6. Notification of the ruminant feed ban to other countries

Introduction

6.1 In this section we will describe the extent to which countries beyond the UK were made aware of the imposition of the ruminant feed ban after its introduction in July 1988. In particular, we will consider the extent to which the British Government ensured that all countries importing meat and bone meal (MBM), or animal feed containing MBM, were aware of the potential dangers associated with the feeding of such material to ruminants.

Initial, informal contact on BSE

6.2 On 7 August 1987 Mr Rees (Chief Veterinary Officer) responded to a question from the MAFF Parliamentary Secretary, Mr Thompson, about the extent of international awareness of BSE. Mr Rees explained that technical aspects of the disease had already been discussed at scientific meetings ‘but only as one of many unrelated topics’. He informed the Minister that a short scientific communication on BSE was to be published in the Veterinary Record in the next few weeks. Mr Rees commented that the Veterinary Record was ‘picked up in many overseas countries and no doubt the report will be of interest particularly to research workers. The speed with which the information will filter through is difficult to predict but it would be surprising if the condition was not being discussed in international circles within the next few months’. 722 In a statement to the Inquiry Mr Rees’s successor, Mr Meldrum confirmed that the Veterinary Record, although published in the UK, ‘had a very wide domestic and international circulation’. 723

6.3 The matter was next raised when Mr Rees provided Mr Thompson with a progress report on BSE in September 1987. The Parliamentary Secretary was informed that ‘a short scientific article’ had been submitted to the Veterinary Record and would be published ‘in the next week or so’. In his concluding paragraph Mr Rees said that ‘to date there has been no international reaction to the discovery of the condition’. 724 The article by Mr Wells et al entitled ‘A novel progressive spongiform encephalopathy in cattle’ was published in the Veterinary Record on 31 October 1987. The clinical and pathological findings of BSE were reported but the aetiological basis of BSE was described as ‘unknown’. There was no mention of a possible feed source for the disease. 725

6.4 It was at this time that the Government began to receive requests from other countries for information about BSE. The first was a request for information directed to the State Veterinary Service (SVS) from the Agriculture Secretary of the

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722 YB87/8.7/1.1
723 S184E Meldrum Section I para. 5
724 YB87/8.16/3.1
725 Veterinary Record, vol. 121, 31 October 1987, pp. 419–20
US Embassy. Mr Suich of MAFF’s Animal Health Division reported this to Mr Thompson on 28 October 1987, adding that the US Embassy had assured MAFF that it was not ‘seeking to raise barriers to trade’. Later, on 11 November, Mr Suich told Mr Thompson that the Dutch veterinary authorities had been in touch with the Central Veterinary Laboratory (CVL) to seek advice on diagnostic aspects of BSE in order to check if the condition existed in the Netherlands.

6.5 In October 1987 MAFF told the British Embassy in Lisbon about BSE and asked it to monitor any mention of the subject in Portugal. In January 1988 the Embassy informed Mr Suich of the reluctance on the part of at least one farmer to purchase British dairy cattle, because of fears about the newly identified disease. Mr Suich, in his response to the Embassy, pointed out that until then only the Netherlands had expressed any concern over BSE:

No other Member State or the Commission has, as yet, suggested that it is worthy of discussion in Brussels. As far as we know the condition has not been identified outside Great Britain . . . Despite the apparent lack of interest abroad we are well aware that the situation could change very quickly. That is why we are currently considering a number of options for dealing with BSE; these will be put to the Minister shortly.

6.6 As well as through formal requests to Government Departments and Agencies, information was disseminated through the responses to scientific enquiries from experts in other countries. In his statement to the Inquiry, Mr Wells said:

In 1988 we began to supply more BSE materials, including sections, slides, copies of published papers, photographs of clinical signs and copies of the BSE video, in response to an increasing demand for information. The supply of such extension materials was entirely demand led. Many of these requests for information were as a result of the Veterinary Record publication ‘A novel progressive spongiform encephalopathy in cattle’ in October 1987. The contacts were from a wide variety of people ranging from known and respected scientists in the animal and public health fields, some of whom I already knew, to students doing courses such as animal health, microbiology and meat inspection. Materials were also supplied overseas, for example, to a scientist in Italy, the South Australian Department of Agriculture, Taronga Zoo in Sydney, Australia, and the Ministry of Agriculture and Fisheries in New Zealand. Materials were requested for various different purposes, such as education and training, college projects, presentations and for general interest and information. The volume of requests received by the Department increased greatly throughout 1988 and on into 1989.
MBM is identified as the probable vector for transmission of BSE

6.7 On 31 March 1988, Mr Andrews (MAFF Permanent Secretary) minuted Mr MacGregor (Minister of Agriculture, Fisheries and Food) about BSE. His minute recorded the following:

Mr Howard Rees and his colleagues are pressing ahead with our own enquiries into the possible source of this disease. It seems increasingly clear that there is a link with feed and possibly changes in the procedures for the preparation of feed and its composition dating back to the early 1980s. We hope to come up with the conclusions of these studies within the next fortnight. We shall then need to decide urgently what action to take, possibly through persuading the feed manufacturing industry – or sections of it – to alter their practices. If we come up with some strong conclusions relating the disease to feed, we should certainly press ahead and take whatever steps seem necessary to contain the spread of this disease without waiting for the advice from outside experts.732

6.8 On 14 April 1988, Mr MacGregor, Mr Gummer (MAFF Minister of State), Mr Thompson and Mr Andrews met Mr Meldrum, Mr Wilesmith of the CVL and a number of MAFF officials to discuss BSE. The note of the meeting described consideration of publicity and trade within the European Community (EC)733 as follows:

Publicity

1. It was noted that, for a number of reasons, this issue could assume a higher profile in the immediate future:

a) the Guernsey authorities were considering putting out a statement on the issue;

b) the Dutch (and the Commission) were pressing, informally at this point, for further information;

c) it could be raised in the [EC] Standing Veterinary Committee within the next month;

d) the feed industry were aware of the problem, given that meat and bone meal were possible causes.

After some discussion it was agreed that this should be handled in a low profile way (particularly given that the Southwood report was not expected for some 5–6 months); a written PQ was not appropriate, but a paragraph should be included in the Veterinary Record.

732 YB88/3.31/5.1
733 The European Union (EU) came into existence on 1 November 1993 as a result of the Maastricht Treaty. It incorporated but did not replace the European Community. Throughout the volumes of this Report, the term EU is generally used for consistency’s sake (even if sometimes chronologically incorrect), except where specific reference is made to the functions conferred by the European Community Treaty or to its legal effect.
2. It was agreed that our public line should be that we were taking the issue seriously, a number of steps were already under way; but that the question must be kept in perspective.

