
Minutes of the Chief Executive's Consumer Stakeholder Forum: Monday, 17 December 2007

Chaired by: John Harwood, Chief Executive

Members Present:

Hazel Gowland	Anaphylaxis Campaign
Yvonne Gritschneider	British Heart Foundation
Emma Smith	Coeliac UK
Tika Patel	Confederation of Indian Organisations
Patience Purdy	National Council of Women Great Britain
Stella Nicholas	National Consumer Federation
Susan Knox	Foodaware
Steve Nash	Haemolytic Uraemic Syndrome Help (HUSH)
Jeff Alder	National Consumer Council (NCC)
Sarah James	Nutrition Society
Emma Hockridge	Soil Association
Jeanette Longfield	Sustain
Colin Walker	Which?
Chris Olivant	Vegetarian Society
Sara Spiers	Diabetes UK

FSA Officials Present:

David Atkins	Chief Scientist Team
Philip Clarke	Regulation, International and Openness Division
Terrence Collis	Director of Communications
Gill Fine	Director, Consumer Choice and Dietary Health
Rosemary Hignett	Head of Nutrition Division
Mary Howell	Meat Hygiene and Veterinary Division
Stephen Humphreys	Head of External Affairs, Communications Division
Stephen Johnson	Novel Foods, Additives and Supplements Division
Sandy Lawrie	Novel Foods, Additives and Supplements Division
Chris Pratt	Primary Production Division
Stephen Pugh	Labelling, Standards and Allergy Division
Alison Spalding	Labelling, Standards and Allergy Division

Cabinet Office Officials

Louise Horner	Strategy Unit, Food Policy Review
Elen Watkin	Strategy Unit, Food Policy Review

Secretariat

Adam Treslove	External Affairs Team, Communications Division
Marfot Miah	External Affairs Team, Communications Division

1. Notes and Introduction

John Harwood welcomed all members of the forum to the meeting. John Harwood welcomed Louise Horner and Elen Watkin from Cabinet Office, who would be providing a presentation on the current Cabinet Office review of the food policy. John Harwood also informed the meeting that this would be his last meeting as CE. Tim Smith, formerly CE of Arla Foods plc, has been appointed as the new CE. Tim Smith will take up the post in March 2008.

2. Minutes and Matters arising from the last meeting

The amended minutes of the meeting held on 2 July 2007 were approved. Jeanette Longfield re-iterated her request that the minute procedure be reviewed changed to allow members to comment in advance of their publication. John Harwood stated that the current procedure enabled the publication of a draft minute in the most efficient manner possible. He recognised that forum members should have an opportunity to comment, and stated that the minutes and matters arising section of the meeting provided such an opportunity. It was agreed that the secretariat should discuss this further with Jeanette Longfield following the meeting.

Action: Secretariat

It was noted that the outcome of an action from the July meeting of the Forum had not been communicated to members. Terrence Collis stated that in relation to the enforcement matter regarding Tate & Lyle and British Sugar that we did not consider it proportion or reasonable for the Agency to take any further action. However the concerns raised by Jeanette Longfield about the weakness of sanctions when labelling laws are broken have been noted and will be considered when further similar issues arise in the future.

3. Cabinet Office Review: Study of food and food policy in the UK

Elen Watkin and Louise Horner provided an overview of the current Cabinet Office review of food policy. The project is being lead by the Prime Minister's Strategy Unit, with cross-cutting support from Defra, DH and the Food Standards Agency. The project has been established at the request of the Prime Minister to examine the current and emerging trends in the production and consumption of food, the key drivers of those trends and the implications for the wider economy, society and the environment. The results of the first, analytical phase of work will be published early in the new year.

Emma Smith commented that allergen issues should be considered as part of the project.

Emma Hockridge challenged the assertion made by Cabinet Office that food has never been more affordable and asked whether the report had considered the wide environmental impacts of food production, stressing that it was vital that the project takes a holistic view of food.

Jeanette Longfield requested an opportunity to comment on the findings of the report through a consultation process.

