme was 10 times larger now than it was pre horse-gate, so an awful lot of testing goes on. What we do not need is for local authorities to replicate that. What we need is for that information—that testing programme—to become available to share that information. I am also aware that the FSA, in their 2014-15 budget, have increased the amount of funding available to local authorities to £2 million. That is another good indication that testing is important and that there is funding available.

Q37 Neil Parish: What incentives are there for local authorities to complete this testing? Some local authorities do a lot more than others, as we know across the country.

Professor Elliott: It is a very disparate pattern. Some areas of the country do high levels of testing; others do virtually none. One of the things I have tried to do is create a much

greater awareness of what goes on. I will quote the example of Birmingham. When I looked at the data for the amount of food testing, Birmingham did the lowest amount in the entire country. When I talked to people in Birmingham, all of the different stakeholders—from local authorities through to councillors and the food industry—realised that that was not a good place to be in. What they now have is a Birmingham food group and what they are doing is organising their testing programme now. The responsibility is at the local authority level. All local authorities have many different responsibilities, but they have got to be very clear that one of their responsibilities is looking after the integrity of the food supply systems for the people who live within their jurisdictions.

Q38 Neil Parish: Are you happy that the local authorities are working enough with the big retailers and others, so that any testing they are doing is linked into what the local authorities are doing?

Professor Elliott: There is substantially more sharing of information now than there was pre horse-gate. It is in a much, much better position.

Q39 Neil Parish: My final question is to Professor Troop. Should local authorities be focused on food safety or food authenticity? There was an argument that it is wrong that people should have been fed horsemeat, but it was not actually going to cause them any harm provided it did not have bute in it. How much should we concentrate on the authenticity?

Professor Troop: Clearly they must not lose their responsibilities for food safety. We have major food outbreaks still, and that causes considerable ill health. They must not detract from that, but they still also have a responsibility for food fraud. The funding that is going from the FSA is targeted. The FSA are doing risk assessments to identify areas that they want them to focus on. It is important that they do work as part of the overall system. It is the same as the FSA: they have got to step up the whole part of the system, but not at the expense of food safety. That is why we are talking about whether or not people have enough resources to do this. Coming from a health background, I would not like to see food safety dropped.

Q40 Neil Parish: When we talk about food authenticity, we talk a lot about meat. Let us take, for instance, white fish. It is not all cod by any means. I suspect there is a lot of fish out there being sold as cod that is not. Is much being done about that?

Professor Troop: Yes, that was one of the things that the FSA asked them to concentrate on. It was lamb not being lamb; it was white fish; it was basmati rice. There have been a number of things that they have asked them to focus on, and there are going to be different ones next year. Locally, there are prosecutions. The more they do that, the more they see that there are results, the more people who are likely to take those responsibilities. It is one of those things where you start, you find things, so you look again and then you find things. In this field, the more people look, the more they will find. I think they will find that at the local level as well.

Q41 Jim Fitzpatrick: Sorry, Professor Elliott, you mentioned that Birmingham was where it was, in terms of doing less and spending less. Did they know that that was the position we were in? Were they blindsided by the fact that local government did not share best practice and information in this area? Is one of the positives that has come out of this that they now know they need to communicate with each other a lot more?

Professor Elliott: I had representation from Birmingham come to visit me during the review. There was a statistic I gave them: “Do you know that your local authority is doing no testing?” They were really quite shocked and surprised by that. Birmingham is a very good example, because they have now got this initiative of fighting food crime within Birmingham. That is absolutely ideal, because that supports the work of the local authorities and of the FSA as well.

Can I just add one more point? The dangerous thing is to think about food authenticity and food safety as being separate, because often they are not. If I can give one example, in the United States, 60,000 people suffered from food poisoning because of food fraud. That was about the re-labelling of eggs that were past their sell-by date. People got very sick from salmonella. The dangerous thing is to try to separate the two. They are one and the same in many cases.