Intra-Community Trade

3. The Parliamentary Secretary suggested that any restrictions on trade should be made reciprocal. Dr Watson said that it appeared likely that the disease was confined to this country; there were unique factors which made this possible.734

6.9 The note of the meeting records the following discussion of MAFF’s feedstuffs investigation:

Feedstuffs Investigation

4. Mr Meldrum outlined the current situation on the feedstuffs investigation noting that the industry had been very co-operative. Whilst it was too early yet for any definitive results, it was evident that in the early ’80’s a change in production processes had occurred. Further tests were now underway; it was hoped to report back in the next two to three weeks.

5. Mr Wilesmith noted that much of our exported feedingstuffs went to the Third World rather than Europe. The Minister of State felt that we had a duty to alert recipient countries if there was anything to be gained by our doing so.

6. Mr Smith raised the question of whether the problem could be eliminated, should the production method prove to be the problem (as seemed possible), once the method was changed. Dr Watson noted that the position on BSE was not yet clear, but drew an analogy with scrapie, which was transmissible within herds.

7. It was agreed that BSE could represent a significant risk to our feedingstuffs and cattle exports. Mr Smith argued that, if a change in technology looked to be the answer, we should either request or insist that the industry followed this through. The Minister concluded by requesting that advice on the outcome of the review should include an assessment of the strength of the evidence; decisions on exports and advice to importing countries should be taken once the results were available.735

6.10 The conclusion of the meeting is recorded as follows:

The Minister concluded that there were a variety of issues outstanding.

1. The Southwood investigation, which could be given a very low level of publicity when a further step was taken: no separate announcement should be made;

2. The response to the Dutch, which the Parliamentary Secretary would consider;
3. The feedstuffs enquiry and action arising from it;

4. Work on other areas, eg the efficacy of a slaughter policy in eradicating the disease;

5. Whether compensation was appropriate.

Until the position was clearer, we should maintain a low profile without appearing to attempt to conceal information.\(^\text{736}\)

6.11 On 6 May 1988 Mr Rees put up a submission to Mr MacGregor. Mr Rees said that he was `satisfied from the information produced by the investigating teams that the source of the transmissible agent which has caused BSE is through meat and bone meal derived from sheep material in which the rendering process has failed to inactivate the scrapie agent.\(^\text{737}\)` This submission was discussed by Mr MacGregor, Mr Thompson, Mr Andrews, Mr Meldrum and others on 18 May 1988. The Minister felt that all the evidence pointed to a speedy and compulsory ban on sheep meat material in feed for ruminants.\(^\text{738}\) He gave instructions that the appropriate Statutory Instrument be prepared.

**BSE is reported to the OIE and in further published articles**

6.12 A General Session of the Office International des Epizooties (OIE) was held from 16 to 20 May 1988. Mr Meldrum records in a statement to the Inquiry that:

>The CVO, Mr Rees, made a short report to the Annual Meeting of the Office International des Epizooties (OIE), which is the animal health equivalent of the World Health Organisation, held in Paris in May 1988 and a short description of the disease appeared in the report of that meeting.\(^\text{739}\)

6.13 In his statement to the Inquiry, Mr Kevin Taylor of MAFF gave the following description of the Office International des Epizooties:

>The Office International des Epizooties (OIE) is an international organisation which collects and disseminates information about animal diseases to its members, and recommends conditions under which animals and animal products may be safely traded. It is based in Paris and some 150 countries are members. OIE plays a pivotal role in disseminating information about old and new diseases worldwide, and the UK is an active member and supporter of the organisation. The leaflet at M11/Tab 6 gives a brief overview of OIE organisation and activities. The International Committee of OIE, comprising the CVOs or their nominees from all member countries, meets in General Session in Paris in May every year, to discuss technical issues, hear reports from specialist commissions, and consider proposed additions or amendments to the International Animal Health Code (which sets out recommended trading conditions). During the General

\(^{736}\) YB88/4.14/1.2

\(^{737}\) YB88/5.6/3.3 para. 5

\(^{738}\) YB88/5.19/5.1-5.2

\(^{739}\) S184 Meldrum para. 62
Session each country gives information about its animal health status: much of the information is submitted in advance in codified and tabulated form, but there is also a tour-de-table in which the written information is confirmed or updated, and in which additional comment may be made by delegates about important developments in the past year. Member countries are also members of Regional Commissions which meet biennially to consider items of regional importance.

6.14 The leaflet referred to by Mr Taylor is entitled ‘OIE: brief overview’ and includes the following:

As the world organisation for animal health, the main objectives of the OIE are to:

• inform Governments of the occurrence and course of animal diseases throughout the world, and of ways to control these diseases

• co-ordinate, at the international level, studies devoted to the surveillance and control of animal diseases

• harmonise regulations for trade in animals and animal products among Member Countries.

6.15 On 30 April 1988 Dr K L Morgan published an article in the *Veterinary Record* which discussed evidence relating to the transfer, via the oral route, of spongiform encephalopathies such as kuru and scrapie. It also discussed evidence relating to the ability of the scrapie agent to survive certain rendering procedures. It concluded:

A possible role for meat and bone meal in the transmission of this novel disease remains to be proven. In the meantime it may be expedient to ensure that the valuable recycling and social function carried out by meat renderers involves high temperature processing (above 140º C for one hour). Because of the low profit margins involved and the competition from subsidised products such as rape seed, it may be necessary to provide public money to support this.

6.16 On 14 May 1988 the SVS published a ‘disease update’ on BSE in the *Veterinary Record*. As to the cause, the article made no particular reference to infected MBM but said:

As yet the cause of the condition remains unknown . . .

While there is undoubtedly a genetic component of BSE, it is not simply an inherited disease. In a small proportion of incidents there is a family relationship between affected individuals both within and between herds. However, the sudden appearance of the disease in the national herd, the affection of several breeds and crossbreeds, and the absence of a common
ancestor or small group of ancestors supports, more strongly, a predominantly environmental cause.\textsuperscript{743}

\textbf{6.17} In June 1988 two articles were published in the \textit{Veterinary Record} announcing the Government’s intention to introduce the ruminant feed ban and to make BSE a notifiable disease.\textsuperscript{744} The article entitled ‘MAFF moves on BSE’ included the following:

And while the causative agent of BSE has yet to be confirmed the circumstantial evidence linking the disease to a scrapie-like agent is considerable. Further, the possibility that such an agent might be transmitted by ingesting infected material, as suggested by Morgan (\textit{VR}, April 30, p 445), seems strong enough for the Ministry of Agriculture to have added a rider to the notifiable disease order banning the feeding to cattle of rations containing animal protein of ruminant origin.