The Cabinet Office stated that the project would be considering allergen issues, and would seek to take a holistic view of food. The Cabinet Office report will not be subject to a formal consultation but the review team have engaged with a wide range of stakeholders while researching the report and are content that the appropriate stakeholders have had an opportunity to input. However, Cabinet Office will be seeking comments and contributions following the publication of the first analytical phase of the project.

4. Key Developments - Update

i. Eatwell Plate

Rosemary Hignett provided a brief introduction to the Agency's Eatwell Plate. The Eatwell Plate is a revision of the Balance of Good Health and is central to the Agency's dietary advice. The Eatwell plate has been revised following consultation with stakeholders and consumer testing. The Eatwell Plate is a key educational consumer advice resource and we are encouraging all stakeholders to use this model in their communications.

Tika Patel asked whether the Asian diet plate has been updated and if not whether the Agency had plans to do so. Rosemary Hignett responded that the Agency will consider and respond.

Action: Rosemary Hignett

ii. Saturated Fat and Energy Programme

Rosemary Hignett then provided an update on the Agency's Saturated Fat and Energy Programme. The consultation for this has now closed and the Agency will shortly be issuing a statement describing forthcoming activity in this area.

Jeanette Longfield asked whether sustainability issues had been considered. Rosemary Hignett confirmed that these issues will be considered as the programme developed and thanked Jeanette Longfield for the very useful dialogue that had previously taken place in relation to this matter.

iii. Folic Acid

Rosemary Hignett provided an update on the Agency's work on the mandatory fortification of bread / flour with Folic Acid. The Agency has formed an expert group to consider the request of the Chief Medical Officer to further consider carcinogenetic factors occurring as a result of fortification. The Agency anticipates that the Expert Group will meet in late January 2008. Rosemary Hignett stated that the Agency is continuing to hold discussions with industry exploring how fortification can be implemented. It was reported that discussions are on-going with relevant industry sectors.

Stella Nicholas asked whether it would be possible for consumers to continue to purchase bread that has not been fortified, as she believes that this approach restrict consumer choice. Rosemary Hignett reported that the Board had considered at great length the issue of consumer choice and concluded that the health benefits outweighed choice considerations. However she noted that the recommendation was that wholemeal bread would continue to be available without fortification.

Emma Smith asked whether Gluten Free flour would be included in the fortification measures. Rosemary Hignett confirmed it is our intention, if mandatory fortification goes ahead, that gluten free flour would be fortified.

Patience Purdy asked whether the recommendations from the current review would be going to the Board for further consideration. John Harwood stated that this was not the intention but that the Executive would have to consider the outcome of the review before making its final decision on this matter.

Jeanette Longfield asked whether the Agency was only relying on fortification to improve the intake of folic acid or does the Agency have any other plans in the pipeline to promote foods that are high in folates.

Rosemary Hignett confirmed that the Agency will continue to work closely with the Department of Health as the lead Government Department on Folic Acid and also for the '5 a day' marketing campaign. The Agency will continue to provide advice on balanced diet through the Eatwell website.

iv. Sustainability in Policy Making

Alison Spalding provided an update on the Agency's current work seeking to embed sustainability considerations into policy making. The Agency is currently working to identify to what level sustainability can be considered without compromising the Agency's statutory remit. It was reported that the Agency had recently held a stakeholder workshop to explore how we balance stakeholder views on this issue. The workshop was a very useful exercise for the Agency, with presentations from 2 stakeholder representatives and fictitious case studies, designed to tease out decision making challenges relating to sustainability.

Jeanette Longfield thanked the Agency for the opportunity to attend, and speak at the Sustainability workshop. Jeanette congratulated the Agency on holding the event but also expressed frustration at the delay in considering these matters. Jeanette also expressed frustration that further discussions will be taking place at Board level on this matter and stated that the Agency does not appear to be taking sustainability forward with the urgency that it requires.