Chair: That is very helpful, thank you. I am going to turn to Emma Lewell-Buck. There may be a vote at 4 o’clock, but we will return as quickly as we can.

Q42 Mrs Lewell-Buck: Thanks, Chair. The review suggests that laboratories are showing clear signs of strain, but the Government said that they have coped well. Have you had discussions with anyone in Government about that difference of opinion?

Professor Elliott: In relation to what? Sorry, could you repeat that?

Mrs Lewell-Buck: In food testing.

Professor Elliott: What became very apparent as I was doing the review was that the infrastructure in the UK in relation to public analysts was in a very fragile position. Public analysts were set up in the UK over 100 years ago. The motivation for that was food fraud. We reached the point where the number of public analysts was reducing and reducing every year. There are only now six local authority owned public analysts. My fear was that, within a few years’ time, those six would disappear. Without the infrastructure of public analysts in the UK, what happens when we have the next food crisis? You can say that there was enough to cope this time and, yes, maybe there was, but quite a lot of food businesses had to find laboratories overseas to do their testing. Do we want to be in the position where the next time we have a food crisis in the UK, we will be reliant on some other member state or out-of-member state doing our testing for us?

Q43 Mrs Lewell-Buck: Is that a discussion that you have had with the Government?

Professor Elliott: Yes, I have discussed it at length with the Government. It was actually one of the recommendations that the Government started to act on first. The Department of Health under PHE took the lead of this. What they are now doing is working with the public analysts—the local authorities that own public analyst laboratories—to talk about

the development of a shared service. They have now come up with a number of options. That now very clearly sits with those local authorities to come back to the Department of Health with their selection of which of those options they want to proceed with. That has to happen relatively soon, while there is still momentum there. I am hoping that the local authorities will come back and say, “Here’s the option we want to go with. We have now appointed a project manager to work with the Department of Health to take this forward.”

Q44 Mrs Lewell-Buck: So when you stressed the urgency—you are saying it needs to happen fairly soon—were the Government on board with that? Did they agree with you? Did they put any time scales in place to say, “We’re going to prioritise it”?

Professor Elliott: If I give you an indication of how important Government thought it was, they acted on that recommendation after my interim report, so it started really immediately after that. There was recognition that the public analyst system in the UK is very fragile and needs to be addressed.

Q45 Mrs Lewell-Buck: Would you say that, at present, it is still fragile but there are plans in place to improve it?

Professor Elliott: It is still incredibly fragile. The options now reside with the local authorities—those local authorities that own the public analyst laboratories. We are hoping that very soon they will come back to the Department of Health and say, “Here is the option we want to proceed with; here is our project manager.”

Q46 Roger Williams: Sorry I was not here at the beginning of your evidence. This Committee has commented in the past on the reduction in the number of laboratories and public analysts that have been involved in food authenticity work. What is your view on the matter? What is your take on the situation?

Professor Elliott: As I said, when I looked at the infrastructure of public analyst laboratories in the UK, there were only six left in England that were owned by local authorities, and there were some in the private sector as well. To me, those six local authority laboratories were struggling because the amount of sampling that was being done nationally was declining. They found it very difficult to bid for private sector work because of the way that they had been constituted within local authorities. Nothing was on their side. I want to get to a position where they can work collectively and bid for work—public sector, private sector—to make sure that in the future we have a sustainable public analyst system. *[Interruption.]*

Chair: Could we pause there? We stand adjourned, and will come back as quickly as we can. Thank you for your patience.

Sitting suspended for a Division in the House.

On resuming—

Chair: I apologise for the interruption, which was interesting. Had you finished your answer, Professor? Would you like to add a bit more on the question from Mr Williams about the laboratories?

Professor Elliott: Yes, I think I had finished on that.

Q47 Roger Williams: Following on from your answer, you have suggested that the six remaining public laboratories be brought together to form a spine for food testing. Do you think that will improve the capability, and can you explain why?