The ministry’s action will facilitate the work of identifying the causal agent. It will also reassure the industry and its customers that the UK is determined to maintain the health status of its national herd by taking effective measures, even when the incidence of a problem is as low as that of BSE.

The second article, entitled ‘MAFF – BSE to be made a notifiable disease’, included the following:

BOVINE spongiform encephalopathy has been declared a notifiable disease by the Ministry of Agriculture. A statutory order will be made before the end of June.

Under the order the feeding to cattle of rations containing animal protein of ruminant origin will be suspended until December 31, 1988. This follows epidemiological investigations into the disease which suggest an environmental agent as well as some genetic factor is involved.

\textbf{Israel bans imports of live cattle from Europe}

\textbf{6.18} On 23 June Mr Cruickshank of MAFF’s Animal Health Group sent Mr Andrews a submission for Ministers on BSE proposing, in the light of recommendations by the Southwood Working Party, a policy of slaughter and compensation. On the subject of exports he noted:

The only country to have taken action so far is Israel. They have stopped imports of live cattle from this country. Unfortunately they have also stopped imports from other Member States, on the basis that cattle can move from here to the rest of the Community. This may trigger possible Community discussion on the subject. In addition the Australian and Northern Irish authorities are showing some concern about trade in cattle and the Netherlands on the export of meat and bone meal.\textsuperscript{745}

\textsuperscript{743} \textit{Veterinary Record}, vol. 122, 14 May 1988, pp. 477–8 (see also YB88/5.14/1.1–1.2)
\textsuperscript{744} \textit{Veterinary Record}, vol. 122, 11 June 1988
\textsuperscript{745} YB88/6.23/2.3 para. 5
6.19 An internal BSE update, produced by the CVL in July 1988, observed the following in respect of the export of MBM:

Is offal exported from GB to the Continent? Yes, it is exported in reasonable quantities to various countries within Europe and also to the Middle East. No disease has been reported from these countries as yet. Most of the meat and bone meal is exported to Rotterdam and here it is made into various products and it has proved very difficult to find out what products it is included in and where those products go to. Protein supplements are also directly exported from GB.746

The ruminant feed ban is introduced

6.20 On 14 June 1988 the Bovine Spongiform Encephalopathy Order 1988 was made. Article 7 of the Order, which introduced a ruminant feed ban, came into force on 18 July 1988. The effect of the Order is described in detail in Chapter 4.

6.21 On 14 July 1988 Mr Cruickshank wrote to agricultural attachés at British Embassies in the Netherlands, Denmark, Germany, France, the Republic of Ireland, Italy, Spain and Portugal, Australia, New Zealand and the USA to describe a number of measures which had been taken recently by the Government in relation to BSE. Mr Cruickshank’s letter included the following:

In assessing the cases of BSE which have occurred in Great Britain (679 on 552 premises at 8 July) it is not really accurate to refer to ‘disease spread’, at least in the conventional sense. There is in fact no evidence of cattle to cattle transmission. Rather it appears to be a ‘single source epidemic’. That source is most probably animal protein derived from ruminants which has been fed to cattle. More specifically it seems it could have been sheep material from scrapie-affected animals. If this is shown to be the case, then the agent which causes scrapie has jumped the species barrier to cause BSE in cattle. However as you will appreciate this is not something we are highlighting. The disease has a long incubation period and it seems probable that the animals going down now received the infective dose some years ago. It is still largely confined to a single animal in a herd.747

6.22 Mr Cruickshank’s letter referred to the introduction of the ruminant feed ban as follows:

In view of the circumstantial evidence about the cause of the disease, legislation (The Bovine Spongiform Encephalopathy Order 1988) has been introduced to prohibit from 18 July the use of animal protein derived from ruminants in feed for ruminants. You will see from the Order (copy attached) that the prohibition ends on 31 December this year. The plan in the meantime is that all the rendering plants in Great Britain which produce meat and bone meal will be visited and detailed investigations undertaken to determine whether or not the process, particularly the time/temperature combinations

746 YB88/7.00/6.5
747 YB88/7.14/12.1–12.2
used, is sufficient to destroy the agent. The legislation will be reviewed in the light of results.\textsuperscript{748}

\textbf{6.23} On 21 July 1988 the OIE issued the final report of its General Session, which had been held from 16 to 20 May 1988. In paragraph 166 the report stated:

A new disease, designated ‘bovine spongiform encephalopathy’, was observed in Great Britain. This disease has a long incubation period. Research is being carried out to identify the disease agent, about which little is known at present.\textsuperscript{749}

The OIE report made no mention of MBM as the vector for BSE.

\section*{The EU is formally notified of the introduction of the ruminant feed ban}

\textbf{6.24} On 25 July 1988 Mr Suich had a telephone conversation with Mr David Wallace in UKRep in Brussels\textsuperscript{750} and subsequently sent him a draft letter, approved by Mr Thompson to be forwarded to the European Commission. When forwarding the draft letter Mr Suich explained to Mr Wallace:

I understand that it is felt necessary on the feedingstuffs side to notify our new restrictions on the use of certain feedingstuffs. However, because we are not keen to provoke a debate in the feedingstuffs forum for fear of unwelcome repercussions the Parliamentary Secretary (Commons) has agreed that a generally worded letter should be sent to Legras.\textsuperscript{751}

\textbf{6.25} The letter was sent to Mr G Legras, Director-General of DGVI (Agriculture) of the European Commission, from Mr D M Elliot, the Deputy Permanent Representative at UKRep, on 25 July 1988. The letter informed Mr Legras of the legislation which had been introduced in response to BSE, including the ruminant feed ban.\textsuperscript{752}

\textbf{6.26} BSE was on the agenda of a meeting of the Standing Veterinary Committee of the European Commission, held in Brussels on 26–27 July.\textsuperscript{753} Mr Wilesmith made a presentation, on behalf of the UK, and circulated a factual paper. Mr Crawford and Mr Suich of MAFF were also in attendance. Mr Crawford outlined the measures which had been taken to make the disease notifiable and to suspend the feeding of meat and bone meal. He explained that a slaughter policy would be introduced shortly.\textsuperscript{754}

\textbf{6.27} Other Member States indicated that there were no signs of the disease in their territories. The Netherlands proposed the establishment of a scientific advisory working group, but the Commission dismissed this as premature. As all the expertise lay with the UK it would also potentially be non-productive. It was

