



**A Healthier Scotland: Consultation on Creating a New Food Body**  
Consultation Response from the Scottish Retail Consortium

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## About the SRC and General Comments

The Scottish Retail Consortium (SRC) is the lead trade association for retailers operating in Scotland including retailers large and small selling food and non-food and operating on the high street, in rural communities, out of town and online. The SRC represents all of the major food retailers and many of the quick service restaurant chains operating in Scotland. We estimate that our food retail members account for more than 90 per cent of all grocery sales in Scotland.

We welcome the opportunity to comment on the consultation which has great significance for all food businesses and consumers in Scotland. We did give evidence to the Scudamore review but felt our points were not well reflected in its conclusions, we also felt the review group suffered from having no industry expertise in food retail on its panel.

We answer the specific questions raised in the consultation below but first make some more general points on the principle. We remain opposed to the proposal for 3 reasons.

Firstly, the proposal does not deal with how a separate body would operate within the UK. Almost all legislation and controls on food operate at a European level. Discussions on the development of legislation and implementation at a practical level are operated at Member State level, which is the UK. Whilst FSA Scotland plays an important role within Scotland, it is clear to Scottish food businesses that the main decisions which will continue to affect them will be taken at a European level where Scotland is not recognised as a Member State. Rather, the FSA UK will continue to play this role and we are therefore unclear on where the new separate Scottish body would sit within that framework and what value would be added to businesses in Scotland.

There is also a danger that decisions taken by the separate body could conflict with those decisions taken by the UK FSA. This would be confusing for consumers, who will be exposed to competing messages, and for Scottish food businesses which could suffer as a consequence. A good example is the direction the FSA gives to the food sector on action to take in response to a food incident. It is conceivable that the new body and FSA UK reach different conclusions on what action food businesses should take in terms of removing products from the market. Given that consumers are exposed in large part to a UK-wide media they will be exposed to all opinions and react accordingly. It is, therefore, possible that a product deemed acceptable for sale by the new body will still be affected if the advice from FSA UK is different.

The fact is, our members operate UK-wide businesses and for many Scottish food manufacturers their biggest market is outside Scotland. Consistent application of food safety is absolutely fundamental to their business and for maintaining consumer confidence.

Secondly, we are concerned that operating a separate body will denude current resources from the FSA for research on food safety and access to scientific advice. Whilst we accept there may be some issues of specific health or commercial importance to Scotland, more general food safety issues such as contaminants, microbiological issues and improvements in hygiene are common to the UK. It makes no sense, particularly given current pressures on public finance, to reduce available funding by duplicating work and losing economies of scale. Similarly, the FSA UK currently operates a number of scientific committees which are extremely important in pooling expertise and identifying problems and solutions to current and future food issues. We are concerned both at the role these will play in the future shaping of advice and how the new body will contribute to the maintenance of these committees.

Finally, we do not agree that one of the reasons for justifying the new body is the need to improve co-ordination of nutrition policy. We have a very constructive relationship with the Scottish Government in delivering improvements in public health and have not found any problems with the current arrangements, in terms of developing nutrition policy and discussing technical issues such as re-formulation. As stated previously, legislation on nutrition policy is primarily a European competence and we fail to see what a separate body would contribute to those discussions as it is the UK FSA that would represent the UK as the Member State.

We believe these points clearly demonstrate the difficulties in justifying the need or advantages for creating a new and separate food body in Scotland. We believe these points would be reinforced if the UK FSA were to comment on how this unnecessary change will impact upon its resources and the efficacy of delivering policy. If the Government decides to pursue the proposal it is crucial the new body agrees a protocol with FSA UK covering agreement and contribution to shared research, participation in scientific committees and discussions on food safety issues. Having a clear protocol shared with industry will help all parties understand how decisions will be taken in the future and how existing committees and research will be resourced.

## Consultation Questions

### **1. Should the scope of the new food body extend beyond the current scope of the FSA in Scotland? If yes, what specific extensions of scope would you suggest, and why?**

No, the strength of the FSA is its focus and expertise on food safety and hygiene. The additional issues which have been raised in paragraphs 18 and 20 of the consultation document would be a significant change to its current activities.