Professor Elliott: The type of analytical testing that you have to do to uncover food fraud is really complicated. Some people think it is just about testing DNA, but it is not. There are so many different types of fraud, so many different types of scientific expertise, and a lot of that expertise requires very sophisticated and expensive equipment. When I talk with public analyst laboratories, it is to think about, “Should you develop a particular specialism? Should you be the DNA laboratory? Can you be the laboratory that detects fraud with organic food?” and so forth. That is really what I wanted them to think about and mull over, to develop centres of excellence and expertise in particular techniques.

Q48 Roger Williams: Do you think more funding would be needed for that specialisation to happen?

Professor Elliott: The work in the analytical laboratories is very complicated and complex. It requires a lot of very sophisticated instrumentation. If there were some form of pump-priming from the Government to support an investment in that infrastructure, it would be tremendously helpful for them.

Q49 Roger Williams: What effect do you think your proposal would have on jobs?

Professor Elliott: In relation to jobs, the number of public analysts currently in the UK is very small. We will reach the point where we do not have a critical mass of public analysts anymore. What we have to think is that the job of those public analysts is to protect and defend consumers, but also to protect and defend the food industry. If you think about our food industry in the UK, which employs 3.7 million people, that is how important that public analyst service is; it is underpinning all of that.

Q50 Roger Williams: In the week that we have seen avian flu in this country, my mind goes back to 2001, when I was elected, in the middle of a foot-and-mouth epidemic. The Government then restructured our control at airports and seaports to prevent, as far as possible, any contamination of food coming in. How well are your proposals linked with working at airports and seaports to stop either food that is not authentic or food that is dangerous to humans or animals coming into this country?

Professor Elliott: The analogy you give in relation to animal health is a very good one. Again, if you look at what happened, that case was reported on Friday, samples were taken

and then, by Saturday, we had the results. That system works, and it is working there too to protect consumers, but also to protect the industry. That is fantastic. We have to get to a similar point when it comes to detecting and testing for food fraud and criminal activity in the food supply systems. I go back to my point there. You cannot separate food authenticity from food safety. If something is found not to be right, if there is something suspect about that, that material has to be kept from entering into food supply systems. If you are holding things at ports or in cold storage, there is a tremendous cost associated with that, so to get quick, fast and accurate analysis is really important to keep the food supply system working.

Q51 Roger Williams: Finally, I can understand the logic behind your proposal to amalgamate these public laboratories, but the fear always is that they are not then locally accessible. How can you ensure that they are locally accessible, but getting the benefits you have set out so clearly?

Professor Elliott: One of the options is that they can amalgamate into a single public analyst laboratory, but there are plenty of other options. They can stay independent, or what they can start to do is to work collectively, and I do think it is more the collective option that they will come up with. The local authorities will still own those public analyst laboratories, but they will give them much more scope to go and bid for private and public sector work.

Q52 Richard Drax: Coming on to more robust auditing or more critical auditing, should unannounced audits be the industry standard?

Professor Elliott: Whenever I looked at auditing across the UK, there was a huge amount of it going on, it was very costly and it had nearly become an industry in itself. For all of that auditing that was going on, it did not protect us from the horse-gate scandal, so something was wrong. When I looked at the audits, there was a huge amount of duplication. They were virtually all announced audits, and generally that was two weeks' advance notice. If you give criminals two weeks' notice that you are coming to inspect them, it is a reasonable amount of time to cover your tracks.

What is happening now is more and more of the multiple retailers are understanding the benefits of going for unannounced audits, but there is a great fear about what impact it would have on the processing sector if you suddenly had all these people starting to turn up. It may cause chaos; it may cause bedlam. However, most of the feedback that I have had from the processing sector is to say that it had been incredibly beneficial, because the number of audits they are getting is starting to reduce. In terms of the standards that they have to reach, if they have an announced audit, it is merely getting ready for your examination; if you go to unannounced, you never know when that examination is going to happen, so you have to maintain the high standards all the time, so I think it has been beneficial. Should all audits be unannounced? Probably not, but I would say that certainly the majority of audits should be unannounced.