\textsuperscript{748} YB88/7.14/12.1–12.2
\textsuperscript{749} YB88/7.21/9.1–9.3
\textsuperscript{750} UKRep = (Office of) the United Kingdom Permanent Representative to the European Union
\textsuperscript{751} YB88/7.25/3.1
\textsuperscript{752} YB88/7.25/8.1
\textsuperscript{753} Comprises veterinary experts from each Member State and a Commission Chairperson. It plays an important role in relation to veterinary measures which the Commission proposes to adopt
\textsuperscript{754} YB88/7.27/13.3
agreed that the UK would report on developments in the future, particularly regarding rendering.\textsuperscript{755}

**Brief on BSE prepared for importing countries**

6.28 On 11 October 1988 Mr Meldrum responded to a request for information on BSE from the Director of Veterinary Services in Cyprus.\textsuperscript{756} Mr Meldrum apologised for the delay in responding saying that since his ‘staff were in the process of preparing brief outlines for importing countries, including extracts from a paper to be submitted for publication, it was decided that a slight delay was preferable in order to provide a more complete picture’. Mr Meldrum provided a question-and-answer brief, a document summarising the clinical signs of BSE and copies of the ‘rather limited published material on BSE’. The question-and-answer brief included the following relevant information:

2. Q. Is BSE associated with feed?
   A. BSE has characteristics of an extended common source epidemic that is suspected to be associated with feed.

4. Q. Is a slow virus likely to have been involved?
   A. Scrapie, or a scrapie-like agent, is suspected to have been transmitted from sheep to cattle through feeding of ruminant protein in feed fed to cattle and more particularly to calves.

8. Q. What action is Britain taking to prevent the spread of disease onto new farms?
   A. The disease is notifiable. Animals suspected of being affected are placed under movement restriction, and slaughtered after observation if believed to be affected. The carcasses of infected animals are destroyed . . .

   Whilst investigations take place into the inactivation of the agent in ruminant feed there is a prohibition on the feeding to ruminants of any protein derived from ruminants.

10. Q. Recommended international control measures?
   A. On the basis of present knowledge in countries where scrapie occurs, ensure that ruminant protein is not included in cattle feed. When time/temperature standards which will render the product safe have been established, ruminant protein processed to that standard could be used once more for feeding to susceptible species.\textsuperscript{757}
The ruminant feed ban is extended

6.29 On 10 December 1988 the extension of the ruminant feed ban for a further year, to 31 December 1989, was reported in the Veterinary Record. The Veterinary Record also reported that the prohibition would have to continue after the end of 1989 ‘unless processing methods which are sufficient to destroy the causal agent have been identified’. 758

6.30 On 17 December 1988 an article by Mr Wilesmith and others, providing an account of epidemiological studies to date, was published in the Veterinary Record. 759 The article stated that studies were still in progress to determine more precisely the exposure of affected and unaffected animals to MBM in commercial concentrates. However, findings were ‘consistent with exposure of cattle to a scrapie-like agent, via cattle feedstuffs containing ruminant-derived protein’. The article concluded with reference to the suspension introduced in the UK of ‘the inclusion of ruminant-derived animal protein in ruminant feedstuffs’.

6.31 An annex to a statement to the Inquiry provided by Mr Wilesmith includes the following:

Before publication of 1988 paper in the Veterinary Record, Mr Wilesmith had circulated a pre-print to colleagues interested in veterinary epidemiology and in TSE’s including Dr Richard Kimberlin, Dr Jim Hope, Professor Stanley Pruisner, California and Professor Peter Ellis, University of Reading . . . Formal publication resulted in a very large number of requests for reprints of the paper. 760

6.32 In a statement to the Inquiry, Mr Meldrum said that ‘even if Mr Wilesmith’s article was not picked up in the Veterinary Record, it was reported on in other widely read journals, for example New Scientist (see article dated 7th January, 1989)’. 761

The Southwood Working Party discuss exports of MBM

6.33 The fourth and final meeting of the Southwood Working Party was held on 3 February 1989. 762 Dr Hilary Pickles of DH prepared the agenda for, 763 and an informal note of, 764 the meeting. The informal note of the meeting includes the following:

3. There had been very little importation of meat and bone meal from overseas, although some had come through brokers so the country of origin was uncertain. There appeared to be none from the USA (where scrapie has increased recently). There was no restriction on exportation of meat and bone meal, and this took place, mostly in Europe, and might be expected to increase following the ruminant ban in the UK. Some importing countries

758 Veterinary Record, vol. 123, 10 December 1988, p. 617 (see also YB88/12.10/1.1)
759 Veterinary Record, vol. 123, 17 December 1988, p. 638ff
760 S91 Wilesmith Annex 2 para. 16
761 S184E Meldrum Section I para. 9; New Scientist, 7 January 1989, p. 26
763 YBB9/2.3/1.1
764 YBB9/2.3/2.1–2.4
required ‘health certificates’, which gave a minimal statement about the treatment given in processing (admittedly the example tabled showed apparently a very good time/temperature profile). The general feeling was that no comment should be made in the report on exports. No attempt was being made to conceal the risks and it was for each country to set its own standards.\(^{765}\)

6.34 Also on 3 February 1989, Mr Meldrum wrote to Dr R Berger, the Director of Veterinary Services in Finland.\(^{766}\) Mr Meldrum was responding to information received from a Finnish importer who had informed MAFF that Finland was refusing to issue import permits for cattle from Great Britain. Mr Meldrum referred Dr Berger to the recent article by Mr Wilesmith and others published in the *Veterinary Record* in December 1988. He also enclosed the question-and-answer brief referred to above (paragraph 6.28).