Alison Spalding stated that the Agency factored in sustainability consideration into all its policy making decisions at the present time and that the current programme of activity is to identify whether the Agency has got the balance right in this area. It is not the case that no activity is taking place.

Emma Hockridge asked what the Agency's sustainability policy is in regards of catering.

John Harwood reported that the Agency takes such matters very seriously and was delighted that the Agency has recently been recognised as the best performing Government Department in terms of Carbon Emissions. John Harwood also reported that the Agency's catering department does take sustainability into consideration. The Forum will be aware the Agency introduced a mains-fed bottled water system which recycles and refills bottles on site. The Agency has also taken further steps to reduce its environmental impact, for instance replacing all napkins with recycled unbleached alternatives and ensuring that all sandwiches are available in biodegradable packaging. John Harwood reported that the Agency seeks to remove obstacles to supply for local and UK producers to increase the scope for the use of fresh produce. The Agency's fish supplier works with a fishery that meets the Marine Stewardship Council's environmental standard for well-managed and sustainable fisheries. John Harwood confirmed that we would supply further information to stakeholders on our catering policy in regards of sustainability.

Action: Secretariat

v. Colours and Hyperactivity

Stephen Johnson provided an update on the recently published study on Food colours and hyperactivity. It was reported that the study looked at 6 different food colours and the preservative sodium benzoate, and involved groups of 3 and 8/9 year old children. The results of the study have been reviewed by the independent Committee on Toxicity (COT) and have been published in the Lancet.

The COT concluded that the study provides supporting evidence that certain mixtures of artificial food colours together with sodium benzoate are associated with an increase in hyperactivity. As a result the Agency issued advice to parents of children who show signs of hyperactivity that avoiding the colours used in the study may have some beneficial effects on behaviour.

Patience Purdy asked whether the Agency is collecting any anecdotal evidence from parents in relation to hyperactivity. John Harwood responded by stating that the study was originally commissioned as a result of anecdotal evidence and that the study design was considered to be the most robust possible.

Hazel Gowland congratulated the Agency on the design stating that result was the most objective study possible. She recognised the importance of using well-trained observers who studied the same children throughout the research period to record the effects of the mixtures on children's behaviour, as well as regular parental assessment criteria.

John Harwood reported that the Agency has asked EFSA to consider the study as a matter of urgency and that we expect EFSA to report in early March. John Harwood reiterated that all should remember that no causal mechanism was identified in study.

Jeanette Longfield asked about the Agency's position in relation to sodium benzoate and whether the Agency believe that this additive may have had an effect in the study. Stephen Johnson responded by stating that sodium benzoate was present at the same level in all mixtures, whereas the colours were present at variable levels. However the Agency is collecting data from the food industry in relation to current usage of sodium benzoate (as well as the 6 colours) and will explore this element of the study further.

Hazel Gowland asked whether there were likely to be more alternatives to the use of sodium benzoate in food production – for example the use of sulphites (which now have to be labelled under the food allergen legislation). Stephen Johnson responded by stating that industry finds sodium benzoate is an effective preservative and there are some challenges with some of the alternatives. These include dimethyl dicarbonate (DMDC) or aseptic filling.

Jeanette Longfield requested clarification on whether the Agency would be making any further recommendation on this matter. John Harwood confirmed that the Agency would wait for EFSA's response and then further consideration would be given to this matter by the Board.

vi. Scientific Evidence in Policy Making

David Atkins was at this point invited to provide a summary of how the Agency uses scientific evidence in policy making. It was reported that scientific evidence is fundamental to the Agency's policy making process, but it is not the only type of evidence that is taken into consideration. A number of other factors are considered including individual liberty, the risk appetite of consumers and economic and social impacts. It was stated that a very good example of this was the discussion that led to the provision of advice to the Minister on Folic Acid. David Atkins confirmed that all evidence is important. Nonetheless, within science there is a hierarchy of evidence; and that anecdotal evidence should be seen as an important trigger of scientific investigations to generate more robust and reproduceable evidence.