Q53 Richard Drax: Professor Troop or Mr Copson, do you want to add anything to that?

Professor Troop: No, I would agree with that. I am in a health system where we have both, and they are beneficial.

Q54 Richard Drax: So you would agree with that. ASDA, the retailer, has taken steps to introduce this, as you know, for the British Retail Consortium audit, but it remains the exception to the rule. The question is why. Is that for the reason that people are concerned about the knock-on effect consequences of these unannounced audits, or what?

Professor Elliott: My engagement with ASDA was very positive, right from the start of the review. It was the head of auditing at ASDA that I had lots of discussions with about the possibility of going from announced to unannounced. Really, I do see ASDA as leading the way for the whole retail sector. They have gone to virtually 100% now.

Q55 Richard Drax: Why is it the exception to the rule?

Professor Elliott: It is not the exception. Now we have Tesco. I picked up on the website recently that the majority of their audits are also unannounced. I met last week with the British Retail Consortium, and what they told me is that the whole industry is moving in the same direction, but at different speeds.

Q56 Richard Drax: So there is no need for any Government interference in this. It is being done voluntarily.

Professor Elliott: The industry is leading this. They are doing it themselves.

Q57 Richard Drax: What other methods can be used to strengthen audits, if any, do you think?

Professor Elliott: Going from announced to unannounced is one important measure, but the other thing is to introduce measures to check and look for fraud during an audit, and that is a completely different mind set for the auditor. It is not about checking safety standards; it is not about checking compliance. It is looking for things that do not look right; it is looking for strange goings on in warehouses. What we are doing now, with the BRC and the CIEH, is to try to introduce fraud modelling into the 14 universities in the UK that teach environmental health.

Q58 Richard Drax: Is there an effective deterrent, do you think? I do not know; I am not an expert in the law in this particular area, but is there a sufficient deterrent to make sure that people are worried about audits, either announced or unannounced?

Professor Elliott: If you have an unsatisfactory audit, you will lose the ability to supply a particular retailer. If you lose, let's say, BRC accreditation, you will lose the ability to sell to many different retailers, so losing your recognition is an absolute disaster.

Q59 Richard Drax: Looking at criminal cases, I believe I am right in saying there has not been one prosecution following the horsemeat scandal. There has been no major prosecution.

Professor Elliott: There have been no major prosecutions. That comes back to the point that Gary Copson made: the City of London Police took it on, but they really were not sufficiently expert in chasing down the criminal element that was involved at the high end of the horsemeat scandal.

Q60 Richard Drax: Let's now move on, if we may. You have indicated in the report that retailers are concerned about sharing even sanitised information. How can the Government encourage retailers to support and utilise the safe haven?

Professor Elliott: The establishment of the safe haven is one of those things I spent a lot of time talking about and discussing during the review, and, to my surprise, I am still talking about and discussing with the food industry how they can establish such a thing. It is incredibly difficult and complex, but just because it is difficult and complex, it does not mean it is not worth completing. Working with the IGD now, I have a group of major people from the retail and processing industry discussing with the Intellectual Property Office setting up that safe haven, because the IPO have set up phenomenally good safe havens for other industries in the UK and it works extremely well.

Q61 Richard Drax: Forgive me; I am a novice in all this, but what is the difference between this safe haven and a crime unit? Would there be two separate units? Why are there two, if there are two?

Professor Elliott: It is very difficult for the food industry to pass anecdotal information or hard information on to the regulator. If you are passing anecdotal information on, it may well be seen that what you are trying to do is cast aspersions on your major competitor. If you are passing on hard information, it may well be that that will be subject to freedom of information, and, again, the stigma associated with any particular fraud will come back and rebound on the provider of the information. Those are the major blocks in direct information going to the regulator.

Q62 Richard Drax: So it is to protect reputations, initially.