6.35 The publication of the *Southwood Report* led to a number of related articles appearing in the *Veterinary Record*. On 4 March 1989 an article entitled ‘Dealing with BSE’ praised the *Southwood Report* and included the comment:

> The use of animal waste in cattle feed is firmly blamed for the spread of BSE. It will be noted that, unlike salmonella, the BSE agent is unlikely to be destroyed by even the most rigorous application of the sterilising procedures available to renderers. Hence, the report concludes that the risk from animal waste is such that it should not be used in the manufacture of concentrates.\(^{767}\)

6.36 A further article, entitled ‘Southwood calls for monitoring of BSE risk in veterinarians’, provided a more detailed summary of the *Southwood Report*, including discussion of the role of animal protein in feed in the transmission of the disease. In the summary section it stated: ‘To prevent further infection in cattle the use of ruminant-based protein in ruminant rations has been banned. It was recommended [in the Southwood Report] that this ban be continued indefinitely.’\(^{768}\)

**OIE General Session, May 1989**

6.37 On 29 March 1989 Mr Meldrum wrote to the Director-General of the OIE, Dr L Blajan, informing him of the composition of the UK delegation at the 57th General Session of the International Committee of the OIE. He recalled that, at that OIE meeting, he provided member countries with ‘an update on BSE, including providing information on the control measures such as the ruminant feed ban that had been implemented by MAFF’.\(^{769}\)

6.38 The final report of the OIE’s 57th General Session held on 22–26 May includes the following in a section entitled ‘Europe’:

> 165. Bovine spongiform encephalopathy was reported in four cattle in Ireland where energetic measures have been taken to control the disease. Complete batches of semen have been destroyed to prevent any risk of the

\(^{765}\) YB89/2.3/2.1–2.4

\(^{766}\) YB89/2.3/6.1

\(^{767}\) *Veterinary Record*, vol. 124, 4 March 1989, p. 206

\(^{768}\) *Veterinary Record*, vol. 124, p. 207; see also S184E Meldrum Section I para. 10

\(^{769}\) S184E Meldrum Section I para. 11
infection being passed on. It is now a notifiable disease. Great Britain reported that bovine spongiform encephalopathy is now a notifiable disease in the United Kingdom, where its incidence is increasing (an average of 140 cases are reported each week). The feeding of ruminant-based animal feed to ruminant animals has been temporarily halted. Research is in progress to determine exactly how the disease is transmitted.\footnote{YB89/7.11/7.7}

6.39 On 2 June 1989 the Parliamentary Secretary, Mr Thompson, sent a minute to the Minister, Mr MacGregor, copied to Mr Meldrum, Mr Cruickshank and others. Under the heading ‘Export of Animal Protein’ Mr Thompson noted:

The problem of BSE and its relationship to feed has been discussed on numerous occasions in various committees in Europe. In the Community, no country has thought it necessary to bring this issue to the attention of the Council of Ministers. On an international basis we have been, and will continue to be, completely open with exporters of livestock and users of animal protein. For example, there will be a meeting in the last week of June in Washington on this subject. Moreover, the [OIE], which is the fulcrum Committee for animal disease, received verbatim reports last month, as well as 13 months ago from the CVO. No country outside the Community has banned totally the import of animal protein from the UK.\footnote{YB89/6.2/2.1–2.4}

6.40 In written evidence Mr (now Sir Donald) Thompson later made the following observation about this:

My policy has always been one of complete openness. This is encapsulated in paragraph 6 of my submission to the Minister of 2 June 1989 . . . I pointed out that the problem of BSE and its relationship to feed had been discussed on numerous occasions in committees in Europe. On an international basis we had been and would continue to be completely open with exporters of livestock and users of animal protein.\footnote{S303D Thompson para. 15}

6.41 On 6 June 1989 a meeting was held between Mr MacGregor, Dr Jeremy Metters of DH and MAFF officials (including Mr Meldrum and Mr Cruickshank) to discuss, among other things, Mr Thompson’s minute of 2 June. On exports of animal protein, the note of the meeting records:

It was agreed that there was no case for banning feeding pigs and poultry with ruminant-based protein. Nor was it felt there was a case to ban the use of this material for exports in the form of bone meal.\footnote{YB89/6.7/7.1–7.2}

6.42 On 15 June Mr Meldrum wrote to Mr Francis Anthony, President of the British Cattle Veterinary Association. His letter included the following:

We have discussed by telephone the reasons why we would not wish to interfere with the export of meat and bone meal from this country even if we had the powers to do so. It is our view that the importing country must determine its own import conditions and to that end we have ensured that all countries of the world have been informed of our problems not only through
the publication of articles but by statements at meetings of the Office International des Epizooties, the most recent of which took place in May 1989 in Paris. It does appear that a number of countries are concerned at the importation of meat and bone meal from GB and, although only two so far have intervened, we expect others to follow suit in due course. As you will appreciate we do not consider it morally indefensible to export meat and bone meal to other countries since it may be used for feeding to pigs and poultry as in this country.\textsuperscript{774}

The International Roundtable on BSE, June 1989

6.43 On 27 and 28 June 1989, the International Roundtable on BSE met at the National Institutes of Health in the US and considered the \textit{Southwood Report}.\textsuperscript{775} In its report the International Roundtable concluded that: (a) ‘Comprehensive epidemiological studies support the hypothesis that the disease is associated with the transfer of the scrapie agent to cattle with animal tissue-derived protein derived supplements in the food’; and (b) ‘The potential for a similar outbreak exists in any country in which sheep have scrapie and where animal feed may become contaminated through the use of animal carcass-derived meat and bone meal supplements’.\textsuperscript{776}

6.44 On 29 August 1989 Mr Meldrum sent a minute to Dr Watson about the summaries prepared for the report of the Roundtable meeting. He commented that ‘it would be wise to move to an international ban on the feeding of ruminant protein to ruminants’.\textsuperscript{777} The minute reflects MAFF’s position at the time on use of MBM in the EU, and that it was ‘seeking a Community-wide ban on all feeding of ruminant based material to ruminants.’\textsuperscript{778}

The CVO’s Annual Report, July 1989

6.45 Also during 1989 the CVO’s Annual Report for 1988 was published.\textsuperscript{779} Mr Meldrum told the Inquiry that the CVO’s Annual Report is circulated around the world and is also reported on and summarised in the \textit{Veterinary Record}. For example, the 1988 Annual Report was summarised in the \textit{Veterinary Record} on 4 November 1989.\textsuperscript{780} The 1988 Annual Report included a description of the BSE situation and action taken by MAFF, with the following reference to the ruminant feed ban: ‘In addition, the Bovine Spongiform Encephalopathy Order 1988 banned the use of protein of ruminant origin in feed for ruminants from 18 July to 31 December 1988. This precaution was taken pending a thorough review of the ability of the rendering industry to inactivate the BSE agent.’\textsuperscript{781}
Correspondence with the OIE and WHO

6.46 On 11 August 1989 Mr Meldrum wrote to the Director-General of the OIE, Dr Blajan, enclosing a copy of the Southwood Report together with copies of articles by Mr Wilesmith, a paper presented by Mr Bradley of the CVL to the British Veterinary Association Congress in September 1988, and the article by Mr Wells of the CVL in the Veterinary Record of 31 October, 1987. Mr Meldrum mentioned that Dr Blajan had said he was considering calling a meeting to discuss BSE, and confirmed that MAFF ‘would be happy to field a team to discuss all aspects of the disease, its control, epidemiology and all the associated research and development that we have in hand and propose for the future’.