Many of these are public policy issues which we feel are more appropriately dealt with by a Government department to ensure there is a closer link with the democratic process. Covering wider food issues, including those based more on social than food science, could dilute the faith and confidence that consumers and industry place in the FSA to deal independently with food safety issues.

The additional functions proposed are already dealt with elsewhere perfectly adequately, both in Scotland and the UK. We see no value in changing that, particularly with the inevitable costs of re-organisation they would incur.

Of more importance to us, if the proposal was pursued would be to understand in more detail how the new body would work with FSA UK both in terms of ensuring consistent application of food safety throughout the UK and with Europe.

### **2. Should the new food body and the Scottish Government continue the arrangements for independent and partnership work on diet and nutrition set out in Annex A? If not, what changes would you suggest, and why?**

### **3. Are there any additional roles, responsibilities or functions in respect of diet and nutrition that you think the new food body could take on to help deliver an improvement to the health of the people in Scotland? Please give details and reasons.**

We fully appreciate the need for an effective nutrition strategy for Scotland and our members continue to work closely with the Scottish Government and FSA Scotland to deliver healthier choices for our customers. We feel the current division of responsibilities between the two parties to be appropriate. The division between public health issues dealt with by the Scottish Government using scientific evidence provided by the FSA works effectively.

In our view the best way to deliver nutrition policy is through the Government mechanism. It can more easily take a strategic approach, working with all relevant parts of Government to deliver a coherent and holistic policy that covers all areas from consumers to schools and local communities.

**4. What steps do you think could be taken to ensure the new food body is able to access the best available independent expert advice it needs to underpin its work on food safety and public health nutrition in Scotland?**

We agree that the FSA should regularly review the way it gathers evidence to ensure they are able to act on the best intelligence and our experience is they do that effectively. The key point is ensuring the decisions taken by the body are clearly based on robust science and evidence. It is crucial when decisions can have a significant impact on consumer confidence and through that a commercial impact on Scottish food businesses that they are independent, proportionate and based on credible evidence.

**5. Do you consider that the new food body should focus its research and surveillance activities on issues that are particularly pertinent to Scottish citizens or should it also contribute to science and evidence programmes on wider issues which have relevance to the UK as a whole? Please give reasons.**

We feel this depends on the relationship the new body would have with FSA UK. If the intention is to continue to use FSA UK's research and surveillance programmes, obviously making the appropriate contribution to ensure their resources are not diminished then we agree there could be a role to explore issues more relevant to Scottish consumers or businesses. Our concern is that unless the work of the new body is co-ordinated with FSA UK there will be unnecessary duplication and a reduction in the overall resources devoted to research and surveillance.

**6. Do you agree that the new food body should be responsible for the coordination of all Scottish Government funded research on food safety and public health nutrition? What steps could be taken to raise the profile of the new food body as a research funder across the UK and beyond?**

**7. Do you have any further suggestions for how the new food body could establish a strong independent evidence base for food safety, food standards and nutrition policy?**

We wouldn't object to this in principle, although our experience is the FSA has tended to be stronger in food science than social science, so the appropriate resources would need to be in place. Also, as we have raised above the key point is obtaining the best and most appropriate research to ensure the development of credible policy. Whilst there may be good reasons for choosing a Scottish university to carry out research the important point is choosing the best institution regardless of its location.

**8. Do you consider that the new food body would require any further statutory powers, in addition to those that the FSA already has, to equip it to deal effectively with incidents such as the recent horse meat substitutions, and to prevent such incidents happening? Please give reasons.**

No, and we have commented on some of the specific proposals in the concurrent FSA Scotland paper. The recent horsemeat incident was not a failing of existing regulation it was a failure to identify adulteration which, by its nature, occurs outside any regulatory framework. Proposals such as increased random testing would not have helped in this incident, regardless of the additional cost. Rather, more accurate intelligence which would have led to targeted testing was required. The chances of random testing not being effective are supported by the figures from the industry and FSA testing programmes which have shown only a 0.5 per cent occurrence of processed beef products containing horsemeat. We have already raised the issue with Government of improving intelligence across Europe and disseminating that with industry. Improvements in intelligence gathering and horizon scanning will be more effective than additional regulation.