David Atkins then reported that the Agency Chief Scientist, Dr Andrew Wadge, proposed at a recent advisory forum of the European Food Safety Authority (EFSA) that EFSA should lead a research project to address anecdotal concerns of consumers about the artificial sweetener aspartame. The idea is that the study would compare reported symptoms and biochemical parameters in a double-blind cross over design in self-selected groups who report that they are sensitive to aspartame compared with control groups. It was stated that EFSA responded positively to this suggestion and will arrange a meeting with Member States to discuss this further.

Patience Purdy responded to this by questioning why the Agency was not pursuing more work in this area.

John Harwood stated that there were a number of considerations, most notably that additives are a European competency and that we believe it most effective for EFSA to take forward this work.

Patience Purdy responded by stating that the Agency should be warning the public about the dangers of aspartame and should seek to actively identify consumers who are effected by aspartame.

David Atkins responded by stating that the proposed EFSA study as envisaged by the Agency would shed light on anecdotal evidence about the risks of aspartame by involving those who believe that they sensitive to aspartame.

Steve Nash asked whether it was possible to quantify a point at which enough evidence had been collected to merit immediate regulatory action.

David Atkins responded by stating that this is one of the first questions that the Agency will be asking to its new General Advisory Committee on Science.

5. Specific Issues raised by Forum members

i. Meat Hygiene Service: The delivery of official controls

Colin Walker and Steve Nash requested an update in relation to this matter. Colin Walker stated that Which? have specific concerns about the composition of the advisory body set up to oversee the review of the delivery of official controls. Specifically, Which? are concerned that advisory body is comprised of a significant number of Industry stakeholders, and a very limited number of consumer stakeholders.

In response John Harwood stated that the advisory body was comprised of a small number of stakeholders to ensure that meaningful dialogue could take place with in this forum. John Harwood stated that the Agency is happy to establish bilateral dialogue with any organisation that would like to discuss this further.

Steve Nash requested a further update on the progress of this project following discussions at July's Board meeting.

John Harwood responded by stating that the Meat Hygiene Service is making positive progress with a series of initiatives designed to facilitate more efficient relationships with contractors, to reduce costs by modifying regional structures, and investing in new technologies to prevent double handling. John Harwood stressed that the

changes will not bring about a reduction in standards but will improve how standards are secured.

Steve Nash stressed that HUSH have very serious concerns about the effect on standards that the proposed changes could have and asked whether there will be a further opportunity for consultation.

John Harwood stated that no further consultation is planned but he would be happy to discuss any concerns with stakeholders. John Harwood also confirmed that the Agency is in discussion with Unison in relation to this matter.

Jeanette Longfield stated that Sustain are deeply concerned about this matter, and find it particularly concerning that the Agency appears to be placing economic concerns ahead of health concerns.

ii. Better Regulation

Colin Walker asked about the consultation on the Meat Products Regulations.

Alison Spalding confirmed that consultation ended in November. Implementation of this regulation would bring labelling requirements of meat products in line with European law. It was emphasised that the idea to introduce threshold levels in order to improve labelling consistency and consumer information would be dropped as the consultation had demonstrated little support. The current amendments to the Meat Products Regulations had not been related to better regulation and the reduction of admin burdens on industry. That would be the subject of a separate exercise that is expected to start with a public consultation in late spring.

iii. Labelling Issues

A number of labelling issues were raised by members of the Forum. Steve Nash asked "What Plans does the Agency have in relation to the labelling of raw cheese and minced meat to ensure that the relevant regulations EC 853/2004 and EC 2073/2005 are being fully complied with"?

Chris Pratt responding on behalf of the Agency said that the Agency shares HUSH's view of the importance of compliance with the labelling regulations and that the Agency will be writing to enforcement authorities and stakeholders to remind them of the requirements and the need to enforce them. Steve Nash stated that the European Commission has stated that this information should be provided at the point of sale and believes that the Agency interpretation of the Regulation is not appropriate. In the view of HUSH, the point of sale is the till, not the cheese counter.