6.47 Dr Blajan replied on 29 August. He said that the documents Mr Meldrum had provided allowed him to ‘fulfil the request for information I had received from the Delegates of Algeria, Morocco and Tunisia on this matter’. Dr Blajan also noted that BSE would be included on the agendas for the next meetings of both the International Animal Health Code and the Foot and Mouth Disease and Other Epizootics Commissions.

6.48 In August 1989 the World Health Organisation (WHO) was preparing a review and update on BSE. Dr K de Balogh (Associate Professional Officer of Veterinary Public Health in the WHO Division of Communicable Diseases) drafted a paper for publication in the ‘WHO Weekly Epidemiological Review’ and the Information Circular of the Mediterranean Zoonoses Control Programme. The following was included in the paper: ‘As a precaution against possible transmission of spongiform encephalopathy in animal protein, the carcasses of animals infected with BSE are now condemned and the inclusion of meat and bone meal from a ruminant source in the diet of animals has recently been banned.’ The article was not published in the Information Circular until April 1990. Mr Meldrum has commented that ‘the very fact that it was being prepared in 1989 further indicates the level of international awareness of BSE and the UK control measures during the period prior to February 1990’.

6.49 A note of a meeting held on 3 November 1989 between the Permanent Secretaries of DH and MAFF includes the following:

MAFF confirmed that countries continuing to import UK ruminant protein were aware of the BSE position and used such material only for pig and poultry feed (a practice recognised as safe by the Southwood Report).
OIE Commission, November/December 1989

6.50 A meeting of the OIE Foot and Mouth Disease and Other Epizootics Commission took place from 28 November to 1 December 1989. A description of the meeting is contained in a MAFF minute dated 4 December 1989. It states:

It was a routine gathering of a small specialist Commission of OIE, the FMD and other Epizootic Diseases Commission. The group comprises 3 persons, the Commission Chairman (Swiss), the Vice-Chairman (from Africa) and the Secretary (Dr Donaldson of Pirbright). They are supported by OIE veterinary officials and they also invite appropriate experts and interested parties to their meetings. Their remit for this session was to obtain and assess information available from GB experts on BSE and to consider how this information should be disseminated to other countries. Mr Rees attended as Chairman of the OIE Animal Health Code Commission and spoke in that capacity. His Commission is charged with producing Code guidance covering these diseases [and] recommended methods of control and criteria for international trade.

6.51 Presentations of technical papers were given by Mr Bradley (CVL), and Mr Wilesmith (CVL) and Mr Lowson (MAFF Animal Health Division) gave a summary of the legislative and administrative action taken in the UK. At the meeting a summary document on BSE was discussed, amended and unanimously accepted together with a paper prepared by Mr Bradley, Mr Wilesmith and Mr Lowson providing a brief account of the major features of BSE, its epidemiology and the measures taken to control it in the UK. The summary document (pages 17–19 of the OIE report of the meeting) included the following points:

i. The increase in exposure of cattle in 1981–82 which led to the appearance of clinical disease in 1985–86 was due to either proprietary concentrate rations or protein supplements containing meat and bone meal contaminated with viable agent;

ii. . . . an increasing sheep population and prevalence of scrapie and changes in the industrial processing methods for meat and bone meal production . . . may have resulted in a less effective reduction in the amount of agent in the final product than hitherto;

iii. under the heading ‘Recommended action for early detection of BSE’ reference was made to undertaking studies to determine ‘the use of and inclusion rate of ruminant protein in rations fed to ruminants’, and it was recommended that consideration be given to ‘banning the feeding of ruminant protein to ruminants’; and

iv. under the heading ‘Recommended action for countries wishing to import cattle and cattle products’ it was suggested that answers be determined to questions including ‘Are ruminant carcasses processed for inclusion in ruminant rations?’ and ‘Is ruminant-derived meat and bone meal fed to cattle and what is the inclusion rate?’

790 S184E Meldrum Section I para. 20
791 YB89/12.4/7.1
792 YB89/12.4/6.1; YB89/12.6/4.1
793 YB89/12.4/6.2–6.7
In addition, the paper providing the brief account on BSE in the UK (Appendix IV of the OIE report of the meeting) noted that the control of BSE in cattle was ‘effected largely through the banning of the feeding of ruminant-derived protein to ruminants (since July 1988’).\footnote{YB89/11.30/6.4}

**Concern is raised about exports of MBM**

6.52 On 1 December 1989 Dr Pickles sent the Chief Medical Officer, Sir Donald Acheson, a draft letter to send to MAFF, ‘together with copies of recent PQs to demonstrate that we are not the only ones questioning this practice’. The draft letter, addressed to the Chief Veterinary Officer, stated:

There is a matter which I have discussed with you previously and which in the absence of a satisfactory answer I would now like to raise more formally. This concerns the continued export of potentially BSE- and scrapie-contaminated meat and bone meal from the UK. We acted promptly in this country to ban the feeding of this material to ruminants last summer. The tardy response from other nations, with so far only one or two restricting use of UK imports, suggests that the risk has not been fully appreciated overseas. Indeed it is unrealistic to expect nations who have not seen any BSE (yet) to give this any priority. There seems every justification for, at the very least, persuading UK manufacturers to give written warnings with exports that the meal is not for feeding to ruminants, and perhaps to alert the authorities in any nation importing our material. Whilst such trade may have been limited in the past, with the new restrictions on domestic outlets, the renderers and compounders could well be seeking new markets overseas. I hope you will feel able to look at this again and give me the reassurance I am seeking.\footnote{YB89/12.1/5.1–5.3}

6.53 On 3 January 1990 Sir Donald Acheson wrote to Mr Meldrum (the CVO):

You will recall that we have previously discussed the potential risks of BSE occurring in other countries as a result of the continuing exports from the UK of meat and bone that may be contaminated by scrapie or possibly BSE.

I remain concerned that we are not being consistent in our attempts to contain the risks of BSE. Having banned the feeding of meat and bone meal to ruminants in 1988, we should take steps to prevent these UK products being fed to ruminants in other countries. This could be achieved either through a ban on the export of meat and bone meal, or at least by the proper labelling of these products to make it absolutely clear they should not be fed to ruminants. Unless such action is taken the difficult problems we have faced with BSE may well occur in other countries who import UK meat and bone meal. Surely it is short sighted for us to risk being seen in future as having been responsible for the introduction of BSE to the food chain in other countries.