**9. Do you have any further comments about how the new food body might ensure that it can deal effectively with contraventions of food standards and safety law?**

As we have already stated, we do not understand how further sanctions on mislabelling would have prevented the problems of the recent incident. Retailers were very clear in the specification they gave suppliers in terms of the origin, cut and content of the meat, and all other issues relevant to the final label. They labelled those products in good faith, supported by liaison with suppliers and auditing of their supply chains. The adulteration in a small number of cases was perpetuated against the retailers and their customers. It was action which was clearly not permitted by the specification and as the specification is used as the basis for labelling it is difficult to see how tighter labelling sanctions would have had any impact on those parties who were committing the fraud.

**10. Should the new food body take on any roles and responsibilities not currently fulfilled by the FSA in Scotland? If yes, please give details and reasons.**

We do not have an opinion on this and if there are elements of food legislation that sit well alongside other responsibilities it would make sense. The key issue is ensuring the body has the relevant expertise and experience to carry out the roles and not increase the regulatory burden on industry.

**11. Please tell us your views about these suggestions for changes to the delivery of official food and feed controls. Do you think that the new food body should work in a different way with local authorities? Please give reasons.**

**12. Do you have any views on how the new food body should assure delivery of official controls and meet the relevant EU obligations? Please give reasons.**

We can see some merits in the new food body taking central delivery of official controls. It could lead to more consistency of delivery and also could be more efficient by having fewer back office functions. We do accept that there would need to be further discussion with local authorities to identify how resources are currently used and split between official food controls and other functions such as noise pollution. We are, however, in the process of discussions with the Scottish Government on the establishment of Primary Authorities in Scotland for devolved regulatory matters which we feel could be a more appropriate enforcement regime for our members and would ask for further discussion on this question in the context of a wider consideration of local authority enforcement.

We do not have any specific comments on the proposal to changes of auditing services provided they do not add unnecessary cost in terms of transferring the current responsibilities from FSA UK and adhere to the principles of Better Regulation which the Regulatory Review Group has made clear in its submission to the consultation.

**13. Are there any additional or alternative relationships that you would suggest that would help the new food body achieve the Scottish Ministers' objective of longer, healthier lives for the people of Scotland? Please give details and reasons.**

We note the consultation stresses the importance of collaboration with a number of bodies including the FSA and the UK Department for Environment, Food and Rural Affairs (Defra). It is very important that these relationships work well to ensure the views of Scottish industry are reflected and to establish a consistent policy position across the UK. We believe in addition to those organisations listed it will be very important to establish a strong working relationship with the SRC. The current relationship between the FSA and our sister organisation the British Retail Consortium (BRC) has been extremely important in ensuring a two-way flow of information between industry and regulators. It helps the FSA understand some of the practical implications of decisions on retailers and consumers and provides a conduit for FSA to pass information quickly to the retail sector to ensure all decisions are quickly acted upon.

**14. Do you have any suggestions about how the new food body can engage effectively with consumers, both in developing policy and providing information and advice?**

We welcome the proposal to engage with consumers and especially 'seldom heard' consumers. Our experience is that the FSA and other parts of Government have struggled to engage with consumers and have relied on groups that claim to represent them. This has led to conclusions being made on consumer behaviour not tallying with the experience of our members who are serving millions of customers daily. We believe it would be worth the body taking advice from consumer engagement experts to ensure they get representative views.

**15. Do you agree with the suggested approach to ensuring the new food body's independence from Government and food industry? Do you have any further suggestions for how the new food body could best establish and maintain its position as an arms-length part of Government? Please give reasons.**

We have always supported the need for the FSA to be independent from Government and industry and agree with the principles set out in the consultation. We support the appointment of non-executive members to act in the public interest. Whilst the board should be independent of industry it should understand industry and would encourage induction with Scottish retailers to ensure they are equipped with sufficient background information.