Action Chris Pratt / Mary Howell

Steve Nash reiterated HUSH's view that the labelling of mince meat as required by the microbiological criteria legislation 2073/2005 is not being carried out in butchers' shop where mince is sold loose. In addition for the labelling of pre-packed meat with cooking instructions is not appropriate as a large number of supermarkets continue to place cooking instructions on underside of the labelling. HUSH argue that this information should be provided in a prominent position.

Mary Howell responded stating that the Agency will be writing to all enforcement authorities and stakeholders reminding them of the requirement in 2073/2005 to label minced meat and meat preparations.

Action Chris Pratt / Mary Howell

John Harwood stated that HUSH would receive a full response to their letter received by David Statham. John Harwood suggested that an update should be provided on this item at the next meeting of the Forum.

Action: Secretariat

Jeanette Longfield introduced Sustain's concerns about the labelling of a Banana Thick Shake produced by Mars UK.

Stephen Pugh responded saying that in his view the labelling does appear to fall foul of the labelling requirements. John Harwood confirmed that the Agency will raise this matter with the relevant Trading Standards Authority and will provide an update to Jeanette Longfield when available.

Action: Stephen Pugh

Jeff Alder made the point that Agency uses the website to announce product recalls and asked whether it had been considered the use of FSA website in a similar manner to show products that are mislabelled. John Harwood stated that Terrence would consider this.

Action: Terrence Collis

iv. EU Labelling review

Colin Walker requested an updated on the forthcoming EU review of Food Labelling. Colin Walker also stated that BEUC the European Consumer Organisation had obtained support from Consumer Associations in all member states.

Stephen Pugh stated that the Agency did not now anticipate that the regulation would be published until late January. Following publication of the draft regulation the Agency would issue a 12 week consultation.

Gill Fine added that the Agency was commissioning an independent evaluation of the three main front of pack labelling schemes in the UK. The research will be carried out in 2008.

Tika Patel commented that the Agency should recognise the need for vegetarian labelling in south Asian communities.

Stephen Pugh said that the Agency had already produced guidance on the subject and under the 'National Schemes' section of the new Commission labelling proposal would need to share this with the Commission.

v. Cloned Meat

Masood Khawaja of the Halal Food Authority requested an update on this issue at the previous meeting of the Forum. Mr Khawaja was not present at this meeting.

Sandy Lawrie explained that in the EU, food from cloned animals and their offspring falls under the EC Novel Foods Regulation and would require a pre-market safety assessment, including an evaluation of the need for such foods to be specially labelled. To date no such application has been received or carried out in the EU, and meat from cloned animals cannot therefore be sold within the EU. There are no companies working on cloned livestock in the United Kingdom.

Sandy Lawrie then reported that at the EU level there are number of initiatives being taken forward currently in the area of cloned animals. The European Commission has asked EFSA to evaluate the implications of the use of animal cloning on both food safety, and animal health and welfare. The Agency understands that EFSA will publish an opinion on this issue in early 2008. In addition, the European Group on Ethics which advises the European Commission on ethics of science and new technologies is also currently evaluating the use of the technology. The EGE had a roundtable discussion with stakeholders in September to ensure that the views of stakeholders are taken into account in their opinion which will be published by the end of the year. The Agency expects that there will be a further discussion between the Commission and Member States regarding the implications of the use of this technology in the food chain once these two opinions are published.

6. Stakeholder Engagement

Stephen Humphreys introduced his paper on developing the Chief Executive's Stakeholder Fora and requested any comments and suggestion for consideration.

In general the Forum members present supported the suggestions described in the paper. All welcomed the prospect of a joint meeting with Industry but stressed the importance of a focused agenda with a small number of items. It was agreed that the Secretariat should continue with the development of the forum and take forward the proposal of a Joint Industry / Consumer meeting.

Action: Secretariat

7. Date of Next Meeting

The date of the next meeting is Monday, 16 June 2008.

**Consumer Stakeholder Forum Secretariat
1 February 2008**