I would be very interested to hear how you feel this gap in the present precautionary measures to eliminate BSE should be closed. We should be
aiming at the global elimination of this new bovine disease. The export of our meat and bone meal is a continuing risk to other countries.796

6.54 A minute reporting the discussion at an internal meeting with MAFF Ministers on 24 January meeting recorded:

9. Mr Meldrum drew attention to the Chief Medical Officer’s letter of 3 January requesting either a ban on the export of meat and bonemeal or labelling of these products when exported to make clear that they should not be fed to ruminants. We were currently exporting meat and bone meal to a number of third countries. If we informed them that these products were not permitted to be fed to ruminants in the UK, Mr Meldrum was convinced the countries concerned would cease to import them.

10. The Minister [now Mr John Gummer] said that we had a moral obligation to ensure that importing countries were aware that we did not permit the feeding of these products to ruminants. Moreover we could not take the risk of being responsible for exporting BSE through failure to inform importing countries. Mr Meldrum should accordingly write individually to his opposite number in each of the countries to which we exported this material. We should also make a statement in the OIE journal which was widely read throughout the world. In addition we should invite UKASTA members to inform us if they intended to develop a new export market for this material, in which case Mr Meldrum should inform those countries of the conditions applying. I should be grateful if Mr Meldrum would pursue these points urgently.797

6.55 On 9 February 1990 Mr Meldrum wrote to Sir Donald Acheson. The letter included the following:

In recent years, about three quarters of our export trade in meat and bone meal has been with other Member States of the Community. From the outset they have been kept fully informed about BSE and its likely cause. They are of course at liberty, in the light of this knowledge, to stop imports or to impose whatever health conditions they wish prior to any importation and to determine its subsequent use. Some, like Germany, France, Italy and Greece, have decided to ban imports altogether. On the other hand, the Netherlands has adopted legislation which parallels our own, i.e. there is a ban on the use of ruminant based meat and bone meal in ruminant rations.

What we have been advocating in Brussels is a Community-wide restriction on the lines of the measures which currently operate in the UK and the Netherlands. It is not yet clear whether or not this proposal will attract the support we would wish. It may well depend on the results of an initiative taken by the Scientific Veterinary Committee, which is to look at rendering practices in the Community ‘with a view to identifying the conditions which would eliminate the risk of the agent BSE being transmitted to ruminants by way of feedstuffs’. I attach a copy of the note commissioning this study. This group met for the first time last Monday and is expected to report in about

796 YB90/1.03/1.1
797 YB90/1.25/2.1
two or three months’ time. In all the circumstances therefore I do not see a
need to take any action at this stage as regards other Member States.

A few non-Member States have been importing meat and bone meal but in
very small quantities. Again, they should be fully aware of the position in the
UK through the auspices of the Office International des Épizooties (OIE) in
Paris. OIE have been kept regularly informed about the disease so that the
information can be made available to all the Member Countries. More
recently a meeting was held by the OIE in Paris on BSE and the scientific
conclusions of that meeting and their conclusions on the role of ruminant
protein in the epidemiology of the disease are being sent to all 110 Member
Countries. On the basis of this information importing countries can make
their own judgement about whether or not to continue importing such
material. Some, like Israel, have indeed stopped doing so. In spite of all this,
to make doubly sure that these countries are absolutely certain about the
situation, I will shortly be writing to their Chief Veterinary Officers to give
them further details about BSE and the means we have taken to deal with it.

I hope that you will accept that we have approached this in a responsible
manner and that it is not necessary to adopt the measures you suggest. I will
of course keep you in touch with developments in relation to the Scientific
Veterinary Committee sub-group’s conclusions.\textsuperscript{798}

6.56 On 14 February 1990 Mr Meldrum wrote a letter to the Chief Veterinary
Officers of a number of countries.\textsuperscript{799} These were stated to be the countries which
had imported ruminant-based meat and bone meal from the United Kingdom. The
countries listed were Norway, Sweden, Switzerland, Czechoslovakia, Hungary,
Nigeria, Thailand, South Africa, Malaysia, Taiwan, Hong Kong, South Korea,
Japan, Canada, USA, Turkey, Kenya, Malta, Lebanon, Saudi Arabia, Sri
Lanka, Puerto Rico, Curacão and Finland.\textsuperscript{800} The letter from Mr Meldrum said:

Although we have kept the Office International des Épizooties (OIE) fully
informed about this new disease, and they will shortly be disseminating
information and recommendations to member countries, I am writing to you
on a personal basis to ensure that you are aware of all the developments in
relation to BSE, including its likely cause. The majority of our findings have
now been published in the \textit{Veterinary Record}.\textsuperscript{801}

6.57 On 20 February 1990 Dr Pickles, commenting on Mr Meldrum’s letter of
9 February, wrote to the CMO’s office to say that:

1. Mr Meldrum is arguing that MAFF have already taken all the necessary
and responsible steps to warn importing countries of the BSE dangers in UK
meat and bone meal. Yet the action taken so far overseas suggests the
message has not got through, or where it has this has been late. The first
nation that woke up to the danger did so a year after our own feed ban. It
seems even now several EC countries neither ban our imports or the general

\textsuperscript{798} YB90/02.9/10.1–10.2
\textsuperscript{799} YB90/2.14/7.1
\textsuperscript{800} YB90/2.15/3.1–3.4
\textsuperscript{801} YB90/2.14/7.1. The letter also mentioned that ‘the ruminant feedstuffs of protein material derived from ruminant animals has
been prohibited in this country since July 1988’
feeding of ruminant protein. It also seems the OIE and CVO have yet to inform the rest of the world.