Professor Elliott: It is about protection of reputations, yes. My recommendations are very much about setting up the safe haven, where information will be collected, analysed and converted into intelligence. That intelligence is passed on to the regulator, but in a sanitised way.

Q63 Richard Drax: How will this link to shared information from other EU member states and third parties?

Professor Elliott: I had some very good discussions with some European trade associations a few weeks ago. What was very interesting was that they said that what we

are doing in the UK in relation to setting up intelligence sharing mechanisms is far in advance of any other member state. They are actually looking at what is happening in the UK to see if they can replicate that, so I thought that was very good, and I reported that back to the UK industry: “You are leading the way here”.

Q64 Richard Drax: Are you pushing the Government to push the EU to follow our example?

Professor Elliott: The push, as I think I said at the outset, is that the Italian Presidency has now said, “Food fraud is our top priority”.

Richard Drax: Did you say the Italian President?

Professor Elliott: The Italians are in the Presidency now of the EU. They have now said that food fraud is one of the serious issues that they will deal with or put mechanisms in place for.

Q65 Richard Drax: Because of the mafia?

Professor Elliott: Because it is impacting so badly on their food industry. If you think about the Italian food industry, it is about high-quality wines, high-quality cheese, high-quality ham. They are finding that the reputation of that industry is being jeopardised by criminal activity.

Q66 Chair: Professor Troop, have your recommendations for contingency plans now been put in place?

Professor Troop: They have made considerable progress. They are not quite there yet. They have now got a major incident plan. It was a bit slow in coming, but what they produced was in the end very good, and, importantly, they have done it in partnership. One of my recommendations was that it should not be just them; they had to work with other agencies because these things are always multiple, which they have done; they have consulted with all of them. They have taken on a company to help them test their plan. Next month, they have some table-top exercises, and then, in spring, they have a two-day live exercise, again on a multi-agency basis, so I think they are now getting there and that will come out as very robust. I have discussed with them that, every time anything happens, they need to learn from and reincorporate it. It is an iterative process. You never stop; they always have to be continuous, and I think they are now pretty well on that way.

Q67 Chair: Do you think that if there was another incident, it would be immediately stepped into the COBRA stage?

Professor Troop: I think they would handle it very well. Importantly, it is that first day or two. They need to be able to switch straight into that kind of mode. They are producing standard operating procedures that would enable them to do that quickly. You always have a problem on that first day whilst you are doing assessment, no matter who you are, whichever agency you are. Nevertheless, I think they are now in a much better position to

respond. They will be even better positioned when they have done their exercises, because, no matter how brilliant you think your plan is, when you exercise and test it, you always find things that do not work, so, as they move on in the next two or three months, I think they will be even stronger.

Q68 Chair: Can I just ask what the panel's involvement will be now with the Government and the agency going forward?

Professor Elliott: In relation to the review, when I published it on 4 September, my formal role ended, but what the Government have done is, generally about every two weeks, they would call me; they would give an update on how things are progressing. I have still had a huge amount of interaction with the food industry, because quite often they want come and say, "Is this what you meant?" or "Can you give us a little more advice about that?" I am very pleased to do that, because it just shows there is still the momentum there to make the changes necessary.

Q69 Chair: The Government has said that it will accept all your recommendations in the final review. Assuming that all the recommendations were implemented, do you think that would rule out a repeat of the horsemeat scandal?

Professor Elliott: There is absolutely no certainty that something like that could not happen again, but what we were doing was putting in place many measures to prevent it happening. If all of those eight filters I talked about are working and functioning, the likelihood of another event becomes remote.

Chair: Thank you. You have been very generous. On behalf of the Committee and, I am sure, the industry and the farmers who produce the food we eat, may I thank you for the work you have done? This Committee stands prepared to keep the matter under review, and I am sure the future Committee in the next Parliament will as well. Mr Copson, Professor Troop, Professor Elliott, thank you very much indeed.