2. I do not see how this can be claimed to be ‘responsible’. We do not need an expert group of the Scientific Veterinary Committee to tell us British meat and bone meal is unsafe for ruminants. I fail to understand why this cannot be tackled from the British end which seems to be the only sure way of doing it, preferably by banning exports. As CMO says in his letter of 3 January ‘surely it is short sighted for us to risk being seen in future as having been responsible for the introduction of BSE to the food chain in other countries’. 802

**6.58** Dr Pickles attached a draft reply for the CMO to send to Mr Meldrum. The draft letter included the following:

I was pleased to hear of your action to inform nations overseas about the causation of BSE and the measures needed to prevent infection in their own cattle. But the evidence of action taken so far suggests other nations have not fully appreciated the possible hazards from our meat and bone meal, since only a few nations have either banned our imports or the more general feeding of ruminant material. It is in the knowledge that several other nations have yet to take adequate steps that I questioned whether we should be restricting exports. Your reply does not convince me that everything possible has already been done. 803

**6.59** On 22 February 1990 the MAFF Permanent Secretary, Mr Andrews, held a meeting with his opposite number at DH, Sir Christopher France, and Sir Donald Acheson. Other officials from both Departments, including Mr Meldrum, were present. A minute of this meeting recorded in paragraph 18:

Sir Donald Acheson asked whether meat and bone meal that was exported should be labelled. Mr Meldrum said that he had now written to his opposite number in our trading partners. He had told them that the UK had imposed a ban, and importing countries must make their own decisions. We had not wanted to introduce a ban on exports since we were content to feed it to pigs and poultry. He was certain that other countries were fully aware of the situation in the UK. 804

**6.60** On 27 February the CMO’s office minuted Dr Pickles following this meeting, saying:

You very kindly provided a draft letter for CMO to send to Mr Meldrum on this subject. I understand from CMO that this was in fact discussed at their recent meeting and CMO has therefore decided not to pursue this question. 805
Discussion

6.61 In its Report of 7 February 1997 into BSE, the European Parliament Temporary Committee of Inquiry criticised the UK Government for failure to take action to control exports of MBM. Export figures of MBM to the European Union supplied by MAFF were quoted as 12,553 tonnes in 1988, 25,005 tonnes in 1989, 10,072 tonnes in 1990, 2,720 tonnes in 1991, 1,492 tonnes in 1992, 2,226 tonnes in 1993 and 2,343 tonnes in 1994. The European Parliament Temporary Committee of Inquiry found that this constituted a ‘serious failure to observe the principle of cooperation which should govern relations between all member states’. 806

6.62 Dr Pickles in her statement to the Inquiry remarked that:

The export of MBM appeared to me to have the potential to lead to the spread of the disease overseas. Although Sir Richard Southwood was concerned, he was not prepared to raise this formally in his Working Party Report and so I reminded the CMO of the problem on several occasions and he took up the issue with the CVO . . . the export of MBM [was one of] the most significant areas where I advocated alternative courses of action to those adopted at the time. 807

6.63 We believe that the Government should have been anxious to ensure that the misfortune that we were suffering in the United Kingdom was not shared by our neighbours. Mr Gummer expressed this sentiment in terms of a moral duty.

6.64 The evidence suggests to us that the only reliable way of protecting foreign countries from the risk of the incorporation of British MBM in their cattle feed would have been to prohibit its export. As Mr David Goldwater of GAFTA informed us, MBM was exported initially to Europe to manufacturers of concentrates, who re-exported their products to the Middle East or North Africa. The British exporter would have no knowledge or interest in the ultimate destination or use of the material. Conversely, so it seems to us, the end-user would be unlikely to be aware that the product included ruminant protein produced by UK renderers.

6.65 There is no evidence that any Minister or official in MAFF contemplated imposing a ban on the export of MBM. Our duty to our neighbours was not considered to go as far as to seek to prevent the sale abroad of that which could still lawfully be sold in this country and used for feeding to pigs and poultry. Had MAFF officials considered such a ban, we have little doubt that they would have been advised by their lawyers that it would be open to legal challenge. The British seller could argue cogently that, provided the immediate purchaser was aware that the MBM was not suitable for feeding to ruminants, there was no legitimate reason for prohibiting UK exports. It should be up to the purchaser to ensure that the MBM was not used for incorporation in ruminant feed.

6.66 Did the United Kingdom give timely and adequate warning of the danger that British MBM posed if incorporated in ruminant feed? We raised this question with Mr Meldrum and with other witnesses. The EU countries had been informed of the ruminant feed ban when it was introduced, but what of the rest of the world? Mr Meldrum’s answer was that the usual means were adopted of bringing the danger of

806 IBD4A tab 3 p. 8
807 S115 Pickles paras 25.5–6
MBM to the notice of foreign authorities and that these means were not merely reasonable – they were the best means of communication. Use was made of the Office International des Epizooties as one means of communication. At its annual General Session in May 1989 Mr Meldrum provided member countries with an update on BSE, including the information that ruminant MBM was suspected to be the cause of the disease and had been banned as an ingredient in ruminant feed. This information was included in the final report, circulated to all members, of the General Session in three languages. In addition, Mr Meldrum relied upon a number of articles in the Veterinary Record – a journal with a wide international circulation – which drew attention to MBM as the suspected cause of BSE.

6.67 Mr Meldrum told us that he had not found that attempts at individual correspondence with his foreign colleagues provided a reliable means of conveying information. Indeed, he had discovered that sometimes such correspondence did not reach its destination, was only read by junior officials, or was not understood by foreign colleagues. He did, however, as instructed by Mr Gummer, write individually on 14 February 1990 to the Chief Veterinary Officers of all non-EU countries known to import MBM from the United Kingdom.

6.68 There is an inconsistency between Mr Meldrum’s contention that he adopted the most effective way of bringing to the attention of foreign countries the dangers of ruminant protein in UK meat and bone meal and his statement to Mr Gummer that, if he were to write to third countries about the ruminant feed ban, this would cause them to cease purchasing British exports of MBM. We are in no doubt that, had he wished to, Mr Meldrum could have taken action more promptly and more decisively than he did to warn foreign countries that British MBM was potentially lethal if incorporated in cattle feed. Letters to that effect to all Chief Veterinary Officers around the world would have been likely to make an impact, and we do not believe that it was necessary to wait for the annual General Session of the OIE before seeking to use that organisation as a medium of communication.

6.69 At the end of the day, however, it seems to us that the question of whether Mr Meldrum did all that he reasonably could to warn third countries of the danger of MBM is academic. At the interdepartmental meeting on 3 November 1989 MAFF is recorded as stating baldly that countries continuing to import UK ruminant protein used such material only for pig and poultry feed.808 We are not sure on what basis this statement was made, but it seems likely that, with one exception, countries to which MBM was re-exported from Europe used it for those purposes. No feed-borne cases of BSE have been reported from any of them, with the exception of Switzerland. BSE in Switzerland is, it seems, suspected of having been introduced in MBM purchased from the UK by Belgium and re-exported to Switzerland. We are not aware whether this was before or after the introduction of the ruminant feed ban. If it was after, then on the evidence we have, both Belgium and Switzerland were aware that ruminant protein was suspected to be the cause of BSE.809

6.70 In the light of these considerations, we do not consider that any criticism falls to be made either of the continued export of MBM or of the manner in which importing countries were warned of the danger that it posed to ruminants.

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808 See paragraph 6.49 above
809 TI32 pp. 136–7